



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

September 10, 2021

**VIA ZOOM
VIDEO CONFERENCE**

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2021-2022

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<i>Friday, July 9, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Aug 13, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Sept 10, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Oct 8, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Nov 12, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Dec 10, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Jan 14, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Feb 11, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, March 11, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, April 8, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, May 13-14, 2022 TENTATIVE</i>	May 13: 12:00-5:00 p.m. May 14: 9:00-1:00 p.m.	DMCJA Board Retreat Location: TBD
<i>June 2022 – TBD</i>	9:00 a.m. – 12:00 p.m.	DMCJA Spring Program, Location: TBD

AOC Staff: Stephanie Oyler

Updated: September 7, 2021

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DMCJA BOARD MEETING
FRIDAY, SEPTEMBER 10, 2021
12:30 PM – 3:30 PM
ZOOM VIDEO CONFERENCE

PRESIDENT CHARLES SHORT

AGENDA

PAGE

Call to Order

<p>1. Welcome and Minutes – Judge Charles D. Short</p> <p>A. Minutes for August 13, 2021 Meeting</p>	<p>1</p>
<p>2. Reports</p> <p>A. Diversity Committee Report – Judge Karl Williams</p> <p>B. Legislative Committee Report – Judge Kevin G. Ringus & Commissioner Paul Wohl</p> <p>C. Rules Committee Report – Judge Jeffrey D. Goodwin</p> <p style="padding-left: 20px;">1. Special Meeting June 16, 2021 Minutes</p> <p style="padding-left: 20px;">2. Meeting June 23, 2021 Minutes</p> <p>D. Therapeutic Courts Committee Report – Judge Laura Van Slyck</p> <p>E. Public Outreach Committee Report – Judge Michelle K. Gehlsen</p> <p>F. Education Committee Report – Judge Jeffrey R. Smith</p> <p>G. Treasurer’s Report– Judge Karl Williams</p> <p>H. Special Funds Report – Judge Jeffrey R. Smith</p> <p>I. Liaisons’ Reports</p> <p style="padding-left: 20px;">1. Administrative Office of the Courts (AOC) – Dawn Marie Rubio, State Court Administrator</p> <p style="padding-left: 20px;">2. Board for Judicial Administration (BJA) – Judge Mary Logan, Judge Dan Johnson, Judge Tam Bui, and Judge Rebecca Robertson</p> <p style="padding-left: 20px;">3. CLJ-CMS Project and Rules for E-Filing – Judge Kimberly Walden</p> <p style="padding-left: 20px;">4. District and Municipal Court Management Association (DMCMA) – Kris Thompson, President</p> <p style="padding-left: 20px;">5. Judicial Information System (“JIS”) Report – AOC Business Liaison Vicky Cullinane</p> <p style="padding-left: 20px;">6. Minority Bar Associations – TBD</p> <p style="padding-left: 20px;">7. Misdemeanant Probation Association (MPA) – Regina Alexander, Representative</p> <p style="padding-left: 20px;">8. Racial Equity Consortium – Judge Anita Crawford-Willis and Judge Michelle K. Gehlsen</p> <p style="padding-left: 20px;">9. Superior Court Judges’ Association (SCJA) – Judge Jennifer Forbes, SCJA President-Elect</p> <p style="padding-left: 20px;">10. Washington State Association for Justice (WSAJ) – Mark O’Halloran, Esq.</p> <p style="padding-left: 20px;">11. Washington State Bar Association (WSBA) – Bryn Peterson, Esq.</p>	<p>5</p> <p>7</p> <p>9</p> <p>18</p>
<p>3. Break - 10 minutes</p>	
<p>4. Action Items</p> <p>A.</p>	

