



WASHINGTON
COURTS

**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

November 4, 2016

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

**DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION
SCHEDULE OF BOARD MEETINGS**

2016-2017

DATE	TIME	MEETING LOCATION
Friday, July 8, 2016 CANCELLED	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Aug. 12, 2016	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Sunday, Sept. 11, 2016	9:00 a.m. – 12:00 noon	2016 Annual Judicial Conference, Spokane, WA
Friday, Oct. 14, 2016	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Nov. 4, 2016	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Dec. 9, 2016	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Jan. 13, 2017	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Feb. 10, 2017	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, March 10, 2017	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, April 14, 2017	12:30 – 3:30 p.m.	AOC SeaTac Office Center
May 2017	TBD	In conjunction with Board Retreat
June 2017	TBD	In conjunction with Spring Program

AOC Staff: Sharon Harvey

Updated: June 13, 2016

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.	41
C. Judicial Assistance Services Program (JASP) Bylaws Amendment	42-46
D. Separation of Powers Flyer: Whether to Retain Document on Inside Courts	47-50
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Information	
A. DMCJA Follow-Up Letter regarding Annual DOL/DMCJA/DMCMA/AOC Joint Leadership meeting is enclosed in the Board Agenda Packet.	68-71
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. (See JIS Report)	
C. There is a position vacancy for one DMCJA Representative to serve a two year term on the BJA Public Trust and Confidence Committee.	
D. There are position vacancies for the Presiding Judge and Administrator Education Committee. The positions are for a three year term.	
Other Business	
The next DMCJA Board Meeting is December 9, 2016, 12:30 p.m. to 3:30 p.m., AOC Office, SeaTac, WA.	
Adjourn	
Persons with a disability, who require accommodation, should notify Sharon Harvey at 360-705-5282 or sharon.harvey@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.	

GENERAL BUSINESS



WASHINGTON
COURTS

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. Ball 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 WSAJ 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.

Summary of proposed amendments to Washington's Small Claims statute, Ch. 12.40 RCW and RCW 4.56.200, the lien statute.

Background of Small Claims statute.

The opportunity to bring a small claim action to recovery money damages has existed in Washington State since 1919. The district courts in Washington are required to have a small claims department which has non-exclusive jurisdiction of actions for the recovery of money damages not exceeding \$5000. The purpose of a small claim action is to allow for an informal hearing "with the sole object of dispensing speedy and quick justice between the litigants." RCW 12.40.090. The parties in small claim actions are almost always *pro se* litigants because the statute prohibits attorneys and legal paraprofessional to appear in the small claims department unless there is consent by the judge.

After a small claim judgment is entered, prevailing parties frequently seek guidance from the court regarding the "next steps" for collecting their small claim judgements. Judges and court clerks always find themselves in a quandary regarding responding to this question because they cannot give legal advice to litigants and because the process for recovering on a small claim judgment is antiquated and cumbersome.

There are also ambiguities in the small claims statutory scheme that create inequities in its application by the district courts. For example, some judicial officers think post-judgment interest applies to a small claims department judgment, while other judges conclude that post-judgment interest does not begin to accrue until the judgment is certified as a district court "civil judgment". It is also unclear when, if at all, a small claim judgment expires. Under statutes applicable to civil judgments the expiration date of a civil judgment is ten years, unless renewed by the court. RCW §.....

Summary of current small claim process.

The purpose of the proposed amendments to the Small Claims statute is to simplify the process for judgment recovery and clear up ambiguities that currently exist. To better understand the challenges *pro se* litigants face, a brief summary of the current small claim judgment process is helpful.

After a small claim trial, the judge's decision is entered into the Small Claims Department docket as a judgment. However, the prevailing party cannot seek to use civil remedies (E.g., garnishment, execution) to recover the small claim judgment until he/she takes the additional step of having the small claim judgment entered onto the district court's civil judgment docket. RCW12.40.110 (2).

The current statutory scheme for a small claim action is as follows:

1. Plaintiff files a claim and pays the \$14 statutory filing fee. (The county is authorized to assess an additional fee, up to \$15, if it offers dispute resolution services for small claim actions.)

2. The prevailing party receives a monetary judgement but must wait 30 days, or a period of time ordered by the court, before he/she may seek to have the small claim judgment certified as a civil judgment on the district court's civil judgment docket. The statutory fee for this certification is \$20. Having a district court civil judgment then allows the prevailing party to utilize other statutory remedies to recover the money owed. E.g., garnishment and execution.
3. If the prevailing party wants a certified copy of the district court's civil judgment to file with the superior court, the party must pay a \$20 statutory fee for a certified copy.
4. Filing a certified copy of the district court civil judgment in the superior court lien docket then allows the prevailing party to utilize additional statutory remedies. E.g. Filing a lien on real property.

Under the current statutory scheme, the statutory filing fee and costs for obtaining a certified copy of the district court judgment total \$54.

Summary of proposed amendments.

Under the proposed amendments, the process for obtaining a certified copy of the district court civil judgment for a small claim is simplified and the costs reduced as follows:

1. The plaintiff files a small claim and pays a filing fee of \$34. (The county is still authorized to as an additional fee for dispute resolution services.)
2. The order entered by the district court judge after a small claim trial automatically becomes a district court civil judgment. The 30-day waiting period is eliminated.
3. At the conclusion of the small claim trial, for no additional fee, the prevailing party receives a certified copy of the district court civil judgment
4. The total fee and costs for this judgment process are reduced by \$20.

The proposed amendments also eliminate ambiguities in the small claims statute. By having the judgment in a small claim action automatically become a district court civil judgment other existing statutory provisions apply. For example, interest on a civil judgement begins to accrue and the ten-year judgment expiration period begins. Inclusion of a new section, Satisfaction of Judgment, assists the judgment creditor and the courts in closing these types of judgments.

As district courts move away from "dockets" as they currently exist with the implementation of new case management systems, a minor amendment is needed to RCW 4.56.200, the lien statute, to reflect that a "certified copy of a district court judgment" has the same effect as a "duly certified transcript of the docket of the district court."

Chapter 12.40 RCW
SMALL CLAIMS

12.40.010

Department authorized—Jurisdictional amount.

In every district court there shall be created and organized by the court a department to be known as the "small claims department of the district court." The small claims department shall have jurisdiction, but not exclusive, in cases for the recovery of money only if the amount claimed does not exceed five thousand dollars.

[2008 c 227 § 2; 2001 c 154 § 1; 1991 c 71 § 1; 1988 c 85 § 1; 1984 c 258 § 57; 1981 c 331 § 10; 1979 c 102 § 4; 1973 c 128 § 1; 1970 ex.s. c 83 § 1; 1963 c 123 § 1; 1919 c 187 § 1; RRS § 1777-1.]

NOTES:

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Court Congestion Reduction Act of 1981—Purpose—Severability—1981 c 331: See notes following RCW 2.32.070.

Application, savings—Effective date—Severability—1979 c 102: See notes following RCW 3.66.020.

12.40.020

Action—Commencement—Fee—Surcharge.

(1) A small claims action shall be commenced by the plaintiff filing a claim, in the form prescribed by RCW 12.40.050, in the small claims department. A filing fee of ~~fourteen~~ thirty-four dollars plus any surcharge authorized by RCW 7.75.035 shall be paid when the claim is filed. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of ~~fourteen~~ thirty-four dollars plus any surcharge authorized by RCW 7.75.035.

(2) ~~Until July 1, 2013, in addition to the fees required by this section, an additional surcharge of ten dollars shall be charged on the filing fees required by this section, of which seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.~~

[2011 1st sp.s. c 44 § 2; 2009 c 572 § 2; 2005 c 457 § 14; 1990 c 172 § 3; 1984 c 258 § 58; 1919 c 187 § 2; RRS § 1777-2.]

NOTES:

Effective date—2011 1st sp.s. c 44: See note following RCW 3.62.020.

Effective date—2009 c 572: See note following RCW 43.79.505.

Intent—2005 c 457: See note following RCW 43.08.250.

Effective date—1990 c 172: See note following RCW 7.75.035.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

12.40.025

Transfer of action to small claims department.

A defendant in a district court proceeding in which the claim is within the jurisdictional amount for the small claims department may in accordance with court rules transfer the action to the small claims department. In the event of such a transfer the provisions of RCW 12.40.070 shall not be applicable if the plaintiff was an assignee of the claim at the time the action was commenced nor shall the provisions of RCW 12.40.080 prohibit an attorney from representing the plaintiff if he or she was the attorney of record for the plaintiff at the time the action was commenced.

[2010 c 8 § 3038; 1984 c 258 § 59; 1970 ex.s. c 83 § 2.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

12.40.027

Removal to superior court—Restrictions—Simultaneous maintenance of claims—Joinder of claims on appeal.

RCW 4.14.010 regarding removal of actions to superior court shall not apply to cases originally filed in small claims court, or transferred to the small claims court pursuant to RCW 12.40.025. No defendant or third party defendant may remove a small claims case from small claims court as a matter of right by merely filing a claim or counterclaim or other request for relief that is beyond the jurisdiction of the small claims court. Claims, counterclaims, or other requests for relief filed by a defendant or third party defendant in excess of the jurisdiction of small claims court may be maintained simultaneously in superior court as a separate action brought by such defendant or third party defendant. Such a superior court action does not affect the jurisdiction of the small claims court to hear the original small claims case. The decision of the small claims court shall have no preclusive effect on a superior court action brought pursuant to this section. If the small claims case is appealed, it shall be automatically joined with any superior court case filed pursuant to this section, and the procedures set forth in RCW 12.36.055 shall not apply.

Nothing in this section may be construed to limit the small claims court from transferring a small claims case to district court or superior court after notice and hearing.

[1997 c 352 § 5.]

12.40.030

Setting case for hearing—Notice—Time of trial.

Upon filing of a claim, the court shall set a time for hearing on the matter. The court shall issue a notice of the claim which shall be served upon the defendant to notify the defendant of the hearing date. A trial need not be held ~~on this at the first hearing appearance~~, if dispute resolution services are offered instead of trial, or local practice rules provide for a pretrial hearing, that trials will be held on different days.

[1997 c 352 § 1; 1984 c 258 § 60; 1981 c 330 § 3; 1980 c 162 § 11; 1963 c 123 § 2; 1919 c 187 § 3; RRS § 1777-3.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Severability—1981 c 330: See note following RCW 3.62.060.

Severability—1980 c 162: See note following RCW 3.02.010.

12.40.040

Service of notice of claim—Fee.

The notice of claim may be served either as provided for the service of summons or complaint and notice in civil actions, RCW 4.28.080, or by registered or certified mail if a return receipt with the signature of the party being served is filed with the court. No other legal document or process is to be served with the notice of claim. Information from the court regarding the small claims department, local small claims procedure, dispute resolution services, or other matters related to litigation in the small claims department may be included with the notice of claim when served.

The notice of claim shall be served promptly after filing the claim. Service must be complete at least ten calendar days prior to the first hearing.

The person serving the notice of claim shall be entitled to receive from the plaintiff, besides mileage, the fee specified in RCW 36.18.040 for such service; which sum, together with the filing fee set forth in RCW 12.40.020, shall be added to any judgment given for plaintiff.

[1997 c 352 § 2; 1984 c 258 § 61; 1981 c 194 § 3; 1970 ex.s. c 83 § 3; 1959 c 263 § 9; 1919 c 187 § 4; RRS § 1777-4.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Severability—1981 c 194: See note following RCW 36.18.040.

12.40.045

Recovery of fees as court costs.

In the event persons other than the sheriff or duly appointed deputies charge a fee for services in excess of the fees allowed under RCW 36.18.040, the prevailing party incurring such charges

shall be entitled to recover as court costs only the amount of the fees for such services as provided in RCW 36.18.040.

[1981 c 194 § 4.]

NOTES:

Severability—1981 c 194: See note following RCW 36.18.040.

12.40.050

Requisites of claim.

A claim filed in the small claims department shall contain: (1) The name and address of the plaintiff; (2) a sworn statement, in brief and concise form, of the nature and amount of the claim and when the claim accrued; and (3) the name and residence of the defendant, if known to the plaintiff, for the purpose of serving the notice of claim on the defendant.

[1984 c 258 § 62; 1919 c 187 § 5; RRS § 1777-5.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

12.40.060

Requisites of notice.

The notice of claim directed to the defendant shall contain: (1) The name and address of the plaintiff; (2) a brief and concise statement of the nature and amount of the claim; (3) a statement directing and requiring defendant to appear personally in the small claims department at a time certain, which shall not be less than five days from the date of service of the notice; and (4) a statement advising the defendant that in case of his or her failure to appear, judgment will be given against defendant for the amount of the claim.

[1984 c 258 § 63; 1981 c 331 § 11; 1919 c 187 § 6; RRS § 1777-6.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Court Congestion Reduction Act of 1981—Purpose—Severability—1981 c 331: See notes following RCW 2.32.070.

12.40.070

Verification of claim.

A claim must be verified by the real claimant, and no claim shall be filed or prosecuted in the small claims department by the assignee of the claim.

[1984 c 258 § 64; 1919 c 187 § 7; RRS § 1777-7.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258; See notes following RCW 3.30.010.

12.40.080

Hearing.

(1) No attorney-at-law, legal paraprofessional, nor any person other than the plaintiff and defendant, shall appear or participate with the prosecution or defense of litigation in the small claims department without the consent of the judicial officer hearing the case. A corporation may not be represented by an attorney-at-law or legal paraprofessional except as set forth in RCW 12.40.025.

(2) In the small claims department it shall not be necessary to summon witnesses, but the plaintiff and defendant in any claim shall have the privilege of offering evidence in their behalf by witnesses appearing at trial.

(3) The judge may informally consult witnesses or otherwise investigate the controversy between the parties and give judgment or make such orders as the judge may deem to be right, just, and equitable for the disposition of the controversy.

[1997 c 352 § 3; 1991 c 71 § 2; 1984 c 258 § 65; 1981 c 331 § 12; 1919 c 187 § 8; RRS § 1777-8.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258; See notes following RCW 3.30.010.

Court Congestion Reduction Act of 1981—Purpose—Severability—1981 c 331; See notes following RCW 2.32.070.

12.40.090

Informal pleadings.

A formal pleading, other than the claim and notice, shall not be necessary to define the issue between the parties. The hearing and disposition of the actions shall be informal, with the sole object of dispensing speedy and quick justice between the litigants. An attachment, garnishment or execution shall not issue from the small claims department on any claim except as provided in this chapter.

[1984 c 258 § 66; 1919 c 187 § 9; RRS § 1777-9.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258; See notes following RCW 3.30.010.

12.40.100

Payment of monetary judgment.

If a monetary judgment or order is entered, it shall be the judgment debtor's duty to pay the judgment upon such terms and conditions as the judge shall prescribe. If the judgment is not paid to the prevailing party at the time the judgment is entered and the judgment debtor is present in court, the court may order a payment plan.

[1984 c 258 § 57; 1983 c 254 § 1; 1919 c 187 § 10; RRS § 1777-10.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Effective date—1983 c 254: "This act shall take effect on January 1, 1984." [1983 c 254 § 5.]

12.40.105

Increase of judgment upon failure to pay.

Certification of small claim judgment and increase of judgment upon failure to pay.

(1) If the losing party fails to pay the judgment within thirty days or within the period otherwise ordered by the court, upon the judge's entry of the judgment in a small claims action, the judgment is certified as a district court civil judgment and shall be increased by: (1) An amount sufficient to cover costs of certification of the judgment under RCW 12.40.110; (2) (1) The amount specified in RCW 36.18.012(2); and (2) any post judgment interest provided for in RCW 4.56.110 and RCW 19.52.020; and (3) any other costs incurred by the prevailing party to enforce the judgment, including but not limited to reasonable attorneys' fees, without regard to the jurisdictional limits on the small claims department.

(2) The clerk shall forthwith enter the civil judgment on the judgment docket of the district court; and thereafter garnishment, execution, and other process on execution provided by law may issue thereon, as in other judgments of district courts.

(3) A certified copy of the district court judgment shall be provided to the prevailing party for no additional fee.

(4) The prevailing party may file a transcript of the district court civil judgment or a certified copy of the district court judgment with superior courts for entry in the superior courts' lien dockets with like effect as in other cases.

[2004 c 70 § 1; 1998 c 52 § 5; 1995 c 292 § 5; 1983 c 254 § 2.]

NOTES:

Effective date—1983 c 254: See note following RCW 12.40.100.

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12.40.110

Procedure on nonpayment.

(1) If the losing party fails to pay the judgment according to the terms and conditions thereof within thirty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the court shall certify the judgment in substantially the following form:

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Washington

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In the District Court of _____ County,

Plaintiff,
vs.

Defendant.

In the Small Claims Department:

This is to certify that: (1) In a certain action on the _____ day of _____ (year) wherein _____ was plaintiff and _____ defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, judgment was entered against _____ in the sum of _____ dollars; (2) the judgment has not been paid within thirty days or the period otherwise ordered by the court; and (3) pursuant to RCW 12.40.105, the amount of the judgment is hereby increased by any costs of certification under this section and the amount specified in RCW 26.18.012(2).

Witness my hand this _____ day of _____ (year) _____

Clerk of the Small Claims Department.

(2) The clerk shall forthwith enter the judgment transcript on the judgment docket of the district court; and thereafter garnishment, execution, and other process on execution provided by law may issue thereon, as in other judgments of district courts.

(3) Transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

[2016 c 202 § 19; 1998 c 52 § 6; 1995 c 292 § 6; 1984 c 258 § 68; 1983 c 254 § 3; 1975 1st ex.s. c 40 § 1; 1973 c 128 § 2; 1919 c 187 § 11; RRS § 1777-11.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258; See notes following RCW 3.30.010.

Effective date—1983 c 254; See note following RCW 12.40.100.

Inclusion of reasonable costs and attorneys' fees in execution: RCW 6.17.110.

12.40.120

Appeals—Setting aside judgments.

No appeal shall be permitted from a judgment of the small claims department of the district court where the amount claimed was less than two hundred fifty dollars. No appeal shall be permitted by a party who requested the exercise of jurisdiction by the small claims department where the amount claimed by that party was less than one thousand dollars. A party in default may seek to have the default judgment set aside according to the civil court rules applicable to setting aside judgments in district court.

[1997 c 352 § 4; 1988 c 85 § 2; 1984 c 258 § 69; 1970 ex.s. c 83 § 4.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258; See notes following RCW 3.30.010.

NEW SECTION

Procedure upon payment of judgment.

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If the prevailing party receives payment of the judgment, the prevailing party shall file a satisfaction of such judgment with the district court. If the prevailing party fails to file proof of satisfaction of the judgment, the party paying the judgment may file such notice with the district court.

12.40.800

Small claims informational brochure—Preparation and distribution.

The administrator for the courts and the district and municipal court judges' association shall prepare a model small claims informational brochure and distribute the model brochure to all small claims departments in the state. This brochure may be modified as necessary by each small claims department and shall be made available to all parties in any small claims action.

[1994 c 32 § 7; 1988 c 85 § 3.]

RCW 4.56.200

Commencement of lien on real estate.

The lien of judgments upon the real estate of the judgment debtor shall commence as follows:

(1) Judgments of the district court of the United States rendered or filed in the county in which the real estate of the judgment debtor is situated, from the time of the entry or filing thereof;

(2) Judgments of the superior court for the county in which the real estate of the judgment debtor is situated, from the time of the filing by the county clerk upon the execution docket in accordance with RCW 4.64.030;

(3) Judgments of the district court of the United States rendered in any county in this state other than that in which the real estate of the judgment debtor to be affected is situated, judgments of the supreme court of this state, judgments of the court of appeals of this state, and judgments of the superior court for any county other than that in which the real estate of the judgment debtor to be affected is situated, from the time of the filing of a duly certified abstract of such judgment with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, as provided in this act;

(4) Judgments of a district court of this state rendered or filed as a foreign judgment in a superior court in the county in which the real estate of the judgment debtor is situated, from the time of the filing of a duly certified district court judgment or a duly certified transcript of the docket of the district court with the county clerk of the county in which such judgment was rendered or filed, and upon such filing said judgment shall become to all intents and purposes a judgment of the superior court for said county; and

(5) Judgments of a district court of this state rendered or filed in a superior court in any other county in this state than that in which the real estate of the judgment debtor to be affected is situated, a transcript of the docket of which has been filed with the county clerk of the county where such judgment was rendered or filed, from the time of filing, with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, of a duly certified abstract of the record of said judgment in the office of the county clerk of the county in which the certified transcript of the docket of said judgment of said district court was originally filed.

[2012 c 133 § 1; 2002 c 261 § 3; 1987 c 202 § 117; 1971 c 81 § 17; 1929 c 60 § 2; RRS § 445-1.]



DMCJA Rules Committee

Wednesday, August 24, 2016 (Noon – 1:00 p.m.)

Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Dacca
Judge Butterff
Judge S. Buzzard
Judge Fore
Judge Garrow
Judge Goodwin
Commissioner Hanlon
Judge Robertson
Judge Rozzano
Judge Samuelson
Judge Szambelan
Judge Williams
Ms. Patti Kohler, DMCMA Liaison
Ms. Tina Marusich, DMCMA Liaison

AOC Staff:

Ms. J Benway

Judge Dacca called the meeting to order at 12:05 p.m.

The Committee discussed the following items:

1. Minutes from the July 2016 meeting

It was motioned, seconded and passed to approve the minutes from the July 20, 2016 Rules Committee meeting as presented.

2. Discuss Proposal to Amend CRLJ 55, pertaining to default judgments

The Access to Justice Board held a meeting on July 28 to discuss a proposal by the Northwest Justice Project that would modify the procedures for pro se defendants facing default judgment in the consumer debt context. Judge Dacca and Judge Marinella attended the meeting to state their concerns about the proposal, which were shared by the SCJA representatives at the meeting. Judge Dacca stated that the rule proponents seemed surprised by the judges' concerns about the proposal. He is concerned that the meeting notes do not necessarily reflect his recollection of the meeting and he will consider providing those comments to the organizers. He reported to the DMCJA Board regarding the meeting as well.

3. Update re Proposal to Amend IRLJ 3.5

Judge Dacca reported that the Rules Committee's proposal to amend IRLJ 3.5 was submitted to the DMCJA Board and discussed at its August 12 meeting. The Board is scheduled to vote on the proposal during its September meeting.

4. Discuss Status of CrRLJ 3.2 Amendment Proposal

Previously, the DMCJA Board submitted a proposal to amend CrRLJ 3.2 to be congruent with CrR 3.2 for the superior courts. The proposal drew concern and opposition, despite the fact the initial SCJA proposal was not opposed. In response, previous DMCJA Board President Steiner sent a letter to the Supreme Court requesting that the Court delay consideration of the proposal. No efforts have been made to address the issue so it remains dormant.

5. Update re Task Force on the Escalating Costs of Civil Litigation

Ms. Benway provided information regarding the proposals in the Report by the WSBA's Task Force on the Escalating Costs of Civil Litigation that would impact district courts. The Committee agreed to review the specific rule amendment recommendations that were supported by the WSBA Board of Governors.

6. Other Business and Next Meeting Date

The Committee will not meet at Fall Conference; the next Committee meeting is scheduled for the September 28, at noon via teleconference.

