



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

## MEETING MINUTES

### Members Present:

Chair, Judge Scott Ahlf  
Judge Douglas Fair  
Judge Michael Finkle  
Commissioner Rick Leo  
Judge G. Scott Marinella  
Judge Samuel Meyer (by phone)  
Judge Kevin Ringus (non-voting)  
Judge Rebecca Robertson  
Judge Douglas Robinson  
Judge Damon Shadid  
Judge Charles Short (by phone)

### Guests:

Mr. David Johnson, PT&C Subcommittee  
Ms. Cynthia Marr, DMCMA  
Ms. Stacie Scarpaci, MCA  
Ms. Melanie Stewart, DMCJA Lobbyist

### AOC Staff:

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

### Members Absent:

Judge Linda Coburn  
Judge Michelle Gehlsen  
Judge Dan B. Johnson (non-voting)  
Judge Mary Logan (non-voting)  
Judge Judy Jasprica (non-voting)

## CALL TO ORDER

Judge Ahlf, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:33 p.m. Judge Ahlf asked attendees to introduce themselves.

## GENERAL BUSINESS

### A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for February 9, 2018, with one clerical correction to page 5, C. Whether to Obtain a Financial Planner. The last sentence should say "concrete" graphs and not "concreate" graphs.

### B. Treasurer's Report

The Treasurer's Report was provided for the Board's review. The Board will vote on whether to approve the Report at the next DMCJA Board meeting.

### C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Meyer reported the account gained \$3.88 in interest.

### D. Standing Committee Reports

#### 1. Legislative Committee

Judge Meyer provided an update on the following bills: (1) House Bill (HB) 1196, *Modifying the Process for Prevailing Parties to Recover Judgments in Small Claims Court*, which is the small claims bill from last year. It passed out of the House of Representatives (House) but it died in the Senate; (2) HB 2605, *Concerning Interlocal Agreements for Probation Services*, passed out of the House but did not progress in the Senate;

(3) Senate Bill (SB) 5342, *Concerning the Discover Pass*, passed the Senate but did not get a hearing in the House; (4) SB 6142, *Revising the Authority of Commissioners of Courts of Limited Jurisdiction*, allows district court commissioners to solemnize marriages. Senator Marko Liias testified in support of the bill, which passed out of the Senate. When it reached the House, cutoff happened before it could go forward, so it will likely be run again next year; (5) HB 1783, *Concerning Legal Financial Obligations (LFOs)*, which does away with interest and reprioritizes how money gets distributed, passed. In a letter in support of this bill, AOC State Court Administrator Callie Dietz and Chief Justice Mary Fairhurst stated that local courts will absorb the increased work load rather than have the AOC attempt system changes; (6) HB 2715, *Concerning Impaired Driving*, did not make it out of the House this year, but it will likely be back next year; (7) SB 5987, *Concerning Pretrial Release Programs*, which addresses the *Blomstrom v. Tripp* issue regarding judges not requiring random urinalysis for pretrial defendants, passed; (8) SB 5989, *Concerning Small Claims Court*, which raises the small claims jurisdictional limit from \$5,000 to \$10,000, did not make it out of the House; (9) HB 2481/SB 6189, *Changing Driving a Motor Vehicle with a Suspended or Revoked Driver's License Provisions*, which decriminalizes driving while license is suspended or revoked in the third degree (DWLS 3rd), died and therefore DWLS 3rd remains a crime. (10) HB 2421, *Creating a Program for the Consolidation of Traffic-Based Financial Obligations*, involves consolidation of traffic fines also known as universal cashing. Collection agencies were opposed to the bill, and it did not go forward this year.

Judge Meyer further reported the Legislature reached agreement on the 2018 supplemental budget, which was generally favorable to the courts and the Administrative Office of the Courts (AOC). He informed the AOC is happy overall with the budget, and he shared some budget highlights provided by Mr. Ramsey Radwan, AOC Management Services Division Director.

