



DMCJA Board of Governors Meeting
Friday, March 12, 2021, 12:30 p.m. – 3:30 p.m.
Zoom Video Conference

MEETING MINUTES

Members Present:

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

Members Absent:

Judge Charles Short
Judge Laura Van Slyck

Guests:

Judge Tam Bui, BJA Representative
Judge David Ebenger
Judge David Estudillo, SCJA
Judge Beth Fraser
Judge Jeffrey Goodwin
Judge Willie Gregory
Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative
Judge Kimberly Walden
Mark O'Halloran, WSAJ
Bryn Peterson, WSBA

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
J Benway, Legal Services Senior Analyst
Vicky Cullinane, Business Liaison
Sondra Hahn, Court Program Analyst

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 12:32 p.m.

POEM READING AND BREAK OUT SESSIONS

Judge Willie Gregory read to the Board Mya Angelou's poem, *His Day is Done*.

Meeting participants were split into five informal breakout groups, and members were invited to hold an open discussion on topics of interest to their group. Following the breakouts, designees from each briefly shared with the larger group.

ANNOUNCEMENTS

Judge Gehlsen referenced Judge Bui's email to the DMCJA requesting members share COVID-recovery "big ideas" with her before the March 19, 2021 Board for Judicial Administration (BJA) meeting. Judge Bui will be the BJA Co-Chair effective July 1, 2021.

Judge Gehlsen shared that essential court staff have moved up in the vaccine process and will be able to use the letter distributed by the Chief Justice and Dawn Marie Rubio starting March 17.

DMCJA and DMCMA sent flowers to Pam Dittman in recognition of the passing of her father, and DMCJA gave Shannon Hinchcliffe a gift card in recognition of her service to DMCJA.

1. GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for January 8, 2021 and the special meeting on January 29, 2021.

B. Treasurer's Report

M/S/P to accept the January and February 2021 Treasurer's Reports. Judge Smith reported that DMCJA has spent approximately one-third of the annual budget two-thirds of the way through the fiscal year. Approximately six members have not yet paid dues. The DMCJA Education Committee is working to secure Brian Stevenson as a guest speaker for a combined session with the Superior Court Judges' Association (SCJA). Mr. Stevenson's \$30,000 fee would require contributions by DMCJA, SCJA, and the Minority and Justice Commission.

C. Special Fund Report

M/S/P to accept the January and February 2021 Special Fund reports.

D. Standing Committee Reports

1. Rules Committee – January 27, 2021 and December 9, 2020, minutes

Judge Goodwin ask members to let him know if they have questions.

2. Diversity Committee

- a. Pro Tem Training

An informational copy of the Pro Tem Training flyer was provided in the meeting materials.

3. Legislative Committee

Commissioner Wohl reported that DMCJA's proposed legislation, SHB 1294 regarding misdemeanor probation services, passed the house of origin and had its first hearing in the Senate March 11, and Commissioner Wohl testified. His sense is that the bill has strong support and will be placed on the floor calendar soon. E2SHB 1320 regarding protection orders is of significant concern to DMCJA due to a number of substantive and administrative changes, some of which are unattainable for CLJs. The bill also requires a statewide electronic filing system. Commissioner Wohl reported that the DMCJA Legislative Committee is working with the bill sponsors and supporting interest groups to mitigate some of the effects. The Legislative Committee is also watching ESSB 5226, which would eliminate driver's license suspensions for failure to pay traffic tickets. The bill requires extensive payment plan arrangements and requires changes to traffic infraction notices allowing individuals to indicate that they cannot afford to pay the full amount. This option will require the Uniform Infraction Citation Committee (UICC) to entirely rework the notice of infraction to accommodate the change, and AOC will need to make substantial system changes if this bill passes. Judge Ringus added that it has been difficult to calculate cost implications in order to explain to legislators the impacts of legislation.

4. Nominating Committee

Judge Meyer directed members to the materials, providing the 2021 candidates for election as follows:

President-Elect	Commissioner Rick Leo
Vice-President	Judge Jeffrey Smith
Secretary/Treasurer	Judge Karl Williams
Board Position #1, Fulltime District Ct	Judge Lloyd Oaks
Board Position #8, Open Position	Judge Michael Frans
Board Position #9, Open Position	Judge Catherine McDowall
Commission on Judicial Conduct (CJC)	Judge Kristian Hedine
CJC, Alternate Member	Judge Claire Bradley

E. Judicial Information Systems (JIS) Report

Ms. Cullinane deferred to Judge Walden's CLJ-CMS project update.

