



**DMCJA Board of Governors Meeting**  
Friday, July 13, 2018, 12:30 p.m. – 3:30 p.m.  
AOC SeaTac Office  
SeaTac, WA

## MEETING MINUTES

### Members Present:

Chair, Judge Rebecca Robertson  
Judge Scott Ahlf  
Judge Linda Coburn  
Judge Jennifer Fassbender  
Judge Michael Finkle  
Judge Michelle Gehlsen  
Judge Robert W. Grim  
Judge Drew Ann Henke  
Commissioner Rick Leo  
Judge Mary Logan (non-voting)  
Judge Aimee Maurer (by phone)  
Judge Samuel Meyer  
Judge Kevin Ringus (non-voting)  
Judge Damon Shadid  
Judge Charles Short  
Judge Jeffrey R. Smith

### Members Absent:

Judge Judy Jasprica (non-voting)  
Judge Dan B. Johnson (non-voting)

### Guests:

Ms. Sonja Hallum, Governor's Office  
Kim E. Hunter, Esquire, WSBA  
Ms. Paulette Revoir, DMCMA  
Ms. Stacie Scarpaci, MPA  
Mr. Taylor "Tip" Wonhoff, Governor's Office

### AOC Staff:

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

## CALL TO ORDER

Judge Robertson, 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 Robertson asked attendees to introduce themselves, and she welcomed the new Board members.

## GENERAL BUSINESS

### A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for June 3, 2018, with one clerical correction to page 2, B. Treasurer's Report. The second sentence should state: Judge Gehlsen reported that "almost all" DMCJA members paid their dues in 2018, instead of "all" DMCJA members.

### B. Treasurer's Report

M/S/P to accept the Treasurer's Report. Judge Gehlsen encouraged Board members to carefully peruse the Treasurer's Report each month to ensure there are no mistakes.

### C. Special Fund Report

M/S/P to accept the Special Fund Report. Board members reviewed the Special Fund bank statement provided by Judge Gehlsen.

### D. Standing Committee Reports

#### 1. Diversity Committee

##### a. August 2018 Pro Tem Training

An informational brochure and agenda for the August 2018 Attorney Training for Service as Pro Tem Judge in District and Municipal Court was provided in the materials. Judge Coburn reported the training is available online and in person, and there are a lot of speakers presenting. She informed that many who have attended

past pro tem trainings have become pro tem judges, as well as judges. In addition, there are now scholarships offered. Judge Short expressed his gratitude to the Washington State Bar Association (WSBA) for their generosity in providing scholarships and for their continued support.

#### *2. Education Committee*

Judge Short provided the 2018 DMCJA Spring Conference Evaluation Summary Report for the Board's review. There was Board discussion about the comments. Board members should contact Judge Short or Judge Robertson with any additional feedback.

#### *3. Rules Committee*

The Rules Committee Minutes for May 9, 2018 were provided for the Board's review. Further, Judge Robertson reported that she is a former member of a WSBA Task Force that is reviewing the civil litigation rules in light of the recent Report on the Rising Costs of Civil Litigation. A Subcommittee of that Task Force is proposing amendments to the Superior Court Civil Rules and has suggested that the courts of limited jurisdiction adopt similar rules, specifically with regard to an initial case schedule. The Rules Committee does not think that is a good idea and is in the process of conveying that to the Task Force.

#### *4. Therapeutic Courts Committee*

The Therapeutic Courts Committee Meeting Minutes for May 9, 2018 were provided for the Board's review. Judge Finkle reported that, in an effort to harness the talent and passion of its members, the Committee is dividing its work this year into three subcommittees: (1) Education, chaired by Judge Laura Van Slyck; (2) Outreach and Judicial Resource Development, chaired by Judge Fred Gillings; and (3) Legislative Liaison, chaired by Judge Finkle.

#### *5. Legislative Committee*

Judge Meyer reported the next Legislative Committee meeting is August 10, 2018. The Committee will review legislative ideas for the upcoming year, and then present to the Board. He further reported there are a lot of hold over bills from last year.

#### E. Trial Court Advocacy Board (TCAB) Update

Judge Ahlf reported that TCAB did not meet today. Judge Sean O'Donnell, SCJA Immediate Past President, is the new TCAB Chair. A discussion ensued about the need for TCAB in light of recent support of trial courts from the Board for Judicial Administration.

#### F. Judicial Information Systems (JIS) Report

Ms. Cullinane provided a Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project update. She reported that, since the CLJ-CMS Project was unable to move forward with either of the two vendors from the original RFP, the CLJ-CMS Project Steering Committee is currently looking at alternative options and investigating costs and risks of each. Options being considered include: (1) A best-of-breed solution, where individual components such as case management and document management are linked through data exchange, or (2) Recoding JIS and adding missing functions. The Project Steering Committee plans to bring a consultant on board to help them analyze the alternatives. They expect the consultant to be on board by mid to late September 2018. In addition, Ms. Cullinane provided a Department of Licensing (DOL) DRIVES project update. She reported the DOL is on track to replace their existing legacy systems with a new system, which will be implemented on September 4, 2018. In addition, the first release notice went out a couple days ago, and more information will be forthcoming in August 2018 before the changes are in place.

