



DMCJA Board of Governors Meeting
Friday, March 8, 2019, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge Rebecca Robertson
Judge Scott Ahlf
Judge Linda Coburn
Judge Jennifer Fassbender
Judge Michelle Gehlsen
Judge Robert Grim (by phone)
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Aimee Maurer (by phone)
Judge Samuel Meyer
Judge Charles Short (by phone)
Judge Jeffrey Smith (by phone)

Members Absent:

Judge Michael Finkle
Judge Damon Shadid

Guests:

Judge Fred Gillings (by phone)
Judge Jeffrey Goodwin
Judge Kevin Ringus, BJA (non-voting)
Judge Kimberly Walden
Ms. Rachel Hamer, WSAJ
Ms. Stacie Scarpaci, MCA
Ms. Margaret Yetter, DMCMA

AOC Staff:

Ms. J Benway (by phone)
Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Ms. Sondra Hahn
Ms. Dawn Marie Rubio (by phone)

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 12:33 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 January 11, 2019, with one abstention and two corrections, which are as follows:

1. **Liaisons Report, A. Board for Judicial Administration (BJA)** – “We still need a small District Court Jurisdiction Judge to come forward, as Judge Marinella declined the invitation” should be amended to read, “ Judge Robertson appointed Judge Dan Johnson, Lincoln County District Court, to the BJA Trial Court Security Task Force.”
2. **Action, A. The New Hope Act, House Bill 1041** – Add “The Board had concerns regarding language that would allow a defendant to vacate a record without paying non-restitution legal financial obligations.”

B. Treasurer's Report

M/S/P to accept the Treasurer's Report provided in the meeting materials.

C. Special Fund Report

M/S/P to accept the Special Fund Report. Judge Gehlsen shared that the balance is \$50,826.38 as of February 28, 2019, and a hardcopy report will be provided in future meeting materials. The account now earns \$50 per month in interest.

D. Standing Committee Reports

1. Legislative Committee

Judge Meyer noted that Session is about half over, and March 13 is the house of origin cutoff. The Discover Pass bill did not pass, but the remaining four DMCJA-proposed bills continue to move.

- HB 1047/SB 5622—commissioners solemnizing marriages. Senate bill passed and has a House hearing next week. A commissioner will be assigned to testify.
- HB 1048—small claims court judgments. Representative Roger Goodman is helping to move this bill forward.
- HB 1305—notice of disqualification. The bill made it out of committee and continues to progress.
- HB 1350—temporary protection orders. The bill passed out of the House and awaits a Senate hearing.

Judge Meyer noted that a few driving while license suspended three (DWLS3) bills are still alive and aim to alleviate heavy legal financial obligations (LFO) on the indigent. He shared example scenarios that reflect the potential impact of the LFO bills if passed. SHB 1489/SB 5575 names AOC as the coordinating entity for a traffic-based LFO consolidation program, and this bill keeps changing. E2SSB 5444 is in response to the *Trueblood* settlement agreement and provides a DSHS forensic navigator to assist courts with a variety of diversion opportunities for individuals with mental health issues. SB 5621 raises the small claims jurisdiction amount for a “natural person” (meaning human being) to \$10,000, and corporations would remain a \$5,000 limit. SSB 5714 deals with informant testimony and requires a specific jury instruction regarding evaluation of informant testimony, specifically informants are held to a higher level of scrutiny. The BJA Legislative Committee is concerned about this bill due to separation of powers issues. If passed, the Pattern Jury Instructions Committee may be tasked with drafting language that meets the Legislature’s intent; however, it was noted that the existing jury instruction language may be adequate.

2. Diversity Committee

Judge Coburn noted that the Diversity Committee approved the sponsorship of the 2019 Judicial Institute Workshop. Every two years, they accept applications from individuals interested in a judicial career.

3. Rules Committee

Deferred to Discussion Calendar.

4. Education Committee

Judge Short shared that the Education Committee has cut some expenses in order to meet the Spring Program budget limitations. The majority of materials will only be available online, saving approximately \$3,000, and the reimbursement rate will be reduced from \$60 to \$50 per night. If participants prefer hardcopies of the materials, they will have the opportunity to print them prior to attending. Specialty items like bench cards will be provided at the Program.