There being no further business, the meeting was adjourned at 12:41 p.m.

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August 15, 2014

Detective Christopher Leyba
ELIAS Project Manager
c/o Washington Traffic Safety Commission
621 8th Avenue SE, Ste 409
Olympia, WA 98501

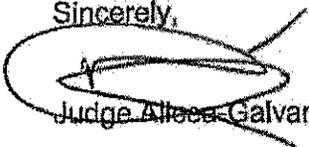
Dear Detective Leyba:

The District and Municipal Court Judges' Association (DMCJA) Board of Governors would like to thank you for attending our Board meetings to discuss the Electronic Law Enforcement Interface for Acquisition of Search Warrants (ELIAS) Project. The DMCJA Board would like to remain informed regarding the developments relating to the ELIAS Project and is supportive of using technology to implement more efficient processes. The DMCJA, however, does not want to become a stakeholder in the project out of concern for perceptions of neutrality. As judicial officers, the Board wants to ensure the public that there have been no preconceived judgments on the warrants that appear before us with regards to format or content. For this reason, the DMCJA Board will offer no comments regarding the ELIAS Project Charter.

We understand that this is a contrast from our previous position, however, after ample consideration, the DMCJA Board has decided it is best to remain neutral. Therefore, each individual court will decide the process for electronic search warrants that works best within their jurisdiction. Thank you again for your time and effort to include the courts of limited jurisdiction in the ELIAS Project.

Please do not hesitate to contact me with any questions and/or concerns. Thank you.

Sincerely,


Judge Alicea Galvan

cc: Sharon R. Harvey, AOC



WASHINGTON
COURTS

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June 9, 2014

Detective Chris Leyba
ELIAS Project Manager
c/o Washington Traffic Safety Commission
621 8th Avenue SE, Ste 409
Olympia, WA 98501

Dear Detective Leyba:

As President of the District and Municipal Court Judges' Association (DMCJA), I am writing to clarify the position of DMCJA regarding support for implementation of ELIAS under the Washington Traffic Safety Commission's eWarrant initiative.

As judges, we understand the importance of embracing new technology to improve court processes and fully support innovations that can improve the search warrant process. However, the Board cannot fully endorse the ELIAS initiative at this time. The warrant process is by its nature an ex parte court hearing. It is the judge's signature that provides the authority for issuance of a warrant and the scope of the search. Therefore, we strongly believe the judiciary must have final authority to define the business requirements for this system.

The Board has grave concerns that data regarding the judicial decision making process may be collected and subject to the public records act in a manner that impairs the integrity of the decision making process. Data that would enable law enforcement, prosecutors, defense counsel or the general public to track the granting or denial of warrants or the reasons for such decisions by specific judges risks the integrity of the process by creating an appearance of partiality or impropriety.

Denial of a warrant is not a negative reflection on the judge's decision-making, as the judge is constitutionally required to deny warrants under numerous circumstances yet is prohibited from publicly explaining such decisions. There is also a concern among our members that providing reasons for the denial is prohibited as it constitutes improper legal advice to law enforcement.

As the body statutorily created to speak on policy issues in courts of limited jurisdiction on behalf of the judicial branch, DMCJA must be directly involved in defining the requirements for this system and approving the final product before implementation. Without this continuous direct involvement and final approval, this Board will recommend that Washington judges not use the ELIAS system.

STATE OF WASHINGTON

1206 Quince Street SE • P.O. Box 41170 • Olympia, WA 98504-1170
360-753-3365 • 360-586-8869 Fax • www.courts.wa.gov

Detective Chris Leyba
June 9, 2014
Page 2

We look forward to working with the ELIAS partners to develop and implement improvements to the warrant system that promote efficiency while maintaining the independence and integrity of the judicial process.

Sincerely,



Judge David A. Svaren
President, DMCJA

cc: Sharon R. Harvey, AOC

DISCUSSION

TO: Judge Scott Marinella, President, DMCJA Board
FROM: Judge Frank Dacca, Chair, DMCJA Rules Committee
SUBJECT: Proposed Amendment to CrRLJ 3.2
DATE: October 31, 2016

At its regular monthly meeting on October 26, 2016, the DMCJA Rules Committee undertook, at your request, an analysis of the amendment to CrRLJ 3.2(b)(4) proposed by the WSBA Council on Public Defense (CPD). As you know, Justice Charles Johnson, Chair of the Supreme Court Rules Committee, recently communicated with you and Judge Downes, Chair of the SCJA, requesting comments from the trial associations regarding the CPD-proposed language. [N.B.: I believe Justice Johnson's communication referred to subsection (a)(4), instead of (b)(4), which is the section at issue.] A copy of Justice Johnson's letter is attached for your review. For the reasons set forth below, the DMCJA Rules Committee respectfully recommends that the Board oppose the language proposed by the CPD and communicate this position to the Supreme Court Rules Committee prior to its scheduled meeting on November 7, 2016. In addition, the Committee recommends that DMCJA revise its requested amendment to CrRLJ 3.2(b)(4).

At the outset, it is important to recognize that the language of CrRLJ 3.2(b) and CrR 3.2(b) differ in significant ways. For your reference, I am attaching the current full language of those respective Rules (see below). Under the existing version, CrRLJ 3.2(b) has seven (7) subsections and CrR 3.2(b) has six (6) subsections. As you may recall, in response to the decision of *State v. Barton*, 181 Wn.2d 148 (2014), the SCJA asked that the then existing paragraph (b)(4) of CrR 3.2 be removed in full, and that deletion is now reflected in the existing CrR 3.2(b). However, the subsection (b)(4) language still remains in CrRLJ 3.2 as currently published:

(b)(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release.

The DMCJA originally sought to delete this subsection (b)(4), but upon further review of comments by others, requested that the Supreme Court Rules Committee delay any action.

In April 2016, the CPD submitted a letter to Chief Justice Madsen with the following proposal to amend CrRLJ 3.2(b)(4):

Require, but only if requested or agreed by the defendant, the execution of a bond in a specified amount and the deposit in the registry of the court in cash, or other security allowed by the court as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

Although the DMCJA Rules Committee appreciates the CPD's thorough consideration of this Rule, it has concluded that this language is unworkable and does not take into account the role of the Court and judicial practices regarding release and conditions in trial courts. Under the existing language of CrRLJ 3.2(b), the Court has a number of options that may be imposed in its sound discretion, including ordering an appearance bond. Many of these bail decisions are made *ex parte* when a defendant fails to appear or the Court has found probable cause and issued an arrest warrant. As a practical matter, the CPD's approach may preclude the alternative the amendment appears to try to ensure, i.e., allowing defendants the option to post 10% in cash with the court, subject to refund upon compliance, instead of being limited to a commercial surety bondsman. By conditioning this option on the defendant's request or agreement, it will not be available for *ex parte* bail decisions. Further, the Committee particularly objects to the clause "but only if requested or agreed by the defendant." The Committee respectfully submits that the ultimate decision on bail and conditions of release under this Court rule and under Washington State law rests in the sound discretion of the Court.

In summary, the Rules Committee concluded that the existing language of CrRLJ 3.2(b)(4) should remain intact since it preserves reasonable and varied options for release and is also consistent with the holding in *State v. Barton, supra*. Instead of amending the existing language in CrRLJ 3.2(b)(4), the Committee recommends the addition of a sentence at the end of the subsection to make clear that if the Court allows an appearance bond, it must also allow the

option of a surety bond. This additional sentence is set forth below. The DMCJA Rules Committee recommends the Supreme Court amend CrRLJ 3.2(b)(4) to include this sentence:

Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release. If this requirement is imposed, the court must also authorize a surety bond under section (b)(5);

Thank you for consideration of these recommendations. If you have any questions, please contact me at 253-798-7712 or fdacca@co.pierce.wa.us.

Attachment: Copy of October 20, 2016 email sent on behalf of Justice Johnson
CrR 3.2 as currently published
CrRLJ 3.2 as currently published

CC: DMCJA Rules Committee

[Copy of an email sent by Shannon Hinchliffe on October 20, 2016]

This message is sent on behalf of Justice Charles W. Johnson, Chair of the Supreme Court Rules Committee

Dear Judge Marinella and Judge Downes,

On May 20th, I received a letter from the DMCJA requesting a delay in consideration of the proposed amendment to CrRLJ 3.2 in order to consider a joint alternative. The Supreme Court Rules Committee has not received any further information related to a joint alternative. The committee has reviewed the original proposed amendment and comments received during the comment period which ended on April 30, 2016 and has tentatively recommended adopting the proposed language submitted by the Council on Public Defense (attached) to amend CrRLJ 3.2. The committee is also considering making the same change to CrR 3.2. The full comment letter is attached. The suggested language is as follows:

(a)(4) Require, but only if requested or agreed by the defendant, the execution of a bond in a specified amount and the deposit in the registry of the court in cash, or other security allowed by the court as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

Please let me know if either of your associations have an objection to the adoption of this language before our next scheduled meeting on November 7th. Thank you.

CrRLJ 3.2
RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

- (1) The court determines that such recognizance will not reasonably assure the accused's appearance, when required, or
- (2) There is shown a likely danger that the accused:
 - (a) will commit a violent crime, or
 - (b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

- (5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;
- (6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. The adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules are not subject to GR 7. The supreme court may adopt a uniform bail schedule as an appendix to these rules.

If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

(c) Relevant Factors—Future Appearance. In determining which conditions of release will reasonably assure the accused's appearance, the court shall, on the available information, consider the relevant facts including but not limited to:

- (1) The accused's history of response to legal process, particularly court orders to personally appear;
- (2) The accused's employment status and history, enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;
- (3) The accused's family ties and relationships;
- (4) The accused's reputation, character and mental condition;
- (5) The length of the accused's residence in the community;
- (6) The accused's criminal record;
- (7) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

- (8) The nature of the charge, if relevant to the risk of nonappearance;
- (9) Any other factors indicating the accused's ties to the community.

(d) Showing of Substantial Danger—Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

- (1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;
- (2) Prohibit the accused from going to certain geographical areas or premises;
- (3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;
- (4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;
- (5) Prohibit the accused from committing any violations of criminal law;
- (6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice.
- (7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

(e) **Relevant Factors—Showing of Substantial Danger.** In determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to:

- (1) The accused's criminal record;
- (2) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;
- (3) The nature of the charge;
- (4) The accused's reputation, character and mental condition;
- (5) The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;
- (6) Whether or not there is evidence of present threats or intimidation directed to witnesses;
- (7) The accused's past record of committing offenses while on pretrial release, probation or parole; and
- (8) The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victim's or witnesses.

(f) **Delay of Release.** The court may delay release of a person in the following circumstances:

- (1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.
- (2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.
- (3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(g) **Release in Capital Cases.** Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the

administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(h) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(i) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(j) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing. Release may be revoked only if the violation is proved by clear and convincing evidence.

(k) Arrest for Violation of Conditions.

(1) **Arrest with Warrant.** Upon the court's own motion or a verified application by the prosecuting authority alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (j).

(2) **Arrest without Warrant.** A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (j).

(l) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(m) (Reserved.)

(n) **Accused Released on Recognizance or Bail--Absence--Forfeiture.** If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(o) **Bail in Criminal Offense Cases--Mandatory Appearance.**

(1) Except as provided in subsection (2) or (3) below, when required to reasonably assure appearance in court, bail for a person arrested for a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

(2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

(3) Pursuant to RCW 10.31.100, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence) or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(p) (Reserved.)

(q) (Reserved.)

[Originally effective September 1, 1987; amended effective November 17, 1989; September 1, 1991; January 1, 1992; September 1, 1992; June 25, 1993; May 1, 1994; September 1, 1994; August 15, 1995; September 1, 1995; June 5, 1996; October 31, 2000; September 1, 2002; April 1, 2003; September 1, 2005; July 1, 2012; December 8, 2015.]

CrR 3.2
RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 or CrRLJ 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

- (1) the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or
- (2) there is shown a likely danger that the accused:
 - (a) will commit a violent crime, or
 - (b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

(b) Showing of Likely Failure to Appear-Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;
- (5) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (6) Impose any condition other than detention deemed reasonably necessary to assure appearance as required. If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

(c) Relevant Factors-Future Appearance. In determining which conditions of release will reasonably assure the accused's appearance, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's history of response to legal process, particularly court orders to personally appear;

(2) The accused's employment status and history, enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;

(3) The accused's family ties and relationships;

(4) The accused's reputation, character and mental condition;

(5) The length of the accused's residence in the community;

(6) The accused's criminal record;

(7) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(8) The nature of the charge, if relevant to the risk of nonappearance;

(9) Any other factors indicating the accused's ties to the community.

(d) Showing of Substantial Danger-Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

(1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;

(2) Prohibit the accused from going to certain geographical areas or premises;

(3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;

(4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) Prohibit the accused from committing any violations of criminal law;

(6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully

interfering with the administration of justice.

(7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

(e) Relevant Factors-Showing of Substantial Danger. In determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's criminal record;

(2) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(3) The nature of the charge;

(4) The accused's reputation, character and mental condition;

(5) The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;

(6) Whether or not there is evidence of present threats or intimidation directed to witnesses;

(7) The accused's past record of committing offenses while on pretrial release, probation or parole; and

(8) The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victim's or witnesses.

(f) Delay of Release. The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(g) Release in Capital Cases. Any person charged with a capital offense shall not be

released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(h) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, and subject to RCW 9.95.062, 9.95.064, 10.64.025, and 10.64.027, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(i) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(j) Review of Conditions.

(1) At any time after the preliminary appearance, an accused who is being detained due to failure to post bail may move for reconsideration of bail. In connection with this motion, both parties may present information by proffer or otherwise. If deemed necessary for a fair determination of the issue, the court may direct the taking of additional testimony.

(2) A hearing on the motion shall be held within a reasonable time. An electronic or stenographic record of the hearing shall be made. Following the hearing, the court shall promptly enter an order setting out the conditions of release in accordance with section (i). If a bail requirement is imposed or maintained, the court shall set out its reasons on the record or in writing.

(k) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing in accordance with section (j). Release may be revoked only if the violation is proved by clear and convincing evidence.

(l) Arrest for Violation of Conditions.

(1) *Arrest With Warrant.* Upon the court's own motion or a verified application by the prosecuting attorney alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (k).

(2) *Arrest Without Warrant.* A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (k).

(m) **Evidence.** Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(n) **Forfeiture.** Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

(o) **Accused Released on Recognizance or Bail--Absence--Forfeiture.** If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violated conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

[Adopted effective July 1, 1973; amended effective July 1, 1976; September 1, 1983; September 1, 1986; September 1 1991; September 1, 1995; April 3, 2001; September 1, 2002; September 1, 2015.]

Comment

Supersedes RCW 10.16.190; RCW 10.19.010, .020, .025, .050, .070, .080; RCW 10.40.130; RCW 10.46.170; RCW 10.64.035.

Comment

Rule changed to comply with State v. Barton, Wn.2d (07/31/14)



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Paula C. Littlewood
Executive Director

direct line: 206-239-2120
fax: 206-727-8316
e-mail: paulal@wsba.org

April 25, 2016

Hon. Barbara A. Madsen
Chief Justice
Washington Supreme Court
PO Box 40929
Olympia, WA 98504

RE: WSBA Council on Public Defense Comment on Proposed Amendment to CrRLJ 3.2

Dear Chief Justice Madsen,

I am writing to share with you the enclosed comment from the Washington State Bar Association's Council on Public Defense regarding proposed amendments to CrRLJ 3.2. These comments have been approved through the WSBA's legislative and court rule comment policy and the comments are solely those of the Council on Public Defense.

The WSBA Council on Public Defense unites prosecutors, members of the public and private defense bar, the bench, elected officials and the public to address new and recurring issues impacting the public defense system and the public that depends upon it.

The Council appreciates the Court's consideration of this comment.

Sincerely,

Handwritten signature of Paula Littlewood in cursive.
Paula Littlewood

Encl.

cc: President William Hyslop, WSBA Board of Governors
Brooks Holland, Chair, Council on Public Defense

Working Together to Champion Justice



Council on Public Defense Comment on Proposed Amendment to CrRLJ 3.2

The Washington State Bar Association Council on Public Defense ("Council") respectfully submits this comment to the proposed amendment to CrRLJ 3.2. The Council is comprised of representatives of the public and private defense bar, current and former prosecutors, judicial officers, public officials, and at-large members, and has the charge of addressing issues affecting the quality of and access to indigent defense services.

The money bail system has generated significant national debate and calls for reform, including in Washington State. The Council is actively exploring these issues as they relate to indigent defense services. The proposed amendment to CrRLJ 3.2 would directly impact bail practices statewide by eliminating CrRLJ 3.2 (b)(4). This provision permits a cash appearance bond to be submitted directly with the court in an amount not to exceed 10% of the bond value without use of a commercial surety.

The Council understands that the proposed amendment is an effort to address concerns with the holding raised in *State v. Barton*, 181 Wn.2d 148, 331 P.3d 50 (2014), that a court may not require only a cash bail and instead a defendant may always use a commercial surety. This Court recently approved an identical amendment that struck (b)(4) from CrR 3.2. The proposed amendment to CrRLJ 3.2 eliminates the 10% cash appearance bond option altogether instead of prohibiting courts from setting cash-only bail.

In the Council's view, the proposed amendment goes further than necessary to comply with *Barton*. Further, this amendment would unduly limit judicial discretion to fashion the least restrictive form of bail necessary to ensure an individual defendant's future appearance. The cash appearance bond option needs to be available for poor and low-income individuals who are unable to secure a bond with property or a commercial surety. The option of having the money returned at the conclusion of the case also avoids unnecessary financial hardship for indigent defendants and their families, and is consistent with the purpose of bail.

The Council concurs with the comment submitted by Superior Court Judge Ronald Kessler recommending that the Court reject the proposed amendment to CrRLJ 3.2 and reconsider the recent amendment made to CrR 3.2. The Council recommends that the Court instead modify both rules with language that addresses the concerns raised in *Barton* but preserves the express option for courts to set a cash appearance bond up to 10% as an alternative to a secured bond. The following language, as an illustration, could accomplish this goal:

[text]

4) Require, but only if requested or agreed by the defendant, the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security allowed by the court as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

The Council appreciates the Court's consideration of this comment.



**WASHINGTON
COURTS**

District and Municipal Court Judges' Association

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

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

May 20, 2016

Honorable Charles W. Johnson
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

Dear Justice Johnson and Members of the Rules Committee:

The District and Municipal Court Judges' Association (DMCJA) requests that the Supreme Court Rules Committee delay consideration of the DMCJA proposal to amend Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 3.2.

On April 22, 2015, the DMCJA submitted a comment that it was not seeking to amend CrRLJ 3.2 (b)(4), but recommended that if the Court adopted the Superior Court Judges' Association's (SCJA's) amendment, that it also adopt a similar amendment to CrRLJ 3.2 (b)(4) so the trial court rules would remain congruent. On September 1, 2015, the Supreme Court approved the SCJA proposed rule amendment. The DMCJA, therefore, requested that CrRLJ 3.2 (b)(4) be deleted to parallel the rules of the Superior Courts and to reflect the holding in State v. Barton, 181 Wash.2d 148, 331 P.3d 50 (July 31, 2014). This proposal was published for comment by the Supreme Court Rules Committee with a deadline for comment of April 30, 2016.

Both DMCJA and SCJA are concerned about comments received suggesting that the removal of CrRLJ 3.2 (b)(4) is not the best way to address the Barton decision and may be detrimental to low-income litigants. Thus, given the posture of the rule, and the apparent concern of the SCJA, the DMCJA requests that the Supreme Court Rules Committee delay any action on the proposed revision to CrRLJ 3.2 pending the consideration of alternatives by a joint committee of DMCJA and SCJA members.

Please let me know if you have any questions regarding this request to delay action on the proposed amendment to CrRLJ 3.2. Thank you.

Sincerely,

Judge David A. Steiner
DMCJA President

cc: Judge Frank Dacca, DMCJA Rules Committee Chair
Ms. Shannon Hinchcliff, AOC
Ms. J Berway, AOC

STATE OF WASHINGTON
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Washington State Senate
Law & Justice Committee

Senator Mike Padden, Chair
Senator Steve O'Ban, Vice Chair
Senator Jamie Pedersen, Ranking Member

SHR 4
J.A. Cherberg Building

November 15, 2016
TUESDAY

8:00 a.m.

Work Session:

1. Condo issues.
2. Night and weekend court.
3. Third party visitation.
4. Washington Association of Prosecuting Attorneys legislative proposals.
5. Informant testimony.

Other business.



Judge Susan Woodard
Chair
Yakima Municipal Court

Judge Marybeth Dingley
Vice-Chair
Snohomish County Superior Court

Judge Jackie Shea-Brown
Benton/Franklin County Superior
Courts

Judge Chris Culp
Okanogan County Superior Court

Judge Michael Finkle
King County District Court

Judge Timothy Jenkins
Sumner Municipal Court

Judge Karli K. Jorgensen
Kent Municipal Court

Judge Bruce Weiss
Snohomish County Superior Court

Judge Lisa Worwick
Court of Appeals, Division II

Dr. Susanna N. Kanther-Raz,
Psy.D., M.S., C.A.M.F.

*Established to prevent or
alleviate problems on and off
the bench before they impact a
judicial officer's performance.*

TO: Judge Michael T. Downes, President
Superior Court Judges' Association

Judge G. Scott Marinella, President
District and Municipal Court Judges' Association

FROM: Judge Susan J. Woodard, Chair
Judicial Assistance Services Program Committee

DATE: October 20, 2016

RE: Amendments to the JASP Bylaws

The JASP committee held a retreat April 2-3, 2016 where we reviewed the current JASP bylaws and would like to make the following amendments.

Article III – Membership, Section C

The JASP committee has benefited with having an appellate representative on the committee and would like to make the addition of non-voting appellate members possible.

ARTICLE III Membership

(A) Membership shall consist of eight (8) members of which four (4) shall be appointed by the President of the SCJA and four (4) appointed by the President of the DMCJA.

(B) Each member shall be appointed by the respective President for a two-year term. For the first cycle, each President shall appoint two (2) members for a one-year term and two (2) members for a two-year term.

(C) In addition to members identified in paragraph III (A), at the request of the JASP Executive Committee, there may be two non-voting appellate court members which may be from either level of the appellate courts. Court of Appeals members will be appointed by the Presiding Chief Judge of the Court of Appeals and Supreme Court members will be appointed by the Chief Justice of the Supreme Court. Appellate Court members shall serve a two year term.

(D) Terms of membership shall begin September 1st of the year appointment.

Memo SCJA and DMCJA
Bylaw Changes
Page 2

Article VII – Voting

Deleting the word voting.

ARTICLE VII
Voting

Each member of the Committee shall have one vote. All decisions shall be made by a majority vote of those present and voting providing that there is one affirmative vote from a DMCJA and SCJA member. The services provider/clinical consultant shall not vote on matters related to compensation for contracted services.

Article VIII – Ad Hoc Members

Re-writing the current sentence for clarity.

ARTICLE VIII

Ad Hoc Members

~~The Chair, with the concurrence of the Vice-Chair, may appoint ad hoc members to assist the Committee. Ad Hoc Members may be appointed by the Chair with the concurrence of the Vice Chair to assist the Committee.~~

We have attached a full copy of the JASP bylaws with the proposed changes for your review and approval.

