



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

MEETING MINUTES

Members Present:

Chair, Judge Samuel Meyer
Judge Linda Coburn
Judge Thomas Cox (phone)
Judge Robert Grim (phone)
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Aimee Maurer (phone)
Judge Jeffrey Smith
Judge Laura Van Slyck

Members Absent:

Judge Michelle Gehlsen
Judge Tyson Hill
Judge Rebecca Robertson
Judge Charles Short
Commissioner Paul Wohl

Guests:

Judge Tam Bui, BJA
Judge Kevin Ringus, BJA
Judge Glenn Phillips
Judge Kimberly Walden (phone)
Stacie Scarpaci, MPA
Judge Judith Ramseyer, SCJA (phone)
Dawn Williams, DMCMA

AOC Staff:

Ms. J Benway
Ms. Vicky Cullinane
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) meeting to order at approximately 12:30 p.m. Judge Meyer asked meeting attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Minutes for September 22, 2019. Judge Cox and Judge Grim, both absent for the September meeting, abstained from voting.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Commissioner Leo informed that the report is located in meeting materials. Judge Ringus had a question regarding the six hundred fifty-seven dollars and seventy-three cents (\$657.73) in parentheses included in the 2020 Conference Incidental Fees line item. The parentheses appear to be used for monies taken from the account. Ms. Harvey informed that this is the amount in unclaimed funds that the Board voted to deposit into the 2020 Conference Incidental Fees line item, during the 2019 DMCJA Board Retreat.

C. Special Fund Report

Judge Short, Special Fund Custodian, was unavailable for the meeting, therefore, Judge Meyer deferred the report to the December Board meeting. Thus, there are two reports to approve at the December Board meeting.

D. Standing Committee Reports

1. Education – Committee voted to purchase Judge Chip Small's book for DMCJA judges attending Judicial College

Judge Meyer informed the Board that the DMCJA Education Committee voted to purchase retired Judge Chip Small's book, "You Are Not A Lawyer Anymore," for DMCJA members attending Judicial College.

2. Rules – Minutes for August 28, 2019

Judge Meyer informed that DMCJA Rules Committee Minutes for August 28, 2019 are available in meeting materials, and, that Ms. Benway, Administrative Office of the Courts (AOC) Staff for DMCJA Rules Committee, is available to answer any questions related to the Committee.

E. Judicial Information Systems (JIS) Report

Ms. Cullinane deferred to Judge Glenn Phillips and Judge Kimberly Walden for the courts of limited jurisdiction case management system (CLJ-CMS) Project report. Following up on questions from the last meeting regarding changes to what is seen in the Judicial Access Browser System (JABS) from the King County Clerk's Office, Ms. Cullinane reported that King County Superior Court orders dismissed or terminated before November 2018 will not appear in JABS, and that this is in compliance with the JIS Data Standards because the King County Clerk's Office chose not to load those orders into their new system, so that information does not flow to AOC's Enterprise Data Repository. Ms. Cullinane further informed that certain docket information from King County Superior Court is not available because that information was in free form text in JIS systems; free-form text is not easily convertible into new systems. Ms. Cullinane agreed to find out more details of the system regarding which types of information is unavailable because it was in free-form text, and which information is available because it is code based. She also informed of the Department of Licensing (DOL) decision to provide an additional gender identity choice, namely, "X." Washington State citizens now have three gender options for identification documentation, namely, M (male), F (female), or X (non-binary). She reported that because of the way JIS is designed, gender X will display in JIS systems as "U" (unknown).

LIAISON REPORTS

A. Board for Judicial Administration (BJA)

Judge Bui and Judge Ringus, BJA liaisons, reported on events from the October BJA meeting. During the meeting, Dawn Marie Rubio, State Court Administrator, and Carl McCurley, PhD, Washington State Center for Court Research (WSCCR), presented on judicial needs estimates. At present, the State Court Administrator is charged with performing an objective workload analysis. Judge Bui reported that BJA is supporting a court system education funding package and discussing online education options. Judge Ringus reported that the BJA is considering creating a new therapeutic courts task force. The BJA has created three task forces, thus far, namely: (1) Court System Education Funding Task Force, (2) Interpreter Services Funding Task Force, and (3) Courthouse Security Task Force. Judge Ringus, therefore, expressed concern that the BJA may be overextended with task forces. He further reported that the BJA voted to support a court education funding package during the short Legislative Session. The next BJA meeting is November 15, 2019. The Court Management Council (CMC) will join this meeting and present the court manager of the year award. Judge Ringus further reported that an Artificial Intelligence (AI) discussion is scheduled to follow the November BJA meeting.