5. Judicial Information System (JIS) Report

Ms. Cullinane noted that if courts receive letters from the Department of Licensing (DOL) regarding replacement records being rejected, they should scan the letters and submit them to the Administrative Office of the Courts through the eService Customer Service form on Inside Courts.

LIAISON REPORTS

A. Administrative Office of the Courts (AOC)

Ms. Rubio noted the March 1, 2019, memo from Mr. Ramsey Radwan highlighting the increase to district court judge salaries.

B. Board for Judicial Administration (BJA)

Judge Ringus reported that the February BJA meeting focused on general leadership goals and rule and bylaws issues. Their March 15, 2019, meeting will include discussion of technology-assisted forms. Judge Ringus noted that March 13 is the cutoff for bills to have moved out of the house of origin. BJA-sponsored bills continue to move, including the request for additional superior court judge positions (SB 5450), the Office of Public Guardianship bill (HB 1329), and the domestic violence terminology split (adding an intimate partner definition). The LFO traffic fine consolidation bill does not seem to be moving, but the New Hope Act bill is moving. Judge Ringus invited members to participate in BJA Legislative Committee weekly conference calls.

C. District and Municipal Court Management Association (DMCMA)

Ms. Yetter reported that DMCMA is preparing for their DMCMA Spring Program and regional line staff trainings. The DMCMA Board meets March 14, 2019, and will discuss the possibility of creating an administrative rule regarding mandatory administrator education instead of the general rule that was previously proposed. Although the DMCJA Board supports DMCMA's mandatory administrator education proposal, DMCMA received pushback from the BJA Court Education Committee (CEC) citing a need for vetting through BJA CEC. Ms. Yetter noted that Judge N. Scott Stewart delivered Ms. Lynne Campeau's eulogy, and DMCJA Board members expressed their condolences. Judge Gehlsen, DMCMA Board Liaison, inquired about purchasing something to share with the DMCMA Board in honor of the memory of Ms. Lynne Campeau. The Board discussed the issue. M/S/P to move to an action item.

D. Misdemeanant Probation Association (MPA)

Ms. Scarpaci reported that MPA membership reminders have been sent to probation officers and compliance clerks. They are preparing for the May 5-8, 2019, MPA Conference in Walla Walla, and judges are welcome to submit MPA of the Year nominations. Judge Robertson shared that she is a keynote speaker at the conference and she welcomes agenda topics from Board members.

E. Superior Court Judges' Association (SCJA)

Judge Meyer shared for informational purposes the National Center for State Courts (NCSC) Judicial Workload Study proposal provided in the supplemental materials. The SCJA Board discussed this proposal at their March 2, 2019, meeting. There are concerns about who would pay for the study and the possibility of an outcome implying a need to cut positions. This topic will carryforward to the April 12 DMCJA Board Discussion Calendar. Ms. Rubio noted that the proposal is directed to the AOC, and AOC is tasked with developing an objective workload analysis. Currently an input/output model is used, and the National Center's proposed method would provide triangulating results after labor intensive data collection. Ms. Rubio indicated that in order to move forward on the proposal, a branch-wide decision and evaluation are necessary. Discussion included a request for an explanation of the current judicial needs methodology and further explanation of the NCSC proposal.

F. Washington State Association for Justice (WSAJ)

Ms. Hamar reported that the WSJA has been working hard on the wrongful death statute changes bill working its way through the legislature. The bill passed out of the Senate and is now in the House. The WSJA will honor judges at their May Law Day Program, and further information on this event will be distributed to judges soon.

G. Washington State Bar Association (WSBA)

Judge Robertson noted that Ms. Paula Littlewood resigned from the Executive Director position, and the Bar may be moving in a new direction.

