



DMCJA Board of Governors Meeting
Friday, April 9, 2021, 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 Samuel Meyer
Judge Kevin Ringus
Judge Charles Short
Judge Laura Van Slyck
Judge Karl Williams
Commissioner Paul Wohl

Guests:

Judge Tam Bui, BJA Representative
Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative
Patricia "Patti" Kohler, DMCMA
Bryn Peterson, WSBA
Judge Lisa Mansfield
Judge Jessica Giner
Judge Fa'amomoi Masaniai Jr.
Judge Catherine McDowall
Judge Charles "Bruce" Hanify
Commissioner Paul Nielsen
LaTricia Kinlow, Tukwila Muni Court Administrator

Members Absent:

Judge Anita Crawford-Willis
Judge Aimee Maurer
Judge Jeffrey Smith

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
J Benway, Legal Services Senior Analyst
Vicky Cullinane, Business Liaison
Tracy Dugas, Court Program Specialist
Sondra Hahn, Court Program Analyst
Dirk Marler, Chief Legal Counsel, CSD Director
Dawn Marie Rubio, State Court Administrator

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. Judge Gehlsen also noted that new judges were invited to this meeting to observe, and asked attendees to introduce themselves.

BREAKOUT SESSIONS

Meeting participants were split into five informal breakout groups, and members were invited to discuss DMCJA membership and participation with the new judges in their group, or other topics of interest. Following the breakouts, designees from each group briefly shared what was discussed in their breakout room.

1. GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for March 12, 2021. Judges Van Slyck and Short abstained.

B. Treasurer's Report for March

Commissioner Leo reported on behalf of Judge Smith. M/S/P to approve the Treasurer's Report for March.

C. Special Fund Report for March

M/S/P to approve the Special Fund Report for March.

D. Standing Committee Reports

1. *Rules Committee*

J Benway noted that the special meeting minutes (from Rules) are in the packet.

2. *Diversity Committee*

Judge Short reported that the committee recently finished hosting a pro tem training in collaboration with the Washington State Bar Association (WSBA), which had excellent turnout with over 200 participants, and a list of attendees will be sent to membership for future reference. He noted that both WSBA and the minority bar associations have been great partners in collaboration to reach more potential participants. Judge Williams also reported that the breakout sessions in the pro tem trainings were especially notable, and that he appreciated that pro tems were given the opportunity to speak directly to judges. He felt that participants came away from the training with a sense that they would be able to take action immediately, and that the committee was dedicated to reaching potential pro tems from all across the cultural spectrum. He felt that the experience of seeing pro tems be appointed was very rewarding, as many judges get their start as pro tems, and strong training can contribute to producing better judges overall. Judge Short agreed that participants this year seemed particularly engaged and asked excellent questions.

3. *Legislative Committee*

Judge Gehlsen thanked the Co-Chairs for their hard work during this very busy session. Commissioner Wohl shared that there have been several bills this session with substantial impacts. DMCJA's own bill, HB 1294, has passed both houses and been delivered to the governor for signature. This bill will give CLJs the ability to share probation services between courts without having to present to local legislative authorities, as long as no payment is required for the services. Another major bill of note this year is SB 5226, which removes financial based suspensions, allows for more payment plan opportunities, and creates restrictions on when collection activities can begin for unpaid balances. Commissioner Wohl shared that this bill has passed the Senate, is currently in the House, and is likely to pass. The bill that has required the most attention this year is HB 1320, which is a major and comprehensive rewrite of the various kinds of civil protection orders. Commissioner Wohl explained that this bill has many implications for superior courts, courts of limited jurisdiction, and the Administrative Office of the Courts (AOC), including a requirement that AOC redraft all forms associated with protection orders. In addition, this bill requires an electronic filing system, and has short timeframes for implementation, because the intention of the bill is to remove obstacles for individuals requiring protection orders. Due to the many requirements of the bill and the short implementation timelines, the full bill is not technically feasible at the moment but some of the upcoming technological enhancements already in the pipeline (such as the new case management system) will overlap with the requirements of the bill. Commissioner Wohl also noted that this bill restricts the court's ability to livestream hearings related to protection orders, and would require consent of all parties prior to livestreaming. The Legislative Committee Co-Chairs feel this creates an issue with open courts, and Judge Gehlsen and Judge Ramseyer, SCJA President, have signed a letter directed to the bill sponsors requesting them to remove or rewrite this provision. The bill has passed the House and is current in the Senate, where it is expected to pass. Commissioner Wohl summarized that this bill will create major changes to court operations in the future.

