



DMCJA Board of Governors Meeting
Friday, February 9, 2018, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge Scott Ahlf
Judge Linda Coburn (phone)
Judge Karen Donohue
Judge Douglas Fair
Judge Michelle Gehlsen
Judge G. Scott Marinella
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Damon Shadid
Judge Charles Short

Members Absent:

Judge Michael Finkle
Judge Dan B. Johnson (non-voting)
Judge Mary Logan (non-voting)
Commissioner Rick Leo
Judge Judy Jasprica (non-voting)

Guests:

Ms. Catherine Brown, PT&C Subcommittee
Judge Blaine Gibson, SCJA (phone)
Ms. Kim E. Hunter, WSBA
Ms. Dawn Williams, DMCMA
Ms. Stacie Scarpaci, MCA
Loyd Willaford, Esquire, WSAJ

AOC Staff:

Ms. J Benway (by phone)
Ms. Vicky Cullinane
Mr. Mark DeForrest
Ms. Sharon R. Harvey
Mr. Brady Horenstein
Ms. Susan Peterson

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 12:31 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 January 12, 2018.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Gehlsen reported February 15, 2018 is the deadline for dues payments, and the majority of members have paid. Judge Meyer reported the Bank of America transfer documents are now signed.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Meyer reported the account gained \$4.30 in interest.

D. Standing Committee Reports

1. Legislative Committee

Judge Meyer reported the House of Origin Cutoff is February 14, 2018, and the 2018 Legislative Session is likely to finish on time. He then provided an update on the following bills: (1) House Bill (HB) 1196, *Modifying the Process for Prevailing Parties to Recover Judgments in Small Claims Court*, which is the small claims bill

from last year. It passed out of the House of Representatives (House) and is on its way to the Senate; (2) HB 2331, *Concerning DNA Biological Samples*, Judge Meyer testified in support of the bill on behalf of the DMCJA, but some groups are opposed to it, and Ms. Melanie Stewart, DMCJA Lobbyist, does not think the bill will make it out of the House; (3) HB 2605, *Concerning Interlocal Agreements for Probation Services*, is in the Rules Committee now and is likely to pass; (4) Senate Bill (SB) 5342, *Concerning the Discover Pass*, passed the Senate and is now in the House. (5) SB 6142, *Revising the Authority of Commissioners of Courts of Limited Jurisdiction*, allows district court commissioners to solemnize marriages. Commissioner Rick Leo testified at the public hearing, and it is likely to pass; (6) HB 2314, *Concerning Marriage Licensing and Solemnization by County Auditors*, allows a county auditor to solemnize a marriage, eliminates the three-day waiting period, and says the actual auditor (not staff) will solemnize the marriage; (7) HB 2139, *Concerning Issuance of a Search Warrant by a Municipal Court Judge*, allows municipal court judges to issue warrants to defendants anywhere in the state if the occurrence took place in any jurisdiction covered by the municipal court; (8) HB 1783, *Concerning Legal Financial Obligations*, which is discussed in more detail in the Discussion section of these Minutes; (9) HB 2421, *Creating a Program for the Consolidation of Traffic-Based Financial Obligations*, which involves consolidation of traffic fines and is also known as universal cashing. The bill did not go forward in its current form, but it will likely be back next year; (10) HB 2481/SB 6189, *Changing Driving a Motor Vehicle with a Suspended or Revoked Driver's License Provisions*, decriminalizes driving while license is suspended or revoked in the third degree (DWLS 3rd). He informed this bill is moving forward and has been in the Judicial E-Clips recently. The bill mentions DWLS 4 infractions, which gets sent to collections; (11) SB 5987, *Concerning Pretrial Release Programs*, addresses the *Blomstrom v. Tripp* issue regarding judges not requiring random urinalysis for pretrial defendants. It is likely this bill pass the House; (12) SB 5989, *Concerning Small Claims Court*, raises the small claims jurisdictional limit from \$5,000 to \$10,000, and allows motions to transfer cases to district and superior courts when an attorney files an appearance and/or jury trial request payments are made. He informed the problematic removal provision has been removed from the substitute version. In addition, his understanding is legal civil aid representatives are opposed to the bill because the jurisdiction limit is too much.