If you have any questions or concerns, do not hesitate to contact me at Susan.Woodard@yakimawa.gov or (509) 575-3050.

CC: Ms. Judith M. Anderson
Ms. Sharon Harvey
Ms. Janet Skreen



Judicial Assistance Services Program (JASP)

A joint committee of the DMCJA and SCJA

BY-LAWS

ARTICLE I

There is established a joint committee of both the District and Municipal Court Judges' Association (DMCJA) and the Superior Court Judges' Association (SCJA). This committee is effective upon ratification of the DMCJA Board and the SCJA Board. Where funding allows, the committee shall also include a Services Provider/Clinical Consultant independent contractor who need not be a judge or attorney.

ARTICLE II

Purpose

Judicial Assistance Services Program (JASP) offers confidential assistance with mental/emotional, drug, alcohol, family, health, and other personal problems. Services including assessment, referral, short-term or long-term counseling, follow-up, and training.

JASP may train and use Peer Counselors to assist in fulfilling its duties.

JASP is bound by the confidentiality rule set forth in DRJ 14(e)).

ARTICLE III

Membership

- (A) Membership shall consist of eight (8) members of which four (4) shall be appointed by the President of the SCJA and four (4) appointed by the President of the DMCJA.
- (B) Each member shall be appointed by the respective President for a two-year term. For the first cycle, each President shall appoint two (2) members for a one-year term and two (2) members for a two-year term.
- (C) In addition to members identified in paragraph III (A), at the request of the JASP Executive Committee, there may be two non-voting appellate court members which may be from either level of the appellate courts. Court of Appeals members will be appointed by the Presiding Chief Judge of the Court of Appeals and Supreme Court members will be appointed by the Chief Justice of the Supreme Court. Appellate Court members shall serve a two year term.
- (D) Terms of membership shall begin September 1st of the year appointment.

ARTICLE IV
Officers

The Committee shall have two officers: a Chair and a Vice Chair. For the first cycle, the DMCJA shall appoint the Chair and the SCJA shall appoint the Vice Chair. The terms of the Chair and the Vice Chair are for two-years and the Vice Chair shall succeed the Chair at the end of the Chair's term. Upon completion of the first cycle, the Vice Chair shall succeed the Chair and the organization whose representative is not the chair shall appoint the new Vice Chair.

The officers shall have authority to create an Executive Committee to include themselves, the current AOC liaison, and the current services provider/clinical consultant. The Executive Committee shall have authority to conduct day-to-day business, as needed.

ARTICLE V
Regular Meetings

There shall be at least one yearly meeting and training session which may be combined and as many meetings as deemed necessary by the Chair. To take any formal action, quorum consisting of four members must be present.

ARTICLE VI
Special Meetings

Special meetings may be called by Chair or by any seven members of the Committee. Reasonable notice of a special meeting shall be given each member. To take any formal action, a quorum consisting of four members must be present except for Executive Committee meetings.

ARTICLE VII
Voting

Each member of the Committee shall have one vote. All decisions shall be made by a majority vote of those present and voting providing that there is one affirmative vote from a DMCJA and SCJA member. The services provider/clinical consultant shall not vote on matters related to compensation for contracted services.

ARTICLE VIII
Ad Hoc Members

The Chair, with the concurrence of the Vice-Chair, may appoint ad hoc members to assist the Committee. Ad Hoc Members may be appointed by the Chair with the concurrence of the Vice Chair to assist the Committee.

Last amended 4/2/2016

Last amended 8/22/2014

Last updated 3/6/2012

Ratified by the DMCJA Board of Governors January 2011

Ratified by the SCJA Board of Governors March 2011

N:/programs & organizations\jasp\governing documents\bylaws

From: James Docter
Sent: Wednesday, October 19, 2016 1:21 PM
To: Harvey, Sharon
Cc: Scott Ahlf ; 'G. Scott Marinella'
Subject: FW: Separation of Powers Document - dated January 2008

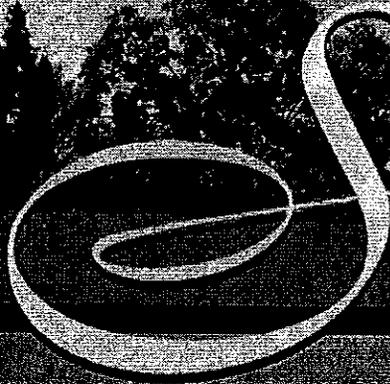
Hi Sharon,

I am on a subcommittee of the Public Trust and Confidence committee. We are tasked to review all the documents that have been compiled (over the many years) on the PT and C website for accuracy and currency. One of the documents is attached to this email (last updated in 2008). My review of the document shows page three is in need of some "slight" modifications in order to be completely accurate. However, it was reported by AOC that updating or reworking the document would be "very expensive". Consequently, I was asked to check with DMCJA (because the changes largely relate to Muni and District court information) to see if we should keep the document (with inaccuracies) or discard the document entirely (or maybe just discard page three). Basically you are being asked "is the form worth keeping? Does anyone use it?". We want direction from DMCJA.

The changes: 1) Clark County became a "Charter County" in 2015, and arguably should be listed in that section (see page 3).

2) the Organizational chart and related connecting lines under "county government" and "city government" are not completely accurate. For example, elected judges are not connected to the Mayor (nor should there be connectors between the Clerk/Executive branch and the Superior court), and the judges should not be listed below the presiding judge.

Since I was asked to inquire of the DMCJA whether this form should be discarded, or saved with inaccuracies, I am forwarding it on for DMCJA review and input. Please let me know if you want anything more from me. Thanks you.



SEPARATION OF POWERS

JUDICIAL • Interprets the laws

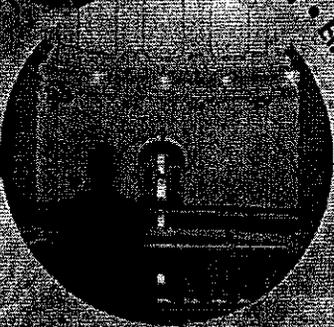


CITIZEN
• Voter • Juror

LEGISLATIVE • Approves the laws



EXECUTIVE • Enforces the laws

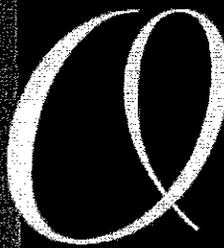


WASHINGTON COURTS

You can get more information at www.courts.wa.gov

January 2006

Branches of Government



Our system of government in Washington State is based upon separation of powers as framed in the United States Constitution. This means that our governmental structure is divided into three separate branches. Each branch deals with a different aspect of governing. The legislative branch passes laws. The executive branch enforces laws. The judicial branch interprets laws.

CITIZENS

Legislative

Passes the laws

Legislative Branch

The legislative branch makes new laws and modifies existing laws. The legislature includes elected representatives from the various regions of the city, county or state.

On the state level this branch is called the state legislature.

On the county level it is called the board of county commissioners (county council in charter counties).

On the city level it is called the city council.

Executive

Enforces the laws

Executive Branch

The executive branch enforces laws passed by the legislature. The governor is elected to be the head of the executive branch in the state. The governor has power to sign or veto laws passed by the legislature. The chief executive has authority over a wide range of agencies and departments that assist in the enforcement of laws and oversee how the government spends the taxpayers' money.

On the state level the governor is the chief executive.

In most counties the board of county commissioners exercises the executive power as a whole and may delegate some executive authority to a county administrator should they choose to do so. Charter counties may have a separate county executive who is the chief executive.

On the city level the mayor or city administrator is the chief executive.

Judicial

Interprets the laws

Judicial Branch

While the legislative branch approves the court budget, the presiding judge manages the court and staff as a separate branch of the government. This process provides a place where people can go to resolve disputes peacefully according to law through an unbiased and fair process, free of influence by the other branches of government. Judges can be either elected or appointed.



WASHINGTON
COURTS

You can get more information at www.courts.wa.gov

January 2008

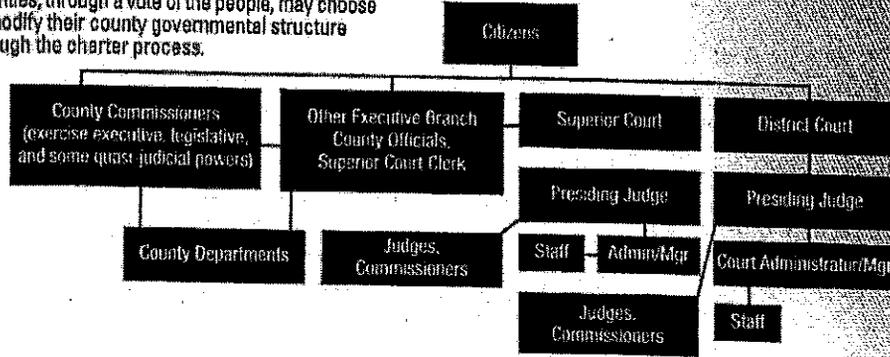


LOCAL GOVERNMENT ORGANIZATION CHARTS

Washington State

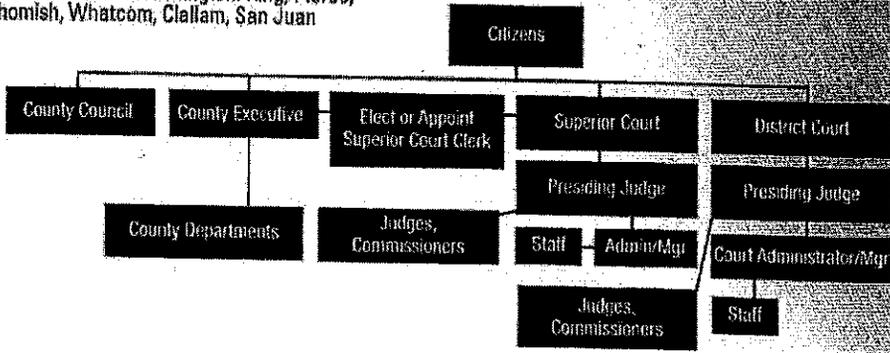
REGULAR COUNTY County Commissioner Form Of Government

Most counties in Washington State derive their governmental structure from the State Constitution. Counties, through a vote of the people, may choose to modify their county governmental structure through the charter process.



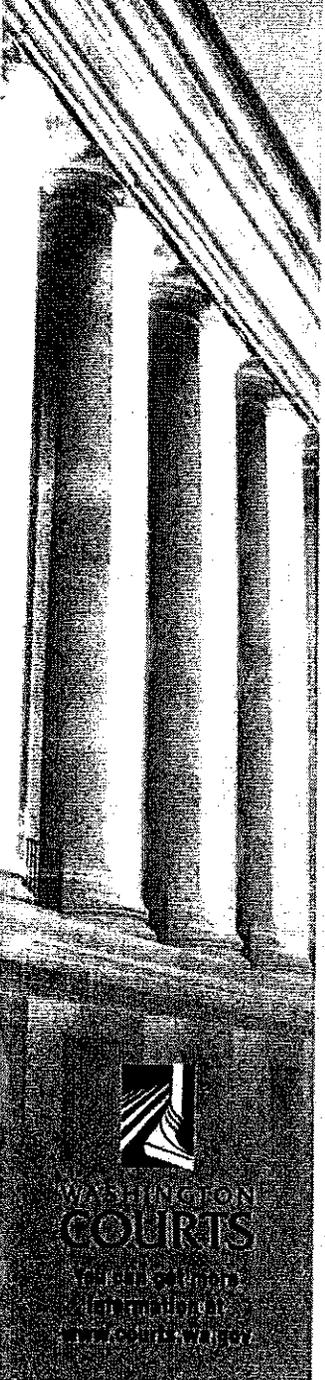
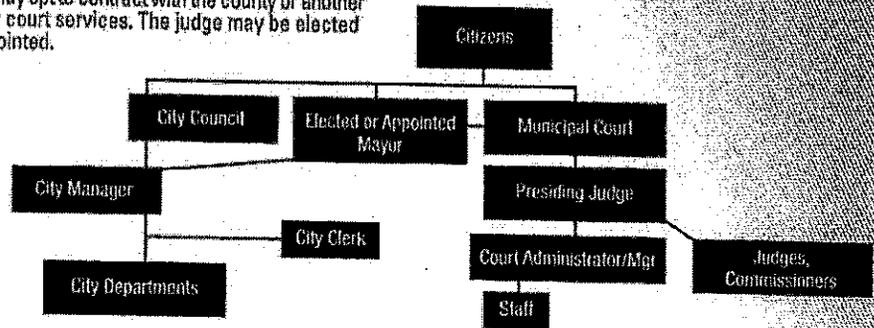
CHARTER COUNTY County Executive Form Of Government

Charter Counties in Washington: King, Pierce, Snohomish, Whatcom, Clallam, San Juan



CITY GOVERNMENT Administrator/Manager, Strong Mayor Form Of Government

Cities may opt to contract with the county or another city for court services. The judge may be elected or appointed.



WASHINGTON COURTS
 JUSTICE AND INTEGRITY
 WWW.COURTS.WA.GOV



September 28, 2016

Honorable Scott Marinella
Washington District and Municipal Court Judges Association
PO Box 41170
Olympia, WA 98504-1170

Dear Judge Marinella:

Thank you for the previous support of the YMCA Youth & Government program. The financial contributions of the District and Municipal Court Judges Association and volunteer service of your members help ensure the young women and men of our state have the opportunity to gain the knowledge and skills needed to be active and engaged citizens and leaders in our communities.

I'm excited to announce that this year, we are expanding access to high quality civic and legal education with a new Middle School Mock Trial tournament! We expect to host three regional tournaments early in 2017 and serve approximately 100-150 students in grades six and seven.

In previous years, the Court made a \$1600 contribution to our annual fundraising campaign. **I hope the DMCJA will continue this support by renewing your contribution this year, and considering a modest increase to help support our program expansion efforts.** I also ask that you encourage your members to volunteer their time and talents to support young people around our state.

The annual YMCA Mock Trial State Championship will be held **Friday and Saturday, March 24 - 25** at the Thurston County Courthouse. We need over 200 legal volunteers to serve as competition raters and presiding judges during this event. A formal call for volunteers will go out after the first of the year, but please mark your calendars now and help us spread the word about this unique and inspiring opportunity.

In the Y, we believe in the potential of all young people. This is why your support is critical. Together we can ensure young women across Washington are exposed to careers in the law, and gain the skills needed to be leaders in their communities. Thank you for your consideration.

Respectfully,

Sarah Clinton
Executive Director
sclinton@seattleyymca.org

Cc: Judge Robert Lewis, Mock Trial Program Chair
Sharon Harvey

Youth & Government
Mail PO Box 193, Olympia, WA 98507
Physical 921 Lakeridge Way SW, Olympia, WA 98502
P 360 357 3475 F 360 753 4615 youthandgovernment.org





ENGAGED INFORMED CITIZENSHIP

YOUTH & GOVERNMENT 2015-2016 IMPACT REPORT

LEADERSHIP MESSAGE

Thank you for joining our cause! With funding from our generous donors and incredible support from our committed volunteers, we served more than 1,150 Washington teens this year, and convened the largest Youth Legislature session in 20 years! For the first time, middle school students presented a trial during our statewide Mock Trial tournament, prompting us to explore additional opportunities for middle schoolers in 2017. On the national level, 18 Washington students represented our state at the YMCA Conference on National Affairs and were recognized as a premier delegation, and Mock Trial teams from our state placed in the top 10 at two separate national competitions.

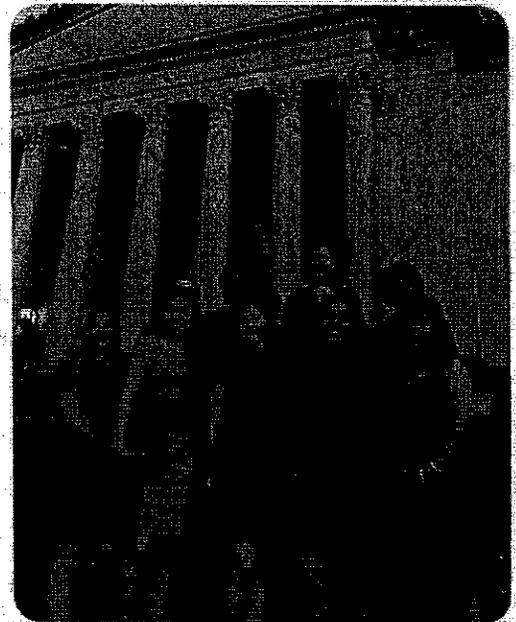
YMCA Youth & Government programs go beyond the mechanics of how a bill becomes law or how a courtroom works. With support from our generous donors, we're teaching democracy to the next generation. Our students learn to serve others, collaborate, and become a force for positive change. They develop critical life skills: seeing various sides of an issue, respecting those with opposing viewpoints, communicating effectively, and compromising to find creative solutions.

Students also gain real-world experiences. This year, we partnered with Governor Jay Inslee and Ys around the state to host a capitol campus walk in support of healthy communities. Two of our students joined others from around the country to advocate for kids and families in Washington DC, while others worked with TVW here in Washington, expanding coverage of our statewide events and hosting a community town hall in Walla Walla.



Thank you again for being part of this important work.

David Fisher,
Youth & Government Board Chair



2015 FINANCIALS

REVENUE

Contributions & Special Events	232,500
Program Fees	188,778
Other Income	44,880
TOTAL REVENUE	\$466,158

EXPENSE

Employee Expense	239,471
Administration	64,961
Program Expenses	161,726
TOTAL EXPENSES	\$466,158

2015 ENDOWMENT TOTAL: \$299,425

IMPACT STORY: GABRIELLA

Gabriella joined the YMCA Youth & Government program through her local Spokane YMCA two years ago. She says the program has helped her build her confidence and practice her public speaking skills.



"A room full of teenagers was intimidating, especially when I was asked to stand up and debate on my very first night," says Gabriella. "I thought I was going to pass out. But the advisors were incredibly encouraging and supportive, and the other teenagers were friendly and welcoming. **From that first night, I was hooked.**"

On her first trip to the Youth Legislature program in Olympia, Gabriella fell in love with the Capitol and politics, learning how your own experiences, and the experiences of others can influence and change opinions.

"**Sometimes my stance on a bill would be changed because of listening to others, and other times I was the one changing people's minds,**" says Gabriella.

She says the program has taught her to be more open-minded, helps her to organize her thoughts, and find her voice.

"You may just see my name on the ballot some day."

2015-2016 IMPACT BY THE NUMBERS

1,250 STUDENTS participated in Washington State Youth & Government programs in the 2015-2016 school year.

85% of participants said they gained confidence in public speaking.



80% of participants said they were able to better understand their issues.



1,724 contributed

hours of service

That's nearly **4 YEARS** worth of hours!

\$224,750 in financial aid was distributed to 235 students for regional, statewide, and national programs.





2015-2016 YOUTH & GOVERNMENT DONORS

AMBASSADORS

\$20,000+

Microsoft Corporation

FOUNDERS

\$5,000 - \$19,999

Comcast Cable

Lucy Helm

Perkins Coie

Rob Makin

United States District Court,
Western Division

Washington Judges Foundation

YMCA of Greater Seattle

BENEFACTORS

\$2,500 - \$4,999

BECU

The Boeing Company

CenturyLink

Chehalls Indian Tribe

The Community Foundation of
South Puget Sound

JP Morgan Chase

Bill Stauffacher

Vulcan

CHAMPIONS

\$1,500 - \$2,499

Jeanne Cushman

David & Terri Fisher

Kevin & Michelle Hamilton

PEMCO Financial Services

Premera Blue Cross

Kurt & Valarie Schmidt

Scott & Cheryl Washburn

Washington District & Municipal
Court Judges

Bob & Carolyn Wolfe

ADVOCATES

\$1,000 - \$1,499

Bill & Kathleen Collins

Mike Egan

Kelly Evans

Empire Health Foundation

Erica Hallock

Thomas & Lee Hoemann

Norm & Karen Hyatt

Marcia Isenberger

Kenneth Kanikeberg

Les Schwab Tire Centers

Robert & Kim Lewis

Al Ralston

Sanitary Service Company

Dwayne Slate

Starbucks Coffee Company

T.O.D.A.Y. Foundation

Virginia Stout

Paul & Mary Elizabeth Stritmatter

Washington State Association for
Justice

Washington Federation of State
Employees

YMCA of Pierce & Kitsap
Counties

YMCA of Snohomish County

SUSTAINERS

\$500 - \$999

Jillian Barron

Benton Rural Electric Association

Bogard & Johnson LLC

Gail Brown

The Clinton Family

William & Laura Downing

Pat & Susan Dunn

Marta Fowler

Jeff & Candy Havens

Joe Jenkins & Phillip Setran

SUSTAINERS (CONT.)

Bill & Carole Koenig

Enid & Hondo Layes

John & Sandra McCullough

David M Namura

Pacifica Law Group

Mary Pryor

Amy Steele

South Sound YMCA

Michael Temple

Washington Education
Association

Matt Wojcik

YMCA of Grays Harbor

SUPPORTERS

\$250 - \$499

Association of Washington
Business

Jerry Barney

Cheri Brennan & Tom Horsley
Discovia

Denny Eliason

Stuart & Irene Elway

Fred & Bonnie Finn

Chris & Andrew Foster

Dean & Sharon Foster

Dan Harbaugh

Gary & Leona Huff

Jean Leonard

Dan McGrady

Pam & Rick Panowicz

Sam Reed

Denise Ryser

Rachel Smith-Mosel

Krystal Starwich

Jane Rushford & Thomas
Trompeter

David Vail

Jane & David Wall

Rich Wallis



2015-2016 YOUTH & GOVERNMENT DONORS

SUPPORTERS (CONT.)

Walla Walla YMCA
Whatcom Family YMCA
YMCA of the Inland Northwest

FRIENDS

Up to \$249

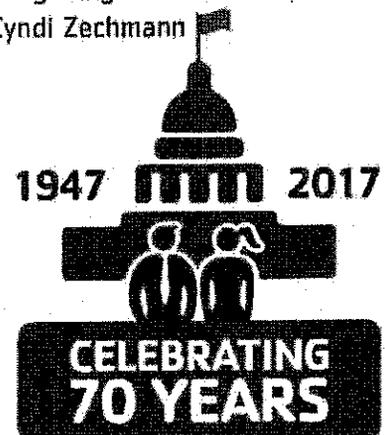
Fred & Mary Jane Adair
Gerry Alexander
Deborah Barnett
Charles Bates
Scott & Cheryloy Beckwith
Jeff Bowe, Red Lion Olympia
Catherine Brazil
Christine Brischle
Bret Brodersen
Jane Broeksmit
Marty Brown & Kate Lykins
Dudley Brown
Betty Buckley & Gregg Caudell
Deborah Carpenter
Jeanne Chowning
Donna Christensen
Kelly Cooper
Jim Cooper
Gerald Costello
Traci Couture
Dan Crocker
Cheryl Duryea
Wayne Ehlers & Patricia Hall
Kenneth Erickson
Mary Fairhurst
Stan Finkelstein
Brenda & Tom Fitzsimmons
Holly & Jim Gadbow
Jacki Gavin
Sean Graham
Marjorie & John Gray
Michael Greer

FRIENDS (CONT.)

