



DMCJA Board of Governors Meeting
Sunday, September 17, 2017, 9:00 a.m. – 12:00 p.m.
The Heathman Lodge
Vancouver, WA

MEETING MINUTES

Members Present:

Chair, Judge Scott Ahlf
Judge Linda Coburn
Judge Melanie Dane
Judge Karen Donohue (by phone)
Judge Michael Finkle
Judge Michelle Gehlsen
Judge Dan Johnson (non-voting)
Judge Samuel Meyer (by phone)
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson (by phone)
Judge Douglas Robinson (by phone)
Judge Damon Shadid (by phone)
Judge Charles Short
Judge Judy Jasprica (non-voting)
Commissioner Rick Leo (by phone)

Guests:

Judge Andrea Beall
Justice Steven González
Ms. Janice Humphrey (Interpreter)
Ms. Cynthia Marr, DMCMA
Mr. Loyd Willaford, WSAJ (by phone)

AOC Staff:

Ms. Callie Dietz
Ms. Jeanne Englert
Ms. Sharon R. Harvey
Mr. Robert Lichtenberg
Mr. Dirk Marler
Ms. Susan Peterson

Members Absent:

Judge Douglas Fair
Judge Michael Lambo
Judge Mary Logan (non-voting)
Judge G. Scott Marinella

CALL TO ORDER

Judge Ahlf, 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 9:00 a.m. Judge Ahlf asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the August 11, 2017 Board Meeting Minutes.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Gehlsen provided the Treasurer's report and thanked Judge Meyer for his help during the transfer of treasurer duties. She also expressed appreciation for the bookkeeper. Judge Gehlsen will look into Judge Coburn's inquiry regarding reimbursement for attendance at an August 31, 2017 DMCJA Legislative Committee meeting that Judge Coburn did not attend.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Robertson gave the Special Fund report and provided bank statements for the last three months. She reported there is approximately \$50,600 in the account. The transfer to Judge Meyer is expected to take place on October 13, 2017.

D. Standing Committee Reports

1. *Education Committee*

Judge Short, DMCJA Education Committee Chair, gave an update on the topic of court security. He reported the Education Committee met and would like to request the Board authorize up to \$2,500 for a security officer at the annual DMCJA Spring Conference. In Chelan County, they can hire one deputy from the Chelan Sheriff's Office at \$50-\$75 per hour, based on seniority and normal overtime rates, and they are looking at using an officer who is \$50 per hour. The officer would arrive about one hour before the day begins and stay until one hour after the day ends. Typical Chelan County Sheriff's Office staff levels in Chelan include a minimum of one deputy at all times, with up to three officers during business hours, and if they hire an additional, there would be a total of four deputies. M/S/P to put this topic on for Discussion for today's meeting. This topic will be put on for Action at the October Board meeting.

2. *Legislative Committee*

The Legislative Committee minutes from March 17, 2017, June 7, 2017, and July 27, 2017 were provided for the Board's review. Judge Meyer, Legislative Committee Chair, reported that the Committee met on September 8, 2017. He informed the Committee solicited ideas from the membership and narrowed the proposals to seven legislative ideas. He informed the first four are hold overs from last year, which include the (a) *Discover Pass Bill [2SSB 5342; HB 1478]*, (b) *DNA Samples*, (c) *Commissioners to Solemnize Marriage [HB 1221]*, and (d) *Small Claims [SB 5175; SHB 1196]*. The others are new ideas this year that include (1) *Powers of Commissioners*, (2) *Interlocal Agreements for Probation Services*, and (3) *Domestic Violence Protection Order (DVPO), Sexual Assault Protection Order (SAPO), Extension of 14 Day Period for a Full Temporary Order Hearing*. He requested that the Board review the information provided in the materials and put it on for Action at the October Board meeting.

3. *Rules Committee*

The Rules Committee minutes from June 6, 2017 and July 27, 2017 were provided for the Board's review.

