



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

December 14, 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, DECEMBER 14, 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 – November 9, 2018 | 1-6 |
| B. Treasurer’s Report | 7-18 |
| C. Special Fund Report | 19 |
| D. Standing Committee Reports | |
| 1. Legislative Committee – <i>Judge Meyer</i> | |
| 2. Rules Committee - Minutes for September 27, 2018 | 20-21 |
| 3. Education Committee – 2019 DMCJA Spring Program Draft Schema | 22 |
| E. Judicial Information System (JIS) Report – <i>Ms. Cullinane</i> | |

Liaison Reports

- | | |
|--|-------|
| A. Administrative Office of the Courts (AOC) – <i>Ms. Callie Dietz and Ms. Dawn Marie Rubio</i> | |
| B. Board for Judicial Administration (BJA) – <i>Judges Ringus, Jasprica, Logan, and Johnson</i> | 23-28 |
| 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> | 29-30 |
| F. Washington State Association for Justice (WSAJ) – <i>Rachel Hamar, Esq.</i> | |
| G. Washington State Bar Association (WSBA) – <i>Kim E. Hunter, Esq.</i> | |

Action

- | | |
|---|-------|
| A. Domestic Violence Perpetrator Treatment vs. Moral Reconation Therapy – Whether to Adopt Judge Linda Coburn’s MRT Memo as the Official DMCJA Position | 31-36 |
|---|-------|

Discussion

- | | |
|---|-------|
| A. Access to Justice (ATJ) Technology Principles – <i>Jordan Couch, Esq.</i> | 37-41 |
| B. Information Technology Governance Request: Kitsap County to Onboard to Expedited Data Repository Through Data Exchange | |

| | |
|--|-------|
| <p>Information</p> <ul style="list-style-type: none"> A. Board members are encouraged to apply for DMCJA representative positions. Available positions include: <ul style="list-style-type: none"> 1. JIS CLJ “CLUG” User Group 2. Presiding Judge & Administrator Education Committee 3. WSBA Court Rules and Procedures Committee B. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings. C. Thank you Ms. Callie Dietz for your service as Washington State Court Administrator from July 2012 to December 2018. D. On January 1, 2019, Ms. Dawn Marie Rubio will become the Washington State Court Administrator. E. Judge Claire Bradley, Kitsap County District Court, has been appointed and ratified to become the DMCJA Alternate Representative on the Commission on Judicial Conduct. F. Judge Jason Poydras, King County District Court, will serve as the DMCJA Liaison for the WSBA Access to Justice Board. G. 2018 DMCJA Annual Report | 42-45 |
| <p>Other Business</p> <ul style="list-style-type: none"> A. The next DMCJA Board Meeting is January 11, 2019, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office, SeaTac, WA. | |
| <p>Adjourn</p> | |



DMCJA Board of Governors Meeting
Friday, November 9, 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 Linda Coburn
Judge Jennifer Fassbender
Judge Michael Finkle
Judge Michelle Gehlsen
Judge Robert Grim (by phone)
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Samuel Meyer
Judge Damon Shadid
Judge Charles Short
Judge Jeffrey Smith

Guests:

Judge Mary Logan, BJA (by phone)
Judge Kevin Ringus, BJA
Ms. Stacie Scarpaci, MPA
Ms. Rachel Hamar, WSAJ
Ms. Margaret Yetter, DMCMA

AOC Staff:

Ms. J Benway (by phone)
Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Ms. Genie Paquin

Members Absent:

Judge Aimee Maurer

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 12:31 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 October 12, 2018.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. The Treasurer's report was provided for the Board's review by Judge Fassbender. Judge Coburn added that an October 30, 2018 check had been returned to her. Judge Fassbender reported that according to Ms. Christina Huwe, DMCJA Bookkeeper, it was returned for being uncashed and is now expired. Ms. Huwe will resubmit the check for reimbursement.

C. Special Fund Report

M/S/P to approve the Special Fund Report. The Special Fund Report Statement was provided for the Board's review. Judge Fassbender reported the Special Fund earned \$4.30 in interest through October 2018. She also reported that Ms. Huwe is working to obtain online bank statements because the bank is charging \$5.00 a month for paper statements. DMCJA bookkeeper, Christina Huwe, recommended and requested Judge Gehlsen ask the Board to switch from a regular business money market account to a premium business money market account. This change would allow for increased interest and no additional cost to switch for the Special Fund. The Board by general consensus decided to switch to a premium business money market account.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Robertson requested that Judge Meyer present his discussion item, 2019 DMCJA Legislative Agenda proposals, during this portion of the meeting. Judge Meyer reported that there were ten proposals brought forward by the Committee and noted that last year there were seven total and none came through so the Committee is only recommending the top four this year, which are as follows:

1. **Affidavit of Prejudice (Notice of Disqualification)** – this bill would change “affidavit of prejudice” language to Notice of Disqualification” for consistency with the Superior Court statute. The amendment would (1) allow a disqualified judge to conduct arraignment and set conditions of release, and (2) allow a disqualified judge to serve upon agreement of parties.
2. **Discover Pass** – this bill seeks to keep monies collected from Discover Pass violations local; initially, all money stayed local from discover pass violations; however, the state receives all revenue now; the Committee for a number of years has been trying to introduce a split of funds between the state and local government. This is primarily important for the smaller counties such as Skamania and Pacific counties. Ultimately, the Committee would like a state and local split and therefore, the Committee agrees to run this back again.
3. **Commissioners of Limited Jurisdiction** – 1) Commissioners to Solemnize Marriage bill which would include district and municipal court commissioners in the list of those persons allowed to officiate weddings; 2) Powers of Commissioners – Limitations bill would reconcile powers for commissioners. It has been argued in Kitsap County that there are differences between Municipal Court Commissioners and District Court Commissioners which has been attacked through a Motion to Suppress, a warrant from a Commissioner in Municipal Court therefore it is the Committee’s consensus to run it again.
4. **Small Claims** – this bill would convert a small claims judgment to a district court judgment almost immediately after a small claims trial. The \$20 fee that one pays to get this converted is tacked on to the original filing fee which increases the total filing fee amount, however, no additional fee is added at the end of the trial. House Representative Roger Goodwin has expressed support for the bill.

The Committee also provided the following proposals for the Board’s review:

5. **Amendment to allow courts access to Department of Licensing (DOL) database of concealed pistol license (CPL) holders to allow court to comply with notification requirement** – Although the original proposal was for DOL to allow courts access to the DOL’s CPL holders database, this bill would instead require the DOL to report a CPL license revocation to the city, town, or county that issued the license. The current statute, RCW 9.41.270, requires the *court* to report the CPL revocation to the city, town, or county that issued the license. Melanie Stewart, DMCJA Lobbyist, will present the issue to the House Public Safety Committee.
6. **Anti-harassment Orders/Temporary Orders** – this bill would amend RCW 10.14 to allow district court judges to issue temporary orders for anti-harassment petitions that have been transferred to Superior Court. The language would mirror other related statutes. The Committee conducted a survey to determine how district and municipal court judges are currently handling temporary orders in anti—harassment petitions that have been transferred to Superior Court and discovered that a majority of the DMCJA membership issue temporary orders in anti-harassment petitions brought under RCW 10.14.150. Judge Robertson added that she had received a letter from the Attorney General’s Office (OAG) voicing a concern that district courts are not issuing these temporary orders, which is delaying access to justice. The OAG has asked Judge Robertson to intervene and send out a letter to the DMCJA membership providing guidance on the issue. She stated that further discussion is necessary since there is great debate regarding the issue among association members. Judge Meyer suggested adding this proposal to the priority bills listed above.

7. **DNA Samples** – this bill would amend RCW 43.43.754 to allow biological samples to be collected from municipal code violators. At present, DNA is not collected from municipal violators, which has adversely impacted public safety efforts.
8. **Advertising authority to solemnize marriages is breach of judicial ethics** – this bill would be consolidated with the Commissioners to Solemnize Marriage bill; it would also amend RCW 4.66.110 to allow district court judges to advertise that they perform marriages. The statute currently prohibits such personal advertising by a district court judge but has no such restriction for Superior Court, Court of Appeals, and Supreme Court judges.
9. **Interlocal Agreements for Probation Services** – this bill would allow courts to enter interlocal agreements for probation services. A detailed analysis was provided in the supplemental agenda packet.
10. **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** – this bill would clarify existing statutes that appear to limit the court's ability to reschedule the reissuance of a temporary order and the hearing beyond fourteen days. The amendments would provide parties and the court more flexibility to schedule these hearing beyond fourteen days.

The Board discussed the proposed Affidavit of Prejudice (Notice of Disqualification) bill in detail. Primary concerns were as follows: (1) discomfort with a judge setting conditions of release and bail after disqualification; (2) smaller courts primarily ones with only one judge do not have the option like larger courts to speedily bring a different judge on the bench to issue conditions of release and set bail in situations where Notice of Disqualification has been requested; (3) the decision has to be made within 48 hours, in other words, expeditiously. Judge Meyer discussed that the intent of the bill is to mirror the Superior Court statute. Judge Robertson recommended that the Legislative Committee further discuss the issues mentioned.

M/S/P to move the Legislative agenda to an Action item.

2. Rules Committee

Ms. Benway was available to answer any questions from the Board regarding proposed rule amendments published for comment by the Superior Court Judges' Association (SCJA) and Washington Association of Criminal Defense Lawyers (WACDL). She reported that the DMCJA Rules Committee had not reviewed these materials. Ms. Benway reviewed the Supreme Court Rules Committee's publications to find these topics and forwarded them to the Board for the Board to determine whether the Rules Committee should review them. Ms. Benway supplied a memo on what rules the Supreme Court has published for comment. They can be found outlined in the General Rule (GR) 9 Cover Sheet. One of the points raised was the process of handling requests from outside entities that wanted their rules reviewed by the DMCJA Rules Committee. Judge Robertson clarified that the DMCJA Rules Committee should review the Supreme Court Rules Committee's publications for comment but to refer to the Board only specific requests from outside entities that are sent directly to the DMCJA Rules Committee. Thus, the proposed rule amendments published by the Supreme Court for comment by the SCJA and WACDL should first be reviewed by the DMCJA Rules Committee.

E. Trial Court Advocacy Board (TCAB) Update

Judge Robertson reported that TCAB will meet annually during the fall judicial conference. Other meetings will occur as needed; thus, this item will be removed from monthly Board agendas.

