



**DMCJA Board of Governors Meeting**  
**Friday, January 13, 2017, 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 Linda Coburn  
Judge Douglas Fair  
Judge Janet Garrow (non-voting) (via phone)  
Judge Michelle Gehlsen (via phone)  
Judge Michael Lambo  
Commissioner Rick Leo  
Judge Mary Logan (non-voting) (via phone)  
Judge Samuel Meyer  
Judge Kevin Ringus (non-voting)  
Judge Rebecca Robertson  
Judge Douglas Robinson (via phone)  
Judge Charles Short  
Judge Tracy Staab

**Guests:**

Judge Harold Clarke, III, SCJA  
Commissioner Linda Kipling (via phone)  
Ms. Melissa Patrick, MCA  
Ms. Paulette Revoir, DMCMA

**AOC Staff:**

Ms. J Benway (via phone)  
Ms. Vicky Cullinane  
Ms. Callie Dietz  
Ms. Sharon R. Harvey  
Ms. Susan Peterson

**Members Absent:**

Judge Karen Donohue  
Judge Michael Finkle  
Judge Judy Jasprica (non-voting)  
Judge David Steiner

**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 12:32 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 Minutes for November 4, 2016.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Robertson reported that a total of eight thousand dollars (\$8,000) in dues has been received as of January 2017. She further informed that DMCJA dues has not been increased for eight years.

C. Special Fund Report

M/S/P to approve the Special Fund report. Judge Marinella reported that he was informed by Judge Burrowes that the Special Fund balance remains at approximately forty-five thousand dollars (\$45,000). Judge Burrowes, Special Fund Custodian and DMCJA Vice-President, was sworn in as a Superior Court Judge on January 9, 2017, which caused a vacancy in the Vice-President position. Judge Marinella reported that the Board will discuss the appointment of a new Vice-President during this meeting.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer reported that the 2017 Legislative Session began on January 9, 2017, and the DMCJA Executive Legislative Committee has started meeting. He further reported that four of the six DMCJA proposed bills have been dropped, namely, the (1) House Bill (HB) 1199/Senate Bill (SB) 5203 - Allowing Youth Courts to have Jurisdiction over Transit Infractions, (2) HB 1221 – Solemnization of Marriages by CLJ Commissioners, (3) HB 1195 – Surrender of Person Under Surety's Bond, and (4) HB 1196/SB 5175 – Modifying Process to Recover Judgments in Small Claims Court. Judge Meyer mentioned that the small claims bill would increase the filing fee by twenty dollars. He noted that filing fee increases are not typically supported by certain members of the Legislature, but the concept of this bill has received support. Judge Meyer further reported that the Parks and Recreation Commission will request a Discover Pass bill that includes the DMCJA proposed bill language to require the balance of noninterest money received by a county treasurer to be deposited in the county current expense fund. This revenue, however, is only for small counties, such as Skamania.

Judge Meyer then reported on DMCJA proposed legislation related to DNA Samples. The Washington State Patrol (WSP) crime lab currently only tests DNA samples of statute violators and not those who violate municipal codes. Judge Meyer reported that there is some resistance to revising the statute to allow the WSP to test violators of municipal codes, and stakeholders have suggested that municipal authorities incorporate the statute within their codes. He then mentioned HB 1070, Filing Fee Surcharges for Funding Dispute Resolution Centers, which would increase surcharges in both District and Superior Courts to fund Dispute Resolution Centers. Judge Meyer reported that Melanie Stewart, Esq., DMCJA lobbyist, thinks the bill will not pass Senator Padden's review.

2. *Diversity Committee*

Judge Coburn and Judge Short reported that a resource list that includes attendees of the 2016 Pro Tem Training has been created. The Committee would like a message regarding the 2016 Pro Tem Training to be sent to the DMCJA membership that includes this resource list. Judge Coburn suggested that Judge Marinella send the message, and volunteered to draft it for the President's signature. The resource list, which contains personal contact information of attendees, will be sent via the DMCJA LEGAL listserv. Judge Short thanked everyone for their support of the Committee's Pro Tem Training program.

