



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

November 9, 2018

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2018-2019

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<i>Friday, July 13, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Aug. 10, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Sunday, Sept. 23, 2018</i>	9:00 a.m. – 12:00 p.m.	2018 Annual Judicial Conference, Yakima, WA
<i>Friday, Oct. 12, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Nov. 9, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Dec. 14, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Jan. 11, 2019</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Feb. 8, 2019</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, March 8, 2019</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, April 12, 2019</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, May 10, 2019 & Saturday, May 11, 2019</i>	May 10: 12:00-5:00 p.m. May 11: 9:00-1:00 p.m.	2019 DMCJA Board Retreat, Location: Olympia, WA
<i>June 2, 2019</i>	9:00 a.m. – 12:00 p.m.	2019 DMCJA Spring Conference, Location: Skamania Lodge, Stevenson, WA

AOC Staff: Sharon Harvey

Updated: October 30, 2018

Persons with a disability, who require accommodation, should notify Susan Peterson at 360-705-5278 or susan.peterson@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.



DMCJA BOARD MEETING
FRIDAY, NOVEMBER 9, 2018
12:30 PM – 3:30 PM
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT REBECCA C. ROBERTSON

AGENDA

PAGE

Call to Order

General Business

- | | |
|---|-------|
| A. Minutes – October 12, 2018 | 1-6 |
| B. Treasurer’s Report | 7-18 |
| C. Special Fund Report | |
| D. Standing Committee Reports | |
| 1. Legislative Committee – <i>Judge Meyer</i> | |
| 2. Rules Committee | |
| a. Proposed Rule Amendments Published for Comment by the WSSC | 19-39 |
| E. Trial Court Advocacy Board (TCAB) | |
| F. Judicial Information Systems (JIS) Report – <i>Ms. Cullinane</i> | |

Liaison Reports

- | | |
|--|-------|
| A. Administrative Office of the Courts (AOC) – <i>Ms. Callie Dietz</i> | |
| B. Board for Judicial Administration (BJA) – <i>Judges Ringus, Jasprica, Logan, and Johnson</i> | 40-46 |
| C. District and Municipal Court Management Association (DMCMA) – <i>Ms. Margaret Yetter</i> | |
| D. Misdemeanant Probation Association (MPA) – <i>Ms. Stacie Scarpaci</i> | |
| E. Superior Court Judges’ Association (SCJA) – <i>Judge Kitty-Ann van Doorninck</i> | 47-48 |
| F. Washington State Association for Justice (WSAJ) – <i>Rachel Hamar, Esq.</i> | |
| G. Washington State Bar Association (WSBA) – <i>Kim E. Hunter, Esq.</i> | |

Discussion

- | | |
|--|-------|
| A. Washington State Court Administrator College & Mandatory Continuing Education –
<i>Ms. Margaret Yetter</i> | 49-53 |
| B. Domestic Violence Perpetrator Treatment vs. Moral Reconciliation Therapy | 54-57 |
| C. 2019 DMCJA Legislative Agenda Proposals – <i>Judge Samuel G. Meyer</i> | |
| D. Reserves Committee Recommendation regarding DMCJA Special Fund | 58-59 |

<p>Information</p> <p>A. Board members are encouraged to apply for DMCJA representative positions. Available positions include:</p> <ol style="list-style-type: none"> 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 <p>B. Policy Analyst Project Ideas for 2018 are as follows:</p> <ol style="list-style-type: none"> 1. Judicial Independence Matters (Municipal Court Contracts) <p>C. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.</p> <p>D. On January 1, 2019, Ms. Dawn Marie Rubio will become the Washington State Court Administrator.</p> <p>E. Congratulations to the following DMCJA Members:</p> <ol style="list-style-type: none"> 1. Judge Coburn received the Asian Bar Association of Washington’s Judge of the Year Award. For more information, see the following web link: ABAW Judge of the Year. 2. Judge Logan on Spokane Community Court winning a 2018 APEX award. For more information, see the following web link: https://www.wsba.org/about-wsba/apex-awards <p>F. The Washington Pretrial Reform Task Force has created an information sheet regarding its mission and accomplishments.</p>	<p>60-61</p> <p>62</p>
<p>Other Business</p> <p>A. The next DMCJA Board Meeting is December 14, 2018, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office, SeaTac, WA.</p>	
<p>Adjourn</p>	



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

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

Members Absent:

Judge Linda Coburn
Judge Michelle Gehlsen
Judge Damon Shadid

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.

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 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.

Christina E Huwe
Pierce County Bookkeeping
1504 58th Way SE
Auburn, WA 98092
Phone (360) 710-5937
E-Mail: piercecountybookkeeping@outlook.com

SUMMARY OF REPORTS

**WASHINGTON STATE
DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION**

For the Period Ending October 31st, 2018

Please find attached the following reports for you to review:

- Statement of Financial Position
- Monthly Statement of Activities
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)
- Current Budget Balance

Please contact me if you have any questions in regards to the attached.

PLEASE BE SURE TO KEEP FOR YOUR RECORDS

Washington State District And Municipal Court Judges Assoc.
Statement of Financial Position
As of October 31, 2018

	<u>Oct 31, 18</u>
ASSETS	
Current Assets	
Checking/Savings	
Bank of America - Checking	6,267
Bank of America - Savings	42,811
US Bank - Savings	70,766
Washington Federal	50,628
Total Checking/Savings	<u>170,472</u>
Total Current Assets	170,472
Fixed Assets	
Accumulated Depreciation	(703)
Computer Equipment	579
Total Fixed Assets	(124)
Other Assets	
Prepaid Expenses	30,667
Total Other Assets	<u>30,667</u>
TOTAL ASSETS	<u><u>201,015</u></u>
LIABILITIES & EQUITY	
Equity	201,015
TOTAL LIABILITIES & EQUITY	<u><u>201,015</u></u>

Washington State District And Municipal Court Judges Assoc.

Statement of Activities

For the Four Months Ending October 31, 2018

	<u>Jul 18</u>	<u>Aug 18</u>	<u>Sep 18</u>	<u>Oct 18</u>	<u>TOTAL</u>
Ordinary Income/Expense					
Income					
Interest Income	5	5	5	1	16
Membership Revenue	500	0	0	0	500
Other Revenue	0	370	0	0	370
Total Income	<u>505</u>	<u>375</u>	<u>5</u>	<u>1</u>	<u>886</u>
Gross Profit	505	375	5	1	886
Expense					
Prior Year Budget Expense	2,635	(70)	4,493	1,655	8,713
Board Meeting Expense	1,222	916	1,003	2,138	5,279
Bookkeeping Expense	312	345	345	918	1,919
Conference Calls	0	0	6	82	88
Education Committee	0	0	0	905	905
Educational Grants	0	0	0	1,000	1,000
Judicial Assistance Committee	19	0	1,066	(3,103)	(2,018)
Legislative Pro-Tem	195	0	0	0	195
Lobbyist Contract	5,833	5,833	5,833	5,833	23,333
National Leadership Grants	0	0	0	2,099	2,099
President Expense	0	38	0	0	38
Treasurer Expense and Bonds	0	0	10	0	10
Total Expense	<u>10,216</u>	<u>7,062</u>	<u>12,756</u>	<u>11,528</u>	<u>41,562</u>
Net Ordinary Income	<u>(9,711)</u>	<u>(6,687)</u>	<u>(12,751)</u>	<u>(11,527)</u>	<u>(40,676)</u>
Net Income	<u><u>(9,711)</u></u>	<u><u>(6,687)</u></u>	<u><u>(12,751)</u></u>	<u><u>(11,527)</u></u>	<u><u>(40,676)</u></u>

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America - Checking, Period Ending 10/31/2018

Type	Date	Num	Name	Ctr	Amount	Balance
Beginning Balance						9,044.80
Cleared Transactions						
Checks and Payments - 43 items						
Check	10/02/2018		Kevin Ringus	X	-139.42	-139.42
Check	10/04/2018		Administrative Office...	X	-1,515.08	-1,654.50
Check	10/04/2018		Ingallina's Box Lunch	X	-333.80	-1,988.30
Check	10/04/2018		Linda Coburn	X	-141.42	-2,129.72
Check	10/04/2018		Michelle Gehlsen	X	-141.42	-2,271.14
Check	10/04/2018		Michael Finkle	X	-141.42	-2,412.56
Check	10/04/2018		Rebecca Robertson	X	-46.00	-2,458.56
Check	10/04/2018		Kevin Ringus	X	-36.00	-2,494.56
Check	10/12/2018		Dino W Traverso, P...	X	-600.00	-3,094.56
Check	10/12/2018		Pierce County Book...	X	-318.00	-3,412.56
Check	10/12/2018		City of Olympia	X	-105.42	-3,517.98
Check	10/12/2018		Dan B Johnson	X	-36.00	-3,553.98
Check	10/17/2018		Judy Jasprica	X	-141.42	-3,695.40
Check	10/17/2018		Scott Ahlf	X	-36.00	-3,731.40
Check	10/18/2018		Melanie Stewart	X	-2,000.00	-5,731.40
Check	10/19/2018		Marilyn Paja	X	-2,099.00	-7,830.40
Check	10/19/2018		Administrative Office...	X	-827.06	-8,657.46
Check	10/19/2018		Douglas B. Robinson	X	-473.62	-9,131.08
Check	10/19/2018		Jackie Shea-Brown	X	-364.32	-9,495.40
Check	10/19/2018		Susan Woodard	X	-340.02	-9,835.42
Check	10/19/2018		Chris Culp	X	-304.80	-10,140.22
Check	10/19/2018		Ingallina's Box Lunch	X	-270.82	-10,411.04
Check	10/19/2018		Jennifer L. Fassben...	X	-136.91	-10,547.95
Check	10/19/2018		James Doctor	X	-64.95	-10,612.90
Check	10/19/2018		Timothy Jenkins	X	-59.81	-10,672.71
Check	10/19/2018		Bruce Weiss	X	-44.69	-10,717.40
Check	10/19/2018		Marybeth Dingley	X	-39.24	-10,756.64
Check	10/19/2018		Douglas Fair	X	-32.70	-10,789.34
Check	10/19/2018		Michael Finkle	X	-31.61	-10,820.95
Check	10/19/2018		Claire Sussman	X	-21.80	-10,842.75
Check	10/19/2018		Michael Finkle	X	-19.62	-10,862.37
Check	10/19/2018		Mary C. Logan	X	-18.72	-10,881.09
Check	10/19/2018		Jennifer L. Fassben...	X	-7.50	-10,888.59
Check	10/22/2018		G. Andrew H. Benja...	X	-750.00	-11,638.59
Check	10/22/2018		Charles Short	X	-374.54	-12,013.13
Check	10/22/2018		Samuel G. Meyer	X	-54.50	-12,067.63
Check	10/24/2018		Roy Fore	X	-166.77	-12,234.40
Check	10/24/2018		Tom Verge	X	-85.02	-12,319.42
Check	10/24/2018		James Doctor	X	-64.95	-12,384.37
Check	10/24/2018		Douglas Fair	X	-32.70	-12,417.07
Check	10/24/2018		Timothy Jenkins	X	-9.81	-12,426.88
Check	10/25/2018		Charles Short	X	-369.43	-12,796.31
Check	10/26/2018		Ingallina's Box Lunch	X	-176.66	-12,972.97
Total Checks and Payments					-12,972.97	-12,972.97
Deposits and Credits - 4 items						
Check	02/11/2014	7276	Douglas Goelz	X	0.00	0.00
Deposit	10/12/2018			X	7,000.00	7,000.00
Deposit	10/25/2018			X	5,000.00	12,000.00
Deposit	10/30/2018		Linda Coburn	X	33.79	12,033.79
Total Deposits and Credits					12,033.79	12,033.79
Total Cleared Transactions					-939.18	-939.18
Cleared Balance					-939.18	8,105.62
Uncleared Transactions						
Checks and Payments - 3 items						
Check	10/25/2018		Thurston County Dis...		-1,000.00	-1,000.00
Check	10/29/2018		Susanna Neil Kanth...		-721.26	-1,721.26
Check	10/30/2018		Linda Coburn		-33.79	-1,755.05
Total Checks and Payments					-1,755.05	-1,755.05

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

11/05/18

Bank of America - Checking, Period Ending 10/31/2018

Type	Date	Num	Name	Clr	Amount	Balance
Total Uncleared Transactions					-1,755.05	-1,755.05
Register Balance as of 10/31/2018					-2,694.23	6,350.57
New Transactions						
Checks and Payments - 3 items						
Check	11/01/2018		Melanie Stewart		-2,000.00	-2,000.00
Check	11/05/2018		Susanna Neil Kanth...		-900.00	-2,900.00
Check	11/05/2018		Michael Evans		-48.19	-2,948.19
Total Checks and Payments					-2,948.19	-2,948.19
Total New Transactions					-2,948.19	-2,948.19
Ending Balance					-5,642.42	3,402.38

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America - Savings, Period Ending 10/31/2018

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						47,810.26
Cleared Transactions						
Checks and Payments - 1 item						
Deposit	10/25/2018			X	-5,000.00	-5,000.00
Total Checks and Payments					-5,000.00	-5,000.00
Deposits and Credits - 1 item						
Deposit	10/31/2018			X	0.79	0.79
Total Deposits and Credits					0.79	0.79
Total Cleared Transactions					-4,999.21	-4,999.21
Cleared Balance					-4,999.21	42,811.05
Register Balance as of 10/31/2018					-4,999.21	42,811.05
Ending Balance					-4,999.21	42,811.05

