



DMCJA Board of Governors Meeting
Friday, October 13, 2017, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge Scott Ahlf
Judge Linda Coburn
Judge Melanie Dane (by phone)
Judge Karen Donohue (by phone)
Judge Douglas Fair
Judge Michael Finkle
Judge Michael Lambo
Judge G. Scott Marinella
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Charles Short
Judge Judy Jasprica (non-voting)

Guests:

Judge Blaine Gibson, SCJA (by phone)
Ms. Cynthia Marr, DMCMA
Ms. Stacie Scarpaci, MCA
Judge David Steiner

AOC Staff:

Ms. J Benway (by phone)
Ms. Vicky Cullinane
Ms. Callie Dietz
Ms. Sharon R. Harvey
Mr. Brady Horenstein
Mr. Dirk Marler
Ms. Susan Peterson

Members Absent:

Judge Michelle Gehlsen
Judge Dan B. Johnson (non-voting)
Judge Mary Logan (non-voting)
Commissioner Rick Leo
Judge Damon Shadid

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 12:32 p.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 Board Meeting Minutes for September 17, 2017, with one clerical amendment to the Special Fund Report, which should state the balance is approximately "\$50,600."

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Board members reviewed the Treasurer's Report that was included in the meeting materials.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Robertson reported the transfer to Judge Meyer is still in process. She provided bank statements for the last three months.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer, Legislative Committee Chair, presented the seven legislative proposed bills, which are on the Board agenda for a vote. He informed the Legislative Committee solicited the DMCJA membership for ideas and then narrowed them down to the following seven proposed bills. He explained 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]), and 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 briefly explained each bill to the Board for their consideration and answered Board members' questions. In addition, he informed 2018 is a short legislative session, and since there are a lot of bills this year it will be important to prioritize them. There was discussion regarding the DVPO, SAPO, Extension of 14 Day Period for a Full Temporary Order Hearing bill related to whether the SCJA should take a look at the bill, and the specific language in the bill. It was suggested if the Board gives permission to go forward with the bill, the numbers could be adjusted at a later time if needed. M/S/P to move forward with all seven proposed legislative bills.

Judge Meyer then informed that to address the recent issue in *Blomstrom v. Tripp*, 402 P.3d 831 (2017), regarding urinalyses testing, the issue will be brought up with the DUI Workgroup, which will be convened later this year. In addition, Judge Meyer informed the Senate Law and Justice Committee is having a work session in Spokane on October 24, 2017. One of the items on the agenda is proposed expansion of small claims court jurisdiction, and Judge Jeffrey Smith, Spokane County District Court, will attend and report back to the Committee. The Board discussed taking a position if the proposal moves forward. Judge Meyer will also talk to Judge Brett Buckley, former DMCJA Legislative Committee Chair, about the topic. Lastly, Judge Meyer informed that the Committee discussed bringing back the previous proposal regarding court security; however, due to the new court rule, General Rule (GR) 36, they decided not to pursue the proposal at this time.

2. *Rules Committee*

The Rules Committee minutes from August 23, 2017 were provided for the Board's review.

3. *Therapeutic Courts Committee*

Judge Finkle reported on the results of the Therapeutic Courts Committee (Committee), which was sent to the DMCJA membership in August 2017, and he provided a written summary of the results for the Board. Highlights of the survey included the following: Question 1 (size of court) did not provide a lot of help, and he noted the size does not appear to matter when it comes to these questions. Question 2 (when became interested) showed that over 90% are interested and/or already have a court, and 6% became interested since the conference and would like more information and help. The Committee noted it appears that further conference training should be "nuts and bolts," and not focus on whether or not to actually develop a therapeutic court. In addition, many courts are interested, and committee resources should continue to be spent on those who are interested and need help getting started. Question 3 (options for help) showed that over a third of respondents selected the "other" response and provided several good suggestions, including: neighboring small courts meet with each other; BJA webinars be made available; and forms, guides and checklists be available to help interested judges get started. He noted this does at least indicate that sitting down and sharing ideas is a good idea. In addition, about a third are interested in more DMCJA conference presentations, and more judges would prefer visiting other therapeutic courts with their own teams rather than having a mentor judge or a team visit their court. Question 4 (barriers) showed that funding is a big issue (for 55%), and some judges feel they would be unable to fill a therapeutic court docket (50%). In addition, some are having issues with: buy-in from the defense bar, time commitment, lack of knowledge, and unfavorable political climate. Therefore, the Committee concluded their work should relate to networking opportunities,