<p>5. Discussion</p> <ul style="list-style-type: none"> A. Municipal Court Judges Swearing-In Ceremony B. Revisiting the DMCJA Action Plan C. Memo from Rules Committee Re: SCJA Proposal for Amendments to CrR 3.4 and Original Proposal to Amend dated August 31, 2021 D. Letter from Northwest Justice Project and Columbia Legal Services Re: Ending Suspension of Driver Licenses for Failure to Appear (FTA) 	<p>19 22 30</p>
<p>6. Information</p> <ul style="list-style-type: none"> A. New DMCJA Appointments to External Committees: <ul style="list-style-type: none"> 1. Annual Conference Planning Committee – Judge N. Scott Stewart (re-appointment pending) 2. DSHS General Advisory Committee – Judge Michael Finkle (re-appointment), and Judge Dan Kathren (new appointment) 3. Ethics Advisory Committee – Judge Jeffrey Goodwin (re-appointment) B. Updated (8-19-21) Blake Memo Re Distribution of Funds ESSB 5092 Section 115(5-6) and Response from AWC dated September 9, 2021 C. Updated DMCJA Board Meeting Schedule 	<p>33 41</p>
<p>7. Adjourn</p>	
<p>Next Scheduled Meeting: Friday, October 8, 2021, 12:30 p.m. – 3:30 p.m., Via Zoom Video Conference</p>	



DMCJA Board of Governors Meeting
Friday, August 13, 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 Anita Crawford-Willis
Judge Michael Frans
Judge Michelle K. Gehlsen
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Catherine McDowall
Judge Lloyd Oaks
Judge Kevin Ringus
Judge Jeffrey Smith
Judge Mindy Walker
Judge Karl Williams
Commissioner Paul Wohl

Guests:

Judge Tam Bui, BJA Representative
Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative
Judge Jennifer Forbes, SCJA
Kris Thompson, DMCMA
Anthony Jones, Northwest Indian Bar Association

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
J Benway, Principal Legal Analyst
Brittany Gregory, Associate Director of Judicial and
Legislative Relations

Members Absent:

Judge Laura Van Slyck

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 12:34 p.m.

WELCOME AND MINUTES

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

A. Minutes

The minutes from the July 9, 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 July 9, 2021 meeting were approved by consensus.

COMMITTEE AND LIAISON REPORTS

A. Diversity Committee Report

Judge Karl Williams reported regarding the Diversity Committee under a later agenda item.

B. Legislative Committee Report

Commissioner Paul Wohl reported that the Legislative Committee had their first meeting of the year today, in preparation for the 2022 legislative session. He shared that the committee started the first steps towards putting together a legislative package based primarily on requests submitted by DMCJA members, which

would be further fleshed out before the next meeting in September. He reported that Melissa Johnson, DMCJA lobbyist, was introduced to the committee at this meeting and that she felt that the next legislative session would be live but with the opportunity for people to testify remotely, which works well for DMCJA because we can bring more members to testify as subject matter experts without the hassle and expense of travel. Judge Kevin Ringus added that the next Legislative Committee is where decisions will be made, and which will occur immediately prior to the September DMCJA Board meeting.

C. Rules Committee Report

J Benway, AOC Legal Services Principal Legal Analyst, reported that Rules Committee did not meet in July.

D. Special Funds Report

Judge Jeffrey R. Smith provided the Special Fund Report, and the report was accepted by consensus.

E. Treasurer's Report

Judge Karl Williams provided the Treasurer's Report, and the report was accepted by consensus.

F. Liaison Reports

1. Administrative Office of the Courts (AOC)

Judge Short introduced Brittany Gregory, AOC Associate Director of Judicial and Legislative Relations, and noted that she has been very helpful already in assisting DMCJA with legislative requests. Brittany Gregory shared that she has been working with the AOC Budget Director to submit decision packages on DMCJA's behalf, which includes funding for a policy analyst and potentially a funding request for e-filing fees.

2. Board for Judicial Administration (BJA)

Judge Tam Bui reported that BJA Court Education Committee and the full BJA will resume meetings in September.

Judge Mary Logan reported that BJA Budget and Finance Committee has not met.

Judge Rebecca Robertson reported that BJA Policy and Planning Committee did meet but that she was not present.

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

Judge Kimberly Walden was not present and did not report.

4. District and Municipal Court Management Association (DMCMA)

DMCMA President Kris Thompson reported that the association is continuing with equity and diversity trainings, and that DMCMA representatives recently met with Kalispel Tribal Court to learn more about their operations, and to open the lines of communication.

5. Judicial Information System (JIS) Report

AOC Business Liaison Vicky Cullinane was not present and did not report.