B. District and Municipal Court Management Association (DMCMA)

Ms. Dawn Williams, DMCMA liaison, reported that the association is preparing for its annual conference in May 2020. During the annual conference, the DMCMA will celebrate its 50th Anniversary.

C. Misdemeanant Probation Association (MPA)

1. DMCJA Request for support letter
2. Substance Use Disorder (SUD) Treatment Provider Letter

This issue relates to SUD treatment providers failing to meet mandatory minimum standards for acceptable evaluations and compliance reports. Ms. Scarpaci, MPA liaison, reported that in 2006, Presiding Judges in King County district and municipal courts sent a letter to SUD treatment providers outlining what the courts expect regarding acceptable evaluations and compliance reports. Some SUD providers, however, have not complied, hence, the MPA requests DMCJA and DMCMA support to send a letter to SUD urging them to comply with mandatory minimum standards for evaluations and compliance reports. The draft letter is located in meeting materials. M/S/P to make a discussion item.

D. Superior Court Judges' Association (SCJA)

Judge Ramseyer, SCJA liaison, reported that the SCJA is gearing up for legislative session. Tom Parker, SCJA Lobbyist, is working with legislators on SCJA related issues, such as court education. Judge Ramseyer informed that the SCJA supports BJA Court System Education Funding Task Force's efforts. Judge Meyer expressed that the DMCJA is also in support of these efforts. Judge Meyer informed that Judge Michelle Gehlsen is the DMCJA liaison for the SCJA.

ACTION

- A. The Board moved, seconded, and passed a vote (M/S/P) to Oppose WSBA Proposal to Amend IRLJ 1.2 and 2.2
- B. M/S/P to support DMCJA Rules Committee Proposed New Rule CRLJ 82.5
- C. M/S/P to approve placing TCAB on hiatus.
- D. M/S/P to approve the DMCJA Public Outreach Committee Survey to be sent to the Presiding Judges listserv.
- E. M/S/P to (1) rename the DMCJA National Leadership Grant to the Chief Justice Mary Fairhurst National Leadership Grant, which has a budget amount of five thousand dollars (\$5,000), and, (2) encourage DMCJA members to donate to the Washington Judges Foundation.
- F. M/S/P to approve MPA's request for DMCJA to be added to MPA's letter requesting SUD treatment providers to perform mandatory minimum standards for acceptable evaluations and compliance reports submitted to district and municipal courts.

DISCUSSION

A. *Legal Financial Obligation (LFO) Remission Rule*

- 1. Proposed General Rule (GR) 38, Remission of Legal Financial Obligations – Clean Version
- 2. Proposed GR 38, Remission of Legal Financial Obligations – Redlined Version

Judge Meyer reported that Judge Steiner had an emergency and was unable to attend the meeting. The proposed rule is not time-sensitive, therefore, the topic is deferred to another meeting.

B. *DMCJA Rules Committee Recommendation to Oppose WSBA Proposal to Amend IRLJ 1.2 and 2.2*

The DMCJA Rules Committee requests the Board oppose a Washington State Bar Association proposal to amend Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 1.2 and 2.2, which relate to initiation of an infraction case. The DMCJA Rules Committee maintains that the court filing date is the correct interpretation for the start of the speedy hearing clock, thus, no amendment is needed. In fact, the DMCJA Rules Committee suggests the WSBA amendments would create alternative start times for the speedy hearing clock based upon how the notice of infraction (NOI) was issued to the defendant. The Board had a robust discussion regarding the issue. M/S/P to make this an action item.

C. *DMCJA Rules Committee Proposed New Rule CRLJ 82.5*

This rule was inspired by Judge Rebecca Robertson, who thought it may be a good idea for courts of limited jurisdiction (CLJs) to have a court rule similar to Superior Court Civil Rule (CR) 82.5 in order to address state-tribal court jurisdiction and communication. Although jurisdictional concerns and communication between CLJs and tribal courts are infrequent, the DMCJA Rules Committee by general consensus agreed that it would be

helpful to have a rule when the need arises. The Board discussed whether to approve the DMCJA Rule Committee's proposed new rule CRLJ 82.5, *Tribal Court Jurisdiction*, which is congruent to CR 82.5. M/S/P to make an action item.