### **LIAISON REPORTS**

#### A. Administrative Office of the Courts (AOC)

Mr. Horenstein reported that the request for application for a new State Court Administrator went out this week for Ms. Callie Dietz's position. Board members are encouraged to contact the AOC if they know anyone who

may be interested in the position. Judge Robertson informed there will be representatives from all court levels involved in the interview process.

**B. Board for Judicial Administration (BJA)**

Judge Mary Logan circulated information about the 2019-2021 BJA branch budget priorities. Judge Logan also summarized the Budget and Funding Committee presentations on June 8, 2018, and shared that the courts of limited jurisdiction voices were heard throughout the process.

Judge Kevin Ringus reported that the BJA's last meeting was on June 15, 2018. In addition, Judge Ringus informed he will be the BJA Legislative Committee Chair for the next two years. The BJA discussed the upcoming Salary Commission presentation and salary setting schedule. The next BJA meeting is September 21, 2018.

**C. District and Municipal Court Management Association (DMCMA)**

Ms. Paulette Revoir reported that Ms. Margaret Yetter was sworn in as DMCMA President. In addition, she reported the DMCMA Staff Conference is in October 2018 at the Great Wolf Lodge, and registration notices will go out soon. She encouraged judges to watch for the notices and to send their staff to the Conference. DMCMA is revitalizing their Courts Helping Courts program with the addition of a Mentoring Program. Program details have been emailed to court managers and interest in the program has been overwhelmingly positive. Judges are encourage to support their managers in program participation.

**D. Misdemeanant Probation Association (MPA)**

Ms. Scarpaci reported the MPA had its spring conference from April 30 to May 2, 2018. In addition, the MPA is planning the next spring conference, which is scheduled for May 6-9, 2018, in Walla Walla. She also reported the MPA Academy is scheduled for September 12-21, 2018, and encouraged members to let her know of any topics they would like presented at the Academy.

**E. Washington State Bar Association (WSBA)**

Ms. Hunter reported on the following topics of interest for the Board:

- The 2018 APEX Awards will be presented at a ceremony and dinner on September 27, 2018 at the Sheraton Hotel in downtown Seattle (for more information, to register and/or to donate to the foundation, please go to: <https://www.wsba.org/about-wsba/apex-awards>).
- Mr. Rajeev Majumdar, District 2 Governor, was appointed by the BOG and sworn in as President-Elect at the May 17, 2018 BOG meeting.
- The BOG approved the charter of a workgroup proposed as part of the March bylaw amendment to study if it is reasonable to continue intentionally excluding otherwise eligible candidates in the name of geographic diversity, and to consider how to attract and be more inclusive of a broader cross-section of more candidates for President-Elect every year.
- The BOG added three new positions to its ranks, which include two at-large positions for members of the public who have never been licensed as legal professionals and one at-large seat for members who are limited license legal technicians ("LLLTs") or limited practice officers ("LPOs"). Rollback amendments could eliminate the public seats and the LLLT/LPO seat, but would allow LLLTs and LPOs to run for election as district governors on the same basis as active lawyer members as opposed to being appointed.
- FY2019 Budget Planning: The Budget and Audit Committee is preparing a proposed FY2019 budget that will be on for first public reading at the July BOG meeting and on for action at the September BOG meeting.
- Proponents of the salary increase for select staff repeatedly cited Amazon's impact on the cost of housing in Seattle during public session at September, November, January, and March BOG meetings and discounted questions about why this proposed budget increase had not been included in the

FY2018 budget so the governors could have considered the entire FY2018 budget during its normal year-long process.

- Ms. Hunter is working on getting judicial representation on the WSBA. The BOG thinks it is appropriate, so they are looking at it.
- The work group established by the former President to study possible rollback of member referendum rights is likely to issue its final report this summer for BOG action. Member referendum rights provide a chance to undo BOG action, subject to the Supreme Court's plenary authority to overrule.
- The WSBA celebrated the 50th anniversary of its diversity and inclusion plan. New Governors-Elect will be repeatedly reminded in orientation of WSBA's mission to serve the members and the public, ensure the integrity of the profession, and to champion justice.
- Ms. Hunter informed the September and October WSBA BOG meetings are very important and that Chief Justice Mary Fairhurst will attend the September meeting. Ms. Hunter will provide a written report to the DMCJA Board with the important details of those meetings.

For more information regarding WSBA BOG meetings, please visit: <https://www.wsba.org/about-wsba/who-we-are/board-of-governors>.

## **ACTION**

### *1. Proposed Amendment to CrRLJ 3.2(o)*

M/S/P to approve the Rules Committee recommendation to forward the proposed amendment to CrRLJ 3.2(o) to the Supreme Court Rules Committee.