F. Judicial Information System (JIS) Report

Ms. Cullinane reported that the CLJ case management project has selected a consultant, Gartner, to assist the steering committee with an options analysis. AOC is expecting to complete the contract negotiations with the consulting company soon. They have given us a fairly short time-line for completing the options analysis. The consulting company will be looking at three options, or may suggest another:

1. A best-of-breed (combining separate modules for functions like document management and case management);
2. Updating the existing JIS and coding new functions;
3. Or a hybrid of the first two options, updating JIS and adding off-the-shelf products for the missing functions, like document management.

There are also issues with the New DOL DRIVES System and the tech teams from both AOC and DOL are working through them.

Ms. Cullinane also reported on DOL and that they are now putting municipal code violations on driving records, which has not been previously done for many years. Margaret Yetter added that moving violations are reporting, but reporting as non-moving and therefore, not suspending defendants' licenses.

LIAISON REPORTS

A. Administrative Office of the Courts (AOC)

Judge Robertson reported that Ms. Callie Dietz's official last day with AOC is December 31, 2018. Ms. Dietz will attend the December 14, 2018 DMCJA Board Meeting at SeaTac, which will be her last meeting.

B. Board for Judicial Administration (BJA)

Judge Kevin Ringus reported that the BJA had a joint meeting with the Court Management Council in October 2018. The BJA Legislative Committee has met via telephone and will support many of the proposed legislative items on its agenda. In the next few weeks, judiciary members will conduct interviews for the AOC Associate Director for Judicial and Legislative Relations position, which was previously held by Mr. Brady Horenstein.

C. District and Municipal Court Management Association (DMCMA)

Ms. Yetter reported that Ms. Dietz's attended the November DMCMA meeting, which will be Ms. Dietz' last meeting because she retires at the end of the year. Her attendance provided the DMCMA an opportunity to say goodbye and to thank Ms. Dietz for her service as State Court Administrator. She further reported that mandatory administrator training was discussed at their meeting yesterday. Ms. Yetter further informed that the DMCMA is looking forward to finding its 2019 -2020 conference location as it will be the association's 50th anniversary.

D. Misdemeanant Probation Association (MPA)

Ms. Scarpaci reported that the MPA has not met since the last DMCJA Board meeting.

E. Superior Court Judges' Association (SCJA)

Judge Van Doorninck submitted a report that addressed key SCJA issues.

F. Washington State Association for Justice (WSAJ)

Ms. Rachel Hamar introduced herself as the new WSAJ liaison. She has replaced Mr. Loyd Willaford.

ACTION

- A. *2019 DMCJA Legislative Agenda Proposals* - The Board moved, seconded, and passed a vote (M/S/P) to approve the following proposed DMCJA bills for the 2019 Legislative Session:

1. Affidavit of Prejudice (Notice of Disqualification)
2. Discover Pass
3. Commissioners to Solemnize Marriage; Powers of Commissioners-Limitations
4. Small Claims
5. Anti-harassment Orders

- B. *Reserves Committee Recommendation regarding Special Fund* - M/S/P to approve the following DMCJA Reserves Committee recommendations: (1) maintain the Special Fund account at Washington Federal bank, (2) **do not collect Special Fund assessment from members during 2018-2019 but consider whether to collect Special Fund dues at the 2019 Board Retreat**, and (3) Special Fund Custodian should decide whether the recommendations fit the Fund's daily needs and look at options in order to best maximize returns and make recommendations to the Board.
- C. *Washington State Court Administrator College & Mandatory Continuing Education* - M/S/P to approve the draft rule related to mandatory continuing court education.

DISCUSSION

A. Swearing-In Ceremony for District Court Judges

Judge Robertson informed that a district court judge inquired whether a swearing-in ceremony would be held for recently elected district court judges at the Temple of Justice in Olympia, WA. The DMCJA has never held a swearing-in ceremony for district court judges. In contrast, swearing-in ceremonies at the Temple of Justice are sometimes held for municipal court judges, who are often sworn into office by the city mayor. The last Washington State Supreme Court swearing-in ceremony for municipal court judges was in December 2017. The Board voted to allocate \$500 for the event at the 2017 Board Retreat. There was robust discussion regarding whether to offer this benefit to two hundred and six (206) district court judges and their families. One Board member suggested that the District Court swearing-in ceremony take place at the Annual Judicial College. Judge Robertson added that a good approach might be to conduct a poll via the DMCJA listserv to determine whether district court judges are interested in attending such an event.

B. Washington State Court College & Mandatory Continuing Education

Ms. Yetter provided the Board with a draft rule regarding Mandatory Continuing Court Education. She mentioned that she had received comments from Ms. Dietz that support this implementation, but that AOC staffing issues are present at this time and that an implementation date for launching this is eighteen months to two years out. She further reported that the Superior Court Administrators as well as the Juvenile Court Administrators were not in favor of this mandatory education implementation. Ms. Yetter asked what she needed to do to move this rule forward and Judge Robertson expressed that either she or Ms. Yetter could send a GR 9 Coversheet with the proposed mandatory administrator education rule to the Supreme Court. M/S/P to move this topic to an action item.

C. Domestic Violence Perpetrator Treatment (DVPT) vs. Moral Reconciliation Therapy (MRT)

Judge Robertson reported that there have been changes in the Washington Administrative Codes (WACs) and subsequently there is a DSHS employee that has been presenting to various groups the belief that DVPT is in theory the same treatment as MRT. This employee has threatened to call the Attorney General's Office (OAG) to voice this issue. Judge Robertson contacted the OAG via letter. The OAG responded to Judge Robertson letting her know they did not have a position on this and that DSHS needed to make the call on this issue. At this point nothing more has transpired, but the DMCJA will stand by their members' position. Judge Coburn added that she believes there is a separation of powers issue at hand. The question was raised as to whether there was research to support MRT as to whether it works or not. Judge Logan noted that she believes the Department of Corrections (DOC) has "general" data that is not grouped into or related to DV assessments to back this up, therefore, it is more than just anecdotal data. The issue was raised that probation officers would have to be certified in MRT if it is to be considered the same type of therapy as DVPT and that is not a viable option. The other issue raised was the concern that defendants would not have enough money to pay for the

added fees to follow through with this therapy if it is enforced as a therapy equal to others. The Board decided by general consensus not to discontinue MRT performed by probation officers within probation departments at this time. M/S/P to move to an action item for the December Board meeting, the issue of accepting Judge Coburn's letter as the official DMCJA position.

D. 2019 DMCJA Legislative Agenda Proposals – Judge Samuel G. Meyer
Judge Meyer provided this information during his DMCJA Legislative Committee report.

E. Reserves Committee Recommendation regarding DMCJA Special Fund
The Reserves Committee provided the following recommendations to the Board: (1) maintain the Special Fund account at the Washington Federal Bank, (2) Board should not collect Special Fund dues during 2018-2019, but consider whether to assess Special Fund dues at the 2019 Board Retreat, and (3) Special Fund Custodian should decide whether the recommendations fit the Fund's daily needs and look at options in order to best maximize returns and make recommendations to the Board. M/S/P to move this topic to an action item.

INFORMATION

Judge Robertson mentioned the following information to the Board:

- 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. Judge Mary Logan is a co-chair; other co-chairs include Justice Mary Yu and Judge Sean O'Donnell

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for December 14, 2018, from 12:30 a.m. to 3:30 p.m., at the AOC Office in SeaTac, WA.

The meeting was adjourned at 2:08 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 November 30th, 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 November 30, 2018

| | Nov 30, 18 |
|---------------------------------------|----------------|
| ASSETS | |
| Current Assets | |
| Checking/Savings | |
| Bank of America - Checking | 5,539 |
| Bank of America - Savings | 37,812 |
| US Bank - Savings | 70,766 |
| Washington Federal | 50,628 |
| Total Checking/Savings | 164,746 |
| Total Current Assets | 164,746 |
| Fixed Assets | |
| Accumulated Depreciation | (703) |
| Computer Equipment | 579 |
| Total Fixed Assets | (124) |
| Other Assets | |
| Prepaid Expenses | 26,833 |
| Total Other Assets | 26,833 |
| TOTAL ASSETS | 191,455 |
| LIABILITIES & EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Credit Cards | |
| Bank of America C. C. | 80 |
| Total Credit Cards | 80 |
| Total Current Liabilities | 80 |
| Total Liabilities | 80 |
| Equity | 191,375 |
| TOTAL LIABILITIES & EQUITY | 191,455 |

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Five Months Ending November, 2018

| | Jul 18 | Aug 18 | Sep 18 | Oct 18 | Nov 18 | TOTAL |
|--------------------------------|-----------------------|-----------------------|------------------------|------------------------|-----------------------|------------------------|
| Ordinary Income/Expense | | | | | | |
| Income | | | | | | |
| Interest Income | 5 | 5 | 5 | 1 | 1 | 17 |
| Membership Revenue | 500 | 0 | 0 | 0 | 0 | 500 |
| Other Revenue | 0 | 370 | 0 | 0 | 0 | 370 |
| Total Income | <u>505</u> | <u>375</u> | <u>5</u> | <u>1</u> | <u>1</u> | <u>887</u> |
| Gross Profit | 505 | 375 | 5 | 1 | 1 | 887 |
| Expense | | | | | | |
| Prior Year Budget Expense | 2,635 | (70) | 4,493 | 1,655 | 0 | 8,713 |
| Board Meeting Expense | 1,222 | 916 | 1,003 | 2,138 | 722 | 6,002 |
| Bookkeeping Expense | 312 | 345 | 345 | 918 | 318 | 2,237 |
| Conference Calls | 0 | 0 | 6 | 82 | 0 | 88 |
| DMCMA Liaison Committee | 0 | 0 | 0 | 0 | 31 | 31 |
| Education Committee | 0 | 0 | 0 | 905 | 233 | 1,138 |
| Educational Grants | 0 | 0 | 0 | 1,000 | 0 | 1,000 |
| Judicial Assistance Committee | 19 | 0 | 1,066 | (3,103) | 2,508 | 490 |
| Legislative Pro-Tem | 195 | 0 | 0 | 0 | 0 | 195 |
| Lobbyist Contract | 5,833 | 5,833 | 5,833 | 5,833 | 5,833 | 29,167 |
| National Leadership Grants | 0 | 0 | 0 | 2,099 | 0 | 2,099 |
| President Expense | 0 | 38 | 0 | 0 | 80 | 118 |
| Treasurer Expense and Bonds | 0 | 0 | 10 | 0 | 0 | 10 |
| Total Expense | <u>10,216</u> | <u>7,062</u> | <u>12,756</u> | <u>11,528</u> | <u>9,725</u> | <u>51,287</u> |
| Net Ordinary Income | <u>(9,711)</u> | <u>(6,687)</u> | <u>(12,751)</u> | <u>(11,527)</u> | <u>(9,724)</u> | <u>(50,400)</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>(9,724)</u></u> | <u><u>(50,400)</u></u> |