ACTION

1. *LIAISON REPORTS, C. District and Municipal Court Management Association (DMCMA)*
M/S/P to authorize up to \$150 from the Special Fund Account for Judge Gehlsen to purchase a gift in honor of Ms. Campeau.
2. *CCJ/COSCA Western Region Summit Invitation "Improving the Court Community Response to those with Mental Illness"*
M/S/P to approve up to \$1,500 of the Public Outreach Committee's budget in support of Judge Mary Logan's, Spokane District Court, participation in the CCJ/COSCA Mental Illness Summit.
3. *DMCJA Rules Committee Request for Board to Oppose Washington Association of Criminal Defense Lawyers (WACDL) Proposed Rules*
M/S/P to adopt the DMCJA Rules Committee recommendation to oppose CrRLJ 3.7, CrRLJ 3.8, CrRLJ 3.9, and CrRLJ 4.11. Judge Goodwin will work with Ms. Benway to draft the opposition letter for Judge Robertson's signature.
4. *DMCJA Rules Committee Request for Revision of Rules Committee Charges and Inclusion in DMCJA Bylaws*
M/S/P to move the revision of Rules Committee Charges and inclusion in DMCJA Bylaws to a vote of the membership at the DMCJA June 2019 Business Meeting.

DISCUSSION

- A. CCJ/COSCA Western Region Summit Invitation "Improving the Court Community Response to those with Mental Illness" – Request for DMCJA to Sponsor Judge to Attend
Chief Justice Mary Fairhurst recommends sponsorship of Judge Mary Logan to join a multi-court level team attending the COSCA Mental Illness Summit. Sponsorship would include a \$415 registration fee plus travel expenses. The hope is that judge participants will work to galvanize treatment court efforts around the state. There will be some state team-focused Summit strategic planning and then post-Summit follow-up activities. M/S/P to move this topic to the Action Calendar.
- B. DMCJA Rules Committee Request for Board to Oppose Washington Association of Criminal Defense Lawyers (WACDL) Proposed Rules
Judge Goodwin, DMCJA Rules Committee Chair, noted that some of the rules published for opinion affect courts of limited jurisdiction (CLJ) and some do not. He gathered the rules with an April 30, 2019, comment deadline for the Board's consideration. These rules largely address identification procedures. The Rules Committee recommends that the Board not support them due to conflicts with other procedural rules and, as written, they would generate a large number of additional pre-trial hearing. M/S/P to move discussion of WACDL Proposed Rules to the Action Calendar.

Judge Goodwin shared copies of a table reflecting other rule amendments published for comment and the Committee's assessment of their impact on CLJs. A proposed amendment to GR 31 relating to limiting therapeutic courts record access is coming. It would protect treatment reports, evaluations, etc., and public access would be provided upon court approval. The DMCJA Therapeutic Courts Committee is not opposed to this amendment. The Rules Committee continues to review the infraction rules amendments published for comment and is working on a CLJ companion rule to superior CR 82.5 regarding concurrent jurisdiction with tribal court. Amendments to GR 29 would address required provision of the judge's employment contract to make sure there are no conflicts with other existing rules. Notice of disqualification legislation continues to move forward.

C. DMCJA Rules Committee Request for Revision of Rules Committee Charges and Inclusion in DMCJA Bylaws

On behalf of the DMCJA Rules Committee, Judge Goodwin provided an overview of the DMCJA Bylaws change proposal affecting Rules Committee functions. He noted that clarification is needed to help direct the work and focus of the Committee. M/S/P to move consideration of the proposed changes to the Rules Committee charges to the Action Calendar.

D. Council on Independent Courts (CIC) – Proposals Received

Judge Robertson noted that the CIC continues to work on a few matters moving forward.

1. Whether to Contribute to Legal Fees Related to Judicial Independence Matters

Referenced Judge Robert Hamilton's request for legal fee reimbursement regarding SeaTac Municipal Court matter related to judicial independence. No action taken.

2. Whether to Fund the CIC

Judge Gillings provided in the materials a request to fund the CIC at a level that will allow for access to legal counsel as needed to address issues brought before the CIC. He clarified that he is not asking the Board to reimburse individual judge's requests for legal fee reimbursement. Judge Gillings suggested a \$10,000 budget, noting that it would not necessarily be spent. Judge Ahlf suggested deferring a decision until the Board's annual budget discussion during the May 2019 Board Retreat and that, if approved, it would be allocated from the Special Fund. If implemented, a procedure for deciding the types of authorized expenditures and decision authority is needed. Judge Robertson will discuss this with the CIC at their next meeting for further input prior to the DMCJA Board Retreat.

