



DMCJA Board of Governors Meeting
Friday, November 3, 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
Judge Karen Donohue (by phone)
Judge Douglas Fair
Judge Michelle Gehlsen
Commissioner Rick Leo
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Charles Short

Guests:

Dr. David D. Luxton
Ms. Cynthia Marr, DMCMA
Mr. Loyd Willaford, WSAJ

AOC Staff:

Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Ms. Susan Peterson

Members Absent:

Judge Michael Finkle
Judge Judy Jasprica (non-voting)
Judge Dan B. Johnson (non-voting)
Judge Michael Lambo
Judge Mary Logan (non-voting)
Judge G. Scott Marinella
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 12:30 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 October 13, 2017.

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. Judge Gehlsen addressed Judge Coburn's inquiry from the September 17, 2017 meeting regarding reimbursement for attendance at an August 31, 2017 DMCJA Legislative Committee meeting that Judge Coburn did not attend. It was a simple clerical error—no check was actually issued to Judge Coburn—and the clerical error has been corrected. In addition, Judge Gehlsen referenced the bylaws requirement for the Treasurer to obtain a bond and asked how to become bonded. Ms. Harvey agreed to provide this information for Judge Gehlsen. It was noted that a bond is especially necessary now that the DMCJA has hired a bookkeeper.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Meyer gave the Special Fund report and provided the October 31, 2017 bank statement. He also reported dues notices will go out to the membership soon. Judge Ahlf noted his name is still on the Special Fund bank statement and requested that the new Special Fund Custodian is added to the account.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer, Legislative Committee Chair, reported the Committee is waiting to see what happens after the election—whether the Senate will have a democrat majority and the Senate Committee Chairs will change from republicans to democrats. In addition, he has a meeting with Ms. Melanie Stewart, DMCJA Lobbyist, on Monday to give her the old bills and work with her on the new ones for the upcoming legislative session. He informed Ms. Stewart also set up a meeting with Senator Jamie Pedersen on November 13, 2017. He then presented three draft proposals for the Board's review that address the recent issue in the Washington Supreme Court decision, *Blomstrom v. Tripp*, 402 P.3d 831 (2017), which invalidated the use of urinalysis as a pretrial condition for a DUI charge. He informed the proposals would address all three court levels. He also informed the Senate Law & Justice Committee is scheduled to hold a Work Session on November 14, 2017, to discuss possible legislative responses to the *Blomstrom v. Tripp* decision. He said he has no recommendation yet on the three draft proposals. Judge Ringus noted that the Legislative Committee minutes referred to Representative Roger Goodman as Judge Goodman. Ms. Harvey will correct the minutes to reflect Mr. Goodman is a Representative and not a Judge.

2. *Public Outreach Committee*

Judge Gehlsen, past Public Outreach Committee Chair, reported the Committee sent out a message to the DMCJA listserv encouraging members to contact their legislators. The message included materials which were put together by Judge Susan Solan, current Public Outreach Committee Chair, and Ms. Harvey. She explained the materials were provided to help make it easier for DMCJA members to contact their legislators, and she encouraged Board members to review them. In addition, she discussed this year's annual legislative reception on January 18, 2018, and informed Judge Ringus and Mr. Brady Horenstein, AOC Associate Director of Legislative Relations, are putting it together with all levels of court. She explained it is important for as many members of the Board to be there as possible, and asked Board members to invite their legislators as well. She reemphasized the importance of legislators getting to know the membership.

E. Trial Court Advocacy Board (TCAB) Update

There was no TCAB meeting today.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane reported they are currently working through contract negotiations regarding the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project, and the CLJ-CMS Project Steering Committee is meeting again on November 20, 2017. In the meantime, the Court User Work Group (CUWG) is preparing to start working with the vendor in January 2018. She further reported that the Department of Licensing (DOL) is replacing its legacy systems, and the AOC will have to rewrite all of the current data exchanges with DOL as a result. Part of the changes mean the ability to batch print Abstracts of Driver's Records (ADRs) will go away, and so far there have been few complaints, which is a good sign. The CLJ Court Level User Group (CLUG) decided that not using scarce AOC resources to recreate batch printing in JIS was the best option. The CLUG's reasons for the decision included that they are already moving towards a paperless system and that judges should have the most up-to-date information by using JABS directly, rather than a printed page that could be stale. She explained courts will still have the ability to print single ADRs, if needed, but that it is ultimately better if they do not print ADRs ahead of time. She said they also did a survey to see why courts were batch printing, and the majority were for judges or for prosecutors and defenders, all of whom now have JABS access so court staff should not need to print ADRs for them. She explained September 2018 is when

