



DMCJA Board of Governors Meeting
Friday, September 10, 2021, 12:30 p.m. – 3:30 p.m.
Zoom Video Conference <https://wacourts.zoom.us/j/97570254401>

MEETING MINUTES

Members Present:

Chair, Judge Charles D. Short
Judge Thomas Cox
Judge Michael Frans
Judge Michelle K. Gehlsen
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Catherine McDowall
Judge Lloyd Oaks
Judge Jeffrey Smith
Judge Laura Van Slyck
Judge Mindy Walker
Judge Karl Williams

Members Absent:

Judge Anita Crawford-Willis
Judge Kevin Ringus
Commissioner Paul Wohl

Guests:

Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative
Judge Jeffrey Goodwin
Judge Kimberly Walden
Judge Jennifer Forbes, SCJA
Regina Alexander, MPA
LaTricia Kinlow, DMCMA
Lionel Greaves IV, Loren Miller Bar Association

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
J Benway, Principal Legal Analyst
Vicky Cullinane, Business Liaison
Tracy Dugas, Court Program Specialist
Dawn Marie Rubio, State Court Administrator

CALL TO ORDER

Judge Charles D. Short, 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 12:35 p.m.

WELCOME AND MINUTES

Judge Short welcomed everyone to the September 2021 meeting of the DMCJA Board of Governors.

A. Minutes

The minutes from the August 13, 2021 meeting were previously distributed to the members. Judge Short asked if there were any changes that needed to be made to the minutes. Hearing none, the minutes for the August 13, 2021 meeting were approved by consensus.

COMMITTEE AND LIAISON REPORTS

A. Diversity Committee Report

Judge Karl Williams reported that the committee is still working on the electronic home monitoring survey and that it will be sent out soon.

B. Legislative Committee Report

Judge Kevin G. Ringus reported that the second Legislative Committee meeting of the year was held this morning. Judge Ringus shared that there were five proposals submitted to the committee for consideration

this year, but that none appear to be ready to take up as a priority for DMCJA this year. For example, one proposal involves backlog issues, and the Legislative Committee has determined that it will be better to wait and see how that process looks in a year, while another proposal is more appropriate for education.

Judge Ringus reported that Melissa Johnson, DMCJA lobbyist, has several meetings scheduled with legislators, and that if anyone has an existing relationship with a lawmaker, to please send that information to staff for documentation. Judge Ringus noted that DMCJA's bill from the 2021 legislative session, HB 1294, requires a work group that is directed to create a model local agreement for probation services in conjunction with WAPA and AOC. The Joint Legislative Task Force on Jail Standards, established in SB 5092, is seeking members from the association. SB 5307 (Uniform Pretrial Detention and Release Act) will be the focus of an upcoming Senate Law and Justice Committee meeting, where Judge Ringus will present on some questions sent to him from Senator Pedersen, centering around CrR 3.2. Judge Ringus reported that the legislative priority for the year will be supporting the funding requests for a DMCJA policy analyst and eFiling.

C. Rules Committee Report

Judge Jeffrey D. Goodwin reported that the Rules Committee is again looking at the citizen complaint rule in light of recent case authority, as well as 3.2 rule amendments.

D. Therapeutic Courts Committee Report

Judge Laura Van Slyck reported that the Therapeutic Courts Committee co-chairs have been heavily involved in the grants process for therapeutic court funding allocated in SB 5476. She shared that applications for the grants will be accepted between September 7, 2021 and September 28, 2021. Judge Van Slyck reported that many questions have been received about the application process, and a Q&A session hosted by AOC and the grant funding workgroup had 56 attendees, which shows a lot of interest in the program.

E. Public Outreach Committee Report

Judge Michelle K. Gehlsen reported that Public Outreach Committee recently sent an email to the listserv to ask members if they know key legislators. Judge Gehlsen requested that if you do know a legislator on the list, and have not yet responded, please send your information to AOC staff. Judge Gehlsen shared that the Public Outreach Committee now has three subcommittees to divide a substantial amount of work, and they are Legislative Support, Community Engagement (social media), and Toolkit (compiling resources for members).

F. Education Committee Report

Judge Jeffrey R. Smith reported that the Education Committee had their first meeting of the year on September 2nd, and unfortunately they had lower attendance due to the Labor Day holiday and members being on vacation. Judge Smith shared that the committee will have several important projects this year, including a workgroup that will work with AOC for Judicial College curriculum and structure, and a report to the BJA Court Education Committee. Judge Smith noted that the goals for the Education Committee were written in the late 1990s, and they need to be updated, with a plan to align the objectives and structure of Judicial College, Spring Program, and Fall Conference. Judge Smith reminded members that Spring Program session proposals will be due in mid-October.

