



DMCJA Board of Governors Meeting
Friday, December 4, 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
Judge Aimee Maurer
Judge Samuel Meyer
Judge Kevin Ringus
Judge Charles Short
Judge Jeffrey Smith
Judge Laura Van Slyck
Commissioner Paul Wohl

Members Absent:

Judge Anita Crawford-Willis
Commissioner Rick Leo
Judge Karl Williams

Guests:

Chief Justice-Elect Steven González
Judge Tam Bui, BJA Representative
Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative
Judge David Ebenger
Patricia "Patti" Kohler, DMCMA
Margaret Yetter, DMCMA

AOC Staff:

Dory Nicpon, Judicial and Legislative Relations
Susan Goulet, Court Program Specialist
Michelle Gulden, Court Program Specialist
Vicky Cullinane, Business Liaison
Dawn Marie Rubio, State Court Administrator
Cat Robinson, AOC Project Manager
Dexter Mejia, AOC Court Business Office Manager
Jennifer Wagner, OCM Coordinator, CLJ-CMS Project

CALL TO ORDER

Judge Gehlsen, District and Municipal Court Judges' Association (DMCJA) President, called the DMCJA Board of Governors (Board) meeting to order at 12:36 p.m. and noted a quorum of members were present. Judge Gehlsen asked telephonic participants to identify themselves and introduced Chief Justice-Elect González as a guest.

BREAK OUT SESSIONS

- A. Discussion Questions (break out rooms; pick a spokesperson to report back to the group) – Judge Mary Logan
1. Please share the greatest obstacle that you have overcome in your job during this time.
 2. What can you do for yourself AND your court staff to commit to self-care.

Judge Logan spoke about the Judicial Assistance Support Program (JASP) as a resource, the stress of the pandemic, the importance of self-care, and introduced the breakout room exercise. Meeting participants were randomly assigned to breakout rooms for small group discussion. After small group discussions, the Board reconvened and a spokesperson from each small group summarized the group's discussion.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for November 13, 2020. Judges Maurer, Cox, and Grim abstained.

B. Treasurer's Report

Judge Smith briefed the Board about the report, and updated the Board on the purchase of D&O insurance and the upcoming dissemination of the dues letters. M/S/P to approve the Treasurer's Report.

C. Special Fund Report

Approval of the report was deferred to the January meeting when Commissioner Leo returns.

D. Standing Committee Reports

1. Legislative Committee

Commissioner Wohl reported that DMCJA is meeting with legislators. He spoke of recent meetings with Representatives Stokesbary and Ybarra, who were receptive to the DMCJA legislative and CLJ-CMS project priorities. The DMCJA Legislative Committee has many meetings with legislators in coming weeks. Judge Ringus reported that DMCJA Legislative Committee offered input on a driving while suspended proposal from the Legislature.

2. Rules Committee

No report this month.

3. Diversity Committee

No report this month.

E. Judicial Information Systems (JIS) Report

This report was offered under the discussion section of the agenda.

LIAISON REPORTS

A. Administrative Office of the Courts AOC

Ms. Rubio reported on Congressional discussion of a federal stimulus bill, and the AOC's effort to ensure courts receive appropriations from funds that may become available in the future. From current CARES funds, the AOC initially received \$11.8M, and is likely to receive an additional \$1.5M, to distribute to local courts. Judge Henke asked how much of the \$11.8M CARES appropriation is still available until December 31, 2020. Ms. Rubio explained there is \$2.5M remaining to distribute and that there are pending requests. Funds must be encumbered by the local court by December 31, 2020, and work/contracts must be completed by March 2021, in order for the expenditure to be eligible for reimbursement from the currently appropriated funds.

B. Board for Judicial Administration (BJA)

Judge Logan reported on BJA budgeting processes and decisions, and the BJA's decision regarding the BJA Court Security Task Force funding request. The BJA decided not to advance the funding request. Judge Logan explained that the next step in the budget approval process is the Supreme Court review, followed by transmittal to the Legislature.

Judge Bui spoke about the new AOC Distance Learning Coordinator, Scott Hillstrom, and the projects that he will be developing to support the educational need of the judiciary.

Judge Robertson reported that although the court security decision package will not be advanced this year, the BJA Courthouse Security Task Force will begin working with legislators about the need in preparation for requesting funding in the future. Judge Robertson spoke about the Innovating Justice awards. Judge Gehlsen reminded members of the opportunity for rolling nominations and acknowledged recent recipients. Judge Gehlsen invited members to send nominations to her for submittal by DMCJA as well.

C. District and Municipal Court Management Association (DMCMA)

Ms. Kohler reported that the DMCMA and AOC conducted implicit bias training with 227 participants, and have scheduled a second session in coming weeks.

D. Misdemeanant Probation Association (MPA)

No report this month.

E. Superior Court Judges' Association (SCJA)

No report this month.

F. Washington State Association for Justice (WSAJ)

No report this month.

G. Washington State Bar Association (WSBA)

No report this month.

ACTION

1. Diversity Committee Action Plan – Board Approval

M/S/P to approve the DMCJA Diversity Committee Action Plan in the materials.