3. *Rules Committee Meeting Minutes for October 26, 2016*

Judge Marinella informed that the Rules Committee Meeting Minutes for October 26, 2016 are located in the Board agenda packet. He then addressed CrRLJ 3.2, Release of Accused, and informed that he and Judge Dacca attended a meeting regarding amendments to CrRLJ 3.2 (b)(4). Judge Marinella informed that the Superior Court will propose an amendment to CrRLJ 3.2 that mirrors the DMCJA proposed amendment to add at the end of existing language in (b)(4) the following sentence, "If this requirement is imposed, the court must also authorize a surety bond under section (b)(5).

E. Trial Court Advocacy Board (TCAB) Update

Judge Harold Clarke, III, reported that TCAB met on January 13, 2017. The group is looking at funding sources for state courts, and revisiting the Justice in Jeopardy Initiative. About ninety percent of the Initiative's goals have not been funded. This will be a long-term project that entails cleaning up language in the trial court improvement fund statute. The next TCAB meeting is March 10, 2017.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane provided an update regarding the courts of limited jurisdiction case management system (CLJ-CMS) Project. She informed that CLJ-CMS evaluators have provided their written evaluations of the vendors. The project steering committee will determine which vendors proceed to vendor demonstrations at their next meeting on January 17, 2017. The project expects to have a vendor named by May 2017. Ms. Cullinane encouraged Board members to reach out to their legislators and request funding for the CLJ-CMS Project. She then disseminated a one-page CLJ-CMS fact sheet that Judges may provide to legislators. Ms. Cullinane

informed that the CLJ-CMS Project website has a complete toolkit that includes templates for letters to legislators. The CLJ-CMS Project fact sheet will also be placed in the toolkit. Ms. Cullinane reported that two vendors responded to the request for proposal (RFP). Judge Ahlf informed that the Public Outreach Committee is working on materials to share with the DMCJA membership regarding the CLJ-CMS Project and other issues to discuss with association members' local legislators. Judge Fair mentioned a contact list that the Public Outreach Committee is creating that will pair legislators with courts of limited jurisdiction Judges, who will contact legislators and invite them to visit their courts. Ms. Cullinane distributed brochures regarding BOXI software, which will be upgraded later this year, and now called Business Intelligence Tool (BIT). She informed that training materials for the BIT software will be available soon on Inside Courts.

## **LIAISON REPORTS**

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

Ms. Paulette Revoir, DMCMA President, reported that the annual DMCMA conference is May 21-24, 2017 at the Semiahmoo Resort in Blaine, WA. The conference theme is Change Management. Ms. Revoir further reported that the DMCMA Long Range Planning Committee is meeting to discuss outreach programs, which include distribution of the DMCMA Connection newsletter. The DMCMA is also partnering with the Administrative Office of the Courts regarding Judicial Information System (JIS) data cleanup for the CLJ-CMS Project.

### **B. Misdemeanant Corrections Association (MCA)**

Ms. Melissa Patrick reported that the MCA will hold its Annual Conference during May 2017 in Spokane. Dr. Edward Latessa will host a special one-day seminar on the topic "What works (and Doesn't) in Reducing Recidivism" on Tuesday May 2, 2017. All members of the judiciary are invited to attend.

### **C. Superior Court Judges' Association (SCJA)**

Judge Harold Clarke, III was in attendance on behalf of Judge Sean O'Donnell. Judge Clarke reported that the last SCJA Board meeting scheduled for Saturday, January 7, 2017 was cancelled. He reported that the start of the 2017 legislative session is currently occupying the SCJA's attention.

#### **1. 3DaysCount Initiative Status Update**

Judge Marinella provided a status update for the 3DaysCount Initiative. He reported that Judge Sean O'Donnell sent an email to Justice Mary Yu stating that the SCJA and DMCJA will take an active role in the Initiative. Judge Clarke stated that he had no further information regarding the progress of the 3DaysCount Initiative. Judge Marinella stated that he will inquire with Judge O'Donnell.