E. Trial Court Advocacy Board (TCAB) Update

Judge Ahlf reported the TCAB will meet on Monday, September 18, 2017, at 5:30 p.m., during the Annual Judicial Conference. He informed the current focus is to revitalize the Justice in Jeopardy Initiative.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Cynthia Marr, DMCMA President, reported that Judge Jasprica, BJA Court Education Committee (CEC) Chair, gave an overview of the CEC at the last DMCMA Board meeting. In addition, Ms. Marr informed that the DMCMA Fall Regionals will be held in six different locations around the state. She expressed that the DMCMA appreciates the DMCJA's support by allowing staff to attend the trainings. Ms. Marr informed the DMCMA is working on their spring conference, which will be in May 2018 at Campbell's Resort in Chelan, Washington. The DMCMA Education Committee and DMCMA Long Range Planning Committee are planning a joint retreat. Ms. Marr further informed that they recently reviewed their policy and procedures manual, and said their focus is always on training, education, and the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project. Judge Jasprica informed that the CLJ courts are very well represented at DMCMA Board meetings. Ms. Marr expressed her gratitude for the support.

B. Misdemeanant Corrections Association (MCA)

Judge Ahlf informed that Mr. Rick Bomar was unable to attend, and the MCA will have a new liaison soon.

C. Washington State Association for Justice (WSAJ)

Mr. Loyd Willaford reported that the annual WSAJ Judicial Candidate Training is scheduled for October 13, 2017, from 9:30 a.m. to 1:30 p.m., in Seattle. He mentioned that some members have asked about how

District Court Pro Tempore judges are trained and whether they receive feedback from the Court. Mr. Willaford directed that member to contact the specific court where the member had concerns. The WSAJ continues to monitor civil filings after the district court civil jurisdiction limit increased from \$75,000 to \$100,000 in 2015. Some members have expressed an interest in bringing Mandatory Arbitration Rules (MAR) to district courts in order to encourage more filings therein.

D. Administrative Office of the Courts (AOC)

Ms. Callie Dietz, State Court Administrator, reported the AOC is looking at legislation everyone can work together on in the future. She expressed how well everyone worked together during the last legislative session which had positive outcomes for the judicial branch. She informed that the primary focus for the upcoming session will be supplemental funding. In addition, since the budget came out late last session, there are a few technical things Mr. Ramsey Radwan, AOC Management Services Director, wants to review. Ms. Dietz expressed her enthusiasm regarding the CLJ-CMS Project. She informed that she, Mr. Marler, and Ms. Harvey will be available during the Annual Judicial Conference to address Board members' concerns.

E. Board for Judicial Administration (BJA)

The Board congratulated Judge Jasprica on becoming the new BJA Member Co-Chair. Judge Jasprica reported that one focus of the September 15, 2017 BJA meeting was welcoming new members; another focus was looking at the internal goals for the BJA, which include: (1) presenting a unified message, (2) communication with the branches, and (3) committee communication. In addition, Judge Jasprica informed the BJA will be focusing on the budget process and expecting more transparency regarding the process. Judge Johnson, BJA Policy and Planning Committee Member, reported they are discussing interpreter funding. Judge Ahlf informed that Chief Justice Fairhurst put in a request for the associations to be more involved in the budget process; however, the Supreme Court did not approve the recommendation. Judge Ringus, BJA Legislative Committee Chair, reported that in looking at the legislative agenda for the next year, he expects another interpreter bill. Thus, he is working with the Interpreter Services Task Force. The topic of a joint judicial legislative reception was also discussed. This legislative reception would include all court levels.

ACTION

1. *Request for DMCJA Board Letter for Odyssey Portal Access*

M/S/P to have Judge Ahlf, DMCJA President, write a letter explaining the business need for Odyssey Portal access.

2. *Judicial Benefit Multiplier Program*

M/S/P to have the Treasurer talk to Dino Traverso, DMCJA accountant, about getting a recommendation for a financial planner.

DISCUSSION

A. Supreme Court Interpreter Commission Presentation – *Supreme Court Interpreter Commission*

Justice Steven González, Chair of the Washington State Supreme Court Interpreter Commission (Commission), gave a brief overview of the Commission and its work. The Commission serves as a policy making and advisory body to the Washington Courts, including the Administrative Office of the Courts (AOC), concerning court interpreters and language assistance in general. The Commission sets policy for the courts and the Court Interpreter Program, which is responsible for interpreter certification, registration, testing, continuing education, training, and discipline. The Commission is also responsible for strategic planning and working with educational institutions and other interpreter program stakeholder groups to develop resources to support court interpreting in Washington. The Commission's 2016 Annual Report was also provided, which illustrates the Commission's work. Recent key activities of the Commission include: (1) holding a public forum

in Mount Vernon, (2) submitting legislative bills pertaining to interpreters, and (3) developing an updated Model Language Access Plan (LAP) Deskbook.