G. Treasurer's Report

Judge Karl Williams reported that the Treasurer's Report is available in the materials.

H. Special Funds Report

Judge Jeffrey R. Smith reported that we have earned \$6.32 in interest on the special fund.

I. Liaison Reports

1. Administrative Office of the Courts (AOC)

State Court Administrator Dawn Marie Rubio reported that AOC information about *Blake* funds, including LFO reimbursement, has been sent to the counties. The application and materials for the CLJ therapeutic court grant funding have been distributed to the listservs for judges and administrators, with applications due September 28, 2021. Dawn Marie Rubio reminded members that the bill requires funds to be equitably distributed between jurisdictions east and west of the Cascades. There is also available funding for interpreters, and an invitation to courts who have not previously participated in the interpreter reimbursement program was sent out recently with a deadline of September 3rd. Dawn Marie Rubio asked that members check with their court administrators to make sure they took advantage of those funds. Dawn Marie Rubio reported that AOC is currently very busy with implementation of HB 1320, including forms, and participation on the Gender and Justice Workgroup to create feedback for the legislature about any required changes. Dawn Marie Rubio reported that the Supreme Court mandated that AOC implement a vaccine requirement for employees, and information will be going out to AOC employees shortly. Judge Ringus inquired if it is expected that counties will agree to distribute Blake funds to municipalities, and Dawn Marie Rubio responded that she is unsure, as the data indicates that there have been prosecutors who charged under RCW rather than ordinance, but in the meantime AOC needed to distribute to the counties as the proviso directs. Judge Smith asked if there have been any updates related to ARPA funds, and Dawn Marie Rubio shared that she and the Chief Justice did send a letter to, and met with, legislative leaders because ARPA was under their control, but they were unsuccessful in securing funds for the judicial branch.

2. Board for Judicial Administration (BJA)

Judge Tam Bui was not present and did not report.

Judge Dan Johnson was not present and did not report.

Judge Mary Logan reported that the Budget and Finance Committee is meeting soon, and that she recently met with AOC CFO Chris Stanley to discuss the decision package. Judge Logan shared that there were three themes in the decision package: secure the judicial branch, staffing/salaries, and maintaining IT infrastructure. Judge Logan noted that this year the branch was considering an unusually large supplemental budget request, at \$30 million.

Judge Rebecca Robertson reported that the Policy and Planning Committee had not met recently and that she will have a more substantial update at the next board meeting.

3. CLJ-CMS Project and Rules for e-Filing

Judge Kimberly Walden report that there is not much new information available to share, but that the project team has been working with the Attorney General's office to answer some outstanding questions. Judge Walden shared that they are looking at the possibility of outside funding and rulemaking options, and noted that Justice Madsen has been attending meetings to keep the JISC informed. Judge Walden expects that there will be a more comprehensive report within the next few months. Members shared their appreciation for Judge Walden's work on this project.

4. District and Municipal Court Management Association (DMCMA)

LaTricia Kinlow reported that DMCMA will be providing an additional session of their recent training "Silence = Acceptance" in November. "Courageous Conversations" will be the second training in their diversity/equity/inclusion series, and it will be a virtual session available to all court levels and court staff, including judges.

5. Judicial Information System (JIS) Report

AOC Business Liaison Vicky Cullinane reported that there is a segment in the CLJ-CMS project newsletter about the importance of data cleanup that she feels is worth reading. Vicky Cullinane noted that the more data is cleaned up prior to conversion the new system, the smoother implementation will be.

6. Minority Bar Associations – Lionel Greaves, IV, Loren Miller Bar Association

Lionel Greaves shared some background on the Loren Miller Bar Association, including that it is one of the oldest minority bar associations in Washington. LMBA is currently concentrated in King County, but the association is building a statewide presence, with board members all over the state. Lionel Greaves shared that LMBA is particularly focused on civil rights issues, and that they work to amplify voices in the community through their newsletter, channel opportunities to members (including a job board and social media), and collaborate with other groups to increase access and diversity.

7. Misdemeanant Probation Association (MPA)

MPA Representative Regina Alexander reported that they just held their first meeting which involved installing officers, and that Probation Officer Academy starts next week.

8. Racial Equity Consortium

Judge Anita Crawford-Willis was not present and did not report.

9. Superior Court Judges' Association (SCJA)

SCJA President-Elect Judge Jennifer Forbes reported that Senator Pedersen will be bringing back the Uniform Pretrial Detention and Release Act this legislative session, and noted that this is an excellent opportunity for the court associations to work together towards a common goal. Judge Forbes shared that DMCJA and SCJA will hopefully be coming to an agreement on differences of opinion about CrR 3.4 amendments. Judge Forbes noted that SCJA continues to work on *Blake* issues, and that there is an LFO workgroup to address those issues specifically. If DMCJA members would like to attend the next meeting on October 13, 2021, they should contact Judge Forbes.

