



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

SEPTEMBER 22, 2019

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2019-2020

DATE	TIME	MEETING LOCATION
<i>Friday, July 12, 2019</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Aug. 9, 2019 CANCELED</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Sunday, Sept. 22, 2019</i>	9:00 a.m. – 12:00 p.m.	2019 Annual Judicial Conference, Vancouver, WA
<i>Friday, Oct. 11, 2019</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Nov. 8, 2019</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Dec. 13, 2019</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Jan. 10, 2020</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Feb. 7, 2020</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, March 13, 2020</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, April 10, 2020</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, May 8, 2020 & Saturday, May 9, 2020</i>	May 8: 12:00-5:00 p.m. May 9: 9:00-1:00 p.m.	2020 DMCJA Board Retreat, Location: TBD
<i>May/June 2020 – TBD</i>	9:00 a.m. – 12:00 p.m.	2020 DMCJA Spring Conference, Location: Spokane, WA

AOC Staff: Sharon Harvey

Updated: June 21, 2019



DMCJA BOARD MEETING
SUNDAY, SEPTEMBER 22, 2019
9:00 AM – 12:00 PM
HEATHMAN LODGE
VANCOUVER, WA

PRESIDENT SAMUEL MEYER

AGENDA

PAGE

Call to Order

General Business

- | | |
|--|-------|
| A. Minutes | |
| 1. July 12, 2019 | 1-6 |
| 2. August 20, 2019 – Special Meeting | 7-9 |
| B. Treasurer’s Report | 10-23 |
| C. Special Fund Report | 21 |
| D. Standing Committee Reports | |
| 1. Rules Committee | |
| a. Minutes for February 28, 2019 | 24-26 |
| b. Minutes for March 27, 2019 | 27-28 |
| c. Minutes for June 4, 2019 | 29-30 |
| d. Minutes for July 24, 2019 | 31-32 |
| 2. Legislative Committee | |
| a. Proposed DMCJA Bills for 2020 Legislative Session (Supplemental Materials) | |
| E. Judicial Information System (JIS) Report – <i>Vicky Cullinane</i> | |

Liaison Reports

- | | |
|--|--|
| A. Board for Judicial Administration (BJA) – <i>Judges Kevin Ringus, Mary Logan, Dan Johnson, and Tam Bui</i> | |
| B. District and Municipal Court Management Association (DMCMA) – <i>Ms. Dawn Williams</i> | |
| C. Misdemeanant Probation Association (MPA) – <i>Ms. Stacie Scarpaci</i> | |
| D. Superior Court Judges’ Association (SCJA) – <i>Judge Judith Ramseyer</i> | |
| E. Washington State Association for Justice (WSAJ) – <i>Sean Bennet Malcolm, Esq.</i> | |
| F. Washington State Bar Association (WSBA) – <i>Kim E. Hunter, Esq.</i> | |

<p>Discussion</p> <p>A. DMCJA Amicus Curiae Brief: The DMCJA Board has filed an amicus brief for the appeal of State of Washington v. Stevens County District Court Judge, 7 Wn. App. 2d 927, 436 P.3d 430 (2019).</p> <p>B. Audit Update</p> <ol style="list-style-type: none"> 1. Proposal by Fruci & Associates 2. Fruci & Associates performed Agreed Upon Procedures (AUPs) for DMCJA in 2015 <p>C. Information Technology Governance Request for DMCJA Endorsement: Snohomish County District Court</p> <ol style="list-style-type: none"> 1. Important Information for Courts Planning to Connect to the Enterprise Data Repository <p>D. Judicial Assistance Services Program (JASP) – Amendments to JASP Bylaws</p> <p>E. Proposal to Amend CrRLJ 1.3</p> <p>F. U.S. Immigration and Customs Enforcement (ICE) Practices at Courthouses: WA Attorney General Request For Feedback Regarding The Impact On Courts Of Limited Jurisdiction</p> <p>G. Ratification of Commissioner Board Position Appointment</p>	<p>33-56</p> <p>57-59</p> <p>60-61</p> <p>62-63</p> <p>64-68</p> <p>69-72</p> <p>73-74</p>
<p>Information</p> <p>A. The DMCJA sent flowers to the family of Judge Peter Nault, King County District Court, who passed away on July 19, 2019.</p> <p>B. Pretrial Reform: Thurston County and Pierce County were two of five counties chosen to participate in a five-year initiative to improve pretrial justice systems and reduce jail populations. For more information, please see the following article: Thurston 1 of 5 counties nationwide chosen for pretrial justice initiative</p>	<p>75-76</p>
<p>Other Business</p> <p>A. The next DMCJA Board Meeting is October 11, 2019, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office Center.</p>	
<p>Adjourn</p>	



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

MEETING MINUTES

Members Present:

Chair, Judge Samuel Meyer
Judge Thomas Cox (by phone)
Judge Linda Coburn
Judge Michelle Gehlsen
Judge Robert Grim
Judge Drew Ann Henke
Judge Tyson Hill
Judge Aimee Maurer
Judge Rebecca Robertson
Judge Charles Short
Judge Jeffrey Smith
Judge Laura Van Slyck

Members Absent:

Commissioner Rick Leo
Commissioner Paul Wohl

Guests:

Judge Jennifer Fassbender, former Treasurer (by phone)
Judge Mary Logan, BJA (by phone)
Judge Kevin Ringus, BJA
Judge Kimberly Walden
Kim E. Hunter, Esq., WSBA
Ms. Trish Kinlow, DMCMA

AOC Staff:

Ms. J Benway (by phone)
Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Ms. Dory Nicpon
Ms. Sondra Hahn

CALL TO ORDER

Judge Meyer, 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 Meyer 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 June 3, 2019.

B. Treasurer's Report

On behalf of Commissioner Leo, Judge Fassbender provided the Treasurer's Report on pages 1-25 in the supplement materials. A motion on the report was deferred to the next meeting.

C. Special Fund Report

Judge Gehlsen assisted Judge Short in presenting the Special Fund Report provided on page 26 in the supplemental materials. M/S/P to accept the Special Fund Report.

D. Standing Committee Reports

1. Rules Committee

The April 25, 2019 Rules Committee Minutes were provided in the materials starting on page 6.

2. Legislative Committee

Judge Meyer reported that the Legislative Committee will meet on August 9, 2019 to review legislative proposals suggested by DMCJA members. He noted that Commissioner Wohl is excited to serve as Chair. Judge Gehlsen shared that at a recent City of Bothell/City of Kenmore meeting, local legislators noted that they will offer 15-minute meetings to constituent groups, and she suggested that the Legislative Committee consider

this type of venue as an outreach strategy. Judge Meyer noted that inviting legislators to visit the court is also a good approach, and Judge Meyer will share these ideas with Commissioner Wohl.

E. Judicial Information Systems (JIS) Report

Ms. Cullinane shared that the CLJ-CMS Project Steering Committee accepted Gartner's recommendation to select a commercial off-the-shelf (COTS) case management system. The Steering Committee reached out to Journal Technologies, Inc. (Journal) to see if they were willing to be flexible on the contract terms that were sticking points during negotiations. Journal said that they were not willing to revisit those terms. Next, the Steering Committee reached out to Tyler Technologies (Tyler) to determine if their system had changed in ways that would bring it closer to the CLJ needs. Tyler reported a number of improvements, including a probation module that will be fully integrated by the end of 2019. The Steering Committee was satisfied enough with Tyler's response to recommend to the JISC that AOC open contract negotiations with Tyler. The JISC will consider this recommendation on July 16, 2019. If contract negotiations are successful, the CLJs would implement a newer version of Odyssey than the one currently used by superior courts. Contracting with Tyler should provide implementation efficiencies based on existing AOC staff knowledge of Odyssey's structure and operation.

Ms. Cullinane presented a PowerPoint overview on the King County Clerk's Office (KCCO) integration with the Enterprise Data Repository (EDR) set for the weekend of July 13, 2019. Starting on July 15, 2019, KCCO will stop manually entering data into JIS, and their data will be uploaded to the EDR once every 24-hours. Court users will need to run Defendant Case History (DCH) searches in JABS. Judicial officers should be aware that the Journal system that KCCO implemented is case-based rather than person-based, which means that when users do a person search in JABS, the results will show each King County Superior Court (KCSC) case with that name as though it were a separate person. The Plea and Sentence (PLS) tab will have a different view for KCSC cases. There are unmapped codes that will show in green in JABS. If users want to know that information, they will need to contact the KCCO. Case balance and collection status will not show, and future proceedings on KCSC cases will not list the hearing type, status, or reason. KCSC denied and terminated order information, including domestic violence and no-contact orders, entered prior to November 13, 2018, will not show. Denied and terminated orders will not all disappear immediately, but as the KCSC cases are deleted from the JIS database over time, they will all disappear. KCSC docket notes and actions will not show in JABS, and information entered on the same day will not necessarily be listed in sequential order.

The JISC is considering proposed revisions to JISC Rule 13 that address the responsibilities of local courts implementing their own case management systems with regard to data that needs to be shared with other courts. CLJ Judges Scott Ahlf and Donna Tucker serve on an ad hoc committee tasked with reviewing the rule proposals and will present their recommendations to the JISC later this year.

LIAISON REPORTS

A. Administrative Office of the Courts AOC

Ms. Nicpon reported that branch-wide legislative interest initiatives and methods for branch collaboration are being discussed. *Trueblood* settlement activities begin in September 2019, and the DMCJA has been invited to participate in the General Advisory Committee (GAC), which will provide recommendations to the oversight committee. Judge Meyer noted that DMCJA representatives for the GAC are as follows: Judge Aimee Maurer, Judge Laura Van Slyck, and Judge Michael Finkle. There is engagement on judgment and sentencing at the superior court level and collaboration on the relicensing initiative. It was noted that Judge Henke has replaced Judge David Steiner on the Statewide Relicensing Workgroup.

B. Board for Judicial Administration (BJA)

Judge Ringus reported that BJA met in June 2019, and the May 2019 minutes were provided in the meeting materials. Invitations for the August 12, 2019 Judicial Leadership Summit were distributed, and he encouraged members to participate. Judge Tam Bui is a new BJA representative, and Judge Johnson was elected to a

second term. Judge Bui replaced Judge Judy Jasprica on the BJA Court Education Committee, and all other BJA committee assignments remain the same.

C. District and Municipal Court Management Association (DMCMA)

Ms. Kinlow reported that the DMCMA Fall Regional Programs begin in October 2019 and will be held in six locations. Programs will focus on bias, social justice, and decision-making. The DMCMA is also working on a 50th Anniversary celebration held in conjunction with their 2020 Spring Program in Spokane. All judicial officers will be invited to the celebration.

D. Misdemeanant Probation Association (MPA)

Judge Logan expressed that she will attend the MPA meeting on July 22, 2019 in Burien, and she encouraged members to participate in the newly formed Domestic Violence Taskforce.

E. Superior Court Judges' Association (SCJA)

No report.

F. Washington State Association for Justice (WSAJ)

No report.

G. Washington State Bar Association (WSBA)

Ms. Hunter talked about House Bill (HB) 1788, which would have turned over the regulatory and disciplinary functions of the Washington State Bar to the Washington Supreme Court. This change would lead to the Bar bifurcating so that licensing would remain and all other membership functions would become voluntary. Ms. Hunter provided a summary of the WSBA's legislative efforts to oppose the bill. Chief Justice Mary Fairhurst convened a WSBA Structures Workgroup to evaluate the Bar's structure as it is now and to suggest changes to ensure the Bar is responsive to member needs and outside the crosshairs of the *Janus* decision.

The WSBA Board of Governors (BOG) is working to ensure the organization's commitment to its members. Ms. Terra Nevitt, previously Director of Communications, is currently serving as the Interim Executive Director, and new BOG terms begin in September 2019. Ms. Hunter noted that three lawsuits against the Bar have been successfully dismissed, and she noted that the BOG is looking to address changes to 'retired' and 'inactive' license status in addition to the evaluating the relevancy of the refresher course retired judges are subject to when moving from judicial to active status. She provided Board members with her business card and requested that DMCJA Board members with questions contact her or another BOG member.

ACTION

A. *DMCJA Reserves Committee Recommendations to the Board*

M/S/P to adopt the Reserves Committee recommendations as follows:

- a. Place \$657.73 unclaimed bank funds from Bank of America in the Conference Incidental Fees for 2020 Spring Program line item.
- b. Create a "Special Fund" DMCJA budget line item to better determine which expenses are paid from the Special Fund account.
- c. Maintain the Special Fund account at Washington Federal Bank. Note: the Board decided in May 2019 that Special Fund dues will not be assessed in 2020.
- d. Judge Short, as Special Fund Custodian, will monitor the adequacy of the fund balance, work to best maximize returns, and make recommendations on its status and use to the Board.

B. *GR 29 Proposed Amendment by the Council on Independent Courts (CIC)*

The CIC recommends referring the GR 29 Amendment to the DMCJA Rules Committee for review and recommendation. M/S/P to refer the GR 29 Proposed Amendment to the DMCJA Rules Committee.

C. GR 7 Proposed Amendment by Superior Court Clerks

M/S/P to refer the Superior Court Clerks Proposed Amendment to GR 7 to the DMCJA Rules Committee.

D. King County Superior Court (KCSC) Charging Courts to Access Portal to Reach Dockets and Vital Data

M/S/P for Judge Meyer to write a memo to the SCJA, the KCSC Executive Committee, Ms. Miner, the JISC, and the BJA outlining concerns relating to the KCSC Clerk's Office practice of charging courts for access to court records. Judge Robertson and Judge Walden will assist Judge Meyer in drafting the memo.

E. Unsworn Declaration Act

M/S/P to refer this issue to the Rules Committee for consideration and recommendation. Judge Ringus will provide a written outline of the issue to Ms. Harvey and Ms. Benway. Ms. Benway noted that the Rules Committee can review the material at their July 24, 2019 meeting.

DISCUSSION

A. Board of Governors Orientation

Judge Meyer noted the distribution of DMCJA Board reference binders to members. Meeting will be conducted following the DMCJA Operational Rules and the DMCJA Board Rules of Conduct based on the Modern Rules of Order. Copies of both rules were provided in the meeting materials.