Ms. Melanie Stewart, DMCJA Lobbyist, reported that Judge Meyer did an excellent job this year, and with his insights and help, they were able to save the pretrial release bill. She then discussed highlights from some of this session's bills, including the following: SB 5342, *Concerning the Discover Pass*, passed the Senate but did not get a hearing in the House, so it will be brought back next year; and SB 5989, *Concerning Small Claims Court*, will be brought back again next year. In addition, she informed Representative Dan Kristiansen has decided not to run for reelection; therefore, Representative J.T. Wilcox has been appointed to the House Rules Committee. In addition, several other legislators will not run for reelection this year, including: Representative Terry Nealey, Representative Larry Haler, Representative Jay Rodne, Senator Michael Baumgartner, and more. A Spokane representative will cross over to the Senate this year. Thus, it will likely be a busy election, and odds have it the Democrats will retain the majority. She then answered Board members' questions.

## 2. *Education Committee*

The Board reviewed the Education Committee Minutes for December 7, 2017, October 19, 2017, and September 7, 2017.

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

Judge Marinella reported TCAB did not meet today. He informed TCAB is considering setting up a meeting, perhaps in Olympia, with the Association of Counties and Cities, the SCJA, and the association lobbyists regarding the state's paying for one half of district court judges' and qualifying municipal court judges' salaries. It will be a big funding request, possibly around 15 million dollars. The savings realized could help cities and counties afford to pay some of those things that are needed and that the Legislature does not fund. This was part of the original Justice in Jeopardy project, which occurred before the great recession.

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

Ms. Cullinane provided a Department of Licensing (DOL) DRIVES project update. She informed the DOL is on track to replace their existing legacy systems with a new system, which will be implemented in September 2018.

In addition, Ms. Cullinane provided an update on the Expedited Data Exchange Project. She informed the King County Clerk's Office has pushed their implementation date off, and they will not go live on April 2, 2018. She

explained that is good news because the integrations with some applications will not be ready by April 2018, so the delayed implementation will narrow the time between when they go live and when the AOC will have everything up and running. In addition, King County District Court is targeting late September or October 2018 for their implementation date.

#### G. CLJ-CMS Project Update

Ms. Cullinane reported on the status of the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project. She informed the Project Steering Committee (PSC) has decided not to enter into negotiations with the second ranked vendor, Tyler Technologies (Tyler). Based on the feedback from evaluators after Tyler's two-day demonstration in January, Odyssey did not have enough of the functionality to be the right fit for the CLJs. Before making a decision on whether to contract with Tyler or look at other options, the PSC asked the Project Team to research what products were being used by large municipalities around the country, as well as the satisfaction level of other jurisdictions using Tyler. The steering committee now has some preliminary information, and they are going to take some time to analyze possible options before deciding how to move forward. One option is to do a new request for proposal (RFP) for a single system; another option is to do an RFP for a "best of breed," which is linking separate systems for different functions, such as document management and case management; and a third option is to modernize JIS and add on modules for missing functions such as document management. The PSC will assess the feasibility, costs, and risks of the options, and determine the best option for moving forward. She said the primary goal is to find something that works well for the CLJs.

Ms. Marr agreed with Ms. Cullinane's report and informed that the PSC thinks they need to prioritize and make sure everyone is happy with the end product. In other words, to pick the best product for the CLJs and not base the decision on a strict timeline. They want to look at lessons learned, review all the options, and then select the most appropriate option for the CLJs.

Judge Ahlf said he appreciates the effort all parties are putting into this process and the work going into it.