6. Minority Bar Associations – Northwest Indian Bar Association

Northwest Indian Bar Association (NIBA) President Anthony Jones reported that NIBA is a small bar association, with fewer than 100 members at any given time distributed across several states (Washington, Oregon, Idaho, Alaska), but with a lot of activity concentrated around the Seattle area. Members do not have to be a member of a tribe, but are usually law students or individuals who work in tribal law. Anthony Jones shared that NIBA's primary purpose is to provide mentorship for Native Americans in law, in addition to fostering education and welfare. One of their primary activities is

providing stipends or scholarships to students. Judge Short inquired when NIBA would be holding their next annual meeting, and Anthony Jones responded that there is some uncertainty due to COVID but that he will forward more information about their upcoming events.

7. Misdemeanant Probation Association (MPA)

MPA Representative Regina Alexander was not present and did not report.

8. Racial Equity Consortium

Judge Anita Crawford-Willis and Judge Michelle K. Gehlsen reported that it has been a pleasure to serve on the Consortium, due to the strong diversity of individuals and ideas.

9. Superior Court Judges' Association (SCJA)

Judge Jennifer Forbes, SCJA President-Elect, reported that the upcoming legislative session has been dominating most of SCJA's recent work. She shared that SCJA recently met with Senator Pedersen to discuss pretrial release legislation, and that DMCJA is welcome to contribute to the conversation. She also shared that SCJA has been working on issues relating to eviction, which is complicated because the Landlord Tenant Council is advocating for jury trials, which by statute take priority over civil cases and are required to occur within 60 days of filing. Judge Forbes emphasized that SCJA hopes to work with DMCJA to strategize for unified messaging.

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

A. ITG 265 Board Endorsement Confirmation

Motion/Second/Pass (M/S/P) to confirm the ITG 265 board endorsement.

DISCUSSION

A. Washington Association of Prosecuting Attorneys (WAPA) Letter and Association of Washington Cities' (AWC) Response

Judge Short stated that DMCJA received a letter from the WAPA regarding *Invalid Municipal Court Convictions* which has been provided in the materials packet, along with the response letter received from the AWC. Discussion ensued about whose responsibility it is to fix this issue – is this appropriate for courts? Judge Short shared that Pam Loginsky from WAPA wanted to make courts aware so that each municipal jurisdiction is looking at the issue for purposes of information sharing or encouraging stakeholder meetings.

B. Electronic Home Monitoring (EHM) and Jail Alternatives Survey

Judge Williams explained that Diversity Committee has provided a link to a sample survey (<https://www.surveymonkey.com/r/GV59D7Q>), which is on the agenda. He stated that many individuals who

need home monitoring the most are the least able to pay for it, and shared that the Jail Confinement Alternative Program sponsored by Pierce County for indigent or financially disadvantaged individuals is a successful model. The City of Tacoma has procured enough funds to establish an electronic home monitoring program that would be subsidized by the city so that those who could not afford home monitoring were able to utilize the program. Judge Williams explained that this survey is to find out what courts are doing in their jurisdictions for jail alternatives and alternatives to fines, as fines tend to have an adverse impact on people of color and the financially disadvantaged. Judge Crawford-Willis inquired if funds are limited in the Pierce County program, and Judge Williams responded that pandemic funds were the initial seed money, but other funding has been extended. Judge Williams went on to explain that the program will continue for the foreseeable future, with the idea that getting a foot in the door to get started will give more data to show the council that it is cost effective to utilize these services, versus the cost of housing in correctional facilities. Judge Robertson mentioned that Federal Way has found funding sources to pay for SCRAM and other alternatives, and she would be happy to provide more information about how they requested these funds from local legislators.

C. DMCJA Proposal to amend the Emergency Meeting Requirements

Judge Short stated that due to the increasing use of online meetings, he would like to propose a change to the emergency meeting requirements from the current ten-day notice requirement to a five-day notice requirement. Discussion ensued about changing the requirement to three days instead. Decision by consensus to send this item to the Bylaws Committee for review.