Shane Hamlin
Arlen Harris
Norm & Tovi Harris
Thomas & Margaret Hayward
Allen Hayward
Brad Hendrickson & Laura
McDowell
Lauri Hennessey
Lorraine Hine
Bill Hochberg
EJ & Delores Hoemann
Jim & Peggy Holstine
Glenn Hudson
Keith Kauhanen
Sheri Kelly
Jeff Kingsbury
Chris & Liza Koenig
Leadership Spokane
Alicia LeVezu
Lois & Jack Lichstein
Peter Lieurance
Susan & Blake Lindskog
Lacey Lincoln
Paula Littlewood
Julien Loh
Marsha Long
Terrence Lukens
Louise Miller
Bill Montgomery
Ralph Munro
Carol Murphy
Bob & Penny Nerup
Janelle Nesbit
Jane Noland
Olympic Peninsula YMCA
Cecille Owens
Frank Pritchard
Steve Retz
Richard Roger

FRIENDS (CONT.)

Eva Rothschild
Montine Rummel
Mike & Ann Ryherd
Ali Scego
Cheryl Selby
Liz Setran
The Simpson Family
Renee Radcliff Sinclair
Ron Stead
Debra Stephens
Tony Sermonti
Melanie Stewart & Wayne
Williams
Sherie Story
Strand Apples
Lisa Sutton
Phil Talmadge
Scott Taylor
Karl Tegland
Lisa Thatcher
Pam Toal
Vander Yacht Propane, Inc.
Richard Van Wagenen
Bill Wegeleben
James Williams
Bob Wubbena
Kim Wyman
Sung Yang
Cyndi Zechmann



DMCJA Dues History
Special Fund Dues Last Assessed in 2016

	Judges			Commissioners/Magistrates			Associate Members
	3/4-full	1/4-3/4	<1/4	3/4-full	1/4-3/4	<1/4	
2016	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2015	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2014	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2013	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2012	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2011	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2010	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2009	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2008	\$ 750	\$ 375	\$ 187	\$ 600	\$ 300	\$ 150	\$ 25
2007	\$ 625	\$ 312	\$ 156	\$ 500	\$ 250	\$ 125	\$ 25
2006	\$ 625	\$ 312	\$ 156	\$ 500	\$ 250	\$ 125	\$ 25
2005	\$ 500	\$ 250	\$ 125	\$ 400	\$ 200	\$ 100	\$ 25
2004	\$ 500	\$ 250	\$ 125	\$ 400	\$ 200	\$ 100	\$ 25
2003	\$ 500	\$ 250	\$ 125	\$ 400	\$ 200	\$ 100	\$ 25
2002	\$ 500	\$ 175	\$ 175	\$ 175	\$ 175	\$ 175	\$ 25
2001	\$ 500	\$ 175	\$ 175	\$ 175	\$ 175	\$ 175	\$ 25
2000	\$ 500	\$ 175	\$ 175	\$ 175	\$ 175	\$ 175	\$ 25

Special Fund Dues Last Assessed in 2016, 2010, 2009, 2008, 2007, 2006, 2005 ...

BJA Dues Assessed (Judges Only) in 2015, 2012, 2009, 2006, 2004, 2002, 2000, 1998

From 2005-2009, if a member attended conference & did not pay both general dues & special fund, they were charged an extra fee to attend conference.

In 2007, DMCJA considered BJA dues part of "good standing," and judges had to be current w/BJA too. Commissioners are not assessed BJA dues.

In 2016, the Board decided that BJA dues are no longer required to attain "good standing."

dmcjaldues\dues history.xlsx

INFORMATION



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District and Municipal Court Judges' Association

President

JUDGE G. SCOTT MARINELLA
Columbia County District Court
535 Cameron St
Dayton, WA 99128-1279
(509) 382-4812

President-Elect

JUDGE SCOTT K. AHLF
Olympia Municipal Court
900 Plum St SE
PO Box 1967
Olympia, WA 98507-1967
(360) 753-8312

Vice-President

JUDGE JOSEPH M. BURROWS
Benton County District Court
7122 W Okanogan Pl, Bldg A
Kennewick, WA 99336-2359
(509) 785-8476

Secretary/Treasurer

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
33325 8th Ave S
Federal Way, WA 98003-6325
(253) 835-3000

Past President

JUDGE DAVID A. STEINER
King County District Court
1309 114th Ave SE Ste 100
Bellevue, WA 98004
(206) 477-2102

Board of Governors

JUDGE LINDA COBURN
Edmonds Municipal Court
(425) 771-0210

JUDGE KAREN DONOHUE
Seattle Municipal Court
(206) 684-7903

JUDGE DOUGLAS J. FAIR
Snohomish County District Court
(425) 744-6804

JUDGE MICHAEL FINKLE
King County District Court
(206) 477-2121

JUDGE MICHELLE K. GEHLSEN
Bothell Municipal Court
(425) 487-5587

JUDGE MICHAEL J. LAMBO
Kirkland Municipal Court
(425) 587-3179

COMMISSIONER RICK LEO
Snohomish County District Court
(360) 435-7700

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

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

November 1, 2016

Ms. Pat Kohler, Director
Department of Licensing
PO Box 9020
Olympia, WA 98507-9020

RE: September 30, 2016, Annual DOL/AOC/DMCJA/DMCMA
Joint Leadership Meeting

Dear Ms. Kohler:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I want to thank you and your staff for the positive and productive meeting that took place on September 30, 2016. As members of the court community, we are collectively committed to accurate and timely reporting of offenses that impact drivers' records.

We are encouraged by the progress the organizations have made to be responsive to the concerns of the court communities. By this letter, I would like to outline my understanding of the issues, the discussion, and the commitments for future actions.

Update on Issue from 2015

Mr. Dirk Marler, Administrative Office of the Courts (AOC) Judicial Services Division Director, provided an update of the Next Step discussed at the August 7, 2015, Joint Leadership Meeting, which is as follows:

(1) Ms. Julie Knittle, Department of Licensing (DOL) Assistant Director, and Mr. Marler will continue their commitment to meet quarterly and share any relevant information with staff and court communities

Mr. Marler and Ms. Knittle have continued to meet quarterly to share relevant information with staff and court communities.



District and Municipal Court Judges' Association

Agency Technology Projects, Constraints, and Related Issues

DOL

During the meeting, the DOL reported that the agency is working on numerous projects, including:

1. *Vehicle Licensing* – This project will replace twenty-five legacy components regarding vehicle registration. The Project will go live on December 12, 2016.
2. *Drivers' Systems* – The Project is to replace the legacy system by June 2018.
3. *Prorate and Fuel Tax Modernization Project* – Taxpayer Access Point (TAP) makes it easier and faster to file, pay, and manage your accounts. The project is now live.
4. *Business Licensing Project* – The Project provides online services for professionals, such as business license renewals. It is projected that this Project will reduce DOL paperwork.
5. *Disaster Recovery*

DOL leaders also informed meeting participants that the department will issue new drivers' licenses that will have new security features. DOL leaders mentioned that the new features still are not compliant with the REAL ID Act of 2005, which requires a state resident seeking a driver's license to provide certain federally accepted documentation. DOL leaders noted that compliance with the REAL ID Act would violate current Washington State laws. DOL leaders did warn that the U.S. Department of Homeland Security will not allow passengers with a Washington State driver's license to board a commercial aircraft without further identifying documentation beginning in January 2018.

AOC

Mr. Marler reported that the Administrative Office of the Courts is focusing on obtaining new case management systems (CMS) for appellate courts, superior courts, and district and municipal courts. The new CMS will replace the legacy systems of Appellate Court Records and Data System (ACORDS), Superior Court Management Information System (SCOMIS), and District and Municipal Court Information System (DISCIS), respectively. Mr. Marler further reported that superior courts in Lewis, Yakima, Thurston, Franklin, and Snohomish Counties are live with the new superior court case management system (SC-CMS) and Asotin, Columbia, Garfield, and Whitman Counties will go live on October 31, 2016. Planned completion of the superior court project is in January 2018.

Mr. Marler further reported on the courts of limited jurisdiction case management system (CLJ-CMS) Project, which will replace DISCIS for district and municipal courts. On August 26, 2016, the requests for proposal (RFP) for the Project was published. The RFP was based on business requirements gathered from the CLJ-CMS Court User Work Group



District and Municipal Court Judges' Association

(CUWG). Proposals will be returned by December 2016. A vendor is expected to be in place by fall 2017. Mr. Marler noted that this is a large AOC project that will significantly impact the courts of limited jurisdiction and the DOL.

The AOC is also working on a data exchange project with King County District Court that is known as the Expedited Data Exchange (EDE) Project. The EDE Project, which creates a data repository (EDR), is expected to be implemented in August 2017 for King County. Here, the goal is for all systems to gracefully marry up with each other. DOL leaders expressed that interfaces go to DOL and Washington State Patrol (WSP). For this reason, DOL wants to make sure data is compliant with these groups. There was agreement that the AOC and the DOL will keep in contact about project dates and status. The Judicial Information System Committee is the governing body for all CMS projects. Mr. Marler informed that a separate Steering Committee has been established for each CMS project. Funding from the dedicated Judicial Information Systems account is very tight because of legislative fund sweeps.

Other Issues, Concerns, or Opportunities

Justice Information Network Data Exchange (JINDEX)

Ms. Knittle and Mr. Marler discussed the issue of JINDEX not receiving sufficient legislative funding. They reported that JINDEX requires \$800,000 to be fully staffed and operational. The cost includes maintaining infrastructure and onboarding new organizations. Washington Technology Solutions (WaTech) handles JINDEX and there are concerns that the lack of dedicated funding might render WaTech unable to onboard additional JINDEX customers. Thus, a coordinated effort from stakeholders to secure long-term JINDEX funding is needed. King County District Court was especially encouraged to assist. There will be an opportunity for stakeholders to explain to legislators the importance of JINDEX which has not been marketed well in the past.

Fraudulent Failure to Appear (FTA) Adjudication Certificates

Judge James Docter, DMCA DOL Liaison Committee Chair, addressed an issue regarding some party defendants providing DOL field offices with fraudulent certificates of adjudication forms. For your reference, these certificates are governed by Revised Code of Washington (RCW) 46.64.025, *Failure to appear – Notice to department*. The group discussed alternatives to DOL field offices accepting certificates over the counter, such as courts using Secure Access Washington (SAW) to submit these adjudication certificates to the DOL. Courts were encouraged to utilize SAW with their individualized SAW accounts. Judge Docter stated that he will convene a small meeting with Ms. Weaver and a representative from the District and Municipal Court Management Association (DMCMA) to further discuss the fraudulent FTA adjudication certificates, and how they can best be avoided in the future.



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District and Municipal Court Judges' Association

Ms. Kohler, I join my colleague, Judge James Docter, who during this meeting expressed his appreciation for Ms. Carla Weaver. Ms. Weaver serves on the DMCJA DOL Liaison committee. She also provides DOL updates to judges at our annual DMCJA spring conference, and throughout the year as needed. She receives rave reviews for her conference presentations each year. Thus, we hope the DOL will continue to allow Ms. Weaver to provide information regarding the DOL to members of the DMCJA and DMCMA.

Again, thank you for your continued support of this Joint Leadership Meeting. It is an important measure in maintaining excellent working relationships among all of the participating organizations.

Sincerely,

Judge G. Scott Marinella
DMCJA President



DMCJA BOARD MEETING
FRIDAY, NOVEMBER 4, 2016
12:30 PM – 3:30 PM
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT JUDGE G. SCOTT MARINELLA

SUPPLEMENTAL AGENDA

PAGE

Call to Order

General Business

- | | |
|--|---------------|
| A. Minutes – October 14, 2016 | 1-5 |
| B. Treasurer's Report – Judge Robertson | X1-X14 |
| C. Special Fund Report – Judge Burrowes | |
| D. Standing Committee Reports | |
| 1. Legislative Committee – Judge Meyer | |
| a. Legislative Proposal: RCW 12.40, <i>Small Claims</i> – Judge Janet Garrow | 6-16 |
| 2. Rules Committee Meeting Minutes for August 24, 2016 | 17-18 |
| E. Trial Court Advocacy Board (TCAB) | |
| F. Judicial Information Systems (JIS) Report – Ms. Vicky Cullinane | 19-21 |

Liaison Reports

- A. District and Municipal Court Management Association (**DMCMA**) – Ms. Paulette Revoir
- B. Misdemeanant Corrections Association (**MCA**) – Ms. Melissa Patrick
- C. Superior Court Judges' Association (**SCJA**) – Judge Sean O'Donnell
- 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**) – Ms. Callie Dietz
- G. Board for Judicial Administration (**BJA**) – Judges Garrow, Jasprica, Logan, and Ringus

Discussion

- | | |
|---|-------|
| A. Proposed Amendment to Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 3.2 (b)(4), <i>Release of Accused</i> | |
| 1. DMCJA Rules Committee Memorandum regarding Proposed Amendment to CrRLJ 3.2 | 23-37 |
| 2. Chief Justice Johnson Request for DMCJA Review of Proposed Amendment | 26 |
| 3. WSBA Council on Public Defense Comment on Proposed Amendment to CrRLJ 3.2 | 38-39 |
| 4. DMCJA request to Supreme Court to delay consideration of proposed amendment | 40 |

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.	41
C. Judicial Assistance Services Program (JASP) Bylaws Amendment	42-46
D. Separation of Powers Flyer: Whether to Retain Document on Inside Courts	47-50
E. Funding Request: Additional Funding for YMCA Youth & Government Program	51-55
1. Funding Support Letter from Judge Robert Lewis, Program Chair	X15
F. DMCJA General Dues Rate – Whether to Retain the 2016 Rate	56
Executive Session	
A. Agreement Between Administrative Office of the Courts and Superior Court Judges' Association	58-63
1. DMCJA Outline of Concerns Regarding the SCJA Settlement	64-66
Information	
A. DMCJA Follow-Up Letter regarding Annual DOL/DMCJA/DMCMA/AOC Joint Leadership meeting is enclosed in the Board Agenda Packet.	68-71
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. (See JIS Report)	
C. The U.S. Department of Justice awarded Washington State a \$500,000 grant to study and improve its use of court fines and fees for offenders. The grant application is enclosed in the meeting packet.	X16-X54
D. There is a position vacancy for one DMCJA Representative to serve a two year term on the BJA Public Trust and Confidence Committee.	
E. There are position vacancies for the Presiding Judge and Administrator Education Committee. The positions are for a three year term.	
Other Business	
The next DMCJA Board Meeting is December 9, 2016, 12:30 p.m. to 3:30 p.m., AOC Office, SeaTac, WA.	
Adjourn	
Persons with a disability, who require accommodation, should notify Sharon Harvey at 360-705-5282 or sharon.harvey@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.	

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Pierce County Bookkeeping
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SUMMARY OF REPORTS

**WASHINGTON STATE
DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION**

For the Period Ending October 31st, 2016

Please find attached the following reports for you to review:

- Statement of Financial Position
- Monthly Statement of Activities
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)
- Current Information

Please contact me if you have any questions in regards to the attached.

PLEASE BE SURE TO KEEP FOR YOUR RECORDS

Washington State DMCJA
Statement of Financial Position
As of October 31, 2016

	Oct 31, 16
ASSETS	
Current Assets	
Checking/Savings	
Bank of America - Checking	557
Bank of America - Savings	2,551
US Bank - Savings	100,698
Washington Federal	45,101
Total Checking/Savings	148,888
Total Current Assets	148,888
Fixed Assets	
Accumulated Depreciation	(602)
Computer Equipment	579
Total Fixed Assets	77
Other Assets	
Prepaid Expenses	24,667
Total Other Assets	24,667
TOTAL ASSETS	173,631
LIABILITIES & EQUITY	
Equity	
Unrestricted Earnings	(78,605)
Unrestricted Net Assets	305,296
Net Income	(53,060)
Total Equity	173,631
TOTAL LIABILITIES & EQUITY	173,631

**Washington State DMCJA
Statement of Activities
For the Four Months Ending October, 31st, 2016**

	Jul 16	Aug 16	Sep 16	Oct 16	TOTAL
Ordinary Income/Expense					
Income					
Interest Income	13	13	12	0	38
Membership Revenue	0	25	0	0	25
Total Income	<u>13</u>	<u>38</u>	<u>12</u>	<u>0</u>	<u>63</u>
Gross Profit	13	38	12	0	63
Expense					
Prior Year Budget Expense	1,975	637	2,398	631	5,641
4 - Board Meeting Expense	453	2,453	3,863	993	7,762
5 - Bookkeeping Expense	0	0	535	225	760
7 - Conference Calls	0	0	9	0	9
8 - Conference Committee	0	0	0	0	0
10 - Diversity Committee	0	298	621	863	1,781
11 - DMCJA/SCJA Sentencing Alt.	0	0	287	0	287
12 - DMCMA Liaison Committee	0	0	0	339	339
14 - Education Committee	0	868	0	0	868
16 - Education - PJ Conference	0	0	15,000	0	15,000
18 - Judicial Assistance Commit	0	(6,700)	438	3,464	(2,797)
19 - Judicial Community Outreach	0	0	54	267	341
20 - Legislative Committee	0	151	453	0	604
21 - Legislative Pro-Tem	0	42	0	0	42
22 - Lobbyist Contract	3,083	5,083	7,083	6,083	20,333
26 - National Leadership Grants	0	0	0	1,585	1,585
28 - President Expense	0	0	100	0	100
31 - Rules Committee	0	22	0	0	22
32 - SCJA Board Liaison	0	54	0	0	54
34 - Treasurer Expense and Bond	0	54	0	0	54
99 - Depreciation Expense	10	10	10	10	38
Bank Service Charges	0	0	0	14	14
Total Expense	<u>5,521</u>	<u>2,971</u>	<u>30,852</u>	<u>13,694</u>	<u>53,038</u>
Net Ordinary Income	(5,508)	(2,933)	(30,839)	(13,694)	(52,975)
Other Income/Expense					
Other Expense					
Ask the client	0	0	0	85	85
Total Other Expense	<u>0</u>	<u>0</u>	<u>0</u>	<u>85</u>	<u>85</u>
Net Other Income	0	0	0	(85)	(85)
Net Income	<u>(5,508)</u>	<u>(2,933)</u>	<u>(30,839)</u>	<u>(13,779)</u>	<u>(53,060)</u>

Other Information

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**Washington State DMCJA
Reconciliation Detail
Bank of America - Checking, Period Ending 10/31/2016**

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						2,515.88
Cleared Transactions						
Checks and Payments - 6 Items						
Check	09/28/2016	online	Judy Jasprica	X	-164.62	-164.62
Check	09/28/2016	online	Scott Ahlf	X	-64.00	-208.62
Check	10/24/2016	online	Karen Donohue	X	-886.00	-1,193.62
Check	10/24/2016	online	Janet Garrow	X	-600.00	-1,793.62
Check	10/31/2016	online	Pierce County Book...	X	-225.00	-2,018.62
Check	10/31/2016			X	-14.00	-2,032.62
Total Checks and Payments					-2,032.62	-2,032.62
Deposits and Credits - 2 Items						
Transfer	10/26/2016			X	2,000.00	2,000.00
Transfer	10/26/2016			X	7,000.00	9,000.00
Total Deposits and Credits					9,000.00	9,000.00
Total Cleared Transactions					6,967.48	6,967.48
Cleared Balance					6,967.48	9,483.36
Uncleared Transactions						
Checks and Payments - 29 Items						
Check	02/11/2014	7276	Douglas Goetz		-84.00	-84.00
Check	10/26/2016	online	Administrative Office...		-2,007.89	-2,091.89
Check	10/26/2016	online	Melanie Stewart		-2,000.00	-4,091.89
Check	10/26/2016	online	Administrative Office...		-831.32	-4,923.21
Check	10/26/2016	online	Ingallina's Box Lunch		-802.31	-5,725.52
Check	10/26/2016	online	Barbara Barnes		-778.08	-6,503.60
Check	10/26/2016	online	Susanna Kanther		-670.62	-7,174.12
Check	10/26/2016	online	Okanogan County D...		-619.36	-7,793.48
Check	10/26/2016	online	Charles Short		-243.65	-8,037.13
Check	10/26/2016	online	Chris Culp		-161.36	-8,198.49
Check	10/26/2016	online	Marilyn Haan		-166.12	-8,364.61
Check	10/26/2016	online	Scott Ahlf		-84.80	-8,449.41
Check	10/26/2016	online	James Dootor		-64.40	-8,513.81
Check	10/26/2016	online	Samuel G. Meyer		-54.00	-8,567.81
Check	10/26/2016	online	Scott Ahlf		-54.00	-8,621.81
Check	10/26/2016	online	Bruce Wales		-44.28	-8,666.09
Check	10/26/2016	online	Marybeth Dingedy		-38.88	-8,704.97
Check	10/26/2016	online	Linda Coburn		-33.48	-8,738.45
Check	10/26/2016	online	Douglas Fair		-32.40	-8,770.85
Check	10/26/2016	online	Richard McDermott		-27.00	-8,797.85
Check	10/26/2016	online	Joseph Burrows		-25.20	-8,823.05
Check	10/26/2016	online	Michelle Gehlsen		-24.84	-8,847.89
Check	10/26/2016	online	Douglas B. Robinson		-24.00	-8,871.89
Check	10/26/2016	online	Karen Donohue		-21.60	-8,893.49
Check	10/26/2016	online	The Dell		-17.41	-8,910.90
Check	10/26/2016	online	Michael Evans		-15.93	-8,926.83
Check	10/26/2016	online	Lisa Worswick		-10.28	-8,937.11
Check	10/26/2016	online	Timothy Jenkins		-9.72	-8,946.83
Check	10/26/2016	online	Mary C. Logan		-9.40	-8,956.23
Total Checks and Payments					-8,946.11	-8,946.11
Total Uncleared Transactions					-8,946.11	-8,946.11
Register Balance as of 10/31/2016					-1,978.93	537.25
Ending Balance					-1,978.93	537.25

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**Washington State DMCJA
Reconciliation Detail
Bank of America - Savings, Period Ending 10/31/2016**

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						11,550.61
Cleared Transactions						
Checks and Payments - 2 Items						
Transfer	10/26/2016			X	-7,000.00	-7,000.00
Transfer	10/26/2016			X	-2,000.00	-9,000.00
Total Checks and Payments					-9,000.00	-9,000.00
Deposits and Credits - 1 Item						
Deposit	10/31/2016			X	0.17	0.17
Total Deposits and Credits					0.17	0.17
Total Cleared Transactions					-8,999.83	-8,999.83
Cleared Balance					-8,999.83	2,550.78
Register Balance as of 10/31/2016					-8,999.83	2,550.78
Ending Balance					-8,999.83	2,550.78