### **LIAISON REPORTS**

#### A. Board for Judicial Administration (BJA)

Judge Ringus reported the BJA will meet next week. The BJA had a robust discussion about the budget at its last meeting. In addition, he reported the Court Education Funding Taskforce is putting together packages for the next biennium. He further reported the Legislature reached agreement on the 2018 supplemental budget, and shared the following highlights provided by Mr. Ramsey Radwan, Administrative Office of the Courts (AOC) Management Services Division Director: (1) There were no budget reductions; (2) additional funding was provided to the AOC for one Superior Court Judges' Association (SCJA) staff position (both SCJA policy analyst positions are funded); (3) funding was provided to the AOC for costs associated with implementation of HB 1783, Concerning Legal Financial Obligation Reform; (4) funding was provided to the AOC to pass through to cities and counties to offset revenue loss due to the passage of HB 1783; (5) funding was provided to backfill a revenue shortfall in the Judicial Stabilization Trust Account, which impacts the AOC, Office of Public Defense, and the Office of Civil Legal Aid; (6) funding was provided to backfill a revenue shortfall in the JIS Account; (7) replacement funding was not provided for Thurston County Impact fees, but full funding was provided for FY 2018; (8) funding was provided for court and county clerk equipment replacement; (9) funding was provided for training and maintenance costs associated with the Appellate Court Enterprise Content Management System (AC-ECMS); and (10) all other funding remains intact (Expedited Data Exchange, Superior Court Case Management System (SC-CMS), CLJ-CMS, etc.).

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

Ms. Marr informed the DMCMA Board met yesterday, and she reported on highlights of the meeting. The DMCMA Education Committee is focused on the upcoming DMCMA Spring Regionals, which will take place in April 2018 and will include a poverty simulator. The Regional program flyers are expected to come out in a couple weeks. In addition, they will sponsor a line staff training at the Great Wolf Lodge at the end of October

2018. In addition, they had a Long Range Planning (LPR) session in February and have another one coming up soon. They are currently solidifying schemas for administrators and line staff and the same program will be offered over two years so not all line staff have to go in the same calendar year. Further, they are working on pattern forms, which requires much work. Lastly, the DMCMA Board had some discussion on HB 1783, *Concerning Legal Financial Obligations*, and will likely have a robust discussion about it at their next meeting since the bill had not been signed by the Governor at time of their last Board meeting.

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

Ms. Scarpaci reported the MPA Board met on February 12, 2018, in Ellensburg, WA. In addition, they are gearing up for the MPA 2018 Annual Conference on April 30-May 2, 2018 in Ocean Shores. She informed there are MPA Board positions coming open soon for probation officers to consider. She further informed they have four MPA awards to give out, and seeking nominations for the following awards: (1) Probation Officer of the Year, (2) Probation Supervisor of the Year, (3) Program of the Year, and (4) MVP (Most Valuable Player) of the Year. The nomination form is on the MPA website (at <https://www.wamca.org/>, under the Conference Information tab). Mr. Dan Bassler, Whitman County Probation Officer, will collect the nominations.

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

Mr. Willaford was unavailable for the meeting but provided information for Judge Ahlf to share with the Board regarding the WSJA Law Day and Awards Celebration on May 10, 2018, at 5:30 p.m., at the Westin Hotel, in Seattle. This event is free for Judges.

**ACTION**

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

M/S/P to allocate one thousand dollars (\$1,000) towards the BJA Public Trust and Confidence TVW Public Service Announcement. This amount includes the \$500 request for DMCJA and \$500 request for DMCMA.