the change will be in place, and they are letting courts know now so they have time to adjust beforehand. Lastly, she reported that Judge Ahlf received a response letter from Ms. Barbara Christensen, Washington State Association of County Clerks (WSACC) President, regarding the Odyssey Portal access request. The letter noted that if the goal of the DMCJA is to access documents from all counties, the DMCJA's goal would not be achieved by going through the Odyssey portal, and that project staff could not work on it until the end of the project. Ms. Cullinane explained that judges would be able to access documents in about half the counties. She further explained that AOC maintenance staff, not project staff, would do the work of creating the judge role, which would take approximately half a day, and registering judges for portal access.

LIAISON REPORTS

A. Board for Judicial Administration (BJA)

Judge Ringus reported that the BJA Legislative Reception is scheduled for January 18, 2018. This will be a joint reception that includes all court levels. The BJA met on October 20, 2017, and he presented information about legislative priorities. The role of Mr. Brady Horenstein, AOC Associate Director of Legislative Relations, has expanded within the AOC to oversee the Office of Legislative and Judicial Relations. Ms. Callie Dietz contacted Judges Ahlf and O'Donnell about the change, and the DMCJA and SCJA are expected to receive more support. Judge Ringus wonders how that may impact the BJA Legislative Committee. Judge Robertson reported the Policy and Planning Committee's next meeting is November 17, 2017.

B. District and Municipal Court Management Association (DMCMA)

Ms. Cynthia Marr reported the next DMCMA Board meeting is November 9, 2017. In addition, she reported about the 2018 membership drive; current membership is about 180 with 108 courts represented. She expressed her appreciation to Judge Ahlf for all the time Ms. Maryam Olson has been able to work with the DMCMA, and for the DMCMA's ongoing invitation to attend the DMCJA Board meetings. Lastly, she reported the DMCMA Regionals were a great success, and that they were held in 6 locations with 300 participants of all court levels. She expressed her appreciation that Ms. Callie Dietz, State Court Administrator, and Chief Justice Mary Fairhurst, Washington State Supreme Court, attended one of the Regionals and informed it was a collaborative leadership session exploring development of the leader within each of us.

C. Washington State Association for Justice (WSAJ)

Mr. Willaforde reported the WSJA Judicial Relations Committee discussed the issue of judicial independence at their first meeting of the year. Further, he informed the Committee is trying to find more to assist the Judiciary. He will also work on recruiting some WSJA members to attend the Legislative Reception on January 18, 2018.

DISCUSSION

A. Forensic Competency Evaluation Videoconferencing Pilot Project

Dave D. Luxton, Ph.D., M.S., Office of Forensic Mental Health Services & Department of Psychiatry and Behavioral Sciences, at the University of Washington School of Medicine, in Seattle, Washington, presented on the Forensic Competency Evaluation Videoconferencing Pilot Project (Project). A copy of the presentation was also provided in the materials. Dr. Luxton provided background information and an overview of the Project. He explained the Project came about because of the increasing demand to complete in-jail forensic evaluations, which must be done in 14 days or less. In addition, travel time to some jails can present scheduling challenges, and defense attorneys are not always available which can cause scheduling delays. He then explained the benefits of the Project, which include: secure videoconferencing (VC) in jails can allow forensic evaluators to conduct interviews remotely; allow attorneys to attend from their offices; greater efficiency in completing court-ordered competency to stand trial evaluations; reduced wait-time for defendants in jail; and that VC can be used for other purposes as well, such as court hearings and trainings. He further explained the purpose of the Project is to establish and evaluate secure videoconferencing links between the state hospitals/facilities and county jails, and that those links would provide the capability for Department of

Social and Health Services (DSHS) forensic evaluators to conduct evaluation interviews (i.e., competency to stand trial) from distant sites and allow attorneys to attend from their offices if they so choose. Lastly, he explained the Project steps, which jails are participating in the Project (Yakima County Department of Corrections, Snohomish County Jail, Island County Jail, and Grays Harbor County Jail), the VC technology that will be used for the Project, and the procedures for the Project. After providing the Project overview, Dr. Luxton discussed the legal and regulatory considerations, the psychometric and practical feasibility, and the proposed process for the Project. He then asked Board members for their thoughts and opinions about the Project, and he answered their questions.

