



DMCJA Board of Governors Meeting
Friday, August 10, 2018, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge Rebecca Robertson
Judge Scott Ahlf
Judge Jennifer Fassbender
Judge Michael Finkle
Judge Michelle Gehlsen
Judge Robert Grim
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Aimee Maurer (via phone)
Judge Samuel Meyer
Judge Damon Shadid
Judge Charles Short (via phone)
Judge Jeffrey R. Smith

Guests:

Judge David Steiner (via phone)
Judge Donna Tucker
Judge Dan B. Johnson, BJA
Judge Kevin Ringus, BJA
Ms. Stacie Scarpaci, MPA
Ms. Margaret Yetter, DMCMA
Lloyd Willaford, Esquire, WSAJ

AOC Staff:

Ms. J Benway (via phone)
Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Mr. Brady Horenstein
Ms. Genie Paquin
Mr. Ramsey Radwan

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 1:00 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 July 13, 2018, with the following correction:

Correct General Business, Section E. Trial Court Advocacy Board (TCAB) Update, "A discussion ensued about the need for TCAB in light of recent support of trial courts from the **Supreme Court**" to read, "A discussion ensued about the need for TCAB in light of recent support of trial courts from the **Board for Judicial Administration.**" (Emphasis added.)

B. Treasurer's Report

M/S/P to accept the Treasurer's Report. Judge Gehlsen referred Board members to the Treasurer's Report located in the Board meeting materials. Judge Gehlsen reported that she had assumed treasurer duties until Judge Fassbender, current Treasurer, was added to the Bank of America account. Judge Fassbender and other DMCJA Board officers were added to the Bank of America account immediately preceding the August Board meeting.

C. Special Fund Report

M/S/P to accept the Special Fund Report. Judge Gehlsen referred Board members to the Special Fund bank statement located in the supplemental agenda packet.

D. Standing Committee Reports

1. *Legislative Committee*

The Legislative Committee met on August 10, 2018 to discuss legislative proposals submitted by the DMCJA membership. Judge Meyer reported that Ms. Harvey sent a message to the association in July 2018 soliciting legislative ideas for the 2019 Legislative Session. The Committee will continue to discuss and review proposals, and in October 2018, submit selected proposed 2019 DMCJA legislation for Board approval. The Committee will meet again on September 14, 2018.

2. *Rules Committee*

Ms. Benway reported that the Rules Committee met on June 5, 2018. Committee Minutes are located in the Board agenda packet.

3. *Therapeutic Courts Committee*

Judge Finkle reported that the Committee met on August 1, 2018. The Committee is sponsoring a mini-colloquium at the 60th Annual Judicial College in Yakima, WA. Materials for the colloquium will soon be disseminated. Judge Finkle reported that, in an effort to harness the talent and passion of its members, the Committee is dividing its work this year into three subcommittees: (1) Education, chaired by Judge Laura Van Slyck; (2) Outreach and Judicial Resource Development, chaired by Judge Fred Gillings; and (3) Legislative Liaison, chaired by Judge Finkle. He further informed that the group tabled an issue regarding renaming the Committee from "Therapeutic Courts Committee" to "Innovative Courts Committee."

4. *Diversity Committee*

An informational brochure and agenda for the August 24-25, 2018 Attorney Training for Service as Pro Tem Judge in District and Municipal Court was provided in the materials. Scholarships were offered to encourage more diverse pro tempore candidates.

E. Trial Court Advocacy Board (TCAB) Update

Judge Robertson reported that TCAB has not met in recent months. The group plans to meet at the annual Fall Conference in Yakima, WA, to discuss joint projects and the future of TCAB.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane provided a Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project update. She reported that, since the CLJ-CMS Project was unable to move forward with either of the two vendors from the original RFP, the CLJ-CMS Project Steering Committee is currently looking at alternative options and investigating costs and risks of each. Options being considered include: (1) A best-of-breed solution, where individual components such as case management and document management are linked through data exchange, (2) Recoding JIS and adding missing functions, or (3) a hybrid of the first two. The Project Steering Committee plans to bring a consultant on board to help them analyze the alternatives. They expect the consultant to be on board by mid to late November 2018.