DISCUSSION

A. CLJ-CMS Project Team Update – Cat Robinson, AOC Project Manager; Dexter Mejia, AOC Court Business Office Manager; and Vicky Cullinane, AOC Business Liaison

Mr. Mejia spoke with the Board about his role as the Court Business Office Manager, including as a project advisor for the CLJ-CMS project team. Since Ms. Robinson was called away, Mr. Mejia briefed the Board about project status, the roles of key project team members, and communications related to it. The project has three main components: 1) Odyssey case management system used for data entry and case management of person records, which includes sub-functions such as clerks' edition, public portal, financial manager for banking functions, and judges' edition; 2) Tyler Supervision, a probation component that integrates with Odyssey case management; and 3) e-File and Serve. The AOC's business team is organized to support the three components of the project. The AOC project team just completed the first week of gap analysis with Tyler Technology. The team is finalizing the schedule now and anticipates the first pilot court will have e-filing in Summer 2021, with other courts having e-filing by year-end 2021. The project is working closely with justice partners about e-filing. Pierce County District Court and Tacoma, Gig Harbor and Fircrest/Ruston Municipal Courts are pilot courts. Rollout continues through 2025. After pilot, there are six remaining "events" (i.e., regions for rollout): 1) eastside counties; 2) north counties; 3) central counties; 4) northwest/middle counties; 5) southwest counties; and 6) south central counties. The project anticipates completing the schedule by year-end 2020. The project will conduct a second week of gap analysis next week to identify requirements that need custom development for Washington. Odyssey installation on AOC servers will occur in January 2021. Once installation is complete, then configuration will begin, along with data mapping, conversion, and testing. Judge Bui spoke about participating in gap analysis as a methodical and voluminous collaboration among the project team, Tyler team, and involved local courts. Judge Bui described the value of sharing case scenarios with Tyler staff.

B. CLJ-CMS and JIS Funding (Update on DMCJA Public Outreach Committee Materials)

Judge Gehlsen referred to the materials and encouraged members to contact legislators over the next two weeks to support continued funding for the CLJ-CMS project.

C. DMCMA Education Proposal

Ms. Yetter spoke about funding and educational needs for court managers. She explained the history and development of the court rule proposal in the materials. She explained the need for state funding and that DMCJA allocated \$20,000 in initial funding for use through June 2021. Those funds have not been used yet, but can be used to fund training in the spring. The DMCMA seeks DMCJA support for the court rule proposal. Judge Gehlsen and Judge Robertson spoke in support of the court rule proposal. Judge Gehlsen proposed referring the proposal to the DMCJA Rules Committee for review. Ms. Yetter asked for DMCJA's continued support for using the already allocated funds for spring training. Judges Gehlsen and Smith confirmed that those funds have been allocated and can be dispersed as originally contemplated.

D. Ad Hoc Committee Examining Ethics Advisory Committee (EAC) Opinion 20-07 (Update) – Judge Sam Meyer

Judge Meyer briefed the Board about the composition, meeting, and discussion of the Ad Hoc Committee. Concerns identified included: 1) eliminating criminal defense attorneys (and potentially prosecutors although not specifically addressed in the opinion), as prospective pro tems, reduces or eliminates the number of qualified pro tems available; 2) the civil bar available to serve as pro tems is less knowledgeable about criminal issues that make up a significant portion of the court's work; and 3) the pool of pro tem candidates will be less diverse if criminal defense (and/or prosecutors) are ineligible to serve, which hampers efforts to diversify the bench. Judge Meyer indicated that the issue is what to do, given the concerns. The Committee recommends sending a letter under the DMCJA President's signature, which outlines the concerns but without posing additional questions to the EAC. Judge Meyer identified a potential court rule as another option. Judge Meyer offered to prepare a draft letter for Judge Gehlsen's signature. Judge Cox asked whether there is a supervisory survey that the judge can or should use to monitor pro tems. Judge Ringus discussed inquiring of prospective pro tems about any pro tem training that they have participated in. Judge Meyer spoke of the utility of judges conferring with clerks for feedback about pro tems as an informal oversight mechanism. Judge Gehlsen indicated she will offer Judge Cox the guide used in King County.

Judge Gehlsen introduced Judge David Ebenger and invited him to speak about EAC Opinion 20-08, which was published on November 24, 2020, and addresses whether individuals may fulfill certain duties in the executive and judicial branches of local government. Judge Ebenger spoke of the impact of the opinion on small courts. Judge Ebenger suggested exploring options for addressing the concerns in the opinion but in a manner consistent with the realities facing small courts. Judge Gehlsen indicated the Board will make this a discussion item for the January meeting, and in the meantime, she will contact Judge Ebenger to discuss further.

E. Dues Surplus and Investment Options

Judge Gehlsen referenced the dues notification letters being disseminated soon. She indicated there had been discussion of how to responsibly administer current funds. Judge Smith will develop a proposal for presentation at the January meeting.

F. Diversity Committee Action Plan – Board Approval

The Board discussed the materials. Judge Short confirmed that no suggested amendments had been received, so the materials reflected the draft Action Plan reviewed by the Board in November. M/S/P to move approval of the Diversity Committee Action Plan to an action item.

INFORMATION

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

- A. DMCJA Racial Justice Commitment Letter
- B. 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.
- C. Examples of emergency administrative orders from Olympia Municipal Court, Spokane County District Court and Snohomish County District Court
- D. *"My COVID-19 Story and Judicial Assistance Services Program (JASP),"* by Judge Christopher Culp, Okanogan Superior Court
- E. [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
- F. New DMCJA Appointments to External Committees:
 1. [Access to Justice Board Liaison](#): Judge Marcine Anderson, King County District Court
- G. DMCJA Letter to Interpreter Commission regarding Proposed Changes to CrRLJ 3.4.

OTHER BUSINESS

Judge Charles Short sought feedback on behalf of the Education Committee regarding preferred days/times for upcoming meetings. Judge Smith spoke about timing meetings to increase attendance. The Board discussed the necessity of having a quorum.

Judge Gehlsen noted that the next DMCJA Board Meeting is scheduled for January 8, 2020, from 12:30 a.m. to 3:30 p.m., via Zoom video conference.

The meeting was adjourned at 3:29 p.m.