Mr. Lichtenberg, AOC Language Access Program Coordinator, discussed the funding history for the Court Interpreter Reimbursement Program. He explained that the Legislature initially appropriated funding to the AOC in the amount of \$1.5 million for the 2008-2009 biennium for trial court interpreter services, but because of budget fall during the economic recession, the Program lost funding. He explained that it is now \$1.22 million biennially. He also explained that the maximum amount available for each court varies and is based on their interpreter usage over the two previous years, but is factored against the level of spending by other courts in the Program. This can result in some courts getting decreased funding despite experiencing additional expenses. For fiscal year (FY) 2016 contracts ranged from \$375 to \$100,673. He further informed that the interpreter pay rate is capped at \$50.00 an hour for courts in the Program and that the AOC reimburses courts for up to 50% of that rate, up to a maximum of \$25 per hour. The AOC also reimburses for mileage and when agreed upon by the court and an interpreter, for interpreter travel time. Each court individually decides how much to compensate interpreters, although some courts take part in a joint compensation policy. Rates are sometimes negotiated between the courts and each interpreter, especially when interpreters must be brought in from out of state or for longer trials. Rates can vary because of a number of factors, including the language needed, location of the courts, and credentials of the interpreter. Justice Gonzalez informed that the Commission has proposed legislative bills regarding interpreter funding for several years without success.

Judge Andrea Beall, DMCJA Representative Member, reported that the Commission has three standing committees: (1) Issues Committee, (2) Education Committee, and (3) Discipline Committee. In addition, she informed the Commission is trying to get adequate funding and is gathering statistics on what needs are being met and what is lacking. The Annual Report states that in FY 2016 courts spent more money on interpreter expenses than the AOC had available for reimbursement, and she informed the money usually runs out early in the year. She said they want to increase reimbursements for others to join, but will need to increase funding for the Court Interpreter Reimbursement Program. Justice González informed there has been an increase in immigrants in Washington State with the state now being one of the top ten states in terms of immigrant population growth over the past 10 years; therefore, they need help with funding. Judge Beall also reported the rate of pay for interpreters and said the Commission sent out a survey regarding interpreter pay earlier in the year, but a large percentage of courts did not respond. She informed that the Commission needs the courts to respond to their surveys, and that it is not too late for courts to submit a response.

Ms. Dietz inquired whether there is video conference capabilities for interpreters. Mr. Lichtenberg informed that video conference for court interpreters has been utilized. Ms. Dietz stated that there is a national effort to create a Video Remote Interpreting service through the National Center for State Courts and the Council of State Court Administrators. Another question arose about the background of the application process to participate in the Program back in 2007 and why everybody did not opt into the Court Reimbursement Program. Mr. Lichtenberg explained that some courts did not realize the benefits of joining the Program. In addition, some courts may have been trying to save money because they would have to pay 50% of the cost of certified interpreters, which are more costly than non-credentialed court interpreters, in order to be reimbursed. There are local overhead costs as well since participating courts must allocate local staff resources to provide expense and usage reports to the AOC.

B. Judicial Benefit Multiplier Program

This topic relates to Judge Ahlf's request for Mr. Ramsey Radwan, AOC Management Services Division Director, to provide information regarding the Judicial Benefit Multiplier (JBM) Program. Judge Ahlf informed that PERS 2 has gone up significantly, and when this happens, individual contributions also rise. He further informed that the SCJA wrote a letter and asked the DMCJA, as well as the Court of Appeals and Supreme Court, to join them to write one letter to the Salary Commission signed by all court levels. Mr. Brady Horenstein offered to write the letter. Judge Ahlf asked if Board members had any objections to him signing this letter. He explained he does not want to discourage the Salary Commission and wants to continue to have

a good relationship with them; he also wants them to know where judges stand on this topic. This is about educating the Salary Commission and making sure judges are able to realistically pay their bills. He explained that originally the Salary Commission's goal was to get CLJ judges on par with other judges. Judge Ahlf informed that the Chief Justice of the Supreme Court, the Presiding Judge of the Court of Appeals, the SCJA President, and the DMCJA President would all sign the letter.