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July through October 2018

Type	Date	Num	Name	Memo	Amount	Balance
Bank of America - Checking						
Check	07/17/2018		Pierce County Bookkeeping	Pierce County Bookkeeping Bill Payment	(312.00)	(312.00)
Deposit	07/23/2018			Thomas W. Cox	500.00	188.00
Check	07/25/2018		Chelan County	Memo:Chalan County Treasurer Bill Payment	(2,635.47)	(2,447.47)
Check	07/28/2018		Kevin Ringus	Board Meeting Expense	(21.80)	(2,469.27)
Check	07/26/2018		Rick Leo	Board Meeting Expense	(23.38)	(2,492.65)
Check	07/26/2018		Michelle Gehlsen	Board Meeting Expense	(30.52)	(2,523.17)
Check	07/26/2018		Drew Henke	Board Meeting Expense	(30.52)	(2,553.69)
Check	07/26/2018		Samuel G. Meyer	Board Meeting Expense	(54.50)	(2,608.19)
Check	07/26/2018		Scott Ahlf	Board Meeting Expense	(54.50)	(2,662.69)
Check	07/26/2018		City of Bothell	Legislative Pro-Tem	(195.00)	(2,857.69)
Check	07/26/2018		Charles Short	Board Meeting Expense	(260.51)	(3,118.20)
Check	07/26/2018		Robert Grim	Board Meeting Expense	(272.50)	(3,390.70)
Check	07/26/2018		Ingallina's Box Lunch	Ingallina's Box Lunch Bill Payment	(383.13)	(3,773.83)
Check	07/26/2018		Melanie Stewart	July Payment	(2,000.00)	(5,773.83)
Check	07/27/2018		Michelle Gehlsen	Board Meeting Expense	(30.52)	(5,804.35)
Check	07/27/2018		Michael Finkle	Board Meeting Expense	(26.16)	(5,830.51)
Check	07/30/2018		Mary C. Logan	Judicial Assistance Committee	(18.72)	(5,849.23)
Check	07/30/2018		Linda Coburn	Board Meeting Expense	(33.79)	(5,883.02)
Transfer	08/13/2018			Funds Transfer to Credit Card	(38.13)	(5,921.15)
Check	08/13/2018		Pierce County Bookkeeping	July bookkeeping	(344.50)	(6,265.65)
Deposit	08/15/2018			bank of america cash reward	369.81	(5,895.84)
Deposit	08/15/2018			Reimbursement from Rebecca Robertson	169.96	(5,725.88)
Check	08/16/2018		Judy Jasprica	Board Meeting Expense	(139.42)	(5,865.30)
Check	08/16/2018		Drew Henke	DMCJ Board Meeting 8/10/18	(27.25)	(5,892.55)
Check	08/16/2018		Kevin Ringus	DMCJ Board Meeting 8/10/18	(21.80)	(5,914.35)
Check	08/16/2018		Michael Finkle	DMCJ Board Meeting 8/10/18	(19.62)	(5,933.97)
Check	08/16/2018		Michelle Gehlsen	DMCJ Board Meeting 8/10/18	(28.34)	(5,962.31)
Check	08/16/2018		Rick Leo	DMCJ Board Meeting 8/10/18	(26.09)	(5,988.40)
Check	08/16/2018		Samuel G. Meyer	DMCJ Board Meeting 8/10/18	(54.50)	(6,042.90)
Check	08/16/2018		Scott Ahlf	DMCJ Board Meeting 8/10/18	(54.50)	(6,097.40)
Check	08/17/2018		Melanie Stewart	August payment	(2,000.00)	(8,097.40)
Check	08/21/2018		Jennifer L. Fassbender	DMCJ Board Meeting 8/10/18	(21.57)	(8,118.97)
Check	08/21/2018		Dan B Johnson	DMCJ Board Meeting 8/10/18	(407.66)	(8,526.63)
Check	08/21/2018		Robert Grim	DMCJ Board Meeting 8/10/18	(115.46)	(8,642.09)
Check	08/31/2018		Superior Court Judges Association	Prior Year	(99.50)	(8,741.59)
Check	09/05/2018		Melanie Stewart	September payment	(2,000.00)	(10,741.59)
Check	09/05/2018		AOC		(1,009.19)	(11,750.78)
Check	09/05/2018		4imprint		(1,312.05)	(13,062.83)
Check	09/05/2018		Judith Anderson		(16.00)	(13,078.83)
Check	09/06/2018		AOC		(3,181.27)	(16,260.10)
Check	09/07/2018		Pierce County Bookkeeping		(344.50)	(16,604.60)
Transfer	09/10/2018			Funds Transfer	10,000.00	(6,604.60)
Transfer	09/17/2018			Funds Transfer Credit Card payment	(10.00)	(6,614.60)
Check	09/17/2018		Susanna Neil Kanther-Raz		(1,050.00)	(7,664.60)
Check	10/02/2018		Kevin Ringus		(139.42)	(7,804.02)
Check	10/04/2018		Kevin Ringus		(36.00)	(7,840.02)
Check	10/04/2018		Administrative Office of the Courts	April, Invoice	(1,515.08)	(9,355.10)
Check	10/04/2018		Ingallina's Box Lunch	Memo:Ingallina's Box Lunch Bill Payment	(333.80)	(9,688.90)
Check	10/04/2018		Rebecca Robertson		(46.00)	(9,734.90)
Check	10/04/2018		Michael Finkle		(141.42)	(9,876.32)
Check	10/04/2018		Michelle Gehlsen		(141.42)	(10,017.74)
Check	10/04/2018		Linda Coburn		(141.42)	(10,159.16)
Check	10/12/2018		Dino W Traverso, PLLC		(600.00)	(10,759.16)
Check	10/12/2018		Pierce County Bookkeeping	September invoice 767	(318.00)	(11,077.16)
Check	10/12/2018		Dan B Johnson	9/23	(36.00)	(11,113.16)
Check	10/12/2018		City of Olympia	9/23 Board meeting	(105.42)	(11,218.58)
Deposit	10/12/2018			Deposit	7,000.00	(4,218.58)
Check	10/17/2018		Scott Ahlf		(36.00)	(4,254.58)
Check	10/17/2018		Judy Jasprica		(141.42)	(4,396.00)
Check	10/18/2018		Melanie Stewart	October payment	(2,000.00)	(6,396.00)
Check	10/19/2018		Ingallina's Box Lunch	Ingallina's Box Lunch Bill Payment	(270.82)	(6,666.82)
Check	10/19/2018		Jennifer L. Fassbender	9/23 board meeting	(136.91)	(6,803.73)
Check	10/19/2018		Bruce Weiss	JASP Meeting 10/5/18	(44.69)	(6,848.42)
Check	10/19/2018		Claire Sussman	JASP Meeting 10/5/18	(21.80)	(6,870.22)
Check	10/19/2018		Douglas Fair	JASP Meeting 10/5/18	(32.70)	(6,902.92)
Check	10/19/2018		Douglas B. Robinson	JASP Meeting 10/5/18	(473.62)	(7,376.54)
Check	10/19/2018		James Doctor	JASP Meeting 10/5/18	(64.95)	(7,441.49)
Check	10/19/2018		Mary C. Logan	JASP Meeting 10/5/18	(18.72)	(7,460.21)
Check	10/19/2018		Marybeth Dingley	JASP Meeting 10/5/18	(39.24)	(7,499.45)
Check	10/19/2018		Michael Finkle	JASP Meeting 10/5/18	(31.61)	(7,531.06)
Check	10/19/2018		Timothy Jenkins	JASP Meeting 10/5/18	(59.81)	(7,590.87)
Check	10/19/2018		Administrative Office of the Courts	10/2018 invoice	(827.06)	(8,417.93)
Check	10/19/2018		Marilyn Paja	NAWJ Annual Meeting	(2,099.00)	(10,516.93)
Check	10/19/2018		Chris Culp	JASP meeting 10/5/18	(304.80)	(10,821.73)
Check	10/19/2018		Jackie Shea-Brown	JASP meeting 10/5/18	(364.32)	(11,186.05)
Check	10/19/2018		Susan Woodard	JASP meeting 10/5/18	(340.02)	(11,526.07)
Check	10/19/2018		Jennifer L. Fassbender	10/12/18	(7.50)	(11,533.57)

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July through October 2018

Type	Date	Num	Name	Memo	Amount	Balance
Check	10/19/2018		Michael Finkle	Board meeting 10/12/18	(19.62)	(11,553.19)
Check	10/22/2018		G. Andrew H. Benjamin	Memo:G. Andrew H. Benjamin Bill Payment	(750.00)	(12,303.19)
Check	10/22/2018		Samuel G. Meyer		(54.50)	(12,357.69)
Check	10/22/2018		Charles Short		(374.54)	(12,732.23)
Check	10/24/2018		Douglas Fair	Ed. Comm meeting 10/18	(32.70)	(12,764.93)
Check	10/24/2018		James Doctor	Ed. Comm meeting 10/18	(64.95)	(12,829.88)
Check	10/24/2018		Roy Fore	Ed. Comm meeting 10/18	(166.77)	(12,996.65)
Check	10/24/2018		Timothy Jenkins	Ed. Comm meeting 10/18	(9.81)	(13,006.46)
Check	10/24/2018		Tom Verge	Ed. Comm meeting 10/18	(85.02)	(13,091.48)
Check	10/25/2018		Charles Short	10/18/18	(369.43)	(13,460.91)
Deposit	10/25/2018			Online Banking transfer from SAV 7604 Co...	5,000.00	(8,460.91)
Check	10/25/2018		Thurston County District Court	NAPCO Conference	(1,000.00)	(9,460.91)
Check	10/26/2018		Ingallina's Box Lunch	10/18/18	(176.66)	(9,637.57)
Check	10/29/2018		Susanna Neil Kanther-Raz	10/5/18 Training	(721.26)	(10,358.83)
Deposit	10/30/2018		Linda Coburn	RETURNED BILL PAYMENT FROM Linda ...	33.79	(10,325.04)
Check	10/30/2018		Linda Coburn	7/13/18 DMCJA Board Meeting	(33.79)	(10,358.83)
Total Bank of America - Checking					(10,358.83)	(10,358.83)
Bank of America - Savings						
Deposit	07/31/2018			Interest	0.98	0.98
Deposit	08/31/2018			Interest	0.98	1.96
Transfer	09/10/2018			to general checking	(10,000.00)	(9,998.04)
Deposit	09/30/2018			Interest	0.84	(9,997.20)
Deposit	10/25/2018			Online Banking transfer from SAV 7604 Co...	(5,000.00)	(14,997.20)
Deposit	10/31/2018			Interest	0.79	(14,996.41)
Total Bank of America - Savings					(14,996.41)	(14,996.41)
Washington Federal						
Deposit	07/31/2018			Interest	4.30	4.30
Deposit	08/31/2018			Deposit	4.30	8.60
Deposit	09/30/2018			Interest	4.16	12.76
Total Washington Federal					12.76	12.76
Prepaid Expenses						
Genera...	07/31/2018	CEH		1/12 of Contract	(3,833.33)	(3,833.33)
Genera...	08/15/2018	CEH		1/12 of Contract	(3,833.33)	(7,666.66)
Genera...	09/17/2018	CEH		1/12 of Contract	(3,833.33)	(11,499.99)
Genera...	10/31/2018	CEH		1/12 of Contract	(3,833.33)	(15,333.32)
Total Prepaid Expenses					(15,333.32)	(15,333.32)
Bank of America C. C.						
Credit ...	08/07/2018		Budd Bay Cafe Olympia		(38.13)	(38.13)
Transfer	08/13/2018			Funds Transfer	38.13	0.00
Credit ...	09/17/2018		Secretary of State		(10.00)	(10.00)
Transfer	09/17/2018			Funds Transfer	10.00	0.00
Total Bank of America C. C.					0.00	0.00
Interest Income						
Deposit	07/31/2018			Interest	(0.98)	(0.98)
Deposit	07/31/2018			Interest	(4.30)	(5.28)
Deposit	08/31/2018			Deposit	(4.30)	(9.58)
Deposit	08/31/2018			Interest	(0.98)	(10.56)
Deposit	09/30/2018			Interest	(0.84)	(11.40)
Deposit	09/30/2018			Interest	(4.16)	(15.56)
Deposit	10/31/2018			Interest	(0.79)	(16.35)
Total Interest Income					(16.35)	(16.35)
Membership Revenue						
Deposit	07/23/2018		Thomas W. Cox	Garfield County	(500.00)	(500.00)
Total Membership Revenue					(500.00)	(500.00)
Other Revenue						
Deposit	08/15/2018			bank of america cash reward	(369.81)	(369.81)
Total Other Revenue					(369.81)	(369.81)

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July through October 2018

Type	Date	Num	Name	Memo	Amount	Balance
Prior Year Budget Expense						
Check	07/25/2018		Chelan County	Education Security	2,500.00	2,500.00
Check	07/25/2018		Chelan County	Education Committee	135.47	2,635.47
Deposit	08/15/2018		Rebecca Robertson	reimbursement to the DMCJA for one night,...	(169.96)	2,465.51
Check	08/31/2018		Superior Court Judges Association	Prior Year	99.50	2,565.01
Check	09/05/2018		4imprint	President Expense	1,312.05	3,877.06
Check	09/06/2018		AOC	Board Meeting Expense	2,698.86	6,575.92
Check	09/06/2018		AOC	Conference Calls	76.65	6,652.57
Check	09/06/2018		AOC	Education Committee	81.15	6,733.72
Check	09/06/2018		AOC	Judicial Indep Fire Brigade	81.15	6,814.87
Check	09/06/2018		AOC	Legislative Committee	81.16	6,896.03
Check	09/06/2018		AOC	Rules Committee	81.15	6,977.18
Check	09/06/2018		AOC	Therapeutic Courts Committee	81.15	7,058.33
Check	10/02/2018		Kevin Ringus	board	139.42	7,197.75
Check	10/04/2018		Administrative Office of the Courts	Board	857.02	8,054.77
Check	10/04/2018		Administrative Office of the Courts	Long Range Planning Committee	581.20	8,635.97
Check	10/04/2018		Administrative Office of the Courts	conference Calls	76.86	8,712.83
Total Prior Year Budget Expense					8,712.83	8,712.83
Board Meeting Expense						
Check	07/26/2018		Kevin Ringus	Board Meeting Expense	21.80	21.80
Check	07/28/2018		Rick Leo	Board Meeting Expense	23.38	45.18
Check	07/26/2018		Michelle Gehlsen	Board Meeting Expense	30.52	75.70
Check	07/26/2018		Drew Henke	Board Meeting Expense	30.52	106.22
Check	07/28/2018		Samuel G. Meyer	Board Meeting Expense	54.50	160.72
Check	07/26/2018		Scott Ahlf	Board Meeting Expense	54.50	215.22
Check	07/26/2018		Charles Short	Board Meeting Expense	260.51	475.73
Check	07/26/2018		Robert Grim	Board Meeting Expense	272.50	748.23
Check	07/26/2018		Ingallina's Box Lunch	Ingallina's Box Lunch Bill Payment	383.13	1,131.36
Check	07/27/2018		Michelle Gehlsen	Board Meeting Expense	30.52	1,161.88
Check	07/27/2018		Michael Finkle	Board Meeting Expense	26.18	1,188.04
Check	07/30/2018		Linda Coburn	Board Meeting Expense	33.79	1,221.83
Check	08/16/2018		Judy Jasprica	Board Meeting Expense	139.42	1,361.25
Check	08/16/2018		Drew Henke	DMCJ Board Meeting 8/10/18	27.25	1,388.50
Check	08/16/2018		Kevin Ringus	DMCJ Board Meeting 8/10/18	21.80	1,410.30
Check	08/16/2018		Michael Finkle	DMCJ Board Meeting 8/10/18	19.82	1,429.92
Check	08/16/2018		Michelle Gehlsen	DMCJ Board Meeting 8/10/18	28.34	1,458.26
Check	08/16/2018		Rick Leo	DMCJ Board Meeting 8/10/18	26.09	1,484.35
Check	08/16/2018		Samuel G. Meyer	DMCJ Board Meeting 8/10/18	54.50	1,538.85
Check	08/16/2018		Scott Ahlf	DMCJ Board Meeting 8/10/18	54.50	1,593.35
Check	08/21/2018		Jennifer L. Fassbender	DMCJ Board Meeting 8/10/18	21.57	1,614.92
Check	08/21/2018		Dan B Johnson	DMCJ Board Meeting 8/10/18	407.66	2,022.58
Check	08/21/2018		Robert Grim	DMCJ Board Meeting 8/10/18	115.46	2,138.04
Check	09/05/2018		AOC		1,003.03	3,141.07
Check	10/04/2018		Kevin Ringus		36.00	3,177.07
Check	10/04/2018		Ingallina's Box Lunch	Memo:Ingallina's Box Lunch Bill Payment	333.80	3,510.87
Check	10/04/2018		Rebecca Robertson	9/23/18	46.00	3,556.87
Check	10/04/2018		Michael Finkle	9/23/18	141.42	3,698.29
Check	10/04/2018		Michelle Gehlsen	9/23/18	141.42	3,839.71
Check	10/04/2018		Linda Coburn	9/23/18	141.42	3,981.13
Check	10/12/2018		Dan B Johnson	9/23	36.00	4,017.13
Check	10/12/2018		City of Olympia	9/23 Board meeting	105.42	4,122.55
Check	10/17/2018		Scott Ahlf		36.00	4,158.55
Check	10/17/2018		Judy Jasprica	9/23/18	141.42	4,299.97
Check	10/19/2018		Ingallina's Box Lunch	Ingallina's Box Lunch Bill Payment	270.82	4,570.79
Check	10/19/2018		Jennifer L. Fassbender	9/23/18	136.91	4,707.70
Check	10/19/2018		Administrative Office of the Courts	10/2018 invoice	115.62	4,823.32
Check	10/19/2018		Jennifer L. Fassbender	10/12/18	7.50	4,830.82
Check	10/19/2018		Michael Finkle	Board meeting 10/12/18	19.62	4,850.44
Check	10/22/2018		Samuel G. Meyer		54.50	4,904.94
Check	10/22/2018		Charles Short		374.54	5,279.48
Deposit	10/30/2018		Linda Coburn	RETURNED BILL PAYMENT FROM Linda ...	(33.79)	5,245.69
Check	10/30/2018		Linda Coburn	replaced uncashed check	33.79	5,279.48
Total Board Meeting Expense					5,279.48	5,279.48
Bookkeeping Expense						
Check	07/17/2018		Pierce County Bookkeeping	Pierce County Bookkeeping Bill Payment	312.00	312.00
Check	08/13/2018		Pierce County Bookkeeping	July bookkeeping	344.50	656.50
Check	09/07/2018		Pierce County Bookkeeping	Aug. Invoice 759	344.50	1,001.00
Check	10/12/2018		Dino W Traverso, PLLC	Tax return	600.00	1,601.00
Check	10/12/2018		Pierce County Bookkeeping	September invoice 767	318.00	1,919.00
Total Bookkeeping Expense					1,919.00	1,919.00