B. Information Technology Governance Request for DMCJA Endorsement: Snohomish County District Court

This topic is deferred to the October Board meeting.

C. Tribal Court Judge's Request to Join DMCJA Listserv(s)

Judge Robertson explained that this request stems from an informal conversation she had with Judge Joel Penoyar, retired from the Court of Appeals but active with the tribal court. Judge Penoyar referenced an email received by his spouse, District Court Judge Elizabeth Penoyar, sent on the DMCJA Legal listserv, and noted to Judge Robertson that tribal court judges would benefit from seeing the DMCJA listserv communications. Judge Meyer explained that the DMCJA Legal listserv is limited to DMCJA members, does not include any AOC staff, and email exchanges are not disclosable chamber records under GR 31.1. The DMCJA Public listserv is limited to DMCJA members, includes the AOC Court Association Coordinator and Assistant Coordinator, and email exchanges are disclosable under GR 31.1. Judge Meyer noted that AOC does not maintain a tribal court judge listserv and is not positioned to track tribal court judicial officers in the same way AOC tracks state court judicial officers. Ms. Harvey provided in the supplemental material a memo explaining factors the Board should consider in relation to this topic. Judge Robertson asked if tribal court judicial officers have their own version of GR 31.1 providing exemption from public disclosure. Judge Coburn noted that tribal court judges serve sovereign nations, and adding them to the Legal listserv would remove DMCJA's chamber records exclusion. GR 31.1 defines a judicial officer as subject to the Commission on Judicial Conduct (CJC) rules, and tribal court judicial officers are not subject to the CJC. Judge Ringus highlighted the fact that once an email from the DMCJA Legal listserv is shared outside of the DMCJA membership, it becomes subject to public disclosure and noted other legal groups may seek the same accommodation—administrative law judges, defense bar members, etc. Management of additional listserv members would be added to Ms. Harvey's workload, potentially reducing her capacity for other DMCJA priorities, and such a significant decision should potentially involve input from the full DMCJA. Judge Coburn suggested that rather than with the DMCJA Board, discussion of what type and exchange of information could be helpful might be more appropriate discussion for the Tribal State Court Consortium (TSCC), which meets in September. This is something the TSCC should talk about and it should not be a decision made in relation to an informal hallway discussion. She agrees with Judge Ringus on the importance for the DMCJA members to be able to communicate amongst themselves and stressed that the TSCC is a forum for greater discussion between tribal and state court judges. Judge Robertson speculated that potentially the DMCJA liaison to the TSCC could serve in the role of reviewing Public DMCJA listserv communications and sharing appropriate

messages with tribal court judicial officers. Ms. Harvey will inform Ms. Cynthia Delostrinos, AOC's TSCC liaison, about the DMCJA Board's discussion.

D. Audit Update

Deferred to the October Board meeting.

E. DMCJA Reserves Committee Recommendations to the Board

The DMCJA Reserves Committee June 4, 2019 Minutes were included in the meeting materials and provided the following recommendations.

- a. Place \$657.73 unclaimed bank funds from Bank of America in the Conference Incidental Fees for 2020 Spring Program line item.
- b. Create a "Special Fund" DMCJA budget line item to better determine which expenses are paid from the Special Fund account.
- c. Maintain the Special Fund account at Washington Federal Bank. Note: the Board decided in May 2019 that Special Fund dues will not be assessed in 2020.
- d. Judge Short, as Special Fund Custodian, will monitor the adequacy of the fund balance, work to best maximize returns, and make recommendations on its status and use to the Board.

M/S/P to move the four Reserves Committee recommendations to the Action Calendar.

F. GR 29 Proposed Amendment by the Council on Independent Courts (CIC)

The CIC recommends referring the GR 29 Amendment to the DMCJA Rules Committee for review and recommendation. M/S/P to move this topic to the Action Calendar.

G. GR 7 Proposed Amendment by Superior Court Clerks

M/S/P to move this topic to the Action Calendar.

H. King County Superior Court (KCSC) Charging Courts to Access Portal to Reach Dockets and Vital Data
Judge Kimberly Walden provided an overview of issues relating to KCSC Clerk's Office practice of charging justice partners, including judges, 25 cents per page for access to their records. In addition to the per page fee, there is an account setup fee, a user ID and password setup, and an 'I am not a robot' screening page to navigate. She asked the DMCJA Board to request an end to King County charging courts for record access. Ms. Kinlow shared that she talked to Barbara Miner, KCSC Clerk, and they discussed whether there is a statutory exemption requiring free access to the records; they determined that there is not an exemption. Judge Meyer noted that the rule does state that the clerk's office must provide free access to in-person customers.

Judge Smith asked, and reportedly Ms. Vonnie Diseth, AOC, verified, that the King County Clerk's Office (KCCO) is the only office currently charging other courts to view records. Judge Robertson thinks that many KCSC judges may not be aware of the charging practice and noted that Ms. Miner has stated that she is sorry the judges are inconvenienced. Judge Robertson believes Chief Justice Mary Fairhurst and the JISC may be interested in this issue. It was noted that public defenders and prosecuting attorneys need to consider their own position and their ability to budget for representing their clients. M/S/P to move this topic to the Action Calendar.

Ms. Cullinane noted that the meeting materials include a 2017 letter from former DMCJA President Scott Ahlf to then County Clerk Association President Barbara Christiansen outlining a need for access to statewide superior court records through an Odyssey portal. About half of the superior courts do not use Odyssey's document management system.

I. Unsworn Declaration Act

Judge Ringus shared that the Uniform Infractions and Citations Committee plans to identify a workaround relating to the Legislature's passing of the Unsworn Declaration Act that relates to GR 30, Section 3, re Electronic Documents, that impacts eTickets and how signatures are to be handled. RCW 9A.72.085 has been repealed. They have until July 2021 to identify a solution. M/S/P to move this topic to the Action Calendar.

INFORMATION

- A. Judge Meyer welcomed new Board of Governors and BJA Members.
- B. The 2019-2020 DMCJA Priorities we set by the Long Range Planning Committee in May and were included in the meeting materials.
- C. Judge Brett Buckley received the 2019 WSBA APEX Outstanding Judge Award.
- D. At their June 28, 2019, meeting, the JISC discussed proposed changes to JISC Rule 13.

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for September 22, 2019, from 9:00 a.m. to 12:00 p.m., at the Heathman Lodge in Vancouver, Washington. Judge Smith asked about lodging arrangements for Saturday, September 21, 2019. Ms. Harvey noted that members will be reimbursed for Saturday night and should book their reservation using their personal credit card.

The meeting was adjourned at 2:58 p.m.



DMCJA Board of Governors Meeting
Tuesday, August 20, 2019, 12:00 p.m. – 1:00 p.m.
Teleconference
1-877-820-7831 PIN 258348

“SPECIAL MEETING” MINUTES

Members Present:

Chair, Judge Samuel Meyer
Judge Linda Coburn
Judge Michelle Gehlsen
Judge Robert Grim
Judge Tyson Hill
Judge Rebecca Robertson
Judge Charles Short
Judge Jeffrey Smith
Commissioner Paul Wohl

AOC Staff:

Ms. Sharon R. Harvey

CALL TO ORDER

Judge Meyer, District and Municipal Court Judges’ Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) special meeting to order at 12:02 p.m. This special meeting was held to determine whether the DMCJA should file an amicus curiae brief for the appeal of *State of Washington v. Stevens County District Court Judge*, 7 Wn. App. 2d 927, 436 P.3d 430 (2019).

DISCUSSION

Judge Meyer inquired whether Board members had read the court pleadings, which are summarized as follows:

- On January 29, 2018, a memo was issued to superior and district court judges, prosecutors, and court personnel notifying them that all in-custody first appearances for both courts are to be heard by the Superior Court. The memo was issued by Stevens County Court Administrator at the direction of Stevens County Superior Court judges.
- On February 2, 2018, Judge Gina Tveit, Stevens County District Court, issued a memo stating that the court administrator should not file any orders in Stevens County District Court unless signed by a district court judge or district court pro tempore. This memo was sent to the superior court judges, prosecutor, superior court clerk and administrator, and district court clerk.
- On February 8, 2018, the Stevens County Prosecuting Attorney filed a Writ of Mandamus on behalf of the State directing Judge Gina Tveit to retract her order, or, in the alternative, show cause why a peremptory writ should not be issued.
- On March 7, 2018, Judge John Strohmaier, Lincoln County Superior Court, ruled in favor of Judge Tveit.
- On March 12, 2019, the Court of Appeals overruled the Superior Court decision.
- On April 19, 2019, Judge Tveit filed with the Washington Supreme Court an amended petition for review of the Court of Appeals decision.

Judge Meyer reported that both Judge Tveit and her attorney, Jerry Moberg, Esquire, had expressed that they thought it would be a good idea for the DMCJA to file an amicus curiae brief. Thus, pursuant to the DMCJA Amicus Policy, Judge Meyer convened the Board to decide whether the association should file an amicus brief in the matter. The amicus brief is due September 9, 2019, prior to the next DMCJA Board meeting. Thus, a Board special meeting was called for today. The matter is a legal issue regarding whether the Superior Court may take over all arraignments or preliminary hearings regardless of whether the case is filed in the District Court. The Superior Court decision held the answer is no. In contrast, the Court of Appeals held the answer is yes.

The Board had a robust discussion in which the following issues were addressed: (1) financial cost to DMCJA to file the brief, (2) whether to use the Special Fund for this service, (3) published Court of Appeals decision impacts district courts statewide, (4) impact the filing of an amicus curiae brief may have on the relationship with the Superior Court Judges' Association (SCJA), and, (5) whether DMCJA membership will be on board with filing the brief. Judge Meyer informed that he was referred to Katherine George, Esquire, former law clerk of Supreme Court Justice, Gerry Alexander, to file the amicus brief. Judge Meyer revealed that this attorney charges two hundred seventy-five dollars (\$275) per hour for her services. This attorney also expressed to Judge Meyer that a flat fee rate may be charged. Judge Meyer stated that he would contact the attorney and negotiate a payment. He also stated that he would contact Judge Kitty-Ann van Doorninck, SCJA President, regarding the outcome of the DMCJA Board special meeting discussion. Judge Meyer reported that he had previously spoken with Judge van Doorninck, who was not too familiar with the Stevens County matter.

Following the discussion, Judge Meyer called for a vote regarding the following:

1. Whether DMCJA should file an amicus curiae brief in the *Washington v. Stevens County District Court Judge* appeal.
2. Whether to hire Katherine George, Esquire, to prepare and file an amicus brief on behalf of the DMCJA.
3. Whether to authorize Judge Meyer, DMCJA President, to offer Katherine George, Esq., a flat rate fee of five thousand dollars (\$5,000), subject to negotiation.

ACTION

The Board voted unanimously as follows:

1. Whether DMCJA should file an amicus curiae brief in the *Washington v. Stevens County District Court Judge* appeal.
Yes.
2. Whether to hire Katherine George, Esquire, to prepare and file an amicus brief on behalf of the DMCJA.
Yes.
3. Whether to authorize Judge Meyer, DMCJA President, to offer Katherine George, Esq., a flat rate fee of five thousand dollars (\$5,000), subject to negotiation.
Yes.

OTHER BUSINESS

DMCJA Amicus Policy - Ad Hoc Committee

Judge Meyer addressed the DMCJA Amicus Curiae Policy provision that allows the DMCJA President to appoint an ad hoc committee to review the request for DMCJA participation in litigation and make recommendations to the Board. Judge Meyer expressed that the Board has made the decision to participate by filing an amicus curiae brief, however, an ad hoc committee may provide ideas for what to include in the brief. Judge Meyer requested members for this ad hoc committee and the following members volunteered to assist: (1) Judge Robertson, and, (2) Judge Smith. Ms. Harvey will assist the ad hoc committee as needed.

ADJOURN

The meeting was adjourned at approximately 1:00 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 August 31st, 2019

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)
- Special Fund Bank Statement
- Current Budget Balance
- Prior Budget

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 August 31, 2019

	Aug 31, 19
ASSETS	
Current Assets	
Checking/Savings	
Bank of America - Checking	4,328
Bank of America - Savings	66,828
US Bank - Savings	70,766
Washington Federal	50,658
Total Checking/Savings	192,580
Accounts Receivable	
Accounts Receivable	146
Total Accounts Receivable	146
Total Current Assets	192,726
Fixed Assets	
Accumulated Depreciation	(703)
Computer Equipment	579
Total Fixed Assets	(124)
Other Assets	
Prepaid Expenses	42,500
Total Other Assets	42,500
TOTAL ASSETS	235,102
LIABILITIES & EQUITY	
Liabilities	171
Equity	234,931
TOTAL LIABILITIES & EQUITY	235,102

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Two Months Ending August, 31st, 2019

	<u>Jul 19</u>	<u>Aug 19</u>	<u>TOTAL</u>
Ordinary Income/Expense			
Income			
Interest Income	57	57	114
Membership Revenue	0	250	250
Total Income	<u>57</u>	<u>307</u>	<u>364</u>
Gross Profit	57	307	364
Expense			
MPA Liaison	0	229	229
Special Fund Expense	0	142	142
Prior Year Budget Expense	2,969	0	2,969
Board Meeting Expense	1,191	0	1,191
Bookkeeping Expense	318	318	636
Educational Grants	0	1,000	1,000
Judicial Assistance Committee	0	925	925
Legislative Committee	0	116	116
Lobbyist Contract	6,250	8,250	14,500
Bank Service Charges	0	0	0
Total Expense	<u>10,728</u>	<u>10,979</u>	<u>21,707</u>
Net Ordinary Income	<u>(10,671)</u>	<u>(10,672)</u>	<u>(21,344)</u>
Net Income	<u>(10,671)</u>	<u>(10,672)</u>	<u>(21,344)</u>

**Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail
Bank of America - Checking, Period Ending 08/31/2019**

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						2,953.42
Cleared Transactions						
Checks and Payments - 7 items						
Check	08/01/2019		Melanie Stewart	X	-2,000.00	-2,000.00
Check	08/09/2019		Susanna Neil Kanth...	X	-925.00	-2,925.00
Check	08/09/2019		City of Spokane	X	-228.60	-3,153.60
Check	08/12/2019		Pierce County Book...	X	-318.00	-3,471.60
Transfer	08/15/2019			X	-47.20	-3,518.80
Check	08/28/2019		Melanie Stewart	X	-2,000.00	-5,518.80
Check	09/30/2019			X	-14.00	-5,532.80
Total Checks and Payments					-5,532.80	-5,532.80
Deposits and Credits - 6 items						
Transfer	08/08/2019			X	221.64	221.64
Deposit	08/08/2019			X	250.00	471.64
Transfer	08/12/2019			X	7,000.00	7,471.64
Deposit	08/15/2019			X	14.00	7,485.64
Deposit	08/15/2019			X	76.56	7,562.20
Deposit	08/15/2019			X	447.21	8,009.41
Total Deposits and Credits					8,009.41	8,009.41
Total Cleared Transactions					2,476.61	2,476.61
Cleared Balance					2,476.61	5,430.03
Uncleared Transactions						
Checks and Payments - 3 items						
Check	08/28/2019		Brian Sanderson		-1,000.00	-1,000.00
Check	08/28/2019		Melanie Stewart		-58.00	-1,058.00
Check	08/28/2019		Samuel G. Meyer		-58.00	-1,116.00
Total Checks and Payments					-1,116.00	-1,116.00
Total Uncleared Transactions					-1,116.00	-1,116.00
Register Balance as of 08/31/2019					1,360.61	4,314.03
New Transactions						
Checks and Payments - 1 item						
Check	09/04/2019		King County District ...		-244.90	-244.90
Total Checks and Payments					-244.90	-244.90
Deposits and Credits - 1 item						
Deposit	09/09/2019				146.25	146.25
Total Deposits and Credits					146.25	146.25
Total New Transactions					-98.65	-98.65
Ending Balance					1,261.96	4,215.38

Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail
Bank of America - Savings, Period Ending 08/31/2019

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						73,826.52
Cleared Transactions						
Checks and Payments - 1 item						
Transfer	08/12/2019			X	-7,000.00	-7,000.00
Total Checks and Payments					-7,000.00	-7,000.00
Deposits and Credits - 1 item						
Deposit	08/31/2019			X	1.18	1.18
Total Deposits and Credits					1.18	1.18
Total Cleared Transactions					-6,998.82	-6,998.82
Cleared Balance					-6,998.82	66,827.70
Register Balance as of 08/31/2019					-6,998.82	66,827.70
Ending Balance					-6,998.82	66,827.70

**Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail
Washington Federal, Period Ending 08/31/2019**

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						50,871.32
Cleared Transactions						
Checks and Payments - 2 items						
Transfer	08/08/2019			X	-221.64	-221.64
Deposit	08/15/2019			X	-47.21	-268.85
Total Checks and Payments					-268.85	-268.85
Deposits and Credits - 1 item						
Deposit	08/31/2019			X	55.58	55.58
Total Deposits and Credits					55.58	55.58
Total Cleared Transactions					-213.27	-213.27
Cleared Balance					-213.27	50,658.05
Register Balance as of 08/31/2019					-213.27	50,658.05
Ending Balance					-213.27	50,658.05

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America C. C., Period Ending 08/31/2019

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Clr</u>	<u>Amount</u>	<u>Balance</u>
Beginning Balance						94.41
Cleared Balance						94.41
Uncleared Transactions						
Charges and Cash Advances - 1 item						
Credit Card Charge	08/15/2019		1-800-Flowers.com		-47.21	-47.21
Total Charges and Cash Advances					-47.21	-47.21
Payments and Credits - 1 item						
Transfer	08/15/2019				47.20	47.20
Total Uncleared Transactions					-0.01	-0.01
Register Balance as of 08/31/2019					0.01	94.42
Ending Balance					0.01	94.42

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July through August 2019

Type	Date	Num	Name	Memo	Amount	Balance
Bank of America - Checking						
Check	07/01/2019		Melanie Stewart		(2,000.00)	(2,000.00)
Check	07/05/2019		Pierce County Bookkeeping		(318.00)	(2,318.00)
Transfer	07/08/2019			Funds Transfer	(103.33)	(2,421.33)
Check	07/18/2019		Charles Short	Board Meeting 7/12/19	(424.39)	(2,845.72)
Check	07/18/2019		Linda Coburn	Board Meeting 7/12/19	(35.98)	(2,881.68)
Check	07/18/2019		Kevin Ringus	Board Meeting 7/12/19	(23.20)	(2,904.88)
Check	07/19/2019		Laura Vanslyck	Board Meeting 7/12/19	(49.30)	(2,954.18)
Check	07/19/2019		Michelle Gehlsen	Board Meeting 7/12/19	(32.48)	(2,986.66)
Check	07/19/2019		Samuel G. Meyer	Board Meeting 7/12/19	(58.00)	(3,044.66)
Check	07/19/2019		Tyson R. Hill		(220.40)	(3,265.06)
Check	07/22/2019		Ingallina's Box Lunch	Board Meeting 7/12/19	(347.00)	(3,612.06)
Transfer	07/25/2019			Funds Transfer	5,000.00	1,387.94
Check	07/25/2019		AOC		(2,969.36)	(1,581.42)
Check	08/01/2019		Melanie Stewart	August Invoice 4681	(2,000.00)	(3,581.42)
Transfer	08/08/2019			End of year gift for MMelanie Stewart's gift	221.64	(3,359.78)
Deposit	08/08/2019			Deposit	250.00	(3,109.78)
Check	08/09/2019		Susanna Neil Kanther-Raz		(925.00)	(4,034.78)
Check	08/09/2019		City of Spokane		(228.60)	(4,263.38)
Transfer	08/12/2019			Funds Transfer	7,000.00	2,736.62
Check	08/12/2019		Pierce County Bookkeeping		(318.00)	2,418.62
Deposit	08/15/2019			Deposit	14.00	2,432.62
Deposit	08/15/2019			Deposit	76.56	2,509.18
Deposit	08/15/2019				447.21	2,956.39
Transfer	08/15/2019			Funds Transfer	(47.20)	2,909.19
Check	08/28/2019		Melanie Stewart		(58.00)	2,851.19
Check	08/28/2019		Samuel G. Meyer		(58.00)	2,793.19
Check	08/28/2019		Brian Sanderson		(1,000.00)	1,793.19
Check	08/28/2019		Melanie Stewart	September Invoice	(2,000.00)	(206.81)
Check	08/31/2019			Service Charge	(14.00)	(220.81)
Total Bank of America - Checking					(220.81)	(220.81)
Bank of America - Savings						
Transfer	07/25/2019			Funds Transfer	(5,000.00)	(5,000.00)
Deposit	07/31/2019			Interest	1.32	(4,998.68)
Transfer	08/12/2019			Funds Transfer	(7,000.00)	(11,998.68)
Deposit	08/31/2019			Interest	1.18	(11,997.50)
Total Bank of America - Savings					(11,997.50)	(11,997.50)
Washington Federal						
Deposit	07/31/2019			Interest	55.70	55.70
Transfer	08/08/2019			End of year gift for MMelanie Stewart's gift	(221.64)	(165.94)
Deposit	08/15/2019			Special fund 1-800-flowers on 8-15-19	(47.21)	(213.15)
Deposit	08/31/2019			Interest	55.58	(157.57)
Total Washington Federal					(157.57)	(157.57)
Accounts Receivable						
Deposit	08/15/2019		Judicial Registrar	refund for Judge Moore and Judge Woodro...	(400.00)	(400.00)
Total Accounts Receivable					(400.00)	(400.00)
Prepaid Expenses						
Genera...	07/30/2019	CEH		1/12 of Contract	(4,250.00)	(4,250.00)
Genera...	08/31/2019	CEH		1/12 of Contract	(4,250.00)	(8,500.00)
Total Prepaid Expenses					(8,500.00)	(8,500.00)
Due to Rebecca Robertson						
Deposit	08/15/2019		Rebecca Robertson	Uncashed check.	(76.56)	(76.56)
Total Due to Rebecca Robertson					(76.56)	(76.56)
Credit Cards						
Bank of America C. C.						
Transfer	07/08/2019			Funds Transfer	103.33	103.33
Credit ...	08/06/2019		1-800-Flowers.com		(94.41)	8.92
Credit ...	08/15/2019		1-800-Flowers.com		(47.21)	(38.29)
Transfer	08/15/2019			Funds Transfer	47.20	8.91
Total Bank of America C. C.					8.91	8.91
Total Credit Cards					8.91	8.91

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

July through August 2019

Type	Date	Num	Name	Memo	Amount	Balance
Interest Income						
Deposit	07/31/2019			Interest	(1.32)	(1.32)
Deposit	07/31/2019			Interest	(55.70)	(57.02)
Deposit	08/31/2019			Interest	(1.18)	(58.20)
Deposit	08/31/2019			Interest	(55.58)	(113.78)
Total Interest Income					(113.78)	(113.78)
Membership Revenue						
Deposit	08/08/2019		Thomas L. Meyer	For last budget membership	(250.00)	(250.00)
Total Membership Revenue					(250.00)	(250.00)
MPA Liaison						
Check	08/09/2019		City of Spokane	July Board Meeting for Judge Mary Logan	228.60	228.60
Total MPA Liaison					228.60	228.60
Special Fund Expense						
Credit ...	08/06/2019		1-800-Flowers.com	Judge Peter Nault's funeral	94.41	94.41
Credit ...	08/15/2019		1-800-Flowers.com	Approved for Special fund expense	47.21	141.62
Total Special Fund Expense					141.62	141.62
Prior Year Budget Expense						
Check	07/25/2019		AOC	Board meeting ecpanse	1,483.23	1,483.23
Check	07/25/2019		AOC	conference calls	62.99	1,546.22
Check	07/25/2019		AOC	JASP	23.14	1,569.36
Check	07/25/2019		AOC	Therapeutic Courts	1,400.00	2,969.36
Total Prior Year Budget Expense					2,969.36	2,969.36
Board Meeting Expense						
Check	07/18/2019		Charles Short	Board Meeting 7/12/19	424.39	424.39
Check	07/18/2019		Linda Coburn	Board Meeting 7/12/19	35.96	460.35
Check	07/18/2019		Kevin Ringus	Board Meeting 7/12/19	23.20	483.55
Check	07/19/2019		Laura Vanslyck	Board Meeting 7/12/19	49.30	532.85
Check	07/19/2019		Michelle Gehlsen	Board Meeting 7/12/19	32.48	565.33
Check	07/19/2019		Samuel G. Meyer	Board Meeting 7/12/19	58.00	623.33
Check	07/19/2019		Tyson R. Hill	Board meeting 7/12/19	220.40	843.73
Check	07/22/2019		Ingallina's Box Lunch	Board Meeting 7/12/19	347.00	1,190.73
Total Board Meeting Expense					1,190.73	1,190.73
Bookkeeping Expense						
Check	07/05/2019		Pierce County Bookkeeping	June services	318.00	318.00
Check	08/12/2019		Pierce County Bookkeeping	Invoice 867 for July	318.00	636.00
Total Bookkeeping Expense					636.00	636.00
Educational Grants						
Check	08/28/2019		Brian Sanderson	Ledership conference in Minneapolis Minne...	1,000.00	1,000.00
Total Educational Grants					1,000.00	1,000.00
Judicial Assistance Committee						
Check	08/09/2019		Susanna Neil Kanther-Raz	Quarterly payment	900.00	900.00
Check	08/09/2019		Susanna Neil Kanther-Raz	meeting expense	25.00	925.00
Total Judicial Assistance Committee					925.00	925.00
Legislative Committee						
Check	08/28/2019		Melanie Stewart	8/9/19 Meeting	58.00	58.00
Check	08/28/2019		Samuel G. Meyer	8/9/19 meeting	58.00	116.00
Total Legislative Committee					116.00	116.00
Lobbyist Contract						
Check	07/01/2019		Melanie Stewart	Invoice 4671 July Services	2,000.00	2,000.00
Genera...	07/30/2019	CEH		1/12 of Contract	4,250.00	6,250.00
Check	08/01/2019		Melanie Stewart	August Invoice 4681	2,000.00	8,250.00
Check	08/28/2019		Melanie Stewart	September Invoice	2,000.00	10,250.00
Genera...	08/31/2019	CEH		1/12 of Contract	4,250.00	14,500.00
Total Lobbyist Contract					14,500.00	14,500.00

Washington State District And Municipal Court Judges Assoc.

Transaction Detail by Account

July through August 2019

Type	Date	Num	Name	Memo	Amount	Balance
Bank Service Charges						
Deposit	08/15/2019			refund for bank charges in error	(14.00)	(14.00)
Check	08/31/2019			Service Charge	14.00	0.00
Total Bank Service Charges					0.00	0.00
TOTAL					0.00	0.00

Other current information not included in reports

WA STATE DIST & MUNICIPAL COURT JUDGES' 9808
 JUDGE MICHELLE K GEHLEN
 10116 NE 183RD ST
 BOTHELL, WA 98011-3416

Statement Ending Date August 31, 2019
 Last Statement Date August 1, 2019
 Account Number
 To report a lost or stolen card,
 call 800-472-3272.
 For 24-hour telephone banking,
 call 877-431-1876.

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 - #

Annual Percentage Yield Earned for this Statement Period 1.298%
 Interest Rate 1.290%
 Year-to-Date Interest Paid \$436.00

Beginning Balance \$50,871.32
 Interest Earned This Period +55.58
 Deposits and Credits +0.00
 Checks Paid -268.85
 ATM, Electronic and Debit Card Withdrawals -0.00
 Other Transactions -0.00
Ending Balance \$50,658.05

	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
08-31	Credit Interest	55.58
Total Interest Earned This Period		55.58

Checks Paid

Number	Date	Amount	Number	Date	Amount
1062	Aug 16	47.21	1076*	Aug 12	221.64
Total Checks Paid					\$268.85

* All of your recent checks may not be on this statement, either because they haven't cleared yet, they were listed on one of your previous statements, or they were converted to an electronic withdrawal and may be listed below.