Further, Ms. Cullinane provided a Department of Licensing (DOL) DRIVES project update. She reported the DOL is on track to replace their existing legacy systems with a new system that will be implemented on September 4, 2018. Release notes regarding the project have been sent to courts. She mentioned that the abstract of driving record (ADR) will no longer display in JIS and will not batch print. Judges and administrators are encouraged to use the judicial access browser system (JABS) to obtain a defendant's criminal history information. Moreover, she reported that the King County Clerk's Office intends to go live with its new case management system on September 24, 2018. She informed that judicial officers may obtain information through the King County Clerk's public portal during the period when information is unavailable in JABS.

LIAISON REPORTS

A. Administrative Office of the Courts (AOC)

Mr. Horenstein, AOC Associate Director for Legislative and Judicial Relations, reported on the status of the Salary Commission report and Ms. Dietz' retirement in December 2018. He informed that the Salary Commission report is complete and will be presented to the Salary Commission in October 2018. Judge Robertson informed that each level of court will present during this time. New salaries and pension details will be revealed in September 2019. Further, he informed that the recruiting process for the State Court Administrator position is in progress. Judge Robertson informed that each level of court will participate in the selection process.

B. Board for Judicial Administration (BJA)

Judge Ringus and Judge Johnson reported on BJA related matters. Judge Ringus informed that the BJA Legislative Committee solicited requests for legislative initiatives and have received a few proposals to date. The BJA Legislative Committee will meet in the fall to discuss the legislative proposals. Judge Robertson added that the BJA Policy and Planning Committee is also requesting proposals related to judicial initiatives. She informed that the BJA is currently working on issues related to interpreter funding and trial court security. The next BJA meeting is September 21, 2018.

C. District and Municipal Court Management Association (DMCMA)

Ms. Yetter reported that a flyer regarding the DMCMA Staff Conference has been distributed to the court community. The Conference is October 29-30, 2018, at the Great Wolf Lodge, in Grand Mound, WA.

D. Misdemeanant Probation Association (MPA)

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

E. Washington State Bar Association (WSBA)

Ms. Hunter, who was unavailable for the meeting, provided a written report, which is located in the Board supplemental agenda packet.

F. Washington State Association for Justice (WSAJ)

Mr. Willaford reported of recent interest to bring more civil cases to District Court, perhaps because of the increased jurisdiction limit of one hundred thousand dollars (\$100,000). Further, he informed that the annual WSAJ convention is September 28-29, 2018, in Seattle.

ACTION

A. M/S/P to approve the following recommendations by the Workgroup on Judicial Independence:

1. Approved Workgroup on Judicial Independence Final Report
2. Approved the name change of the Committee from the Judicial Independence Fire Brigade to the Council on Independent Courts (CIC)
3. Forwarded proposed GR 29 Amendments to the DMCJA Rules Committee for approval and their eventual return to the Board for later consideration
4. Approved the CIC Policy and Procedure Manual

5. Forwarded proposed DMCJA Bylaws amendments to the Bylaws Committee for approval and their eventual return to the Board for later consideration and possible consideration at the DMCJA Spring Conference
6. Disbanded the Workgroup on Judicial Independence and approved the Council on Independent Courts as a special committee (pending the proposed Bylaws change, which would designate the CIC as a standing committee).

DISCUSSION

A. Council on Independent Courts (CIC) Final Report

Judge Steiner, Workgroup on Judicial Independence (workgroup) Chair, reported on the status of the workgroup. In May 2017, the Board created a special committee, DMCJA Judicial Independence Fire Brigade, to address issues related to judicial independence. In October 2017, the Board decided that a workgroup may be more effective regarding the issue and voted to create the Workgroup on Judicial Independence to develop ideas and create a system of responses for judicial independence related matters. Judge Steiner reported that the workgroup met for approximately eight months, addressed various issues related to judicial independence in district and municipal courts, and, requests the Board approve the following recommendations:

1. *Name Change of Committee from DMCJA Judicial Independence Fire Brigade to DMCJA Council on Independent Courts (CIC)*

Judge Steiner informed that the name, Judicial Independence Fire Brigade, is misleading because there are other groups with the name Fire Brigade. Thus, the workgroup selected the name, Council on Independent Courts to represent the purpose of the committee.