2. Rules Committee

a. Meeting Minutes from September 28, 2017

The Board reviewed the September 28, 2017 DMCJA Rules Committee Minutes, and Ms. Benway, AOC Staff for the DMCJA Rules Committee, was available via phone for questions.

b. Memo regarding WSBA Proposal to Amend IRLJ 3.3

Judge Shelley Szambelan, DMCJA Rules Committee (Committee) Chair, provided the Board with a WSBA proposal to amend IRLJ 3.3. Ms. Benway explained the change is relatively minor; it would expressly provide that a defendant need not personally appear at a contested infraction hearing when the defendant is represented by an attorney. She informed that the Committee was divided regarding a response because the majority of Committee members felt the amendment was unnecessary. However, the Committee lacked consensus regarding whether it was appropriate to oppose the proposal on that basis. Since the WSBA went through the process to arrive at the proposal, the Committee wanted to defer to the Board as to whether any action should be taken to oppose the proposal. The deadline for comments is April 30, 2018, if the Board wants to comment on the WSBA proposal to amend IRLJ 3.3.

E. Trial Court Advocacy Board (TCAB) Update

There was no TCAB meeting today.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane provided an update on the Expedited Data Exchange Project. She informed the King County Clerk's Office is planning to go live on April 2, 2018. She informed that AOC is working on the development for the data exchange with JABS, but functionality cannot be turned on until the AOC gets sufficient data from the King County Clerk's Office to test it, and it does not look like it will be done by April 2, 2018. The plan is to develop and release as each tab is ready, rather than waiting until everything is ready and turning it all on at

once. She will continue to update the Board on JABS as more becomes known. Judge Shadid asked whether the Dockets tab in JABS will be turned on first, as it has important information he relies on. Ms. Cullinane informed that, based on public safety importance, the tabs will be in this order: Warrants, Orders, DV, FTA, then Dockets.

G. CLJ-CMS Project Update

Ms. Cullinane reported on the status of the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project. She informed, after ending contract negotiations with the Apparent Successful Vendor, Journal Technologies, Inc. (JTI), the Project Steering Committee wanted to pursue further discussions with the second ranked vendor, Tyler Technologies (Tyler). On January 23 and 24, 2018, the RFP evaluators and the Steering Committee attended a demonstration meeting by Tyler. On January 25, 2018, the Steering Committee met with the evaluators to discuss their impressions. Overall impressions toward Odyssey were not overwhelmingly positive. Therefore, before making a decision on whether to contract with Tyler or look at other options, they asked the Project Team to research what products were being used by large municipalities around the country, as well as the satisfaction level of other jurisdictions using Tyler. There is another Steering Committee meeting scheduled for next week, and Ms. Cullinane assured the Board that the Steering Committee is taking their duty to do their due diligence very seriously.

Judge Ahlf stated he does not think Odyssey is something his court, Olympia Municipal Court, will use because it does not meet the courts of limited jurisdiction (CLJ) needs. His concerns include: (1) the document management seems very inadequate, and (2) the work-arounds for the clerks are not acceptable. In addition, both Judge Ahlf and Judge Gehlsen said their impression was that the technology seems outdated.

Ms. Cullinane reported that, if the Steering Committee does not recommend Odyssey, the next step would be to review other options, including releasing a revised RFP. She informed that CLJ business is different from superior court business, and Washington limited jurisdiction business is very different from other states. Therefore, it is hard to make comparisons with other state courts. She said looking at other options does mean delay to the CLJ-CMS Project, but it also means they are trying to make sure the CLJs will be getting their needs met in the long run. Judge Ahlf said the AOC is doing a good job, and that part of the problem is there are not a lot of vendors out there. In addition, he said part of the problem is the RFP required statewide implementation, and he agreed that the RFP will likely need to be changed. Ms. Cullinane informed that a third option would be to go with some sort of new development; however, they are moving away from this possibility because it is usually much more expensive. Judge Gehlsen informed that Tyler has another product that evaluators have not seen yet because when the RFP went out, it was for a statewide system. Therefore, if they change the RFP, they may find there is something better they can use. Ms. Cullinane said that although there may be other good products in the market, the company also has to be capable of doing a statewide implementation. Statewide implementations have not been done by many companies, so they can only make the best decision based on what is out there.