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July through October 2018

Type	Date	Num	Name	Memo	Amount	Balance
Conference Calls						
Check	09/05/2018		AOC		6.16	6.16
Check	10/19/2018		Administrative Office of the Courts	10/2018 invoice	81.73	87.89
Total Conference Calls					87.89	87.89
Education Committee						
Check	10/24/2018		Douglas Fair	Ed. Comm meeting 10/18	32.70	32.70
Check	10/24/2018		James Doctor	Ed. Comm meeting 10/18	64.95	97.65
Check	10/24/2018		Roy Fore	Ed. Comm meeting 10/18	166.77	264.42
Check	10/24/2018		Timothy Jenkins	Ed. Comm meeting 10/18	9.81	274.23
Check	10/24/2018		Tom Verge	Ed. Comm meeting 10/18	95.02	359.25
Check	10/25/2018		Charles Short	10/18/18	369.43	728.68
Check	10/26/2018		Ingallina's Box Lunch	10/18/18	176.66	905.34
Total Education Committee					905.34	905.34
Educational Grants						
Check	10/25/2018		Thurston County District Court	NAPCO Conference	1,000.00	1,000.00
Total Educational Grants					1,000.00	1,000.00
Judicial Assistance Committee						
Check	07/30/2018		Mary C. Logan	Judicial Assistance Committee	18.72	18.72
Check	09/05/2018		Judith Anderson	Certificate frame	16.00	34.72
Check	09/17/2018		Susanna Neil Kanther-Raz	3rd Qtr payment and Session	1,050.00	1,084.72
Deposit	10/12/2018			Deposit	(7,000.00)	(5,915.28)
Check	10/19/2018		Bruce Weiss	JASP Meeting 10/5/18	44.89	(5,870.59)
Check	10/19/2018		Claire Sussman	JASP Meeting 10/5/18	21.80	(5,848.79)
Check	10/19/2018		Douglas Fair	JASP Meeting 10/5/18	32.70	(5,816.09)
Check	10/19/2018		Douglas B. Robinson	JASP Meeting 10/5/18	473.62	(5,342.47)
Check	10/19/2018		James Doctor	JASP Meeting 10/5/18	64.95	(5,277.52)
Check	10/19/2018		Mary C. Logan	JASP Meeting 10/5/18	18.72	(5,258.80)
Check	10/19/2018		Marybeth Dingley	JASP Meeting 10/5/18	39.24	(5,219.56)
Check	10/19/2018		Michael Finkle	JASP Meeting 10/5/18	31.81	(5,187.95)
Check	10/19/2018		Timothy Jenkins	JASP Meeting 10/5/18	59.81	(5,128.14)
Check	10/19/2018		Administrative Office of the Courts	10/2018 invoice	629.71	(4,498.43)
Check	10/19/2018		Chris Culp	JASP meeting 10/5/18	304.80	(4,193.63)
Check	10/19/2018		Jackie Shea-Brown	JASP meeting 10/5/18	364.32	(3,829.31)
Check	10/19/2018		Susan Woodard	JASP meeting 10/5/18	340.02	(3,489.29)
Check	10/22/2018		G. Andrew H. Benjamin	10/5/18 Peer Counselor Training	750.00	(2,739.29)
Check	10/29/2018		Susanna Neil Kanther-Raz	10/5/18 Training	721.26	(2,018.03)
Total Judicial Assistance Committee					(2,018.03)	(2,018.03)
Legislative Pro-Tem						
Check	07/26/2018		City of Bothell	Legislative Pro-Tem	195.00	195.00
Total Legislative Pro-Tem					195.00	195.00
Lobbyist Contract						
Check	07/26/2018		Melanie Stewart	July Payment	2,000.00	2,000.00
Genera...	07/31/2018	CEH		1/12 of Contract	3,833.33	5,833.33
Genera...	08/15/2018	CEH		1/12 of Contract	3,833.33	9,666.66
Check	08/17/2018		Melanie Stewart	August payment	2,000.00	11,666.66
Check	09/05/2018		Melanie Stewart	September payment	2,000.00	13,666.66
Genera...	09/17/2018	CEH		1/12 of Contract	3,833.33	17,499.99
Check	10/18/2018		Melanie Stewart	October payment	2,000.00	19,499.99
Genera...	10/31/2018	CEH		1/12 of Contract	3,833.33	23,333.32
Total Lobbyist Contract					23,333.32	23,333.32
National Leadership Grants						
Check	10/19/2018		Marilyn Paja	NAWJ Annual Meeting	2,099.00	2,099.00
Total National Leadership Grants					2,099.00	2,099.00
President Expense						
Credit ...	08/07/2018		Budd Bay Cafe Olympia		38.13	38.13
Total President Expense					38.13	38.13
Treasurer Expense and Bonds						
Credit ...	09/17/2018		Secretary of State	Corp renewal	10.00	10.00
Total Treasurer Expense and Bonds					10.00	10.00
TOTAL					0.00	0.00

Other current information not included in reports

DMCJA 2018-2019 Adopted Budget			
ITEM COMMITTEE	Beginning Balance	Total Costs	Ending Balance
Access to Justice Liaison	\$100.00		\$100.00
Audit	\$2,000.00		\$2,000.00
Bar Association Liaison	\$1,500.00		\$1,500.00
Board Meeting Expense	\$30,000.00	\$5,280.00	\$24,720.00
Bookkeeping Expense	\$3,500.00	\$1,919.00	\$1,581.00
Bylaws Committee	\$250.00		\$250.00
Conference Calls	\$250.00	\$88.00	\$162.00
Conference Planning Committee	\$4,000.00		\$4,000.00
Conference Incidental Fees For Members Spring Conference 2019	\$40,000.00		\$40,000.00
Diversity Committee	\$2,000.00		\$2,000.00
DMCJA/SCJA Sentencing Alternatives aka "Trial Ct Sentencing & Supervision Comm"	\$1,000.00		\$1,000.00
DMCMA Liaison	\$500.00		\$500.00
DOL Liaison Committee	\$200.00		\$200.00
Education Committee	\$14,500.00	\$905.00	\$13,595.00
Educational Security	\$2,500.00		\$2,500.00
Education-Grants	\$5,000.00	\$1,000.00	\$4,000.00
Judicial Assistance Committee*	\$14,000.00	\$5,930.00	\$8,070.00
Judicial College Social Support	\$2,000.00		\$2,000.00
Judicial Community Outreach	\$4,000.00		\$4,000.00
Judicial Independence Fire Brigade	\$1,000.00		\$1,000.00
Legislative Committee	\$4,000.00		\$4,000.00
Legislative Pro-Tem	\$2,500.00	\$195.00	\$2,305.00
Lobbyist Contract	\$70,000.00	\$54,000.00	\$16,000.00
Lobbyist Expenses	\$1,500.00		\$1,500.00
Long-Range Planning Committee	\$750.00		\$750.00
MPA Liaison	\$1,000.00		\$1,000.00
Municipal/Dist. Ct Swearing-in 4 yrs. (12/2017)			\$0.00
National Leadership Grants	\$5,000.00	\$2,100.00	\$2,900.00
Nominating Committee	\$400.00		\$400.00
President Expense	\$5,000.00	\$38.00	\$4,962.00
Pro Tempore (committee chair approval)	\$10,000.00		\$10,000.00
Professional Services	\$5,000.00		\$5,000.00
Public Outreach (ad hoc workgroup)	\$2,500.00		\$2,500.00
Rules Committee	\$500.00		\$500.00
SCJA Board Liaison	\$1,000.00		\$1,000.00
Therapeutic Courts Committee	\$2,500.00		\$2,500.00
Treasurer Expense and Bonds	\$250.00	\$10.00	\$240.00
Trial Court Advocacy Board	\$500.00		\$500.00
Uniform Infraction Committee	\$1,000.00		\$1,000.00
TOTAL	\$241,700.00	\$71,465.00	\$170,235.00
TOTAL DEPOSITS MADE	\$7,500.00		
CREDIT CARD (balance owing)	\$0.00		

*Includes \$7,000 from the SCJA
Balance as of 10-31-2018

TO: DMCJA Board of Governors
FROM: J Benway, AOC Senior Legal Analyst
RE: Proposed Rule Amendments Published for Comment by the WSSC
DATE: October 30, 2018

The Washington State Supreme Court has published the following rule proposals for comment:

1. Requested by the **Superior Court Judges' Association:**
Proposal to Amend **CJC 2.9, Ex Parte Communications**
Deadline to Comment: **December 24, 2018**
2. Requested by the **Washington Association of Criminal Defense Lawyers:**
Proposal for New Rule **CrRLJ 3.7, Recording Interrogations**
Proposal for New Rule **CrRLJ 3.8, Recording Eyewitness Identification Procedure**
Proposal for New Rule **CrRLJ 3.9, In-Court Eyewitness Identification**
Proposal to Amend **CrRLJ 4.7, Discovery**
Proposal for New Rule **CrRLJ 4.11, Recording Witness Interviews**
Deadline to Comment: **April 30, 2019**

Please see the attached GR 9 Cover Sheets and Rule Proposals for additional information.

GR 9 COVER SHEET

Suggested Amendment to the

CODE OF JUDICIAL CONDUCT

CJC 2.9 – Ex Parte Communications

Submitted by the Superior Court Judges' Association

A. Name of Proponent: Superior Court Judges' Association

B. Spokesperson: Judge Blaine Gibson, President
Superior Court Judges' Association

C. Purpose:

In July 2018, the State Judicial Ethics Committee rendered Advisory Opinion 18-04, which concludes that under Code of Judicial Conduct 2.9(C) (“CJC”), judges and court personnel under a judge’s direction and control are prohibited from engaging in *ex parte* communications with a person accused of a crime before a first appearance unless otherwise authorized by law. This opinion prohibits pretrial dynamic risk assessments that include an interview of an unrepresented defendant and/or family members before his/her first appearance. The SCJA believes that such assessments are authorized by law. Ethics Op. 18-04 suggests the contrary and thus, has inhibited courts in those counties who have risk assessment interviews conducted by staff who are under the court’s direction and control from relying on these assessments.¹

For example, in juvenile courts throughout the state, juvenile probation counselors, typically under the court’s direction and control, conduct risk assessment and screening interviews when a young person is brought to detention by law enforcement. The purpose of that risk assessment and screening interview is to further the strong policy of keeping alleged juvenile offenders in the community, reducing the use of detention and eliminating the racial disproportionality among detained youth. Ethics Op. 18-04 jeopardizes that policy by preventing a judge from obtaining initial screening information that informs the level of risk associated with release before the first scheduled court appearance or longer. If, for example, a juvenile is arrested and detained at 11:00 p.m. on a Friday night, he or she may not meet with an attorney until a first appearance hearing on Monday. If the court cannot rely on interview information obtained before that hearing to assess risk for release, the juvenile is likely to be detained until arraignment 72 hours later, when charges are filed and more information is available to the court. In other words, rather than a release determination that can be made by a judge after hours and on weekends based on a screening interview and risk assessment – potentially resulting in a release from detention early on Saturday -- the juvenile could be detained five additional days until an arraignment and detention review can be conducted.² Similar delays in release may occur with at-risk youth

detentions and adult criminal matters. This result directly contradicts the mandate to reduce the use of detention and to keep juveniles and adults in the community when safely possible.

Ethics Op. 18-04 confirms, however, that court staff can conduct risk assessments and screening interviews when authorized by law. For example, Administrative Rule for Courts of Limited Jurisdiction (“ARLJ”) 11.1 allows for the creation of a “misdemeanant probation department” that “provides services designed to assist the court in the management of criminal justice and thereby aid in the preservation of public order and safety. This entity may consist of probation officers and probation clerks. The method of providing these services shall be established by the presiding judge of the local court to meet the specific needs of the court.” Ethics Op. 18-04 recognizes that ARLJ 11.1 authorizes the creation of a probation department whose core services include “pre/post sentence investigations with face-to-face interviews; researching criminal history, social and economic needs, community resource needs, counseling/treatment needs, work history, family and employer support, and completing written pre/post-sentence reports.”³ Accordingly, Ethics Op. 18-04 concludes that interviews by these probation staff are “authorized by law” and thereby an exception to the prohibition against *ex parte* communications.⁴

The SCJA firmly believes *ex parte* communications prohibited in Ethics Op. 18-04 are likewise expressly authorized by law. In the CJC, “law” is defined to “encompass[] court rules as well as statutes, constitutional provisions, and decisional law.”⁵ Numerous statutes authorize courts to establish probation departments, and authorize probation counselors to conduct interviews, investigations, and risk assessments and to make recommendations to the court regarding detention and disposition, just like court rule ALRJ 11.1 specifically recognized by the Ethics Committee. Additionally, the Juvenile Justice Act of 1997 makes clear that the handling of juveniles in communities and commensurately with the criminal, culpability, and rehabilitation needs of the young person are foundational policies of the Act. An attached Appendix lists statutes and rules that illustrate the court’s authority to rely on screening interviews conducted by staff under the court’s direction and control to inform risk and needs assessments, placement, dispositional, and supervision decisions.