Dr. Luxton informed that the presentation was well received by public defenders. One concern was about gaining defendants' trust and whether one could gain rapport doing it this way. He said the literature does not reflect that this is a problem, but he explained they would monitor it during their pilot Project. He further explained it is done by 3-way conference so the defendant can see everyone, and there are large screens so that is not an issue. Another question was whether it is in the statute where you can do video conferencing. He said he has not seen it, but they may want to look at it if it is a potential issue and/or limitation. He informed that they plan to start in Snohomish County in January or February 2018 to go live, but since he is still training staff he cannot say for sure that will be the start date. He reiterated the advantage in doing it this way is that evaluations can be done more quickly – without all the driving time from place to place. Another question was, can both an in-person and video evaluation be done to compare how it works? He said he can have some people do video, and others do in-person—so they are tracking it, but maybe in a more indirect way. He further informed they will do some testing over the next couple months. Another question was, how are the cases getting to the judges? Dr. Luxton said he is talking to different judges, looking for good candidates for this Project, and that they will start slowly so if there are any hiccups, they can resolve them right away. He further explained that he attended the Board meeting to obtain more ideas regarding the issue.

Some Board members then provided information about their courts to Dr. Luxton so he can look into doing presentations there, and speak to public defender agencies about doing presentations to them. It was suggested it is very important that he do these presentations before starting the Project. There were additional questions about the equipment and any limitations. He informed they use high definition connections, and that he has talked to people in Afghanistan to test the equipment. He further informed they have not really found any limitations, except possibly not being able to “smell” (i.e. if a defendant smells like alcohol) and possibly “eye gaze”. In addition, there was concern that seeing someone in person vs. in custody is very different, and the assessment may not be very good for seeing what their real demeanor is; therefore, there needs to be very high-quality equipment. He reassured that their equipment is very high-quality, and also that they are starting out small with the Project so they can see how it works and make any needed adjustment early on. Lastly, a question arose about what would happen if the defendant got started by video, but then decided they don't want to do it that way after all. He said in that case the video evaluation would revert to an in-person evaluation. The Board thanked Dr. Luxton for his presentation. Judge Ahlf expressed his appreciation for their effort to get evaluations done more quickly and timely and said it is good to see they are trying a new approach.

B. Whether to Obtain a Financial Planner

The topic of whether the DMCJA should stay with the plan they already have or hire a financial planner to look at a better way was revisited. There was additional Board discussion, and it was agreed that the DMCJA Treasurer will speak with Dino Traverso, and if there is additional information the topic will be put on the next Board agenda.

C. YMCA Youth & Government Annual Fund Drive – Request for Funding

The Board discussed the YMCA's request for funding. The Board previously approved funding for the YMCA Youth and Government Mock Trial Program in the requested amount of sixteen hundred dollars (\$1600). Ms. Harvey will send the original YMCA invoice to Judge Gehlsen, who will forward it to Ms. Christina Huwe, DMCJA Bookkeeper, for payment.

INFORMATION

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

- A. Judge Charles Short is a member of the BJA Court System Education Funding Task Force.
- B. Board members are encouraged to apply for DMCJA representative positions. Available positions include:
 - 1. Minority and Justice Commission
 - 2. Presiding Judge & Administrator Education Committee (Co-Chair)
 - 3. Workgroup on Judicial Independence
- C. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.
- D. 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.

Judge Ringus encouraged Board members to attend the Municipal Court Judge Swearing-In Ceremony on December 11, 2017. Judge Ahlf suggested the Board may want to consider a similar ceremony for District Court judges in the future.

- E. 2017-2018 Nominating Committee Roster (Northeast Region Vacancy Filled)
- F. Response Letter regarding DMCJA Request for Odyssey Portal Access
- G. Report to DMCJA regarding Leadership Grant Funding by Judge Marilyn Paja, Kitsap County District Court
- H. Report to DMCJA regarding Leadership Grant Funding by Judge Janet Garrow, King County District Court
- I. Sympathy Flowers were sent to Ms. Shannon Hinchcliffe, former AOC Staff for the DMCJA, for the loss of her father.

Judge Ahlf informed that he recently discovered Ms. Hinchcliffe's father had passed away. Thus, flowers were sent to her on behalf of the DMCJA. These flowers were paid from the Special Fund account and were in an amount less than \$100. Judge Gehlsen read an email message from Ms. Hinchcliffe to the Board expressing sincere thanks for the flowers.

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for December 8, 2017, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office in SeaTac, WA.

ADJOURNED at 1:53 p.m.