### **D. Washington State Association for Justice (WSAJ)**

Loyd James Willaford, Esq., who did not attend the meeting, provided the following report, which Judge Marinella read to the Board:

*"WSAJ's judicial relations committee has received feedback that members have experienced difficulty with some district courts only scheduling 1-2 days for civil trials. The committee was curious whether this was a general practice across the state and had concerns that if so, this might cause a reluctance to file some civil claims in district court."*

The general consensus from the Board was that the WSAJ may want to contact presiding judges and/or district court judges throughout the state in order to determine the answer to their inquiry.

### **E. Administrative Office of the Courts (AOC)**

Ms. Callie Dietz, State Court Administrator, reported that the 2017 legislative session has begun, and the AOC has already testified twice. Ms. Cullinane reported that the first work session was an Odyssey and CMS session. It went well but Senator Padden mentioned that the Legislature was looking specifically at Higher

Education, thus, the Judiciary needs to talk to legislators to help them understand the importance of this CMS project. She told the Board that their work with public outreach is appreciated.

Ms. Dietz further reported that Brady Horenstein replaced Mellani McAleenan as the Associate Director of Legislative Relations at AOC. She asked the Board to contact him if there is anything he can do to assist them. Ms. Dietz then reported that the Minority and Justice Commission (Commission) has received a large grant to work with the Department of Justice (DOJ) on issues regarding legal financial obligations (LFOs). They are trying to coordinate an LFO calculator for judges. The Commission's LFO Stakeholder Consortium meets next Wednesday, January 18th at SeaTac. Ms. Dietz then reported that the AOC has experienced a minor reorganization that affects the DMCJA. Specifically, Court Association Support staff will be directly supervised by Ms. Dietz. Mr. Brady Horenstein is located in the "Office of Legislative Relations," and the "Office of Judicial Relations," which includes DMCJA Support Staff, will be a separate office that includes the "Board for Judicial Administration (BJA)." The Court Association Support section includes the SCJA Coordinator, Ms. Janet Skreen, Sondra Hahn, and Cindy Bricker, DMCJA Coordinator Sharon Harvey and Susan Peterson, who will serve as an Assistant Coordinator to allow Ms. Harvey time to serve as the DMCJA Policy Analyst. Ms. Dietz further informed that the SCJA will hire a Policy Analyst. She further clarified that Mr. Horenstein will work with the Salary Commission and legislation, and Ms. Misty Butler will work with the BJA. Ms. Dietz said she wants to make it clear that just because they are changing the focus on Ms. Harvey to address policy issues, other AOC support for DMCJA Committees will remain unchanged. Ms. Dietz suggested that the reorganization would allow the AOC to better support the trial court associations.

Judge Marinella added that he, Judge Ahlf, Ms. Harvey, and Ms. Peterson met with the new Chief Justice to discuss the DMCJA. The Chief Justice offered suggestions regarding how to utilize Ms. Harvey as the Policy Analyst and requested information regarding the Association, such as names of officers, Minutes, and other materials that would allow the Chief to better understand the DMCJA. Judge Marinella expressed that he would like more DMCJA members to become involved in the Association during their meeting.

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

Judge Ringus reported that the BJA had their Joint BJA and Court Management Council Meeting on December 16, 2016. The recipient for the Court Manager of the Year Award is Terri Cooper from Cheney Municipal Court. The next BJA meeting is scheduled for February 17, 2017. He then informed that BJA meetings are generally one month on and two months off. Judge Ringus further informed that he is the new BJA Legislative Committee Chair. Chief Justice Mary Fairhurst, who was sworn in as Chief Justice on January 9, 2017, is now a member of the BJA Legislative Committee.

### **ACTION**

1. *Revisit: Whether to Amend DMCJA Bylaws, Art. X, Sec. 2, Nominating Committee, to include members from Central WA*

M/S/P to correct inadvertently stating "southeastern" twice in the draft amendment. M/S/P to place this Bylaws amendment on the Annual Spring Conference ballot for a vote.

2. *Judicial Institute Sponsorship Request*

M/S/P to approve contributing five-hundred dollars (\$500) to the Judicial Institute. Funds will be taken from the President's line item.