By the Ethics Committee’s own logic, these statutes, at a minimum, authorize the court to rely on *ex parte* communications conducted by probation and screening staff to inform detention and dispositional decisions. Accordingly, the SCJA respectfully submits that the Committee should withdraw Ethics Op. 18-04 or at a minimum clarify that CJC 2.9 does not prohibit such contacts because they are authorized by law.

In an abundance of caution, however, the SCJA further recommends an amendment to CJC 2.9, to eliminate confusion over a judge’s ability to rely on *ex parte* communications conducted by persons ostensibly under the court’s direction and control, but conducted to gather information to inform risk and needs assessments, detention and release, placement, disposition, and community supervision decisions. This amendment is most relevant to initial risk assessment and screening decisions, as a defendant/respondent is not represented by counsel at that time. In subsequent interviews, an individual has counsel and any information gathered is available to counsel, who is able to respond to any and all information presented to the court. In other contexts, however, for example a family law case in which the parties are unrepresented and the court appoints a GAL to assess a child custody decision, a question could arise as to the court’s ability to rely on

such an assessment. Accordingly, the SCJA asks that an amendment to CJC 2.9 be broad and explicit to eliminate all doubt that such communications are authorized by law in both criminal and civil matters, and they do not violate a judge's responsibility to refrain from *ex parte* communications.

D. Hearing: A hearing is not requested. SCJA representatives will make themselves available should the Court require a hearing.

E. Expedited Consideration: Expedited consideration is requested to provide courts immediate guidance with respect to these issues.

¹ Ethics Opinion 18-04 at 3. Staff who are not under the court's direction and control are outside the scope of the Code of Judicial Conduct and, thus, not subject to Ethics Op. 18-04.

² In King County, for example, after hours and on weekends a juvenile court duty judge reviews remotely a police report, risk assessment, and screening report and e-files an order initially releasing or detaining the youth.

³ *Id.* at 6 (quoting Op. 08-06 and ARLJ 11.1).

⁴ CJC 2.9(A)(5), (C).

⁵ CJC, Terminology

CODE OF JUDICIAL CONDUCT

RULE 2.9 Ex Parte Communications

(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending* or impending matter,*before that judge's court except as follows:

~~(1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, or ex parte communication pursuant to a written policy or rule for a mental health court, drug court, or other therapeutic court, is permitted, provided:~~

(1)The following are permitted when circumstances require: ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters; ex parte communication pursuant to a written policy or rule for a mental health court, drug court, or other therapeutic court; and, in criminal and civil matters, ex parte communication for purposes of making decisions on matters such as an individual's risk and needs, pretrial release, bail, placement, dispositions, and supervision, provided:

(a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and

(b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.

(2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge affords the parties a reasonable opportunity to object and respond to the advice received.

(3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.

(4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

(5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law* to do so.

(B) If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

(C) A judge shall not investigate facts in a matter pending or impending before that judge, and shall consider only the evidence presented and any facts that may properly be judicially noticed, unless expressly authorized by law.

(D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

Comments

[1] To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.

[2] Whenever the presence of a party or notice to a party is required by this Rule, it is the party's lawyer, or if the party is unrepresented, the party, who is to be present or to whom notice is to be given.

[3] The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted by this Rule.

[4] A judge may initiate, permit, or consider ex parte communications expressly authorized by law, such as when serving on therapeutic or problem-solving courts; criminal and civil matters in juvenile and adult courts related to risk and needs assessment, pretrial release, bail, detention, placement, disposition, and supervision decisions; mental health courts, or drug courts. In this capacity, judges may assume a more interactive role with parties, treatment providers, probation officers, social workers, and others.

[5] A judge may consult on pending matters with other judges, or with retired judges who no longer practice law and are enrolled in a formal judicial mentoring program (such as the Washington Superior Court Judges' Association Mentor Judge Program). Such consultations must avoid ex parte discussions of a case with judges who have previously been disqualified from hearing the matter, and with judges or retired judges who have appellate jurisdiction over the matter.

[6] The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, including electronic.

[7] A judge may consult ethics advisory committees, outside counsel, or legal experts concerning the judge's compliance with this Code. Such consultations are not subject to the restrictions of paragraph (A)(2).

GR 9 COVER SHEET

Suggested New Criminal Rule CrRLJ 3.7 Recording Interrogations

Date: February 23, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206)623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to improve the reliability of interrogation evidence by having a full record of the entire interrogation.

Public Hearing: Not Requested.

Expedited Consideration: Not Requested.

SUGGESTED NEW CRIMINAL RULE CrRLJ 3.7
CrRLJ 3.7 RECORDING INTERROGATIONS

(a) In General. Custodial and non-custodial interrogations of persons under investigation for any crime are to be recorded by an audiovisual recording made by use of an electronic or digital audiovisual device.

(b) Exceptions.

(1) A spontaneous statement not made in response to a question;

(2) The person requests prior to making the statement that an electronic recording not be made, and the request is electronically recorded;

(3) Malfunction of equipment, provided due diligence has been met in maintaining the recording equipment;

(4) Substantial exigent circumstances exist which prevent the recording;

(5) Statements made as a part of routine processing or “booking”; when the interrogation takes place in another jurisdiction.

The State has the burden to prove by a preponderance of the evidence that an exception is applicable.

(c) Consequences of Failure to Record. If the court finds by a preponderance of the evidence that a person was subjected to custodial or non-custodial interrogation in violation of this rule, then any statements made by the person during or following that non-recorded custodial interrogation, even if otherwise in compliance with this section, are presumed to be inadmissible in any criminal proceeding against the person, except for purposes of impeachment.

The presumption of inadmissibility may be overcome by clear and convincing evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(d) Preservation. Recordings are to be preserved until the conviction is final and all direct and habeas corpus appeals are exhausted, or until the prosecution is barred by law.

GR 9 COVER SHEET

Suggested New Criminal Rule CrRLJ 3.8 Recording Eyewitness Identification Procedure

Date: February 23, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206)623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to create a more reliable evidence of eyewitness identification by recording the eyewitness identification procedure, allowing for subsequent review.

Public Hearing: Not Requested.

Expedited Consideration: Not Requested.

SUGGESTED NEW CRIMINAL RULE CrRLJ 3.8

CrRJI 3.8 RECORDING EYEWITNESS IDENTIFICATION PROCEDURE

(a) Recording. An out-of-court identification procedure resulting from a photo array, live lineup, or show-up identification procedure conducted by a law enforcement officer shall not be admissible unless a record of the identification procedure is made.

(b) Documenting the Procedure.

(1) All interviews and identification procedures conducted with any victim/witness should be fully documented. Video-recording should be used when practicable. Audio recording is the preferred alternative. If neither video- nor audio-recording is possible, administrators should produce a detailed written report of the interview or identification procedure immediately following completion of the procedure.

(2) A confidence statement should be obtained immediately after the victim/witness makes a decision. The exact words used by the victim/witness in expressing his/her degree of confidence should be documented.

(c) Contents. The record of an out-of-court identification procedure is to include details of what occurred at the out-of court identification, including the following:

(1) The place where the identification procedure was conducted;

(2) The dialogue between the witness and the officer who administered the procedure;

(3) The results of the identification procedure, including any selection, or lack of selection, made by the witness/victim;

(4) If a live lineup, a photo of the lineup; if the identification procedure includes movements, a video of the identification procedure; if the identification procedure includes speaking, an audio recording of the speaking and a photo of the identification procedure;

(5) If a photo lineup, the photographic array, mug books or digital photographs used, including an unaltered, accurate copy of the photographs used, and an accurate copy upon which the witness indicated his or her selection;

(6) The identity of persons who witnessed the live lineup, photo lineup, or showup, including the location of such witnesses and whether those witnesses could be seen by the witness;

(7) The identity of any individuals with whom the witness has spoken about the identification, at any time before, during, or immediately after the official identification procedure, and a detailed summary of what was said. This includes the identification of both law enforcement officials and private actors who are not associated with law enforcement.

(c) **Remedy.** If the record that is prepared is lacking in important details as to what occurred at the out-of-court identification procedure, and if it was feasible to obtain and preserve those details, the court may, in its sound discretion and consistent with appropriate case law, declare the identification inadmissible, redact portions of the identification testimony, admit expert testimony, and/or fashion an appropriate jury instruction to be used in evaluating the reliability of the identification.

GR 9 COVER SHEET

Suggested New Criminal Rule CrRLJ 3.9 In-Court Eyewitness Identification

Date: June 5, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206)623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to exclude in-court identification of an accused where the perpetrator is unknown to the witness and there has been no prior out-of-court eyewitness identification procedure. Such in-court eyewitness identifications are suggestive, often unreliable, unduly prejudicial, burden shifting and improper opinion evidence. This rule is not intended to presume that in-court identifications are admissible if there has been an out-of-court identification procedure.

Public Hearing: Not Requested.

Expedited Consideration: Not Requested.

SUGGESTED CRIMINAL RULE CrRLJ 3.9

CrRLJ 3.9 IN-COURT EYEWITNESS IDENTIFICATION

In-Court Identifications. In-court eyewitness identifications are inadmissible where the perpetrator is unknown to the witness and there has been no prior out-of-court eyewitness identification procedure.

GR 9 COVER SHEET

Suggested Amendment to Criminal Rule CrRLJ 4.7 Discovery

Date: June 5, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206)623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purposes of these amendments are (1) create CrRLJ 4.7(a)(1)(xii), requiring the prosecuting authority to provide all eyewitness identification procedures to the defense; (2) amend CrRLJ 4.7(a)(3) and (4), to bring the rule into accord with *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), and its progeny; and (3) to amend CrRLJ 4.7(g)(3) to permit defense counsel to provide properly redacted discovery to defendants.

Public Hearing: None sought.

Expedited Consideration: WACDL requests expedited consideration under GR 9(e)(2)(E) because conflict in case law is an exceptional circumstance that justifies expedited consideration, specifically as relates to CrRLJ 4.7(a)(3) and (4).

SUGGESTED AMENDMENT TO CRIMINAL RULE CrRLJ 4.7 DISCOVERY
CrRLJ 4.7 DISCOVERY

(a) Prosecuting Authority's Obligations

(1) Except as otherwise provided by protective orders or as to matters not subject to disclosure, the prosecuting authority shall, upon written demand, disclose to the defendant the following material and information within his or her possession or control concerning:

(i) Unchanged.

(ii) Unchanged.

(iii) Unchanged.

(iv) Unchanged.

(v) Unchanged.

(vi) Unchanged.

(vii) Unchanged.

(viii) Unchanged.

(ix) Unchanged.

(x) Unchanged.

(xi) Unchanged.

(xii) All records, including notes, reports and electronic recordings relating to an identification procedure, as well as all identification procedures, whether or not the procedure resulted in an identification or the procedure resulted in the identification of a person other than the suspect.

(2) Unchanged.

(3) Except as is otherwise provided as to protective orders, the prosecuting attorney shall disclose to the defendant's counsel any material or information within the prosecuting authority's knowledge which tends to negate defendant's guilt as to the offense charged, and/or which tends to impeach a State's witness.

(4) The prosecuting authority's obligation under this section ~~is limited to material and information within the actual knowledge, possession, or control of members of his or her staff.~~ includes material and evidence favorable to the defendant and material to the defendant's guilt or punishment, and/or which tends to impeach a State's witness. This includes favorable evidence known to others acting on the State's behalf in the case, including the police. The prosecuting authority's duty under this rule not conditioned on a defense request for such material. Such duty is ongoing, even after plea or sentencing.

(b) Defendant's Obligations. Unchanged.

(c) Physical and Demonstrative Evidence. Unchanged.

(d) Material Held by Others. Unchanged.

(e) Discretionary Disclosures. Unchanged.

(f) Matters Not Subject to Disclosure. Unchanged.

(g) Regulation of Discovery.

(1) *Investigation Not to Be Impeded.* Unchanged.

(2) *Continuing Duty to Disclose.* Unchanged.

(3) *Custody of Materials.* Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the lawyer and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or

the court may provide. Further, a defense lawyer shall be permitted to provide a copy of the materials to the defendant after making ~~appropriate~~ the following redactions: ~~which are approved by the prosecuting authority or order of the court.~~

(i) Dates of Birth—redact to the year of birth;

(ii) Names of Minor Children—redact to the initials;

(iii) Social Security Numbers or Federal Taxpayer Identification Numbers—redact in their entirety;

(iv) Financial Accounting Information—redact to the last four digits;

(v) Passport Numbers and Driver License Numbers—redact in their entirety;

(vi) Home Addresses—redact to the City and State; and

(vii) Phone Numbers—redact in their entirety.

Each defense lawyer shall maintain a duplicate copy of discovery furnished to the defendant they are representing, which shows the redactions made in accordance with this court rule for the duration of the case. The duplicate copy of discovery with redactions shall be kept in the client’s case file. If the defense lawyer withdraws from representing the defendant, the duplicate copy with redactions shall be furnished to the new lawyer and maintained in the new lawyer’s case file for the defendant for the duration of the case. The court may, upon proper showing, request to see the duplicate copy with redactions that has been furnished to the defendant, to make sure the redactions have been properly made.

(4) *Protective Orders*. Unchanged

(5) *Excision*. Unchanged

(6) *In Camera Proceedings*. Unchanged

(7) *Sanctions*. Unchanged

GR 9 COVER SHEET

Suggested Amendment to Criminal Rule CrRLJ 4.11 Recording Witness Interviews

Date: February 23, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206)623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to improve the reliability of evidence by permitting the recording of pretrial interviews, thereby having a more accurate record of the interview.

Public Hearing: Not Requested.

Expedited Consideration: Not requested.

SUGGESTED NEW CRIMINAL RULE CrRLJ 4.11

CrRLJ 4.11 RECORDING WITNESS INTERVIEWS

(a) Recording of Witness Interviews. Counsel for any party, or an employee or agent of counsel's office, may conduct witness interviews by openly using an audio recording device or other means of verbatim audio recording, including a court reporter. Such interviews are subject to the court's regulation of discovery under CrRLJ 4.7(g). Any disputes about an interview or manner of recording shall be resolved in accordance with CrRLJ 4.6(b) and (c) and CrRLJ 4.7(g). This rule shall not affect any other legal rights of witnesses.

(b) Providing Copies. Copies of recordings and transcripts, if made, shall be provided to all other parties in accordance with the requirements of CrRLJ 4.7. If an interview is recorded by a court reporter, and is discoverable under CrRLJ 4.7, any party or the witness may order a transcript thereof at the party's or witness's expense. Dissemination of audio recordings or transcripts of witness interviews obtained under this rule is prohibited except where required to satisfy the discovery obligations of CrRLJ 4.7, pursuant to court order after a showing of good cause relating solely to the criminal case at issue, or as reasonably necessary to conduct a party's case.

(c) Preliminary Statement. At the commencement of any recorded witness interview, the person conducting the interview shall confirm on the audiotape or recording that the witness has been provided the following information: (1) the name, address, and telephone number of the person conducting the interview; (2) the identity of the party represented by the person conducting the interview; and (3) that the witness may obtain a copy of the recording and transcript, if made.

(d) Witness Consent. A witness may refuse to be recorded. In the event that a witness refuses to be recorded, and there is a dispute regarding any statement made by the witness, the jury should be instructed to examine the statement carefully in the light of any reasons for the refusal and other circumstances relevant to that witness's testimony, including, but not limited to, bias and motive.