6:23 AM
12/04/18

**Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail
Bank of America - Checking, Period Ending 11/30/2018**

| Type | Date | Num | Name | Clr | Amount | Balance |
|---------------------------------------|------------|-----|------------------------|-----|------------------|-----------------|
| Beginning Balance | | | | | | 8,105.62 |
| Cleared Transactions | | | | | | |
| Checks and Payments - 18 items | | | | | | |
| Check | 10/25/2018 | | Thurston County Dis... | X | -1,000.00 | -1,000.00 |
| Check | 10/29/2018 | | Susanna Neil Kanth... | X | -721.26 | -1,721.26 |
| Check | 10/30/2018 | | Linda Coburn | X | -33.79 | -1,755.05 |
| Check | 11/01/2018 | | Melanie Stewart | X | -2,000.00 | -3,755.05 |
| Check | 11/05/2018 | | Susanna Neil Kanth... | X | -900.00 | -4,655.05 |
| Check | 11/05/2018 | | Michael Evans | X | -48.19 | -4,703.24 |
| Check | 11/09/2018 | | Cave B | X | -1,559.55 | -6,262.79 |
| Check | 11/09/2018 | | Pierce County Book... | X | -318.00 | -6,580.79 |
| Check | 11/16/2018 | | Samuel G. Meyer | X | -54.50 | -6,635.29 |
| Check | 11/16/2018 | | Michelle Gehtsen | X | -30.52 | -6,665.81 |
| Check | 11/16/2018 | | Rick Leo | X | -25.54 | -6,691.35 |
| Check | 11/16/2018 | | Linda Coburn | X | -16.89 | -6,708.24 |
| Check | 11/21/2018 | | Ingallina's Box Lunch | X | -348.55 | -7,056.79 |
| Check | 11/21/2018 | | Jeffery Smith | X | -233.00 | -7,289.79 |
| Check | 11/21/2018 | | Jeffery Smith | X | -216.85 | -7,506.64 |
| Check | 11/21/2018 | | Michelle Gehtsen | X | -30.52 | -7,537.16 |
| Check | 11/21/2018 | | Michael Finkle | X | -21.80 | -7,558.96 |
| Check | 11/21/2018 | | Jennifer L. Fassben... | X | -7.50 | -7,566.46 |
| Total Checks and Payments | | | | | -7,566.56 | -7,566.56 |
| Deposits and Credits - 1 item | | | | | | |
| Transfer | 11/08/2018 | | | X | 5,000.00 | 5,000.00 |
| Total Deposits and Credits | | | | | 5,000.00 | 5,000.00 |
| Total Cleared Transactions | | | | | -2,566.56 | -2,566.56 |
| Cleared Balance | | | | | -2,566.56 | 5,539.06 |
| Register Balance as of 11/30/2018 | | | | | -2,566.56 | 5,539.06 |
| New Transactions | | | | | | |
| Checks and Payments - 1 item | | | | | | |
| Check | 12/03/2018 | | Melanie Stewart | | -2,000.00 | -2,000.00 |
| Total Checks and Payments | | | | | -2,000.00 | -2,000.00 |
| Total New Transactions | | | | | -2,000.00 | -2,000.00 |
| Ending Balance | | | | | -4,566.56 | 3,539.06 |

6:26 AM
12/04/18

Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail
Bank of America - Savings, Period Ending 11/30/2018

| Type | Date | Num | Name | Clr | Amount | Balance |
|--------------------------------------|------------|-----|------|-----|------------------|------------------|
| Beginning Balance | | | | | | 42,811.05 |
| Cleared Transactions | | | | | | |
| Checks and Payments - 1 item | | | | | | |
| Transfer | 11/08/2018 | | | X | -5,000.00 | -5,000.00 |
| Total Checks and Payments | | | | | -5,000.00 | -5,000.00 |
| Deposits and Credits - 1 item | | | | | | |
| Deposit | 11/30/2018 | | | X | 0.64 | 0.64 |
| Total Deposits and Credits | | | | | 0.64 | 0.64 |
| Total Cleared Transactions | | | | | -4,999.36 | -4,999.36 |
| Cleared Balance | | | | | -4,999.36 | 37,811.69 |
| Register Balance as of 11/30/2018 | | | | | -4,999.36 | 37,811.69 |
| Ending Balance | | | | | -4,999.36 | 37,811.69 |

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July through November 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 | 07/26/2018 | | 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-Term | (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) | (11,077.18) |
| Check | 10/12/2018 | | Dan B Johnson | 9/23 | (36.00) | (11,113.18) |
| 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 Dingleddy | 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 November 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. Benjmin 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 | (389.43) | (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) |
| Check | 11/01/2018 | | Melanie Stewart | November invoice | (2,000.00) | (12,358.83) |
| Check | 11/05/2018 | | Susanna Neil Kanther-Raz | 4th quarter, 2018 | (900.00) | (13,258.83) |
| Check | 11/05/2018 | | Michael Evans | | (48.19) | (13,307.02) |
| Transfer | 11/09/2018 | | | Funds Transfer | 5,000.00 | (8,307.02) |
| Check | 11/09/2018 | | Cave B | Deposit | (1,559.55) | (9,866.57) |
| Check | 11/09/2018 | | Pierce County Bookkeeping | October services invoice 776 | (318.00) | (10,184.57) |
| Check | 11/16/2018 | | Samuel G. Meyer | Board meeting 11/9/18 | (54.50) | (10,239.07) |
| Check | 11/16/2018 | | Michelle Gehlsen | Board meeting 11/9/18 | (30.52) | (10,269.59) |
| Check | 11/16/2018 | | Rick Leo | Board meeting 11/9/18 | (25.54) | (10,295.13) |
| Check | 11/16/2018 | | Linda Coburn | Board meeting 11/9/18 | (16.89) | (10,312.02) |
| Check | 11/21/2018 | | Jeffery Smith | 11-5-18 - 11-8-18 | (233.00) | (10,545.02) |
| Check | 11/21/2018 | | Jeffery Smith | 11/9/18 | (216.85) | (10,761.87) |
| Check | 11/21/2018 | | Michelle Gehlsen | 11/8/18 | (30.52) | (10,792.39) |
| Check | 11/21/2018 | | Michael Finkle | 11/9/18 | (21.80) | (10,814.19) |
| Check | 11/21/2018 | | Jennifer L. Fassbender | 11/9/18 | (7.50) | (10,821.69) |
| Check | 11/21/2018 | | Ingallina's Box Lunch | 11/9/18 board meeting | (348.65) | (11,170.34) |
| Total Bank of America - Checking | | | | | (11,170.34) | (11,170.34) |
| 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) |
| Transfer | 11/08/2018 | | | Funds Transfer | (5,000.00) | (19,996.41) |
| Deposit | 11/30/2018 | | | Interest | 0.64 | (19,995.77) |
| Total Bank of America - Savings | | | | | (19,995.77) | (19,995.77) |
| 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 | 4.18 | 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) |
| Genera... | 11/30/2018 | CEH | | 1/12 of Contract | (3,833.33) | (19,166.65) |
| Total Prepaid Expenses | | | | | (19,166.65) | (19,166.65) |
| 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 |
| Credit ... | 11/30/2018 | | 1-800-Flowers.com | | (79.86) | (79.86) |
| Total Bank of America C. C. | | | | | (79.86) | (79.86) |

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

| Type | Date | Num | Name | Memo | Amount | Balance |
|----------------------------------|------------|-----|-------------------------------------|---|----------|----------|
| 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) |
| Deposit | 11/30/2018 | | | Interest | (0.64) | (16.99) |
| Total Interest Income | | | | | (16.99) | (16.99) |
| 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) |
| 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... | (189.96) | 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 | 07/26/2018 | | 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 | 07/26/2018 | | 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 | 26.16 | 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 | 19.62 | 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 |

**Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account**

July through November 2018

| Type | Date | Num | Name | Memo | Amount | Balance |
|--|------------|-----|-------------------------------------|--|-----------------|-----------------|
| 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 |
| Check | 11/16/2018 | | Samuel G. Meyer | Board meeting 11/9/18 | 54.50 | 5,333.98 |
| Check | 11/16/2018 | | Michelle Gehlsen | Board meeting 11/9/18 | 30.52 | 5,364.50 |
| Check | 11/16/2018 | | Rick Leo | Board meeting 11/9/18 | 25.54 | 5,390.04 |
| Check | 11/16/2018 | | Linda Coburn | Board meeting 11/9/18 | 16.89 | 5,406.93 |
| Check | 11/21/2018 | | Jeffery Smith | 11/9/18 | 216.85 | 5,623.78 |
| Check | 11/21/2018 | | Michael Finkle | 11/9/18 | 21.80 | 5,645.58 |
| Check | 11/21/2018 | | Jennifer L. Fassbender | 11/9/18 | 7.50 | 5,653.08 |
| Check | 11/21/2018 | | Ingallina's Box Lunch | 11/9/18 board meeting | 348.65 | 6,001.73 |
| Total Board Meeting Expense | | | | | 6,001.73 | 6,001.73 |
| 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 |
| Check | 11/09/2018 | | Pierce County Bookkeeping | October services invoice 776 | 318.00 | 2,237.00 |
| Total Bookkeeping Expense | | | | | 2,237.00 | 2,237.00 |
| 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 |
| DMCMA Liaison Committee | | | | | | |
| Check | 11/21/2018 | | Michelle Gehlsen | 11/8/18 | 30.52 | 30.52 |
| Total DMCMA Liaison Committee | | | | | 30.52 | 30.52 |
| 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 | 85.02 | 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 |
| Check | 11/21/2018 | | Jeffery Smith | 11-5-18 - 11-8-18 | 233.00 | 1,138.34 |
| Total Education Committee | | | | | 1,138.34 | 1,138.34 |
| 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 | 44.69 | (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 | 31.61 | (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 | 384.32 | (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) |
| Check | 11/05/2018 | | Susanna Neil Kanther-Raz | 4th quarter, 2018 | 900.00 | (1,118.03) |
| Check | 11/05/2018 | | Michael Evans | 10/05/2018 meeting | 48.19 | (1,069.84) |
| Check | 11/09/2018 | | Cave B | Deposit | 1,559.55 | 489.71 |
| Total Judicial Assistance Committee | | | | | 489.71 | 489.71 |

**Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account**

July through November 2018

| Type | Date | Num | Name | Memo | Amount | Balance |
|------------------------------------|------------|-----|-----------------------|-----------------------------|-------------|-------------|
| Legislative Pro-Term | | | | | | |
| Check | 07/26/2018 | | City of Bothell | Legislative Pro-Term | 195.00 | 195.00 |
| Total Legislative Pro-Term | | | | | 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 |
| Check | 11/01/2018 | | Melanie Stewart | November invoice | 2,000.00 | 25,333.32 |
| Genera... | 11/30/2018 | CEH | | 1/12 of Contract | 3,833.33 | 29,166.65 |
| Total Lobbyist Contract | | | | | 29,166.65 | 29,166.65 |
| 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 |
| Credit ... | 11/30/2018 | | 1-800-Flowers.com | Retirement for Callie Dietz | 79.86 | 117.99 |
| Total President Expense | | | | | 117.99 | 117.99 |
| 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 | \$6,002.00 | \$23,998.00 |
| Bookkeeping Expense | \$3,500.00 | \$2,237.00 | \$1,263.00 |
| 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 | \$31.00 | \$469.00 |
| DOL Liaison Committee | \$200.00 | | \$200.00 |
| Education Committee | \$14,500.00 | \$1,138.00 | \$13,362.00 |
| 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 | \$7,490.00 | \$6,510.00 |
| 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 | \$56,000.00 | \$14,000.00 |
| 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 | \$118.00 | \$4,882.00 |
| 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 | \$76,409.00 | \$165,291.00 |
| TOTAL DEPOSITS MADE | \$7,500.00 | | |
| CREDIT CARD (balance owing) | \$0.00 | | |

*Includes \$7,000 from the SCJA
Balance as of 11-30-2018

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Statement of Account

PAGE 1 OF 1

Statement Ending Date November 30, 2018

Last Statement Date November 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' 10288
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 Premium Money Market Summary - # [REDACTED]

Annual Percentage Yield Earned for this Statement Period 0.777%
Interest Rate 1.290%
Year-to-Date Interest Paid \$74.39

Beginning Balance \$50,632.74
Interest Earned This Period +32.23
Deposits and Credits +0.00
Checks Paid -0.00
ATM, Electronic and Debit Card Withdrawals -0.00
Other Transactions -0.00
Ending Balance \$50,664.97

| | 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 |
|--|-----------------|--------------|
| 11-13 | Credit Interest | 1.80 |
| 11-30 | Credit Interest | 30.43 |
| Total Interest Earned This Period | | 32.23 |

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DMCJA Rules Committee

Thursday, September 27, 2018 (12:00 - 1:00 p.m.)

Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Dacca
~~Judge Buttorff~~
Judge Goodwin
Commissioner Hanlon
~~Judge Oaks~~
Judge Samuelson
~~Judge Steiner~~
~~Judge Turner~~
Ms. Linda Hagert, DMCMA Liaison
Ms. Patti Kohler, DMCMA Liaison (Alternate)

AOC Staff:

Ms. J Benway

Guest:

Judge Eisenberg

Judge Dacca called the meeting to order at 12:05 p.m.

Judge Dacca stated that this is the last Rules Committee meeting he will Chair, although he will continue as a member of the Rules Committee until his retirement in December. Judge Goodwin will be the new Rules Committee Chair.

The Committee discussed the following items:

1. Welcome & Introductions

Judge Dacca welcomed the Committee members in attendance and guest Judge Eisenberg. Judge Eisenberg was invited to be on the Rules Committee and accepted. Ms. Benway will convey this to DMCJA Staff.

2. Approve Minutes from the July 25 and August 23, 2018 Rules Committee meetings

It was motioned, seconded, and passed to approve the minutes from the July 25 and August 23, 2018 Rules Committee meetings.

3. Discuss Proposal to Amend GR 22

Judge Eisenberg prepared a GR 9 Cover Sheet providing context and setting forth reasons for his proposal to amend GR 22 to include therapeutic court records for courts that are included in the definition of therapeutic courts. Judge Dacca appreciated the information but remains concerned about the application of the rule in the diversion context. Other Committee members expressed concern about coordination with other rules and the placement of the provision in GR 22. The Committee suggested that Judge Eisenberg work with the Therapeutic Courts Committee to gather support for the proposal and consider the best way to proceed. Judge

Eisenberg agreed to this approach. Ms. Benway stated that she would contact the Therapeutic Courts staff person regarding facilitating communication. This item was tabled until a future meeting.

4. Discuss Proposal to Amend CrRLJ 8.9

Judge Eisenberg provided a GR 9 Cover Sheet regarding his proposal to amend the rules pertaining to affidavits of prejudice and disqualification of judges. Specifics of the proposal include substitution of the term “notice of disqualification” to be consistent with superior court rules and statutes, and that judges be permitted to preside over arraignment proceedings even after a notice is filed. The Committee wants to ensure that the amendment process is coordinated with the DMCJA Legislative Committee, which is considering corresponding legislative changes. After discussion, it was determined that the IRLJ Subcommittee consisting of Judge Eisenberg, Judge Goodwin and Judge Samuelson will meet to further discuss this issue. This item was tabled until a future meeting.

5. Discuss proposed amendments to CrRLJ 3.7, 3.8, 3.9, 4.7, and 4.11

The Supreme Court has published for comment several rule amendment proposals submitted by the Washington Association of Criminal Defense Lawyers. The Comment period ends April 30, 2019. Because the comment deadline is still several months away, the Committee deferred consideration of this proposal.

6. Other Business and Next Meeting Date: Draft Meeting Schedule

The next meeting is scheduled for Thursday, October 25 at noon via teleconference.

There being no further business, the meeting was adjourned at 12:59 p.m.

2019 DMCJA Spring Program Draft Schema

Sunday

1:30pm – 5:00pm Neurobiology of Trauma in the Courtroom, *Dr. Chris Wilson, Judge Floerke, (Short)*

Monday

8:00am – 9:30am Motivational Interviewing Techniques for Judges, a Colloquium-Based approach, *Michael Clark (Stewart)*

-Break-

9:45am – 10:45am Sexual Harassment Training, *TBD (Short)*

11:00am – 12:00pm Competency to Stand Trial, *Judge Michael Finkle (O'toole)*
11:00am – 12:00pm Draeger Panel Discussion Pt. 2, *TBD (Fair)*

-Lunch-

1:15pm – 3:30pm Crawford/Handling A Domestic Violence Trial, *Nevin (McCann)*
1:15pm – 3:30pm Therapeutic Courts Colloquium

Tuesday

8:30am – 10:00am Evidence Update, *Nevin (McCann)*

-Break-

10:15am – 11:45am The Role of the Court Post Disposition, *Dr. Scott Walters? (Fair)*
10:15am – 11:45am Domestic Violence Treatment for DV Offenders, *TBD (Fore)*

Lunch and Business Meeting

1:45pm – 2:45pm The Ethics of Having Fun, *Bradley (Verge)*
1:45pm – 2:45pm Judicial Independence, *TBD (Jenkins)*

3:00pm – 5:15pm Jeopardy, *Jahns (Docter)*

Wednesday

8:30am – 9:30am Legislative Update, *Meyer (Smith)*

-Check Out Break-

10:00am – 11:30am DOL Update, *Weaver (Docter)*



Board for Judicial Administration (BJA) Meeting
Friday, October 19, 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 Blaine Gibson
Judge Gregory Gonzales (by phone)
Judge Dan Johnson
Judge David Kurtz
Judge Linda Lee (by phone)
Judge Mary Logan
Judge David Mann
Judge Samuel Meyer
Bill Pickett
Judge Kevin Ringus
Judge Rebecca Robertson
Justice Charles Wiggins

Guests Present:

Patricia Austin
Darryl Banks
Derek Byrne
Sonya Kraski
Frank Maiocco
Judge Jacqueline Shea-Brown
Lisa Tremblay
Dawn Williams
Margaret Yetter

Public Present:

Page Carter

Administrative Office of the Courts

(AOC) Staff Present:

Lynne Alfasso (by phone)
Crissy Anderson (by phone)
Jeanne Englert
Sharon Harvey (by phone)
Dirk Marler
Ramsey Radwan
Intisar Surur
Caroline Tawes

Call to Order

Chief Justice Fairhurst called the meeting to order at 9:00 a.m. The members introduced themselves. Chief Justice Fairhurst announced that the Court Management Council (CMC) members were joining the meeting today.

Court Management Council

Maiocco presented an overview and history of CMC, as well as an update on their current project. Since 2017, CMC members have been examining the public perception of courts with a primary focus on helping the public and court staff understand the difference between legal information and legal advice. Two CMC subcommittees created a PowerPoint presentation and developed talking points, a curriculum, and objectives for education programs on legal information versus legal advice, as well as

updating and adding to a guidebook from the Clallam County Clerk's office, *Legal Information vs. Legal Advice*.

Dietz and Maiocco jointly presented the Court Manager of the Year award to Benton-Franklin Superior Court administrator Patricia Austin.

Representatives from the Association of Washington Superior Court Administrators (AWSCA), the District and Municipal Court Management Association (DMCMA), the Washington Association of Juvenile Court Administrators (WAJCA), the Washington State Association of County Clerks (WSACC), and the Court of Appeals presented updates on their associations and courts.

Branch Budget Overview

Radwan presented an overview of the judicial branch budget using the PowerPoint presentation in the meeting materials. He said it was important for BJA members to understand the budget to help ensure long-term, stable, and adequate funding for the judicial branch.

Radwan reviewed the budget process and timeline. A new step in the process this year is the addition of the Court Funding Committee. The Supreme Court approved the 2019–2021 budget request for state general fund items that flow through the AOC to be forwarded to the legislature with three changes: the Finding Fathers request was combined with the Family and Juvenile Court Improvement Program request; the Expedited Data Repository (EDR) Future Integrations request was reduced from \$1.5 million to \$500,000; and the State CASA request was not included in the budget submittal.

2018 Legislative Agenda

Chief Justice Fairhurst announced that AOC staff member and Associate Director of Legislative and Judicial Relations Brady Horenstein resigned.

Judge Ringus said the BJA approved the 2017–19 Legislative Communications Plan last November. The BJA Legislative Committee met September 7 and October 5 to discuss three proposals received by the Committee and the 2019 legislative agenda.

Judge Ringus also discussed the one-page information sheet on the 2019 legislative priorities. The priorities sheet will be designed after the content is approved as part of the legislative agenda. Judge Ringus thanked AOC staff for their assistance on the project.

The Legislative Committee will continue to work on a unified message for BJA. The wording should reference the importance of funding so that the courts can continue to

be relevant. Work on the unified message will continue at the next Legislative Committee meeting. Any change in the BJA approach should increase support of all levels of the judicial branch and how we work as partners. This will be discussed at the November meeting.