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DMCJA 2017-2018 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	\$1,191.00	\$28,809.00
Bookkeeping Expense	\$3,500.00	\$636.00	\$2,864.00
Bylaws Committee	\$250.00		\$250.00
Conference Calls	\$750.00		\$750.00
Conference Planning Committee	\$4,000.00		\$4,000.00
Conference Incidental Fees for 2020 Spring Program	\$40,000.00		\$40,000.00
Council on Independent Courts (DMCJA Judicial Independence Fire Brigade)	\$1,000.00		\$1,000.00
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		\$500.00
DMCMA Mandatory Education	\$20,000.00		\$20,000.00
DOL Liaison Committee	\$200.00		\$200.00
Education Committee	\$14,500.00		\$14,500.00
Education-Security	\$2,500.00		\$2,500.00
Educational Grants	\$5,000.00	\$1,000.00	\$4,000.00
Judicial Assistance Committee*	\$14,000.00	\$925.00	\$13,075.00
Judicial College Social Support	\$2,000.00		\$2,000.00
Judicial Community Outreach	\$4,000.00		\$4,000.00
Legislative Committee	\$4,000.00	\$116.00	\$3,884.00
Legislative Pro-Tem	\$2,500.00		\$2,500.00
Lobbyist Contract	\$75,000.00	\$57,000.00	\$18,000.00
Lobbyist Expenses	\$1,500.00		\$1,500.00
Long-Range Planning Committee	\$750.00		\$750.00
MPA Liaison	\$1,000.00	\$229.00	\$771.00
Municipal/Dist Ct Swearing-in 4 yrs (12/2017)	\$0.00		\$0.00
National Leadership Grants	\$5,000.00		\$5,000.00
Nominating Committee	\$400.00		\$400.00
President Expense	\$5,000.00		\$5,000.00
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
Special Fund		\$142.00	(\$142.00)
Therapeutic Courts Committee	\$2,500.00		\$2,500.00
Treasurer Expense and Bonds	\$250.00		\$250.00
Trial Court Advocacy Board	\$500.00		\$500.00
Uniform Infraction Committee	\$1,000.00		\$1,000.00
Total	\$267,200.00	\$61,239.00	\$205,961.00

*Includes \$7,000 from the SCJA

DMCJA\Board\Budget\2010-Present\2019-2020 Adopted Budget--as amended at 7-12-2019 Board Mtg.xls

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	\$22,572.00	\$7,428.00
Bookkeeping Expense	\$3,500.00	\$4,155.00	-\$655.00
Bylaws Committee	\$250.00	\$0.00	\$250.00
Conference Calls	\$250.00	\$813.00	-\$563.00
Conference Planning Committee	\$4,000.00	\$1,387.00	\$2,613.00
Conference Incidental Fees For Members Spring Conference 2019	\$40,000.00	\$36,521.00	\$3,479.00
Diversity Committee	\$2,000.00	\$1,500.00	\$500.00
DMCJA/SCJA Sentencing Alternatives aka "Trial Ct Sentencing & Supervision Comm"	\$1,000.00	\$933.00	\$67.00
DMCMA Liaison	\$500.00	\$63.00	\$437.00
DOL Liaison Committee	\$200.00		\$200.00
Education Committee	\$14,500.00	\$2,138.00	\$12,362.00
Educational Security	\$2,500.00	\$1,901.00	\$599.00
Education-Grants	\$5,000.00	\$3,383.00	\$1,617.00
Judicial Assistance Committee*	\$14,000.00	\$13,053.00	\$947.00
Judicial College Social Support	\$2,000.00		\$2,000.00
Judicial Community Outreach	\$4,000.00	\$1,600.00	\$2,400.00
Judicial Independence Fire Brigade	\$1,000.00	\$103.00	\$897.00
Legislative Committee	\$4,000.00	\$335.20	\$3,664.80
Legislative Pro-Tem	\$2,500.00	\$1,216.00	\$1,284.00
Lobbyist Contract	\$70,000.00	\$70,000.00	\$0.00
Lobbyist Expenses	\$1,500.00		\$1,500.00
Long-Range Planning Committee	\$750.00	\$469.00	\$281.00
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	\$2,099.00	\$2,901.00
Nominating Committee	\$400.00		\$400.00
President Expense	\$5,000.00	\$1,725.00	\$3,275.00
Pro Tempore (committee chair approval)	\$10,000.00	\$163.00	\$10,000.00
Professional Services	\$5,000.00	\$600.00	\$4,400.00
Public Outreach (ad hoc workgroup)	\$2,500.00	\$144.00	\$2,356.00
Rules Committee	\$500.00		\$500.00
SCJA Board Liaison	\$1,000.00	\$352.00	\$648.00
Special Fund Expense		\$451.00	
Therapeutic Courts Committee	\$2,500.00	\$1,600.00	\$900.00
Treasurer Expense and Bonds	\$250.00	\$72.00	\$178.00
Trial Court Advocacy Board	\$500.00		\$500.00
Uniform Infraction Committee	\$1,000.00		\$1,000.00
TOTAL	\$241,700.00	\$169,348.20	\$72,965.80
TOTAL DEPOSITS MADE (including Interest)	\$182,592.10		
CREDIT CARD (balance owing)	\$0.00		

*includes \$7,000 from the SCJA
Balance as of 06-30-2019



DMCJA Rules Committee

Wednesday, February 28, 2019 (12:00 - 1:00 p.m.)

Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Goodwin
~~Judge Buttorff~~
~~Judge Eisenberg~~
Commissioner Hanlon
Judge Oaks
Judge Samuelson
Judge Steiner
Ms. Patti Kohler, DMCMA Liaison
~~Ms. Melanie Conn, DMCMA Liaison~~

AOC Staff:

Ms. J Benway

Judge Goodwin called the meeting to order at 12:04 p.m.

The Committee discussed the following items:

1. Welcome & Introductions

Judge Goodwin welcomed the Committee members in attendance.

2. Approve Minutes from the January 23, 2019 Rules Committee meeting

It was motioned, seconded, and passed to approve the minutes from the January 23, 2019 Rules Committee meeting.

3. Discuss WACDL Proposal to Amend CrRLJ 4.7

The Washington State Supreme Court (WSSC) published for comment rule amendments and new rules proposed by the Washington Association of Criminal Defense Lawyers, primarily related to discovery and witness identification. The deadline for comment is April 30, 2019. The Committee previously discussed the new rule proposals but had reserved discussion on the proposal to amend CrRLJ 4.7, which was assigned to Judge Steiner. In reviewing the proposal and Judge Steiner's report, Committee members considered the potential impact of the amended rule on courts of limited jurisdiction and whether there is a potential conflict with other CLJ rules. The Committee found the proposal to amend CrRLJ 4.7 to be problematic, poorly written, and cumbersome to apply. For this reason, the Committee voted to forward Judge Steiner's report to the Board with a recommendation that the Board oppose the proposal to amend CrRLJ 4.7.

4. Discuss Proposal to Amend CrRLJ 3.1

The WSSC published for comment a proposal by the Washington Defenders Association to amend CrRLJ 3.1, which requires motions to be made ex parte and also has a sealing requirement. The deadline for comment is April 30, 2019. The Committee previously discussed the proposal and continued it to this meeting to allow more time for consideration. Upon further review of the proposal, the Committee decided to support the proposal and recommended that the DMCJA Board provide a comment to that effect to the WSSC. A minority of the Committee agreed that the proposal should be supported in its current form, but was concerned that there is no provision for mandatory unsealing of the record once the purpose of the sealing has concluded. A majority of the Committee voted to recommend that the DMCJA Board support the sealing provision of the proposed amendment; Judge Steiner and Commissioner Hanlon opposed.

5. Discuss Proposal to Amend CrRLJ 4.4

The WSSC published for comment a proposal by the Washington State Bar Association (WSBA) to amend CrRLJ 4.4. The deadline for comment is April 30, 2019. The Committee discussed the proposal and upon close and thorough review determined that the proposed changes to CrRLJ 4.4 are acceptable and help clarify the existing rule language. However, the Committee was concerned that the proposal failed to set forth all the provisions of the rule to be amended, making it difficult to follow. The Committee voted to recommend to the DMCJA Board that the proposal be adopted. Ms. Benway stated that she would express to WSSC Rules Staff the Committee's preference to have the entire rule set forth in the GR 9 Cover Sheet for a proposed amendment.

6. Discuss Proposal to Amend GR 29

The newly renamed Council on Independent Courts has recommended an amendment to General Rule 29 pertaining to provisions in contracts with municipal court judges. The DMCJA Board approved the proposal in concept and referred it to the Rules Committee to consider whether the rule was in proper form and congruent with other court rules. Judge Steiner prepared the proposed amendment that was sent to the Committee. The Committee reviewed and commented on the proposal; Judge Steiner will consider and incorporate the comments into a revised proposal, which he will distribute to the Committee. This item was continued to the next Committee meeting.

7. Tribal State Court Consortium Rule Request

This item, a request from the DMCJA Board, is being reviewed by Judge Oaks. He stated that he had emailed the Committee with a report regarding the proposal prior to the meeting. He requested that Committee members provide him with any comments on the proposal, and he will provide the Committee with a revised recommendation. This item will be continued to the next Committee meeting.

8. Other Business and Next Meeting Date

Judge Goodwin has reviewed all the rule proposals published by the WSSC for comment and provided a chart with information about the proposals to the Committee. He plans to provide the chart to the DMCJA Board so they are aware of the proposals and Rules Committee activity. He

noted that the proposal to amend CrR 1.3 may have implications for the CLJ rules as well; he will further review the proposal and may bring a proposal to the Committee regarding a similar amendment for CrRLJ 1.3. Judge Goodwin invited Committee members to review the chart and provide him with any comments prior to Thursday, March 7 so he can present the chart to the Board at its March 8, 2019 meeting.

Judge Goodwin also stated that the WSBA Rules Committee was proposing amendments to CrRLJ 8.2 that would impact courts of limited jurisdiction. He plans to add the proposal to the next meeting agenda for the Committee's review.

The next Committee meeting is scheduled for Wednesday, March 27, 2019 at noon via teleconference.

There being no further business, the meeting was adjourned at 1:05 p.m.



DMCJA Rules Committee

Wednesday, March 27, 2019 (12:00 - 1:00 p.m.)

Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Goodwin
Judge Buttorff
~~Judge Eisenberg~~
~~Commissioner Hanlon~~
Judge Oaks
Judge Samuelson
Judge Steiner
~~Ms. Patti Kohler, DMCMA Liaison~~
~~Ms. Melanie Conn, DMCMA Liaison~~

AOC Staff:

Ms. J Benway

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

The Committee discussed the following items:

1. Welcome & Introductions

Judge Goodwin welcomed the Committee members in attendance.

2. Approve Minutes from the February 28, 2019 Rules Committee meeting

It was motioned, seconded, and passed to approve the minutes from the February 28, 2019 Rules Committee meeting. Judge Buttorff abstained.

3. Discuss Proposal to Amend CrRLJ 1.3

Judge Goodwin stated that the SCJA has proposed that the Supreme Court amend CrR 1.3, pertaining to the effect of enacted rules. He thinks that a similar change to CrRLJ 1.3 would add clarity to the rule. The Committee discussed the proposal and then voted to forward the proposal to the DMCJA Board. Ms. Benway will work with Judge Goodwin to prepare a memo and GR 9 Cover Sheet for the proposal.

4. Discuss Proposal to Amend CrRLJ 8.2

Judge Goodwin stated that the WSBA Rules Committee is considering a change to CrRLJ 8.2 to clarify that CrRLJ 59 applies to criminal proceedings. The Committee discussed the matter and concluded that this does not seem to be a problem operationally, but may be a good idea for clarity. There was a slight concern that more hearings could result from amending the rule. Judge Goodwin stated that he would convey to the WSBA Rules Committee that the DMCJA

Rules Committee was supportive of the proposal in concept. He will continue to monitor the progress of the proposal.

5. Discuss Proposal to Amend GR 29

The newly renamed Council on Independent Courts (CIC) has recommended an amendment to General Rule 29 pertaining to provisions in contracts with municipal court judges. The DMCJA Board approved the proposal in concept and referred it to the Rules Committee to consider whether the rule was in proper form and congruent with other court rules. Judge Steiner prepared the proposed amendment that was sent to the Committee. The Committee reviewed and commented on the proposal; Judge Steiner incorporated the comments into a revised proposal, which he distributed to the CIC for approval. The resulting proposal was considered and approved by the Rules Committee. Ms. Benway will facilitate sending the proposal to the DMCJA Board.

6. Tribal State Court Consortium Rule Request

Judge Oaks reviewed the proposal to amend CrR 82.5 pertaining to relations between tribal courts and superior courts, and discussed how best to adapt the rule for courts of limited jurisdiction. The Committee agreed that although the practical application of the rule may be limited, the best approach is to mimic the superior court rule. Judge Oaks stated that he would prepare a clean version of a congruent CLJ rule and present that to the Committee. This item was continued to the next Rules Committee meeting.

7. Update from the IRLJ Subcommittee

Judge Steiner stated that he and Judge Goodwin had met telephonically with the Chair of the WSBA Rules Committee IRLJ Subcommittee, Jon Zimmerman, to discuss proposed changes to the IRLJ. Mr. Zimmerman seemed open to working with the DMCJA Rules Committee; Judge Steiner sent him the most updated copy of the revisions to the IRLJ that the Rules Committee has been considering for some time. Further reports will be provided as the work progresses.

8. Update on HB 1305, pertaining to Notices of Disqualification

Judge Goodwin stated that DMCJA-requested legislation to amend the statutes pertaining to the disqualification of CLJ judges is progressing through the legislative process. If the bill is enacted, congruent changes to the CLJ rules pertaining to judge disqualification will need to be amended. Ms. Benway is tracking the status of this bill.

9. Other Business and Next Meeting Date

The next Committee meeting is scheduled for Thursday, April 25, 2019 at noon via teleconference.

There being no further business, the meeting was adjourned at 12:46 p.m.



DMCJA Rules Committee
Tuesday, June 4, 2019 (7:30 – 8:25 a.m.)
Skamania Lodge, Stevenson, Washington

MEETING MINUTES

Members:

Chair, Judge Goodwin
Judge Buttorff
Judge Campagna
Judge Eisenberg
Commissioner Hanlon
Judge Oaks
Commissioner O’Sullivan (phone)
Judge Samuelson
~~Ms. Patti Kohler, DMCMA Liaison~~
~~Ms. Melanie Conn, DMCMA Liaison~~

AOC Staff:

Ms. J Benway

Judge Goodwin called the meeting to order at 7:35 a.m.