development of a “beginner packet” or primer, and providing talking points to help judges sell their projects. Question 5 (interest in judicial training) showed there is a definite interest in additional training, and the Committee concluded, a “nuts and bolts” presentation at conference would likely be welcomed (but it should not be a plenary session), and the webinar option should be explored. Judge Finkle said he believes there are ideas they can come up with to make that happen. He said one suggestion may be setting up a group of judges who are willing to put on a nuts and bolts training, but they do not schedule it until they are asked to do so (thus they are prepared if/when they are needed to do it). Another suggestion was to start out by utilizing some of the therapeutic court policies and procedures (i.e. treating defendants with that kind of justice, without actually having a court), and if there is enough interested then going forward and creating a therapeutic court. The group discussed some ideas, and Judge Finkle answered members’ questions. Ms. Dietz informed some states have gone through a certification process, which helped them get support in the Legislature. She said they did a lot of that in Alabama, and if she can help, she would like to.

E. Trial Court Advocacy Board (TCAB) Update

Judge Marinella reported today’s TCAB meeting was cancelled.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane reported they are working through negotiations with the vendor regarding the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project. In the meantime, the Court User Work Group (CUWG) is doing what they can and preparing to start working with the vendor in January 2018. She informed they have visited 126 courts around the state to date and have gained lots of valuable information. She further reported that the Superior Court Case Management System (SC-CMS) Project is in the third to last implementation and expects to be done at the end of November 2018. In addition, she reported that the AOC worked with Judge Ahlf to prepare a letter regarding the Odyssey Portal access, and the letter was mailed to Ms. Barbara Christensen, Washington State Association of County Clerks (WSACC) President. Ms. Cullinane explained the importance of the Odyssey Portal access and why judges will not have access to documents if a county is using a third-party document management system. She further reported once the King County Clerk’s Office goes live in January 2018, updates to existing cases and new cases will not be available in JIS. Everyone will have to access that information in the Judicial Access Browser System (JABS). Lastly, she reported the Department of Licensing (DOL) is currently replacing its systems with a single modern integrated system called DRIVES, and DRIVES Phase 2 will replace the Drivers Licensing System in September 2018. The DRIVES project will require AOC to modify all of its applications that have exchanges with the DOL’s system, and will be a lot of work on top of all the work they are doing on these other large projects. Ms. Cullinane answered Board members’ questions and is available if members have additional questions.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Cynthia Marr reported the DMCMA has not met since the last Board meeting.

B. Misdemeanant Corrections Association (MCA)

Ms. Stacie Scarpaci, new MCA Liaison to the Board, reported the MCA has their next meeting on Monday, October 16, 2017. She further reported the MCA is changing its name to “Misdemeanant Probation Association.” She informed their spring conference is scheduled for April 30 to May 2, 2018. In addition, she informed there were 21 graduates from the Misdemeanant Corrections Academy.

C. Superior Court Judges' Association (SCJA)

Judge Blaine Gibson, SCJA President Elect, reported the SCJA just completed a court security survey, and the results are being compiled. He informed the results show that 50% of courts in Washington State do not have any security mechanisms. In addition, the SCJA is conducting a survey on committees, because there are so many judges serving on committees. He informed today is the last day to respond to the survey, and he hopes to report on the outcome at the next Board meeting. He further reported the Pretrial Reform Task Force has created three subcommittees: (1) Pretrial Services, (2) Risk Assessment, and (3) Data Collection, and they are getting up and running. Lastly, he reported the SCJA is working on their response to the Salary Commission and provided some background on the topic. He said the SCJA has prepared a letter, and the plan is to send it out this week. Judge Ahlf informed that the Court of Appeals (COA) decided not to sign off on the joint letter; however, the other court levels are on board. Judge Gibson said his understanding is the SCJA's letter is a slight variation from the original letter.

D. Administrative Office of the Courts (AOC)

Ms. Callie Dietz, State Court Administrator, reported the AOC is extremely busy with information technology (IT) projects at this time. In addition, the AOC is working on legislation. Ms. Dietz is also working with Mr. Ramsey Radwan, AOC Management Services Director, on the supplemental budget request.

E. Board for Judicial Administration (BJA)

Judge Ringus, BJA Legislative Committee Chair, reported the next BJA meeting is October 20, 2017, and that Mr. Horenstein, AOC Associate Director of Legislative Relations, is helping with their legislation. Judge Fair informed he is Co-Chair with Judge Joseph Burrowes on a two-year BJA Court System Educational Funding Task Force, and they are looking to recruit DMCJA representative members. Anyone interested in joining the Task Force should contact Judge Fair. Judge Robertson, BJA Policy and Planning Committee Chair, reported the Committee has chosen to survey all legal associations to determine what each association is working on so we can coordinate on specific issues, with the goal of improving the justice system and enabling the judiciary to speak with one voice whenever possible.