## **DISCUSSION**

### **A. Governor's Office Pardoning Defendants with Marijuana Possession Violations**

Ms. Sonja Hallum, Policy Advisor in Governor Jay Inslee's Office, and Mr. Taylor "Tip" Wonhoff, Deputy General Counsel with Governor Inslee's Office, discussed an initiative regarding the Governor's Office pardoning defendants with marijuana possession violations. They want to hear what the pros and cons of this initiative would be from those who know the legal system and understand the limitations. There was discussion regarding the following:

- What class/charges could be pardoned
- What the best process would be to facilitate and track the pardons, if they decide to go forward with it
- What the process would be to submit the petition, and what the petition would include
- Who would be notified of the pardon
- What the burden would be on the clerk's office
- That courts need to know how to answer any questions that will come in
- That sometimes it is very hard to get information out to the smaller towns, etc.
- Whether a code should be made specifically for the pardons
- Whether the initiative would affect immigration, and
- That there is a number of municipal codes that will be different from state codes, so those would need to be found.

Ms. Hallum and Mr. Wonhoff encouraged Board members to continue thinking realistically about this and to contact them with any additional feedback.

B. Brief DMCJA Board of Governors (Board) Orientation

The (1) Operational Rules, (2) Rules for Conduct at Board Meetings, and (3) Motion Precedence and Conduct for DMCJA Board Meetings were provided for Board members' review. Members should contact Judge Robertson or Ms. Harvey with any questions.

C. Development of Curriculum for Judicial Independence

The Board discussed ongoing judicial independence issues that municipal court judges are experiencing throughout Washington State. Following the discussion, the Board went into Executive Session. M/S/P to go into Executive Session.

D. The new Domestic Violence Washington Administrative Code Procedures (Chapter 388-60A WAC)

Judge Robertson reported on the new Domestic Violence (DV) Washington Administrative Code (WAC) Procedures (Chapter 388-60A WAC). She informed that changes per the new WACs include that there are now four levels of treatment, people will have to attend treatment that is more rigorous, and the cost of treatment will likely increase—thus making it much more difficult for people to obtain DV treatment. She further informed Ms. Aime Roberts, DV Perpetrator Program Manager from the Department of Social and Health Services (DSHS), was hired to revise and recommend/educate on the new WAC changes, and Ms. Roberts presented to Judge Robertson and Judge Coburn. The Board discussed the WAC changes and some concerns Judge Robertson and Judge Coburn have. It was suggested Judge Coburn could send a memo she wrote about CLJs authority under statute to the DMCJA membership.

E. Pursuit of Legislation Exempting Judges from Disclosing their Addresses with the PDC (See RCW 4.24.680, RCW 4.24.690, and RCW 4.24.700)

Judge Meyer reported there may be a proposal again next session to allow judges not to provide their addresses to the Public Disclosure Commission (PDC). The DMCJA has supported this type of legislation in the past. It would be preferable if the PDC proposes the amendment, but the DMCJA could also consider proposing legislation to that effect. The Legislative Committee will look at this issue.

F. Proposed Amendment to CrRLJ 3.2(o)

Ms. J Benway reported the DMCJA Rules Committee recommends the DMCJA Board propose an amendment to CrRLJ 3.2, pertaining to Conditions of Release. She explained recent legislative changes to RCW 10.31.100 have modified the circumstances under which a police officer is required to hold a person arrested for a DUI or Physical Control offense until released by a judicial officer on bail, personal recognizance, or order, and CrRLJ 3.2(o) references this statutory requirement but has not been amended to address recent changes to the statutory language. Therefore, it is now recommended that CrRLJ 3.2(o)(3) be amended to reflect the statutory changes. M/S/P to move this topic to an action item.

**INFORMATION**

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

- A. 2018-2019 DMCJA Priorities are located in the meeting packet.
- B. Board members are encouraged to apply for DMCJA representative positions. Available positions include:
  - 1. Commission on Judicial Conduct (CJC)
  - 2. JIS CLJ "CLUG" User Group

3. Misdemeanant Probation Association (MPA) Liaison
4. Presiding Judge and Administrator Education Committee
5. Washington State Access to Justice Board (Liaison Position)
6. WSBA Court Rules and Procedures Committee

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

1. Survey on Committees with DMCJA Representatives (July 2018)
2. Courthouse Security Survey (September 2018)
3. Judicial Independence Matters (Municipal Court Contracts)

D. Ignition Interlock Report by National Center for State Courts (See Ignition Interlock Report by the National Center for State Court)

E. Reports of Engrossed Second Substitute House Bill (E2SHB) 1163 Domestic Violence Workgroups (See attachment on July Board meeting notice; Cover Letter in agenda packet)

### **OTHER BUSINESS**

Judge Robertson reminded meeting attendees to validate their parking passes, which is a new parking requirement at the AOC SeaTac Office Center.

The next DMCJA Board Meeting is scheduled for August 10, 2018, from 12:30 a.m. to 3:30 p.m., at the AOC Office in SeaTac, WA.

The meeting was adjourned at 2:45 p.m.