LIAISON REPORTS

A. Board for Judicial Administration (BJA)

Judge Ringus reported the BJA will work on budget development at its next meeting on Friday, February 16, 2018. Dr. Carl McCurley, Washington State Center for Court Research (WSCCR), is on the agenda to provide an update on WSCCR and the Center for Study and Advancement of Justice Efficiency. Judge Ringus reported the BJA Legislative Committee will meet on Monday, February 12, 2018, and informed that Mr. Brady Horenstein, AOC Associate Director of Legislative and Judicial Relations, has now tracked nearly 300 bills with court impact. He further informed that, even though we are not out of the 2018 Legislative Session, the BJA Legislative Committee will soon send letters to all branch entities requesting legislative proposals for the 2019 Session.

B. District and Municipal Court Management Association (DMCMA)

Ms. Williams, DMCMA Vice-President, reported that the DMCMA continues to focus on education. She informed the DMCJA will hold its next Regionals in April 2018, and a poverty simulator will be included. The 2018 Annual Management Conference is in May 2018. Lastly, the DMCMA held their Long Range Planning Retreat yesterday. The DMCMA is working on building their mentoring program, and Ms. Williams informed that if judges have a new administrator or one who needs assistance, the DMCMA can connect them to a mentor to help guide them.

C. Misdemeanant Probation Association (MPA)

Ms. Scarpaci reported the next MPA Board meeting is Monday, February 12, 2018, in Ellensburg. In addition, the MPA 2018 Annual Conference is April 30-May 2, 2018, in Ocean Shores.

D. Superior Court Judges' Association (SCJA)

Judge Gibson reported on the Color of Justice proposal that Judge G. Helen Whitener, Pierce County Superior Court, presented to the SCJA Board. The SCJA Board approved sponsoring up to three more Color of Justice events in Washington. The locations and venues have not yet been chosen, and they are seeking sponsors to help with these events. DMCJA Board members are invited to provide the SCJA with any input regarding the event. Judge Donohue asked Judge Gibson to contact her so the National Association of Women Judges (NAWJ) can help support their efforts. He said someone will contact her. He also reported that the SCJA's courthouse security survey results showed over 50 percent of courts have no weapons screening at this time.

E. Washington State Association for Justice (WSAJ)

Mr. Willaford reported the next annual WSAJ Law Day and Awards Celebration is May 10, 2018 in Seattle. DMCJA Board members are welcome to attend. He informed that WSAJ members have expressed interest in and passion for helping with judicial independence matters. Judge Ahlf mentioned the DMCJA Judicial Independence Workgroup is currently working on judicial independence resource materials that it will present to the Board. He then expressed appreciation for WSAJ support regarding the issue.

F. Washington State Bar Association (WSBA)

Ms. Hunter reported on the January 18-19, 2018 WSBA Board of Governors (BOG) meeting. Highlights of the meeting included: (1) The WSBA Committee on Professional Ethics has recommended changing Title 7 of the Washington Rules of Professional Conduct (Information about Lawyer Services) because it is outdated. (2) The BOG unanimously approved renaming the WSBA Excellence in Diversity Award as the "Justice Charles Z. Smith Excellence in Diversity Award," as requested by the Washington State Minority and Justice Commission; (3) The BOG is still trying to gain member satisfaction, specifically after the fee increase; (4) The WSBA did a poll to see who would be interested if insurance was offered for which there was much interest, which revealed much interest, including possible group plans; (5) increasing the FY2018 budget by \$135K to address market-compensation issues; (6) The Referendum Process Review Work Group recommended several amendments to the WSBA Bylaws (Articles III and VIII) to align with revisions to GR 12 and better utilize current communication technology; (7) proposals for modifying or eliminating the WSBA Bylaw (Article VI.D.2) which requires that every fourth year the President-Elect must be someone whose primary place of business is in eastern Washington. Ms. Hunter informed they have had three eastside presidents in a row, and if things continue as they are, there will be a fourth eastside president. The WSBA is trying to correct that. (8) The BOG received a request from WSBA Civil Rights Law Section to Publicly Comment in Support of SB 6052 (Death Penalty Elimination in Washington State). The BOG is considering the request. Board members are asked to contact Ms. Hunter with any questions and/or comments regarding the bill.