3. *Appointment of DMCJA Vice President (Vacancy of Judge Joseph Burrowes)*

M/S/P to ratify the DMCJA President's appointment of Judge Rebecca Robertson as DMCJA Vice-President and Judge Samuel Meyer as DMCJA Secretary-Treasurer.

## DISCUSSION

### **A. Salary Commission Meeting on January 25, 2017**

Judge Marinella informed that the Washington Citizens' Commission on Salaries for Elected Officials will meet on January 25, 2017, 10:00 a.m., in Olympia. He is unable to attend, and, therefore, inquired whether a Board member could attend in his absence. Judge Robertson volunteered to attend the meeting.

### **B. Data Dissemination Policy Section VI.B**

Judge Marinella informed that the Data Dissemination Committee requests that the DMCJA review its policy and make any necessary additions and corrections. He informed that both he and Judge David Svaren were on the Committee as DMCJA Representatives for the Judicial Information System Committee (JISC). They work with Ms. Stephanie Happold, AOC Data Dissemination Administrator, and develop contracts regarding various requests. Judge Marinella informed that the materials regarding the Data Dissemination Policy reveal the extensiveness of the data dissemination process, which will impact the CLJ-CMS Project and Superior Court Odyssey CMS. The Committee is redrafting the policy to make it simpler and in agreement with Odyssey. Judge Marinella informed that any comments regarding the Policy may be sent to him or Ms. Happold by February 1, 2017.

### **C. BJA Strategic Planning**

This issue relates to a BJA Policy and Planning Committee request to stakeholders for proposed goals for the Committee to focus on during the next two years. The DMCJA is requested to provide goals that it would like the Committee to address. The deadline to submit idea proposals is February 3, 2017. Judge Garrow reported that the Court Education Committee (CEC) received a grant to hire Dr. John Martin through the State Justice Institute to develop a study to look at courts' capacity to assure highly effective education. Dr. Martin identified a significant need for better funded court education in Washington. Judge Jasprica is the Chair of the CEC.

### **D. Board Operational Rules – Whether to Add Inclement Weather Policy**

Judge Marinella inquired whether Board members wanted to add an inclement weather policy to the DMCJA Operations Rules. The Board decided by general consensus that an inclement weather policy is not necessary because current weather patterns in Washington State do not require such policy.

### **E. Revisit: Whether to Amend DMCJA Bylaws, Art. X, Sec. 2, *Nominating Committee*, to include members from Central WA**

Commissioner Linda Kipling, Bylaws Committee Chair, reported that the Bylaws Committee discussed an amendment regarding the Nominating Committee and drafted the bylaws amendment to include "six" members with at least one member from each of the following "five" geographic areas: northeastern, southeastern, northwestern, southwestern, and central Washington. It was noted that the draft amendment inadvertently stated twice. M/S/P to make this an action item.

### **F. Judicial Institute Sponsorship Request**

Judge Marinella informed that Judge Johanna Bender, King County Superior Court, requested DMCJA support for the 2017 Judicial Institute. The DMCJA contributed five hundred dollars to the Judicial Institute last year. The Judicial Institute mentors attorneys with diverse backgrounds who want to explore a position with the judiciary. Judges Coburn and Short, DMCJA Diversity Committee members, confirmed this is a worthy cause, and the Board determined they would like to support the 2017 Judicial Institute by general consensus. M/S/P to move this issue to an action item.

**G. WSBA Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) Meeting on January 27, 2017**

Judge Robertson said the Rules Committee is looking for proposals to amend the RALJ. She requested that Board members send her any ideas regarding RALJ amendments.