2. *CIC Policy and Procedure Manual*

Judge Steiner reported that Judge Larsen drafted a working document to capture historical issues and actions for future judicial independence related matters. The workgroup requests that this policy and procedure manual not be included in the DMCJA bylaws but adopted by the Board. The workgroup wants the Board to approve this policy and procedure manual as a working blueprint for the Council on Independence Courts (CIC).

3. *General Rule (GR) 29 Amendment*

Judge Steiner reported that the workgroup discussed developing a standard contract for municipal court judges but determined that it may not be an effective option. Thus, the workgroup settled on GR 29 amendments that include four basic provisions for the Judicial Services Contract. Proposed amendments to GR 29 are as follows:

- Amendment to GR 29, Sec. (k), which creates a Sec. (l) that sets forth provisions for a judicial services contract
- Creates Sec. (l) that sets forth the following provisions in a Judicial Services Contract:
 - Term of Office and Salary
 - Judicial Duties
 - Judicial Independence and Administration of the Court
 - Termination and Discipline

4. *CIC to be added as a standing DMCJA Committee*

Judge Steiner informed that a DMCJA bylaw change is necessary for CIC to be considered a standing committee. Thus, the workgroup has proposed an amendment to Article X of the DMCJA Bylaws to

include CIC. Pursuant to DMCJA Board Operational Rules, the CIC may operate as a special committee until the DMCJA membership votes on the issue at the 2019 DMCJA Spring Conference.

The Board moved, seconded, and passed votes to move each Final Report recommendation to an action item.

B. Need for Reimbursement Grants Calculation for House Bill 1783, Legal Financial Obligations – Mr. Ramsey Radwan, Judge Donna Tucker

On June 7, 2018, a legal financial obligations (LFO) bill, Engrossed Second Substitute House Bill (E2SHB) 1783, became effective in Washington State. The Legislature appropriated \$1.9 million to assist courts in implementing this bill. Judge Donna Tucker, King County District Court, and Mr. Ramsey Radwan, AOC Management Services Division Director, reported on an issue regarding monies distributed to counties and cities related to the new LFO law. It was mentioned that loss of collections from each county is difficult to determine. Also, loss of interest in collecting fines and its impact on courts needs to be discussed. The Board decided, by general consensus, to request courts to provide information from their collection agency specifying the yearly interest received by the court on criminal LFO's for the years 2012-2017, in an effort to accurately calculate the financial losses district and municipal courts may experience as a result of the new LFO law. Ms. Harvey will work with Judge Robertson to draft this association request.

C. Request for feedback regarding Limited License Legal Technician's (LLLTs) desire to add a new license practice area

Judge Robertson reported that the LLLT Board requests feedback from the DMCJA Board regarding their proposal to develop a new LLLT license practice area, Consumer, Money, and Debt Law. The LLLT Board also encourages DMCJA Board members to comment on amendments to Admission and Practice Rules (APR) 28, which would enhance the scope of the LLLT domestic relations practice area. Judge Robertson requested Board members email comments regarding the proposed LLLT license practice area to either her or Ms. Harvey, who will forward it to the LLLT Board. By contrast, Board members may submit comments regarding APR 28 directly to the Clerk of the Supreme Court.

INFORMATION

Judge Robertson informed that the following DMCJA representative positions are available:

1. Commission on Judicial Conduct (CJC)
2. JIS CLJ "CLUG" User Group
3. Misdemeanant Probation Association (MPA) Liaison
4. Presiding Judge & Administrator Education Committee
5. Washington State Access to Justice Board (Liaison Position)
6. WSBA Court Rules and Procedures Committee
7. Crime Victim Certification Steering Committee (SHB 1022)

She reported that Judge Shadid has accepted a position on the Crime Victim Certification Steering Committee, thus, the position is no longer available. Judge Robertson then addressed the following policy projects:

- Survey on Committees that have DMCJA Representatives (July 2018)
- Courthouse Security Survey (September 2018)
- Judicial Independence Matters (Municipal Court Contracts)

Ms. Harvey and Judge Robertson will discuss the results of the Survey on Committees and present them at the September Board meeting.

OTHER BUSINESS

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

The next DMCJA Board Meeting is scheduled for September 23, 2018, from 9:00 a.m. to 12:00 p.m., at the Yakima Convention Center, in Yakima, WA.

The meeting was adjourned at 2:00 p.m.