



**DMCJA Board of Governors Meeting**  
Friday, October 12, 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 (by phone)  
Judge Jennifer Fassbender  
Judge Michael Finkle  
Judge Robert Grim (by phone)  
Judge Drew Ann Henke  
Commissioner Rick Leo (by phone)  
Judge Aimee Maurer (by phone)  
Judge Samuel Meyer  
Judge Charles Short  
Judge Jeffrey Smith

### Members Absent:

Judge Linda Coburn  
Judge Michelle Gehlsen  
Judge Damon Shadid

### Guests:

Judge Douglas Fair  
Ms. Stacie Scarpaci, MCA  
Mr. Loyd Willaford, WSAJ  
Ms. Margaret Yetter, DMCMA

### AOC Staff:

Ms. J Benway (by phone)  
Ms. Vicky Cullinane  
Ms. Callie Dietz (by phone)  
Ms. Sharon R. Harvey  
Dr. Carl McCurley  
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 12:35 p.m. Judge Robertson 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 23, 2018.

### B. Treasurer's Report

M/S/P to accept the Treasurer's Report. The Treasurer's report was provided for the Board's review. Judge Fassbender reported the DMCJA Treasurer transition is now complete.

### C. Special Fund Report

M/S/P to accept the Special Fund Report. The Special Fund bank statement was provided for the Board's review. Judge Fassbender reported the Special Fund earned \$4.16 in interest this month. She also noted the bank will soon charge five dollars (\$5.00) for paper bank statements; therefore, Ms. Harvey and the DMCJA Bookkeeper, Ms. Christina Huwe, are working on getting online statements.

### D. Standing Committee Reports

#### 1. *Legislative Committee*

Judge Meyer, Legislative Committee Chair, reported that the Committee met on October 12, 2018 and has assembled a legislative agenda with a series of bills. He informed the Committee has approximately 10 ideas submitted by the DMCJA membership for the 2019 Legislative Session and have identified approximately five

to prioritize. In November 2018, the Committee will submit selected proposed 2019 DMCJA legislation for Board approval.

## 2. *Rules Committee*

The Rules Committee provided Minutes for August 23, 2018 and July 25, 2018 for the Board's review.

## 3. *Therapeutic Courts Committee*

The Therapeutic Courts Committee (TCC) provided August 1, 2018 Minutes for the Board's review. Judge Finkle reported the Committee presented a mini-colloquium entitled, "Providing Enhanced Therapeutic Solutions" on Tuesday, September 25, 2018, at the 60th Washington Judicial Conference in Yakima, WA. He reported that TCC Co-Chair Judge Laura Van Slyck emceed the presentation, which was well received by attendees. The TCC met immediately following the mini-colloquium presentation, and Judge Finkle, TCC Legislative Liaison Subcommittee Chair, informed that the Legislative Liaison subcommittee is discussing ideas for the upcoming legislative session. The TCC has created three subcommittees, namely, (1) Education, (2) Public Outreach and Judicial Resources, and (3) Government Affairs/Legislative Liaison.

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

Judge Robertson reported on the status of TCAB. Executive officers met at the 60th Washington Judicial Conference in Yakima, WA and determined that TCAB will meet once a year at the Annual Judicial Conference to discuss projects. Other meetings will be held on an as needed basis.

## 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 decided to regroup and determined certain criteria they need to meet for the CLJ-CMS Project to be successful. In addition, Ms. Cullinane informed the Project Steering Committee has determined there is no product off the shelf that will give them everything they need; therefore, they decided to hire a consultant to help them analyze the remaining alternatives to help them decide on the best solution for courts of limited jurisdiction. They released a Request for Qualifications and Quotations (RFQQ) in August 2018, eight companies responded, and the RFQQs are currently being evaluated. Interviews are scheduled for October 23 and 25, 2018, and they hope to have an apparently successful vendor identified by early November, so they can get started before the end of the year. The Project Steering Committee will have more information to share soon.

In addition, Ms. Cullinane provided an update on the work the Administrative Office of the Courts (AOC) had to do for the Department of Licensing (DOL) DRIVES project. She reported that the new DRIVES system was successfully implemented on September 4, 2018 as scheduled. Following implementation, there were some issues to work out, and the DOL and AOC are working on the issues as they become aware of them.

Ms. Cullinane also reported that the King County Clerk's Office (KCCO) now intends to go live with its new case management system on November 13, 2018. She informed that AOC has been waiting for sufficient data in order to do end-to-end testing from KCCO's system to AOC's applications, which requires two months to complete, and so there is likely to be a gap in information from the time KCCO goes live to the time testing is complete. If this happens, judicial officers may obtain information through the King County Clerk's public portal during the period when information is unavailable in JABS. The KCCO may do double-data entry into JIS for a period of time, but Ms. Cullinane has not had formal confirmation of that yet.