E. CLJ-CMS Project Update

Judge Walden has served on the CLJ-CMS Project Steering Committee since its inception in 2014 and previously chaired the DMCJA Technology Committee. Judge Walden seeks the Board's assurance of continued support for the CLJ-CMS Project. Gartner Consulting was hired to assist the Steering Committee in analyzing the costs and risks of three possible options for the future direction of the CMS project. The Steering Committee expects to make a decision based on Gartner's findings and ask the Judicial Information System Committee (JISC) for its approval in April. Gartner's evaluation includes: 1) an off-the-shelf option, either a single solution or a "best of breed," meaning linking separate applications for different functions, such as document management and probation, 2) modernizing the existing JIS by translating it into a modern language and custom developing new features, and 3) a hybrid of the first two, meaning modernize JIS and add off-the-shelf applications that have the other needed functions. The Steering Committee hopes to have the project direction decided before the DMCJA and DMCMA spring conferences.

Judge Walden stated that there has been confusion about the difference between a case management system (like JIS) and a document management system that manages the paper case files. She then explained the difference between JIS, the statewide case management system, and add-on systems that can be used in conjunction with JIS to take care of other needed functions in individual courts, such as document management, e-filing, interpreter scheduling, and smart forms. The Steering Committee is very concerned about individual courts deciding to not participate in a statewide system. The more courts go to their own case management systems, the more difficult it becomes for courts in the statewide system to share data with non-participating courts. To address this concern, a CLJ-CMS subcommittee may draft a court rule requiring courts with their own systems to enter their data into the statewide shared database. Judge Walden encouraged courts considering their own case management systems to review the Steering Committee's paper, "Responsibilities and Considerations for Courts Implementing Local Case Management Systems," provided in the Board meeting materials. She also encouraged members with questions to meet with a CLJ-CMS Project Committee member or AOC project staff to discuss their issues and options fully before proceeding with their own case management system. She offered to help courts understand solutions that other jurisdictions are using already to fulfill the document management and other functions they're looking for. The Board discussed the ramifications of judges not having complete information on defendants before them, and the costs and work involved for courts to connect to the statewide database through data exchange. Judge Robertson shared with the Board the difficulties her court has encountered with a separate case management system.

Judge Ringus suggested Judge Robertson distribute the white paper to the listserv and include her story in the email.

F. Joint Judicial Legislative Reception: Whether it should occur immediately following State of the Judiciary Address

Judge Robertson talked about whether it would be better to have the reception during the lunch hour immediately following the State of the Judiciary Address. Speculation of whether the legislative committee meetings could be deferred until after the reception. Judge Meyer talked about different scheduling conflicts and he prefers it in the evening. Judge Robertson tasked Judge Meyer to check with Ms. Melanie Stewart, DMCJA Lobbyist, to see if she thinks it is feasible for the legislature not to hold meetings immediately following the State of the Judiciary Address. Judge Meyer asked if BJA has interest in holding it right after, and Judge Gehlsen says Chief Justice Fairhurst thought it would be a reasonable move. Judge Ringus said they could try a test run next year when there is not a State of the Judiciary Address and do a flow reception around lunchtime. This topic will be on a future BJA meeting agenda. The DMCJA Board will discuss this topic again on April 12.

INFORMATION

Judge Robertson informed the Board of the following information items:

- A. 2019-2020 Slate of Candidates
Judge Alf provided a sample ballot in the materials. Judge Fassbender and Commissioner Leo plan to discuss the Secretary/Treasurer position to determine which single candidate will remain on the ballot.
- B. The following DMCJA representative positions are available:
 - 1. JIS CLJ "CLUG" User Group
 - 2. Presiding Judge & Administrator Education Committee
- C. Members are encouraged to submit agenda topics.
- D. DMCJA letter to DSHS regarding Moral Reconciliation Therapy.
- E. The Salary Commission's work is complete and salary information has been announced.
- F. The DMCJA sent Chief Justice Fairhurst flowers.
- G. The DMCJA Board voted to support New Hope Act HB 1041 with amended language stating non-restitution LFOs must be paid before a person may vacate a record or conviction.
- H. The Pretrial Reform Task Force Final Report, Bench Card, and Press Release have been published.

Judge Robertson informed the Board that she has appointed newly elected Judge Lizanne Padula, Pierce County District Court, to the JIS CLJ "CLUG" User Group.

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for April 12, 2019, from 12:30 p.m. to 3:30 p.m., at the AOC Office in SeaTac, WA.

The meeting adjourned at 2:53 p.m.