ACTION

1. *Misdemeanor Guilty Plea Form for Expedited DCMJA Review*

M/S/P to approve the CLJ Forms Committee and Pattern Forms Committee's recommendation to forward the Misdemeanor Guilty Plea Form to the Supreme Court Rules Committee for approval.

DISCUSSION

A. Funding Request for BJA Public Trust and Confidence TVW Public Service Announcement

Ms. Brown, Co-Chair of the BJA Public Trust & Confidence Committee's Access to Justice Subcommittee (Subcommittee), reported the Subcommittee is working to develop a public service announcement (PSA) video, and they are requesting funding assistance from the DMCJA and others to do so. She informed their goal is to increase the public's trust and confidence, and explained the PSA video would highlight that litigants can expect to be treated with fairness, dignity, and respect in the courthouse. She further explained that Chief Justice Mary Fairhurst, former BJA Public Trust and Confidence Committee Chair, thought this was a very important message to give to the public. Ms. Brown further informed that the other Subcommittee Co-Chair, Mr. David Johnson, works with TVW, which has offered to create the video. She said TVW has experience doing many of these videos, and they have a good track record. In addition, Mr. Johnson plans to attend the March DMCJA Board meeting to provide additional information and answer any questions the Board may have about the project. Ms. Brown also provided a projected budget for the project and informed the Subcommittee has already received \$1,000 each from the four Supreme Court Commissions, and the County Clerks and Juvenile Court Administrators have agreed to help with the project as well. Ms. Brown then answered Board's questions. Questions included: Where would the video be posted, and what would the video look like? She said the video would be posted on the AOC website. In addition, TVW runs the videos from time to time, and this time they are looking at a wider distribution than what has happened in the past. With regard to content, she said they have not started developing it yet, and they would like the associations to help them develop the content, including who would be in the video, what would be said, geographical diversity, etc. The Subcommittee is looking for input, and they believe all levels of court need to be represented. Judge Ahlf reminded that Mr. David Johnson will attend the March Board meeting and said the Board will make this topic an action item at that meeting.

B. Request for DMCJA Support of Legal Financial Obligations Bill (E2SHB 1783)

Judge Meyer reported on Engrossed Second Substitute House Bill (E2SHB) 1783, *Legal Financial Obligations*. He informed the bill (1) does away with interest, and (2) reprioritizes how money gets distributed. There was a big push by Chief Justice Mary Fairhurst and Justice Mary Yu and to support the bill. The DMCJA has historically held no position on the bill because some members agree with it while others do not, and the AOC has had concerns that they may be unable to do what is required by this bill. Judge Meyer further reported, this bill has been around for years but appears likely to pass this year. Judge Coburn informed there have been a lot of letters in support of this bill, including letters from Chief Justice Fairhurst, the Washington State Minority and Justice Commission, the Superior Court Judges' Association, State Court Administrator Callie Dietz, and explained why the Board should join in with the others who are supportive of this bill. The Board discussed the request. Judge Coburn, who requested the Board officially support the bill, motioned to make the discussion topic an action item. There being no second, the motion failed.

C. Whether to Obtain a Financial Planner

Judge Gehlsen reported she spoke to Mr. Dino Traverso, Certified Public Accountant, who provided her contact information for his financial advisor, Mr. Matt Meyers. She said Mr. Traverso also recommended Mr. Meyer to other clients who are on the PERS system. The Board discussed the possibility of obtaining a financial planner and whether that is the best avenue to pursue at this time. Another suggestion was to go back to the Salary Commission when they meet again in the fall. It was agreed CLJ judges need to attend Salary Commission meetings in the future. It was also suggested it is important to help the Salary Commission understand how their decisions impact the CLJ judges, and one way to do so may be to provide concrete graphs for the Salary Commission to review.