F. CLJ-CMS Project for Rules and E-filing

Judge Walden thanked the Board for its continued support and reported that the Phase 1 webinar for e-filing had over 300 registrants. Additional Phases are: 2) March 17, northwest Washington; 3) March 19, central; 4) March 26, north central; 5) March 30, southwest, 6) April 2, south central. The project team has sent information to bar associations to ensure attorneys have an opportunity to attend. Nearly 100 FAQs have been

answered. Judge Walden encourages the judges to attend and pass along information to attorneys. A model rule was distributed via listserv and rule questions are being addressed. Judge Gehlsen asked about superior court's e-filing with Odyssey, and Judge Walden noted every JIS court will have e-filing capability by the end of 2021.

Judge Maurer shared that some Spokane attorneys have pushed back against the \$5 envelope fee because it may be unconstitutional, and she asked Judge Walden if the \$5 fee could be charged after conviction instead. Judge Walden noted that this is not part of the current contract, and that a state court rule and JISC allow charging of the fee.

Ms. Cullinane explained case examples that would provide exceptions to the \$5 filing fee. She also explained that the fee must be paid at time of filing or the filing won't happen; however, the fee will not be charged until the court accepts the filing.

2. LIAISON REPORTS

A. Administrative Office of the Courts AOC

Ms. Rubio was not present.

B. Board for Judicial Administration (BJA)

Judge Bui reported that a request for proposal (RFP) to secure an online learning management system will be published within the next few weeks. Judge Robertson reported that trial court security funding was requested as part of the Capital Budget.

C. District and Municipal Court Management Association (DMCMA)

Ms. Kohler was not present.

D. Misdemeanant Probation Association (MPA)

Ms. Scarpaci was not present.

E. Superior Court Judges' Association (SCJA)

Judge Estudillo reported that the SCJA Legislative Committee has been very busy, especially in response to E2SHB 1320, and is trying to make headway with the bill sponsors and Retired Judge Anne Levinson. SCJA is forming a *Blake* decision workgroup to address resentencing implications. Judge Gehlsen inquired about the number of cases that may require resentencing, and Judge Estudillo noted an estimate of 25,000. Reimbursement of LFO fees as a result of cases dismissed due to *Blake* is also under review. Early estimates just to handle resentencing (clerks, defense council, etc.) total \$100 million. The Unrepresented Litigants Workgroup is drafting suggested changes to CJC Canon 2.6 that would permit judges to convey general advice to unrepresented litigants on where to find information, etc. They meet with the Supreme Court on March 22 to discuss.

F. Washington State Association for Justice (WSAJ)

Mr. O'Halloran noted he will provide a DMCJA Board update to the WSAJ.

G. Washington State Bar Association (WSBA)

Mr. Peterson had to leave the meeting early.

3. ACTION

A. Proposal from the DMCJA Rules Committee

M/S/P to approve the Rules Committee recommendation to forward proposed amendments to the Supreme Court Rules Committee as provided in the meeting materials:

1. CRLJ 43 – Taking of Testimony

2. GR 22 – Access to Family Law, Guardianship, and Therapeutic Court Records

Judge Goodwin commended Judge Eisenburg for drafting the amendments to GR 22 and for working with the Washington State Association of County Clerks and the SCJA on the proposal.

4. DISCUSSION

A. Options for Surplus Funds – Judge Smith

Judge Smith reported that he is looking into account options that would bear greater interest, and plans to share options at the April meeting.

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

Judge Meyer requested review of the draft letter to the Supreme Court Ethics Advisory Committee (EAC) provided in the materials. The purpose of the letter is to explain to the EAC the unintended consequences of Opinion 20-07, which impacts appointing pro tems. M/S/P to move this item to the Action Agenda. M/S/P to approved sending the letter as written, following the updating of the date. Judge Henke abstained.

C. DMCJA Rules Committee Updates – Judge Goodwin and Ms. Benway

1. Draft ARLJ 14 - Judge Goodwin reported on DMCMA's proposal for a new ARLJ 14 that was referred to the Rules Committee. The Committee is working with the DMCMA on the proposal, which would require training for court administrators, and will likely bring something forward for the Board to consider at the next meeting. This matter is not time-sensitive.