As a follow up to the February 2018 Board meeting, Mr. David Johnson, BJA Public Trust and Confidence Committee (PT&C) Access to Justice Subcommittee (Subcommittee) Co-Chair, presented to the Board on the funding request for the TVW Public Service Announcement (PSA). Mr. Johnson, TVW Director of Education/Producer reported the PSA video that the Subcommittee wants to do will be the third project TVW has done with the PT&C. He informed the first project was a nine-minute video in 2014 entitled *Myths and Misperceptions about the Washington Courts* that included Chief Justice Mary Fairhurst and addressed myths and misperceptions about the courts. The second project was a 30-second *Jury Service PSA* video in 2016 concerning juror service. Mr. Johnson showed the 2016 *Jury Service PSA* video to the Board, and informed there is also a Spanish version available. He explained this new third video will be the same idea as the 2016 *Jury Service PSA* video, and the new video will have a Spanish version as well. He informed the 2014 and 2016 videos are posted on the Washington Courts website, and the new video will also be posted on the courts website. He further informed, TVW has launched the 2016 video on Telemundo and Comcast, and the Subcommittee chose to do a 30-second PSA for this new project because that video length is one that broadcast providers will be willing to pick up too. He then provided Board members an opportunity for questions and comments, which included: what will be the video content, whether the DMCJA can have input on the script, courts of limited jurisdiction need to be represented in the video, what kind of distribution are they looking at, and what population of the state will view the video? Mr. Johnson said, with regard to content, they have not started developing it yet and would like the associations to help them develop the content; they do however have the theme, which is that "litigants can expect to be treated with fairness, dignity and respect in the courthouse." They also believe all levels of court need to be represented. In addition, before the video moves into the production phase, when the video is cut, TVW will send the video to stakeholders to review before it is finalized. He added that distribution will be primarily online (the AOC pushed out the 2016 video online), and they are starting to look at distribution numbers but do not have specifics yet. He said he will follow up with the Board when he has more information. He further informed the *Jury Service PSA* is being shared with people who are going to serve on juries. He informed the cost to produce the video is \$3,000, plus

they will need additional funding to distribute the video. The Subcommittee is requesting the DMCJA contribute \$500 toward the project. In addition, the DMCMA requested the DMCJA also assist with their contribution of \$500, for a total contribution of \$1,000 towards the BJA Public Trust and Confidence TVW Public Service Announcement.

2. *DMCJA Board Position Four Vacancy (Full-Time Muni Ct; Term Ends June 2019)*

M/S/P to ratify the DMCJA President's decision to appoint Judge Drew Ann Henke to fill the Full-Time Municipal Court Position Four vacancy left by Judge Michael Lambo. The term ends in June 2019.

3. *JASP Proposed Bylaw Changes*

M/S/P to add the following two sections to ARTICLE III Membership of the Judicial Assistance Services Program (JASP) Bylaws: (D) To be eligible for appointment, each member will have to attend an Annual Peer Counselor Training every two (2) years, and (E) Terms of membership shall begin July 1 of the year of appointment.

## DISCUSSION

### **A. DMCJA Board Position Four Vacancy (Full Time Muni Ct; Term Ends June 2019)**

Judge Ahlf reported he appointed Judge Drew Ann Henke to fill the Full-Time Municipal Court Position Four (4) vacancy left by Judge Michael Lambo, and Judge Henke has accepted his appointment. Judge Ahlf requested that the Board ratify this decision. M/S/P to make this an action item.

### **B. JASP Proposed Bylaw Changes**

Judge Ahlf reported the JASP Committee would like to add two new sections to ARTICLE III Membership of the JASP Bylaws. Specifically, section (D) that states: To be eligible for appointment, each member will have to attend an Annual Peer Counselor Training every two (2) years, and section (E) which states: Terms of membership shall begin July 1 of the year of appointment. It was suggested it is very important that JASP Committee members go to these trainings at a minimum because the trainings are very good. M/S/P to make this an action item.

### **C. Workgroup on Judicial Independence**

Judge Ahlf reported on the status of the Workgroup on Judicial Independence, which has been working hard. He informed Judge Steiner is the Chair, and Workgroup members are accomplishing a lot, including amending General Rule (GR) 29. He expressed it has been an eye opening experience reading through judicial officers' contracts, and the Workgroup has found that there is a lot of pressure on courts of limited jurisdiction judges to be money makers, which is not their job. In addition, he attended a City of SeaTac council meeting on March 8, 2018, and at the meeting, he shared information about how one city had removed its court but was still required to pay the judge for four years on the judge's contract. This information was intended to be informative; however, some participants took the information as a threat. Judge David Larson was also at the meeting and explained that they were simply providing information. Judge Ahlf expressed that no threats were made, thus, he was very surprised by their hostile response, so he wanted to make the Board aware of what is going on. The Board discussed the Workgroup's efforts, and members offered thoughts and suggestions.