10. Washington State Association for Justice (WSAJ)

WSAJ Representative Mark O'Halloran, Esq., was not present and did not report.

11. Washington State Bar Association (WSBA)

WSBA Representative Bryn Peterson, Esq., was not present and did not report.

BREAK

Judge Short recessed the meeting for a 10 minute break.

ACTION

The Board moved, seconded, and passed a vote (M/S/P) to approve the Rules Committee comment letter for CrR 3.4 but have Rules hold the letter until SCJA determines if they are able to extend the comment period to give time for collaboration between the associations.

DISCUSSION

A. Municipal Court Judges Swearing-In Ceremony

Judge Short inquired if there was interest in holding a swearing-in ceremony for municipal court judges as has been done in the past. Judge Ringus shared that it may be possible to hold the event via Zoom, and

Judge Gehlsen noted that when she was a municipal court judge it was a particularly special event to her. Judge Ringus will reach out to the Chief Justice to gauge his interest in participating and discuss potential details of the event.

B. Revisiting the DMCJA Action Plan

Judge Charles Short requested that attendees view the DMCJA Action Plan in the materials, and noted a few items that are currently in progress from the plan. Judge Short shared that he would like DMCJA to pursue the secret court shoppers program from Center for Court Innovation, which would provide a representative sample from across the state, as courts would opt-in to the program. Judge Short reported that the Center is working on a proposal which will be shared with the board for consideration. Judge Short noted that DMCJA is also pursuing the item regarding publicizing local diversity initiatives from individual courts, which will be a series of spotlights on local court programs. The first program highlighted will be Seattle Municipal Court's Race and Social Justice Initiative. Judge Short continued by pointing out other items from the Action Plan that could be addressed, such as the toolkit for community listening sessions, recruitment of a more diverse bench (through creating a statewide diversity clerkship program), and increasing diversity in DMCJA leadership positions. Discussion ensued about how to increase participation on these and other projects, such as sending a message on the listserv, and Judge Short noted that board member participation would be ideal.

C. Rules Committee Memo re: SCJA Proposal for Amendments to CrR 3.4

Judge Jeffrey Goodwin reported that there are several rules comments periods ending on September 30th. Judge Goodwin shared that SCJA had put together a rule comment letter for CrR 3.4 that was very different from DMCJA's comment, and addresses different sections. Judge Goodwin noted that SCJA could request a delay on the comment period to allow the association's time to collaborate and find common ground. Judge Goodwin requested that the board consider the comments prepared by Rules Committee, approve the comments but not distribute, until he is able to confirm with SCJA if they are willing to push back the consideration date. Judge Goodwin noted that if SCJA wants to move forward with the current comment period, the comments from DMCJA will be ready to submit. Judge Short shared that in his conversations with Judge Estudillo regarding this issue, SCJA appears supportive of the plan shared by Judge Goodwin, however Judge Forbes remarked that she is unsure if SCJA has the authority to extend the comment period. *M/S/P to move to Action.*

D. Letter from Northwest Justice Project and Columbia Legal Services re: Ending Suspension of Driver Licenses for Failure to Appear (FTA)

Judge Short reported that Justice Yu and Judge Galvan, Co-chairs of Minority and Justice Commission, were sent a letter asking them (and DMCJA) to make a recommendation to courts of limited jurisdiction that they commit to ending suspension of driver licenses for failure to appear, and adopt alternative mechanisms for establishing ability to pay. Judge Short shared that he, along with Judge Ringus and Commissioner Wohl, met with Justice Yu and Judge Galvan to determine how best to proceed, and the group will meet with Northwest Justice Project and Columbia Legal Services in the near future to address the letter. Discussion ensued about how this request is likely more appropriate for the legislative branch.

INFORMATION

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

A. New DMCJA Appointments to External Committees:

- a. Judge N. Scott Stewart – pending re-appointment to Annual Conference Planning Committee**

- b. Judge Michael Finkle – re-appointment and Judge Dan Kathren – new appointment to the DSHS General Advisory Committee**
- c. Judge Jeffrey Goodwin – re-appointment to the Ethics Advisory Committee**
- B. Updated Blake Memo Re: Distribution of Funds and AWC Response**
- C. Updated DMCJA Board Meeting Schedule**

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for Friday, October 8, 2021 from 12:30 p.m. to 3:30 p.m., held via Zoom video conference.

The meeting was adjourned at approximately 2:30 p.m.