Washington State DMCJA
Transaction Detail by Account
 July through October 2016

Type	Date	Num	Name	Memo	Amount	Balance
Bank of America - Checking						
Deposit	07/01/2016			returned bill pay from 3-1-16	24.84	24.84
Check	07/19/2016	online	AOC		(206.77)	(180.93)
Check	07/19/2016	online	Melanie Stewart		(2,000.00)	(2,180.93)
Check	07/19/2016	online	Michael Lambro		(134.97)	(2,315.90)
Check	07/19/2016	online	AOC	retreat expense	(112.03)	(2,427.93)
Check	08/16/2016	online	David A. Svaren	date 6-5-16 KS0Y9-WB9XK	(144.97)	(2,572.90)
Check	08/16/2016	online	Douglas B. Robinson	date 7-18-16 KS0Y9-WGKBN	(208.32)	(2,781.22)
Check	08/16/2016	online	G. Scott Marinella	date 7-14-16 KS0Y9-WH991	(680.34)	(3,461.56)
Check	08/16/2016	online	Michael Finkle	date 7-14-16 KS0Y9-WHTF8	(74.04)	(3,535.60)
Check	08/16/2016	online	Melanie Stewart	July 7-8-16 Invoice 4388 KS0Y9-WHG7Q	(2,000.00)	(5,535.60)
Check	08/16/2016	online	Michelle Gehlsen	7-29-16 KS0Y9-WHTF8	(81.00)	(5,616.60)
Check	08/16/2016	online	Ingallina's Box Lunch	7-19-16 KS0Y9-WHG7Q	(271.66)	(5,888.26)
Check	08/16/2016	online	The Deli	7-19-16	(28.12)	(5,916.38)
Check	08/16/2016	online	Susanna Kanther	April & May KS0Y9-WJCP0	(600.00)	(6,516.38)
Check	08/16/2016	online	Dina W Traverso, PLLC	8/30/16 Invoice 10833 for work ending on 8/30,,	(875.00)	(7,391.38)
Check	08/17/2016	online	Ingallina's Box Lunch	KS7D9-2NFY8	(837.89)	(8,229.27)
Check	08/17/2016	online	Susanna Kanther	June Invoice KS7CX-R,IV60	(300.90)	(8,530.17)
Check	08/18/2016	online	Rick Leo	KS0Y0-WJ74G	(103.52)	(8,633.69)
Deposit	08/22/2016			Deposit	6,283.28	(2,350.41)
Check	08/22/2016	online	Joseph Burrows	KSR6J-KF1ZH	(63.40)	(2,413.81)
Check	08/22/2016	online	Michelle Gehlsen		(24.84)	(2,438.65)
Check	08/22/2016	online	Samuel G. Meyer	KSR6J-KJXJC	(54.00)	(2,492.65)
Check	08/22/2016	online	Scott Ahlf	KSR6J-KK4TR	(162.00)	(2,654.65)
Check	08/22/2016	online	Kevin Ringus	KSR71-BP9K2	(21.80)	(2,676.45)
Check	08/22/2016	online	Tracy A. Staab	KSR7G-D21GW	(183.80)	(2,860.25)
Check	08/22/2016	online	Douglas B. Robinson	KSR7S-37JSC	(88.00)	(2,948.25)
Check	08/22/2016	online	Michael Finkle	KSR7S-37JSC	(18.36)	(2,966.61)
Check	08/22/2016	online	G. Scott Marinella	KSR7Z-20KTN	(79.20)	(3,045.81)
Check	08/22/2016	online	David A. Steiner	KSRV3-7XM21	(18.74)	(3,064.55)
Check	08/22/2016	online	Susanna Kanther	KSRV7-8RS1D July Invoice	(300.00)	(3,364.55)
Check	08/22/2016	online	Franklin L. Dacca	KSR7B-L4482	(21.80)	(3,386.35)
Check	08/22/2016	online	Karen Donohue	KSR7B-L50CF	(21.60)	(3,407.95)
Check	08/22/2016	online	Mary C. Logan	KSR7B-L58Y8	(18.64)	(3,426.59)
Check	08/22/2016	online	Michael J. Lambro	KSR7B-L5DTH	(25.82)	(3,452.41)
Check	08/22/2016	online	Rick Leo	KSR7B-L6P19	(24.18)	(3,476.59)
Check	08/26/2016	online	Mary C. Logan	KT540-M43TH	(42.00)	(3,518.59)
Check	08/26/2016	online	Ingallina's Box Lunch	KT53X-QC0D4	(236.76)	(3,755.35)
Check	08/26/2016	online	Lisa O'Toole	KT54D-4JR8Z	(12.74)	(3,768.09)
Check	08/26/2016	online	Scott Stewart	KT54M-KPYG8	(14.04)	(3,782.13)
Check	08/26/2016	online	Timothy Jenkins	KT54V-9B2HK	(9.72)	(3,791.85)
Check	08/26/2016	online	Kevin McGann	KT54X-K8CD0	(16.20)	(3,808.05)
Check	08/26/2016	online	Karen Donohue	KT568-J07Q5	(21.60)	(3,829.65)
Check	08/26/2016	online	Kelley O'well	KT548-9FK15	(172.80)	(4,002.45)
Check	08/29/2016	online	Roy Fore	KTG8F-438V9	(168.48)	(4,170.93)
Transfer	08/31/2016			Credit Card Payment KTW3D-1BGVJ	(426.82)	(4,597.75)
Check	08/31/2016	online	Melanie Stewart	KTW8M-8JBKN	(54.00)	(4,651.75)
Check	09/02/2016	online	Robert Grim	KW8GL-42DJ3	(399.00)	(5,050.75)
Check	09/02/2016	online	Superior Court Judges Association	KTRXS-KJLFY	(494.84)	(5,545.59)
Check	09/07/2016	online	Charles Short	KVC6X-D2JT5	(383.67)	(5,929.26)
Check	09/07/2016	online	Pierce County Bookkeeping	July Invoice KV8PR-SFVCZ	(150.00)	(6,079.26)
Check	09/08/2016	online	Administrative Office of the Courts	Presiding Judges' Conference	(15,000.00)	(11,079.26)
Check	09/13/2016	online	Melanie Stewart	KW1VM-BWC68	(2,000.00)	(13,079.26)
Transfer	09/13/2016			Funds Transfer	5,000.00	(18,079.26)
Check	09/13/2016	online	Melanie Stewart	September Invoice 4384 KW1YK-T7NN7	(2,000.00)	(20,079.26)
Check	09/20/2016	online	Joseph Burrows	: KW1PK-2VX08	(41.40)	(20,120.66)
Check	09/20/2016	online	Samuel G. Meyer	KW1PK-GMKZM	(54.00)	(20,174.66)
Check	09/20/2016	online	Douglas B. Robinson	KW1PW-2ZS JL	(91.80)	(20,266.46)
Check	09/20/2016	online	G. Scott Marinella	KWS8C-KQWH3	(339.12)	(20,605.58)
Check	09/20/2016	online	Karen Donohue	KWS8L-XTF85	(142.52)	(20,748.10)
Check	09/20/2016	online	Wade Samuelson	KWS9S-28R0W	(83.16)	(20,831.26)
Check	09/20/2016	online	Charles Short	KWS9Z-WG1NC	(368.38)	(21,199.64)
Check	09/20/2016	online	Michelle Gehlsen	KWS46-HDFDB	(109.52)	(21,309.16)
Check	09/20/2016	online	Michael J. Lambro	KWS4C-86NG3	(138.52)	(21,447.68)
Check	09/20/2016	online	AOC	KWS8R-W80F8	(6,377.44)	(27,825.12)
Transfer	09/20/2016			Funds Transfer Confirmation Number 8647832...	7,000.00	(34,825.12)
Check	09/20/2016	online	Linda Coburn	KWX0G-F9TDB	(22.00)	(34,847.12)
Check	09/28/2016	online	Pierce County Bookkeeping	August Invoice KWQB0-B7YC3	(385.00)	(35,232.12)
Check	09/28/2016	online	Judy Jasprica	KXGX6-W7WVC	(154.52)	(35,386.64)
Check	09/28/2016	online	Scott Ahlf	KXGXJ-H8175	(54.00)	(35,440.64)
Check	10/24/2016	online	Karen Donohue		(985.00)	(36,425.64)
Check	10/24/2016	online	Janet Garrow		(600.00)	(37,025.64)
Check	10/28/2016	online	Barbara Barnes	L67KD-8B7ML	(778.08)	(37,803.72)

**Washington State DMCJA
Transaction Detail by Account
July through October 2016**

Type	Date	Num	Name	Memo	Amount	Balance
Check	10/28/2016	online	Okanogan County District Court		(619.36)	(21,047.15)
Check	10/26/2016	online	Charles Short		(243.65)	(21,290.70)
Transfer	10/26/2016			Funds Transfer	7,000.00	(14,290.70)
Check	10/26/2016	online	Administrative Office of the Courts	LOGD8-087MC	(831.82)	(15,122.02)
Check	10/26/2016	online	Douglas B. Robinson	LOGFF-0H9Y7	(24.00)	(15,146.02)
Check	10/26/2016	online	Karen Donohue	LOGG2-8DQTX	(21.60)	(15,167.62)
Check	10/26/2016	online	Michelle Gehlen	LOGG4-V89B0	(24.84)	(15,192.46)
Check	10/26/2016	online	Douglas Fair	LOGG7-3RFC1	(32.40)	(15,224.86)
Check	10/26/2016	online	Linda Coburn	LOGG9-LLD6L	(33.48)	(15,258.34)
Check	10/26/2016	online	Joseph Burrows	LOGG1-N6KC6	(26.20)	(15,284.54)
Check	10/26/2016	online	Scott Ahlf	LOGGN-VBF3M	(54.00)	(15,337.54)
Check	10/26/2016	online	Michael Evans	LOGFZ-HH7T1	(15.93)	(15,353.47)
Check	10/26/2016	online	Marlene Stewart	October LOGH0-MD6RC	(2,000.00)	(17,353.47)
Check	10/26/2016	online	Susanna Kanther	LOGHH-5SSPV	(870.52)	(18,023.99)
Check	10/26/2016	online	Ingallina's Box Lunch	LOGJ2-YCVVM	(802.91)	(18,826.30)
Check	10/26/2016	online	The Deli	LOGJ6-RP498	(17.41)	(18,843.71)
Check	10/26/2016	online	Scott Ahlf	LOGJK-G9T45	(94.80)	(18,938.51)
Check	10/26/2016	online	Marybeth Dingedy	LOGJS-9HX8C	(38.88)	(19,077.39)
Check	10/26/2016	online	Bruce Welas	LOGK5-SJY21	(44.28)	(19,011.67)
Check	10/26/2016	online	Samuel G. Meyer	LOGKB-F8QXV	(54.00)	(19,065.67)
Check	10/26/2016	online	Chris Culp	LOGKJ-9VVVPB	(161.36)	(19,227.03)
Check	10/26/2016	online	Marilyn Hean	LOGKQ-XQHS9	(158.12)	(19,385.15)
Check	10/26/2016	online	Mary C. Logan	LOGLO-8TXQW	(9.40)	(19,394.55)
Check	10/26/2016	online	James Doctor	LOGLS-HW441	(64.40)	(19,458.95)
Check	10/26/2016	online	Lisa Worawick	LOGLC-SQQ3C	(10.28)	(19,469.23)
Check	10/26/2016	online	Timothy Jenkins	LOGLH-YG6KB	(6.72)	(19,476.95)
Check	10/26/2016	online	Richard McDermott		(27.00)	(19,503.95)
Transfer	10/26/2016			Funds Transfer	2,000.00	(17,503.95)
Check	10/26/2016	online	Administrative Office of the Courts	LOGMC-K3KQX	(2,007.89)	(19,511.82)
Check	10/31/2016	online	Pierce County Bookkeeping	LOFSG-5D1ZD	(225.00)	(19,736.82)
Check	10/31/2016			Service Charge	(14.00)	(19,750.82)
Total Bank of America - Checking					(19,750.82)	(19,750.82)
Bank of America - Savings						
Deposit	07/31/2016			Interest	0.40	0.40
Deposit	08/31/2016			Interest	0.40	0.80
Transfer	09/19/2016			Funds Transfer	(5,000.00)	(4,999.20)
Transfer	09/20/2016			Funds Transfer Confirmation Number 3547532...	(7,000.00)	(11,999.20)
Deposit	09/30/2016			Interest	0.30	(11,998.90)
Transfer	10/26/2016			Funds Transfer	(7,000.00)	(18,998.90)
Transfer	10/26/2016			Funds Transfer	(2,000.00)	(20,998.90)
Deposit	10/31/2016			Interest	0.17	(20,998.73)
Total Bank of America - Savings					(20,998.73)	(20,998.73)
US Bank - Savings						
Deposit	07/31/2016			Interest	8.52	8.52
Deposit	08/31/2016			Interest	8.62	17.04
Deposit	09/30/2016			Interest	8.26	25.29
Total US Bank - Savings					25.29	25.29
Washington Federal						
Deposit	07/31/2016			Interest	3.82	3.82
Deposit	08/22/2016			Deposit	25.00	28.82
Deposit	08/31/2016			Interest	3.82	32.64
Deposit	09/30/2016			Interest	3.70	36.34
Total Washington Federal					36.34	36.34
Accumulated Depreciation						
General...	07/31/2016	CEH			(9.58)	(9.58)
General...	08/31/2016	CEH			(9.58)	(19.16)
General...	09/30/2016	CEH			(9.58)	(28.74)
General...	10/31/2016	CEH			(9.58)	(38.32)
Total Accumulated Depreciation					(38.32)	(38.32)

Washington State DMCJA
Transaction Detail by Account
 July through October 2016

Type	Date	Num	Name	Memo	Amount	Balance
Prepaid Expenses						
General...	07/31/2016			1/12 of Contract	(3,083.33)	(3,083.33)
General...	08/31/2016			1/12 of Contract	(3,083.33)	(6,166.66)
General...	09/30/2016	CEH		1/12 of Contract	(3,083.33)	(9,249.99)
General...	10/31/2016	CEH		1/12 of Contract	(3,083.33)	(12,333.32)
Total Prepaid Expenses					(12,333.32)	(12,333.32)
Bank of America C. C.						
Credit C...	08/15/2016		Coast Gateway	Judge Short	(213.31)	(213.31)
Credit C...	08/19/2016		Coast Gateway	Judge Short	(213.31)	(426.62)
Transfer	08/31/2016			Funds Transfer	426.62	0.00
Total Bank of America C. C.					0.00	0.00
Interest Income						
Deposit	07/31/2016			Interest	(8.52)	(8.52)
Deposit	07/31/2016			Interest	(3.82)	(12.34)
Deposit	07/31/2016			Interest	(0.40)	(12.74)
Deposit	08/31/2016			Interest	(0.40)	(13.14)
Deposit	08/31/2016			Interest	(9.52)	(21.66)
Deposit	08/31/2016			Interest	(3.82)	(25.48)
Deposit	09/30/2016			Interest	(0.30)	(25.78)
Deposit	09/30/2016			Interest	(3.70)	(29.48)
Deposit	09/30/2016			Interest	(8.28)	(37.76)
Deposit	10/31/2016			Interest	(0.17)	(37.90)
Total Interest Income					(37.90)	(37.90)
Membership Revenue						
Deposit	08/22/2016		Victoria Meadows	special fund	(25.00)	(25.00)
Total Membership Revenue					(25.00)	(25.00)
Prior Year Budget Expense						
Deposit	07/01/2016			returned bill pay from 3-1-16	(24.84)	(24.84)
Check	07/19/2016	online	Michelle Gehlsen	June (prior budget expense)	2,000.00	1,975.16
Check	08/16/2016	online	Melanie Stewart	date 6-5-16 KSDY8-WBQXK	144.97	2,120.13
Check	08/15/2016	online	David A. Svaren	April & May KSDY8-WJCPD	600.00	2,720.13
Check	08/15/2016	online	Susanna Kanther	6/30/16 Invoice 10635 for work ending on 6/30...	875.00	3,595.13
Check	08/15/2016	online	Dino W Traverso, PLLC	June Invoice KS7CK-RJV50	300.00	3,895.13
Check	08/17/2016	online	Susanna Kanther	From the SCJA (refund of DMCJA remaining f...	(1,288.28)	2,611.85
Deposit	08/22/2016	10761	Superior Court Judges Association	KTRXS-KJLFY	494.84	3,106.49
Check	09/02/2016	online	Superior Court Judges Association	KVWBBR-W30F3	1,903.62	5,010.13
Check	09/20/2016	online	AOC	LOGD8-QS7MC	831.32	5,841.45
Check	10/26/2016	online	Administrative Office of the Courts			
Total Prior Year Budget Expense					5,841.45	5,841.45
A - Board Meeting Expense						
Check	07/19/2016	online	AOC		205.77	205.77
Check	07/19/2016	online	Michael Lambo		134.97	340.74
Check	07/19/2016	online	AOC	retreat expense	112.03	452.77
Check	08/15/2016	online	Douglas B. Robinson	date 7-18-16 KSDY8-WGKBN	208.82	661.09
Check	08/15/2016	online	G. Scott Marinella	date 7-14-16 KSDY8-WH091	660.84	1,321.43
Check	08/15/2016	online	Michael Finkle	date 7-14-16 KSDY8-WHTF6	74.04	1,395.47
Check	08/15/2016	online	Michelle Gehlsen	7-29-16 KSDY8-WHTF6	81.00	1,476.47
Credit C...	08/15/2016		Coast Gateway	Judge Short	213.81	1,689.78
Check	08/17/2016	online	Ingallina's Box Lunch	KS7D9-2N7Y8	440.80	2,130.08
Check	08/18/2016	online	Rick Leo	KSDY8-WJ74G	103.62	2,233.60
Check	08/22/2016	online	Joseph Burrowes	KSRSJ-KF1ZH	25.20	2,258.80
Check	08/22/2016	online	Joseph Burrowes	KSRSJ-KF1ZH	36.20	2,295.00
Check	08/22/2016	online	Michelle Gehlsen		24.84	2,319.84
Check	08/22/2016	online	Samuel G. Meyer	KSRSJ-KJXJC	54.00	2,373.84
Check	08/22/2016	online	Scott Ahf	KSRSJ-KK4TR	54.00	2,427.84
Check	08/22/2016	online	Kevin Ringus	KSRT1-BP9K2	21.80	2,449.64
Check	08/22/2016	online	Tracy A. Staab	KSRTG-D21GW	159.90	2,609.54
Check	08/22/2016	online	Douglas B. Robinson	KSRT6-37JSC	99.00	2,708.54
Check	08/22/2016	online	Michael Finkle	KSRTS-37JSC	18.88	2,727.42
Check	08/22/2016	online	G. Scott Marinella	KSRTZ-ZOKTN	79.20	2,806.62
Check	08/22/2016	online	David A. Steiner	KSRT3-7XM21	15.74	2,822.36
Check	08/22/2016	online	Karen Donofue	KSRTB-L60CF	21.60	2,843.96
Check	08/22/2016	online	Mary C. Logan	KSRTB-L60Y8	18.84	2,862.80
Check	08/22/2016	online	Michael J. Lambo	KSRTB-L6DTH	25.92	2,888.72
Check	08/22/2016	online	Rick Leo	KSRTB-L6P19	24.18	2,912.90
Check	09/20/2016	online	Joseph Burrowes	: KWP6K-2VX09	41.40	2,954.30

**Washington State DMCJA
Transaction Detail by Account
July through October 2016**

Type	Date	Num	Name	Memo	Amount	Balance
Check	09/20/2016	online	Douglas B. Robinson	KWP6W-2ZSJL	91.80	3,039.18
Check	09/20/2016	online	G. Scott Marinella	KWS3C-KQWH3	239.12	3,278.30
Check	09/20/2016	online	Karen Donohue	KWS3L-XTF83	142.52	3,420.82
Check	09/20/2016	online	Wade Samuelson	KWS3S-26R0W	83.18	3,503.98
Check	09/20/2016	online	Charles Short	KWS3Z-WG1NC	386.36	3,892.33
Check	09/20/2016	online	Mihelle Gehlsen	KWS46-H0FDB	109.52	4,001.85
Check	09/20/2016	online	Michael J. Lambo	KWS4C-86NG3	138.82	4,140.37
Check	09/20/2016	online	AOC	KWSBR-W30F3	2,452.23	6,592.60
Check	09/20/2016	online	Linda Coburn	KWX0G-F9TDB	22.00	6,614.60
Check	09/26/2016	online	Judy Jasprica	KXGX6-W7WVC	154.62	6,769.12
Check	10/26/2016	online	Douglas B. Robinson	LOGFF-8H9Y7	24.00	6,793.12
Check	10/26/2016	online	Karen Donohue	LOGG2-8DQTX	21.60	6,814.72
Check	10/26/2016	online	Mihelle Gehlsen	LOGG4-V83B0	24.84	6,839.56
Check	10/26/2016	online	Douglas Fair	LOGG7-3RFC1	32.40	6,871.96
Check	10/26/2016	online	Linda Coburn	LOGG9-LLD6L	33.48	6,905.44
Check	10/26/2016	online	Joseph Burrows	LOGGL-N6KC6	25.20	6,930.64
Check	10/26/2016	online	Scott Ahlf	LOGGN-VBF3M	54.00	6,984.64
Check	10/26/2016	online	Ingallina's Box Lunch	LOGJ2-YCVVM	348.10	7,332.74
Check	10/26/2016	online	Samuel G. Meyer	LOGKB-F80XV	54.00	7,386.74
Check	10/26/2016	online	Administrative Office of the Courts	Sept Expenses	374.89	7,761.63
Total 4 - Board Meeting Expense					7,761.63	7,761.63
5 - Bookkeeping Expense						
Check	09/07/2016	online	Pierce County Bookkeeping	July Invoice KV8PR-SFVCZ	150.00	150.00
Check	09/26/2016	online	Pierce County Bookkeeping	KWQB0-B7YC3	388.00	538.00
Check	10/31/2016	online	Pierce County Bookkeeping	LOF8G-6D1ZD	226.00	764.00
Total 5 - Bookkeeping Expense					760.00	760.00
7 - Conference Calls						
Check	09/20/2016	online	AOC	KWSBR-W30F3	8.82	8.82
Total 7 - Conference Calls					8.82	8.82
8 - Conference Committee						
Check	09/20/2016	online	AOC	KWSBR-W30F3	0.00	0.00
Total 8 - Conference Committee					0.00	0.00
10 - Diversity Committee						
Check	08/15/2016	online	Ingallina's Box Lunch	7-19-16 KS0Y9-WH87Q	271.56	271.56
Check	08/15/2016	online	The Deli	7-19-16	26.12	297.68
Check	09/07/2016	online	Charles Short	KVC6X-D2JT5	333.67	631.35
Check	09/20/2016	online	AOC	KWSBR-W30F3	287.20	918.55
Check	10/26/2016	online	Okanogan County District Court		619.36	1,537.91
Check	10/26/2016	online	Charles Short	LOGC0-LYHB9	248.85	1,786.76
Total 10 - Diversity Committee					1,781.46	1,781.46
11 - DMCJA/SCJA Sentencing Alt.						
Check	09/20/2016	online	AOC	KWSBR-W30F3	287.20	287.20
Total 11 - DMCJA/SCJA Sentencing Alt.					287.20	287.20
12 - DMCMA Liaison Committee						
Check	10/26/2016	online	Administrative Office of the Courts	LOGMC-K8KQX	399.20	399.20
Total 12 - DMCMA Liaison Committee					399.20	399.20
14 - Education Committee						
Credit C...	08/19/2016		Coast Gateway	Judge Short	213.31	213.31
Check	08/28/2016	online	Ingallina's Box Lunch	Invoice 01-314026	31.87	245.28
Check	08/28/2016	online	Ingallina's Box Lunch	Invoice 01-314026	209.79	452.07
Check	08/28/2016	online	Lisa O'Toole	KT54D-4JR8Z	12.74	464.81
Check	08/28/2016	online	Scott Stewart	KT54M-KPY08	14.04	478.85
Check	08/28/2016	online	Timothy Jenkins	KT54V-802HK	9.72	488.57
Check	08/20/2016	online	Kevin McGann	KT54X-K8CD0	16.20	504.77
Check	08/26/2016	online	Karen Donohue	KT558-J07Q6	21.60	526.37
Check	08/26/2016	online	Kelley Olwell	KT545-9FK16	172.80	699.17
Check	08/29/2016	online	Roy Fore	KTG8P-436W9	168.48	867.65
Total 14 - Education Committee					867.65	867.65

