



DMCJA Board of Governors Meeting
Friday, August 14, 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 Thomas Cox
Judge Robert Grim
Judge Drew Ann Henke
Judge Tyson Hill
Commissioner Rick Leo
Judge Samuel Meyer
Judge Kevin Ringus
Judge Rebecca Robertson
Judge Charles Short
Judge Jeffrey Smith
Judge Laura Van Slyck
Judge Karl Williams
Commissioner Paul Wohl

Guests:

Judge Kristian Hedine, Bylaws Committee Chair
Judge Tam Bui, BJA Representative
Judge David Estudillo, SCJA
Patricia "Patti" Kohler, DMCMA
Judge Mary Logan, BJA Representative
Judge Kimberly Walden, CLJ-CMS Project

Administrative Office of the Courts (AOC)

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

Members Absent:

Judge Aimee Maurer

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. District and Municipal Courts and COVID-19 (Added Agenda Item)

Judge Gehlsen informed Board meeting participants that judicial leaders meet weekly to discuss court operations during the Coronavirus ("COVID-19") public health emergency. During these meetings, questions arise regarding the impacts of COVID-19 on courts. For this reason, Judge Gehlsen asked each Board participant to state how the pandemic has impacted the participant's court. The discussion centered on a policy not to issue failure to appear ("FTA") orders and jury trial challenges during the pandemic. Experiences differed but in criminal cases it was noted that less defendants have shown up for court upon knowing that an FTA would not be issued during the pandemic. Regarding jury trials, judges are contracting with facilities large enough to safely allow people to serve as jurors.

B. Minutes for July 10, 2020

The Board moved, seconded, and passed a vote ("M/S/P") to approve Minutes for July 10, 2020.

C. Treasurer's Report

M/S/P to accept the Treasurer's Report. Judge Jeffrey Smith reported on the status of Board Directors and Officers ("D&O") insurance, DMCJA audit, and gift for Melanie Stewart, DMCJA Lobbyist. Judge Smith informed that a designer purse and sandals were purchased for Melanie Stewart as a token of appreciation for her service to the association. Regarding D&O insurance, Allstate Insurance Company has informed that they do not provide coverage for judges, hence, he will speak with Propel Insurance, which insures the Superior Court Judges' Association ("SCJA"). Judge Smith is awaiting to hear from Propel Insurance. Judge Mary Logan expressed that her husband is an insurance agent and may assist the DMCJA with D&O insurance. Judge Smith expressed that the association may obtain a quote from Judge Logan's husband if there is no preclusion because Judge Logan is a Board for Judicial Administration ("BJA") representative for the DMCJA. Sharon Harvey will research the issue. Further, Judge Smith reported that he is awaiting a letter of engagement from Fruci & Associates, which will perform a five-year audit for the DMCJA.

D. Special Fund Report

M/S/P to accept the Special Fund Report for June 2020 and July 2020. Commissioner Rick Leo directed Board members to refer to the Special Fund report located in meeting materials. Commissioner Leo attested to the accuracy of both reports.

E. Standing Committee Reports

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

Commissioner Paul Wohl and Judge Kevin Ringus reported on the status of the committee. Commissioner Wohl reported that the committee had its first meeting on August 7, 2020. The committee received four legislative proposals after soliciting ideas for legislative fixes and proposals. The theme of the 2021 legislative session is to keep requests relatively modest and not to ask for anything that requires funding. The Legislature may consider different proposals regarding therapeutic courts. The committee plans to have a list of proposed DMCJA legislation for the Board's review on September 11, 2020. During the committee meeting on August 7, 2020, Judge Jeffrey Smith, Spokane District Court, expressed that he is willing to speak with Senator Mike Padden about DMCJA successes and challenges. Judge Lizanne Padula, Pierce County District Court, will speak with Representative Melanie Morgan regarding DMCJA legislative initiatives.

Judge Ringus, who also serves as the BJA Legislative Committee Chair, reported that the SCJA Legislative Committee joined the DMCJA committee during its August 7, 2020 meeting to discuss logistical challenges regarding the Clean Slate Act, [House Bill \("HB"\) 2793](#). Dory Nicpon, Associate Director for Judicial and Legislative Relations, presented on constitutional, statutory, court rule, and procedural challenges of the bill. Dory Nicpon also provided an action plan for trial court judges to follow regarding legislative outreach in order to relay judicial challenges of the Clean Slate Act. Alternatives to the bill were also provided for review. For more information regarding the BJA position on the Clean Slate Act, Board members are asked to refer to *Clean Slate Act Legislation: Analysis of Implementation Limitations for Washington's Sentencing Courts*, which was provided to the Board listserv on July 10, 2020. Judge Ringus expressed that a proposal by Judge Linda Portnoy regarding amending RCW 9.96.060 to clarify whether the New Hope Act allows for vacating convictions in DUI cases may help to address challenges with the Clean Slate Act. The BJA Legislative Committee will meet in August and discuss the Clean Slate Act and Single Judge Courts legislation. Single Judge Courts legislation refers to amending statutes to allow the pre-designation of a presiding judge ("PJ") by a judge in a single court or Chief Justice of the Supreme Court.