D. Proposed Court Rule regarding Immigration Enforcement

Judge Meyer reported that Washington State civil liberties groups have joined together to propose a rule to address civil arrest privilege in Washington State. The rule seeks to prevent federal agents from arresting alleged immigration violators at state courthouses, and, travelling to and from state courthouses. The Rule is in draft form, and, Judge Meyer expressed that the topic is to inform the Board of what rule may be submitted for comment by civil liberties groups in Washington State. Judge Coburn, DMCJA liaison for the Minority and Justice Commission, expressed that the Commission has discussed the issue. She agreed to take any issues regarding the rule to the Minority and Justice Commission for discussion.

E. Petition to Change Name – Washington Attorney General Office's concerns regarding practices in Washington State District Courts

Judge Meyer reported that the Attorney General of Washington Office (OAG) had contacted him requesting an end to a practice of some district court judges seeking unnecessary personal information from petitioners desiring to change their names. This practice may impact transgender and immigrant communities, according to OAG correspondence. The OAG also contacted 34 counties in which requests for extraneous personal information were allegedly made. The Board discussed the issue and noted that these courts have already adhered to the request. Judge Meyer, therefore, expressed that there is no need for him to send a letter requesting the 34 courts refrain from seeking unnecessary information for change of name petitions. It was mentioned that little information is necessary to change a person's name. The Board decided by general consensus not to take action because targeted courts have complied with the OAG request. Judge Meyer expressed that he would follow-up with the OAG contact regarding the topic. There was also discussion regarding whether the AOC provides petition to change name forms. Ms. Benway, who now assists with a subcommittee of the Washington Pattern Forms Committee, agreed to speak with the group about the possibility of producing sample petition to change name forms for district courts. Thus, the issue will carry-over to the next Board meeting.

F. CLJ-CMS Project Status Update

Judge Kimberly Walden and Judge Glenn Phillips, DMJCA Representatives on the courts of limited jurisdiction case management system (CLJ-CMS) Project Steering Committee (PSC), reported that the Judicial Information System Committee (JISC) voted to select Tyler Technologies for the new CLJ-CMS. The Project is anticipating early implementation of e-filing before the roll-out of the case management system, likely within a year once Tyler is on board. The PSC is aware of the issues around voluntary vs. mandatory e-filing and e-service and is considering the implications and options. Representatives reported that they are expecting the contract for the new case management system to be signed in early 2020. They are currently discussing pilot courts although there has been no court named thus far. Pilot courts will be selected based on a number of factors, including readiness, size, complexity, and proximity to AOC and each other.

Judge Phillips announced that he will retire in December 2019. Judge Patricia Connolly-Walker, Spokane District Court, will replace him on the PSC. Judge Connolly-Walker currently serves as the CLJ-CMS Court User Work Group (CUWG) Chair. Judge Meyer invited all Board meeting participants to enjoy Judge Phillips' retirement cake in celebration of his retirement.

G. Trial Court Advocacy Board (TCAB) Status Update

Judge Meyer reported that Judge Kitty-Ann Van Doorninck, SCJA President, approached him regarding the status of TCAB and whether the group should continue to meet. TCAB, which was created to address issues solely related to trial courts, has not met in more than one year. The SCJA discussed the issue and determined the group should be placed dormant, unless and until other pressing trial court issues arise. The

SCJA, however, would like to know whether the DMCJA agrees to place TCAB on hiatus. M/S/P to make an action item.

H. DMCJA Public Outreach Committee Survey for Approval

Judge Meyer informed that the DMCJA Public Outreach Committee has created a survey to determine (a) how best to serve the association and (b) whether it has been effective with connecting members to state and local government officials in order to educate them on DMCJA accomplishments and challenges. The committee seeks Board approval to send the following survey questions:

1. Does your court provide a State of the Judiciary for local government officials?
 - a. If yes, are you willing to share your presentation with the membership?
2. Have you invited a government official (state legislator, mayor, city councilmember, county councilmember, etc.) to your court for a court tour?
 - a. If yes, did the government official accept the invitation and visit your court?
 - b. If yes, was it beneficial to relations between your court and other branches of local government?
 - c. If no, are you interested in receiving resources to assist you when speaking with local governmental entities?