Lastly, Ms. Cullinane reported on the status of the Judicial Information Systems (JIS) equipment replacement request regarding laptops for court staff, which will be discussed at the next Judicial Information Systems Committee (JISC) meeting on October 26, 2018. This will include discussion concerning whether the AOC will reimburse courts for laptops for court staff at the desktop reimbursement rate. She explained that the current biennial budget is set, so they cannot reimburse at the higher laptop rate. If the JISC agrees to this, courts could get reimbursed seven hundred and ninety dollars (\$790) towards the cost of a laptop. She further

reported that, due to shrinking revenues in the JIS fund and greater demands on the funds for these large system replacement projects, on October 26, 2018 the JISC will also discuss possible changes to the equipment replacement policy for future years.

## **LIAISON REPORTS**

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

Ms. Dietz reported that the AOC is currently finishing up everything from the 2018 Annual Judicial Conference, and she felt the Conference went well. She informed the AOC just sent out reports on judicial needs to the judicial community and received some questions back, and the AOC will compile those questions and get back to the judges. The AOC is also working on finalizing their 2019-2021 biennial budget request, and she informed it was set for discussion at the Washington State Supreme Court En Banc meeting on Wednesday, October 10, 2018, and the packet is anticipated to go out next week. Ms. Dietz then provided a status update on the recruiting process for the new State Court Administrator position. She informed the AOC is in the final stages of the process; second interviews took place this week; and Judge Coburn, DMCJA representative, and Ms. Yetter, District and Municipal Court Management Association (DMCMA) representative, were involved in the interviews. She further informed they have an apparently successful candidate, and an announcement will likely be made very soon. In addition, Ms. Dietz reported that Mr. Brady Horenstein resigned his position as the AOC Associate Director of the Office of Legislative & Judicial Relations; therefore, the AOC is moving quickly to find a candidate to replace him before the upcoming 2019 Legislative Session. She informed the AOC is also researching whether they can get a contractor if the need arises, but she hopes that will not be necessary. Lastly, Ms. Dietz reported she attended the Washington Citizens' Commission on Salaries for Elected Officials (WCCSEO) meeting on Wednesday, October 10, 2018, and Judge Robertson and the other president judges testified regarding the Proposed 2019 and 2020 Salary Schedule. She stated she felt it went very well and informed that she and Chief Justice Mary Fairhurst will also meet with the Governor and his Legal Advisor on October 15, 2018.

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

Ms. Yetter reported the DMCMA has not met since the last Board meeting. She agreed to discuss the DMCMA's request for mandatory administrator education later in the meeting.

### **C. Misdemeanant Probation Association (MPA)**

Ms. Scarpaci thanked the Board for funding the MPA's request for twelve hundred dollars (\$1,200) to help cover the cost of a drug recognition expert speaker for the educational seminar on emerging drug trends, synthetic drug usage and polysubstance abuse, which will be held at the 2019 MPA Conference at The Marcus Whitman in Walla Walla on Tuesday, May 7, 2018. In addition, Ms. Scarpaci reported that more domestic violence Moral Reconciliation Therapy (DV MRT) training opportunities are currently being offered; therefore, there may be more probation offices offering DV MRT soon.

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

Mr. Willaford reported there were over 350 attendees at the WSAJ 2018 Annual Meeting & Convention. In addition, he reported the issue is still circulating among WSAJ members concerning whether to file in superior court or district court because of the mandatory arbitration requirements and jurisdictional limits.

## **ACTION**

### **1. *WSBA Proposed Inactive Retired Judicial Status Draft***

M/S/P to approve sending the WSBA Proposed Inactive Retired Judicial Status Draft to the DMCJA Rules Committee for review.

### **2. *Trial Court Security Proposal***

M/S/P to approve co-sponsoring the Trial Court Security proposal with the SCJA.