ACTION

1. *DMCJA Spring Conference: Whether to Retain Security Officers*

M/S/P to approve spending up to \$2,500 for security officers at the DMCJA Spring Conference by the Chelan County Sheriff's Office.

2. *2018 Legislative Proposals*

M/S/P to approve moving forward with the following proposed legislative bills:

- 1) Discover Pass Bill (2SSB 5342; HB 1478)
- 2) DNA Samples
- 3) Commissioners to Solemnize Marriage (HB 1221)
- 4) Small Claims (SB 5175; SHB 1196)
- 5) Powers of Commissioners
- 6) Interlocal Agreements for Probation Services
- 7) DVPO, SAPO, Extension of 14 Day Period for a Full Temporary Order Hearing

3. *Judicial Independence*

M/S/P to approve the creation of a "Workgroup on Judicial Independence" to convene for a maximum of six (6) months.

DISCUSSION

A. Judicial Independence

Judge Ahlf provided background information about Judicial Independence and explained this topic comes up significantly every four years, and that this year a number of issues came up. Therefore, when the Board had their retreat earlier this year, they decided to refer all issues related to these judicial independence matters to the Judicial Independence Fire Brigade. He noted that sometimes the district and municipal court judges can have different opinions on some issues, and he directed the Board's attention to five particular issues provided in the meeting materials, which have come up in the recent past. There was Board discussion, and it was noted that back in 2000 a lot of work was done on this topic. Back then the BJA tried getting cities, the judiciary, and others together to address the topic, and an attempt was made to create a judicial services model contract. However, in the end there was not a lot of confidence the cities would use it, and the BJA was not sure it would be helpful. The AOC was also concerned that judges should not be under contract at all. Since then there has not been a good consensus on what the approach should be, but a lot of groundwork has been laid that could be useful. The following suggestions were made: a list of issues and responses could be written up to allow the Judicial Independence Fire Brigade to act more quickly, a standard presentation on judicial independence could be created for presentation at legislative conferences and orientations, and an educational aspect needs to be included. Mr. Marler informed that cities have contacted the AOC for assistance with contracts and other judicial independence issues.

In addition, it was suggested a temporary workgroup could be set up, for one purpose for a fixed period of time, to develop ideas and create a system of responses. It would not change the Judicial Independence Fire Brigade (the permanent committee, which would be tasked with following through with any workgroup recommendations and procedures). The workgroup could include the city attorney, cities, and others, along with the following judicial officers: Judge Rebecca Robertson, Judge Kevin Ringus, Judge Michael Lambo, Judge David Steiner, Judge David Larson, Judge Linda Portnoy, Judge Jeffrey Jahns, Judge Michelle Gehlsen, and Judge Melanie Dane. In addition, an advertisement should be sent to the membership listserv to get more municipal court judges involved. Judge Ahlf said the *Ferguson Report* can be used as a resource. Ms. Harvey will also locate the following resources: (1) GR 29(k) workgroup that dealt with contracts and (2) the survey that AOC already sent out that dealt with this topic. Mr. Marler will provide information and background on the topic. M/S/P to move this topic to an action item.

INFORMATION

Judge Ahlf provided the following information for the Board's review.

A. 2017-2018 Nominating Committee Roster

Judges Marinella and Ahlf contacted a judge from northeast Washington and are awaiting the judge's response. Judge Ahlf will reach out to other judges from northeast Washington who may be interested in joining the Committee.

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

1. Engrossed Second Substitute House Bill (E2SHB) 1163 - Domestic Violence Perpetrator Treatment Workgroup
2. Presiding Judge & Administrator Education Committee (Co-Chair)
3. BJA Court System Education Funding Task Force
4. Minority and Justice Commission

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.
- E. The Municipal Court Judge Swearing-In Ceremony is December 11, 2017, from 9:30 a.m. to 12:00 p.m., in the Supreme Court Courtroom at the Temple of Justice in Olympia, Washington.
- F. DMCJA Follow-Up Letter regarding Request for Odyssey Portal Access

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for November 3, 2017, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office in SeaTac, WA. The Board will discuss whether to obtain a financial planner and view a presentation on the Forensic Competency Evaluation Videoconferencing Pilot Program.

ADJOURNED at 2:37 p.m.