**Washington State DMCJA
Transaction Detail by Account
July through October 2016**

Type	Date	Num	Name	Memo	Amount	Balance
16 - Education - PJ Conference						
Check	08/09/2016	online	Administrative Office of the Courts	KVLD4-RYG7H	15,000.00	15,000.00
Total 16 - Education - PJ Conference					15,000.00	15,000.00
18 - Judicial Assistance Commit						
Deposit	08/22/2016	10763	Superior Court Judges Association	SCJA's 2016-2017 JASP contribution	(7,000.00)	(7,000.00)
Check	08/22/2016	online	Susanna Kanther	KSRV7-6RS1D July	300.00	(6,700.00)
Check	09/20/2016	online	AOC	KWSBR-W80F8	438.36	(6,261.65)
Check	10/26/2016	online	Barbara Barnes	LOGB1-R9S8F	776.08	(5,485.57)
Check	10/26/2016	online	Michael Evans	LOGFZ-HH7T1	15.93	(5,469.64)
Check	10/26/2016	online	Susanna Kanther	LOGHH-55SPV	670.62	(4,799.12)
Check	10/26/2016	online	Ingallina's Box Lunch	LOGJ2-YCVVM	454.21	(4,344.91)
Check	10/26/2016	online	The Deli	LOGJ8-RP496	17.41	(4,327.50)
Check	10/26/2016	online	Marybeth Dingsdy	LOGJS-9HX6C	38.88	(4,288.62)
Check	10/26/2016	online	Bruce Welsa	LOGK5-SJY21	44.28	(4,244.34)
Check	10/26/2016	online	Chris Guip	LOGKJ-8VVPB	161.36	(4,082.98)
Check	10/26/2016	online	Marilyn Haan	LOGKQ-XQHS9	166.12	(3,916.86)
Check	10/26/2016	online	Mary C. Logan	LOGLO-6TXQW	9.40	(3,907.46)
Check	10/26/2016	online	James Doctor	LOGLS-HW441	64.40	(3,843.06)
Check	10/26/2016	online	Lisa Worawick	LOGLC-3Q3C	10.28	(3,853.34)
Check	10/26/2016	online	Timothy Jenkins	LOGLH-YG8KB	9.72	(3,863.06)
Check	10/26/2016	online	Richard McDermott	LOGLS-2BJDP	27.00	(3,890.06)
Check	10/26/2016	online	Administrative Office of the Courts	LOGMC-K3KQX	1,006.60	(2,883.46)
Total 18 - Judicial Assistance Commit					(2,797.48)	(2,797.48)
19 - Judicial Community Outreach						
Check	09/28/2016	online	Scott Ahlf	KXGXJ-H8175	64.00	64.00
Check	10/26/2016	online	Administrative Office of the Courts	LOGMC-K3KQX	267.20	331.20
Total 19 - Judicial Community Outreach					331.20	331.20
20 - Legislative Committees						
Check	08/17/2016	online	Ingallina's Box Lunch	8-11-16 KS7D9-2N7Y8	97.29	97.29
Check	08/31/2016	online	Melanie Stewart	KTW3M-8JBKN	64.00	161.29
Check	09/02/2016	online	Robert Grim	KV5GL-42DJ3	399.00	560.29
Check	09/20/2016	online	Samuel G. Meyer	KWPK6-GMKZM	54.00	604.29
Total 20 - Legislative Committee					604.29	604.29
21 - Legislative Pro-Tem						
Check	08/26/2016	online	Mary C. Logan	KT540-M43TH	42.00	42.00
Total 21 - Legislative Pro-Tem					42.00	42.00
22 - Lobbyist Contract						
General...	07/31/2016			1/12 of Contract	3,083.33	3,083.33
Check	08/16/2016	online	Melanie Stewart	July 7-8-16 Invoice 4338 KS0Y9-WHG7Q	2,000.00	5,083.33
General...	08/31/2016			1/12 of Contract	3,083.33	8,166.66
Check	09/13/2016	online	Melanie Stewart	August Invoice 4344 KW1VM-BWVC66	2,000.00	10,166.66
Check	09/13/2016	online	Melanie Stewart	September Invoice 4354 KW4YK-T7NN7	2,000.00	12,166.66
General...	09/30/2016	CEH		1/12 of Contract	3,083.33	15,249.99
Check	10/26/2016	online	Melanie Stewart	October LOGH0-MD8RC	2,000.00	17,249.99
General...	10/31/2016	CEH		1/12 of Contract	3,083.33	20,333.32
Total 22 - Lobbyist Contract					20,333.32	20,333.32
25 - National Leadership Grants						
Check	10/24/2016	online	Karen Donohue	L07K2-8C16Q	986.00	986.00
Check	10/24/2016	online	Jenet Garrow	L07KD-8B7ML	600.00	1,586.00
Total 25 - National Leadership Grants					1,586.00	1,586.00
28 - President Expense						
Check	09/20/2016	online	G. Scott Madhella	KWS9C-KQWH3	100.00	100.00
Total 28 - President Expense					100.00	100.00
31 - Rules Committee						
Check	08/22/2016	online	Franklin L. Dacca	KSR7B-L482	21.60	21.60
Total 31 - Rules Committee					21.60	21.60

Washington State DMCJA
Transaction Detail by Account
 July through October 2016

Type	Date	Num	Name	Memo	Amount	Balance
32 - SCJA Board Liaison						
Check	08/22/2016	online	Scott Ahlf	KSRSJ-KK4TR	54.00	54.00
Total 32 - SCJA Board Liaison					54.00	54.00
34 - Treasurer Expense and Bond						
Check	08/22/2016	online	Scott Ahlf	KSRSJ-KK4TR	54.00	54.00
Total 34 - Treasurer Expense and Bond					54.00	54.00
99 - Depreciation Expense						
General...	07/31/2016	CEH			9.58	9.58
General...	08/31/2016	CEH			9.58	19.16
General...	09/30/2016	CEH			9.58	28.74
General...	10/31/2016	CEH			9.58	38.32
Total 99 - Depreciation Expense					38.32	38.32
Bank Service Charges						
Check	10/31/2016			Service Charge	14.00	14.00
Total Bank Service Charges					14.00	14.00
Ask the client						
Check	10/20/2016	online	Scott Ahlf	emailed - waiting on response	84.80	84.80
Total Ask the client					84.80	84.80
TOTAL					0.00	0.00

Other current information not included in reports

DMCJA 2016-2017 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	\$1,500.00	\$0.00	\$1,500.00
4 Board Meeting Expense	\$30,000.00	\$7,761.63	\$22,238.37
5 Bookkeeping Expense	\$3,000.00	\$760.00	\$2,240.00
6 Bylaws Committee	\$250.00	\$0.00	\$250.00
7 Conference Calls	\$750.00	\$8.82	\$741.18
8 Conference Committee	\$4,000.00	\$0.00	\$4,000.00
Conference Incidental Fees For Members			
9 Spring Conference 2016	\$40,000.00	\$0.00	\$40,000.00
10 Diversity Committee	\$2,000.00	\$1,781.46	\$218.54
11 DMCJA/SCJA Sentencing Alternatives	\$2,500.00	\$287.20	\$2,212.80
12 DMCMA Liaison	\$500.00	\$339.20	\$160.80
13 DOL Liaison Committee	\$500.00	\$0.00	\$500.00
14 Education Committee	\$14,500.00	\$867.65	\$13,632.35
15 Educational Grants	\$5,000.00	\$0.00	\$5,000.00
16 Education-PJ Conference	\$12,000.00	\$15,000.00	-\$3,000.00
17 Education-Security	\$2,000.00	\$0.00	\$2,000.00
18 Judicial Assistance Committee*	\$14,000.00	\$4,202.52	\$9,797.48
19 Judicial Community Outreach	\$4,000.00	\$341.20	\$3,658.80
20 Legislative Committee	\$4,000.00	\$604.29	\$3,395.71
21 Legislative Pro-Tem	\$2,500.00	\$42.00	\$2,458.00
22 Lobbyist Contract	\$61,000.00	\$20,333.32	\$40,666.68
23 Lobbyist Expenses	\$1,500.00	\$0.00	\$1,500.00
24 Long-Range Planning Committee	\$1,500.00	\$0.00	\$1,500.00
25 MCA Liaison	\$1,500.00	\$0.00	\$1,500.00
26 National Leadership Grants	\$5,000.00	\$1,585.00	\$3,415.00
27 Nominating Committee	\$400.00	\$0.00	\$400.00
28 President Expense	\$7,500.00	\$100.00	\$7,400.00
29 Pro Tempore (committee chair approval)	\$10,000.00	\$0.00	\$10,000.00
30 Professional Services	\$15,000.00	\$0.00	\$15,000.00
31 Rules Committee	\$1,000.00	\$21.60	\$978.40
32 SCJA Board Liaison	\$1,000.00	\$54.00	\$946.00
33 Therapeutic Courts	\$3,500.00	\$0.00	\$3,500.00
34 Treasurer Expense and Bonds	\$1,000.00	\$54.00	\$946.00
36 Trial Court Advocacy Board	\$3,000.00	\$0.00	\$3,000.00
37 Uniform Infraction Committee	\$1,000.00	\$0.00	\$1,000.00
TOTAL	\$259,400.00	\$54,143.89	\$205,256.11
TOTAL DEPOSITS MADE	\$0.00		
CREDIT CARD (balance owing)	\$0.00		

*Includes \$7,000 from the SCJA
Balance as of 10-31-2016

Robert Lewis
Judge of Superior Court
Department 9

Superior Court of the State of Washington
For and In Clark County

1200 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
Tel. (360) 397-2226



October 25, 2016

Judge G. Scott Marinella
District and Municipal Court Judges Association
c/o Sharon Harvey
PO Box 41170
Olympia, WA 98504-1170

Re: DMCJA Contribution to Youth and Government

Dear Judge Marinella:

I wanted to write and personally thank you and the DMCJA Board of Governors, for agreeing to contribute \$1,600.00 to the YMCA Youth and Government annual fund raising campaign. Also, thank you for your willingness to consider an additional gift to Youth and Government later in the year. Your contributions make a big difference to the lives of hundreds of teenagers who participate in the state mock trial and youth legislature programs.

As the chairman of the state mock trial program, I can assure you that your organization's contributions make a big impact. If you or anyone on the board would like to know more about mock trial, or how to be involved, please feel free to contact me.

Thank you again for your support.

Judge Robert Lewis, Program Chair
Washington State Mock Trial

cc: Sarah Clinton

I. STATEMENT OF THE PROBLEM

Washington State has a particularly challenging court funding scheme. The result is a systemic dependency on the imposition of legal financial obligations (“LFO”) as a way to fund courts and the criminal justice structure. Not unlike other states, the imposition of LFOs falls disproportionately upon those least able to afford them, resulting in a vicious cycle of never-ending debt for anyone seeking to reenter society after a criminal conviction.¹ While the issue has garnered the attention of stakeholders across the state, our LFO problem and any proposed solution is complicated by a number of institutional practices that are also in need of transformation if true LFO reform is to take place. Our institutional challenges include:

1) Washington is a non-unified court system. Courts rely primarily upon county and municipal governments for funding, which allows counties, municipalities, and local courts to create mechanisms for paying victim restitution, the recovery of court costs, jail and public counsel recoupment costs, and sanctions and fines. The outcome is vast disparities among counties, cities, and even judges in how LFOs are imposed and enforced.

2) Recent statistics estimate that 80-90 percent of all felony defendants in Washington superior courts have been screened and found to be indigent, thus qualifying to be represented by public counsel.² The severity of imposed LFOs contrasts starkly with the ability of these defendants to pay financial obligations.

¹ See Katherine Beckett, Alexes Harris & Heather Evans, The Assessment and Consequences of Legal Financial Obligations in Washington State, Wash. Minority & Justice Comm’n (2008); In for a Penny: The Rise of America’s New Debtors’ Prisons, American Civil Liberties Union (2010); Modern-Day Debtors’ Prisons: How Court-Imposed Debts Punish Poor People in Washington, ACLU of Washington and Columbia Legal Services (2014); Roopal Patel and Meghna Phillip, Criminal Justice Debt: A Toolkit for Action, Brenman Center for Justice (2012); Alexes Harris, Heather Evans & Katherine Beckett, Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States, 115 Am. J. Soc. 1753 (2010).

² Washington State Office of Public Defense, Determining and Verifying Indigency for Public Defense (2014).

3) Mandatory³ LFOs exist in both superior courts and courts of limited jurisdiction that divest courts of any discretion to consider a defendant's ability to pay before imposing them. For example, every defendant with a felony charge receives a minimum of \$800 at sentencing, which includes a \$500 victim penalty assessment, \$100 DNA collection fee, and a \$200 criminal filing fee.⁴

4) Although the Washington State Supreme Court recently issued an opinion requiring individualized findings before statutory financial obligations can be imposed, there remains a lack of uniform compliance. In the recent State v. Blazina⁵ decision, the Washington State Supreme Court clarified that courts must make an individualized inquiry into the defendant's current and future ability to pay before the court imposes discretionary court costs. However, many judges are still unclear on the process for determining ability to pay LFOs. In an attempt to help judges navigate the laws around LFOs and the decision in Blazina, the Minority and Justice Commission created LFO Reference Guides for judges, but more support and guidance is needed.⁶

5) Washington State's appellate cost recoupment statute does not require courts to inquire into a defendant's ability to pay before imposing appellate costs. Consequently, indigent defendants who lose their appeals often face the imposition of recoupment costs in addition to the trial court LFOs.

³ RCW 7.68.035 (mandatory \$500 victim penalty assessment for every felony cause of action; \$250 for misdemeanors); RCW 43.43.7541 (mandatory \$100 DNA collection fee for every felony conviction); RCW 3.62.085 (\$43 fee for conviction or plea of guilty in municipal and district courts).

⁴ In superior courts, a defendant will receive the \$500 victim penalty assessment, the \$100 DNA collection fee, and a \$200 criminal filing fee (RCW 36.18.020(2)(h)); see State v. Lundy, 176 Wn.App. 96 (2013).

⁵ 182 Wn.2d 827 (2015).

⁶ LFO Reference Guides, Minority and Justice Commission

<http://www.courts.wa.gov/?fa=home.sub&org=mjc&page=publications&layout=2&showPubTab&tab=pubGuides> (2015).

6) Washington State has one of the highest interest rates on criminal debts in the nation. Pursuant to statute, LFOs accrue interest at 12% per year from the date of judgment.⁷

7) Failure to comply with sentence conditions may result in the issuance of a warrant, arrest, and jail time. Due to the lack of data and reporting requirements, the exact number of individuals arrested and confined in Washington cities and counties for failing to pay LFOs is unknown; however, the practice is utilized in a number of jurisdictions. While there are Constitutional protections to protect indigent defendants from being jailed for failure to pay, people are jailed for failing to appear to answer why they have not paid after receiving a summons to appear. Furthermore, LFOs ordered by state superior courts do not expire until the debt is paid in full.⁸ As a result, an individual may remain under the jurisdiction of the court for the rest of their lives.

8) Serious data collection deficiencies exist with regards to LFO collection and enforcement. Key data, which would be helpful in implementing meaningful reform in Washington, is often unavailable, difficult to access, or incomplete.

A particular challenge exists for data on warrants and incarceration of defendants for non-payment of LFOs. In Washington, warrants are categorized to the actual issue, which may be failure to appear to a court hearing or failure to comply with a court order, as opposed to a specific topic, which may be failure to pay LFOs. It is common for a defendant to be summoned to court to explain multiple violations of sentence conditions, including failing to pay LFOs.

Additionally, County Clerks, independently elected officials at the superior court level, are statutorily authorized to collect LFOs and face a number of challenges in segregating data regarding the costs of collecting fines and fees versus the costs of collecting restitution. Given

⁷ RCW 10.82.090. Debts on LFOs in courts of limited jurisdiction also accrue interest at 12%.

⁸ RCW 9.94A.760.

current systems and processes, it is difficult to make an accurate assessment of what resources are being expended in collecting LFOs.

9) There have also been ongoing policy efforts in Washington State to reform the LFO system, with varying results. During the 2015 and 2016 sessions, the legislature considered HB 1390, a bill that would have begun to address many of the problems associated with LFOs in Washington State. This bill received overwhelming support in the House both years, passing unanimously in 2016. However, in both years, it stalled in the Senate and died. The failure to pass comprehensive LFO policy reform is driven in large part by the fact that stakeholders rarely have the opportunities to deliberately engage each other to discuss reform efforts, and access relevant data to support policy changes.

Next Steps: Despite a common belief among the various stakeholders that widespread LFO reform is needed in Washington State, there are a number of competing interests and viewpoints among the different groups on what “reform” means and what it should look like. As a result, it can be difficult to bring together all of these parties to discuss reform efforts, share data, and develop best practices for improving the LFO system. This will continue to be a challenge. Fortunately, the Washington State Minority and Justice Commission, as a Supreme Court Commission, is seen as a neutral entity that is able to convene all of the stakeholders in order to explore a collaborative solution. However, given the scope of the problem, any successful LFO reform undertaking will require additional financial resources.

II. PROJECT DESIGN AND IMPLEMENTATION

The purpose of these efforts is to identify and develop data-driven and evidence based practices for criminal justice partners, in Washington and across the country, to support changes in policies, legislation, court rules, and practices of imposing and collecting LFOs. This proposal

is about working collaboratively with all partners across the state to find a method of collecting data around LFOs, and to use that data to identify more fair and effective policies and practices related to criminal justice LFOs.

The proposed approach involves three (3) strategies. The first strategy is to establish a statewide **LFO Stakeholder Consortium** composed of individuals who manage different parts of the LFO system. The goal of the Consortium will be to promote and increase collaboration and data sharing regarding the assessment, collection, prioritization and tracking of LFOs.

The second strategy is to develop a comprehensive **Study of LFOs in Washington State**. The Study will provide a basis for data analysis that will inform recommendations for fair and effective policies and practices of LFOs. The Study also aims at increasing the accessibility of information across the state regarding fines, fees, and costs related to the LFO system.

The third strategy is to develop, implement, and test the **LFO Calculator**, an innovative approach that will help judges make a determination of a defendant's ability to pay.

A. LFO Stakeholder Consortium

As part of the grant, the Commission will establish an LFO Stakeholder Consortium (Consortium) to promote and increase collaboration and data sharing among criminal justice agencies and officials regarding LFOs. The Consortium will serve as an advisory board and working membership that will work collaboratively to carry out the objectives outlined in this grant. As an entity of the Washington State Supreme Court, the Commission has connections to every court level in the state, the legal community, including prosecutors, defense counsel, legal aid attorneys, the executive and legislative branch, advocacy groups that represent interests of minority populations, and communities of color.

The Commission is the only entity in the state that is able to bring such diverse groups together in a collective effort to improve LFO practices. We have already begun building the foundation for the Consortium by successfully bringing stakeholders together in preparation for this grant. All of the stakeholders that will be participating in the Consortium have provided letters of support which are provided as an attachment.

The Consortium will meet every quarter during the 36-month grant period, with sub-groups that meet on a more frequent basis. The success of the Consortium will be measured by how the group works together to move the projects of the grant forward. In order to capture and sustain the membership of the Consortium, a list of the contact information and a listserv that includes all members will be kept.

B. A Study of LFOs in Washington State

The stakeholders of the Consortium each play a significant role in the LFO system, yet none have access to the entire picture. The Study seeks to uncover the big picture of LFOs in Washington State by promoting and increasing collaboration and data sharing among the members of the Consortium, and by collecting and analyzing data to develop fair and effective policies and practices related to LFOs. There will be five (5) components of the Study.

1) What are the formal and informal laws and policies governing LFOs?

The first component of the Study will examine the formal and informal legal parameters governing the sentencing and monitoring of LFOs in Washington State and local court officials' orientation to the sentencing practice. Because Washington is a non-unified court system, practices across the state vary from county to county. The purpose of the first component is to review all of the current laws around LFOs in Washington, and to map the different LFO practices by court and county across the state. To accomplish this,

we will design and field a survey to all levels of court, municipal, district, and superior, within the state on their LFO practices and produce a map illustrating the different counties and their practices. Presiding judges of the court and head clerks of the jurisdiction will be asked to complete this survey. Survey questions will ask about average amounts of LFOs sentenced within the courts, the average monthly payment received by the court, the average time required to pay an LFO amount in full, whether or not the court relies on a private collection agency, and questions about collection and sanctioning practices for non-payment. A variation of the survey will be fielded to court officials, defendants, and victims and will examine perspectives on how LFOs are actually practiced. We will field this survey of judges, prosecutors, defense counsel, clerks, defendants, civil legal aid attorneys, legal debtors and victims who receive restitution. Respondents will be asked to answer survey questions from their different perspectives on the LFO system. Information gathered during this survey will help inform best practices and recommendations. The survey will be taken anonymously in order to allow for more candid answers.

2) Who is sentenced to LFOs in Washington State?

The second component of the Study will examine the population of defendants who receive LFOs upon sentencing. Using automated court data from the Administrative Office of the Courts, we will examine such characteristics as indigency (as represented by a court appointed attorney), gender, racial and ethnic characteristics, age and type and number of prior convictions. This analysis will provide an updated analysis of who is sentenced to LFOs in Washington, who is able to pay them off, and who remains in legal debt.

3) What are the costs related to the sentencing and recoupment of LFOs?

The third component involves exploring the actual financial costs related to LFOs to the state and local jurisdictions that impose LFOs. We aim to examine the type and amount of financial resources that are used to impose LFOs, collect unpaid LFOs and sanction non-paying defendants. The Study will examine a detailed breakdown of costs involved in imposing LFOs. This may include the cost of hearings, personnel costs of judges, prosecutors, defense counsel, court staff, clerks, and probation or enforcement. The Study will look at the costs of issuing and serving a bench warrant, and in some cases the cost of jail time. A dimension to this analysis will be to examine jurisdiction's reliance on private collection agencies and how much it costs for courts to use collection companies instead of in-house collections. We will contrast recoupment amounts by jurisdictions that rely on private companies versus those that use public companies. It will look at how many accounts are referred to collections and how much collection agencies are collecting. This line of inquiry requires budget related data from different governmental bodies, local and statewide throughout Washington. The Consortium will include entities that the courts do not ordinarily work with, such as representatives from the Washington State Legislature, Washington State Governor's Office, Washington Association of Counties, and Association of Washington Cities, each of which can provide insight into mapping out costs associated with the implementation of this sentencing schema and also determine how and to which governmental entities recouped LFOs are reallocated.