It was moved by Judge Ringus and seconded by Judge Gibson to approve the 2019 legislative agenda. The motion carried.

Dietz said the Associate Director Legislative and Judicial Relations job announcement had been sent out and will be open until filled. She asked that BJA members encourage qualified people they might know to apply. There is a plan to hire a contractor if a permanent employee is not hired before the legislative session begins.

BJA Strategic Initiatives

There will be presentations on the BJA Strategic Initiatives at the November BJA meeting. The Interpreters Services Funding Task Force submitted a budget request of \$2.1 million for this biennium. The Court System Education Funding Task Force submitted a budget request for \$1.4 million for education, travel support, and curriculum needs for all courts. The task forces are each developing talking points and a question and answer document for stakeholders, as well as a fact sheet for legislators. This information will be available at the November BJA meeting.

The Interpreters Services Funding Task Force is compiling customer feedback from their survey. Findings from the Court System Education Funding Task Force survey on mandatory training requirements for court administrators were included in the meeting materials.

Standing Committee Reports

Budget and Funding Committee (BFC): The Committee met in June to prioritize budget requests to send to the BJA with recommendations. Judge Logan likes the new budget process and hopes it remains in place.

Court Education Committee (CEC): The Judicial Education Leadership Institute (JELI) in November will provide education on how to do a good presentation and how adults learn.

The 2019 Judicial College will have at least 62 or 63 participants. Funding will be a challenge and may have an impact on association conference budgets. Because the Judicial College is mandatory, funding may have to be prioritized for it.

Legislative Committee (LC): Judge Ringus will work with Dietz to cover the Court Funding Committee meetings in Horenstein's absence. AOC association staff will assist.

Policy and Planning Committee (PPC): Judge Robertson reported the PPC received six proposals for new strategic initiatives. Two were not a good fit and two were similar to each other. The PPC is meeting today to discuss what the current strategic task forces need and if they will recommend another strategic initiative.

Expiring Resolution Follow Up

There was an expired resolution that was previously brought to the BJA for consideration of whether to revise, renew or retire it. The Policy and Planning Committee reached out to the Minority and Justice Committee who will not be renewing it as there are other policies in place that address the issue. The BJA decided to retire the resolution.

BJA Leadership Goals

Two ad hoc groups will be formed to evaluate the BJA committee structure format and review the BJA bylaws and rules. A representative from each committee and each court level is needed. The Committee Composition Committee will be Judge Gonzales, Judge Meyer, Judge Rogers, and Judge Logan. The Bylaws and Rules Ad Hoc Committee will be Chief Justice Fairhurst, Judge Johnson, and Judge Gibson.

Public Trust and Confidence Committee

Seven new members have been nominated for appointment to the Public Trust and Confidence Committee: Judge David Larson, Judge Kathryn Loring, Commissioner Rick Leo, Judy Ly, Emily McCartan, Val Barschaw, and Jennifer Garber.

It was moved by Judge Johnson and seconded by Judge Gibson to approve all seven nominees to the Public Trust and Confidence Committee. The motion carried.

September 21, 2018 Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Logan to approve the September 21, 2018 BJA meeting minutes. The motion carried.

Information Sharing

Chief Justice Fairhurst announced that Dawn Marie Rubio has been hired as the new Washington State Court Administrator. From November 19 to December 31 she will be

the State Court Administrator Designate, becoming the State Court Administrator on January 1, 2019.

The Washington Citizens' Commission on Salaries for Elected Officials gave a strong recommendation to increase judicial salaries. More information will be shared later.

Chief Justice Fairhurst, Judge Jasprica, Englert, and Dietz met to discuss follow up from the Judicial Leadership Retreat in the spring. They will be sharing information about the meeting and the BJA will devote time to discuss some of the follow up items.

Byrne said the Department of Labor and Industries has a new proposal to compensate staff for overtime. This could have a significant impact on court budgets. Byrne is looking into statutory issues and will report back.

Pickett announced that Judge Logan and the Spokane Community Court were presented with the Washington State Bar Association (WSBA) Award of Merit. The WSBA has rolled out a new health care exchange for its members. The structure of the WSBA is being examined in light of recent court decisions.

The Superior Court Judges' Association (SCJA) has agreed to fund a Color of Justice program. The first of three programs will be held in Yakima on November 2. There will be public recommendations from the Pretrial Task Force in January.

Dietz thanked everyone for their work and said she will miss everyone. She plans to do some consulting work for the National Center for State Courts (NCSC) after her retirement.

Other

There being no further business, the meeting was adjourned at 11:50 a.m.

Recap of Motions from the September 21, 2018 Meeting

| Motion Summary | Status |
|--|---------------|
| Approve the 2019 legislative agenda | Passed |
| Approve all seven nominees to the Public Trust and Confidence Committee. | Passed |
| Approve the September 21, 2018 BJA meeting minutes. | Passed |

Action Items from the September 21, 2018 Meeting

| Action Item | Status |
|---|---------------|
| There will be presentations on the BJA Strategic Initiatives at the November BJA meeting. | |
| The unified legislative agenda message will be discussed at the November meeting. | |

| Action Item | Status |
|---|---------------|
| The Committee Composition Committee will facilitate a discussion at the November meeting. | |
| <u>September 21, 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 December 7, 2018 Judge Kitty-Ann van Doorninck, SCJA President-Elect

(December 1, 2018 SCJA Board Meeting)

JISC REPORT

Clark and Spokane Counties went live with Odyssey on November 5. The project ends December 31, and there will be six-months of continued implementation support.

Salary Commission: Judge Price attended the November 14 Salary Commission meeting in Spokane along with one of the newest SCJA members, Judge Jennifer Fassbender. Tim Eyeman and several other individuals associated with Mr. Eyeman attended a portion of the meeting to voice opposition to the salary increases. Judge Price was asked about the difficulty in attracting qualified candidates due to salary considerations. He shared that in speaking to local lawyers, he was told that they cannot afford to leave private practice, taking a 50-100 percent pay cut to join the bench. SCJA members will attend the December and January Commission meetings, signing in as listeners but making themselves available if the Commission has questions.

SCJA Rule Implementation and Proposed Anti-Bias Rule, GR 38

SCJA asked the Supreme Court to defer their decision on GR 38 until June 2019, allowing SCJA members to vote on the rule at the SCJA Spring Conference. In redrafting the proposal re superior court promulgation of rules, Judge Chushcoff removed the prohibition of bias rule, pending decisions made by the membership and the Rules Committee. Judge Gibson questioned whether the public comments received by the Supreme Court have affected enthusiasm about the initial proposal. Judge O'Donnell provided a recap of the impetus for creation of the rule. Board members discussed at length the value of having a rule to cite when addressing bias in not only the courtroom, but the offices and halls of the courthouse and depositions. The existence of such a rule may make it easier for litigants and attorneys to raise these issues with the court in a direct manner, rather than couching them in a more generic professionalism complaint. It was noted that an anti-bias rule will also allow diverse judges who are personally experiencing such behaviors to cite the collective intent of the judiciary to confront bias, and to act in concert with their colleagues rather than risk being viewed as having a personal issue or sensitivity. Judge Gibson will work with the Education Co-Chairs on a possible time slot during Spring Conference to allow members to openly discuss the rule proposals in-depth. Trustees will work to educate their district members in advance of the meeting.

Code of Judicial Conduct (CJC) Rule 2.9 Amendment Update: Pursuant to the SCJA's decision at the November meeting, Judge Gibson sent a letter to Justice Johnson requesting a friendly amendment to the proposed rule change. The Board determined the language should be changed slightly to make it clear that subparagraphs (a) and (b) under 2.9(A)(1) apply throughout paragraph 2.9(A)(1). The proposal now reads:

(1) When circumstances require and subject to the limitations in paragraphs (A)(1)(a) and (A)(1)(b), ex parte communication is permitted: for scheduling, administrative or emergency purposes if the communication does not address substantive matters; pursuant to a written policy or rule for a mental health court, drug court or other therapeutic court; and, in criminal and civil matters, to make decisions on such matters as an individual's risk and needs, pretrial release, bail, placement, dispositions, and supervision. Such ex parte communication is permitted only if:

(a) Etc.



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
COMMUNITY SERVICES DIVISION
Economic Services Administration
Post Office Box 45440 Olympia WA 98504-5440

November 21, 2018

Judge Rebecca C. Robertson
President, District and Municipal Court Judges' Association
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504

Dear Judge Robertson:

I am writing to follow up on concerns you outlined in an October 19, 2018 telephone call related to the domestic violence perpetrator treatment program certification requirement specified in RCW 26.50.150 and the treatment standards in WAC 110-60A. During the call, you requested the Department of Social and Health Services' position on whether or not probation-facilitated moral reconnection therapy (MRT) such as the MRT-DV¹ program is a domestic violence perpetrator treatment program subject to certification under RCW 26.50.150. You indicated that you believe that probation-facilitated MRT is *not* domestic violence perpetrator treatment and is *not* subject to RCW 26.50.150.

As you are aware, RCW 26.50.150 states that

Any program that provides domestic violence treatment to perpetrators of domestic violence must be certified by the Department of Children, Youth, and Families² and meet minimum standards for domestic violence treatment purposes.

Correctional Counseling Incorporated (CCI), which developed the MRT-DV curriculum and workbook, and which trains facilitators in MRT-DV, describes the program as, "a primary treatment method for batterer programs." The training includes an "MRT for D[omestic] V[iolence] Counselors' Handbook" and information on twenty-four modules specific to domestic violence treatment. CCI describes MRT as a program that "combines education, group and individual counseling, and structured exercises designed to foster moral development" in domestic violence perpetrators.³ CCI's description of the domestic violence related training and materials clearly indicate that MRT-DV is intended as a domestic violence treatment program.

Further, it is the Department's understanding that the probation-facilitated MRT treatment you describe is targeted at individuals who have engaged in domestic violence. And it is the Department's understanding that probation departments that facilitate MRT use a program specifically designed for domestic violence batterers (MRT-DV).

If this understanding is incorrect, please clarify. Otherwise, it appears that probation-facilitated MRT-DV is being utilized as domestic violence perpetrator treatment, in which case it is subject to RCW 26.50.150.

¹ https://www.ccimrt.com/mrt_programs/domestic-violence/ 31

² DSHS administers this program by agreement with the Department of Children, Youth, and Families.