Board members also discussed concerns regarding [HB 2622](#), Firearm Orders Compliance, in which "the court shall issue a warrant...authorizing a search" for the weapons and "seizure of all firearms." The issue, however, is that there is no statutory mechanism for this to occur. Committee Co-Chairs reported that the committee discussed the issue and decided to refer it to the SCJA Protection Order workgroup, which is

addressing such issues related to these orders. Judge Gehlsen has reached out to Judge Jeffrey Goodwin, who serves as a DMCJA representative on the workgroup.

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

Vicky Cullinane, AOC JIS Business Liaison, addressed an issue regarding Judicial Access Browser Service (“JABS”) maintenance during the weekend that causes court systems not to provide necessary case history for defendants. Board members offered some ideas to resolve the issue, such as not performing JABS maintenance during the weekends. There was an inquiry regarding whether courts report weekend operations. Vicky Cullinane agreed to look into the issue. Dawn Marie Rubio requested that judges send issues directly to her attention. Judge Gehlsen expressed that this is a public safety issue because misdemeanor and felony crimes are heard during weekend hours in some courts.

LIAISON REPORTS

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

Dawn Marie Rubio reported that the AOC has received Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding for distribution throughout Washington Courts and Clerks’ Offices. The AOC has awarded CARES Act funding for twenty courts of limited jurisdiction to date. Dawn Marie Rubio informed that the application process for receiving CARES Act funding is not onerous. These funds may be used for court operation needs during the COVID-19 pandemic, such as personal protective equipment (“PPE”), pro tempore coverage, staff, outfitting courtrooms and facilities for jury trials, etc. It was suggested to partner with counties to receive funding. For more information on the AOC application process for CARES Act funding, see DMCJA Board Meeting Supplemental Agenda for August 14, 2020.

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

BJA liaisons reported that the next BJA meeting is in October 2020. They further informed that a BJA Leadership Summit is scheduled for August 25, 2020. For more information about the BJA please click [here](#).

C. District and Municipal Court Management Association (**DMCMA**) – Patricia Kohler, President
Patricia “Patti” Kohler, DMCMA liaison, reported that the DMCMA is working on fall regional trainings for court managers with the assistance of the AOC. Ms. Kohler specifically expressed thanks to Angie Autry, AOC, and Pam Dittman, AOC. Judge Gehlsen suggested that Ms. Kohler inform managers of CARES Act funding available for court operation needs.

D. Superior Court Judges’ Association (**SCJA**) – Judge David Estudillo, President-Elect
Judge Estudillo, SCJA liaison, reported on SCJA initiatives. He informed that an SCJA workgroup regarding racial justice created a letter expressing the SCJA’s commitment to racial justice. He added that the SCJA Legislative Committee joined the DMCJA Legislative Committee to discuss Clean Slate Act legislation. Judge Estudillo commended Dory Nicpon for the toolkit and action plan to communicate with legislators concerns regarding the bill. Judge Estudillo further informed that SCJA will join a Senate Law & Justice panel to convey challenges and lessons learned for court operations during the public health emergency. Trial court funding may be mentioned during the panel discussion. Judge Estudillo reported that the SCJA is preparing for an upcoming Salary Commission meeting.

E. Washington State Bar Association (**WSBA**) – Kim E. Hunter, Esq.
It was reported that Kim Hunter, Esquire, WSBA Liaison, is unable to attend meetings because she has contracted the Coronavirus (“COVID-19”). The DMCJA plans to send a get well soon card to Kim Hunter.

ACTION

1. Whether to meet on Sunday, September 13, 2020, from 9:00 a.m. to 12:00 p.m. since the Annual Fall Conference is cancelled.

M/S/P to reschedule the Board meeting to Friday, September 11, 2020, via zoom video conference.

2. DMCJA Board of Governors Insurance

M/S/P to purchase insurance with monies allotted from the DMCJA public fund.

DISCUSSION

A. CLJ-CMS Project – Presentation by Judge Kimberly Walden, Tukwila Municipal Court

Judge Kimberly Walden reported on the status of the Courts of Limited Jurisdiction Case Management System (“CLJ-CMS”) Project, which is an initiative to provide a modern case management system for all district and municipal courts. Judge Walden reported that a contract with Tyler Technologies has been approved. Judge Walden presented on the history, challenges, and successes of the project, and, expressed thanks to everyone who was a part of its success. She noted that the signing of this contract has involved years of work and a commitment by the Judiciary. The contract was for approximately 23.3 million dollars. For more information about the CLJ-CMS Project, please visit the CLJ-CMS Project web page [here](#).

B. Request for DMCJA Bylaws Committee to Review Bylaws and Recommend Changes regarding the Coronavirus (“COVID-19”) public health emergency.