Judge Ringus briefly noted that here is a proviso related to the Criminal Justice Treatment Account, currently utilized by drug courts, which would carve out funds for cities to establish or maintain therapeutic courts, which would be beneficial as the *Blake* decision will create a need for more therapeutic courts in CLJs as these cases will no longer be charged as felonies. Judge Ringus thanked Judge Gehlsen for all of her efforts, especially regarding the efforts to secure this funding, and noted that there were over 1500 bills this legislative session.

Ms. Rubio requested support for HB 1532 from the Association, as this bill removes the sunset provision so that courts may continue to collect civil filing fees. Judge Gehlsen stated that DMCJA will sign in to the hearing as “pro” for the bill.

E. Judicial Information Systems (JIS) Report

Ms. Cullinane briefly reported on this item under CLJ-CMS Project instead of as a separate item.

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

Judge Gehlsen introduced this item by mentioning that she recognizes that there are many outstanding questions and concerns about the CLJ-CMS project, and that DMCJA leadership is working to increase communication and collaboration with the project team. Ms. Cullinane reported that there have now been seven webinars for local bar associations to learn about the project, that there has been a good amount of participation, and questions are being addressed.

2. LIAISON REPORTS

A. Administrative Office of the Courts AOC

Ms. Rubio reported that this legislative session has been especially challenging due to the departure of Dory Nicpon, Associate Director of Judicial and Legislative Relations, from AOC. Ms. Rubio shared that she has been working closely with AOC’s contract lobbyist Devon Conner-Green and has been pleased with his work. Over 300 bills that could impact the courts, from small changes to sweeping reform, are still moving through the legislative process. In addition, last year AOC submitted a decision package for several items including behavioral health, equity and access, modifying judicial needs estimate methodology, and expanded trial court legal services. She expects that some of these packages will ultimately be included in the budget, but some will not. Ms. Rubio reported that she has heard positive comments about vaccine distribution for the courts and she welcomes comments or questions. In addition, she shared that AOC applied for CARES funding through the Office of Financial Management and were awarded about \$13.5 million to disseminate to local jurisdictions. The work group responsible for reviewing requests for these funds have focused primarily on reducing backlog, but there is approximately \$2.2 million left in the fund, and she encouraged additional jurisdictions to apply for the funds if they need it. Judge Meyer asked if there was still an issue in the budget where the CLJ-CMS project would be moved under OFM oversight, and Ms. Rubio responded that this language does still appear to be in the budget.

B. Board for Judicial Administration (BJA)

Judge Robertson reported that court security funding is not currently in the Senate budget but that she is hopeful it will be added.

C. District and Municipal Court Management Association (DMCMA)

Ms. Kohler reported that DMCMA has been hosting workshops called “Silence = Acceptance” and throughout the three sessions now complete, they have had over 600 participants.

D. Misdemeanant Probation Association (MPA)

Ms. Scarpaci was not present.

E. Superior Court Judges’ Association (SCJA)

Judge Estudillo was not present.

F. Washington State Association for Justice (WSAJ)

Mr. O’Halloran was not present.

G. Washington State Bar Association (WSBA)

Mr. Peterson was present but had no report.

3. ACTION

- A. *Recommendation from DMCJA Rules Committee regarding new GR 39 published for comment – Judge Jeffrey Goodwin and Ms J Benway*
M/S/P for DMCJA to adopt the position of Rules Committee as provided in the materials and to submit a comment in favor of the proposed rule prior to the April 30, 2021 comment deadline.
- B. *Recommendations from DMCJA Rules Committee regarding proposed amendments to CrRLJ 3.2 published for comment – Judge Jeffrey Goodwin and J Benway*
M/S/P for DMCJA to support proposed amendment to CrRLJ 3.2b and oppose proposed amendment to 3.2a as provided in the materials.
- C. *Report from Bylaws Committee regarding proposed amendments to the Bylaws – Judge Hedine and Ms. J Benway*
M/S/P to support Bylaws Committee proposed amendments and send them to full membership for vote with the other Spring Conference ballot items.