³ *ibid.*

November 21, 2018

Page 2 of 2

DSHS recognizes that courts offer MRT-DV in an effort to work with offenders who cannot otherwise afford domestic violence treatment. And we appreciate probation officers who have demonstrated a willingness to do the extra work involved in receiving training and facilitating MRT-DV programs. The Department also acknowledges the difficulty of finding certified domestic violence treatment for indigent offenders and is willing to explore solutions for access to care issues. And the Department is willing to explore avenues for probation departments to obtain certification under RCW 26.50.150.

I assure you the domestic violence unit staff are committed to working with municipal and district court probation departments to achieve certification should they so desire. Please contact Stephanie Condon, DV unit supervisor, if you or courts using MRT-DV wish to discuss domestic violence treatment certification options.

Sincerely,



Babs Roberts, Director
Community Services Division



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.

FINAL DRAFT SUBMITTED TO THE WASHINGTON
STATE SUPREME COURT ON 8/7/2018

Access to Justice Technology Court Rules

Scope

The Access to Justice Technology Court Rules are adopted to

- Guide the justice system's use of technology,
- Combat discrimination, unfair treatment, and unjust biases in the justice system,
and
- Ensure that technology does not create unfair results or processes for resolving
legal problems.

The Access to Justice Technology Court Rules apply to everyone involved in the justice
system, including:

- Courts,
- Clerks of the court,
- Court administrators, and
- Contractors with the courts, clerks, and court administrators.

Definitions of Terms:

- Equity

- Equal access to participation in the justice system for all people with a focus on fair and understandable processes and outcomes.
- Technology
 - Technology includes but is not limited to hardware and software, and all mechanisms and means used for the production, storage, retrieval, aggregation, transmission, communication, dissemination, interpretation, presentation, or application of information, including but not limited to data, documents, records, images, video, sound and other media.

Access to Justice for All

Everyone should have access to the justice system.

Use of technology in our justice system should increase and must not diminish:

- equitable access to justice;
- opportunities for participation; and
- usability, accountability, efficiency, and transparency.

Technology in our justice system must start with a design for fairness and must be evaluated regularly against these rules.

All technology must be designed and used to eliminate discrimination, unfairness, and other unjust systemic biases and practices.



Openness, Privacy and Safety

Technology in the justice system must

- be open to the public and transparent,
- protect the safety of the people involved,
- protect the privacy of the people involved,
- maintain available and understandable definitions of the access levels or authorities of all participants,
- assure that information can be viewed, created, changed or deleted only by participants with the appropriate access levels, and

- assure that confidential information is not introduced into the public domain.

People must have meaningful access to view their own information and have it corrected if inaccurate.

Accountability and Fairness

The justice system must maximize the beneficial effects of technology while continuously improving technology to address the needs of people most impacted by or least able to engage effectively with the justice system. Users should have a voice in the acquisition and implementation of technology, including as testers.

The justice system must ensure that technology, especially algorithms, are continuously evaluated before, during and after development and implementation, for

- inequitable processes;
- unfair outcomes; and
- negative impacts.

Technology in development that results in unfairness or inequity must not be implemented.

Technology that is already implemented that results in unfairness or inequity must be corrected, or if the harm cannot be eliminated, removed from use.

Maximizing Public Awareness and Use

The justice system must provide access to knowledge about itself and promote public awareness of its processes and resources.

Actors in the justice system must

- regularly seek input from and listen to the public, and
- make regular improvements to technology, and the methods of providing information about the technology, based on user needs, experience, and feedback.

Usability

Technology in the justice system must be easy to use, affordable, and efficient.

Accessible Formats

Court information must be available to the public and should be available in ways that best enable its use. Information and resources must be offered in formats that do not place a financial burden upon users.

Plain Language

The justice system must create or provide all public information and resources in plain language.

Best Practices Workgroup

The technology committee of the Access to Justice Board will establish a workgroup that maintains and shares practical information, resources, definitions, and best practices for implementing the ATJ Technology Court Rules. The workgroup will continuously update these resources and publish them at: [URL]. The workgroup will report to the Access to Justice Board annually.

Accessibility

The justice system must consider, design, and implement technology systems for all persons, including those with disabilities.

Cultural Responsiveness

Technology in the justice system must incorporate principles and practices which address and respond to cultural variables and diversity of people and communities.

Human Touch

Technology should be used to increase the level of human interaction, and to preserve or increase the humanity of our justice system.

Language Access

Courts should communicate in the preferred languages of people. Technology must be used in ways which enhance communication.



WASHINGTON
COURTS

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JUDGE JEFFREY R. SMITH
Spokane County District Court
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November 30, 2018

Honorable Mary E. Fairhurst
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: 2018 DMCJA ANNUAL REPORT

Dear Chief Justice Fairhurst:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I submit this annual report of the condition of business in the courts of limited jurisdiction (CLJs), pursuant to the Revised Code of Washington (RCW) 3.70.040 (3).

The courts of limited jurisdiction were busy in 2018. District and municipal court judges handled approximately 1.5 million cases, which included infractions, misdemeanors and gross misdemeanors, civil protection orders, civil litigation, small claims, and felony complaint cases. *See Administrative Office of the Courts' Caseload Report for January 2018 to September 2018.* The fines, fees, and costs from CLJs during this period is approximately one hundred eighty-four million dollars. The CLJs in the State of Washington processed about eighty-seven percent of Washington State's judicial caseload.

Adequate Court Funding

The DMCJA Board of Governors (Board) has found that adequate court funding is a continual issue for courts of limited jurisdiction. In 2018, the DMCJA Board determined that obtaining court funding is its number one priority. Specifically, state funding is needed for (1) a new statewide CLJ case management system, and (2) courthouse security. In Washington State, only 15.5 percent of state funds are allotted to courts, which places Washington last among the 50 states receiving state monies to fund courts. *See Justice Expenditure and Employment Extracts, 2012 - Preliminary (Table 3); Bureau of Justice Statistics; U.S. Department of Justice; Washington, D.C.* Thus, the DMCJA Public Outreach Committee has provided resource materials to DMCJA members who speak with state and local legislators regarding the financial needs of CLJ courts. We continue to provide mandatory services in an environment of shrinking budgets.

Courts of Limited Jurisdiction Case Management System (CLJ-CMS)

The volume of cases and transactions at our level of court is overloading our current case management system, which was developed and implemented in the 1980s. The DMCJA joined with the Administrative Office of the Courts, District and Municipal Court Management Association, and Misdemeanor Probation Association to select a case management system that will meet the needs of modern courts and efficiently administer justice for the public. The DMCJA continues to work with the Judicial Information System Committee (JISC) and the CLJ-CMS Project Steering Committee (PSC), which lead the CLJ-CMS project. The PSC serves as the business and strategic decision-making team that speaks for the CLJs with a unified voice and vision. Another committee, the CLJ-CMS Court User Work Group (CUWG), serves as the subject matter expert on court business processes for the project.

From 2015 through 2017, DMCJA members participated in the gathering of business requirements and evaluating proposals for a single off-the-shelf case management system for limited jurisdiction courts and probation offices. Unfortunately, the first attempt at selecting a solution did not produce the desired results; therefore, in 2018, the PSC decided to evaluate the remaining options for a case management solution. The project has hired a consulting company to assist the PSC in determining which of the following options will work best for our courts of limited jurisdiction: (1) A best-of-breed solution, where individual components such as case management and document management are linked through data exchange, (2) Modernizing JIS and adding missing functions, (3) A hybrid of the first two options, or (4) another option the consulting company may suggest.

Court Security

Many of the district and municipal courts lack the most basic security measures; thus, courthouse security is a major DMCJA priority. In 2018, there were numerous events in our courts that may have been prevented with adequate court security. Last year, the DMCJA supported General Rule (GR) 36, *Trial Court Security*, which provides recommended minimum security standards for trial courts. In an effort to support trial courts, DMCJA leaders educated all judges, court staff, and funding bodies of GR 36 requirements. This year, the DMCJA co-sponsored, with the Superior Court Judges' Association, a trial court security proposal to create a court security task force that includes all levels of court. Our association strongly holds that the public and all court users have an inherent right to expect a safe environment while in court.

Judicial Independence

Maintaining independence as the third branch of government is difficult at the CLJ level. As with all levels of court, the legislative and executive branches of government control the funding of our courts. Occasionally, in the funding process, the other branches of government attempt to exert undue control over the legal and personnel decisions of the courts. The DMCJA Board created the Judicial Independence Committee to address issues related to the imposition on judicial independence by local executive and legislative authorities. In 2018, the Judicial Independence Committee changed its name to the Council on Independent Courts (CIC). The CIC's purpose is to protect, promote, and maintain the respect and dignity of courts of limited jurisdiction as a co-equal branch of local government.

Access to Justice

Access to justice is a priority to the DMCJA because it is critical to the citizens of our state. Our association endeavors to improve quality interpreter services, courtroom and court staff accessibility, and technological related access. In 2018, the DMCJA Board voted to support the efforts of the Board for Judicial Administration (BJA) Court System Education Funding Task Force and BJA Interpreter Services Funding Task Force, which are initiatives created to advocate for state funding for court system education and interpreter services in our courts.

Therapeutic Courts

Addressing pressing issues of mental health and drug addiction in our community is a priority for the DMCJA. In 2018, the DMCJA Therapeutic Courts Committee sponsored a mini-colloquium at an annual judicial conference in which committee members provided tools for developing an effective and efficient therapeutic court. This event was well attended. Our association will continue to seek innovative ways to address the needs of court users with mental health and drug related issues.

Collection of Legal Financial Obligations (LFOs)

The DMCJA is committed to addressing the impact that LFOs have on economically disadvantaged communities. DMCJA members have joined the LFO Stakeholder Consortium, which is the core advisory board and working group formed to carry out the objective of the U.S. Department of Justice Price of Justice Grant awarded to the Minority and Justice Commission. DMCJA members have contributed to the LFO Stakeholder Consortium by providing expert advice to Consortium members and creating an LFO calculator for judges.

Statewide Relicensing Program

The State Legislature passed Substitute Senate Bill (SSB) 6360, *Consolidation of traffic-based financial obligations through a unified payment system*. This bill charged the Attorney General's Office with convening a workgroup consisting of stakeholders interested in the subject. The DMCJA selected a DMCJA representative for the workgroup. In 2018, the DMCJA supported House Bill 2421, *Creating a program for the consolidation of traffic-based financial obligations*, which was an Attorney General proposed bill developed with input by the SSB 6360 Workgroup.