Judge Gehlsen reported that COVID-19 and other modern occurrences have caused the need for the DMCJA Bylaws to be reexamined. Judge Kristian Hedine, DMCJA Bylaws Committee Chair, agreed to meet with the committee to discuss and propose bylaws changes that reflect modern times. Judge Gehlsen emphasized that language related to the Annual Conference is crucial. Sharon Harvey offered to provide a memorandum regarding Board elections during COVID-19 as a reference for the DMCJA Bylaws Committee.

C. 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.

This topic is deferred to the September Board meeting. The issue is whether the association should be assessed annual dues since the COVID-19 pandemic has prevented in-person conferences and meetings. Dues payments are typically used to pay incidental fees for Annual Spring Conference participants.

D. Whether to meet on Sunday, September 13, 2020, from 9:00 a.m. to 12:00 p.m. since the Annual Fall Conference is cancelled.

The Board discussed whether to reschedule the Board meeting for Sunday, September 13, 2020, since COVID-19 has caused the Annual Fall Conference to be cancelled. Judge Gehlsen suggested rescheduling the meeting for Friday, September 11, 2020. There were a couple of concerns regarding the September 11th date because it is the same date of a (1) DMCJA Legislative Committee meeting, and, (2) Court Recovery Task Force meeting. M/S/P to make this discussion topic an action item.

E. DMCJA Board of Governors Insurance

This topic relates to Directors and Governors (“D&O”) insurance, which the Board voted to purchase at its Board Retreat in May 2020. Sharon Harvey, DMCJA Primary Staff, prepared a memorandum regarding whether the Board should purchase this insurance from public funds or private funds. Public funds are monies collected annually by association dues. In contrast, private funds are those obtained from Special Fund assessments. The memorandum outlined certain laws related to D&O insurance and suggested that either, public funds or private funds, may be used. Public funds are acceptable because D&O insurance is considered the cost of doing business. Statutes related to such indemnification were created to rid liability for making business decisions for an organization. Further, private funds may be used because the Special Fund is to be

used for litigation and related issues. The DMCJA decided to purchase the insurance after learning that the SCJA has D&O insurance. The SCJA uses public funds to purchase this insurance. Judge Charles Short stated that Sharon Harvey's memorandum laid out the issue well and moved for a vote. M/S/P to make this topic an action item.

F. DMCJA Letter Expressing Commitment to Racial Justice

1. SCJA Racial Justice Commitment Letter

Judge Gehlsen reported that the SCJA has issued a letter regarding the association's commitment to racial justice, and, therefore, the DMCJA may want to send a similar letter committing to racial justice. The SCJA letter outlined efforts that SCJA members are taking to address systemic racism in the justice system. Judge Gehlsen informed that the DMCJA Diversity Committee has been tasked with creating an action plan for the DMCJA's number one priority, *Identifying and Eliminating Systemic Racism in our Justice System*, and requested that Judge Short report on the efforts. Judge Short reported that the DMCJA Diversity Committee is working on the following regarding racial justice:

- **An effort to increase Pro tempore judge diversity** - Committee will ask DMCJA for names of judges interested in being included in a letter to Minority Bar Associations ("MBAs") and past Pro Tem attendees. The letter that will go out to the MBAs and past Pro Tem attendees will say that these judges are interested in having the attorneys contact them about serving as judges pro tempore.
- **A survey looking at the cost of Electronic Home Monitoring ("EHM")** – Defendants who are unable to afford EHM are not provided it as an alternative to incarceration during pretrial release. This is one prime example of how inequity happens in the criminal justice system. This could be an opportunity for judges to talk with budget decision makers on ways to improve public safety in the community. For instance, whether it costs less money to place defendants on EHM than it does to incarcerate them.

Board members requested that the letter mention actionable items and not comment on any pending cases. Judge Charles Short, Judge Rebecca Robertson, and Judge Gehlsen will work with Sharon Harvey to draft a letter regarding the DMCJA's commitment to racial justice.

INFORMATION

- A. The 2020 Annual Judicial Conference is cancelled because of the ongoing COVID-19 pandemic. (DMCJA will put on September 15 mental health; Judge from Miami-Dade County; Judge Leifman);
- B. Education Committee Virtual Spring Conference Evaluation Summary
- C. The Washington State Resumption of Jury Trials Workgroup has provided guidance regarding jury trials during the Coronavirus ("COVID-19") public health emergency, which may be found [here](#).
- D. The Washington State Supreme Court issued an [open letter](#) regarding systemic racism that has been disseminated to the legal community. The Gender and Justice Commission issued a [letter of support](#) of this action.
- E. For the latest news about the Washington State Judiciary, read the [Full Court Press](#). (Full Court Press resources at the back are very good)
- F. The BJA will assess dues for 2020-2021. For more information, please see flyer located in agenda packet.
- G. Education webinars on *Maintaining Judicial Independence in Tough Times* and *Meditation* may be viewed on Inside Courts [here](#). (Remember the stress we are carrying); one hour long (2 meditations)

OTHER BUSINESS

- A. The next DMCJA Board Meeting is Friday, September 11, 2020, from 12:30 p.m. to 3:30 p.m., via zoom video conference.

ADJOURNED at approximately 3:00 p.m.