



DMCJA Board of Governors Meeting
Friday, April 12, 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 (by phone)
Judge Jennifer Fassbender
Judge Michael Finkle
Judge Michelle Gehlsen
Judge Robert Grim (by phone)
Commissioner Rick Leo
Judge Aimee Maurer (by phone)
Judge Samuel Meyer
Judge Charles Short (by phone)

Members Absent:

Judge Drew Ann Henke
Judge Jeffrey Smith

Guests:

Mr. Rachel Hamar, WSAJ
Judge Mary Logan, BJA (non-voting) (by phone)
Judge Kevin Ringus, BJA (non-voting)
Ms. Stacie Scarpaci, MPA
Judge David Steiner (by phone)
Ms. Margaret Yetter, DMCMA

AOC Staff:

Ms. J Benway
Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Dr. Carl McCurley
Ms. Susan Peterson
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 12:34 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 March 8, 2019.

B. Treasurer's Report

M/S/P to accept the Treasurer's Report. Judge Fassbender provided the March 31, 2019 Treasurer's report.

C. Special Fund Report

M/S/P to accept the Special Fund Report. Judge Gehlsen provided the January, February, and March 2019 Special Fund Reports. She informed that \$108.06 was taken out of the Special Fund to send flowers to the family of Retired Judge David Koss, Cowlitz County District Court, who passed away in March 2019. The flowers were \$74.99 before tax).

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer informed that April 28, 2019 is the last day of the Legislative Session, and the Legislative Committee meetings and Legislative Session have gone well overall. He noted the Discover Pass bill did not pass and reported on the remaining four DMCJA-proposed bills, as follows:

- HB 1047/SB 5622—*Commissioners Solemnizing Marriages*. The bill passed; it made it through both houses and is being delivered to the Governor's Office for signature.
- HB 1305—*Notice of Disqualification*. The bill passed out of the House; it is in Senate waiting to be pulled.
- HB 1048—*Small Claims Court Judgments*. The bill passed out of the House; it is in the Senate waiting to be pulled.
- HB 1350—*Temporary Protection Orders*. Passed the House; is sitting in Senate Rules Committee.

Judge Meyer further informed that the CLJ-CMS Project was fully funded in the draft budget, and the Interpreter funding was granted. The Education Task Force request; however, was not funded by the Legislature. In addition, the driving while license suspended third (DWLS3) bills, which aim to alleviate heavy legal financial obligations (LFO) on the indigent, are still alive. Also, it appears that the previous DMCJA request to have the state test lab samples from municipal courts has been added to a DNA rape kit bill, SHB 1326, which is also likely to pass.

2. Rules Committee

The January 23, 2019 Rules Committee Meeting Minutes were provided for the Board's review.

E. Judicial Information Systems (JIS) Report

Ms. Cullinane reported that, although the CLJ-CMS project ran into some unforeseen obstacles on their first try to find a commercial product that meets Washington's district and municipal court needs, the project is still very much alive. She informed the consulting firm, Gartner, has done their analysis, and just delivered it today. They are looking at the following three possible options for a new CLJ case management system:

- Commercial Off the Shelf (COTS) "Best-of-Breed" solution – buying separate commercial products for the functions we need and linking them
- Modernize JIS and custom build the new functions we need
- A hybrid of the first two, or another solution Gartner may suggest

They are looking at cost, time to implement, etc., and are working to get a modern statewide system that meets Washington's unique district and municipal court and probation business needs. Ms. Cullinane informed that ultimately there is no easy answer; however, she is confident they will pick the option that is the best option and that has the most chance of success. In addition, implementation time will depend on what they choose. She informed they have talked about some functionality being put in place soon, and then more could be added within four to six years. She further informed this is fairly common, and the Superior Court Case Management System (SC-CMS) project took about six years.

LIAISON REPORTS

A. Administrative Office of the Courts AOC

Ms. Cullinane informed that the AOC recommends supporting the proposed House budget.