## DISCUSSION

### A. Washington State Center for Court Research (WSCCR) Presentation

Dr. Carl McCurley, Washington State Center for Court Research (WSCCR) Manager, presented on judicial needs for Courts of Limited Jurisdiction (CLJ). The WSCCR is the research arm of the Judiciary, and one service they provide to the CLJs is estimating how many judges are needed per court. Dr. McCurley said that in January 2002 the DMCJA Board of Governors' Judicial Needs Task Force Committee worked with the AOC to develop a new approach for judicial needs estimation (JNE), and a JNE model was adopted by the Board on August 12, 2002. The model was created to gauge the need for district and municipal court judicial officers, be objective, be accurate and feasible, and be flexible enough to capture changes in court business practices over time. He stated that in estimating judicial needs, WSCCR looks at how many cases are heard/disposed by a judicial officer in the course of a year, and then that information about past work levels as the basis for estimating judicial needs for the next year. Dr. McCurley explained how the estimates are calculated and what some of the limitations are with the model, and emphasized that the model's predictions are based on the level of work the courts have been handling across the most recent five years. He also provided a spreadsheet regarding CLJ Judge Staffing, JNE and comparative volume of Charges Disposed in 2002 and 2017. He explained the spreadsheet to the group and addressed Board members' questions. He informed the group that levels of predicted judge need have been consistent despite some indicators of declining caseload. He also suggested it would be a good idea to have an extended discussion about how the model functions, and said he would be happy to work on that if the Board would like him to. In addition, he informed that the AOC just recently emailed Judicial Needs Requests to the courts. Dr. McCurley's presentation materials will be sent to the DMCJA listserv. Additional information about WSCCR can be found at: <http://www.courts.wa.gov/index.cfm?fa=home.sub&org=wscrr&page=welcome&layout=2&parent=committee&tab=Welcome>. Members may also contact Dr. McCurley with any questions regarding WSCCR.

### B. Court System Education Funding Task Force Presentation

Judge Douglas Fair, BJA Court System Education Funding Task Force (Task Force) Co-Chair, gave an overview of the Task Force and its work. The Task Force was created by the BJA in July 2017 to obtain adequate and sustainable funding for court education. The Task Force's membership consists of judges from every level of court, a representative from the Court Management Council and Supreme Court Commissions, and AOC staff. In January 2018, the Task Force implemented a survey and assessed education funding and training needs. The Task Force then went before the Supreme Court Budget Committee with two requests: (1) statewide court system online training and (2) timely and essential court training. The BJA has prioritized those two funding requests as priority #2 and priority #3, which is favorable. As soon as the November election is over, the Task Force plans to start talking to key legislators before the 2019 Legislative Session and will continue efforts during the Legislative Session. Overall the Task Force's requests are not a big ask; however, it may be difficult to get money because some legislators think judges make too much money. In addition, the Salary Commission just recommended raises for judges in 2019 and 2020, which could make it an even harder sell. Moreover, Judge Robertson received a letter from the Court Education Committee (CEC) indicating that a minimum of 62 judicial officers are expected to attend the 2019 Judicial College and even higher numbers are expected in later years; thus, if needed, funding may be cut from the DMCJA, DMCMA, SCJA, and CEC to fund Judicial College. In spite of the challenges, the Task Force hopes to make a difference this year, but if needed they will also try again next year. Judge Fair then addressed Board members' questions, and requested that members talk to their legislators. Ms. Jeanne Englert is the AOC contact for the Task Force. Additional information about the Task Force and the full 2018 Court System Training Needs Report can be found at: [http://www.courts.wa.gov/programs\\_orgs/pos\\_bja/?fa=pos\\_bja.courtSystemEdFunding](http://www.courts.wa.gov/programs_orgs/pos_bja/?fa=pos_bja.courtSystemEdFunding).

### C. DMCJA Rules Committee Request for Rules Process Guidance

Judge Robertson reported that she received an email from Judge Jeffrey Goodwin, Rules Committee Chair, indicating the Rules Committee is looking for some guidance regarding the DMCJA protocol or procedure for rule proposals submitted by outside entities. The Board discussed the topic, and members agreed that requests from outside entities should go to the Board first and then the Board can give direction to the Rules Committee to review if appropriate. This pertains to agencies outside the judiciary; submissions from the judiciary would not be considered an outside request. Requests from outside entities should be handled as follows: The DMCJA Rules Committee will send rule proposals from outside entities to the DMCJA Board (via AOC Staff, Sharon Harvey, who will share it with the DMCJA Board at the next Board meeting). The Board will determine whether the Rules Committee should review and consider the rule proposal from the outside entity. All other rule proposals, within the Judiciary (Supreme Court, etc.), may be considered by the DMCJA Rules Committee and then presented to the Board.