4) Examination of the effect of the LFO Calculator

The fourth component of the Study will examine data involved with the LFO Calculator pilot project. An in depth explanation of the LFO Calculator pilot project can be found later in this grant. Some of the questions that will be asked are meant to help answer the

question of whether the LFO Calculator should be recommended as a tool for judges in determining ability to pay. The Study will look at the amount of LFOs imposed prior to using the calculator versus after the calculator; the amount of LFOs actually collected in both instances; the amount of time it took for judges to use the calculator; and the demographics of the individual defendants who were included as part of the pilot project.

5) Summary of Findings and Recommendations

The fifth and last component of the study will conclude with the Consortium's recommendations based on the analyses and findings of components 1-4 of this study. The Consortium will prepare a final report that outlines coordinated and appropriate justice system responses to the current problems with the system of LFOs in Washington State. After reviewing all of the data and hearing the perspectives of the different stakeholders within the Consortium, the Consortium members will propose recommendations for LFO reform in Washington State, and across the country.

After the Study is complete, the Consortium will seek opportunities to present the report's findings to the different bodies of stakeholders who have the ability to change policies, laws, and practices around LFOs. The Consortium will document all stages of data collection, analysis and findings with an aim of creating a template for other states to use to address similar issues with their systems of monetary sanctions.

C. LFO Calculator Pilot Project

The long-term goal for the LFO Stakeholder Consortium is to effect comprehensive LFO reform for lasting systemic change. As an immediate strategy towards this goal, the LFO Calculator Pilot Project will be launched as a way to develop, test, and institutionalize efficient, consistent, and data-driven methods in determining ability to pay as well as provide a streamlined

and automated solution for making this determination. The LFO Calculator Pilot Project is an innovative approach to determining ability to pay and will make Washington a model for other states to use this or similar technology as part of their LFO practices. The goal of the pilot project is to reduce unnecessary confinement for those unable to pay LFOs and promote the use of data analysis through which fair and effective practices related to LFOs can be based.

Washington statute requires the sentencing judge make an individualized inquiry into the defendant's current and future ability to pay before imposing LFOs. Judge Linda Coburn from the City of Edmonds Municipal Court is a pioneer in looking at innovative ways judges can make this individualized inquiry. Judge Coburn created an interactive LFO Calculator in her court to address the problems she encountered with determining a defendant's ability to pay. The calculator, which is not streamlined into a scalable computer tool, takes into consideration what fines and fees are mandatory and what may be reduced, waived or suspended and cites to exact statutes in support.

The calculator used in Edmonds Municipal Court (population 40,896 in 2014) has proven effective in decreasing the number of LFOs imposed and in the average payment. In November, December, and January 2014/2015, 94 LFOs were imposed for a total of \$72,090.29 and an average payment of \$766.92. During this same timeframe of November, December, and January 2015/2016, 70 LFOs were imposed for a total of \$50,470.92 and an average payment of \$721.01. These numbers show a 7.4% decrease in the number of LFOs imposed and a 9.4% decrease in the average payment after one year of implementing the calculator and launching a community service option as an alternative to LFOs.

The LFO Calculator will build on Edmonds's model. It will be a computer-based tool that uses statutory guidance to calculate appropriate LFO payment amounts. To use the Calculator, the user would go online to the calculator and enter information into the data entry fields. After the

information is entered, the Calculator would instantly show what the defendant's monthly payments would look like, and how long it would take to pay off the balance.

The LFO Calculator will be tailored to the Washington judicial system and statutes. It will be modeled after child support calculators currently being used in Washington⁹ and across the country¹⁰. Initial research indicates that while there is prominent use of child support calculators across the country, LFO Calculators are not used or even available. To scale up use of the Calculator, a feasibility test will be conducted to see how to implement a Calculator as a smart phone application for iPhone and Android platforms. The application can be used by legal professionals and be made available to the public for increased accessibility.

Having an LFO Calculator allows judges to be better equipped to understand what they can waive and suspend, to exercise their discretion in adjusting LFOs, and to understand exactly how their decision will impact the minimum monthly payment required. The Calculator will also empower defendants to better grasp the full picture of their financial obligations as a result of imposed LFOs, as well as help legal professionals, and advocates play an active role in understanding the long-term picture of imposed LFOs and institutionalize a more transparent system of determining ability to pay.

A Calculator Evaluation Workgroup (Workgroup) will be established to design and implement the Calculator tool. The Workgroup will determine the information needed to accurately and effectively determine ability to pay. These guidelines will follow statutory requirements and may also be based on factors such as total income, net disposable monthly income, incarceration, and a defendant's other debts, including other LFOs owed. The Workgroup

⁹ Washington State Department of Social and Health Services, Division of Child Support - Quick Child Support Estimator, <https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator>.

¹⁰ All Law Child Support Calculators, <http://www.alllaw.com/calculators/Childsupport>.

will examine potential privacy concerns and who bears the burden of producing this data. Washington law now places the burden on the prosecutor. It will be important to understand the legal and ethical implications of requiring verification versus using other means to gather information.

A software development company (Company) will be hired to manage the entire design and implementation process; to work closely with the Workgroup to identify the needs and goals of the Calculator, including creation of a detailed User Guide; and to provide technical support throughout the implementation and test phases.

The LFO Calculator will be launched in two courts: Edmonds Municipal Court and a superior court that will be determined after examination of initial survey results, demographic information, and other factors, specifically a court that uses jail time as a sanction for failure to pay LFOs. The Workgroup will determine parameters for administering control and variable test courts to ensure a comprehensive test is conducted.

To design and implement the LFO Calculator, we will take a series of incremental steps. Many factors, known and unforeseeable, will drive the final product as will legal guidelines that will need to be addressed throughout the project.

Step 1: The Workgroup will be established. The Workgroup will evaluate existing legal calculators and similar online tools to determine the type of tool that will best fit the needs of the target audience (judicial officers and legal professionals).

Step 2: The Company will be hired to manage the design and implementation process. The Company will work with the Workgroup on the Calculator schema, set a timeline for each phase, and assess the feasibility of creating a smart phone application.

Step 3: The Company will manage the creation of the LFO Calculator; identify a test group for the smart phone applications (if applicable); conduct usability testing before launch; develop a User Guide; identify the data to be collected to produce an accurate evaluation of ability to pay; create a mathematical model to evaluate a court's revenue as a result of the total LFOs imposed; streamline and minimize costs of the implementation process.

Step 4: The Workgroup will identify the superior court that will participate as a pilot for the Calculator using the Study findings. The Workgroup will also evaluate control/variable test implementation options.

Step 5: The Company will implement the online tool in Edmonds Municipal Court and in the identified superior court, as well as launch the smart phone applications with the test group.

Step 6: The Company will conduct bi-monthly check-ins with courts for data collection and updates on tool use as well as with the test group on the use of the smart phone applications. The Company will manage technical troubleshooting throughout all steps.

Step 7: The Workgroup will evaluate the data involved with the LFO Calculator Pilot Project and incorporate findings into the Study of LFOs in Washington State final report.

III. CAPABILITIES AND COMPETENCIES

The agency responsible for the project is the Washington State Minority and Justice Commission. One of the co-chairs of the Commission is Justice Mary Yu, who will serve as the Chair of the LFO Stakeholder Consortium. The Minority and Justice Commission receives its administrative support by staff, Cynthia Delostrinos and Stacy Smith, who work within the Washington State Administrative Office of the Courts.

The grant coordinator and primary point of contact for the TA provider and all project partners is Cynthia Delostrinos¹¹. Ms. Delostrinos is the Manager for the Washington State Supreme Court's Minority and Justice Commission. Ms. Delostrinos has worked with the Minority and Justice Commission since 2013, and has overseen numerous projects and activities of the Commission, including those projects involving LFOs. Ms. Delostrinos will receive assistance from Stacy Smith¹², Court Program Analyst for the Minority and Justice Commission, who will serve as the secondary point of contact for the grant. Together, Ms. Delostrinos and Ms. Smith will provide all administrative support and oversight of the grant.

If the grant is received, Ms. Delostrinos will immediately begin the process of hiring a Research Coordinator¹³ who will oversee the research and data collection of the grant (the Study and data relating to the Pilot Project). Also upon receiving the grant, we will contract with a software development company that will be able to oversee the technical development of the Calculator.

Dr. Alexes Harris¹⁴ will serve as a Research Consultant on the grant. Dr. Harris is an Associate Professor of Sociology at the University of Washington, whose research has focused on investigating LFOs. She is the leading national scholar on the topic of criminal justice fines and fees, has participated in national conversations around court fines, fees, and practices, and was also author to the Minority and Justice Commission's 2008 report addressing LFOs in Washington State.

Fiscal oversight will be provided by Helen Swenson¹⁵, who is an employee of the Administrative Office of the Courts' (AOC) fiscal department, and who oversees all of the

¹¹ See Cynthia Delostrinos's Resume.

¹² See Stacy Smith's Resume.

¹³ See Senior Researcher Position Description.

¹⁴ See Dr. Alexes Harris's Resume.

¹⁵ See Helen Swenson's Position Description

agency's federal grants. Ms. Swenson has extensive experience overseeing grants, and has the necessary qualifications and experience to oversee this particular grant.

LFO Stakeholder Consortium members were selected with much deliberation and purpose. Please see Letters of Support to learn more about their contributions to this grant.

IV. PLAN FOR COLLECTING THE DATA REQUIRED FOR THE SOLICITATION'S PERFORMANCE MEASURES

Data required for the solicitation's performance measures will be collected through the LFO Calculator pilot project. When selecting a court to be a pilot for the LFO Calculator, we will look for a superior court whose current practice involves, in many instances inadvertently, jailing individuals for failing to pay LFOs. In some courts, while defendants are not per se jailed for failure to pay, a defendant might be picked up and jailed on a warrant for failure to appear. We will be looking for courts in Washington with that type of practice in order to measure whether or not the use of the LFO Calculator has an effect on reducing the jail population for individuals failing to appear for their LFO hearings and/or failing to pay their LFOs. In order to participate in the LFO Calculator pilot project, the participating court must be able to provide us with the relevant data relating to their jail population.

All data that is collected as part of the grant will be overseen by the Research Coordinator who will be hired upon the acceptance of the grant. The Research Coordinator will receive support and guidance from Dr. Alexes Harris. Dr. Harris will serve as a Research Consultant to the grant and will provide assistance with assessing and addressing data quality throughout the life of the grant.

Letters of Support

EMILY CHIANG
LEGAL DIRECTOR

NANCY TALNER
SENIOR STAFF ATTORNEY

LA ROND BAKER
PRACHI DAVE
STAFF ATTORNEYS

MARGARET CHEN
FLOYD AND DELORES JONES
FAMILY STAFF ATTORNEY

BREANNE SCHUSTER
VOTING RIGHTS RESEARCHER



Minority and Justice Commission
1206 Quince St SE
Olympia WA 98504 May 6, 2016

Re: Letter of Support for the Bureau of Justice Assistance Price of Justice Grant

Dear JRI Price of Justice Grant Reviewers,

The Washington State Minority and Justice Commission has requested support for its application for the Bureau of Justice Assistance Price of Justice Grant.

As the Second Chances staff attorney at the ACLU of Washington, I share the concerns of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and Minority and Justice Commission with current LFO practices and believe it is time to rethink the imposition of LFOs. Knowing that LFOs exacerbate the many difficulties associated with the re-entry process, there is a real need to understand the impact of LFOs on individuals' lives and the systemic harms caused by their imposition and collection.

The Minority and Justice Commission is in a unique position to implement successfully the Price of Justice Grant because of its statewide reach and proven ability to provide quality evidence-based programs, practices, and resources, such as its 2008 research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State."

The ACLU of Washington has worked diligently through our Second Chances Program to shine a spotlight on troubling LFO practices in the state of Washington. The Program engages in a combination of advocacy and litigation to foster better LFO practices in different jurisdictions and to lessen the LFO burden on those who are indigent and mired in the criminal justice system. This work is also part of the ACLU's larger Smart Justice campaign to address systemic problems in the criminal justice system and the ways in which indigent individuals and people of color are disproportionately impacted by criminal laws and policies.

The ACLU of Washington is committed to working with the Minority and Justice Commission to promote the mission of the project.

Thank you for your commitment to finding innovative approaches to reforming LFO practices throughout the United States.

Sincerely,

A handwritten signature in cursive script that reads 'Prachi Dave'.

Prachi Dave

Staff Attorney, Second Chances Project

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LIBERTIES UNION
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WASHINGTON STATE
ASSOCIATION OF
COUNTY CLERKS

Kim Morrison, President
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Date: April 29, 2016

From: Washington Association of County Clerks

Re: Letter of Support for the Bureau of Justice Assistance Price of Justice Grant

This letter is written in support of the Washington State Minority and Justice Commission's application for the Bureau of Justice Assistance Price of Justice Grant.

As President of the Washington Association of County Clerks, I recognize the concerns of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and Minority and Justice Commission in regard to current LFO practices in some jurisdictions. In Washington State, where we have a decentralized justice system created by our Constitution, we in the courts serve 39 vastly different constituencies and each county and court has developed its own approach to Legal Financial Obligations. Because Washington State ranks last of all 50 states in funding to the courts, the resources available to our counties and courts in richer and poorer counties are so extremely different that programs differ by necessity. In addition, the values of the voters are reflected in each county's and court's interpretation of statute and case law, and in the administration of the orders entered by the court. Therefore a study of the impact of LFO policies and how they affect the re-entry process will require an exceptionally well-crafted review if it is to provide meaningful data as opposed to a selection of anecdotes depicting notable successes and failures of the systems that currently exist. Clerks stand ready to assist with the design of the impact study.

As the authors of the data entered in the statewide Superior Court case and accounting information systems and owners of the LFO collection body of work at the superior court level, our association understands that our members' participation is essential to the success of a project under the Price of Justice Grant. The Washington Association of County Clerks can provide assistance in providing data that is readily available, assist in mapping LFO practices and participate in the project governance and development of the project scope.

Sincerely,

Kim Morrison
President WSACC



Working for Justice Since 1967

Columbia Legal Services advocates for people who face injustice and poverty. We seek to achieve social and economic justice for all, using policy reform, litigation, and innovative partnerships to reveal and end actions that harm the communities we serve.

columbialegal.org

May 4, 2016

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance
810 Seventh Street NW
Washington, DC 20531

Re: Letter of Support for the Bureau of Justice Price of Justice Grant

Dear Members of Grant Committee:

The Washington State Minority and Justice Commission has requested support for its application for the Bureau of Justice Assistance Price of Justice Grant.

Columbia Legal Services (CLS) shares the concerns of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and the Washington State Minority and Justice Commission with current legal financial obligation (LFO) practices, and supports comprehensive LFO reform in Washington State. LFOs create a number of negative consequences for individuals with criminal convictions and serve as a major barrier to successful community entry, particularly for those with little or no ability to pay them. Consequently, there is an urgency to convene the many stakeholders on this issue to discuss the problems with Washington's current LFO system, seek and share relevant data, and establish new and innovative best practices that promote fairness, equity, and meaningful opportunities for people with criminal convictions to be successful in their communities.

We believe the Minority and Justice Commission is uniquely situated to accept and manage the Price of Justice Grant because of its stellar reputation in the community, ability to build and maintain strong partnerships with community and government stakeholders on this issue, and its longstanding commitment to researching and addressing LFOs, including the commissioning of a 2008 study on LFOs in Washington State and the production of LFO reference guides for all judges in Washington State superior courts and courts of limited jurisdiction.

Basic Human Needs Project • Children and Youth Project • Institutions Project • Working Families Project



THE ALLIANCE
for Equal Justice

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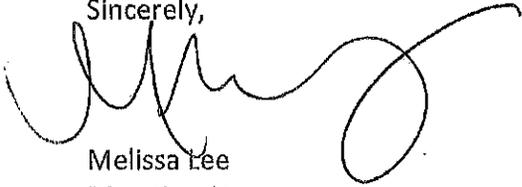
Yakima
600 Larson Building
6 South Second Street
Yakima, WA 98901
(800) 542-0794

Columbia Legal Services (CLS) is a statewide civil legal aid provider. For the past several years, CLS has adopted a reentry priority within its Institutions Project, which for over 30 years has represented persons in our State's jails and prisons.¹ As part of our reentry work, we have placed a strong focus on assisting persons returning the community with their LFO debt. CLS has successfully lobbied for LFO reform at the state legislative level, and continues to seek widespread changes to Washington's broken LFO system along with other legal and community partners. Additionally, for the past 5 years, CLS has provided direct legal services to low-income persons with LFOs in Washington State through its Reentry Clinic. We have also done significant community outreach and education on LFOs and drafted or been a party to several LFO-related amicus briefs.

CLS is willing to commit to work with the Minority and Justice Commission to promote the mission of the project by offering input, data, research, and legal advice on LFO-related issues and recommended reforms, actively participating on the stakeholder advisory committee, and providing technical and other support to the Minority and Justice Commission as needed.

CLS thanks you for your support of national LFO reform and your commitment to funding innovative and collaborative practices to implement this reform.

Sincerely,



Melissa Lee
Directing Attorney
Institutions Project

¹ <http://www.columbialegal.org/advocacy/institutions-project>



WASHINGTON
COURTS

District and Municipal Court Judges' Association

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

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

May 2, 2016

Washington State Minority and Justice Commission
1206 Quince Street SE
Olympia, WA 98504

Dear Minority and Justice Commission:

Re: Letter of Support for the Bureau of Justice Assistance Price of Justice Grant

The Washington State Minority and Justice Commission has requested support for its application for the Bureau of Justice Assistance Price of Justice Grant. As President of the District and Municipal Court Judges' Association (DMCJA) I share the concerns of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and Minority and Justice Commission with current Legal Financial Obligations (LFOs) practices and believe it is time to rethink the consequences of LFOs. Knowing that LFOs exacerbate the many difficulties associated with the re-entry process, there is a real need for understanding the impacts of LFOs and the extent to which stakeholders can reform practices in order to ensure equity, fairness, and an individual's successful re-entry.

The Minority and Justice Commission is in a unique position to accept the Price of Justice Grant because of the Commission's statewide reach and proven ability to provide quality evidence-based programs, practices, and resources, such as its 2008 research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State."

The DMCJA is promulgated by statute. The Association shall continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the result, pursuant to Revised Code of Washington (RCW) 3.70.010.

The DMCJA is willing to commit to work with the Minority and Justice Commission to promote the mission of the project in the following ways:

- Participate in stakeholder meetings.
- Provide support for reforming approaches to LFOs.

Thank you for your commitment to finding innovative approaches to reforming LFO practices throughout the United States.

Sincerely,

Judge David A. Steiner
DMCJA President



DEPARTMENT OF SOCIOLOGY

UNIVERSITY of WASHINGTON

Friday, May 15, 2015

To Whom It May Concern;

This letter indicates my support of the Washington State Minority and Justice Commission's (WMJC) application for the Bureau of Justice Administration's "The Price of Justice" grant. I have been asked to serve as a research consultant on the WMJC's proposed project. Once they obtain state court data I would assist in the analysis of the data to examine various research questions about outstanding debt, amounts recouped and reallocated.

I am an Associate Professor of Sociology at the University of Washington. I hold a MA (1999) and PhD (2002) in sociology from the University of California, Los Angeles. My research focuses on social stratification processes and racial ethnic disparities, particularly how contact with institutions like educational and criminal justice systems impact individual's life chances. My recent research has investigated the sentencing practice of monetary sanctions, the fines, fees, surcharges, restitution and related payment costs imposed on law breakers by systems of justice. I am the leading scholar nationally on the topic of criminal justice fines and fees. For the past nine years I have studied the system of monetary sanctions in the United States and more closely here in Washington State. My forthcoming book, *A Pound of Flesh*, analyzes the national practices of imposing fines and fees to defendants and I examine the practices and consequences of monetary sanctions in Washington State closely with court data and observational and interview data. As such, I am well situated to serve as a consultant for the WMJC's proposed project.

I have no conflict of interest in serving as a consultant on this research project. I should note that I do have a grant proposal that will be submitted in the next week to the National Institute of Justice's DuBois grant program. Also, I serve as a current member of the Department of Justice, Office of Justice Programs, Science Advisory Board. However, neither of these cases present a conflict of interest.

Thank you for considering the WMJC's application for this grant.

Sincerely,

Alexes Harris, PhD
Associate Professor of Sociology
206-685-4763
yharris@u.washington.edu

Box 353340 211 Savery Hall Seattle, WA 98195-3340

206.543.5882 fax 206.543.2516 uwsoc@u.washington.edu soc.washington.edu



I Did The Time. Former offenders organizing for better opportunities.

May 5, 2016

Re: Letter of Support for the Bureau of Justice Assistance Price of Justice Grant

The Washington State Minority and Justice Commission has requested support for its application for the Bureau of Justice Assistance Price of Justice Grant.

As the director of I Did the Time, an advocacy group made up of people with arrest and conviction records, I share the concerns of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and Minority and Justice Commission with current LFO practices and believe it is time to rethink the consequences of LFOs. Knowing that LFOs exacerbate the many difficulties associated with the re-entry process and specifically hinder the forward movement of people of color and those most vulnerable to poverty in our state, there is a real need for understanding the impacts of LFOs and the extent to which stakeholders can reform practices in order to ensure equity, fairness, and families' successful reintegration to our communities.

The Minority and Justice Commission is in a unique position to accept the Price of Justice Grant because of the Commission's statewide reach and proven ability to provide quality evidence-based programs, practices, and resources, such as its 2008 research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State."

Our organization has been fighting to increase public awareness about the costs of LFOs on individuals and families who stay tied to the system, forever at risk of returning to jail when they cannot find work, are not able to work due to disability status and/or can never get out from underneath the crushing increase in fines due to the oppressive interest rate. We are seeking serious solutions through the drafting of the LFO reform state bill (HB 1390) that addresses this crippling interest rate, the way in which it accrues and way our state attempts to collect debts from those unable to pay. The bill is supposed to address prioritizing victim compensation, assessing one's ability to pay at sentencing, dropping the interest rate completely and ensuring no one ends up in jail for failure to pay if they cannot. However, this bill has not gone far in our Senate in the last 2 years, despite passing 97-0 in our House. We need to put pressure on our lawmakers and judges to see the injustice of this system. This grant is an excellent opportunity to show them how necessary it is that they get on board with reform efforts.