D. Pattern Forms Subcommittee

Judge Gehlsen stated that the Pattern Forms Subcommittee makes recommendations to the larger Pattern Forms Committee, after approval of the proposed changes by the DMCJA board, but historically they only give the board one week to review the changes. J Benway shared that this has been a concern for a long time, and is a result of legislative deadlines and turning around the forms quickly. J Benway shared some historical knowledge about why this process has worked this way. Judge Gehlsen noted that this process should be tracked for the next few years to see how it can be improved.

INFORMATION

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

- A. Ethics Advisory Committee Letter in response to DMCJA's request to amend EAO 20-07**
- B. DMCJA-related AOC Organizational Structure**
- C. EXiT Steering Committee Email: *Statement on the Future of Probation and Parole in the US***
- D. Webinar August 25, 2021 12-1 pm: *Neuroscience and Art: Art, Social and Wellbeing***
- E. Memo – AOC CFO Christopher Stanley re: Distribution of Funds, ESSB 5092, Section 115(5-6)**

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for Friday, September 10, 2021 from 12:30 p.m. to 3:30 p.m., held via Zoom video conference.

The meeting was adjourned at 1:56 p.m.



**DMCJA Rules Committee Special Meeting
Wednesday, June 16, 2021 (Noon – 1:00 p.m.)**

Via Zoom

MEETING MINUTES

Members Attending:

Chair, Judge Goodwin
Judge Campagna
Judge Finkle
Judge McDowall
Judge Oaks
Judge Padula
Judge Samuelson

AOC Staff:

Ms. J Benway

Members Not Attending:

Judge Buttorff
Judge Eisenberg
Commissioner Hanlon
Judge Paja
Ms. Tina Gill, DMCMA Liaison

Proceedings:

Judge Goodwin called the meeting to order at 12:04 p.m. The special meeting was called to discuss submitting a proposal to amend CrRLJ 3.4.

Judge Goodwin stated that the Committee had previously determined that it was not the time to propose amendments to CrRLJ 3.4. However, the BJA COVID Recovery Task Force (CRTF) has as part of its duties to review and propose changes to pertinent court rules that have been impacted during the pandemic. Because the proposed changes to CrRLJ 3.4 (and CrRLJ 3.3) are partly in response to and incorporate language from the WSSC’s COVID emergency orders, it is now time to prepare recommended amendments.

Judge Goodwin circulated amendments he had made to a version that had been prepared by Judge McDowall and Judge Samuelson. The Committee discussed many aspects of the potential rule amendment, primarily the use of the word “appearance,” and discussed when a defendant’s appearance is “necessary.” The Committee also agreed to include a cover sheet, to be prepared by Judge Goodwin and Ms. Benway, to provide context for the amendments and set forth plainly that the changes are intended to be in keeping with the recent amendments to CrRLJ 3.4 and the opinion in Sate v. Gelin. Judge Goodwin requested that Committee members provide any further

comments via email before noon on Friday, June 18 to allow time for processing prior to the next DMCJA Board meeting.

The next regular Committee meeting is scheduled for **Wednesday, June 23, 2021** at **noon**, via zoom video conference.

There being no further business, the meeting was adjourned at 1:15 p.m.



**DMCJA Rules Committee Meeting
Wednesday, June 23, 2021 (Noon – 1:00 p.m.)**

Via Zoom

MEETING MINUTES

Members Attending:

Chair, Judge Goodwin
Judge Buttorff
Judge Campagna
Judge Eisenberg
Judge Finkle
Judge Gerl
Judge McDowall
Commissioner Nielsen
Judge Samuelson

AOC Staff:

Ms. J Benway

Members Not Attending:

Commissioner Hanlon
Judge Oaks
Judge Padula
Ms. Tina Gill, DMCMA Liaison

Judge Goodwin called the meeting to order at 12:02 p.m.

The Committee discussed the following items:

1. Welcome & Introductions

Judge Goodwin welcomed the Committee members in attendance, including new Committee members Judge Nielsen and Judge Gerl.

2. Approve Minutes from the May 19, 2021 Committee Meeting

It was motioned, seconded, and passed to approve the minutes from the May 19, 2021 Rules Committee meeting. The approved minutes will be provided to the DMCJA Board.

