



DMCJA Board of Governors Meeting
Friday, November 13, 2020, 12:30 p.m. – 3:30 p.m.
Zoom Video Conference

MEETING MINUTES

Members Present:

Chair, Judge Michelle Gehlsen
Judge Anita Crawford-Willis
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Samuel Meyer
Judge Kevin Ringus
Judge Charles Short
Judge Jeffrey Smith
Judge Laura Van Slyck
Judge Karl Williams
Commissioner Paul Wohl

Guests:

Judge Rebecca Robertson, BJA Representative
Judge David Estudillo, SCJA
Judge Kristian Hedine, Bylaws Committee Chair
Stacie Scarpaci, MPA
Christina Huwe, DMCJA Bookkeeper

AOC Staff:

Dory Nicpon, Judicial and Legislative Relations
Susan Goulet, Court Program Specialist
Michelle Gulden, Court Program Specialist
J Benway, Legal Services
Vicky Cullinane, Business Liaison

Members Absent:

Judge Thomas Cox
Judge Robert Grim
Judge Tyson Hill
Judge Aimee Maurer

CALL TO ORDER

Judge Gehlsen, 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 Gehlsen made the following announcements:

On the regularly occurring call among the Chief Justice and regional presiding judges, there was discussion of the new Chief Justice to be sworn in on January 11, 2021. On February 1, 2020, certain court rule amendments take effect, including for Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 3.4 regarding in-person proceedings, General Rule (GR) 29 regarding presiding judges, and Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 1.3. Chief Justice Debra Stephens discussed that she has been asked whether additional emergency orders will be issued. She indicated that is unlikely, as current orders give guidance for presiding judges to meet local needs appropriately.

Judge Gehlsen acknowledged that the upcoming year is an election/appointment year, so the Council on Independent Courts (CIC) is endeavoring to be proactive. She asked Board members to remind DMCJA members of the CIC if applicable.

Judge Gehlsen asked whether members had any concerns. Judge Smith shared that Spokane has discussed whether there will be service reductions related to COVID-19, and since the infection numbers are significant, Spokane may be scaling back in coming days.

Judge Gehlsen introduced the new AOC Court Program Specialist who will support the DMCJA, Michelle Gulden.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for October 9, 2020.

B. Treasurer's Report

Judge Smith reported that he would be leading a dues discussion later in the meeting, but there is nothing significant to report for the Treasurer's Report. Judge Gehlsen referenced reconciliation of president's expenses between AOC and DMCJA. M/S/P to approve the Treasurer's Report.

C. Special Fund Report

Commissioner Leo reported \$11.69 in earned interest and offered to answer questions. Judge Gehlsen referenced prior investment discussions, and that the issue could be discussed further in December. M/S/P to approve the Special Fund Report.

D. Standing Committee Reports

1. Rules Committee

J Benway reported there were materials for review and offered to answer questions.

2. Legislative Committee

Commissioner Wohl reported that there have been meetings with several legislators, including Senators Linda Wilson and Manka Dhingra, and Representative My-Linh Thai, to discuss the DMCJA's legislative priorities and the processes to expect during the legislative session. Participation in legislative committee testimony may be easier this session since one does not have to drive to Olympia; they can just logon remotely. So the Legislative Committee may be asking for more judges' willingness to testify. Judge Ringus thanked J Benway for supporting the Legislative Committee during staff transitions. Judge Gehlsen asked Judge Robertson to speak about discussions with Representative Thai about the courthouse security funding request. Judge Robertson reported on the discussion at the BJA, and whether to withdraw the proposal, or withdraw it for now but continue the dialogue with legislators. Judge Smith spoke about the recent Ethics Advisory Committee opinion regarding judges having firearms in the courtroom, and the relevant statute, which includes an exception for certain individuals whom a sheriff has commissioned. Judge Meyer spoke about this as a discussion among DMCJA legislative members in a prior year.

E. Judicial Information Systems (JIS) Report

Ms. Cullinane reported that the CLJ-CMS Project has been working with Tyler, including on e-filing, a website, and training, particularly for users. Next month will include gap fit analysis, which is the first step in configuring the system for Washington. In addition, Ms. Cullinane reported that King County District Court went live with integration to the electronic data repository on November 2, 2020.