Our organization has been building community around our shared struggles in recovering from justice involvement. We are trained to share our stories of injustice when living with a mental illness or a substance use disorder, struggling to find stable housing or a career path due to our records and how our families fall apart under the crushing stress of living with a criminal record. We have vast diversity in our range of stories and we believe each story should be told to move policy reform. We are deeply honored to have an opportunity to receive this grant in our state and are dedicated to moving the innovations forward. Our

organization is willing to commit to work with the Minority and Justice Commission to promote the mission of the project in the following ways:

- Provide personal stories from the afflicted to show the human impact of current LFO practices on individuals and families
- Serve on the Multi-Stakeholder Advisory Group
- Provide information and data on the practices of collecting that do not match state policy
- Create, distribute and collect surveys to better understand impact and assignment/collection practices
- Engage individuals in the piolet program in Spokane County
- Participate in creating and advocating for the “LFO Calculator”
- Assess the fairness in the assignment of certain LFOs (eg. Judges should not be assigning \$3,000 Mandatory Meth Clean Up fees to individuals who were not manufacturing methamphetamine)
- Develop best practices and recommendations to policy advisors to ensure fair collection and practices regarding LFOs

Thank you for your commitment to finding innovative approaches to reforming LFO practices throughout the United States. We look forward to working with this stakeholder group to ensure equitable opportunities for individuals to pay their debts and move forward with their lives. We truly hope you award us with this grant. We believe Washington State has some of the most oppressive and unjust practices for assigning and collecting LFOs across our great nation. We need your help to ensure the price of justice is equitable and fair for all.

Sincerely,

Layne Pavey, MSW
Director, I Did the Time
Program Director, Revive Reentry Services, LLC
Mental Health Clinician
(509) 998-8388
idadthetime@gmail.com



Washington State Office of Civil Legal Aid

1206 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

April 29, 2016

Justice Charles Johnson, Co-Chair
Justice Mary Yu, Co-Chair
Washington State Minority and Justice Commission
Administrative Office of the Courts
Post Office Box 41170
Olympia, WA 98504-1170

Re: Department of Justice, Price of Justice Grant Application

Dear Justices Johnson and Yu,

I write in my capacity as Director of the Washington State Office of Civil Legal Aid (OCLA). OCLA is an independent judicial branch agency responsible for funding and overseeing our state-funded system to deliver civil legal aid services to low-income residents of Washington State. OCLA contracts with the statewide Northwest Justice Project and, through a series of subcontracts, with four (4) specialized providers of civil legal aid and seventeen (17) community based volunteer legal services programs. OCLA provides more than \$11.6 million per year in funding to meet the civil justice needs of more than 2 million Washingtonians with incomes at or below 200% of the federal poverty level.

OCLA also served as principal staff to the Supreme Court's Civil Legal Needs Study Update Committee. Funded in part by the Minority and Justice Commission, the 2015 Civil Legal Needs Study Update (2015 CLNS Update) presents a sobering assessment of the substance and range of civil legal problems experienced by low income people in Washington State, the barriers they experience in understanding the legal dimensions of their problems and making informed decisions about whether and where to go for legal help, and their profound inability to secure legal assistance on matters that affect every aspect of their lives.

The findings of the 2015 CLNS Update confirm the substantial collateral civil legal consequences resulting from low-income residents' prior involvement in the juvenile and criminal justice system and the significant racial disproportionalities in the prevalence of civil legal problems – both in the general sense and those associated with prior involvement in the juvenile and criminal justice system. Many of these problems are associated with unpaid fees, fines and charges, commonly referred to as legal financial obligations (LFO's).

OCLA has followed closely the recent work of the Minority and Justice Commission in documenting the impact that LFO's have on low income and marginalized people and their families, the obstacles that LFO's play with respect to effective reentry and reduced recidivism,

Re: Price of Justice Grant Application

4/29/2016

Page 2 of 2

and the disproportionate impact that these LFO's have on people of color, who individually and collectively experience disproportionately high rates of poverty and extreme poverty. The Commission's 2008 research report *The Assessment and Consequences of Legal Financial Obligations in Washington State* and its *May 2015 Symposium* on reentry provide substantive background documenting the scope and impact of LFO's, particularly as they adversely affect successful reentry.

OCLA has also followed recent legislative efforts to translate general concern about LFO's into policy changes, including the successful effort to eliminate certain LFO's for juvenile offenders and the most recent efforts to secure passage of HB 1390 to accomplish the same for adult offenders.

Finally, OCLA has been generally concerned about the degree to which local and statewide court systems have become reliant on the payment of fees, fines and other charges to support their basic operations, whether it be the statewide JIS fee to support core technology systems or other fees imposed at the local level to support court operations. In this post-Ferguson era, we must intentionally identify and dismantle "race neutral" yet structurally racialized systems that drive disproportionate outcomes for people of color. We should also be aware of structural conflicts of interest inherent in fee-based court systems, the appearance of unfairness that reliance on fees, fines and charges for court and court system operation perpetuate, and the negative impact these have on the public's trust and confidence in our justice system.

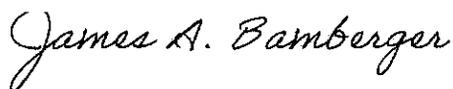
With these thoughts in mind, I am pleased that the Minority and Justice Commission is taking the lead in a collaborative statewide effort to seek and effectively use funding through the US Department of Justice's recently announce initiative – *Price of Justice: Rethinking the Consequences of Justice Fines and Fees*. As reflected by the broad community of supporters for this application, the Minority and Justice Commission is the proper convening entity to take this on. The focus of the Commission's proposal reflects the consensus areas of interest and agreement of the participating entities, including the Office of Civil Legal Aid.

OCLA strongly endorses the proposal. OCLA will participate on the Stakeholder Advisory Group and encourage its legal aid grantees to support project staff in conducting the areas of proposed research, particularly that portion related to court practices relating to the effective implementation of the Court's *Blazina* jurisprudence.

Please advise if I can be of further assistance in supporting this effort.

Sincerely,

OFFICE OF CIVIL LEGAL AID



James A. Bamberger
Director



**WASHINGTON
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May 6, 2016

Honorable Charles W. Johnson, Co-Chair
Honorable Mary I. Yu, Co-Chair
Washington State Minority and Justice Commission
PO Box 41170
Olympia, WA 98504-1170

Dear Justice Johnson and Justice Yu:

RE: Bureau of Justice Assistance Price of Justice Grant

The Superior Court Judges' Association (SCJA) fully supports the Minority and Justice Commission's application for the Bureau of Justice Assistance Price of Justice Grant regarding legal financial obligations. The SCJA has long been concerned about the likely disparate impact of legal financial obligations on certain populations, particularly the low income and minorities. Improving the re-entry process is not just a laudable goal; it is the right thing to do for the orderly administration of justice. The SCJA was pleased to support recent legislation that allows for certificates of restored opportunity for those offenders who have turned their lives around. Such opportunities must be afforded to reduce recidivism, unemployment, and other ills associated with release. Close examination of the effects of legal financial obligations is a crucial component of any re-entry process. In addition, the SCJA has been firm in its resolve to encourage state funding of the courts, to move the state away from the burdens placed on individuals and local governments.

The Minority and Justice Commission is well-positioned to accept the grant because of its mission to take creative steps to overcome racial and ethnic bias and to prevent it. The grant provides an excellent opportunity for the Commission to exercise its statewide reach and proven ability to provide quality evidence-based programs, practices, and resources. The SCJA is well-represented on the Commission and is ready to support the administration of the grant in any way it can.

Very truly yours,

Michael T. Downes
SCJA President-Judge

cc: SCJA Board of Trustees
Ms. Cynthia Delostrinos
Ms. Janet Skreen

THE MUNICIPAL COURT OF SEATTLE
Karen Donohue
Presiding Judge



May 3, 2016

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

To Whom it May Concern,

Re: Letter of Support for the Bureau of Justice Assistance Price of Justice Grant

The Washington State Minority and Justice Commission has requested support for its application for the Bureau of Justice Assistance Price of Justice Grant.

As the Presiding Judge of Seattle Municipal Court, I share the concerns of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and Minority and Justice Commission with current LFO practices and believe it is time to rethink the consequences of LFOs. Knowing that LFOs exacerbate the many difficulties associated with the re-entry process, there is a real need for understanding the impacts of LFOs and the extents to which stakeholders can reform practices in order to ensure equity, fairness, and an individual's successful re-entry.

The Minority and Justice Commission is in a unique position to accept the Price of Justice Grant because of the Commission's statewide reach and proven ability to provide quality evidence-based programs, practices, and resources, such as its 2008 research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State."

Seattle Municipal Court (SMC) is the largest court of limited jurisdiction in the State of Washington. Nearly 9,000 criminal misdemeanor and gross misdemeanor cases were filed in SMC in 2015, along with 570,000 parking and traffic tickets. Most of the people mitigating or contesting their parking and traffic tickets do not hire an attorney to represent them. Magistrates who hear these cases have the option of converting fines to community service if an individual is unable to pay the fine.

Roughly 80% of the defendants charged with misdemeanor or gross misdemeanor cases in SMC are represented by public defenders and cannot afford to pay the mandatory State fines and fees. In Washington State, judges have a limited ability per statute to authorize community service in lieu of LFOs. We have created a financial screening project and routinely examine an individual's ability to pay. This process typically results in the suspension of the discretionary LFOs. We recognize the burden these costs place on our offender population and try, in as many circumstances as possible, to remove the barriers that cause these people to cycle through the criminal justice system and struggle to get back on track.

SMC is willing to commit to work with the Minority and Justice Commission to promote the mission of the project by sharing information about our screening process and other data that we collect with regard to the imposition of LFOs.

Please contact me at the number below or via email, Karen.donohue@seattle.gov, if you have any questions or if I can provide you with additional information.

Thank you for your commitment to finding innovative approaches to reforming LFO practices throughout the United States.

Sincerely,

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

Judge Karen Donohue

WASHINGTON
ASSOCIATION OF
PROSECUTING ATTORNEYS



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Denise Delorme

April 28, 2016

Bureau of Justice Assistance
Office of Justice Programs
810 Seventh Street, NW
Washington, DC 20531

Re: Letter of Support for the Bureau of Justice Assistance Price of Justice Grant

Dear Sirs,

The Washington Association of Prosecuting Attorneys (WAPA) is in support of this application for the Bureau of Justice Assistance Price of Justice Grant.

The applicant, the Washington Minority and Justice Commission, has experience and credibility within our state.

Specifically, the Washington Minority and Justice Commission issued a 2008 research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State."

WAPA as an organization represents the elected Prosecuting Attorneys from all 39 Washington State counties. WAPA's members handle all felony prosecution in the state, and much of the misdemeanor prosecution within the state. WAPA members are interested in a fairly run criminal justice system that holds individuals accountable for the harm they inflict on victims and the community, but that also provides a realistic path towards rehabilitation and community re-integration.

Washington's Prosecuting Attorneys share the concerns of the U.S. Department of Justice about the efficacy of current legal financial obligation practices and believe it is time to re-examine what is imposed and the impacts of its subsequent collection. Our primary concern will remain the imposition and collection of actual victim restitution. The victim penalty assessment and the DNA database fee are also important in providing services and protection to crime victims. Beyond that, either mandatory or discretionary legal financial obligations should be re-evaluated for appropriateness of imposition and amount. We believe the imposition of interest on legal financial obligations in Washington State should be reduced or, possibly, eliminated.

During the last couple of years, we have heard claims of legal financial successful collection rates at a low of 24% to a high of over 66%. It would be helpful to have better data on what is imposed and how it is collected.

WAPA is committed to better data collection on legal financial obligation imposition and collection. WAPA is committed to changes that improve the fairness and effectiveness of the criminal justice system.

WAPA looks forward to working with the Minority and Justice Commission on this grant.

Sincerely,



Thomas A. McBride

Executive Secretary

WASHINGTON ASSOCIATION
OF PROSECUTING ATTORNEYS



**Washington Defender Association
110 Prefontaine Place S., Suite 610
Seattle, Washington 98104**

Christie Hedman, *Executive Director*
Keith Tyne, *President*

Telephone: (206)623-4321
Web: www.defensenet.org

May 6, 2016

Bureau of Justice Assistance
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Letter of Support for Washington State Minority and Justice Commission Price of Justice Grant Application

To Whom It May Concern,

I am writing on behalf of the Washington Defender Association (WDA) to express our strong support for the Washington State Minority and Justice Commissions application for the Bureau of Justice Assistance's Price of Justice Grant.

WDA is the primary resource and advocacy center for public defenders in Washington. In addition to providing direct case support to our 1400 members, WDA engages in advocacy throughout the state with all criminal justice system stakeholders, including courts and law enforcement, as well as the most directly impacted members of our communities.

WDA shares the concerns of the U.S. Department of Justice, the Minority and Justice Commission and our communities regarding current LFO practices in our criminal justice system. There is a rising consensus that our current system is not serving our communities and not fulfilling its mission to ensure justice. Knowing that LFOs exacerbate the many difficulties associated with the re-entry process, there is a real need for understanding the impacts of LFOs and develop structural reforms that can be effectively implemented to bring lasting change that ensures equity, seeks justice and supports individuals to successfully re-enter our communities.

The Minority and Justice Commission is in a unique position to implement the Price of Justice Grant. The Commission has a statewide reach that provides the necessary platform from which to launch and execute this effort. The Commission has an established record of building credibility and buy-in for this type of project with a diverse community of stakeholders. Additionally, the Commission has a proven track record of delivering quality evidence-based programs, practices, and resources, such as its 2008 research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State."

WDA has a long history of serving the Commission and collaborating with its members to achieve lasting change. As the legal representatives engaging daily with the community members and their families who are most directly impacted by LFOs, public defenders are a critical stakeholder in efforts to reform LFO practices.

WDA is committed to actively working with the Minority and Justice Commission to promote the Commission's "Price of Justice" grant proposal in the following ways:

- Participate in the Stakeholder Advisory Group: Public defenders are a critical stakeholder in efforts to reform LFO practices. As the legal representatives advocating on behalf of the community members and their families most directly impacted by LFO practices, WDA will bring the voice of public defense to the dialogue and decisions of the stakeholder group. We will help to support and ensure that these efforts are informed by, and inclusive of, robust community engagement.
- Contribute to the study to map LFO Practices in Washington: WDA members represent those most severely harmed by LFOs in every court in Washington. Our members not only have the most significant connection with those individuals, but also deep experience with the daily practices of the courts on LFO issues. We will engage our membership to provide critical data and perspectives in areas identified by the stakeholder group to help inform the study and ensure its viability and credibility.
- Assist in the development and implementation of pilot projects and best practices: Public defenders recognize that we are an essential stakeholder in making LFO reform a reality in Washington. WDA will actively engage with the stakeholder group to develop best practices in light of the study's findings – particularly regarding public defense. We will also work to operationalize and implement these practices in public defender offices throughout Washington.

WDA is excited by the growing consensus that now is the time to make critical changes in our criminal justice system to transform the routine practices of imposing criminal justice debt on communities that can least afford it. We believe that Washington, through the Minority Justice Commission, is uniquely positioned to capitalize on the "Price of Justice" grant to make our state a model for criminal justice debt reform.

Thank you for your commitment to finding innovative approaches to reforming LFO practices throughout the United States. Please feel free to contact me if you have any questions or if I can provide further information.

Sincerely,



Christie Hedman
Executive Director



King County

District Court
Office of the Presiding Judge
W1034 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
Telephone: (206) 477-1720
Fax: (206) 296-0596

The Honorable Donna Tucker
Chief Presiding Judge

Othniel Palomino
Chief Administrative Officer

U.S. Depart of Justice
Office of Justice Programs
Bureau of Justice Assistance

May 5, 2016

Re: Letter of Support for the Bureau of Justice Assistance Price of Justice Grant

Greetings:

The Washington State Minority and Justice Commission has requested support for its application for the Bureau of Justice Assistance Price of Justice Grant. As the Chief Presiding Judge of the King County District Court, I share the concerns of the Washington State Minority and Justice Commission with current LFO practices in the State of Washington and believe it is time to reconsider the reasons for the imposition of LFO's and the consequences of LFO practice in Washington especially in our district and municipal courts. Knowing that LFOs exacerbate the many difficulties associated with the re-entry process, there is a real need for understanding the impacts of LFOs and the extents to which stakeholders can reform practices in order to ensure equity, fairness, and an individual's successful re-entry.

The Minority and Justice Commission is in a unique position to accept the Price of Justice Grant because of the Commission's statewide reach and proven ability to provide quality evidence-based programs, practices, and resources, such as its 2008 research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State."

The 25 judges of the King County District Court, years ago eliminated the practice of jailing defendant's for failure to pay legal financial obligations and have developed alternatives such as community service and day work crews to help satisfy legal financial obligations. Nevertheless, we recognize the need to

be more thoughtful when imposing LFO's about the reasons why and the consequences of doing so, as recently directed by our State Supreme Court in the case of State v. Blazina and we are searching for the tools to help us in this endeavor.

Our agency is willing to commit to work with the Minority and Justice Commission to promote the mission of the project in the following ways:

1. To assist in the collection of the data regarding the imposition of LFO's
2. To provide assistance in mapping the current LFO practices in my County.
3. To serve as a pilot court for any recommended project.

Thank you for your commitment to finding innovative approaches to reforming LFO practices throughout the United States.

Sincerely,

Donna Tucker, Chief Presiding judge
King County District Court
Donna.tucker@kingcounty.gov
(206) 477-0457



Internet Email: opd@opd.wa.gov

**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164
FAX (360) 586-8165

May 6, 2016

Honorable Charles Johnson, Co-Chair
Honorable Mary Yu, Co-Chair
Washington State Minority and Justice Commission
Administrative Office of the Courts
Post Office Box, 41170
Olympia, WA 98504-1170

Re: Department of Justice, Price of Justice Grant Application

Dear Justices Johnson and Yu,

This letter is in support of the Washington State Minority and Justice Commission's application for the Bureau of Justice Price of Justice Grant. As Director of the Washington State Office of Public Defense (OPD), I share the concerns of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and the Washington State Supreme Court Minority and Justice Commission.

OPD believes it is incumbent upon justice system stakeholders to examine the consequences of LFOs and explore potential alternatives to them. Research such as the Minority and Justice Commission's 2008 report *The Assessment and Consequences of Legal Financial Obligations in Washington State* and numerous national reports have documented that LFOs frequently exacerbate the difficulties faced by individuals who are in the re-entry process after having served prison or jail sentences. The research also shows that while indigent individuals are constitutionally protected from having to pay fines and costs if they do not have the means and ability to do so, the system often does not ensure that this happens. Critically, LFO's have been shown to disproportionately impact people of color, who disproportionately live in poverty.

The Minority and Justice Commission is in a unique position to accept the Price of Justice Grant because the Commission has proved its ability to coordinate stakeholders throughout the justice system and provide quality evidence-based programs, practices, and resources.

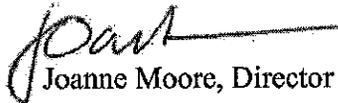
OPD's role is to implement the constitutional right to counsel on behalf of the state. In particular, we are acutely aware of indigency issues and how they affect the right to counsel. We endorse the Minority and Justice Commission application for the Price of Justice grant.

OPD is willing to commit to work with the Minority and Justice Commission to promote the mission of the project. Two areas where we our contributions would be most uniquely effective are:

- participating in developing surveys to defense attorneys about their current practices and their views on the practices of courts statewide, and
- participating in a pilot program based on the 'LFO Calculator' in terms of helping defense attorneys in the pilot county prepare their clients' financial information for the court to consider when calculating LFOs.

In addition, as a member of the Stakeholder Advisory Group, OPD would expect to participate in the development of best practices, as informed by grant activities. OPD strongly endorses the proposal. Please let me know if I can be of further assistance in supporting this grant application.

Sincerely,


Joanne Moore, Director



May 5, 2015

Re: Letter of Support for the Bureau of Justice Assistance Price of Justice Grant

The Washington State Minority and Justice Commission has requested support for its application for the Bureau of Justice Assistance Price of Justice Grant.

As Director of the Statewide Poverty Action Network, I share the concerns of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and Minority and Justice Commission, and various stakeholder groups around current LFO practices and believe it is time to rethink the consequences of LFOs. Knowing that LFOs exacerbate the many difficulties associated with the re-entry process, there is a real need for understanding the impacts of LFOs and the extents to which stakeholders can reform practices in order to ensure equity, fairness, and an individual's successful re-entry.

The Minority and Justice Commission is in a unique position to accept the Price of Justice Grant because of the Commission's statewide reach and proven ability to provide quality evidence-based programs, practices, and resources, such as its 2008 research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State."

The Statewide Poverty Action Network builds grassroots power to end causes of poverty and create opportunities for everyone to prosper. We are directed by people with low incomes and people of color, ensuring accountability to the communities that are most directly impacted by the effects of poverty and inequity. One of our main priorities is removing roadblocks to re-entry for previously incarcerated people, their families, and their communities. Our member-driven campaign works to: 1) reform Washington State's Legal Financial Obligation (LFO) system that keeps people who have been incarcerated and their families stuck in the cycle of poverty, and 2) build and grow a statewide network of people who advocate for themselves and their families, while reshaping the narrative on what it means to be poor.

Central to reforming LFOs is need for clear, precise data on the impact of LFOs—including court LFO practices, outstanding LFOs, and more. Because practices change by county and much of our information frequently comes from our members and is therefore anecdotal, we need a better understanding of how LFOs change by county that is both more detailed and takes into account the differences across the state.

Our agency is willing to commit to work with the Minority and Justice Commission to promote the mission of the project in the following ways:

- 1) Participate in the Advisory Group along with other invested stakeholders; and
- 2) Participate in data collection as is appropriate to the final scope of the project.

If you have any further questions please feel free to contact me at marcy@povertyaction.org. Thank you for your commitment to finding innovative approaches to reforming LFO practices throughout the United States.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcy Bowers".

Marcy Bowers
Director

STATE REPRESENTATIVE
45th LEGISLATIVE DISTRICT
ROGER GOODMAN

State of
Washington
House of
Representatives



PUBLIC SAFETY
CHAIR
ENVIRONMENT
JUDICIARY
STATUTE LAW
CHAIR

May 9, 2016

Bureau of Justice Assistance
U.S. Department of Justice
Washington, D.C.

Re: BJA "Price of Justice" Grant Application

To Whom It May Concern:

I am writing in enthusiastic support of the application by the Washington State Minority and Justice Commission for the new "Price of Justice" grant offered by the Bureau of Justice Assistance.

As a senior member of the House Judiciary Committee in the Washington State Legislature, I have been very concerned about the prejudicial effects of Legal Financial Obligations (LFOs) on criminal offenders seeking to reintegrate successfully back into their communities. I have been the prime sponsor of legislative proposals to reduce the unsupportable burden of fines, fees and other monetary penalties which have hampered our re-entry efforts throughout the state.

I share the concerns of the U.S. Department of Justice and the Washington State Minority and Justice Commission over current LFO practices, and I believe that LFO reforms are long overdue. My legislative efforts in this policy area have stalled in the State Senate amidst partisan gridlock. For my initiatives to move forward I believe there is a real need for legislators and other policymakers and opinion leaders to understand the adverse impacts of LFOs and the extent to which LFO reforms would bring about more equity and fairness and foster more successful re-entry.

The Washington State Minority and Justice Commission is in a unique position to make best use of the BJA's new "Price of Justice" grant because of the Commission's statewide reach and its proven record of high-quality, evidence-based programs and resources, such as its 2008 research report, "Assessment and Consequences of Legal Financial Obligations in Washington State."

I would be very pleased to see the Minority and Justice Commission receive a BJA "Price of Justice" grant to help move our LFO policy reform efforts forward. I strongly encourage you to look favorably upon the Commission's application. Thank you for your attention to this matter.

Yours sincerely,

Roger Goodman
State Representative