Pretrial Reform Task Force

The DMCJA has joined the Minority and Justice Commission and Superior Court Judges' Association to evaluate the state's pretrial justice system. This collaboration is known as the Pretrial Reform Task Force, which had its kick-off meeting in June 2017. The Pretrial Reform Task Force was created from the 3DaysCount Initiative, which is a national campaign led by the Pretrial Justice Institute to make pretrial justice in America, fairer, safer, and more effective. DMCJA members are actively participating on the following Pretrial Reform Task Force subcommittees: data collection, pretrial services, and risk assessment.

Department of Licensing (DOL) Court Leadership Meeting

On August 3, 2018, DMCJA leaders met for an annual meeting with the Administrative Office of the Courts, District and Municipal Court Management Association, and DOL to identify and

Honorable Mary E. Fairhurst
November 30, 2018
Page 4

resolve administrative issues that impact the courts. The group discussed how they will work together to ensure a smooth transition for the new DOL driver's license system that is known as DRIVES. Furthermore, all parties are committed to continued communication and efforts to improve business and technical processes regarding license issues. The DMCJA and the DOL will continue to meet annually to work together to resolve administrative issues that may arise from the high volume of cases administered.

Legislation

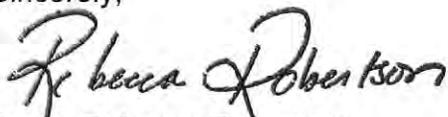
In 2018, the DMCJA proposed bills related to the following laws:

1. Affidavit of Prejudice Request (Notice of Disqualification)
2. Discover Pass
3. Commissioners to Solemnize Marriage and Powers of Commissioners
4. Small Claims, and
5. Anti-harassment Orders

DMCJA members will participate in the legislative process by speaking with legislators regarding DMCJA-related bills.

Thank you for the opportunity to report on the business of the DMCJA. On behalf of the DMCJA Board and officers, I thank the Supreme Court and the Board for Judicial Administration for its continued support of all district and municipal courts.

Sincerely,



Judge Rebecca Robertson
DMCJA President



**DMCJA BOARD MEETING
FRIDAY, DECEMBER 14, 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 – November 9, 2018
- B. Treasurer's Report
- C. Special Fund Report
- D. Standing Committee Reports
 - 1. Legislative Committee – *Judge Meyer*
 - 2. Rules Committee - Minutes for September 27, 2018
 - 3. Education Committee – 2019 DMCJA Spring Program Draft Schema
 - 4. **Diversity Committee – Minutes for October 23, 2018**
- E. Judicial Information System (JIS) Report – *Ms. Cullinane*

X1-X3

Liaison Reports

- A. **Administrative Office of the Courts (AOC) – Ms. Callie Dietz and Ms. Dawn Marie Rubio**
- B. Board for Judicial Administration (BJA) – *Judges Ringus, Jasprica, Logan, and Johnson*
- C. District and Municipal Court Management Association (DMCMA) – *Ms. Margaret Yetter*
- D. Misdemeanant 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.*

X4

Action

- A. Domestic Violence Perpetrator Treatment vs. Moral Reconciliation Therapy – Whether to Adopt Judge Linda Coburn's MRT Memo as the Official DMCJA Position

Discussion

- A. Access to Justice (ATJ) Technology Principles – *Jordan Couch, Esq.*
- B. **Information Technology Governance Request: Kitsap County to Onboard to Expedited Data Repository Through Data Exchange**
- C. **YMCA Youth & Government Funding Request**
- D. **Memo from Rules Committee regarding CJC 2.9 Proposal**

X5-X8

**X9
X10-X15**

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|--|-------------------|
| <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. JIS CLJ “CLUG” User Group 2. Presiding Judge & Administrator Education Committee 3. WSBA Court Rules and Procedures Committee <p>B. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.</p> <p>C. Thank you Ms. Callie Dietz for your service as Washington State Court Administrator from July 2012 to December 2018.</p> <p>D. On January 1, 2019, Ms. Dawn Marie Rubio will become the Washington State Court Administrator.</p> <p>E. Judge Claire Bradley, Kitsap County District Court, has been appointed and ratified to become the DMCJA Alternate Representative on the Commission on Judicial Conduct.</p> <p>F. Judge Jason Poydras, King County District Court, will serve as the DMCJA Liaison for the WSBA Access to Justice Board.</p> <p>G. 2018 DMCJA Annual Report</p> <p>H. Swearing-In Ceremony for District Court Judges – According to a recent DMCJA survey, 64% of members think the ceremony is a good idea; however, about 63% of members expressed that they <i>would not attend</i> if the ceremony is held for various reasons, such as absence from court, Olympia location, waste of government funds, superior court judges swear-in district court judges, etc. See survey results here: https://www.surveymonkey.com/results/SM-JCCLGKN9V/.</p> | <p>X16</p> |
| <p>Other Business</p> <p>A. The next DMCJA Board Meeting is January 11, 2019, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office, SeaTac, WA.</p> | |
| <p>Adjourn</p> | |



DMCJA Diversity Committee
October 23, 2018 (12:15 p.m. – 1:00 p.m.)
Conference Number: 1-877-820-7831
PW: 358515#

Meeting Minutes

Attendees: Judge Coburn, Judge Shah, Judge Paja, Judge Short, Judge O’toole, Judge Hirakawa Judge Gregory, Shanthi Ragu, Cynthia Delostrinos

Congratulations to Judge Coburn for receiving the ABAW’s Judge of the Year Award!

Pro Tem Training Follow-up

- **Create letter to MBAs thanking them for their help with outreach efforts** – Wanted to wait for data on demographics, not sure when that will be provided. The Committee agreed to go ahead and draft and distribute the letter. It can address how many scholarships were offered to minority attorneys. The number of minority attorneys in the audience informed the discussion on issues of race and poverty questions that have never been asked before. Not just about race – also diversity in gender.
ACTION: Cynthia will work on the letter with Judge Gregory.
- **Obtain list of attendees and finalize letter to DMCJA and SCJA Boards** – There is currently a draft that was circulated. Only additional comment was to make sure to include the history and purpose of the pro tem training, since current board members may not be aware of the program.
ACTION: Cynthia will work on the letter with Judge Gregory
- **Get pro-tem attendee demographics for further review and analysis of whether we are meeting goals/objectives** – Shanthi Ragu was present on the call and gave an update. The WSBA is still working on pulling the information. Hoping to bring demographics back to committee. They are debriefing internally with WSBA. Rolled out a few new processes on scholarships and the outreach to MBAs. Shanti will circle back once they’ve met at the WSBA. There is definitely room to improve. Are there points of reflection that we thought about? How did it work from our perspective? Committee members shared that it was apparent that there was a greater visible diversity of attendees. It appeared anecdotally in questions from online audience that questions reflected diversity which enriched the discussion tremendously. It would be wonderful to have statistics to show increase in number of poc and minority members who chose to come over two years ago. We could highlight the increase in our pitch to bar associations to add scholarships, convince members to come,

with your help last time we saw a huge increase in folks who came from minority bar and diverse backgrounds. The first pro tem training was in 2010, there was maybe 1 person of color. Judge Hiramawa was only non-white person in the room. Looked at list that was provided in spreadsheet and recognize a lot of people personally. From 2010 it was a lot better. We did it both in Seattle and Spokane. There is a big difference in diversity within SCJA's membership. Might be because of governor's appointment vs. election for DMCJA members.

ACTION: Shanthi will follow up after the debrief at the WSBA.

- **Shanthi will look into whether we had computers available to attendees to navigate JABS at past Pro Tem Trainings** – Shanthi shared that they did have laptops available in 2016. Can't remember what the feedback was.
- **Changing venues for next pro tem training** – Some of the feedback from participants was focused on how the overflow room was not conducive to learning. We should look into securing a different space that can accommodate more people for next pro tem training, possibly the conference center at SeaTac Airport. We will have to begin those discussions early if we want to secure the venue.

New Proposal – Increasing Judicial Diversity

Judge Hiramawa put together a proposal for the Committee which included 3 points of possible action to provide attorneys greater opportunities to serve on the Washington judiciary:

1. Request the DMCJA leadership to work with the AOC, SCJA, and WSBA to compile and report judicial demographic data similar to the federal judiciary: <https://www.fjc.gov/history/exhibits/graphs-and-maps/race-and-ethnicity>
2. Request the DMCJA leadership to survey the membership regarding individual policies and procedures for judicial pro tempore service and selection.
3. Encourage individual courts to develop judicial pro tempore training to assist otherwise qualified attorneys to become familiar with court case management systems and proceedings.
4. Provide Minority Bar Associations with relevant updated court pro tempore information and encourage members to make themselves available for pro tempore services.

The Committee discussed the proposal. It was mentioned that when we first put together the proposal for the pro tem training there was a lot of blowback from

the Board about whether we were attempting to find people to run against incumbents. We might face similar push back and just need to be aware of that.

Each court has plenary authority over their administrative practices. It would be helpful to get information from our membership to find out which jurisdictions actually have a pro tem program. Each court must have some sort of training – we want to be able to make that information available to help increase the pool of pro tem judges. If we compiled the information it could benefit all jurisdictions so that they have a bigger pool to pull from. There is a balance of keeping a roster of qualified pro tem judges.

Are there best practices for setting up a pro tem list? Maybe this is a possible training at the DMCJA conference? We also have to think about who will maintain the list.

ACTION: Committee needs more time to consider proposal. We will table the discussion for next meeting where we will be discussing each proposal item. We may want to figure out whether AOC and/or WSBA can even track judicial demographic information.



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December 14, 2018

Callie T. Dietz
State Court Administrator

TO: Board of Governors, District and Municipal Court Judges' Association
FROM: Dirk A. Marler, AOC Court Services Division Director *DM*
RE: Administrative Fees for Deferred Findings

The District and Municipal Court Judges' Association (DMCJA) Board of Governors requested that AOC analyze whether the administrative processing costs for deferred findings on traffic infractions should remain local.

AOC recently completed its analysis of the administrative costs for processing deferred findings on traffic infractions that may be assessed under RCW 46.63.070(5). We concluded:

1. The court may charge the defendant an amount that covers the cost of administering the deferred finding;
2. The cost is not subject to PSEA; and
3. The funds are 100% local.

Effective Monday, December 17, 2018, a new JIS ("DISCIS") cost fee code [DF] will be available for administrative costs assessed for administering a deferred finding under RCW 46.63.070(5). This cost fee code can be used for administrative costs imposed on and after December 17, 2018.

As a reminder, there may be no more than one deferral within a seven-year period for traffic infractions that are moving violations and no more than one deferral within a seven-year period for traffic infractions that are nonmoving violations. A person who holds a commercial driver's license or who was operating a commercial vehicle at the time of the violation is not eligible for a deferred finding.