The Committee discussed the following items:

1. Welcome & Introductions

Judge Goodwin welcomed the Committee members in attendance and recognized the new Committee members.

2. Approve Minutes from the April 25, 2019 Rules Committee meeting

It was motioned, seconded, and passed to approve the minutes from the April 25, 2019 Rules Committee meeting.

3. Discussion re Proposed IRLJ Amendments

Judge Goodwin stated that prior to becoming a superior court judge, Judge Steiner prepared extensive revisions to the IRLJ that had recently been presented to the WSBA IRLJ Subcommittee. The WSBA Rules Committee is reviewing the IRLJ this year, and the DMCJA Rules Committee would like to have input into the process. Judge Buttorff, Judge Campagna and Judge Oaks offered to participate in the process. Ms. Benway agreed to facilitate the communication. This item will be carried over to the next meeting.

4. Discuss Tribal State Court Consortium Rule Request

Judge Oaks provided a draft CLJ civil rule pertaining to tribal court jurisdiction that is substantially identical to CR 82.5. The superior court rule was recently amended upon request of the Tribal State Court Consortium, so the draft CRLJ 82.5 incorporates the new language.

Judge Oaks stated that issues with tribal courts don't frequently arise for courts of limited jurisdiction but it would be helpful to have a rule for when they do. It was motioned, seconded, and passed to recommend that the DMCJA Board propose the rule as a new CLJ civil rule. Ms. Benway will prepare the submission for the Board.

5. Update on HB 1305, Pertaining to Notices of Disqualification

Judge Goodwin provided some background about this item: Judge Eisenberg proposed both legislative and rule changes to modify the provisions related to the disqualification of CLJ judges. The legislation progressed until the end of session but ultimately was not enacted. At this time, the rules (as well as the statutes) pertaining to superior courts and courts of limited jurisdiction are not congruent. The Committee agreed to pursue an amendment to the rules pertaining to disqualification, so Judge Eisenberg will bring forth a proposal at the next meeting. Judge Oaks offered to work on the issue as well. This item will be continued to the next Committee meeting.

6. Discuss Proposal to Amend CrRLJ 8.2, Pertaining to Reconsideration

The Committee has previously discussed whether CR 59 should be expressly incorporated into CrRLJ 8.2, which the WSBA is considering proposing. The opinion of most Committee members was that most judges currently follow CR 59 when it makes sense under certain circumstances. Although the deadline to comment has passed, the Committee agreed to continue to discuss this matter. Judge Oaks suggested sending a survey to the DMCJA membership regarding this issues. Ms. Benway agreed to research how that might be accomplished. This item will be continued to the next Committee meeting.

7. Review Committee Annual Report and Proposed Meeting Schedule

Ms. Benway presented the Committee with the Rules Committee's 2019 Annual Report, which was provided to the DMCJA Board. The Committee reviewed the proposed meeting schedule, which suggests having meetings on the 4th Wednesday of each month. The Committee agreed to proceed with that schedule.

8. Other Business and Next Meeting Date

Judge Oaks stated that he had spoken with Judge Ringus, Chair of the Uniform Infraction and Citation Committee (UICC), who is concerned about the potential impact of the recent legislative appeal of RCW 9A.72.085. Ms. Benway stated that she would provide the Committee with information about the matter at the next meeting. This item will be added to the agenda of the next Committee meeting.

The next Committee meeting is scheduled for Wednesday, July 24, 2019 at noon via teleconference.

There being no further business, the meeting was adjourned at 8:20 a.m.



DMCJA Rules Committee
Wednesday, July 24, 2019 (Noon – 1:00 p.m.)
Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Goodwin
Judge Buttorff
~~Judge Campagna~~
~~Judge Eisenberg~~
~~Commissioner Hanlon~~
~~Judge Oaks~~
~~Commissioner O'Sullivan~~
Judge Samuelson
Ms. Patti Kohler, DMCMA Liaison
~~Ms. Melanie Conn, DMCMA Liaison~~

AOC Staff:

Ms. J Benway
Mr. Tom Creekpaum

Judge Goodwin called the meeting to order at 12:04 p.m.

The Committee discussed the following items:

1. Welcome & Introductions

Judge Goodwin welcomed the Committee members in attendance.

2. Approve Minutes from the June 4, 2019 Rules Committee meeting

It was motioned, seconded, and passed to approve the minutes from the June 4, 2019 Rules Committee meeting. The approved minutes will be provided to the DMCJA Board.

3. Discuss WSBA Proposal to Amend IRLJ 2.1

The WSBA Rules Committee is reviewing the IRLJ this year, and has proposed that IRLJ 2.1 be amended to change “respondent” to “defendant” and to allow for email responses. The DMCJA Rules Committee had no concerns with regard to the amendment to IRLJ 2.1(b)(6). With regard to the proposed amendment to IRLJ 2.1(b)(7), the Committee approved of adding email as a possible response method but was concerned that the phrasing implied that an email response was required rather than merely allowed. The Committee directed Ms. Benway to contact Mr. Zimmerman, Chair of the IRLJ Subcommittee, to inquire whether that was the intent of the amendment and to express the Committee’s concerns.

4. Legislative Update: HB 1908 and SB 5017

Ms. Benway stated that recently-passed legislation would have a potential impact on court rules. She distributed a memo discussing HB 1908, repealing the electronic authentication act, and SB 5017, concerning the uniform unsworn declarations act, which amend or repeal statutes that are

referenced in GR 30 pertaining to electronic signatures and filing. Ms. Benway also stated that the Supreme Court had issued a General Order pertaining to GR 30 that sought to address the potential authentication gap created through the repeal of RCW 19.34.020.

The Committee discussed how to respond to potential impact from the legislation, which Judge Goodwin encouraged Committee members to review. Initial concerns include identifying which statewide court rules refer to a soon to be repealed statute (i.e., RCW 9A.72.085 or RCW 19.34.020), and also advising individual courts to review their local court rules. Ms. Benway stated that she would attempt to provide a list of impacted statewide rules prior to the next meeting. This item will be carried over to the next meeting.

5. Discuss IRLJ Amendment Process

Judge Goodwin stated that Judge Steiner had been working on this project prior to his being appointed to the superior court. Judge Steiner recently provided revised materials for the proposed amendments, which Ms. Benway distributed to the Committee. Judge Buttorff stated that she would reach out to Jon Zimmerman, Chair of the WSBA's IRLJ Subcommittee, to see how the DMCJA Rules Committee might get involved in the process. Ms. Benway stated that she could facilitate this communication. This item will be carried over to the next meeting.

6. Discuss WSBA Proposal to Amend CrRLJ 8.2

The Committee previously discussed this item but lacked consensus regarding whether to proceed. The Committee discussed polling CLJ judges to see if this proposed amendment was a concern. Ms. Benway provided information regarding this option. The Committee determined not to proceed with commenting on the proposal unless it is published for comment by the Supreme Court or action is requested by the DMCJA Board.

7. Discuss CIC Proposal to Amend GR 29

The Committee had previously commented on and made recommendations regarding amendments to GR 29 that were proposed by the Council on Independent Courts (CIC). Following that recommendation, however, the Board voted to send the proposal back to the CIC for review. The Board has now approved new amended language and has requested that the Rules Committee integrate the proposals and comment on the form of the proposed rule. This item was tabled due to a lack of time for discussion. It will be carried over to the next meeting.

8. 2019-2020 Rules Committee Meeting Schedule and Roster

Ms. Benway provided the Committee with the 2019-2020 meeting schedule, which has Committee meetings on the 4th Wednesday of each month (except December). The Committee also has a new Roster, which contains the revised Committee charges that were also incorporated into the DMCJA Bylaws per a vote of the membership.

9. Other Business and Next Meeting Date

The next Committee meeting is scheduled for Wednesday, August 28, 2019 at noon via teleconference.

There being no further business, the meeting was adjourned at 12:49 p.m.

FILED
SUPREME COURT
STATE OF WASHINGTON
9/9/2019 8:15 AM
BY SUSAN L. CARLSON
CLERK

NO. 97071-8

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

STEVENS COUNTY DISTRICT COURT JUDGE,

Appellant.

AMICUS CURIAE MEMORANDUM OF
DISTRICT AND MUNICIPAL COURT JUDGES ASSOCIATION

Katherine George
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TABLE OF CONTENTS

I. INTRODUCTION 1

II. INTEREST AND IDENTITY OF AMICUS 2

III. STATEMENT OF THE CASE..... 3

IV. ARGUMENT..... 8

A. The Court of Appeals Answered the Wrong Question 8

1. The trial court decision was not based on the priority of
action doctrine 8

2. Rewriting the priority of action doctrine was unwarranted
and unwise..... 9

B. The Real Issue is That A Superior Court Cannot Make
Decisions In District Court Cases 14

1. The Court of Appeals decision invites chaos 14

2. The Superior Court’s subject matter jurisdiction is not
disputed. 15

3. A court’s power extends to its own cases and courtrooms. 17

V. CONCLUSION.... 18

TABLE OF AUTHORITIES

State cases

<i>Am. Mobile Homes v. Seattle-First Nat'l Bank</i> , 115 Wn.2d 307, 796 P.2d 1276 (1990).....	17, 18
<i>In Re Search Warrant for 13811 Highway 99, Lynnwood, Wash.</i> , 194 Wn.App.365, 378 P.3d 568 (2016).....	12, 13
<i>Khandelwal v. Seattle Mun. Court</i> , 6 Wn.App. 323, 431 P.3d 506 (2018)	12
<i>Lewis Co. v. Growth Mgmt. Board</i> , 113 Wn.App. 142, 53 P.3d 44 (2002)	16
<i>Seattle Seahawks v. King County</i> , 128 Wn.2d 915, 913 P.2d 375 (1996)	10
<i>Sherwin v. Arveson</i> , 96 Wn.2d 77, 633 P.2d 1335 (1981).....	10, 11
<i>State v. Cummings</i> , 87 Wn.2d 612, 555 P.2d 835 (1976).....	9
<i>State v. Hayes</i> , 37 Wn.App. 786, 683 P.2d 237 (1984)	16
<i>State v. Jackson</i> , 66 Wn.2d 24, 400 P.2d 774 (1965)	13
<i>State v. Stock</i> , 44 Wn.App. 467, 722 P.2d 1330 (1986)	12, 13
<i>State ex rel. Greenberger v. Superior Court of King County</i> , 134 Wn. 400, 235 P. 957 (1925).....	9, 10
<i>State ex rel. Harger v. Chapman</i> , 131 Wn. 581, 230 P. 833 (1924).....	9
<i>State v. Stevens County Dist. Court Judge</i> , 7 Wn.App. 927, 436 P.3d 430 (2019)	7, 8, 11, 12, 13
<i>Territory of Klee</i> , 1 Wn. 183, 23 P. 417 (1890)	9

<i>Yakima v. Int’l Ass’n of Fire Fighters, Local 469</i> , 117 Wn.2d 655, 818 P.2d 1076 (1991)	9, 10
---	-------

Federal cases

<i>Cal. Pub. Employees’ Ret. Sys. V. ANZ Sec., Inc.</i> , 137 S.Ct. 2042, 198 L.Ed.2d 584 (2017)	11
---	----

<i>Gerstein v. Pugh</i> , 420 U.S. 103, 95 S.Ct. 854 (1975)	13
--	----

<i>MacLean v. Wayne Circuit Court</i> , 52 Mich. 257, 18 N.W. 396 (1884).....	10
--	----

<i>National Equip. Rental, Ltd. v. Fowler</i> , 287 F.2d 43 (2 nd Cir. 1961).....	18
---	----

Other authorities

Washington Constitution art. I, section 10.....	14
---	----

CrRLJ 3.2.1(d)	12
----------------------	----

CrRLJ 3.2.1(e)	12
----------------------	----

RCW 2.20.030	13
--------------------	----

RCW 2.28.010	17
--------------------	----

RCW 2.28.060	17
--------------------	----

RCW 3.70.010	2
--------------------	---

RCW 3.70.040	2
--------------------	---

RCW 10.99.040	6
---------------------	---

Black’s Law Dictionary (3d ed 1933).....	12
--	----

I. INTRODUCTION

The Stevens County Superior Court asserted authority beyond its jurisdiction. The Stevens County District Court resisted. Feuding judges issued conflicting orders in criminal cases, causing confusion and threatening safety.

This dangerous disorder could be repeated around the state if the Court of Appeals decision is affirmed. That decision allows Superior Court judges to hear preliminary appearances, issue orders and schedule hearings *in District Court cases*. As illustrated in Stevens County, shifting authority within a case between district and superior courts can cause confusion, scheduling conflicts and duplicative hearings, while casting a cloud over the validity of orders.

In authorizing Superior Court intervention in District Court cases, the Court of Appeals used the wrong analytical framework, as if dealing with separate prosecutions of the same charge in two courts. This is not a dual prosecution case, nor does it present any dispute about the subject matter jurisdiction of Superior Courts. The issue is whether the Superior Court has authority to act *as a District Court*. It does not. The Court of Appeals failed to resolve or even acknowledge the question.

The visiting judge in Stevens County Superior Court got it right. A District Court is not required to recognize orders in its own cases unless

the orders are signed by duly elected or authorized judges *of the District Court* or issued by an appellate court. Because there is no rule, statute or constitutional provision empowering a Superior Court to issue orders for other courts, this Court should reverse the Court of Appeals and affirm the trial court.

II. INTEREST AND IDENTITY OF AMICUS PARTY

The District and Municipal Court Judges Association (hereafter “Judges Association”) is established pursuant to RCW 3.70.010, which says:

There is established in the state an association, to be known as the Washington state district and municipal court judges' association, membership in which shall include all duly elected or appointed and qualified judges of courts of limited jurisdiction, including but not limited to district judges and municipal court judges.

Under RCW 3.70.040, the Judges Association has the following duties:

- (1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;
- (2) Promulgate suggested rules for the administration of the courts of limited jurisdiction not inconsistent with the law or rules of the supreme court relating to such courts;
- (3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.