LIAISON REPORTS

A. Administrative Office of the Courts AOC

Ms. Rubio could not join the meeting. Judge Gehlsen mentioned administration of the CARES funding and directed Board members to the Information section of the agenda.

B. Board for Judicial Administration (BJA)

Judge Robertson reported that the next BJA meeting is next week, and referenced that change may accompany the change in Chief Justice. Judge Ringus reported on BJA Legislative Committee activities and continuing engagement with Thurston County Superior Court for a ninth judge.

C. District and Municipal Court Management Association (DMCMA)

Ms. Kohler could not join the meeting. Judge Gehlsen indicated that Ms. Kohler outreached to municipal courts that have not yet applied for CARES funding. Judge Smith spoke about CARES funding directly received by a local county as compared to a local city.

D. Misdemeanant Probation Association (MPA)

Ms. Scarpaci stated she has nothing new to report.

E. Superior Court Judges' Association (SCJA)

Judge Estudillo reported that there are many legislative discussions underway. The SCJA is discussing the implementation of the Uniform Guardianship Act and possible request to delay its effective date. The SCJA is also working on text messaging alerts through Odyssey. The vendor has to "turn it on"; reprogramming for which was funded in the last budget. The SCJA is working on bill drafts regarding administrative procedures act (APA) appeals, and adjusting interest on restitution to allow judicial discretion to reduce the interest. The SCJA is monitoring protection order statutory reorganization work, and has collaborated on a pre-filing eviction resolution pilot program. There is information about the pilot program on the Washington Courts website. It will pilot in six counties. Racial justice activities within the SCJA include report back from each committee regarding an action item the committee will execute over the next year. The SCJA submitted a nominee for the BJA Innovating Justice award: Chief Justice Debra Stephens. Judge Gehlsen reported that the DMCJA joined the SCJA in nominating the Chief Justice and discussed the work that Chief Justice Stephens has done during the pandemic.

ACTION

1. 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

M/S/P to make a one-time 30% reduction in the membership dues for the 2021 notice.

2. DMCJA Bylaws Amendment regarding Voting via Email

M/S/P to send to the membership to vote whether to incorporate the changes regarding conducting business remotely or via email.

3. DMCJA Bylaws Committee Report – Judge Kristian Hedine reporting on any advisable amendments related to Board diversity definitions and provisions

M/S/P to refer the bylaws provision related to Board diversity (Article VII, Section 1) to the Diversity Committee for recommendations regarding advisable amendments.

4. DMCJA Board Statement regarding Racial Injustice and the Judiciary

M/S/P to circulate an email to Board members and BJA liaisons today or Monday inquiring about their permission to sign and requesting their .JPEG signature by close of business on Monday, if they wish to sign.

5. Plaque for Margaret Fisher (recently retired AOC staff for the Public Trust and Confidence Committee and youth court/civics initiatives) for presentment at the December 4 meeting

M/S/P to honor Ms. Fisher with a plaque, and authorize purchase of the plaque for up to \$200 from the President's Expense fund.

6. Amicus Ad Hoc Committee Update (Ladenburg v. Henke)

M/S/P for the Board to adopt the recommendation of the Committee (i.e., not get involved, not file an amicus, not take any action).

7. Ethics Advisory Opinion (EAC) 20-07

M/S/P to convene an Ad Hoc Committee composed of Judges Meyer, Crawford-Willis, and such other judicial officers as Judge Meyer contacts to review potential actions responsive to EAC Opinion 20-07 for the Board and report back at the December 4 meeting.

DISCUSSION

A. 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

Judge Smith discussed that one of the consequences of the COVID-19 pandemic and being unable to convene in-person meetings or events is that the DMCJA has an extraordinary dues surplus. So, the question becomes should DMCJA reduce dues? Judge Smith indicated that the Board will likely not nearly spend its allotments for Board expenses, conference, and education, and he explained two tiers of potential reduction. Judge Short reported that there will likely not be any in-person conference and associated travel or lodging costs in 2021, but there may be speaker fees for remote speakers. Judge Smith discussed the supplemental materials memorandum prepared by Ms. Christina Huwe. Ms. Huwe discussed fiscal assumptions, and the two reduction options (30% or 50%). She reminded the Board of the need to raise dues in prior years because of a shortfall. Ms. Huwe's projections anticipate a \$57,000 surplus under the 30% reduction scenario and a \$20,000 surplus under the 50% reduction scenario. Judge Smith asked if anyone had any questions, and invited prior treasurers to share their thoughts. Commissioner Leo advocated that a 30% reduction would be preferable to having to subsequently raise dues. Ms. Huwe discussed the auditor's request for all receipts, and the extraordinary expense associated with conducting the audit this year. Judge Smith discussed the other materials. Judge Smith recommended a 30% reduction in dues for 2021. Judge Gehlsen discussed the appropriate verbiage for a letter about this, emphasizing the one-time nature and that the standard dues amounts will resume the following year. Judge Gehlsen thanked Ms. Huwe. Judge Smith offered to draft the needed revision to the dues letter. M/S/P to move this topic to action item.