B. Board for Judicial Administration (BJA)

Judge Ringus informed this is a month off for the BJA, but the BJA Legislative Committee has continued to meet. He reported (1) SB 5017, *Concerning the Uniform Unsworn Declarations Act*, repeals RCW 9A.72.085, which is potentially problematic for electronic filing. In the current bill, the repeal date is pushed out until 2021, and (2) SB 5604, *Concerning the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act*, made it out of appropriations and was referred to the House Rules Committee. The next BJA meeting is on May 17, 2019.

C. District and Municipal Court Management Association (DMCMA)

Ms. Yetter reported that the DMCMA moved their spring regional line staff training to the fall, and “implicit bias” will be the topic. It will be open to all court levels, and a flyer will be sent out. The DMCMA is also preparing for the DMCMA Spring Program, which will be on May 19-22, 2019, at the Heathman Lodge in Vancouver, Washington. In addition, the DMCMA is working on a curriculum and budget regarding mandatory administrator education, and they hope to put together a packet for the BJA Court Education Committee (CEC) that shows how they can get it off the ground within five years. The packet is currently in draft form, and the DMCMA would be open to comments and suggestions. Judge Robertson noted it is likely the DMCJA could afford to fund it if other funding is not available.

D. Misdemeanant Probation Association (MPA)

Ms. Scarpaci reported they are preparing for the MPA Conference on May 5-8, 2019, in Walla Walla, and Judge Robertson is a keynote speaker at the conference. In addition, the MPA is planning to do more education trainings for probation officers, and they welcome judges’ suggestions for what their probation officers need more training on.

E. Washington State Association for Justice (WSAJ)

Ms. Hamar reported that the WSAJ’s wrongful death statute changes bill is about to come out of the House Rules Committee, and they are hopeful it will pass. The WSAJ will honor judges at their annual May Law Day Celebration on May 7, 2019, at 5:30 p.m. at the Westin Hotel in Seattle. All judges are invited. For more information see: <https://www.washingtonjustice.org/index.cfm?pg=events&evAction=showDetail&eid=68220>.

ACTION

1. DMCJA Rules Committee Recommendations for Proposed Rule Amendments

M/S/P to follow the recommendations of the Rules Committee on the following three proposals:

- a. Washington Defender Association (WDA) CrRLJ 3.1
- b. Washington Bar Association (WSBA) CrRLJ 4.4
- c. Washington Association of Criminal Defense Lawyers (WACDL) CrRLJ 4.7

Judge Robertson and AOC Staff will provide comment to the Supreme Court by the April 30, 2019 deadline.

2. DMCJA Rules Committee Recommendations for Proposed Rule Amendments

M/S/P to recommend the proposed amendment to GR 31 to the Supreme Court Rules Committee. Ms. Benway stated that the deadline for rule proposals is in October so she will work with staff prior to that time to prepare and submit the proposed amendment.

3. Information Technology Governance Request 268: Olympia Municipal Court

M/S/P to approve the DMCJA endorsing Olympia Municipal Court’s request for a new case management system, Journal Technologies, Inc., and, therefore, to be put in line for the expedited data exchange (EDE) Program.

4. Board Position #5, Full-Time Municipal Court Judge Vacancy: Request for Ratification of Appointment

M/S/P to ratify the appointment of Judge Laura Van Slyck to Board Position #5.

5. Request to Distribute Legal Financial Obligations Stakeholder Consortium Judges Survey

M/S/P to approve sending this survey out to the DMCJA listserv.

6. DMCJA Conference Planning Committee: Request for \$300 in Additional Funding for Trivia Night

M/S/P to approve additional \$300 to Conference Planning Committee to secure hotel room for Trivia Night event.