The Judges Association is interested in this case because it will affect the ability of courts of limited jurisdiction to control their own cases, schedules and procedures and to administer justice in an orderly manner. The Judges Association is concerned that the Court of Appeals decision, if affirmed, will result in conflicts between Superior Courts and District Courts across the state and invite challenges to the validity of preliminary orders. The Judges Association wants to avoid the confusion that would inevitably result from Superior Court judges issuing orders in District Court cases. The Judges Association submits this brief in the interest of protecting public safety and the fair and orderly processing of criminal cases.

III. STATEMENT OF THE CASE

The Judges Association adopts the Statement of the Case on pages 1-5 of the Appellant's Supplemental Brief. To illuminate practical implications of the case, additional facts are briefly summarized herein.

This appeal concerns a February 5, 2018 Administrative Order Re: Preliminary Appearances signed by both judges of the Stevens County Superior Court. CP 41, 45. The Administrative Order noted that preliminary appearances of criminal defendants are "customarily heard in District Court." CP 41. However, the Administrative Order decreed that

the Stevens County District Court could no longer handle preliminary appearances, and “effective immediately” the Superior Court would handle all such appearances. CP 44-45. In taking over preliminary appearances, the Superior Court judges made no distinction between arrestees charged in District Court and those charged in Superior Court. CP 41-45. The Superior Court judges directed the Stevens County Sheriff to serve the Administrative Order on the District Court Judge. CP 45.

On the same day as that Administrative Order, Superior Court Judge Jessica Reeves heard a first appearance of a man held on charges of driving with a suspended license, a gross misdemeanor. CP 21. Judge Reeves signed a “3.2 Hearing Order” ordering the man to “appear at the Stevens County District Court” that day at 1:30. CP 34-36. Although signed by a Superior Court judge, the Order was captioned: “District Court of Washington County of Stevens.” CP 34. Stevens County Deputy Prosecutor Will Ferguson, who attended the hearing, later testified: “The District Court refused to file the 3.2 Hearing Order, even though it was a District Court form and was duly signed by a Superior Court judge.” CP 21. He added that “[u]nbeknownst to the State,” the District Court Clerk issued a summons in the same case setting a District Court hearing for February 22, 2018, conflicting with Judge Reeves’ order for a District Court hearing on February 5, 2018. CP 22. Thus, two different courts

scheduled the same kind of hearing for the same man on two conflicting dates. CP 21-22, 34-36. Meanwhile, in two other cases, the District Court Judge ordered appearances at 1:30 that day although “she had been commanded by the Superior Court” to set them at noon. CP 22.

A few days later on February 9, 2018, the Superior Court ordered release of an inmate from the Stevens County Jail at around noon, but the inmate was still in custody at 2:29 p.m. when the District Court gave a conflicting order not to release him because “they were having a hearing in reference to a No-Contact Order at 3:00 p.m.” CP 121. The jail followed the Superior Court’s order and released the inmate despite the District Court’s need for his appearance later that day. *Id.* The District Court had set the 3 p.m. hearing out of concern that the Superior Court’s no-contact orders for the inmate, which were supposed to protect “victims involved in the incident,” were not valid. CP 117-118. More specifically, the District Court concluded the orders were “unlawful” because they were issued “under a District Court heading with a District Court Cause No.” by a Superior Court judge, and because no Superior Court judge or commissioner had not been sworn in as a pro tem judge of the District Court. CP 118. See also CP 103-104 (on the District Court’s Domestic Violence No-Contact Order form, the District Judge’s name was crossed out and “Superior Court Commissioner” was handwritten at the signature

line). The District Court further determined that, because the Superior Court had released the inmate and only the “jurisdiction authorizing release” could prohibit him from contacting the victim (per RCW 10.99.040), it was too late for the District Court to issue a valid no-contact order in that case. CP 118-119.

Meanwhile, the Stevens County Prosecutor petitioned the Superior Court for a writ of mandamus compelling the District Court to accept and enter Superior Court orders issued in District Court cases. CP 15. In hearing the writ petition, visiting judge John Strohmaier said: “what I’m concerned about is...having people think there’s protection orders when there’s not.” VRP 46. He asked Mr. Ferguson, the deputy prosecutor, if Superior Court judges can “dictate” hearing times in District Court. VRP 41. Mr. Ferguson said: “They essentially look at the District Court’s calendar – I mean....it’s public knowledge.” VRP 40.

In a Memorandum Opinion denying the writ, Judge Strohmaier framed the primary question as “whether the district court must allow the superior court to enter orders in district court.” CP 177. The answer was no. The trial court found no rule or other authority for a Superior Court judge “to conduct hearings in district court and enter orders in district court,” or to “command” the District Court to “change its own docket or the time of its hearings.” CP 177. The Memorandum Opinion said:

Furthermore, if a superior court could sign orders in the district court whenever a district court defendant is in-custody and needs to be brought before the court, it could cause uncertainty, inconsistency, and may cause a conflict if the defendant files an appeal to the superior court...

This holding does not limit the superior court to preside over preliminary appearances on defendants charged with misdemeanors/gross misdemeanors and to try such cases in superior court on cases filed in superior court, but any such hearings would need to be held in the superior court.

CP 177-178.

In reversing, the Court of Appeals did not address the question answered below: “whether the district court must allow the superior court to enter orders in district court.” CP 177; *State v. Stevens County Dist. Court Judge*, 7 Wn.App. 927, 436 P.3d 430 (2019). Rather, the Court of Appeals addressed whether the priority of action doctrine – which holds that “the court which first gains jurisdiction of a cause retains exclusive authority to deal with the action until the controversy is resolved” – precludes the Superior Court from holding a preliminary appearance hearing in a District Court’s criminal case. 7 Wn.App. at 930, 934. The Court of Appeals held that a preliminary appearance is “not a critical stage of a criminal prosecution” and has “no preclusive effect” on the criminal trial, and therefore the priority of action doctrine does not prevent the Superior Court from handling it in a District Court case. 7 Wn.App. at 930, 935.

IV. ARGUMENT

A. The Court of Appeals Answered the Wrong Question.

1. **The trial court decision was not based on the priority of action doctrine.**

The Court of Appeals wrongly characterized the trial court's decision as hinging on the "priority of action" doctrine. *Stevens Co. Dist. Judge*, 7 Wn.App. at 932. The Court of Appeals said: "Citing the priority of action rule, the visiting judge denied the State's petition....[T]he judge reasoned that a preliminary appearance is part of a criminal case and once the district court assumes jurisdiction of a case through a filed criminal charge, the superior court is prohibited from exercising jurisdiction." *Id.* The Court then devoted the rest of its opinion to knocking down what it thought was the trial court's reasoning. *Id.* at 932-936.

In fact, the priority of action doctrine was *not* the basis of the trial court decision. Judge Strohmaier merely noted it is the "majority view" that "in the absence of a statute giving one or the other courts exclusive jurisdiction, the one first assuming jurisdiction is entitled to exercise it to the exclusion of the other." CP 176. However, his Memorandum Opinion stated that which court "first assumed the case" would matter "[i]n the event that there are cases filed in both courts involving the same charges." CP 178. Judge Strohmaier explained that "the Stevens County Superior Court is not attempting to proceed with multiple proceedings" on the same

charges, and therefore “the issue of granting either the Stevens County District Court or the Superior Court exclusive jurisdiction depending on who first assumed the case *does not appear to be relevant.*” CP 176-177 (italics added). Thus, the priority of action doctrine was not the reason for denying the writ of mandamus, and the Court of Appeals analysis was off the mark.

2. Rewriting the priority of action doctrine was unwarranted and unwise.

For more than a century, this Court has applied the priority of action doctrine when the same claims or charges are brought in two courts. *Territory of Klee*, 1 Wn. 183, 23 P. 417 (1890) (probate courts in King and Pierce counties issued rulings regarding the same estate); *State ex rel. Harger v. Chapman*, 131 Wn. 581, 230 P. 833 (1924) (a gross misdemeanor charge was filed first in District Court and then in Superior Court); *State ex rel. Greenberger v. Superior Court of King County*, 134 Wn. 400, 235 P. 957 (1925) (two Superior Courts appointed guardians for a minor); *State v. Cummings*, 87 Wn.2d 612, 555 P.2d 835 (1976) (fraud charges were filed first in Seattle District Court, then in Superior Court); *Yakima v. Int’l Ass’n of Fire Fighters, Local 469*, 117 Wn.2d 655, 818 P.2d 1076 (1991) (a city brought a declaratory judgment action in Superior Court concerning issues already pending before the Public Employment

Relations Commission); *Seattle Seahawks v. King County*, 128 Wn.2d 915, 913 P.2d 375 (1996) (parties filed actions concerning the same contract dispute in different Superior Courts on the same day).

Greenberger explained the rule:

It is an accepted principle that, when a court of competent jurisdiction has become possessed of a case, its authority continues, subject only to appellate authority, until the matter is finally and completely disposed of, and no court of coordinate authority is at liberty to interfere with its action.

134 Wn. at 401. The principle “is essential to the proper and orderly administration of the laws,” and is “enforced to prevent unseemly, expensive and dangerous conflicts of jurisdiction and of process.” *Id.*, quoting *MacLean v. Wayne Circuit Court*, 52 Mich. 257, 18 N.W. 396 (1884). “The country has witnessed some such conflicts in which Federal and state courts of coordinate powers have unguardedly or unadvisedly undertaken to hamper or restrain each other’s action, and the mischiefs of which such cases are suggestive are quite as likely to arise when courts existing as part of the same system intrude with their process upon each other’s authority.” *Id.* at 401-402.

The priority of action rule applies when **two cases** are identical as to subject matter, parties and relief. *Yakima*, 117 Wn.2d at 675; *Sherwin v. Arveson*, 96 Wn.2d 77, 80, 633 P.2d 1335 (1981). This identity “must be

such that a final adjudication of the case by the court in which it first became pending would, as res judicata, be a bar to further proceedings in a court of concurrent jurisdiction.” *Sherwin* at 80. In *Sherwin*, for example, this Court held that priority of action did not bar Pierce County Superior Court from deciding a 90-day involuntary commitment after King County Superior Court granted a 14-day commitment for the same people because relief in the first case was statutorily limited to 14 days. *Id.*

Here, the writ of mandamus at issue is not concerned with two cases in two courts. Rather, it deals with preliminary appearances in criminal cases filed *solely in District Court*. In fact, the Superior Court orders which the District Court refused to file were on District Court forms with District Court case numbers. The Court of Appeals nevertheless treated preliminary appearances as if they are subsequent cases filed in Superior Court concerning the same charges filed in District Court. *Stevens Co. Dist. Judge*, 7 Wn.App. at 930 (holding that a preliminary appearance, like a search warrant proceeding, is “not part of the same case” as the underlying criminal charge). This reasoning reflects a fundamental misunderstanding of the facts and needlessly confuses the definition of “action” for purposes of the priority of action doctrine.

An “action” is essentially synonymous with a “suit.” *Cal. Pub. Employees’ Ret. Sys. V. ANZ Sec., Inc.*, 137 S.Ct. 2042, 2054, 198 L.Ed.2d

584 (2017), citing Black’s Law Dictionary 43 (3d ed. 1933). Here, the Court of Appeals stretched the definition of action to encompass a preliminary appearance in order to justify the Superior Court stepping in and entering orders in District Court cases. This is wrong. A preliminary appearance is not an “action” or a “suit.” CrRLJ 3.2.1(d) and (e). Its purpose is “to provide the accused with an attorney and to inform her of the nature of the charges against her, her right to assistance of counsel, and the right to remain silent.” *Khandelwal v. Seattle Mun. Court*, 6 Wn.App. 323, 326, 431 P.3d 506 (2018). If the court denies release at the preliminary appearance, it must determine whether probable cause exists to believe the accused committed the alleged crime. *Id.* at 326-327; CrRLJ 3.2.1(e). Thus, a preliminary appearance is inextricably tied to the underlying criminal charge.

The Court of Appeals relied on *In Re Search Warrant for 13811 Highway 99, Lynnwood, Wash.*, 194 Wn.App.365, 378 P.3d 568 (2016) and *State v. Stock*, 44 Wn.App.467, 722 P.2d 1330 (1986), for the proposition that if a criminal proceeding is “distinct from a criminal trial and has no preclusive effect on the trial process” it can be handled in a different court than the trial court without violating the priority of action doctrine. *Stevens Co. Dist. Court Judge*, 7 Wn.App. at 934. But both of those cases involved search warrant proceedings in district or municipal

court pursuant to RCW 2.20.030 and separate related cases in Superior Court. *In re Search Warrant*, 194 Wn.App. at 372-373; *Stock*, 44 Wn.App. at 473-474. Thus, there were two “actions” in two courts, unlike here, where the preliminary appearances at issue are conducted in *the same case* and *in the same court* where charges are filed. To analyze proceedings within a single case under the priority of action rule is to stretch the meaning of “action” beyond law and logic.

Muddying the waters further, the Court of Appeals reasoned that a preliminary appearance is distinct from a criminal trial because it is not considered a “critical stage” of a prosecution. *Stevens Co. Dist. Crt. Judge*, 7 Wn.App. at 935, citing *Gerstein v. Pugh*, 420 U.S. 103, 122-23, 95 S.Ct. 854 (1975) and *State v. Jackson*, 66 Wn.2d 24, 28-29, 400 P.2d 774 (1965). But the “critical stage” analysis in *Gerstein* and *Jackson* dealt with when a defendant has a constitutional right to counsel, and the cases had nothing to do with priority of action between courts or the authority of Superior Courts to enter orders in District Courts. *Gerstein*, 420 U.S. at 122; *Jackson*, 66 Wn.2d at 25. The Court of Appeals essentially introduced an expansive new definition of “action” for purposes of the priority of action rule, opening the door to jurisdictional conflicts over any criminal proceeding that is not “critical” and has no “preclusive effect” on the trial. Rewriting the doctrine was both unwise and unwarranted by law.

B. The Real Issue is That A Superior Court Cannot Make Decisions In District Court Cases.

The actual issue presented here is correctly summarized on page 5 of Judge Strohmaier's Memorandum Opinion: "Is the district court required to comply with the superior court's administrative order and *enter the superior court orders into the district court's files?*" CP 176 (italics added). Put another way, can the Superior Court directly intervene in District Court cases, making decisions *as the District Court?* The answer must be no, if administration of justice is to be orderly, efficient and fair.