D. Misdemeanor Guilty Plea Form for Expedited DCMJA Review

Mr. DeForrest, AOC Staff for the CLJ Forms Committee and Pattern Forms Committee, requested an expedited DMCJA review and approval of the Misdemeanor Guilty Plea Form. He explained the draft form was approved by the CLJ Forms Subcommittee and the Pattern Forms Committee, and DMCJA approval is needed before sending it to the Supreme Court Rules Committee for final approval. In addition, there is a set of felony

judgment and sentence guilty plea forms the Committees are waiting to send to the Supreme Court Rules Committee, as well, but they are waiting until this form is ready to go up with them. A copy of the form and explanation of its changes were provided in the materials. The Board discussed the form, and Mr. DeForrest answered their questions. One question arose as to whether it makes sense to have an eight-page form for something that could be done in one page, and it was noted that much of the form may not be relevant in most cases. Mr. DeForrest explained the Committee wanted one single form for two reasons. First, there is a concern that the form be comprehensive because it is incorporated into the court rules for courts of limited jurisdiction. Second, there is a concern for resource allocation, because the more forms there are, the more that needs to be tracked and updated by staff. Thus, staff time is saved by having everything all on one form.
M/S/P to move this topic to an action item.

E. Judicial Needs Estimate (JNE) Workgroup Hearings and Judicial Impact Survey

Ms. Harvey reported Dr. Carl McCurley, Washington State Center for Court Research, has requested to know where the respondents to the Judicial Needs Estimate (JNE) Workgroup Hearings and Judicial Impact Survey are located in order to provide a report that is representative of all regions of Washington State. She explained her understanding is that in the Survey, court level was requested but not location (i.e. Western Region, etc.). The Board discussed the request and would like more information regarding the request. Ms. Harvey will obtain additional information from Dr. McCurley.

INFORMATION

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

- A. Thank you Judge Karen Donohue for your service on the Board. Congratulations on your appointment to King County Superior Court.

Judge Ahlf said Judge Donohue has done an amazing job for the Board. The Board thanked Judge Donohue for her service and congratulated her on her appointment to King County Superior Court.

- B. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.
- C. Board members are encouraged to apply for DMCJA representative positions. Available positions include:
 - a. Annual Conference Planning Committee
 - b. Presiding Judge & Administrator Education Committee (Co-Chair)
 - c. Washington State Access to Justice Board (Liaison Position)

D. The 2018 Legislative Session began on January 8, 2018 and ends on March 8, 2018.

E. The DMCJA Board Retreat is May 11-12, 2018, at the La Conner Channel Lodge, in La Conner, Washington.

F. Policy Analyst Project Ideas for 2018 are as follows:

- a. Courthouse Security Survey
- b. Survey on Committees with DMCJA Representatives
- c. Judicial Independence Matters (Municipal Court Contracts)

G. The DMCJA has an annual budget for association members who attend national judges' groups and conferences. This funding is known as the DMCJA National Leadership Grant. Judges desiring funds to attend national conferences and judges' groups are encouraged to apply for DMCJA grant funding by submitting a letter of interest to Susan Peterson at susan.peterson@courts.wa.gov by Friday, April 20, 2018.

OTHER BUSINESS

Judge Ahlf reported Judge Lambo resigned from the Board today. Judge Ahlf informed he is considering leaving Judge Lambo's position, Position 4 (Full-Time Municipal Court), open until the next DMCJA election in June. He asked the Board whether there were any objections to this decision. Judge Marinella, Nominating Committee Chair, said he sees no problem with it and informed that the Nominating Committee had its first meeting on January 30, 2018. Judge Marinella asked Ms. Peterson, AOC Staff for the Nominating Committee, to add Judge Lambo's position to the list of open positions for the election. He also asked the Board to contact the Nominating Committee if they know of anyone interested in running for a Board position. He informed the Nominating Committee is seeking all forms of diversity in selecting candidates for the election. Other open positions for the 2018 DMCJA election include: Position 1 (Full-Time District Court), Position 8 (Open), and Position 9 (Open). Names of interested candidates can be e-mailed to Judge Marinella.

The next DMCJA Board Meeting is scheduled for April 13, 2018, from 12:30 a.m. to 3:30 p.m., at the AOC Office in SeaTac, WA.

The meeting was adjourned at 2:38 p.m.