DISCUSSION

A. Judicial Needs Methodology

Dr. Carl McCurley, Manager of the Washington State Center for Court Research (WSCCR) at AOC, came to address the National Center for State Courts' (NCSC) proposal to the AOC to conduct a workload assessment for the judges in the Washington trial courts, which includes the superior courts and courts of limited jurisdiction. The State Court Administrator is charged to "[e]xamine the need for new superior court and district court judge positions under an objective workload analysis," pursuant to RCW 2.56.030. Prior to 2005, a "weighted caseload" analysis method was used (see Final Bill Report for 2005 HB 1668), and in 2005, that language was changed to reflect the "objective caseload" method. If deemed necessary, it could be legislatively changed back to the weighted caseload method. Dr. McCurley provided an explanation of the current judicial needs methodology, gave background information on the objective workload method and the weighted caseload method, explained how each method works, noted the benefits and limitations of both, and addressed members' questions. There was group discussion, and comments included that this is likely just the beginning of this discussion, there could be a lot more work to do on this, there may be a way to tweak the current model, some preliminary discussions with the BJA would likely be needed, we would need to look at the clerical impact/workload, and the extra work would likely be worth it. Judge Robertson thanked Dr. McCurley for coming to the meeting, and she noted that many judges would like to be kept informed of what is happening with this going forward and be allowed to have input.

B. Council on Independent Courts Proposed Amendment for General Rule 29

Ms. Benway provided information on the Council on Independent Courts (CIC) proposed amendments to General Rule (GR) 29 and stated that the Rules Committee and the CIC have approved these amendments. Judge David Steiner, CIC Chair, gave an overview of GR 29, and informed that the CIC early on had considered providing a model contract that complied with GR 29 to be used by part-time municipal court judges. Upon review of model contracts, the CIC found there were four basic provisions they wanted to see in every judicial services contract, so the CIC decided to incorporate those provisions into GR 29 rather than require a model contract. The amendment would require certain mandatory terms in the contracts of part-time municipal court judges, and is intended to preserve judicial independence for municipal court judges regarding (a) term of office and salary, (b) judicial duties, (c) judicial independence and administration of the court, and (d) termination and discipline. Judge Steiner stated that the intent is for those provisions to be taken together and inserted in a part-time judge's contract. There was a recommendation to mandate contracts for all municipal court judges and Judge Steiner expressed that this amendment must be reviewed by the CIC. Upon CIC approval, the proposed GR 29 amendments will be sent to the DMCJA Rules Committee for comment, and forwarded to the Board for approval. Upon Board approval, the Board will submit it to the Washington State Supreme Court's Rules Committee for adoption. The Board discussed the proposed amendment, and their comments will be sent back to the CIC to adjust the language regarding mandatory contracts.

C. DMCJA Rules Committee Recommendations for Proposed Rule Amendments

On behalf of the DMCJA Rules Committee, Ms. Benway provided an overview of the following proposed rule amendments, which were published for comment by the Washington State Supreme Court with a comment deadline of April 30, 2019:

- a. Washington Defender Association (WDA) CrRLJ 3.1
- b. Washington Bar Association (WSBA) CrRLJ 4.4
- c. Washington Association of Criminal Defense Lawyers (WACDL) CrRLJ 4.7

The Rules Committee reviewed these proposals and recommends that the DMCJA support the proposals to amend CrRLJ 3.1 and CrRLJ 4.4 and oppose the proposal to amend CrRLJ 4.7, and to send comment letters

to this effect to the Supreme Court. The Board discussed the request, and Ms. Benway answered members' questions. M/S/P to move this to an action item.

Further, Ms. Benway stated that in addition to the rules proposals made by outside entities, the Rules Committee is recommending a proposed rule amendment to GR 31, requested by Judge Eisenberg. The proposal is intended to protect from public disclosure sensitive materials that are necessary for therapeutic courts to operate. Judge Eisenberg originally proposed an amendment to GR 22; however, the Rules Committee recommended instead the addition of a new subsection (l) to GR 31, pertaining to court records. The Therapeutic Courts Committee reviewed the proposal and is also in favor of it. M/S/P to move this to an action item.