B. Board D&O Insurance Status Update

Judge Smith reported that the DMCJA received the invoice from the insurer, which will be paid in the coming days. He offered to provide a copy of the policy to any Board member who requests it and reminded the Board that it purchased three-years of coverage.

C. Diversity Committee Action Plan Review

Judge Williams discussed the action plan prepared by the Diversity Committee as an aggressive plan to address the areas where the DMCJA is trying to make an impact. He shared that the Committee discussed the deliberate choice to keep the focus of the plan to race and felt strongly that data is critical to making informed decisions. Judge Williams shared that the Committee will collaborate with the Washington State Center for Court Research, the Washington State Supreme Court Minority and Justice Commission, court staff, and technology staff to improve data collection. Regarding court-imposed legal financial obligations (LFO), many courts have had reconsideration days. The LFO calculator is a new program/tool, and needs more training and materials encouraging its use. Regarding electronic home monitoring (EHM), Judges Williams and Short are working on a questionnaire to expand its use. Another program under discussion is "secret shoppers" which has been regarded as a good idea in jurisdictions that have experience with it. Judge Williams invited Judge Meyer to discuss Thurston County's experience. Judge Meyer shared the collaboration between Center for Court Innovation (CCI) and Thurston County, and how valuable it was. Judge Gehlsen asked about the cost of the collaboration. The CCI covered the cost through grant funds, except for hotel expenses that Thurston County covered. Judge Williams asked whether Thurston County would be willing to share its experience with interested courts, and Judge Meyer agreed. Commissioner Wohl reported that the report issued by CCI is published in an unredacted format on Thurston County's website. Judge Williams spoke of court education, and taking advantage of existing work and partnerships. Judge Short spoke of pro

tems and mentoring as opportunities to expand diversity on the bench, and he referenced the Color of Justice Program. Judge Short spoke of collaborating with the Washington State Bar Association and developing more contact with law students. Judge Short characterized the materials' action plan as a draft and invited Board member to suggest edits. Judge Short discussed community outreach and a plan for a toolkit for local courts to reach out to, and build trust with, their communities. Additional ideas include a book and/or film club, volunteer opportunities, and possibly sponsoring scholarships. In examining overall Board diversity and committee participation, the Diversity Committee may analyze incentives, ask what's preventing people from participating, and outreach to individual judges asking who can participate. Judge Gehlsen thanked Judges Williams and Short, particularly for identifying steps to move the plan from words to actions. Judge Gehlsen commended Thurston County for posting its CCI report publicly. Judge Smith spoke about a Microsoft project having to do with the justice system and race, and suggested initiating contact, possibly through Ms. Jeanne Englert or Judge Marilyn Paja. The Board discussed next steps. Members are to provide feedback to Judges Short and Williams by November 27, 2020, so that a final version can be acted on at the December meeting.

D. DMCJA Bylaws Amendment regarding Voting via Email

Judge Hedine reported two sets of proposed amendments to bylaws: 1) meet by email and conduct business remotely and by email; and 2) regarding the composition of the Board—see section E of the agenda. Regarding the latter, Article VII, Section 1, addresses composition of Board and references “gender” and “minority.” The request of the Bylaws Committee is to refer recommendations for prospective amendments to that section to the Diversity Committee. Judge Hedine offered to answer questions. Regarding conducting business remotely, Judge Gehlsen asked Ms. J Benway to describe the conundrum with amendment of the bylaws. Ms. Benway explained that current language contemplates the Bylaws will only be amended in person. So amending them remotely is odd; one option is to amend them provisionally and ratify at the next in-person meeting of the membership. Judge Gehlsen discussed amendment of the voting provisions to add remote meeting or email processes. Judge Hedine explained the voting-related amendments further. M/S/P to move this topic to an action item.