Board for Judicial Administration (BJA) Meeting
Friday, September 21, 2018 (9 a.m. – 12 p.m.)
AOC SeaTac Office, 18000 International Blvd, Suite 1106, SeaTac

MEETING MINUTES

BJA Members Present:

Chief Justice Mary Fairhurst, Chair
Judge Judy Rae Jasprica, Member Chair
Callie Dietz
Judge Doug Federspiel
Judge Gregory Gonzales
Judge Dan Johnson
Judge David Kurtz
Judge Robert Lawrence-Berrey
Judge Linda Lee (by phone)
Paula Littlewood
Judge Mary Logan
Judge Samuel Meyer
Bill Pickett
Judge Kevin Ringus
Judge Rebecca Robertson
James Rogers
Judge Laurel Siddoway (by phone)
Judge Kitty-Ann van Doorninck
Justice Charles Wiggins

Guests Present:

William Hyslop
Sonya Kraski
Margaret Yetter

Public Present:

Page Carter

AOC Staff Present:

Lynne Alfasso
Crissy Anderson
Jeanne Englert
Sharon Harvey
Brady Horenstein
Sonya Kraski (by phone)
Dirk Marler
Ramsey Radwan
Caroline Tawes

Call to Order

Chief Justice Fairhurst called the meeting to order at 9:00 a.m. The members were welcomed and introduced themselves.

BJA Orientation

Members received a 2018-2019 BJA Member Guide.

Each court level and staff association are represented on the BJA. The BJA serves an important role in bringing the judicial levels together to share concerns and information. This is a forum to have candid and respectful conversations and to encourage a shared vision of court leadership. The BJA is a time to come together as a group as the judiciary will have more influence as a group rather than individuals.

BJA committees and task forces information was reviewed and is included in the BJA Member Guide. Also included in the Member Guide were the current BJA resolutions and the updated process for reviewing resolutions. Chief Justice Fairhurst highlighted

the four leadership goals. The leadership goal “speaking with one voice” will be changed to “speaking with a unified voice.”

Members were asked to discuss as a group what hopes they have for the BJA, a goal they are interested in and how to implement that goal, the biggest opportunity or challenge for BJA, and how to share priorities and plans with their respective associations and colleagues. The BJA members should see themselves as a group thinking strategically about the future, and sharing challenges and concerns in order to arrive at the best resolution. The BJA is the place to have frank discussions and then to present a unified message.

Members shared:

- It is important that the state start contributing to the justice system. The Legislature needs to work with stakeholders to fund mandates. This is especially critical for smaller courts.
- It is important to come up with a good communication plan for the judicial branch that will gain legitimacy for all levels of court and will be viewed as representative for all court levels. Judges should feel they are heard and represented.
- The judiciary should continue to be meaningfully represented in budget talks. There is also a communication piece; it is possible for all court levels to be heard in financial and other interests.
- The BJA is a great opportunity to work together, continue to collaborate, and turn challenges into opportunities. This message needs to be taken to our associations. There is a need for increased communication.
- Disagreements should be resolved here. This should be a representative body with transparency and advocacy for all.
- There is a need for better education for all court levels, including education at conferences. Education efforts need to be coordinated.
- There should be a sustainable education funding goal. There are a large number of judges approaching retirement and a huge number of new, incoming judges who need a good educational system.
- Education is a special challenge for single-judge courts.
- We need buy-in from representatives and organizations. The BJA should have a concrete goal for all court levels and that goal should be communicated to all judges, so they know the value of the BJA to them.
- There is a different level of court security at different courts, and this affects each of us.
- Members should know everyone personally. That makes sharing and communicating easier.
- This is an opportunity to understand the issues of other judges and to understand issues at other court levels and provide support to colleagues.
- BJA members should know that Washington State has a lot of credibility nationally, and is known for being on the cutting edge of issues. We need to

educate the public; lack of information leads to funding issues. The BJA has an opportunity to be a model for trust and credibility by bringing issues, open discussions, creating a unified voice, and sending a message to help all court levels. That commitment can be taken to the associations to work together and support other court levels.

- The BJA brings collective wisdom and an opportunity to look down the road at bigger issues. The BJA provides a place where the Bar can learn of issues where they can help and be an ally on issues.
- There is a hope the BJA becomes a body that speaks with a unified voice, and a model for what that means, including civil disagreement. The BJA can enhance public trust in the judiciary.
- Even if an issue involves only one level of court, the BJA can provide support on that issue.
- Relationships are very important. There is a need for connection and training, and to provide support to judges, especially those who are not as connected as they want to be. Hopefully judges can get to know one another and those relationships help resolve issues.
- The two task forces are moving forward and provide an opportunity to try something different for funding. These are priorities that affect all court levels. The BJA can provide a unified voice on topics.
- The BJA can develop more public awareness of what courts do and help with court preparedness.
- The DMCMA is committed to court staff education. Hopefully the BJA can support education through all court levels.
- Court staff are the most visible part of the court system. Education is imperative at all court levels.
- BJA should expand its vision and think big. Staff speak highly of the BJA. BJA is a place where we discuss; if an issue isn't discussed, it suggests a gap where the BJA hasn't heard of an issue.
- There is a challenge to be both grounded in day-to-day issues and also looking forward 10 to 20 years. Evolving needs must be met; has the BJA developed a collective vision of what the courts should look like in 20 years?
- The BJA needs to speak with a unified voice as a branch. The Legislature needs to know legislation has BJA backing.
- The BJA should work on speaking with a unified voice. The judicial branch will be stronger if seen as a unified branch.

Members were asked to review the member responsibilities on page 5 of the Member Guide.

Standing Committee Reports

Budget and Funding Committee (BFC): There will be a Court Funding Committee call in the next few weeks.

Court Education Committee (CEC): Judge Jasprica reported that the CEC judicial and administrative members will meet with each association to discuss how they can do a better job of coordination. They are in the planning stages for the Judicial Education Leadership Institute (JELI) in November that will include two members from each association. The education budget has been the same for the past eight to ten years. In January the Judicial College will have one of the largest registrations ever and the current budget will not cover the costs. An additional \$10,000 has been pledged to the Judicial College.

Legislative Committee (LC): The next meeting will be on October 5 in Olympia. The LC has a role with each committee. Judge Ringus suggested thinking big while the economy is good.

Policy and Planning Committee (PPC): Judge Robertson reported the PPC approved changes to its charter in June, allowing for representatives from each court management association and longer service for the members, which should allow for better planning. Six proposals were received for identification of future strategic initiative(s) and will be reviewed and prioritized at today's meeting. Work will continue on the branch communication plan.

Task Force Update

Written reports for each of the task forces were included in the meeting materials. Englert said the task forces will continue to be very active into the Legislative Session. Surveys and reports from the task forces are available if they are needed. The task forces continue to develop talking points, information sheets, and outreach plans.

Court Education Funding Task Force: This Task Force is looking at education for all court personnel. The two budget packages totaling \$1.4 million will address online training system, increasing existing in-person trainings, identifying critical trainings, and providing financial support to help personnel in small and rural courts to attend trainings. Some new judges and court staff receive no training in their first six months on the job. The Task Force will be making presentations to groups and mobilizing stakeholders for the legislative session.

Interpreter Services Funding Task Force: The Interpreter Services Funding Task Force is reaching out across the state to a broad group of stakeholders. The Task Force just released a survey to community advocates regarding domestic and sexual violence and protection orders, and are meeting with judges, court administrators, attorneys, and interpreters across the state. There will be an update on both task forces and legislative materials at the November BJA meeting.

Legislative Update

The Legislative Committee received three legislative proposals for the upcoming session: 1) from the Office of Public Guardianship to expand the service methods they can offer; 2) from the Gender and Justice Commission to improve the definition of domestic violence; and 3) a request from last year regarding consolidation of traffic fines and the relicensing program. There is a proposal that the judicial branch be a co-requester of the bill. The Committee will also be working on the two task forces funding proposals.

Horenstein will have draft language for the recommended legislative agenda for consideration and approval at the October BJA meeting.

No changes in control of the legislature are expected.

The Legislative Task Force on Public Records held its first meeting. GR 31.1 is seen by some legislators as a model for development of their own public records process. There will be a full discussion at their next meeting. Question may be directed to Horenstein.

Expiring Resolution Process

Included in the meeting materials was a PPC recommendation for expiring resolutions for BJA consideration and approval. The process proposed was:

- one year prior to the resolution's five-year expiration date, the sponsor will be notified of the need to renew, revise, or retire the resolution;
- six months before expiration, a new resolution or request to renew the resolution is sent to the BJA;
- three months before expiration, the new resolution or request is sent to the BJA for discussion.

Judge Ringus suggested discussing the renewed or revised resolution after six months because the BJA does not meet every month.

It was moved by Judge Robertson and seconded by Judge Johnson to approve the Policy and Planning Committee process for expiring resolutions.

There was a friendly amendment proposed by Judge Ringus to change the BJA discussion deadline to six months prior to the expiration of the resolution. The motion carried.

2018–2019 Budget Process Update

There will be a budget update at the October BJA meeting. There was a presentation on June 8 on the judicial branch budget. Budget meetings since then have focused on those state General Fund budget requests that flow through the AOC. Technology budget requests from the Judicial Information System Committee (JISC) are usually not reviewed by the BJA. This year, several information technology requests will seek funding from the state general fund due to previous biennia fund sweeps and declining revenue. There is a recommendation to move four information technology funding requests into the General Fund request that will go to the Legislature. In August the Supreme Court Budget Committee was briefed regarding this proposal.

At the request of the Supreme Court Budget Committee, Radwan separated the budget into 1) pass through or programmatic requests; 2) infrastructure requests; and 3) information technology requests. After review by the Supreme Court Budget Committee, the requests will be discussed by the Court Funding Committee on October 9. The Supreme Court Budget Committee recommendations will go to the Supreme Court for discussion at the October en banc.

Information on the budget process and timeline may be found on the AOC public web site under the Administrative Office of the Courts link at the bottom of the page, Management Services Division, Budget Development and Submittal, 2019–2021 Budget Development and Submittal Information. More information will be posted in October.

2019 BJA Meeting Schedule

It was moved by Judge Ringus and seconded by Judge Logan to approve the 2019 BJA meeting schedule. The motion carried.

June 15, 2018 Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Jasprica to approve the June 15, 2018 BJA meeting minutes. The motion carried.

Washington State Bar Association (WSBA) Report

Littlewood discussed the mix of voluntary and mandatory bar associations throughout the United States. Using the PowerPoint presentation copied in the meeting materials, she discussed the roles and history of bar associations. Washington is the only state with three types of licensed legal professionals. The WSBA has 40,000 members, the largest bar association in the Western Region except for California. The WSBA is an agency of the Washington Supreme Court. The WSBA president shared three focus areas in the work they will do in the next year: trust, relationships and service.

Public Trust and Confidence Committee

Judges were in classrooms as part of Constitution Day.

Other

There is BJA financial information under Tab 8 in the meeting materials.

There being no further business, the meeting was adjourned at 12:02 p.m.

Recap of Motions from the September 21, 2018 Meeting

Motion Summary	Status
Approve the Policy and Planning Committee process for expiring resolutions.	Passed
Approve the 2019 BJA Meeting Schedule	Passed
Approve the June 15, 2018 BJA meeting minutes.	Passed

Action Items from the September 21, 2018 Meeting

Action Item	Status
<u>Update Leadership Goals</u> <ul style="list-style-type: none">change language to "Speak with a unified voice"	Done
<u>June 15, 2018 BJA Meeting Minutes</u> <ul style="list-style-type: none">Post the minutes online.Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.	Done Done



Superior Court Judges' Association

DMCJA Board Meeting Liaison Report November 2, 2018 Judge Kitty-Ann van Doorninck, SCJA President-Elect

(August 2018 Board Meeting)

Public Disclosure Commission (PDC) Address Issue: PDC F-1 personal financial affairs disclosure filers are required to provide home addresses, and the process to request an exception to the requirement is difficult as illustrated by Judge Ramseyer's report of a King County judge's experience. Ms. Kim Bradford, PDC Communications and Outreach Director, contacted Judge Gibson about working towards revising the application and has requested SCJA input. Judge Laura Inveen volunteered to serve on their workgroup. Judge Ramseyer shared that Ms. Anne Levinson, PDC member, is interested in working on a legislative fix, which may be an option. If this approach moves forward, the SCJA and DMCJA will be invited to participate. Judge Gibson will provide an update at the October 6, 2018, Board meeting.

GR 38, Prohibition of Bias: Comments on new proposed GR 38 are due September 14, 2018. This proposal originated as part of the SCJA's Superior Court Rule Proposal this spring.

Juvenile Records Sealing: Judge Gibson received a letter from Justice Mary Yu, Minority and Justice Commission Chair, requesting SCJA consult with its Family and Juvenile Law Committee on the Commission's model protocol regarding juvenile record sealing. Judge Forbes asked if they have consulted with the Washington Association of Prosecuting Attorneys (WAPA) (answer unknown). The letter includes a suggestion that Ms. Diana Garcia from Columbia Legal Services provide a presentation, which Judge van Doorninck noted may be an option for the SCJA Family and Juvenile Law Committee. Ms. Hahn will send a copy of the proposal to Mr. Banks for WAJCA consideration, and Judge Gibson will share with WAPA.

Creation of Community Custody Conditions Task Force: COA Division III Judge Robert Lawrence-Berrey has suggest that SCJA consider creating a taskforce, including other stakeholders, to develop standardized community custody conditions. Judge Forbes and Judge Montoya-Lewis shared that the issue is not limited to Division III. Judge Gibson noted that recommendations could be developed, but judges would not be tied to them. Judge Forbes sees this as a Department of Corrections (DOC) issue, due to generic custody conditions that are imposed based on case type, as opposed to imposing conditions specific to the case, leading to appeals. Because of this, Judge Chushcoff recommends involving DOC in the discussion. Judge Gibson noted that in Yakima County it is the prosecutor who develops the conditions. Judge Gibson will talk to Judge Lawrence-Berrey further about his vision.

Color of Justice Event Proposals: Judge Nicole Phelps, appearing on behalf of Judge Whitener, gave an overview of the Thurston and Yakima County proposals provided in

the materials. It was clarified that the Board budget provides funding for up to three programs per year, with a \$2,000 limit per program. Ms. Hahn will work with Ms. Cynthia Delostrinos, Equality and Fairness Committee staff, on the invoice and reimbursement process.

Ethics Opinion 18-04: This opinion addresses court staff conducting pre-trial, dynamic risk assessments which include interviewing defendants prior to their first appearance. Ms. Surur began researching this issue this week, and her summary was provided for the Board's consideration. The group discussed resolving this issue through a change in the ethics rules. Justice Yu, Ethics Advisory Committee Chair, is interested in the adverse effects of this opinion. Judge Ramseyer shared that King County's adult court pre-trial screening is done by a department not supervised by the court, so in terms of the adult population they are in compliance. In juvenile court, court supervised probation counselors conduct assessments. For about one week following opinion publishing, Judge Ramseyer considered only static information (not dynamic) in juvenile court, or asked counsel if they were willing to waive objections. King County's attorney evaluated the opinion and concluded that the ethics opinion does not discount the courts ability to use assessments, that King County's situation is distinguishable, and there is a good faith basis for continuing to conduct interviews based upon local court rules authorizing probation interviews, as well as RCW 13.04.035 and RCW 13.20.060. King County has a shared agreement with the county to provide probation services, and as part of that agreement, to conduct face-to-face interviews to inform detention and other decisions. Judge Ramseyer expressed that RCW 13.40.038(2) is likely enough statutory authority for intake assessments. The overarching goal of juvenile court is to keep children out of detention which is at odds with eliminating assessments. Judge Forbes will soon meet with the Kitsap County attorney who seems to have reached a similar conclusion.