D. Proposed Rule 13 – Electronic Court Record Systems

Amendments to JISC Rule 13 are being proposed to clarify roles and responsibilities. JISC Rule 13 became effective on May 15, 1976, and has not been changed since that time. The rule in its current state does not address compliance with adopted Data Standards, the current ITG Governance Process, and does not reflect the current realities of technology and system development. The proposed rule defines “electronic court record system,” clarifies that JISC approval is required for all electronic court record systems, provides for increased notice of proposed systems, and requires courts with alternative electronic court record systems to comply with the JIS Data Standards for Alternative Electronic Court Record Systems. Judge Robertson noted that courts who are using alternative case management systems represent about five percent of the courts, and the other 95 percent of the courts need the statewide system. In addition, some of the five percent believe that the AOC is responsible for converting their data into the statewide system while they start their own case management system; however, this is not true and is clearly stated in Section B of the JIS Data Standards. The proposed amendments to JISC Rule 13 would make it clear that any court wanting to implement their own case management system has to get the approval from JISC and has to have a plan how they are going to get this data into the statewide system. Thus they may have to do double data implementation, or do it when AOC has time to do it. The JISC would set the priorities for the work the AOC does for those courts. Judge Robertson expressed the difficulty her court had with this, and said she wants to make it clear that this could be a burden on the courts. She also hopes once the rule comes back that we can all support it.

E. Information Technology Governance Request 268: Olympia Municipal Court

Olympia Municipal Court is seeking to obtain a DMCJA endorsement to obtain a new case management system, Journal Technologies, Inc., and have their data uploaded onto the Enterprise Data Repository (EDR) through the Expedited Data Exchange (EDE) program. Olympia Municipal Court is purchasing a new Case Management System (CMS) through JTI's eCourt. A new case management system for Olympia Municipal would streamline the work process and communication and data exchange with prosecution and defense, as well as transitioning to a paperless system whereas forms can be shared and exchanged with probation, prosecution, defense, and the public. For additional information, see web link: <https://www.courts.wa.gov/jis/?fa=jis.ITGRequestDetail&requestID=268>). The Board discussed the request, and Ms. Cullinane explained the process and that if the DMCJA endorses this request, Olympia Municipal Court will be put in line for the data exchange. M/S/P to move this to an action item.

F. Board Position #5, Full-Time Municipal Court Judge Vacancy: Request for Ratification of Appointment

Judge Robertson informed that Judge Damon Shadid has resigned his Board position; therefore, Board Position #5 is currently vacant. Judge Robertson reported she is appointing Judge Laura Van Slyck, Snohomish County District Court, to fill the position. She believes Judge Van Slyck will be an excellent choice for the position, and she is seeking ratification of the Board for this appointment. M/S/P to move this to an action item.

- G. Joint Judicial Legislative Reception (Cont'd): Whether it should occur immediately following State of the Judiciary Address

This topic will be tabled until the Board Retreat.

- H. Request to Distribute Legal Financial Obligations Stakeholder Consortium Judges Survey

Judge Coburn explained that as part of a Department of Justice (DOJ) grant that the Consortium obtained, the Consortium is charged with collecting data regarding legal financial obligations in courts. Thus, as part of this requirement, the Consortium would like to send a survey to judicial stakeholders. The Board discussed the request. M/S/P to move this to action item.

- I. DMCJA Conference Planning Committee: Request for \$300 in Additional Funding for Trivia Night

The Board received a funding request in the amount of \$300 from Judge Andrea Beall, Chair of the Conference Planning Committee. The Committee has been planning a new Trivia Night event for the Spring Conference and ran into an unforeseen cost. The hotel is requiring the Committee to pay extra to secure a room for the event, which will put the Committee \$300 over budget. M/S/P to move this to an action item.

INFORMATION

Judge Robertson brought the following informational items to the Board's attention:

- A. 2019-2020 DMCJA Slate of Candidates (Revised)

Judge Ahlf, Nominating Committee Chair, will work on finding an additional candidate for the BJA Open Position to replace Judge David Steiner who is moving to King County Superior Court.

- B. Board members are encouraged to apply for DMCJA representative positions. Available positions include:
 - 1. Presiding Judge & Administrator Education Committee
- C. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.
- D. The DMCJA sent flowers to the family of Retired Judge David Koss, Cowlitz County District Court, who passed away in March 2019.

OTHER BUSINESS

Judge Logan expressed gratitude to the Board for approving up to fifteen hundred dollars (\$1,500) to attend the Conference of Chief Justices and Conference of State Court Administrators (CCJ/COSCA) Mental Illness Summit.

The next DMCJA Board Meeting is scheduled for May 11, 2019, 11:10 a.m. to 1:00 p.m., at the Double Tree Hotel, Olympia Room, in Olympia, WA.

The meeting was adjourned at 3:02 p.m.