E. DMCJA Bylaws Committee Report – Judge Kristian Hedine reporting on any advisable amendments related to Board diversity definitions and provisions

Judge Hedine discussed the Bylaws Committee recommendation to refer further consideration of Board composition provisions to the Diversity Committee. M/S/P to refer consideration regarding the Board composition (Article VII, Section 1) to the Diversity Committee to an action item.

F. DMCJA Board Statement regarding Racial Injustice and the Judiciary

Judge Gehlsen referenced the materials. The Board discussed the logistics of electronic signatures. The Board preferred .JPEG signatures, and signature by Board members and BJA liaisons. M/S/P to move this topic to an action item.

G. Plaque for Margaret Fisher (recently retired AOC staff for the Public Trust and Confidence Committee and youth court/civics initiatives) for presentment at the December 4 meeting

Judge Gehlsen described Margaret Fisher's work with civic education, Judges in the Classroom, youth courts, and street law, and proposed purchasing a plaque to honor Ms. Fisher. Commissioner Leo, Judges Van Slyck, and Smith spoke of working with Ms. Fisher. M/S/P to move this topic to an action item.

H. Amicus Ad Hoc Committee Update (*Ladenburg v. Henke*)

Judge Henke left the meeting. Judge Meyer reported on the discussions and the recommendation of the Ad Hoc Committee. The Ad Hoc Committee recommends not submitting an amicus brief or taking other action.

The Board discussed the topic further. M/S/P to move this topic to an action item. Following the motions, Judge Henke returned to the meeting. Judges Van Slyck and Gehlsen thanked the Ad Hoc Committee.

I. Ethics Advisory Opinion (EAC) 20-07

Judge Gehlsen discussed the questions posed in the opinion in the materials, and the language in the opinion. Judge Gehlsen referenced that EAC creation under GR 10, and the authority of the opinion. Judge Henke, an EAC member from the DMCJA, stated that any comment she makes must be understood to be her personal thoughts only. Judge Gehlsen spoke of options for DMCJA and invited discussion. Judge Meyer spoke of local experiences, articulated questions arising from the opinion and speculated about adoption of a policy of disclosure by pro tems at the beginning of proceedings with opportunity for counsel/parties to object. The Board discussed further the scope and implications of the opinion, and the advisability of potential next steps. M/S/P to move to an action item.

INFORMATION

Judge Gehlsen brought the following informational items to the Board's attention.

- A. National Association of Women Judges: 2020 Conference Report from Judge Marilyn Paja.
- B. King County District Court (KCDC) went live with its new eCourt system. To view KCDC cases only, please visit the KCDC Portal at <https://kcdc-efiling.kingcounty.gov/ecourt/>.
- C. DMCJA members are invited to participate in guided breathing and stretching exercises over lunch on November 13 and 20, 2020; for more information, please contact Judge Claire Sussman at claire.sussman@piercecounitywa.gov.
- D. Updated President's Message is on DMCJA Webpage [HERE](#).
- E. New DMCJA Appointments to External Committees:
 1. Bench Bar Press Committee: Judge Patrick Johnson, Spokane County District Court
 2. BJA Public Trust & Confidence Committee: Judge Jessica Ness, Monroe Municipal Court
 3. Misdemeanant Probation Association: Judge Lisa Leone, Des Moines & Normandy Park Municipal Courts
- F. Coronavirus Aid, Relief, and Economic Security Act (CARES) Funding – [Application](#) for Reimbursement: before time or funds run out, apply for reimbursement of your court's unbudgeted COVID-19 related expenditures, such as PPE, Plexiglas or signage, public communications, technology for remote hearings, etc.
- G. [BJA Innovating Justice Award](#): To nominate someone for this award, please use the attached Award Nomination Form. Nominations will be received on an ongoing basis and should be received by the following dates to be considered for the next selection process:
 - January 4, 2021
 - March 29, 2021
 - June 1, 2021

OTHER BUSINESS

Judge Gehlsen noted that the next DMCJA Board Meeting is scheduled for December 4, 2020, from 12:30 p.m. to 3:30 p.m., via Zoom video conference.

The meeting was adjourned at 3:08 p.m.