2. CrRLJ 3.4 Update - The Rules Committee has been reviewing recent amendments to CrRLJ 3.4 and the recent opinion in *State v. Gelinis*, which interprets CrRLJ 3.4. Although the changes will impact operations in courts of limited jurisdiction, the Rules Committee does not recommend that any action be taken at this time. Instead, the Committee suggests allowing time to see what's working in different jurisdictions and then use that information to propose amendments based on successful practices. The Rules Committee will monitor other efforts to amend the rule. Judge Goodwin thanked Ms. Benway for her organization and service to the Committee.

D. DMCJA Rules Committee Report re Rules Published for Comment – Judge Goodwin and Ms. Benway

Judge Goodwin provided in the materials a report on rules published for comment, which includes proposed positions. His report overview highlighted the following, and this topic will move to the April Action Agenda:

- GR 39 – Support Recommendation – This new rule would streamline the process for requesting some LFO relief already available under statute and rule. No new LFO relief provisions are proposed within the rule.
- CrRLJ 3.1 – No Position Recommendation - This amendment adds a requirement that counsel representing indigent persons be familiar with appellate indigent defense standards.
- CrRLJ 3.2(a) Recognizance – Oppose Recommendation
- CrRLJ 3.2(b) Cash Bail – Support Recommendation
- Recommendation of No Position on CR 71, GR 22, GR 23, GR 24, APR 29, APR 30, RDI, RPC 6.5, APR 4, APR 5, APR 11, APR 25.1, APR 25.2, APR 25.3, and APR 28.

Judge Goodwin expressed interest in forming a workgroup with SCJA to identify emergency Supreme Court Orders that worked well during the pandemic, and Judge Ringus recommended Judge Goodwin consult the BJA Court Recover Taskforce to see if they may already be undertaking this effort.

E. Resolution for the Racial Justice Consortium Contribution from DMCJA – Judge Smith

The Resolution was signed on February 3, 2021. M/S/P to move the Resolution for the Racial Justice Consortium Contribution to the Action Agenda. M/S/P to approve the February 3, 2021, Resolution. Commissioner Leo confirmed that the \$5,000 contribution from the Special Fund was sent.

F. Funding Request for the 2021 MPA Annual Conference – Ms. Scarpaci

Ms. Scarpaci called in for this discussion topic. The request in the past was for a more expensive speaker. Judge Smith noted zero expenditures to date under the \$1,000 MPA Liaison line item due to remote meetings. Judge Williams expressed support in funding the request for the companion organization. Judge Smith expressed that he feels there is room in the budget from other line items. Judge Gehlsen expressed concern about this becoming an annual request. M/S/P to move the MPA funding request to the Action Agenda. M/S/P to contribute \$1,200 to M/P/A, with \$1,000 allocated to the MPA Liaison line item budget and \$200 to the Conference Planning Committee line item budget.

Judge Ringus requested assurance that the training is available to judges as advertised.

G. Forming Budget Subcommittee to Draft Balanced Budget Recommendation – Judge Short

Judge Gehlsen shared that Judge Short hopes to meet with Judge Smith and Commissioner Leo in March to prepare balanced budget recommendations for the Board's consideration in April.

H. Long Range Planning (LRP) Committee – Commissioner Leo

Commissioner Leo as LRP Chair recommends that the current Treasurer serve on LRP since the Treasurer chairs the Committee the following year. Judge Short offered to attend the meeting and Commissioner Leo agreed that the incoming President attending is a good idea. The LRP meeting is March 18, and the Board meeting materials include the 2020 -2021 DMCJA Priorities list. Commissioner Leo invited Board members to express additional recommendations. Judge Gehlsen expressed interest in JABS as a priority, and expressed concern that JABS is not functioning or as integrated as it was previously.

5. INFORMATION

Judge Gehlsen shared the following informational items with the Board.

A. [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:

- March 29, 2021
- June 1, 2021

B. New DMCJA Appointments to External Committees:

1. N/A for March 2021

C. DMCJA Action Requested Memo: Court Funding and HB 1320

6. OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for April 9, 2021, from 12:30 p.m. to 3:30 p.m., via Zoom video conference.

The meeting was adjourned at 3:10 p.m.