4. DISCUSSION

A. Options for Funds Surplus – Judge Smith

Judge Smith was not present and this item was not discussed.

B. Balanced budget Discussion – Judge Short

Judge Short reported that the Reserves Committee will be meeting soon to draft recommendations for the budget discussion at the Retreat, with an eye towards drafting a budget that is more balanced than in recent years. Due to decreased expenses from the pandemic and online meetings, the committee expects to present some recommendations for budget items that are new to DMCJA but that should be very helpful to members.

C. Lobbyist Contract – Judge Smith

Judge Gehlsen shared that long-time DMCJA lobbyist, Melanie Stewart, will be retiring at the end of the legislative session after working with us for 41 years. Judge Gehlsen reported that she has requested a work group be established, Chaired by Judge Robertson, to discuss all aspects of hiring a new lobbyist including reviewing the most recent contract and drafting a new version, researching salaries, and prioritizing qualities the association would hope to find in a new lobbyist. Judge Gehlsen asked that any members who are interested in participating in the group should contact staff to join.

D. Proposal from the DMCJA Rules Committee to adopt new ARLJ 14 – Judge Goodwin and Ms. J Benway

Ms. Benway introduced LaTricia Kinlow (DMCMA) to present this joint proposal. Ms. Kinlow explained that this proposal, which has been in progress for several years, has the purpose of ensuring that court administrators are receiving continuous education. She went on the share that this proposal provides the additional benefits of ensuring that the training received by administrators is appropriate and substantial, while allowing administrators to more easily transition between courts. Ms. Kinlow stated that in the past when budgets have been reduced, non-mandatory training has been cut. Judge Gehlsen shared that she believes the Association should support this proposal, as having well-trained administrators is imperative to a well-run court. Judge Robertson mentioned that this rule proposal has previously been discussed and vetted by Education and other committees. The judges briefly discussed whether DMCMA education would become self-sufficient in the future, and Ms. Kinlow stated that the funding has been rolled over in previous years. Most of the training required by this proposal is already provided, and DMCMA will be working with AOC staff to establish criteria for CLEs. She shared that the goal is for DMCMA to be financially self-sufficient so that the training is sustainable in the future, and when Judge Williams asked if there will be additional financial obligations to individual jurisdictions, Ms. Kinlow responded that the financial obligations

would not be more substantial than what jurisdictions pay now if the jurisdiction currently pays for administrator training. She also mentioned that scholarships are offered to DMCMA members if there is no jurisdiction funding available. This item will be moved to Action for the next DMCJA meeting agenda.

E. Report by Bylaws Committee regarding proposed amendments to the Bylaws – Judge Hedine and Ms. J Benway

Ms. Benway explained that this item is information that the recommendations need to be made at annual meeting. M/S/P to move this item to Action today.

5. INFORMATION

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

- A. Letter of Concern regarding jail interpreting received from the Supreme Court Interpreter Commission
- B. SCJA/DMCJA joint statement denouncing racism and bias
- C. Webinar – Meaningful Communication in Complicated Times; Sponsored by the Interpreter and Gender & Justice Commissions
- D. Letter to lobbyist Melanie Stewart from DMCJA President Michelle Gehlsen congratulating her on her upcoming retirement
- 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:
 - June 1, 2021
- F. New DMCJA Appointments to External Committees:
 1. Council on Public Defense: Judge Drew Henke
 2. JASP: Judge Timothy Jenkins & Judge Michael Finkle

The next DMCJA Board Meeting is scheduled for Friday, May 7, 2021 from 1:00 p.m. to 2:00 p.m. followed by the DMCJA Retreat from 2:00 p.m. to 5:00 p.m.; both held via Zoom video conference.

The meeting was adjourned at 2:09 p.m.