



DMCJA Board of Governors Meeting
Friday, September 11, 2020, 12:30 p.m. – 3:30 p.m.
ZOOM Video Conference

MEETING MINUTES

Members Present:

Chair, Judge Michelle Gehlsen
Judge Thomas Cox
Judge Robert Grim
Judge Drew Ann Henke
Judge Tyson Hill
Commissioner Rick Leo
Judge Aimee Maurer
Judge Samuel Meyer
Judge Kevin Ringus
Judge Charles Short
Judge Jeffrey Smith
Judge Karl Williams
Commissioner Paul Wohl

Members Absent:

Judge Anita Crawford-Willis
Judge Laura Van Slyck

Guests:

Judge Scott Ahlf, JISC Representative
Judge Veronica Alicea-Galvan
Judge Tam Bui, BJA Representative
Judge David Estudillo, SCJA Liaison
Judge Mary Logan, BJA Representative
Judge G. Scott Marinella
Judge Rebecca Robertson, BJA Representative
Judge David Steiner
Stacie Scarpaci, MPA Liaison
Melanie Stewart, DMCJA Lobbyist
Kris Thompson, DMCMA Liaison

Administrative Office of the Courts (AOC)

Sharon R. Harvey, DMCJA Primary Staff
Susan Goulet, Court Program Specialist
J Benway, Legal Services
Vicky Cullinane, Business Liaison
Dory L. Nicpon, Judicial and Legislative Relations
Dawn Marie Rubio, State Court Administrator

CALL TO ORDER

Judge Michelle Gehlsen, District and Municipal Court Judges' Association ("DMCJA") President, noted a quorum and called the DMCJA Board of Governors ("Board") meeting to order at 12:33 p.m.

GENERAL BUSINESS

A. Minutes for August 14, 2020

The Board moved, seconded, and passed a vote ("M/S/P") to approve the Minutes for August 14, 2020.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report for August 2020.

C. Special Fund Report

M/S/P to accept the Special Fund Report for August 2020.

D. Standing Committee Reports

1. Rules Committee

J Benway reported that the Rules Committee minutes for June 24, 2020 and July 22, 2020 are in the materials for the Board's review.

2. Legislative Committee – Commissioner Paul Wohl and Judge Kevin Ringus

Commissioner Wohl reported that the Legislative Committee met and approved recommendations to the Board regarding the legislative agenda, which will be in the materials for the next Board meeting.

E. Judicial Information System (“JIS”) Report – Vicky Cullinane

Vicky Cullinane reported that the AOC and Tyler Technologies executed a contract on September 1, 2020, and work is underway. The Steering Committee is examining geographical groupings and pilot courts. Ms. Cullinane is working with the Rules Committee and J Benway regarding amendments to General Rule (GR) 30 to facilitate e-filing. Dawn Marie Rubio spoke about the importance of the Legislature not sweeping the JIS account, which funds the project.

LIAISON REPORTS

A. Administrative Office of the Courts (**AOC**) – Dawn Marie Rubio, State Court Administrator

Dawn Marie Rubio spoke of AOC's continued administration of CARES funding. She also discussed the Chief Justice's participation in information sharing calls with presiding judges each Friday morning. Going forward, all presiding judges within the geography of a specific Court of Appeals (COA) division will be invited to participate in the calls on a rotational basis. On September 11, 2020, presiding judges from the Court of Appeals (COA) Division II group participated. The following week, presiding judges from the COA Division III group were invited. Ms. Rubio also provided an update about JIS system maintenance, associated service interruptions, and notice to the courts. Each month, 24-36 hours of service interruption occurs while major maintenance updates are made. The AOC schedules the maintenance to occur the second Saturday evening through Monday early morning, but needs to expand its communications about those service interruptions. The AOC is adding notifications to the JABS splash page, working with the Washington Association of Prosecuting Attorneys, and building additional notifications. Ms. Cullinane discussed the expansion of individuals with access over the years, and asked whether defenders should be included. Following the discussion, Ms. Cullinane indicated that she would follow up and include defenders in communications about service interruptions.

B. Board for Judicial Administration (**BJA**) – Judge Mary Logan, Judge Dan Johnson, Judge Tam Bui, and Judge Rebecca Robertson

Judge Logan discussed the budget prioritization process, and the careful approach that Ramsey Radwan is taking to budget presentations. Judge Bui discussed the Court Education Committee and cancellation of venue contracts for the 2021 Spring Conference. Judge Bui shared that the Superior Court Judges' Association will not hold in-person 2021 Spring Conference meetings. Judge Short indicated that the DMCJA Education Committee meets before the next Board meeting to explore options for Spring Conference. Judge Smith shared that Judicial College will be conducted virtually this year. The Board discussed the value of the in-person meeting, public health concerns, and public scrutiny, as factors that bear on the Board's evaluation of options for Spring Conference.

C. District and Municipal Court Management Association (**DMCMA**) – Patricia Kohler, President

Patricia Kohler, DMCMA President, was unable to attend, so Kris Thompson shared that the DMCMA last met on August 27, 2020, and has its next scheduled meeting on September 24, 2020. Ms. Thompson explained that Dawn Marie Rubio had joined DMCMA's last meeting to discuss AOC's distribution of CARES funding.

D. Misdemeanant Probation Association (**MPA**) Report – Stacie Scarpaci, Representative

Online learning for new probation officers will be offered September 21-October 2, 2020.