**H. Judicial Information System Committee (JISC) Appointment**

Judge Marinella informed that Judge David Svaren, Skagit County District Court, was recently sworn in as a Superior Court Judge, which caused a DMCJA representative vacancy on the JISC. He further reported that Judge Thomas Wynne, Snohomish County Superior Court, was recently sworn in as a Municipal Court Judge. As both Judge Svaren and Judge Wynne served on the JISC as a DMCJA representative and SCJA representative, respectively, the JISC recommended that Judge Svaren now become an SCJA representative on the JISC and Judge Wynne become a DMCJA representative. Chief Justice Mary Fairhurst approved the recommendation and appointed Judge Wynne as the new DMCJA representative on the JISC in January 2017. Judge Marinella expressed that Judge Wynne is very knowledgeable of the data dissemination process. The Board via general consensus determined the decision to switch representative roles is auspicious.

**I. DMCJA Vice President Appointment**

Judge Marinella reported that Judge Joseph Burrowes was sworn in as a Superior Court Judge on January 9, 2017. Thus, there is a vacancy in the DMCJA Vice President position. Judge Marinella informed that he appoints Judge Rebecca Robertson to fill the vacancy. He then requested that the Board ratify the appointment, pursuant to DMCJA Bylaws, Article V, Section 4. Judge Marinella stated that Judge Robertson's appointment to Vice Presidents causes a vacancy in the Secretary-Treasurer position. He then informed that he appoints Judge Samuel Meyer to the Secretary-Treasurer position. He then requested that the Board ratify his appointment, pursuant to the DMCJA Bylaws. M/S/P to make the ratification of Judge Marinella's appointments of Judge Robertson as Vice President and Judge Meyer as Secretary-Treasurer an action item.

**J. Judicial Masters at Duke Law School – Request for Nominations**

Judge Marinella informed that Duke Law School is offering a full scholarship for Judges interested in obtaining a Judicial Masters degree, which is exclusively offered at Duke Law School. This Program requires two consecutive summers in 2018-2019 at the Law School. All interested Board members are encouraged to contact Judge Marinella. The information regarding the Judicial Masters Program will be sent to the Association's public listserv.

**K. AOC Staff Reorganization**

Ms. Dietz discussed the AOC Staff reorganization during the AOC Liaison Report.

**INFORMATION**

**A. 2016 DMCJA Annual Report**

Judge Marinella informed that the 2016 DMCJA Annual Report was submitted to the Chief Justice in December 2016, who forwarded it to the Washington State Legislature.

**B. Washington Pattern Forms Committee**

Judge Marinella informed that there is one position vacancy on the Pattern Forms Committee. The term of the position is four years. Judge Stephen Holman, Kitsap County District Court, held the position for nineteen years before his resignation on December 31, 2016. Judge Marinella noted that this is an important Committee as all judges use the forms promulgated from this Committee.

**C. BJA Public Trust and Confidence Committee**

Judge Marinella informed that there is a position vacancy for one DMCJA Representative to serve a two-year term on this Committee. The Committee prefers one District Court and one Municipal Court representative. Currently, Commissioner Paul Wohl, Thurston County District Court, serves on the Committee. Thus, a

Municipal Court representative is preferred. The Committee, however, is willing to accept a District Court representative if no Municipal Court members apply for the position. Commissioner Leo expressed interest.

D. Presiding Judge and Administrator Education Committee

Judge Marinella informed that there are three position vacancies for this Committee. Each vacancy has a term of three years.

E. Washington Traffic Safety Commission (WTSC)

Judge Marinella informed that there is a position vacancy for one DMCJA Representative to serve an indefinite term on the WTSC. Judge James Swanger, Clark County District Court, has represented the Judiciary on this Commission since January 2011. He intends to retire in February 2017.

Judge Marinella encouraged Board members to either apply for an open position or suggest that a colleague applies for a position. He noted that the DMCJA Operational Rules state that Board members should use best efforts to serve as a committee member. He further encouraged Board members to speak with members who have served on the above-listed committees in order to receive more information regarding Committee requirements.

**OTHER BUSINESS**

A. Judge Ahlf informed that the annual Board Retreat will be held May 12-13, 2017, at the Chrysalis Inn in Bellingham, WA.

B. The next DMCJA Board Meeting is February 10, 2017, 12:30 a.m. to 3:30 p.m., in AOC Office, SeaTac.

**ADJOURNED** at approximately 2:30 PM.