Cc: Ms. Margaret Yetter, President, District and Municipal Court Management Association

X4

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360-753-3365 • 360-956-5700 Fax • www.courts.wa.gov

Request Summary

265 - Kitsap District Court CMS

Request Status Summary

Request Status Awaiting Endorsement

Request Detail

| | |
|---|---|
| Requestor Name: Casebolt, Clint | Request Type: New System |
| Origination Date: 11/15/2018 | Which Systems are affected?: Judicial Information System (JIS) Data Warehouse Judicial Receipting System (JRS) Judicial Access Browser System (JABS) Possible Case History (PCH) Case and Criminal History (CACH) Other |
| Requestor Email: ccasebol@co.kitsap.wa.us | |
| Requestor Phone: 360-337-4959 | |
| Recommended Endorser: District and Municipal Court Judges' Association | Business Area: Court Case Management |
| | Communities Impacted: County Clerks Superior Court Administrators CLJ Judges CLJ Managers State Agencies Public and Other Users |
| | Impact if not Resolved: High |

What is the Business Problem or Opportunity

Kitsap County District Court (KCDC) is seeking to have their data uploaded into the Enterprised Data Repository (EDR) through the Expedited Data Exchange (EDE) program.

KCDC is purchasing a new Case Management System (CMS) with enhanced functionality (JTI's eCourt product). When the implementation is complete, KCDC will no longer use JIS or the six other programs that make up our existing CMS. DISCIS and Odyssey systems will not have data from the new KCDC Case Management System.

Expected Benefit:

A new Case Management System will streamline our work processes and eliminate redundancies. It will reduce our error rate caused by working across multiple systems in our current CMS. It will transition KCDC to a paperless system and allow greater access to the court.

Endorsement Detail

| | |
|--|--|
| Endorsing Committee District and Municipal Court Judges' Association | Endorsing Action: Return for Clarification |
| | Endorser's Explanation and Comments |

Endorser Name:

Vicky Cullinane, on behalf of the
DMCMA Endorsing Group

Returning to requestor to re-submit to the DMCJA.
Scheduled for DMCJA action on 12/14/18.

Origination Date:

11/27/18

Endorser Email:

vicky.cullinane@courts.wa.gov

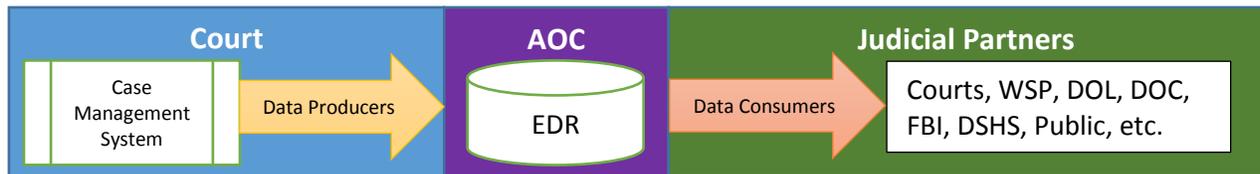
Endorser Phone:

(360) 704-4068

Important Information for Courts Planning to Connect to the Enterprise Data Repository (EDR)

The Enterprise Data Repository (EDR) is a set of processes at AOC to receive data from courts with their own case management systems (CMS) to share their data with courts statewide as well as judicial partners like WSP, DOC, DOL, FBI, and others.

At the core of the EDR is a data repository to store statewide court data. The primary means of sending data into, or retrieving data from, the EDR is through a set of web services. The first to be connected to the EDR will be King County District Court and the King County Clerk's Office. When all work is completed, data will flow from their CMSes to the EDR, where it will be available for JABS, JCS, and ACORDS users.



A. The AOC integration with the King County Clerk's Office or King County District Court will not make it easier for other courts to integrate with the EDR.

Each court must do its integration based on the specific decisions it makes, including choice of CMS vendor, configuration, data conversion, and data integration. Most of that work falls on the court integrating with the EDR. The business decisions and the technical integration work must be accomplished by the court. Also, differences in configuration of the same case management system in different courts could make it difficult for one court to use the integration developed by another court.

B. A court wishing to integrate its CMS with the EDR will need to have significant business and technical resources, even if the integration is being developed by a vendor.

- 1. Business Data Mapping:** Successful integration to the EDR is based on mapping of business data elements from a new CMS to the elements in the JIS Data Standards for Alternative Electronic Court Records Systems. Each court integrating with the EDR must map the reference data in their system, also called Source Reference data, to the Standard Reference Data created by AOC. This allows all the applications that are consuming data from the EDR to understand the reference data provided by multiple CMSes in a unified format with a standard meaning.
- 2. Technical Integration:** Extracting data from a CMS and sending the data to the EDR requires certain technical skills. Due to differences between CMSes, the data integration may need to include significant logic to transform the data from the case management system to comply with the data structures in the EDR. At a minimum, technical staff will need proficiency in REST services, logging, languages and frameworks, and performance tuning.

3. **Testing of Technical Integration:** Courts integrating to the EDR are responsible for testing their integration to the EDR, with the support of AOC.
4. **DOL Driver's Data Services:** The Department of Licensing (DOL) offers three data services providing data about driver's licenses and driving records to AOC: License Search, Driver Status, and Abstract of Driver's Record. Courts not using JIS applications will need to integrate with these web services to have access to this data.
5. **On-Going Integration Support:** Technical integration will be an on-going maintenance operation. Legislatively mandated changes, updates to the court's case management system, changes in configuration, or changes to the Data Standards could result in changes to the data integration processes. Each court integrated with the EDR must be capable of updating their integration to comply with timelines established by the legislature and AOC. This can often be an extremely short timeframe, with implementation deadlines of 60 days being common.
6. **Service Level Agreement (SLA):** The court and AOC will enter into an SLA for initial integration and on-going maintenance and support of the integration. The SLA will detail the minimum requirements (technical and non-technical) for a court to begin the integration work and be ready to send data into the EDR.



December 3, 2018

Honorable Rebecca Robertson
Washington District and Municipal Court Judges Association
PO Box 41170
Olympia, WA 98504-1170

Dear Judge Robertson:

Thank you for the previous support of the YMCA Youth & Government program. The financial contributions of the District and Municipal Court Judges Association and volunteer service of your members help ensure the young women and men of our state have the opportunity to gain the knowledge and skills needed to be active and engaged citizens and leaders in our communities.

I'm excited to announce that this year, we are expecting to host 70 middle and high school mock trial teams across our state, a 20% increase from our last program season. We will sanction 8 regional tournaments in January and February 2019 and serve over 850 teens in the process.

In previous years, the Court made a \$1600 contribution to our annual fundraising campaign. **I hope the DMCJA will continue this support by renewing your contribution this year, and considering a modest increase to help support our program expansion efforts.** I also ask that you encourage your members to volunteer their time and talents to support young people around our state.

The annual YMCA Mock Trial State Championship will be held **Friday and Saturday, March 23 – 24, 2019** at the Thurston County Courthouse. There are 48 volunteer spaces for presiding judges. A formal call for volunteers will go out after the first of the year, but please mark your calendars now and help us ensure your membership knows about this unique and inspiring opportunity.

Thanks to your ongoing support Y&G programs are vibrant and continue to grow. Every day teens learn to respect the law and its practitioners, and come to understand the role of the judiciary in a democracy.

Because we must raise a substantial portion of our budget each year, the financial support of the District and Municipal Court Judges Association is very important. Thank you and the trustees for making the YMCA Youth & Government program a priority in Washington State.

Respectfully,

Brent Gaither
Executive Director
bgaither@seattleyymca.org

Cc: Judge Robert Lewis, Mock Trial Program Chair
Sharon Harvey

Youth & Government
Mall PO Box 193, Olympia, WA 98507
Physical 921 Lakeridge Way SW, Olympia, WA 98502
P 360 357 3475 F 360 753 4615 youthandgovernment.org

TO: Judge Rebecca Robertson, President, DMCJA Board
FROM: Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee
SUBJECT: SCJA Proposed Amendments to CJC 2.9
DATE: December 12, 2018

As directed by the DMCJA Board, the DMCJA Rules Committee reviewed proposed amendments to CJC 2.9, which were published for comment by the WSSC with a comment deadline of December 24, 2018. First, and in the spirit of full disclosure, I want to let you know that I sit on the Ethics Advisory Committee and participated in the discussions and drafting of EAC Opinion 18-04 regarding ex parte communications. I advised the Rules Committee that the EAC felt constrained by the conflict between the express terms of CJC 2.9 and the lack of authority of law to permit pre-trial interviews of defendants for the purposes of setting appropriate release conditions. The Court's need for and the value of the information was never in dispute. The challenge facing the EAC was finding authority of law for court staff to conduct the interviews.

With that background, the DMCJA Rules Committee recommends that the DMCJA Board support the SCJA-proposed amendment to CJC 2.9. Without the proposed change to CJC 2.9 or some other authority of law, trial courts are precluded from gathering information to assist defendants and the court in setting release conditions tailored to the defendant. This proposed change to CJC 2.9 would provide authority of law for the court staff to gather information from a defendant for the purpose of setting appropriate release conditions. Please note that if the Board would like to support the proposal, the comment deadline is December 24, 2018.

Thank you for your consideration of this matter. Please let me know if you have any questions. I can be reached through 425-744-6800 or jeffrey.goodwin@snoco.org.

CC: DMCJA Rules Committee

Attachments: SCJA GR 9 Cover Sheet and CJC 2.9 Amendment Proposal

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 “misdemeanor 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).

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| Merchandise: | \$59.99 |
| Service Charge: | \$14.99 |
| Total Before Tax: | \$74.98 |
| Estimated Tax: | \$4.88 |
| Order Total: | \$79.86 |

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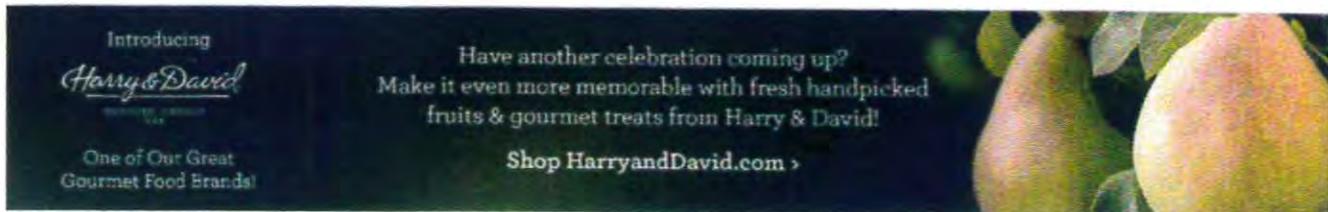
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