Judge Chushcoff suggested that a superior court rule could also be considered. Judge van Doorninck noted the quickest path is likely a direct change to the Code of Judicial Conduct (CJC), to broaden it to encompass the areas in which this type of contact occurs. This would be helpful in terms of getting more clarity for therapeutic courts as well. Right now the exceptions are addressed in Comment (4) to CJC Rule 2.9. This would be better handled within the rule, rather than the comment. Judge Montoya-Lewis and Judge Ramseyer volunteered to work with Ms. Surur on drafting a revision to the CJC Rule as well as seek input from Justice Yu regarding the creation of a GR versus a CJC change.

Judge Price, who is also a member of the Ethics Committee, shared that RCW 13.04.035 was raised during committee discussion as an exception in juvenile matters. On the adult side, the committee anticipated that there would be a change to the CJC requested. Auto declines were also raised, and it was noted once a party has counsel this is likely a distinguishable situation. The work group will evaluate the different ways this type of information is obtained and make a CJC amendment recommendation.

Draft GR for Court Management

MANDATORY CONTINUING COURT EDUCATION

(a) Minimum Requirement. Each Court Manager shall complete a minimum of 45 credit hours of continuing court education approved by the Court Education Committee (CEC) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a Court Manager completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the Court Management education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in ethics approved by the CEC. The fifteen credit hours that may be carried forward may include two credit hours toward the ethics requirement.

(b) Court Management College Attendance.

1) A Court Manager shall attend and complete the Washington Court Management College program within twenty-four months of the hire date for the management position.

2) A Court Manager who attended the Washington Court Management College during their time with a court of limited jurisdiction shall attend and complete the Washington Court Management College within twenty-four months of any subsequent employment as Superior Court Manager. A Court Manager who attended the college during his or her employment in the Superior Court shall attend and complete the college within twenty-four months of any subsequent employment in a court of limited jurisdiction. A Court Manager who attended the college during his or her employment in a superior court or court of limited jurisdiction and is subsequently employed in an appellate court position is not required to attend the college again.

3) A Court Manager of a district court, municipal court, superior court, juvenile court or an appellate court, who has been a Court Manager at the time of the adoption of this rule for less than five years but has not attended the college, shall attend and complete the college within twenty-four months of the adoption of this rule.

(c) Accreditation. CEC shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing court education programs and may choose to award continuing court education credits for self-study or teaching. Continuing court education credit shall be given for programs CEC determines enhance the knowledge and skills that are relevant to the court management position.

(d) Compliance Report. Each Court Manager shall confirm with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the AOC shall prescribe, the Court Manager's progress toward the continuing court education requirements of sections (a) and (b) of this rule during the previous calendar year. If a Court Manager does not respond by January 31, their credits will be confirmed by default. A Court Manager who does not have the requisite number of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period.

(e) Non-Compliance. Notification of non-compliance shall be reported to the presiding judge of the appropriate court. The Presiding Judge shall determine the appropriate sanction for non-compliance.

(f) The Presiding Judge shall designate a minimum of one Court Manager per court to comply with this rule.

Frequently Asked Questions

Q. What is the purpose of this rule?

A. Effective and efficient management of courts requires knowledge and skills in the administrative role and responsibilities, budgeting, human resource management, and related topics. While Court Managers can obtain general information about their position from a variety of educational programs, the Court Management College is not meant to duplicate this training. Rather, the curriculum is intended to be Washington State specific and serve as a foundation for other programs. Court Management training will help address overall court management needs and ongoing education in order to respond to changing social environments, more effectively serve the public and community, and support the court's adherence to GR 29.

Q. What happens if a court manager is not in compliance with the rule?

A. See section (e) of the draft rule: (e) Non-Compliance. Notification of non-compliance shall be reported to the presiding judge of the appropriate court. The Presiding Judge shall determine the appropriate sanction for non-compliance.

Q. How will the court management college be funded?

A. Possible ideas: 1) The Institute for New Court Employees (INCE) is funded annually. We suggest alternating INCE with the Court Management College. Each would occur every other year; 2) Combine the Court Management College with the PJ/Admin Conference. CEC has requested funding for the PJ/Admin Conference. We envision the education for the Court Management College can take place one to two days prior to the PJ/Admin Conference; 3) Develop a decision packet for funding the Court Management College through the CEC.

Q. Is there a "grandfather clause"?

A. Yes. Section b(3) of the draft rule states: A Court Manager of a district court, municipal court, superior court, juvenile court or an appellate court, who has been a Court Manager at the time of the adoption of this rule for less than five years but has not attended the college, shall attend and complete the college within twenty-four months of the adoption of this rule. According to the proposed rule a Court Manager who has served in this role for five years or more would not have to attend the college but would still have to comply with continuing education requirement.

Q. Does this rule apply only to Court Managers? What about the rest of the court employees?

A. Our proposal is to have at least one Court Manager per court attend the college and comply with the rule. The presiding judge may designate additional court managers to comply. Particularly for larger courts with a number of supervisors, presiding judges may find that several managers could benefit from specific parts of the College. The College could also be beneficial in courts succession planning efforts. This is covered under

section (f) the proposed rule which reads: (f) The Presiding Judge shall designate a minimum of one Court Manager per court to comply with this rule.

Q. How will this affect the court's budget?

A. We realize many courts operate on a biennial budget cycle. Our proposal is to have a delayed effective date of one to two years after the signing of the rule. Each association receives CEC funds and has annual training. It is our belief that the required number of education hours can be accomplished during the already funded training. DMCMA offers regional training (\$50) and has invited all associations and court levels and can continue to participate on an annual basis. CEC is also working on other forms of education (webinars or other forms of on-line training that would be very cost effective). Collaboration of all court levels to work together to develop the College, and the commitment to developing presentation format to accommodate managers, courts should not have a negative impact to their budget.

Q. What are the Next Steps?

A. Section (c) states CEC shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing court education programs and may choose to award continuing court education credits for self-study or teaching. Continuing court education credit shall be given for programs CEC determines enhance the knowledge and skills that are relevant to the court management position. Additional areas to develop include:

- Curriculum Development
- Number of college attendees for larger courts

Q. What is the impact to AOC staff and does AOC support this rule?

A. *From Callie Dietz: "Dirk and I totally support mandatory and continuing education for court officials and personnel and addressed this in the 2015-2020 AOC Strategic Plan. For example, External Goal 3- "Promote court innovation and continual improvement through research and best practices" addresses this issue. More specifically, Objective 3c specifically states: "Encourage professional development and growth of judicial officers, county clerks, court administrators and staff through improve judicial education opportunities and methods of delivery." Such a rule could enhance this objective and others within Goal 3.*

The impact to AOC depends on the final form of the rule. Adding any program will require additional resources from AOC for support and implementation. As a matter of principle, AOC does not support outsourcing the accreditation, monitoring, or reporting of attendance or continuing education credits to other groups. Compliance tracking and reporting of a sizeable and rapidly changing group of personnel would require AOC staff resources and probably different technology.

The legislative decision packages for expanded education programs and services that have been submitted for the 2019-2021 biennium could help fund the infrastructure and staffing at AOC that would be necessary to support mandatory education for court administrators or other personnel.

AOC requests a minimum two-year period before a new mandatory education rule for administrator or other court personnel becomes effective. This time period would be necessary to work on policies and guidelines, develop curricula and faculty, plan for and implement staff and infrastructure changes and, if necessary, seek additional funding. "

March 8, 2018

TO: The Hon. Eric Lucas & The Hon. Marilyn G. Paja, co-chairs of the
Legislative Domestic Violence Workgroups

FROM: Linda W.Y. Coburn, Judge

RE: Moral Reconciliation Therapy (MRT) in Courts of Limited Jurisdiction

My apologies for not being able to attend the February 27, 2018 workgroup meeting to discuss the MRT program in our court. I had a suppression motion that same day. This memo summarizes the legal analysis I shared with Amie Roberts, the DV Perpetrator Program Manager from DSHS at a meeting at Tukwila Municipal Court on January 18, 2018 when several judges and probation officers met with Ms. Roberts and other DSHS staff to discuss HB 1163 and MRT programs in Tukwila, Edmonds and Federal Way Municipal Courts. It is my understanding that others have already provided you with information about the MRT program, so I will limit this memo to address the authority of courts of limited jurisdiction (CLJs) to offer such programs.

First, I would like to thank both of you for volunteering to chair such an important work group. Your dedication to addressing this important issue and finding ways to help the judiciary have the best options to address the concerns of domestic violence is much appreciated. I also would like to acknowledge the work that Ms. Roberts has made in trying to evaluate domestic violence treatment options so that they are quality, effective programs. As you both are well aware, many people who come through our courts are in need of services. Often, these are indigent defendants who do not have the ability to pay for treatment/services that insurance will not cover. It is this very reason, why several courts have sent their probation officers to be trained in how to be a facilitator in the MRT program. These probation officers are to be commended for their interest and willingness to do the extra work to try and rehabilitate those who come through our courts.

CLJs have the legal authority to have MRT programs. Our legislature recognized the ability of CLJs to have probation officers and to refer defendants to probation for evaluation and services.

Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed one hundred dollars for services provided whenever the person is referred by the court to the misdemeanor probation department for evaluation or supervision services. The assessment may also be made by a judge in superior court

when such misdemeanor or gross misdemeanor cases are heard in the superior court.

RCW 10.64.120(1) (emphasis added). The legislature granted the administrative office of the courts (AOC) to define a probation department and adopt rules for the qualifications of probation officers.

For the purposes of this section the administrative office of the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges' association, the misdemeanor corrections association, the administrative office of the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

RCW 10.64.120(2).¹ AOC has, in fact, adopted rules governing probation departments that again acknowledge that such departments are at the direction of the presiding judge of the local court.

A misdemeanor probation department, if a court elects to establish one, is an entity that provides services designed to assist the court in the management of criminal justice and thereby aid in the preservation of public order and safety. This entity may consist of probation officers and probation clerks. The method of providing these services shall be established by the presiding judge of the local court to meet the specific needs of the court.

ARLJ 11.1. The rules explain a probation officer's qualifications, which include the ability to motivate offenders and counsel them on a variety of problems including domestic violence.

(a) Probation Officer Qualifications.

(1) A minimum of a bachelor of arts or bachelor of science degree that provides the necessary education and skills in dealing with complex legal and human issues, as well as competence in making decisions and using discretionary judgment. A course of study in sociology, psychology, or criminal justice is preferred.

¹ The Misdemeanant Corrections Association has been renamed the Misdemeanant Probation Association.

(2) Counseling skills necessary to evaluate and act on offender crisis, assess offender needs, motivate offenders, and make recommendations to the court.

(3) Education and training necessary to communicate effectively, both orally and in writing, to interview and counsel offenders with a wide variety of offender problems, including but not limited to alcoholism, domestic violence, mental illness, sexual deviancy; to testify in court, to communicate with referral resources, and to prepare legal documents and reports.

(4) Anyone not meeting the above qualifications and having competently held the position of probation officer for the past two years shall be deemed to have met the qualifications.

ARLJ 11.2 (emphasis added). The legislature recognized that the practice of a profession who is regulated under the laws of this state are exempt from requirements mandated in Chapter 18.19 regulating counselors.

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

RCW 18.19.040(1). The legislature also recognized the benefits of peer counseling and that the practice of peer counseling also is exempt from the training and certification requirements of Chapter 18.19 regulating counselors.

Nothing in this chapter may be construed to prohibit or restrict:

.....

(7) The practice of counseling by peer counselors who use their own experience to encourage and support people with similar conditions or activities related to the training of peer counselors;

18.19.040(7).

MRT is not a domestic violence treatment program. It is a program that allows the probation officer to act as a facilitator for peer to peer counseling. In Edmonds we only assess \$100 for defendants from our court who are referred to this program. This is much more affordable than domestic violence treatment that is not covered by insurance. Before Edmonds started the MRT program, the only option the court had for

defendants whose behavior and history raised a concern of repeating the domestic violence cycle was domestic violence treatment or the domestic violence panel. This panel was borne out of the fact that many indigent defendants could not afford domestic violence treatment. The panel is a one-time event. This court's probation officer attended one of these panels so that he could educate the court on these one-time panels. I was not satisfied with sending defendants to this one-time event as an alternative to domestic violence treatment.

After reading about MRT and how it is an accepted program in many states and offered in prison, the court decided to send our probation officer to get trained and begin offering the program here. Like any service program, it may reach some and not others. However, the feedback we have gotten so far has been very promising. Attached is a letter from one of our graduates of the program. Some have been so appreciative of MRT that they continue to come to groups even when they are no longer required to do so. They do it both for themselves and to pay it forward by helping others who were just like them before MRT. This program has allowed probation to maintain good contact with defendants, but also has given them a safe place to talk to each other, with the facilitation of probation, and spend time thinking about the very underlying issues that we want them to address.

The reality is that without MRT, Edmonds and all the other CLJs that offer MRT, would return to having really no other options of trying to rehabilitate these defendants who we too often see over and over again. CLJs are thinking out of the box and trying to do what we can with what we have in working with defendants who cannot afford domestic violence treatment. If anything, these efforts should be expanded to more CLJs, not restricted.

Do not hesitate to contact me with any questions. Thank you for your interest.



DMCJA Reserves Committee Meeting

Monday, June 4, 2018

7:30 AM – 7:55 AM

CAMPBELL'S RESORT
CHELAN, WA

MEETING MINUTES

Members:

Judge Rebecca Robertson, Chair
Judge Samuel Meyer
Judge Michelle Gehlsen

AOC Staff:

Ms. Sharon R. Harvey

Call to Order

Judge Robertson, Chair, called the District and Municipal Court Judges' Association (DMCJA) Reserves Committee (Committee) meeting to order at approximately 7:30 a.m.

Discussion

A. Meeting Minutes

The Committee moved, seconded, and passed a vote (M/S/P) to approve the Minutes dated June 5, 2017.

B. Whether DMCJA Should Charge Special Fund Dues

The Committee decided not to recommend a Special Fund assessment for 2018-2019 because there are enough funds in the account. Some committee members noted that this may change because of issues related to judicial independence that may require special fund monies. Thus, the Committee recommends that the Board revisit the issue at the 2019 DMCJA Board Retreat.

C. Strategic Plan for Use of Special Funds

Judge Meyer, Special Fund Custodian, reported that there is approximately fifty thousand five hundred ninety dollars and fifty-eight cents (\$ 50,590.58) currently in the Special Fund account. The Committee decided to maintain the Special Fund at the Washington Federal Bank. Special Fund monies are to be used in accordance with the DMCJA Special Fund Policy.