1. The Court of Appeals decision invites chaos.

The record in this case illustrates the confusion and danger that would occur around the state if Superior Courts can take over preliminary appearances in District Court cases. In several cases, the Stevens County superior and district courts ordered conflicting hearing dates. Conflicting schedules pose an unacceptable risk that criminal defendants, defense attorneys or prosecutors will miss hearings, slowing the wheels of justice, wasting resources and possibly jeopardizing public safety or the fairness of the process. The public's article 1, section 10 right to open administration of justice also is implicated when hearing dates are unclear.

Also, when courts cannot agree which court is in control, the validity of all orders is clouded, as happened with the domestic violence case in Stevens County. The record does not reveal whether the Superior

Court's insistence on signing a no-contact order for the District Court, rather than facilitating the District Court's issuance of its own order, resulted in harm to the persons needing protection. But certainly such harm was possible, especially after the Superior Court ordered the inmate's release before the District Court could hold a no-contact hearing.

Another obvious danger is that Superior Courts will schedule District Court hearings without knowing the actual availability of the District Court. Here, the State's attorney indicated that the Superior Court simply looked at the publicly posted District Court calendar rather than consulting with the District Court when setting District Court hearings. The practical challenges with one court issuing another court's orders weigh strongly against affirming the Court of Appeals.

2. The Superior Court's subject matter jurisdiction is not disputed.

The State's main argument seems to be that, because the Superior Court has constitutional authority to decide misdemeanors and gross misdemeanors, it can enter orders in such criminal cases even if they were filed in District Court. Supp. Briefing at 6-11. By the State's logic, the District Court is somehow taking power away from the Superior Court by insisting on signing the District's Court's own orders and scheduling the District Court's own hearings. *Id.* at 9. This novel assertion is baffling.

The Stevens County Superior Court can handle its own criminal cases without interference from the District Court. If Superior Court judges want to handle District Court cases in addition to their own cases, they can seek authorization to act as District Court judges pro tem. The District Court Judge does not dispute that the Superior Court has concurrent jurisdiction in misdemeanor and gross misdemeanor cases. CP 176.

The State argues: “The issue is not where a file is located or where a charge is filed; the issue is whether the Superior Court has jurisdiction to hear in-custody first appearances on misdemeanor and gross misdemeanor cases.” Supp. Briefing at 9. The State cites no authority for the proposition that “where a charge is filed” has no bearing on a court’s power to act. *Id.* A court has jurisdiction only after a party commences an action. *Lewis Co. v. Growth Mgmt. Board*, 113 Wn.App. 142, 153, 53 P.3d 44 (2002). Depending on the nature of the action, a District Court might have exclusive jurisdiction. *See, e.g., State v. Hayes*, 37 Wn.App. 786, 788, 683 P.2d 237 (1984) (Superior Court lacked jurisdiction to grant deferred prosecution). The State cites no case, law or rule establishing that an action filed in District Court is subject to Superior Court intervention simply because the Superior Court could have exercised jurisdiction if the action had been filed there.

3. A court’s power extends to its own cases and courtrooms.

The Legislature has defined every court’s power as follows:

Every court of justice has power—(1) To preserve and enforce order *in its immediate presence*. (2) To enforce order *in the proceedings before it*, or before a person or body empowered to conduct a judicial investigation under its authority. (3) To provide for the orderly conduct of proceedings *before it or its officers*. (4) To compel obedience to its judgments, decrees, orders and process, and to the orders of a judge out of court, in an action, suit or proceeding pending therein. (5) To control, in furtherance of justice, the conduct *of its ministerial officers*, and of all other persons in any manner connected with a *judicial proceeding before it*, in every matter appertaining thereto. (6) To compel the attendance of persons to testify in an action, suit or proceeding therein, in the cases and manner provided by law. (7) To administer oaths in an action, suit or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

RCW 2.28.010 (italics added). Similarly, every judicial officer has power to “preserve and enforce order in his or her immediate presence and in the proceedings before him or her” when engaged in judicial duties. RCW 2.28.060. These statutes defining judicial powers do not contemplate one court controlling the officers and proceedings of a different court.

Nor is there authority for one trial court to compel another trial court to relinquish jurisdiction. *Am. Mobile Homes v. Seattle-First Nat’l Bank*, 115 Wn.2d 307, 316, 796 P.2d 1276 (1990) (a Superior Court cannot order consolidation or transfer of a case that is not pending before

it). “The administration of justice would be chaotic indeed if one district court could order another to divest itself of jurisdiction and to transfer a case properly before it.” *Id.*, quoting *National Equip. Rental, Ltd. v. Fowler*, 287 F.2d 43, 46-47 (2nd Cir. 1961). The same principle applies to a Superior Court shifting a District Court’s power to itself, as attempted here. Because the administration of criminal cases “would be chaotic indeed” if the Court of Appeals ruling is affirmed, this Court should hold that a Superior Court is without authority to issue orders and set hearings in District Court cases.

V. CONCLUSION

For the foregoing reasons, this Court should reverse the Court of Appeals and affirm the trial court.

Dated this 9th day of September, 2019.

JOHNSTON GEORGE LLP

By: s/ Katherine George
Katherine George, WSBA 36288

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on September 9, 2019, I served a copy of the foregoing memorandum and related Motion for Leave to File an Amicus Curiae Memorandum to registered parties via the Supreme Court's web portal.

A handwritten signature in black ink, appearing to read "Kathu George", written over a horizontal line.

KATHERINE GEORGE

JOHNSTON GEORGE LLP

September 09, 2019 - 8:15 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 97071-8
Appellate Court Case Title: State of Washington v. Stevens County District Court Judge
Superior Court Case Number: 18-2-00062-7

The following documents have been uploaded:

- 970718_Briefs_20190909081202SC807277_4682.pdf
This File Contains:
Briefs - Amicus Curiae
The Original File Name was Amicus Curiae Memorandum of District and Municipal Court Judges Association 9 9 19.pdf
- 970718_Motion_20190909081202SC807277_6547.pdf
This File Contains:
Motion 1 - Amicus Curiae Brief
The Original File Name was District and Municipal Court Judges Assoc Motion for Leave to File Amicus Brief 9 9 19.pdf

A copy of the uploaded files will be sent to:

- jbaker@mrklawgroup.com
- jmoberg@mrklawgroup.com
- kathy@johnstongeorge.com
- wferguson@stevenscountywa.gov
- will.ferguson208@gmail.com

Comments:

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Address:
2101 4TH AVE STE 860
SEATTLE, WA, 98121
Phone: 206-832-1820

Note: The Filing Id is 20190909081202SC807277



July 11, 2019



District & Municipal Court Judges Association
c/o Sharon Harvey, Court Association Coordinator

We are pleased to provide you with the following proposal in response to your request for services.

Organizational Profile

Fruci & Associates II PLLC, along with its parent-entity – Fruci & Associates PS, is a full-service accounting firm serving clients throughout the U.S. and abroad. We are registered with the Public Company Accounting Oversight Board, as well as the Canadian Public Accountability Board. The firm is also a member of both the American Institute of Certified Public Accountants and the Washington Society of Certified Public Accountants. Our Spokane, WA office is currently composed of thirty-six full-time staff, twenty-one of whom are CPAs. Our client base consists of individuals, partnerships, LLCs and corporations in a variety of businesses and industries, with primary focus on publicly traded companies or other entities aspiring to become registrants. A significant amount of our services is in the performance of audits and reviews of our clients’ financial statements and related assurance services. We also provide robust consulting and tax services when not serving as the auditor of record for publicly traded companies.

Members of:

WSCP

AICPA

We encourage all members of our firm to exceed the minimum standards of training in their respective areas of expertise and are very diligent in ensuring that each member of our staff is adequately trained for their position.

802 N Washington

PO Box 2163

Spokane, Washington

99210-2163

We believe that Fruci & Associates II PLLC has an excellent professional reputation. Please visit our website at www.fruci.com, which provides biographies of our partners and staff.

P 509-624-9223

mail@fruci.com

www.fruci.com

Engagement Approach

The overall objectives of an audit engagement would be to:

- 1. Perform an audit of the Association’s financial information for the past 5 years, as requested.

The overall objectives of an AUP (agreed-upon procedures) engagement would be to:

- 2. Perform specific procedures, only those as requested and agreed upon, of specific information or accounts within the Association’s financial information.

Should our firm be selected for either of these engagements, we will then provide a formal engagement letter to you to document our responsibilities under these engagements.

Audit

We will coordinate the audit with the Association's designated financial contact to ensure timely closing of the books/records and to obtain feedback on key issues and areas to be addressed in the audit.

We will obtain an understanding of the internal control structure and operating characteristics including reporting requirements. We will provide advice, as we deem necessary, to strengthen the current control structure of the Company.

We will identify and document audit risk to concentrate our audit efforts in the critical areas to achieve audit effectiveness. We will tailor our programs to strengthen audit efficiencies, test the financial statement assertions, and meet our audit objectives.

We will provide a detailed request for information and schedules for your staff to provide us prior to initiating the audit fieldwork. This will include supporting workpapers for all material balance sheet accounts.

We will review the financial statements, footnotes, and any supplemental information, as applicable, to ensure compliance with requirements and regulations and will communicate to management any identified deficiencies in these documents for correction.

Timing

Regarding the Corporation's audit, we anticipate performing the audit upon the finalization of the financial transactions and the coordination with Association personnel. We anticipate the completion of the audit between sixty and seventy-five days after all information requested has been provided to us, dependent on timing of the closing and finalization of the accounting records (as necessary).

Completion of the audit is contingent upon full cooperation of personnel to communicate openly and fully disclose all matters to us. Also, of importance is the participation of the Board of Directors with the financial close and reporting process to complete the required filing documents with the appropriate rigor.

Personnel

We intend to utilize experienced and qualified staff to perform this engagement.

Kory Kolterman, CPA will have overall responsibility for the engagement and will serve as the Engagement Partner.

Proposed Fee Quote

Our proposed fee range for our services is as follows:

- Audit for the prior 5-year period requested – Fees not to exceed \$22,000, excluding travel or other costs, as applicable.
- AUPs for the 5-year period requested - Fees not to exceed \$10,000, excluding travel or other costs, as applicable.

Our proposed fees are based on the accounting records of the Association being fully adjusted for each reporting period. Our fees are based on receiving support for all engagement requests in a timely and efficient manner, preparation of confirmation letters and retrieving and copying original transaction documents and agreements.

Any significant changes in funds or specific issues identified during the course of our engagement could result in increased time and fees associated with our engagement. If during the conduct of our engagement work we encounter unusual or unanticipated transactions or events that will require significantly more work effort than initially anticipated, we will discuss the matter with you and arrive at a mutual understanding for any fee modification before we proceed.

We thank you for the opportunity to provide you with this proposal.

Best regards,

Fruci & Associates II, PLLC

Fruci & Associates II, PLLC



272 - Snohomish District Court Case Management System (CMS) to Enterprise Data Repository (EDR) Data Exchange

Request Status Summary

Request Status Awaiting Endorsement

Request Detail

Requestor Name:
Bjurstrom, Lauren M

Origination Date:
05/03/2019

Recommended Endorser:

District and Municipal
Court Judges' Association

Original Title:

SCDC New
CMS

Request Type:
**Which Systems are
affected?**

New System
Judicial
Information
System (JIS)
Superior
Court
Management
Information
System
(SCOMIS)
Data
Warehouse
Judicial
Access
Browser
System
(JABS)
Possible Case
History (PCH)
Case and
Criminal
History
(CACH)
Court Case
Management

Business Area:

Communities Impacted: Superior
Court Judges
County Clerks
Superior
Court
Administrators
CLJ Judges
CLJ Managers
State
Agencies
Public and
Other Users

Impact if not Resolved: High

Impact Description:

If this system is not implemented with the ability to integrate with the state EDR and EDE, Snohomish County District Court will be required to perform double data entry. This will nullify the advancement to an electronic Case/Document Management System and actually create parallel workflows.

What is the Business Problem or Opportunity

Snohomish County District Court (SCDC) is seeking to purchase and implement an electronic Case and Document Management system. We are working with Journal Technologies to employ the eCourt and eProbation suites as our solution. When the implementation is complete, SCDC will no longer use JIS or the other program that make up our existing CMS systems. As part of this project SCDC will require the assistance of AOC with data upload into the Enterprise Data Repository (EDR) through the Expedited Data Exchange (EDE) program.

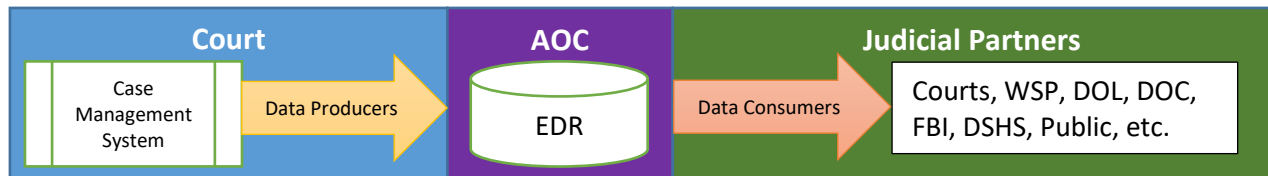
Expected Benefit:

A new Case and Document Management system will streamline work flow and eliminate redundancies. Remove the need for duplicate data entry between various entities, which will in turn reduce error rate, speed up the flow of information, and provide greater public access. This will transition SCDC to a paper-on-demand court (no court will be totally paperless) and provide greater access to the court via public portals. The system will interface with not only our Probation CMS it will interface with the Snohomish County Prosecutor's legacy CMS system eliminating the redundancy in that process as well.

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.



Judge Timothy A. Jenkins
Chair
Sumner Municipal Court

Judge Jacqueline Shea-Brown
Vice-Chair
Benton/Franklin Superior Courts

Judge Marybeth Dingley
Snohomish County Superior Court

Judge Michael J. Finkle
King County District Court

Judge Marilyn K. Haan
Cowlitz County Superior Court

Judge Mary C. Logan
Spokane Municipal Court

Judge Bruce I. Weiss
Snohomish County Superior Court

Judge Susan J. Woodard
Yakima Municipal Court

Judge Lisa Worswick
Court of Appeals, Division II

Dr. Susanna N. Kanther-Raz,
PsyD., M.S., C.A.M.F.