### **D. Proposed DMCJA Bylaw: Board Attendance**

Judge Ahlf presented a proposed DMCJA Bylaw regarding Board attendance for the Board's consideration. There was discussion about the language and what the President's and Board's roles should be. It was noted, if a Board member has a medical condition that prohibits him or her from attending meetings regularly, it is important there is an opportunity to discuss it, preferably behind closed doors if requested, before being removed from the Board. It was also noted people are sometimes reluctant to reach out because it may be uncomfortable on both sides, and this provision would mandate that a discussion happens. The Board will put this topic on for action at the next Board meeting with proposed updated language. If the Board approves the

language at the next Board meeting, the DMCJA Bylaw change will be placed on the ballot for the Annual DMCJA Business meeting in June.

## INFORMATION

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

A. DMCJA Nominating Committee Slate of Candidates

Judge Marinella, Nominating Committee Chair, provided the 2018 Slate of Candidates, which includes:

(I) Officers: a) President – Judge Rebecca Robertson, b) President-Elect – Judge Samuel Meyer, c) Vice President – Judge Michelle Gehlsen, d) Secretary/Treasurer – Judge Jennifer Fassbender and Judge Charles Short, e) Past President – Judge Scott Ahlf, (II) Board Members: #1 Full-Time District Court – Judge Nathaniel Green, Judge Jeffrey Smith, #8 Open Board – Judge Robert Grim, Judge George Steele, #9 Open Board – Judge Tyson Hill and Judge Aimee Maurer. Judge Marinella further informed that if Judge Short wins, the DMCJA President will appoint someone to fill Judge Short's Board position, and if he is not elected, he will remain on the Board. Judge Marinella noted that one does not have to be a current Board member to run for an officer position. He reported that the Committee noted possible candidates who expressed interest in running in a future election; therefore, the Committee will keep a list of possible candidates to draw from in the future. The Committee discussed updating the DMCJA website to include the requirements for serving on the Board so those interested in serving will have the information readily available to them, and also to encourage them to contact any Board member with their questions. The Committee also discussed chairing committees and that, although it is not a requirement for a Board member to chair a committee, it would be good to encourage Board members to chair committees.

B. A DMCJA Representative is needed for the *Washington State Law for Expunging Cases* presentation at the 60<sup>th</sup> Annual Judicial Conference in Yakima, WA on September 25, 2018, from 10:15 a.m. to 11:45 a.m. See *attached* Letter and Proposal.

Judge Marinella informed the JISC and Data Dissemination Committee are seeking a DMCJA member to present on *Washington State Law for Expunging Cases* at the 60<sup>th</sup> Annual Judicial Conference in Yakima on September 25, 2018. The training should include information on expungement, vacation, and sealing of records, and what one needs to do to get that accomplished, as well as discussion of GR 15. The Committee thinks it would be helpful for judges to have that information. He further informed, the presenter does not need to be a Board member, and suggested it would be beneficial if the presenter is someone who performs these tasks. Those interested in presenting should contact Judge Marinella.

C. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.

D. Board members are encouraged to apply for DMCJA representative positions. Available positions are:

- a. Annual Conference Planning Committee
- b. Presiding Judge & Administrator Education Committee (Co-Chair)
- c. Washington State Access to Justice Board (Liaison Position)

E. The 2018 Legislative Session began on January 8, 2018 and ended on March 8, 2018.

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

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

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

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

## **OTHER BUSINESS**

It was suggested the Board talk more about the WSBA proposal to amend IRLJ 3.3, which was mentioned at the February Board meeting under *2. Rules Committee*. The deadline for comment is April 30, 2018. This topic will be put on for Discussion at the April 13, 2018 Board meeting.

Judge Robinson informed that the 2018 Annual Washington State Misdemeanant Probation Association Conference, which is on April 30-May 2, 2018 in Ocean Shores, has a lot of good information. He encouraged Board members to send at least one of their probation officers to the conference.

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

The meeting was adjourned at 2:23 p.m.