D. Recommendations to the Board

1. The Special Fund should be maintained at the Washington Federal Bank.
2. The Board should not collect Special Fund dues during 2018-2019 because there is an adequate amount of money in the account. The Board should consider whether to assess Special Fund dues at its 2019 Board Retreat.
3. The Special Fund Custodian should decide whether the recommendations fit the Fund's daily needs. Therefore, the Custodian should look at options in order to best maximize returns and make recommendations to the Board of Governors.

Reference Materials

Committee members were provided the following reference materials: (A) Reserves Committee Roster and Charge, (B) Special Fund Policy, (C) May 13, 2017 Board Minutes (Board vote to close US Bank Account), and (D) Special Fund Bank Statements.

Other Business

The Committee discussed the Board's decision to close the US Bank Savings account. Judge Gehlsen expressed that she will work with Judge G. Scott Marinella to close the account and transfer the money to the Bank of America savings account. The Committee also discussed obtaining an annual audit of the association.

Adjourned at 7:55 a.m.

Asian Bar Association of Washington honors Coburn as Judge of the Year

My Edmonds News

October 19, 2018



Washington Supreme Court Associate Justice Mary Yu, left, presented Edmonds Municipal Court Judge Linda Coburn with the Judge of the Year Award from the Asian Bar Association of Washington at the association's annual gala Oct. 19 in Seattle.

Edmonds Municipal Court Judge Linda Coburn received the Judge of the Year Award from the Asian Bar Association of Washington on Friday, Oct. 19. Washington Supreme Court Associate Justice Mary Yu presented Coburn the award at the association's annual gala held at The Sanctuary in Seattle.

"Judge Coburn is so deserving of this recognition for her extraordinary work as a judge and as a member of our community," said Yu. "She is intelligent, energetic, compassionate, fair, witty. A faithful mentor to aspiring lawyers and judges. Intense. And most importantly, she is courageous and a truth teller."

Coburn has served on the governing board of the District and Municipal Court Judges Association since 2016 and has been a member of the Washington State Minority and Justice Commission since 2015, the same year she took the bench in Edmonds Municipal Court. She is currently chair of the Legal Financial Obligation (LFO) Calculator Pilot Project as part of the LFO Consortium. She also is a member of the Jury Diversity Task Force and the Pretrial Reform Task Force. As a member of the DMCJA Diversity Committee, she regularly presents at the biennial pro tempore training event co-sponsored by the Washington State Bar Association.

Prior to becoming a judge, she was a felony attorney at Snohomish County Public Defender Association. She previously clerked for the Honorable Stephen J. Dwyer at the Washington State Court of Appeals and the Honorable George N. Bowden in Snohomish County Superior Court. Coburn earned a bachelor's degree from the

University of Washington, a master's of science degree from Ohio University, and graduated cum laude from Seattle University Law School, where she was Special Projects Editor on Law Review.

Coburn has lived in Edmonds for almost 26 years. She also is a member of the Snohomish County Board of Volleyball Officials and was recently selected to officiate at the state volleyball championship tournament for 3A and 4A high schools to be held in Yakima next month.

WASHINGTON'S PRETRIAL REFORM TASK FORCE

The Washington State Minority and Justice Commission (MJC), Superior Court Judges' Association (SCJA), and District and Municipal Court Judges' Association (DMCJA) came together in June 2017 to convene Washington's Pretrial Reform Task Force.

Over the last 15 months, the Task Force has been working to examine current pretrial practices in Washington and develop consensus-driven recommendations for jurisdictions to improve their pretrial systems.

Three subcommittees and workgroups addressed three areas of focus: pretrial services, risk assessment, and data collection. They will submit recommendations for the Task Force that cover the following issues:

PRETRIAL REFORM TASK FORCE

BY THE NUMBERS....

- **55 Task Force members**, including representatives from all court levels, branches of government, community organizations, private industry, etc.
- **3 subcommittees**, focused on pretrial services, risk assessment, and data collection
- **3 workgroups**, focused on Washington law, risk assessment tools, and racial/ethnic considerations



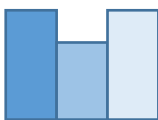
Pretrial Services:

- What services are currently provided to people accused of crimes?
- What are the costs of the pretrial programs?
- Which services are the most effective?



Risk Assessment:

- What are the best practices for assessing risk?
- What are the considerations for adoption of a risk tool?
- How to account for racial and ethnic impact?



Data Collection:

- What are the current state and local pretrial populations?
- How to ensure uniform data collection for those populations?
- How to provide meaningful analysis of that data?



Next Steps:

- By January 2019, the Task Force will finalize their recommendations and make them available to the public.
- By March 2019, a performance audit on the subject of bail practices and pretrial services will be completed by the Office of the Washington State Auditor. The Task Force is providing support to this effort.



**DMCJA BOARD MEETING
FRIDAY, NOVEMBER 9, 2018
12:30 PM – 3:30 PM
AOC SEATAC OFFICE
SEATAC, WA**

PRESIDENT REBECCA C. ROBERTSON

SUPPLEMENTAL AGENDA

PAGE

Call to Order

General Business

- A. Minutes – October 12, 2018
- B. Treasurer’s Report
- C. Special Fund Report
- D. Standing Committee Reports
 - 1. Legislative Committee – *Judge Meyer*
 - 2. Rules Committee
 - a. Proposed Rule Amendments Published for Comment by the WSSC
- E. Trial Court Advocacy Board (TCAB)
- F. Judicial Information Systems (JIS) Report – *Ms. Cullinane*

Liaison Reports

- A. Administrative Office of the Courts (**AOC**) – *Ms. Callie Dietz*
- B. Board for Judicial Administration (**BJA**) – *Judges Ringus, Jasprica, Logan, and Johnson*
- C. District and Municipal Court Management Association (**DMCMA**) – *Ms. Margaret Yetter*
- D. Misdemeanor Probation Association (**MPA**) – *Ms. Stacie Scarpaci*
- E. Superior Court Judges’ Association (**SCJA**) – *Judge Kitty-Ann van Doorninck*
- F. Washington State Association for Justice (**WSAJ**) – *Rachel Hamar, Esq.*
- G. Washington State Bar Association (**WSBA**) – *Kim E. Hunter, Esq.*

Discussion

- A. **Swearing-In Ceremony for District Court Judges**
- B. Washington State Court Administrator College & Mandatory Continuing Education – *Ms. Margaret Yetter*
- C. Domestic Violence Perpetrator Treatment vs. Moral Reconation Therapy
- D. **2019 DMCJA Legislative Agenda Proposals – Judge Samuel G. Meyer**
- E. Reserves Committee Recommendation regarding DMCJA Special Fund

X1-X23

Information

- A. 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
- B. Policy Analyst Project Ideas for 2018 are as follows:
 - 1. Judicial Independence Matters (Municipal Court Contracts)
- C. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.
- D. On January 1, 2019, Ms. Dawn Marie Rubio will become the Washington State Court Administrator.
- E. Congratulations to the following DMCJA Members:
 - 1. Judge Coburn received the Asian Bar Association of Washington's Judge of the Year Award. For more information, see the following web link: [ABAW Judge of the Year](#).
 - 2. Judge Logan on Spokane Community Court winning a 2018 APEX award. For more information, see the following web link: <https://www.wsba.org/about-wsba/apex-awards>
- F. The Washington Pretrial Reform Task Force has created an information sheet regarding its mission and accomplishments.

Other Business

- A. The next DMCJA Board Meeting is December 14, 2018, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office, SeaTac, WA.

Adjourn

2019 Legislative Session – DMCJA Proposed Legislation

DMCJA Legislative Committee Priorities

1. Amendment Request for Affidavit of Prejudice (Notice of Disqualification) ([RCW 3.34.110](#), [35.20.175](#), [3.50.045](#)) - **(pp X1-X2)**
2. Discover Pass ([2SSB 5342](#); [HB 1478](#))
3. Commissioners to Solemnize Marriage ([HB 1221](#)); Powers of Commissioners – Limitations ([SB 6142](#))
4. Small Claims ([SB 5175](#); [SHB 1196](#))

Other Proposals

1. [RCW 9.41.270](#) Amendment to allow courts access to DOL database of CPL holders to allow court to comply with notification requirement – **(pp X3-X4)**
2. [RCW 10.14.150](#) Anti-harassment Amendment Request – **(pp X5-X8)**
3. DNA Samples ([SHB 2331](#)) – **(pp X9-X10)**
4. Commissioners to Solemnize Marriage ([HB 1221](#)); [RCW 3.66.110](#) ; Advertising authority to solemnize marriages is breach of judicial ethics – **(p X11)**
5. Interlocal Agreements for Probation Services ([SB 2605](#)) – **(pp X12-X14)**
6. Statutory amendments related to Domestic Violence Protection Order (DVPO), Sexual Assault Protection Order (SAPO), harassment, and stalking to extend 14 day period for A full order hearing of the issuance of a temporary order – **(pp X15-X23)**

District Court:

RCW 3.34.110 District judicial officers – Disqualification.

(1) A district court judicial officer shall not preside in any of the following cases:

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before a discretionary ruling has been made, a party files ~~an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer~~ a notice of disqualification. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the same county. Provided however, a judge that has been disqualified under this section may decide such issues as the parties agree in writing or on the record in open court. The filing of a notice of disqualification at arraignment shall not prevent the disqualified judge from making a probable cause finding, fixing bail and setting initial conditions of release, including but not limited to ordering the surrender of weapons and issuing a no contact or protection order.

(3) For the purposes of this section, “judicial officer” means a judge, judge pro tempore, or court commissioner.

Municipal Courts in Cities 400,000 or greater:

RCW 3.50.045 Judicial officers – Disqualification.

(1) A municipal court judicial officer shall not preside in any of the following cases:

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files ~~an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer~~ a notice of disqualification. The following are not considered discretionary rulings: (i) The arraignment of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality. Provided however, a judge that has been disqualified under this section may decide such issues as the parties agree in writing or on the

record in open court. The filing of a notice of disqualification at arraignment shall not prevent the disqualified judge from making a probable cause finding, fixing bail and setting initial conditions of release, including but not limited to ordering the surrender of weapons and issuing a no contact or protection order.

(3) For the purposes of this section, “judicial officer” means a judge, judge pro tempore, or court commissioner.

Municipal Courts in Cities less than 400,000:

RCW 3.50.045 Judicial officers – Disqualification.

(1) A municipal court judicial officer shall not preside in any of the following cases:

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files ~~an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer~~ a notice of disqualification. The following are not considered discretionary rulings: (i) The arraignment calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality. Provided however, a judge that has been disqualified under this section may decide such issues as the parties agree in writing or on the record in open court. The filing of a notice of disqualification at arraignment shall not prevent the disqualified judge from making a probable cause finding, fixing bail and setting initial conditions of release, including but not limited to ordering the surrender of weapons and issuing a no contact or protection order.

(3) For the purposes of this section, “judicial officer” means a judge, judge pro tempore, or court commissioner.

To: DMCJA Legislative Committee
From: J Benway, AOC Senior Legal Analyst
RE: CPL Notices under RCW 9.41.270 and RCW 9.41.280 – **REVISED**
Date: October 1, 2018

Two statutes, RCW 9.41.270(2) and RCW 9.41.280(2), require courts to provide notice when a holder of a concealed pistol license (CPL) is convicted under the statute. The relevant part of both statutes provides that: “If any person is convicted of a violation of...this section, the person shall lose [or have revoked] his or her concealed pistol license, if any []. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.” (emphasis added) Neither provision appears to have been judicially interpreted.

As Judge Staab noted, it is difficult if not impossible for courts to comply with the notification requirement. Although notifying DOL appears to present few difficulties, the requirement to notify the issuing city, town, or county is more challenging. Information regarding who is a CPL holder is not publicly available, so other than requesting and receiving disclosure from the defendant there does not appear to be a method for the court to identify and contact the issuing authority, which could be any one of hundreds of local law enforcement agencies. It appears that DOL maintains a database of CPL holders (see RCW 9.41.047), but distribution of that information is limited to law enforcement and corrections agencies (RCW 9.41.070(4); RCW 9.41.129; RCW 42.56.240(4)). Without access to this information, it is difficult to see how a court could comply with the notification requirement.

Further, the language of the statute is misleading because courts appear to lack the authority to revoke a CPL. In Washington state, CPLs are issued and revoked by local authorities. RCW 9.41.070(1); RCW 9.41.075(1). Given that, the legislature seems to be requiring courts to order the licensing agencies to revoke a CPL. It would make more sense, and reflect current practice, for the court to send notice of the conviction to DOL, and then require DOL to revoke the license and prohibit the person from applying for a new one, and/or to notify other licensing agencies as appropriate.

Subsection (2) of RCW 9.41.270 provides:

Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Proposed revision:

Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the ~~revocation~~ conviction to the department of licensing, ~~and~~ which shall notify the city, town, or county which issued the license.

Subsection (2) of RCW 9.41.280 provides:

Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Proposed revision:

Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. . If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the ~~revocation~~ conviction to the department of licensing, ~~and~~ which shall notify the city, town, or county which issued the license.

ANTI-HARASSMENT

10.14.150

Jurisdiction.

(1) The district courts shall have original jurisdiction and cognizance of any civil actions and proceedings brought under this chapter, except the district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(2) Municipal courts may exercise jurisdiction and cognizance of any civil actions and proceedings brought under this chapter by adoption of local court rule, except the municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(3) Superior courts shall have concurrent jurisdiction to receive transfer of antiharassment petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. The municipal and district courts shall have jurisdiction and cognizance of any criminal actions brought under RCW 10.14.120 and 10.14.170.

[2011 c 307 § 1; 2005 c 196 § 1; 1999 c 170 § 1; 1991 c 33 § 2; 1987 c 280 § 15.]

STALKING

7.92.050

Petition—Additional requirements.

(3) The district courts shall have original jurisdiction and cognizance of any civil actions and proceedings brought under this chapter, except a district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(4) Municipal courts may exercise jurisdiction and cognizance of any civil actions and proceedings brought under this chapter by adoption of local court rule, except a municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(5) Superior courts shall have concurrent jurisdiction to receive transfer of stalking petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. **The jurisdiction of district and municipal courts is limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders provided for in RCW 7.92.120 if the superior court is exercising jurisdiction over a proceeding under this chapter involving the parties.**

DV

26.50.020

Commencement of action—Jurisdiction—Venue.

(5) The courts defined in *RCW 26.50.010(4) have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, **and the issuance and enforcement of temporary orders for protection** provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. **When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case.** If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

EXTREME RISK PROTECTION

7.94.030

Petition for order.

(10) The superior courts of the state of Washington have jurisdiction over proceedings under this chapter. **Additionally, district and municipal courts have limited jurisdiction over issuance and enforcement of ex parte extreme risk protection orders issued under RCW 7.94.050. The district or municipal court shall set the full hearing provided for in RCW 7.94.040 in superior court and transfer the case.** If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the ex parte extreme risk protection order.

[2017 c 3 § 4 (Initiative Measure No. 1491, approved November 8, 2016).]

RCW 43.43.754

DNA identification system—Biological samples—Collection, use, testing—Scope and application of section.