*Established to prevent or
alleviate problems on and off
the bench before they impact a
judicial officer's performance.*

TO: Judge Samuel G. Meyer, President
District and Municipal Court Judges' Association

Judge Kitty-Ann van Doorninck, President
Superior Court Judges' Association

FROM: Judge Timothy A. Jenkins, Chair
Judicial Assistance Services Program Committee

DATE: August 28, 2019

RE: Amendments to the JASP Bylaws

Last year the SCJA Board suggested adding a section to the JASP bylaws regarding the removal of a JASP member if there was ever a need to do so. The JASP committee reviewed the current JASP bylaws and would like to make the following amendment.

ARTICLE III - Membership

(A) Membership shall consist of eight (8) members of which four (4) shall be appointed by the President of the SCJA and four (4) appointed by the President of the DMCJA.

(B) Each member shall be appointed by the respective President for a two-year term. For the first cycle, each President shall appoint two (2) members for a one-year term and two (2) members for a two-year term.

(C) In addition to members identified in paragraph III (A), at the request of the JASP Executive Committee, there may be two non-voting appellate court members which may be from either level of the appellate courts. Court of Appeals members will be appointed by the Presiding Chief Judge of the Court of Appeals and Supreme Court members will be appointed by the Chief Justice of the Supreme Court. Appellate Court members shall serve a two year term.

(D) To be eligible for appointment, each member will have to attend the Annual Peer Counselor Training every two (2) years.

(E) Terms of membership shall begin July 1st of the year of appointment.

(F) If a member fails to attend two (2) consecutive JASP committee meetings, or does not attend two (2) consecutive JASP Peer Counselor trainings, the JASP Executive Committee will directly contact the member. If the member does not wish to continue on the committee or does not respond, the JASP Executive Committee will notify the Association the member represents, requesting the member be removed from the committee and a replacement named.

We have attached a full copy of the JASP bylaws with the proposed changes for your review and approval.

If you have any questions or concerns, do not hesitate to contact me at timj@sumnerwa.gov, jenkinst@ci.bonney-lake.wa.us or (253) 862-6606.

Thank you for considering these changes.

Cc: Judith M. Anderson
Chrissy Anderson
Sharon Harvey



Judicial Assistance Services Program (JASP)

A joint committee of the DMCJA and SCJA

BY-LAWS

ARTICLE I

There is established a joint committee of both the District and Municipal Court Judges' Association (DMCJA) and the Superior Court Judges' Association (SCJA). This committee is effective upon ratification of the DMCJA Board and the SCJA Board. Where funding allows, the committee shall also include a Services Provider/Clinical Consultant independent contractor who need not be a judge or attorney.

ARTICLE II

Purpose

Judicial Assistance Services Program (JASP) offers confidential assistance with mental/emotional, drug, alcohol, family, health, and other personal problems. Services including assessment, referral, short-term or long-term counseling, follow-up, and training.

JASP may train and use Peer Counselors to assist in fulfilling its duties.

JASP is bound by the confidentiality rule set forth in DRJ 14(e)).

ARTICLE III

Membership

- (A) Membership shall consist of eight (8) members of which four (4) shall be appointed by the President of the SCJA and four (4) appointed by the President of the DMCJA.
- (B) Each member shall be appointed by the respective President for a two-year term. For the first cycle, each President shall appoint two (2) members for a one-year term and two (2) members for a two-year term.
- (C) In addition to members identified in paragraph III (A), at the request of the JASP Executive Committee, there may be two non-voting appellate court members which may be from either level of the appellate courts. Court of Appeals members will be appointed by the Presiding Chief Judge of the Court of Appeals and Supreme Court members will be appointed by the Chief Justice of the Supreme Court. Appellate Court members shall serve a two year term.
- (D) To be eligible for appointment, each member will have to attend an Annual Peer Counselor Training every two (2) years.
- (E) Terms of membership shall begin July 1 of the year of appointment.
- (F) If a member fails to attend two (2) consecutive JASP committee meetings, or does not attend two (2) consecutive JASP Peer Counselor trainings, the JASP Executive Committee will directly contact the member. If the member does not wish to continue on the committee or does not respond, the JASP Executive Committee will notify the Association the member represents, requesting the member be removed from the committee and a replacement named.

ARTICLE IV

Officers

The Committee shall have two officers: a Chair and a Vice Chair. For the first cycle, the DMCJA shall appoint the Chair and the SCJA shall appoint the Vice Chair. The terms of the Chair and the Vice Chair are for two-years and the Vice Chair shall succeed the Chair at the end of the Chair's term. Upon completion of the first cycle, the Vice Chair shall succeed the Chair and the organization whose representative is not the chair shall appoint the new Vice Chair.

The officers shall have authority to create an Executive Committee to include themselves, the current AOC liaison, and the current services provider/clinical consultant. The Executive Committee shall have authority to conduct day-to-day business, as needed.

ARTICLE V

Regular Meetings

There shall be at least one yearly meeting and training session which may be combined and as many meetings as deemed necessary by the Chair. To take any formal action, quorum consisting of four members must be present.

ARTICLE VI

Special Meetings

Special meetings may be called by Chair or by any seven members of the Committee. Reasonable notice of a special meeting shall be given each member. To take any formal action, a quorum consisting of four members must be present except for Executive Committee meetings.

ARTICLE VII

Voting

Each member of the Committee shall have one vote. All decisions shall be made by a majority vote of those present and providing that there is one affirmative vote from a DMCJA and SCJA member. The services provider/clinical consultant shall not vote on matters related to compensation for contracted services.

ARTICLE VIII

Ad Hoc Members

The Chair, with the concurrence of the Vice-Chair, may appoint ad hoc members to assist the Committee.

Amendments approved by the DMCJA Board of Governors January 2017
Amendments approved by the SCJA Board of Governors November 2016
Last amended 4/2/2016
Last amended 8/22/2014
Last updated 3/6/2012
Ratified by the DMCJA Board of Governors January 2011
Ratified by the SCJA Board of Governors March 2011
N:/programs & organizations\jasp\governing documents\bylaws

TO: Judge Sam Meyer, President, DMCJA Board
FROM: DMCJA Rules Committee
SUBJECT: Proposal to Amend CrRLJ 1.3
DATE: September 13, 2019

As you know, the DMCJA Rules Committee is charged with reviewing proposals for court rule amendments that would impact courts of limited jurisdiction. The WSBA has proposed amendments to CrR 1.3, pertaining to the effect of court rules, to clarify the language and comport with case law. Upon review of the proposal, the DMCJA Rules Committee determined that a similar change would be helpful for CrRLJ 1.3, and would have the added benefit of keeping the trial court rules congruent.

The proposed amendment is intended to clarify the rule and be consistent with case law. When the Criminal Rules were first enacted, subsection (a) was designed to provide continuity in procedure for cases pending on the date the rules first became effective. As that is no longer a concern, the proposed amendment would eliminate the language about what rules apply in which situation. This would make the language consistent with case law that new criminal rules apply to pending cases, regardless of when the case began, unless the court finds the interest of justice would be served by adhering to the prior formulation. *State v. Olmos*, 129 Wn. App. 750, 757, 120 P.3d 139 (2005); *State v. Matlock*, 27 Wn. App. 152, 157, 616 P.2d 684 (1980). The language of the rule still gives a court the authority to apply the prior rules of procedure “in the interests of justice.” For these reasons, the Rules Committee recommends that the DMCJA Board forward this proposal to the Supreme Court for consideration as part of its rule review cycle.

Thank you for your consideration of this matter. If you have any questions, please contact AOC Staff J Benway at 36-357-2126 or Jennifer.benway@courts.wa.gov or Judge Jeffrey Goodwin at 425-744-6800 or jeffrey.goodwin@snoco.org.

CC: DMCJA Rules Committee

Attachment: GR 9 Cover Sheet and Rule Proposal for CrRLJ 1.3 Amendment

GR 9 COVER SHEET

**Suggested Amendment to
WASHINGTON STATE COURT RULE:**

CrRLJ 1.3: EFFECT

Submitted by the District & Municipal Courts Judges Association

- A. Name of Proponent:** District & Municipal Courts Judges' Association
- B. Spokesperson:** Judge Samuel Meyer, President
DMCJA

C. Purpose:

The proposed amendment is intended to clarify the effect of the rule and be consistent with case law. When the Criminal Rules were first enacted, subsection (a) was designed to provide continuity in procedure for cases pending on the date the rules first became effective. As that is no longer a concern, the proposed amendment would eliminate the language about what rules apply in which situation. This would make the language consistent with case law that new criminal rules apply to pending cases, regardless of when the case began, unless the court finds the interest of justice would be served by adhering to the prior formulation. *State v. Olmos*, 129 Wn. App. 750, 757, 120 P.3d 139 (2005); *State v. Matlock*, 27 Wn. App. 152, 157, 616 P.2d 684 (1980). The language of the rule still gives a court the authority to apply the prior rules of procedure "in the interests of justice."

The WSBA has proposed amendments to CrR 1.3, pertaining to the effect of court rules, to clarify the language and comport with case law. Adoption of a similar proposal would help clarify CrRLJ 1.3, and would have the added benefit of keeping the trial court rules congruent.

D. Proposed Amendments:

Current Rule 1.3:

Except as otherwise provided elsewhere in these rules, on their effective date:

(a) Any acts done before the effective date in any proceedings then pending or any action taken in any proceeding pending under rules of procedure in effect prior to the effective date of these rules are not impaired by these rules.

(b) These rules also apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were

commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedures of these rules.

Proposed Amendment:

On their effective date these rules apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice.

- E. **Hearing**: A hearing is not recommended.
- F. **Expedited Consideration**: None.

PROPOSED AMENDMENT:

CrRLJ 1.3

EFFECT

~~Except as otherwise provided elsewhere in these rules, o~~On their effective date:

~~—(a) Any acts done before the effective date in any proceedings then pending or any action taken in any proceeding pending under rules of procedure in effect prior to the effective date of these rules are not impaired by these rules.~~

~~—(b) T~~hese rules also apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice ~~or because of infeasibility of application of the procedures of these rules.~~

From: Riese, Mitchell A (ATG) <mitchell.riese@atg.wa.gov>
Sent: Monday, September 16, 2019 3:12 PM
To: Judge Sam Meyer <sam.meyer@co.thurston.wa.us>
Subject: RE: Thurston County Meeting re: ICE arrest on campus

Hello Judge Meyer,

I wanted to follow up on our conversation last month about ICE immigration enforcement at or near courthouses. Thank you for the information about the 9/5 Thurston County meeting. One of my colleagues attended, and it was quite valuable.

When we spoke, you mentioned that the DMCJA board meeting is this Friday, 9/20. Would you be willing to raise this issue as an agenda item in terms of the fact that our office is concerned about the practice and would like to get a sense from the district and municipal court bench as to the scope of the problem, i.e., how much has it been happening and where, and whether the judges have observed any impact on the administration of justice, such as parties or witnesses not coming to court out of fear that they could encounter ICE agents and be subject to immigration enforcement action, witnesses or parties failing to appear that can undermine a prosecution or defense, or other issues related to the orderly administration of justice that the ICE practice brings up. Our office's goal is that we would like to be able to get a declaration that describes any impact that has occurred.

Thank you for any assistance you can provide, and please let me know if you have any questions or would like to discuss further.

Sincerely,

Mitch Riese

Mitchell A. Riese
Assistant Attorney General
Civil Rights Division
Washington State Attorney General
800 Fifth Avenue, Suite 2000
Seattle, Washington 98104
Direct: (206) 587-5094
Mobile: (206) 491-9620
Fax: (206) 464-6451
mitchell.riese@atg.wa.gov

From: Riese, Mitchell A (ATG)
Sent: Friday, August 16, 2019 10:45 AM
To: 'Judge Sam Meyer' <sam.meyer@co.thurston.wa.us>
Subject: RE: Thurston County Meeting re: ICE arrest on campus

Judge Meyer,

Thank you for speaking with me the other day, and for the information about the Thurston County meeting.

I'll be in touch soon to follow up on our conversation.

Sincerely,

Mitch Riese

Mitchell A. Riese
Assistant Attorney General
Civil Rights Division
Washington State Attorney General
800 Fifth Avenue, Suite 2000
Seattle, Washington 98104
Direct: (206) 587-5094
Mobile: (206) 491-9620
Fax: (206) 464-6451
mitchell.riese@atg.wa.gov

From: Judge Sam Meyer <sam.meyer@co.thurston.wa.us>
Sent: Thursday, August 15, 2019 8:29 AM
To: Riese, Mitchell A (ATG) <mitchell.riese@atg.wa.gov>
Subject: Thurston County Meeting re: ICE arrest on campus

Mr. Riese,

When we spoke on the phone the other day you had mentioned that you were interested in the upcoming meeting here in Thurston County to address this issue. Please be advised that the meeting is scheduled for September 5, at 2:00 p.m. in room 280 in Building 1 of the Thurston County Court complex.

Please also see the link below:

<https://www.theolympian.com/news/local/article233454737.html>

Sam Meyer
Judge
Thurston County District Court
2000 Lakeridge Drive SW
Olympia, WA 98502
(360) 786-5149

Harvey, Sharon

From: 1-800-FLOWERS.COM <1800FLOWERS@em.1800flowers.com>
Sent: Monday, August 5, 2019 11:38 AM
To: Harvey, Sharon
Subject: Your Order Confirmation - Details Inside

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Carmen Nault
16540 Ne 80th Street
Redmond, WA 98502
REDMOND UNITED METHODIST CHURC



Loving Sentiments Bouquet-Large

Product Number: 174291L

Price: \$69.99

Arrives On: 08/12/2019

Quantity: 1

Gift Message:

District and Municipal Court Judges' Association

Billing Details

Billing Address

JENNIFER FASSBENDER
SPOKANE DISTRICT
COURT, 1100 W.
SPOKANE, WA 99260 USA

Payment Method

MASTERCARD
Last four digits: 6977

Order Total

Subtotal:	\$69.99
Service Charge:	\$14.99
Tax:	\$9.43

Order total:	\$94.41

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