### D. Washington State Court Administrator College & Mandatory Continuing Education

Ms. Margaret Yetter, District and Municipal Court Management Association (DMCMA) President, distributed a handout to attendees regarding mandatory education for court administrators, which the DMCMA has supported since 2008. She explained there is no Washington State court administrator “college” or mandatory continuing education for court managers, like there is for judicial officers; therefore, the DMCMA wants to create a managers’ college, similar to the Judicial College, in which court managers would be required to attend. She informed, in starting to create a rule, at first the DMCMA followed GR 26; however, over the last couple years, they received feedback that caused them to make a few changes, including changing the name to a “managers” title. Ms. Yetter further explained that the DMCMA wants this to be a required training so a minimum amount of information must be provided to a new court manager. She then informed that the DMCMA has worked with the other manager associations and has sought to incorporate their feedback into the proposed rule. She also informed there has been some concern about the impact this training will have on the AOC. The DMCMA has included a list of FAQs with the draft rule to help clarify some previously stated concerns.

The Board discussed the topic, and Ms. Yetter addressed members’ questions. Board feedback included the following: (1) what managers don’t know could hurt the judges so this should be very important to the judges, and we should maintain the best educated court managers; (2) this training could be coordinated with one of the conferences; (3) perhaps a video training could be done so everyone can get the required number of hours even if they cannot attend in person; (4) the manager college itself should be a consistent curriculum, similar to the Judicial College curriculum, and then when managers attend conferences they can get updated news and information; (5) you may be able to get some help from judges for this training; and (6) we should support the training because not everyone has a court background. Ms. Dietz informed that she and the AOC definitely support this training, and she suggested (1) the training could be held on different sides of the state on varying years to make it more convenient, and (2) using webinars and other technology could help alleviate problems with the cost of travel and make it as accessible as possible for everyone.

Ms. Yetter stated the proposed curriculum would be like the Judicial College in that it would be a consistent curriculum. In addition, having the training in conjunction with the Presiding Judge/Administrator’s Conference is being considered, but a decision has not been made on when or where the training will be held. She further informed the DMCMA is looking for the judges to support this rule to promote mandatory education for court managers for the betterment of all Washington Courts. She also noted that a grandfather clause may allow that not all managers are required to attend the college. Lastly, she informed the AOC could be allowed up to two years to implement a way to track this training. The Board will revisit this topic at the November meeting. Ms. Yetter will provide a copy of her handout for inclusion in the November meeting materials for the Board’s review.

E. WSBA Proposed Inactive Retired Judicial Status Draft

Judge Robertson reported the WSBA has proposed a bylaws amendment regarding a new section related to "Inactive Retired Judicial" member status. She proposed sending this proposed amendment to the DMCJA Rules Committee for their review. The draft language is included in the meeting materials. M/S/P to move this topic to an action item.

F. Trial Court Security Proposal

Judge Robertson provided the Board with a Trial Court Security proposal and reported that the SCJA has agreed to co-sponsor the proposal. The Board discussed whether to join the SCJA and co-sponsor the proposal. M/S/P to move this topic to an action item.

## INFORMATION

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

- A. 2018-2019 Nominating Committee Roster
- 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. Presiding Judge & Administrator Education Committee
  - 4. Washington State Access to Justice Board (Liaison Position)
  - 5. WSBA Court Rules and Procedures Committee

Judge Robertson reminded Board members of the current committee openings.

- C. Policy Analyst Project Ideas for 2018 are as follows:
  - 1. Courthouse Security Survey (August 2018)
  - 2. Judicial Independence Matters (Municipal Court Contracts)

- D. Washington Citizens' Commission on Salaries for Elected Officials (WCCSEO) Proposed 2019 and 2020 Salary Schedule

Judge Robertson informed that she testified at the WCCSEO meeting on Wednesday, October 10, 2018, regarding the Proposed 2019 and 2020 Salary Schedule, and that the Salary Commission has recommended raises for judges as follows: (1) Increase Judicial Branch salaries by 10% in 2019 and 2.5% in 2020 to address the "parity" with the Federal Bench, and (2) Cost of living adjustment of 2.5% in 2019 and 2.5% in 2020.

- E. DMCJA Support Letter regarding JIS Equipment Policy Change

## OTHER BUSINESS

Judge Meyer informed there is an article in the September 2018 Edition of the *WSBA NWLawyer* magazine (page 28) entitled "Bringing Justice to the Classroom," which states Thurston County District Court conducted small-claims hearings at a local high school to offer students a lesson in jurisprudence; it is called "Court in the Classroom." Thurston County District Court Judge Brett Buckley is also quoted in the article.

The next DMCJA Board Meeting is scheduled for November 9, 2018, from 12:30 a.m. to 3:30 p.m., at the AOC Office in SeaTac, WA.

The meeting was adjourned at 2:39 p.m.