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses), **or an equivalent municipal offense where the municipal prosecuting authority certifies at the time of sentencing that the municipal offense of conviction is equivalent to the following crimes:**

Assault in the fourth degree with sexual motivation (RCW [9A.36.041](#), [9.94A.835](#)),

Communication with a minor for immoral purposes (RCW [9.68A.090](#))

Custodial sexual misconduct in the second degree (RCW [9A.44.170](#))

Failure to register (*RCW [9A.44.130](#) for persons convicted on or before June 10, 2010, and RCW [9A.44.132](#) for persons convicted after June 10, 2010)

Harassment (RCW [9A.46.020](#))

Patronizing a prostitute (RCW [9A.88.110](#))

Sexual misconduct with a minor in the second degree (RCW [9A.44.096](#))

Stalking (RCW [9A.46.110](#))

Violation of a sexual assault protection order granted under chapter [7.90](#) RCW; and

(b) Every adult or juvenile individual who is required to register under RCW [9A.44.130](#).

(2) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(3) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense **or convicted of an equivalent municipal offense** who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense **or convicted of an equivalent municipal offense** who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility; and

(ii) Persons who are required to register under RCW [9A.44.130](#).

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense **or convicted of an equivalent municipal offense**, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of social and health services facility, the facility holding the person shall be responsible for obtaining the biological samples. For those persons incarcerated before June 12, 2008, who have not yet had a biological

sample collected, priority shall be given to those persons who will be released the soonest.

(4) Any biological sample taken pursuant to RCW [43.43.752](#) through [43.43.758](#) may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(5) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW [9.94A.030](#). Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

(6) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section **or convicted of an equivalent municipal offense**; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008; and

(c) All adults and juveniles who are required to register under RCW [9A.44.130](#) on or after June 12, 2008, whether convicted before, on, or after June 12, 2008.

(7) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW [43.43.752](#) through [43.43.758](#).

(8) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. **No cause of action may be brought against the state based upon the analysis of a biological sample authorized to be taken pursuant to a municipal ordinance if it is later determined that the sample was obtained or placed in the database by mistake, or if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.**

(9) A person commits the crime of refusal to provide DNA if the person has a duty to register under RCW [9A.44.130](#) and the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

RCW 3.66.110: Advertising authority to solemnize marriages is breach of judicial ethics.

It shall be a breach of judicial ethics for any judge of any court of limited jurisdiction, as defined in RCW 3.02.010, to advertise in any manner that he or she is authorized to solemnize marriages. Any violation of this section shall be grounds for forfeiture of office.

[1983 c 186 § 3; 1961 c 299 § 122.]

Here is an ethics opinion that was issued in 1994 before there were websites:

Ethics Advisory Committee

Opinion 94-11

Question

Do WA const. art. IV, sec. 13. RCW 36.17.010, RCW 42.20.010 and RCW 42.52.110 preclude judges from receiving fees for solemnizing marriages which are performed outside of regular court hours?

Answer

CJC Canon 5(C)(8) provides in part that judges may accept compensation for the solemnization of marriages, performed outside of regular court hours.

WA const. art. IV, sec. 13 provides in pertinent part that no judicial officer shall receive to his use any fees or perquisites of office.

RCW 26.04.050 provides in part that judges are authorized to solemnize marriages.

RCW 36.17.010 provides in part that county officers shall receive a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered to them.

RCW 42.20.010 provides in part that any public officer who receives any compensation for omitting or deferring the performance of an official duty, or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law, is guilty of misconduct.

RCW 42.52.110 provides in part that no state officer may, directly or indirectly, ask for or receive any compensation from a source other than the state for performing any official duty, except as authorized by law. (Effective January 1, 1995)

The authorities cited herein do not prohibit a judicial officer from accepting compensation for the solemnization of marriages which are performed outside of regular court hours. These statutes prohibit additional compensation for the performance of official duties. The solemnization of marriages is not an official duty. It is a power conferred on judicial officers by RCW 26.04.050.

See Opinions 90-5, 91-14 and 93-30.

2018 Legislative Proposal

Proposer: Judge David Larson

Reviewer: Judge Brett Buckley

Proposal:

Allow courts to enter interlocal agreements for probation services.

(See comprehensive memo from Judge Larson, dated Aug.3,2017)

Advantages:

-Defendants with cases in multiple jurisdictions could be monitored by just one probation office. Beneficial to defendants and could reduce caseloads in non-supervising jurisdictions.

-Would allow defendants to potentially take advantage of specialty treatment courts not offered in the transferring jurisdiction.

Disadvantages:

-Probation officer liability. I have concerns that a probation officer taking actions pursuant to the directions of a judge from another jurisdiction will not enjoy the protection of judicial immunity for those actions.

-Some courts are already providing probation services for other courts since there is no statutory prohibition. Bringing this issue to the Legislature may lead to prohibition, the opposite of the intended result.

Recommendation:

I believe this is an idea worth pursuing. It would make things easier for defendants who already struggle to comply with court orders. It could increase access to specialty court services. It may result in some level of caseload reduction system wide. It is a good public service approach.

However, I don't think we should pursue it unless we are convinced that it will not expose our probation officers to increased liability risks. I have asked Judge Larson to provide research invalidating my concerns or propose language ameliorating the concerns.

Should the DMCJA go forward with the proposal I believe the amendments suggested by Judge Larson to RCW 10.64.120, 39.34.180 and 70.48.090 are appropriate.

From: David A. Larson
Sent: Wednesday, September 06, 2017 1:35 PM
To: Judge Brett Buckley
Cc: Judge Sam Meyer
Subject: RE: Interlocal Agreements for Probation Services

Brett: The underlined additions to [RCW 4.24.760](#) below would make it clear that the protections in the statute extend to interlocal agreements for probation services. Let me know if this satisfies your concerns. Thanks. Dave

Limited jurisdiction courts—Limitation on liability for inadequate supervision or monitoring—Definitions.

(1) A limited jurisdiction court that provides misdemeanor supervision services is not liable for civil damages based on the inadequate supervision or monitoring of a misdemeanor defendant or probationer unless the inadequate supervision or monitoring constitutes gross negligence.

(2) For the purposes of this section:

(a) "Limited jurisdiction court" means a district court or a municipal court, and anyone acting or operating at the direction of such court, including but not limited to its officers, employees, agents, contractors, ~~and~~ volunteers, and others acting pursuant to an interlocal agreement.

(b) "Misdemeanor supervision services" means preconviction or postconviction misdemeanor probation or supervision services, or the monitoring of a misdemeanor defendant's compliance with a preconviction or postconviction order of the court, including but not limited to community corrections programs, probation supervision, pretrial supervision, or pretrial release services, including such services conducted pursuant to an interlocal agreement.

(3) This section does not create any duty and shall not be construed to create a duty where none exists. Nothing in this section shall be construed to affect judicial immunity.

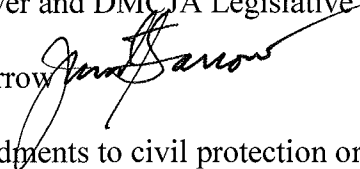
KING COUNTY DISTRICT COURT
East Division – Bellevue Courthouse

Judge Janet E. Garrow
Assistant Presiding Judge

1309-114th Ave SE
Bellevue, WA 98004
206-477-2100

Josie Jimenez
Court Manager

TO: Judge Sam Meyer and DMCJA Legislative Committee

FROM: Judge Janet Garrow 

SUBJECT: Proposed amendments to civil protection order statutes

DATE: September 5, 2017

Attached please find proposed amendments to civil protection order statutes involving Sexual Assault Protection Order, Stalking Order, Antiharassment Order and Domestic Violence Protection Order. The proposal does not include amendments to Extreme Risk Protection Orders (ERPOs) or Vulnerable Adult Protection Orders (VAPOs) because the District Court issues only the initial temporary order for the ERPO and the procedure differs from other civil protection orders. The Superior Court has exclusive jurisdiction over VAPOs and the procedure differs from other civil protection orders. The DMCJA should inquire of the SCJA regarding comments on these proposed amendments and whether other types of civil protection orders should be included in any future bill.

The purpose of the proposed amendments is to clarify that at the time of the hearing where both parties are present or appear through counsel, the court may grant a continuance of that hearing for “good cause”. The court may then reissue a temporary protection order lasting no more than 30 days and reschedule the hearing.

The reason for the proposed amendments is to remove an ambiguity in the existing statutes which appear to limit the court’s ability to reschedule the reissuance of a temporary order and the hearing beyond 14 days. The amendments give the parties and the court in these cases greater flexibility for scheduling these hearings. Due to the short window of time within which the initial hearing must be set, parties frequently seek a continuance of the hearing to prepare. Many times the parties or material witnesses are unavailable due to schedules. Sometimes these hearings need to be specially set to accommodate the parties and the court. Because it is important to keep these types of petitions on track, the proposed amendments allows only a continuance of up to thirty days. This would not preclude the court from granting an additional continuance, for good cause, but any continuance and temporary order could not exceed thirty days.

In addition to the minor revisions contained in the attachments to this page, a NEW SECTION would be added to the following protection order statutes, and the sections renumbered as needed.

RCW 7.90.120, Sexual Assault Protection Order

New section (2):

At the hearing, where all parties appear in person or through counsel, the court may grant a continuance for good cause, reissue a temporary order for protection not to exceed thirty days, and schedule a new hearing date.

RCW 7.92.120, Stalking Order

New section (5):

At the hearing, where all parties appear in person or through counsel, the court may grant a continuance for good cause, reissue a temporary order for protection not to exceed thirty days, and schedule a new hearing date.

RCW 10.14.080, Antiharassment Order

New section (3):

At the hearing, where all parties appear in person or through counsel, the court may grant a continuance for good cause, reissue a temporary order for protection not to exceed thirty days, and schedule a new hearing date.

RCW 26.50.070, Domestic Violence Protection Order

New section (5):

At the hearing, where all parties appear in person or through counsel, the court may grant a continuance for good cause, reissue a temporary order for protection not to exceed thirty days, and schedule a new hearing date.

SAPD

RCW 7.90.120**Ex parte orders—Duration.**

(1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ~~temporary order~~ ex parte or not later than twenty-four days if service by publication or service by mail is permitted. If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order not to exceed another twenty-four days from the date of reissuing the ex parte protection order. Except as provided in RCW 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or RCW 7.90.150, a final sexual assault protection order shall be effective for a fixed period of time or be permanent.

(3) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

[2017 c 233 § 1; 2013 c 74 § 3; 2006 c 138 § 13.]

Stalking

RCW 7.92.120

Ex parte temporary order for protection—Issuance.

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in stalking conduct and that irreparable injury could result if an order is not issued immediately without prior notice, the court may grant an ex parte temporary order for protection, pending a full hearing and grant such injunctive relief as it deems proper, including the relief as specified under RCW 7.92.100 (2)(a) through (d) and (4).

(2) Irreparable injury under this section includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily injury or has engaged in acts of stalking conduct against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary stalking protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication or mail. The ~~ex parte~~ order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ~~temporary order~~ or not later than twenty-four days if service by publication or by mail is permitted. Unless the court has permitted service by publication or mail, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary stalking protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(7) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

[2013 c 84 § 12.]

*Antiharassment***RCW 10.14.080****Antiharassment protection orders—Ex parte temporary—Hearing—Longer term, renewal—Acts not prohibited.**

(1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted.

(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 10.14.085. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted. Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

ex parte

(3) At the hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment.

(4) An order issued under this chapter shall be effective for not more than one year unless the court finds that the respondent is likely to resume unlawful harassment of the petitioner when the order expires. If so, the court may enter an order for a fixed time exceeding one year or may enter a permanent antiharassment protection order. The court shall not enter an order that is effective for more than one year if the order restrains the respondent from contacting the respondent's minor children. This limitation is not applicable to civil antiharassment protection orders issued under chapter 26.09, 26.10, or 26.26 RCW. If the petitioner seeks relief for a period longer than one year on behalf of the respondent's minor children, the court shall advise the petitioner that the petitioner may apply for renewal of the order as provided in this chapter or if appropriate may seek relief pursuant to chapter 26.09 or 26.10 RCW.

(5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date

not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.

(6) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

- (a) Restraining the respondent from making any attempts to contact the petitioner;
- (b) Restraining the respondent from making any attempts to keep the petitioner under surveillance;
- (c) Requiring the respondent to stay a stated distance from the petitioner's residence and workplace; and
- (d) Considering the provisions of RCW 9.41.800.

(7) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(8) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall not prohibit the respondent from the use or enjoyment of real property to which the respondent has a cognizable claim unless that order is issued under chapter 26.09 RCW or under a separate action commenced with a summons and complaint to determine title or possession of real property.

(9) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall not limit the respondent's right to care, control, or custody of the respondent's minor child, unless that order is issued under chapter 13.32A, 26.09, 26.10, or 26.26 RCW.

(10) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent but has failed to obtain the issuance of a civil antiharassment protection order unless good cause for such failure can be shown.

(11) The court order shall specify the date an order issued pursuant to subsections (4) and (5) of this section expires if any. The court order shall also state whether the court issued the protection order following personal service or service by publication and whether the court has approved service by publication of an order issued under this section.

[2011 c 307 § 3; 2001 c 311 § 1; 1995 c 246 § 36; 1994 sp.s. c 7 § 448; 1992 c 143 § 11; 1987 c 280 § 8.]

NOTES:

Severability—1995 c 246: See note following RCW 26.50.010.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

RCW 26.50.070

DVPO

Ex parte temporary order for protection.

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(f) Considering the provisions of RCW 9.41.800; and

(g) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

[2010 c 274 § 305; 2000 c 119 § 16; 1996 c 248 § 14; 1995 c 246 § 8; 1994 sp.s. c 7 § 458; 1992 c 143 § 3; 1989 c 411 § 2; 1984 c 263 § 8.]

NOTES:

Intent—2010 c 274: See note following RCW 10.31.100.

Application—2000 c 119: See note following RCW 26.50.021.

Severability—1995 c 246: See note following RCW 26.50.010.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Child abuse, temporary restraining order: RCW 26.44.063.

Orders prohibiting contact: RCW 10.99.040.

Temporary restraining order: RCW 26.09.060.

Washington Federal.

invested here.

www.washingtonfederal.com

Statement of Account

PAGE 1 OF 1

Statement Ending Date October 31, 2018

Last Statement Date October 1, 2018

Account Number [REDACTED]

To report a lost or stolen card,
call 800-472-3272.

For 24-hour telephone banking,
call 877-431-1876.

WA STATE DIST & MUNICIPAL COURT JUDGES' 10362
JUDGE SCOTT AHLF
PO BOX 1967
OLYMPIA, WA 98507-1967

For questions or assistance with your account(s),
please call us at 800-324-9375 or stop by your local branch.

Business Money Market Summary - # [REDACTED]

Annual Percentage Yield Earned for this Statement Period	0.100%
Interest Rate	0.100%
Year-to-Date Interest Paid	\$42.16

Beginning Balance	\$50,628.44
Interest Earned This Period	+4.30
Deposits and Credits	+0.00
Checks Paid	-0.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
Ending Balance	\$50,632.74

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

Interest Earned This Period

Date	Description	Amount
10-31	Credit Interest	4.30
Total Interest Earned This Period		4.30

**DESIGNED BY FREI.
MADE FOR YOU!**

Now you can put Stefan Frei's artwork in your wallet, with the official SOUNDERS FC Debit card. Visit your branch to order yours.



Learn more at
get.washingtonfederal.com/card