M/S/P to make this an action item.

I. Chief Justice Mary Fairhurst Retirement – Gift Ideas

Judge Meyer reported that the SCJA will create a judicial leadership scholarship in the amount of two thousand dollars (\$2,000), and organize donations to the Legal Foundation of Washington. In response, the Board discussed renaming its National Leadership Grant to the *Chief Justice Mary Fairhurst National Leadership Grant*, which has a budget amount of five thousand dollars (\$5,000). Additionally, DMCJA members will be encouraged to donate to the Washington Judges Foundation. M/S/P to make this an action item.

J. Ratification of Commissioner Board Position Appointment

Judge Meyer reported that there were no applicants for an advertisement of the vacant Commissioner, Board Position 7. Board members recommended that Judge Meyer ask Commissioner Paul Wohl, DMCJA Legislative Committee Chair, to fill the vacant position. This issue will be deferred to the December Board meeting.

K. Misdemeanant Probation Association (MPA)

1. DMCJA Request for support letter
2. Substance Use Disorder (SUD) Treatment Provider Letter

The Board had a robust discussion regarding some SUD providers failing to comply with courts expectations for acceptable evaluations and compliance reports. There was mention that some providers are non-compliant because of high turnover in their organizations. M/S/P to make an action item.

INFORMATION

Judge Meyer informed the Board of the following:

- A. The DMCJA President has appointed the DMCJA Nominating Committee. See Nominating Committee Roster [DMCJA Bylaws, Art. IX, Sec. 2(a) (2).]
- B. [Full Court Press Volume 2, 2019: Technology Edition](#), released on September 26, 2019, provides the status on the CLJ-CMS Project, Enterprise Data Repository, Pattern Forms, and the 2019 Leadership Summit.

- C. On October 3, 2019, Chief Justice Mary Fairhurst announced that she will retire on January 5, 2020 to focus on her health. For more information, please select the following web link: "[Washington chief justice to step down in January because of cancer.](#)"
- D. The DMCJA Board voted to use the existing allocation percentages regarding the LFO Non-Restitution Interest-Loss Mitigation Funding for the 2020-2021 Biennium.
- E. The DMCJA Board voted to approve fifteen hundred dollars (\$1500) for oral argument services by Katherine George, Esquire, who prepared an amicus brief on behalf of the DMCJA in Washington v. Stevens County District Court Judge.

Judge Meyer agreed to send a web link to the Supreme Court hearing related to the case.

- F. District and municipal courts will be highlighted in the TVW Program, *Teach With TVW.*

Judge Meyer informed that TVW, a public television station, is featuring all levels of Washington Courts through interviews with state judges. Judge Meyer, Judge Ahlf, Judge Buckley, and Judge Coburn are the district and municipal court judges interviewed. Chief Justice Mary Fairhurst will be the final interview of the series.

- G. Response Letter from Judge James Rogers and County Clerk, Barbara Miner.

Judge Meyer requested that Judge Walden attend a follow-up conference call to address issues related to judicial access to King County Superior Court records. Judge Walden recommended that Judge Rebecca Robertson attend this meeting with Judge Meyer and agreed to work with Judge Robertson in preparation of a conference call.

- H. Letter to Spokane County Clerk, Mr. Timothy Fitzgerald, Washington State Association of County Clerks President, regarding Odyssey Portal Access

- I. CLJ related articles: [Lawyer files claims totaling \\$20 million over judge with no law degree in Airway Heights, Cheney](#)

Judge Meyer informed that the issue involves Commissioner Terri Cooper, who has served as a lay judge, which means she has taken and passed an exam by January 1, 2003 that allows her to serve as a district court or municipal court judge without a law license or law degree if the jurisdiction is less than five thousand (5,000) people. See RCW 3.34.060; RCW 3.50.040.

OTHER BUSINESS

The next DMCJA Board Meeting is December 13, 2019, from 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office Center.

The meeting was adjourned at approximately 2:45 p.m.