E. Superior Court Judges' Association (**SCJA**) – Judge David Estudillo, President-Elect

Judge David Estudillo indicated that the SCJA had no August meeting but would meet on September 12, 2020 to discuss the following: Judicial Information System Committee Rule (JISCR) 13; a defense-proposed rule to quash warrants for juvenile criminal matters; Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 3.4 and waiving the presence of defendants; proposals from the Department of Children, Youth and Families; electronic home monitoring for juveniles; the judiciary's presentation regarding COVID-19 Impacts on Washington Courts at the House Civil Rights and Judiciary Committee work session on September 16; SCJA's racial justice work group and the expectation that each committee complete one activity per year related to racial justice; legislative advocacy not to reduce court funding; 2021 Spring Conference and hosting the best virtual conference possible; and the SCJA's examination of public health considerations related to resumption of in-person [meeting/conference] options.

F. Washington State Association for Justice (**WSAJ**) – Sean Bennet Malcolm, Esq.

No report.

G. Washington State Bar Association (**WSBA**) – Kim E. Hunter, Esq.

No report.

ACTION

1. Proposed Amendment(s) to JISC Rule (JISCR) 13, Local Court Systems.

M/S/P to approve the DMCJA sending a letter in support of the proposed amendments.

2. Board Liaison for DMCJA Diversity Committee

M/S/P to approve Judges Short and Williams providing liaison reports from the DMCJA Diversity Committee to the Board this year, and for this liaison role and reports to be the responsibility of the DMCJA Secretary/Treasurer in subsequent years starting after the 2021 DMCJA Election.

DISCUSSION

A. Proposed Amendment(s) to JISC Rule (JISCR) 13, Local Court Systems

J Benway provided background information on this topic. She stated that a proposal to amend JISCR 13 was published by the Supreme Court with a comment deadline of September 30, 2020. Ms. Benway explained that the DMCJA Rules Committee reviewed the proposal at its June, July, and August meetings. Because the proposal was published for comment, the Rules Committee did not suggest edits but rather commented on the rule as submitted. Ms. Benway noted that the Rules Committee's scope of review does not include comment

on the policy; it is limited to review of how the proposed rule is constructed and whether it will achieve what it purports to do. In their memo, the Rules Committee expressed concern about the enforcement section (h) of the proposed rule, including the lack of guidance in that section for courts trying to follow the rule, and stated that the overall readability of the rule was problematic. Ms. Benway stated that the Rules Committee does not support the proposed amendments, and clarified that the Committee had no opportunity to review the additional comment materials provided in the Board packet by Vicky Cullinane.

Judge Ahlf discussed the events and historic competing rule proposals that precipitated the JISCR 13 work group's formation. He discussed the sanctions/enforcement clause included in the original proposal (i.e., loss of equipment replacement funding), the DMCJA representation on the work group, and the methodology (fist of five) and rigorous debate in the work group. Judge Ahlf explained that the JISC is proposing the draft produced by the work group, but the Supreme Court will make the final decision. Judge Ahlf acknowledged the DMCJA Rules Committee's position, but explained how difficult and long a process it was to arrive at a work group consensus as he asked for the Board's support for the proposed rule amendment. Vicky Cullinane reiterated the rigor of the work group's debate and need for an enforcement mechanism to motivate critical data sharing.

Judge Gehlsen commented on the concerns expressed as well as the compromise that the proposed rule amendments represent, and invited discussion. M/S/P to move support for the proposed JISCR 13 amendments to an action item.

B. Whether to assess Dues for 2020-2021 in light of cancellation of 2020 DMCJA Spring Conference because of the Coronavirus (COVID-19) public health emergency.

DMCJA Bookkeeper, Christine Huwe, was not able to attend. Judge Short indicated that the DMCJA Education Committee meets in late October and will discuss conference options and associated expenses. Therefore, the Board decided to defer dues discussion to the November Board meeting when more information will be available from the Education Committee and Ms. Huwe.

C. Board Insurance Status Update

Judge Smith reported on challenges in connecting with insurers' representatives. He continues outreach to them. Judge Smith referenced a memorandum in the meeting materials that provided conflicts analysis relevant to whether a Board member's family member can/should be the Board's policy vendor.

Judge Smith provided an audit update, including his concerns with the firm's proposed client engagement letter. He's conferred with Judge Gehlsen and will discuss concerns further with Kory Kolterman to discuss terms.

D. Board Liaison for DMCJA Diversity Committee

Sharon Harvey provided an update and a recommendation to memorialize DMCJA's commitment to addressing systemic racism in the bylaws, and to possibly include a standing report from a Board member participant on the DMCJA Diversity Committee. The Board discussed that current Board members participating on the Committee are Judges Short and Williams. Commissioner Leo recommended that in the next and subsequent years, starting after the 2021 DMCJA Election, the liaison could be the DMCJA Secretary/Treasurer. M/S/P to make this topic an action item.

E. Farewell to Sharon Harvey, AOC Primary Support for DMCJA

At the beginning of the meeting prior to addressing general business, the Board and guests, including several former DMCJA presidents, expressed gratitude and good wishes to Sharon Harvey who has accepted employment at the Office of Minority and Women's Business Enterprises, and is leaving her position as the DMCJA's primary staff person. Judge Gehlsen presented Ms. Harvey with a plaque and a gift from the Board.

INFORMATION

The Board was reminded of additional information provided in the materials.

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for Friday, October 9, 2020, from 12:30 p.m. to 3:30 p.m., via Zoom video conference.

ADJOURNED at approximately 2:25 p.m.