Judge Ahlf further explained that initially judges were to get a 4% raise, but ended up getting a 2% raise instead this year. He also pointed out that the SCJA is on a different plan, and do not have judicial multiplier like CLJ judges; therefore, they pay a lesser percentage than CLJ judges. The question then arose whether it would be better to have an individual retirement account (IRA) and how CLJ judges could be better served. There was group discussion and Board members made suggestions, including asking Dino Traverso, DMCJA accountant, and possibly using special fund money to hire an expert to look at the issue. M/S/P to move this topic to an action item.

C. Request for DMCJA Board Letter for Odyssey Portal Access

Mr. Dirk Marler, AOC Court Services Division Director, reported there is an opportunity for the Board to ask county clerks on a statewide basis to request access to documents through the "Odyssey portal." Courts of Limited Jurisdiction (CLJ) judges have long contended that having statewide access to electronic documents protects public safety and provides important information for judicial decision making. Mr. Marler answered Board members' questions and explained the process for moving the request forward. The Board considered Mr. Marler's suggestion and agreed it is important to have this access. Mr. Marler recommended that the Board send a letter explaining the business need for Odyssey Portal access. He suggested the letter be written to Ms. Callie Dietz, State Court Administrator, with a copy to Ms. Barbara Christensen, Washington State Association of County Clerks (WSACC) President. M/S/P to make this an action item.

INFORMATION

Judge Ahlf brought the following informational items to the Board's attention:

A. New Proposed Evidence Rule 413 Comment

The Board did not provide a comment regarding New Proposed Evidence Rule 413.

B. Board members are encouraged to apply for DMCJA representative positions. Available positions include:

- 1. Engrossed Second Substitute House Bill (E2SHB) 1163 Workgroups*
 - i. Domestic Violence Perpetrator Treatment Workgroup*
 - ii. Domestic Violence Risk Assessment Workgroup*
- 2. Presiding Judge & Administrator Education Committee (Co-Chair)*

C. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.

D. SB 6360 Statewide Relicensing Workgroup met on August 31, 2017 and September 15, 2017 to provide the Washington State Office of the Attorney General (OAG) with recommendations regarding a plan for the consolidation of traffic-based financial obligations. The OAG will provide a report to the Legislature, Washington Supreme Court, and Governor by December 1, 2017.

It was suggested the Board may want to invite the DMCJA Representative(s) on the SB 6360 Statewide Relicensing Workgroup to a future Board meeting.

E. DMCJA Follow-Up Letter for DOL Joint Leadership Meeting on July 25, 2017

Judge Ahlf informed that leaders from the DMCJA, DMCMA, AOC, and DOL met for its annual joint leadership meeting. The DOL discussed its DRIVES project, which will modernize the agency's legacy computer system.

F. Judge Ahlf recommended Judge John H. Hart, Colfax Municipal Court, to serve as DMCJA Representative to the Judicial Information System Committee (JISC).

Judge Ahlf informed that he recommended Judge John Hart to serve as DMCJA Representative on the JISC.

OTHER BUSINESS

Mr. Marler advised the Board that the Department of Commerce recently requested data about the Prostitution Prevention and Intervention Account assessments. Commerce staff expressed concern that the amount collected has significantly decreased and that judges, superior and CLJ, might not be imposing the assessment as required. The AOC wanted to bring the matter to the Board's attention because it could lead to more probing by Commerce and unwarranted media attention. As Judge Donohue mentioned, judges may waive 2/3 of a fee but not 1/3 of it. Other members expressed that they do not hear many cases in which the assessment should be imposed. Mr. Marler said he would verify that new judges are still being informed of the requirement and that he would inform the Board of any new developments.

Next Meeting

The next DMCJA Board Meeting is October 13, 2017, from 12:30 a.m. to 3:30 p.m., at the AOC Office Center in SeaTac, WA. The Board will discuss its newly created Judicial Independence Fire Brigade. Judge Ahlf asked Mr. Marler to attend that meeting. The Fire Brigade, which was created at the May 2017 Board Retreat, is chaired by Judge Steiner and Judge Lambo. Judge Ahlf asked Board members to think about the topic and come prepared to discuss it at the October 13, 2017 meeting.

ADJOURNED at 11:10 a.m.