3. Discuss WSBA Rules Committee Proposed Rule Amendments

The WSBA Court Rules Committee has requested comment on proposed changes to RALJ 10.2, RAP 2.2, and several CRLJs, with a comment deadline of June 28, 2021. The proposed changes are primarily to update gender identifiers, of which the Committee approves. A typo in CRLJ 43(f)(3)(i) was identified. Ms. Benway stated that

she would inform the WSBA Rules Committee of the typo and that the Rules Committee generally approved of the proposed amendments.

4. Discuss Potential Amendments to CrRLJ 3.3 and CrRLJ 3.4

Judge Goodwin noted that the proposals to amend CrRLJ 3.3 and CrRLJ 3.4 were being prepared and would be presented to the DMCJA Board at the July meeting, with a request to take action at that meeting.

5. Other Business and Next Meeting Date

Ms. Benway requested that the next Committee meeting, scheduled for Wednesday, July 26, be moved to Wednesday, July 19 at noon, via zoom video conference. Committee members agreed to move the meeting start time to 12:15 p.m. beginning with the July Committee meeting. There being no further business, the meeting was adjourned at 12:40 p.m.

Christina E Huwe
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1504 58th Way SE
Auburn, WA 98092
Phone (360) 710-5937
E-Mail: piercecountybookkeeping@outlook.com

SUMMARY OF REPORTS

**WASHINGTON STATE
DISTRICT AND MUNICIPAL COURT JUDGES'
ASSOCIATION**

For the Period Ending August 31st, 2021

Please find attached the following reports for you to review:

- Statement of Financial Position
- Monthly Statement of Activities.
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)
- Special Fund Bank Statement
- Current Budget Balance
- Prior Budget Balance

Please contact me if you have any questions regarding the attached.

PLEASE BE SURE TO KEEP FOR YOUR RECORDS

Washington State District And Municipal Court Judges Assoc.
Statement of Financial Position
As of August 31, 2021

	<u>Aug 31, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
Bank of America - Checking	14,301
Bank of America - Savings	264,032
Washington Federal (Spec Fund)	38,948
Total Checking/Savings	<u>317,281</u>
Total Current Assets	317,281
Fixed Assets	
Accumulated Depreciation	(703)
Computer Equipment	579
Total Fixed Assets	<u>(124)</u>
TOTAL ASSETS	<u>317,157</u>
LIABILITIES & EQUITY	
Equity	317,157
TOTAL LIABILITIES & EQUITY	<u>317,157</u>

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Two Months Ending August 31st, 2021

	<u>Jul 21</u>	<u>Aug 21</u>	<u>TOTAL</u>
Ordinary Income/Expense			
Income			
Interest Income	8.85	8.86	17.71
Total Income	<u>8.85</u>	<u>8.86</u>	<u>17.71</u>
Gross Profit	8.85	8.86	17.71
Expense			
Prior Year Budget Expense	1,645.16	5,031.34	6,676.50
Bookkeeping Expense	318.00	318.00	636.00
Judicial College Social Support	2,000.00	0.00	2,000.00
Lobbyist Contract	<u>6,000.00</u>	<u>6,000.00</u>	<u>12,000.00</u>
Total Expense	<u>9,963.16</u>	<u>11,349.34</u>	<u>21,312.50</u>
Net Ordinary Income	<u>(9,954.31)</u>	<u>(11,340.48)</u>	<u>(21,294.79)</u>
Net Income	<u><u>(9,954.31)</u></u>	<u><u>(11,340.48)</u></u>	<u><u>(21,294.79)</u></u>

**Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail**

Bank of America - Checking, Period Ending 08/31/2021

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						25,650.63
Cleared Transactions						
Checks and Payments - 4 items						
Check	08/01/2021		Bogard & Johnson, ...	X	-6,000.00	-6,000.00
Check	08/10/2021		Pierce County Book...	X	-318.00	-6,318.00
Check	08/16/2021		AOC	X	-190.29	-6,508.29
Check	08/23/2021		SCJA	X	-4,841.05	-11,349.34
			Total Checks and Payments		-11,349.34	-11,349.34
			Total Cleared Transactions		-11,349.34	-11,349.34
			Cleared Balance		-11,349.34	14,301.29
			Register Balance as of 08/31/2021		-11,349.34	14,301.29
			Ending Balance		-11,349.34	14,301.29

**Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail**

Bank of America - Savings, Period Ending 08/31/2021

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Clr</u>	<u>Amount</u>	<u>Balance</u>
Beginning Balance						264,029.97
Cleared Transactions						
Deposits and Credits - 1 item						
Deposit	08/31/2021			X	2.24	2.24
Total Deposits and Credits					2.24	2.24
Total Cleared Transactions					2.24	2.24
Cleared Balance					2.24	264,032.21
Register Balance as of 08/31/2021					2.24	264,032.21
Ending Balance					2.24	264,032.21

**Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account**

July through August 2021

Type	Date	Num	Name	Memo	Amount	Balance
Bank of America - Checking						
Transfer	07/06/2021			Funds Transfer	(949.70)	(949.70)
Transfer	07/07/2021			Funds Transfer	(490.65)	(1,440.35)
Check	07/07/2021		Michelle Gehlsen		(422.66)	(1,863.01)
Check	07/13/2021		MD Engraving		(417.05)	(2,280.06)
Check	07/20/2021		Pierce County Bookkeeping		(318.00)	(2,598.06)
Check	07/20/2021		Timothy Jenkins		(69.90)	(2,667.96)
Check	07/20/2021		King County District Court		(244.90)	(2,912.86)
Check	07/21/2021		Bogard & Johnson, LLC		(6,000.00)	(8,912.86)
Check	08/01/2021		Bogard & Johnson, LLC		(6,000.00)	(14,912.86)
Check	08/10/2021		Pierce County Bookkeeping		(318.00)	(15,230.86)
Check	08/16/2021		AOC		(190.29)	(15,421.15)
Check	08/23/2021		SCJA		(4,841.05)	(20,262.20)
Total Bank of America - Checking					(20,262.20)	(20,262.20)
Bank of America - Savings						
Deposit	07/31/2021			Interest	2.24	2.24
Deposit	08/31/2021			Interest	2.24	4.48
Total Bank of America - Savings					4.48	4.48
Washington Federal (Spec Fund)						
Deposit	07/31/2021			Interest	6.61	6.61
Deposit	08/31/2021			Interest	6.62	13.23
Total Washington Federal (Spec Fund)					13.23	13.23
Prepaid Expenses						
Genera...	07/01/2021	CEH		DMCJA Support for Judicial College 202...	(2,000.00)	(2,000.00)
Total Prepaid Expenses					(2,000.00)	(2,000.00)
Credit Cards						
Bank of America C. C.						
Transfer	07/06/2021			Funds Transfer	949.70	949.70
Credit ...	07/07/2021		Homewetbar Gifts		(490.65)	459.05
Transfer	07/07/2021			Funds Transfer	490.65	949.70
Total Bank of America C. C.					949.70	949.70
Total Credit Cards					949.70	949.70
Interest Income						
Deposit	07/31/2021			Interest	(2.24)	(2.24)
Deposit	07/31/2021			Interest	(6.61)	(8.85)
Deposit	08/31/2021			Interest	(2.24)	(11.09)
Deposit	08/31/2021			Interest	(6.62)	(17.71)
Total Interest Income					(17.71)	(17.71)
Prior Year Budget Expense						
Credit ...	07/07/2021		Homewetbar Gifts	President Expense	490.65	490.65
Check	07/07/2021		Michelle Gehlsen	President Line Item - Gift for Lobbyist	319.70	810.35
Check	07/07/2021		Michelle Gehlsen	President Line Item - Flowers sent to Bellin...	102.96	913.31
Check	07/13/2021		MD Engraving	President Line Item - hanger awards for bo...	417.05	1,330.36
Check	07/20/2021		Timothy Jenkins	Jasp line item	69.90	1,400.26
Check	07/20/2021		King County District Court	Pro Tempore 6/28/21	244.90	1,645.16
Check	08/16/2021		AOC	President Line Item	190.29	1,835.45
Check	08/23/2021		SCJA	1/2 of leftover JASP amount from prior bud...	4,841.05	6,676.50
Total Prior Year Budget Expense					6,676.50	6,676.50
Bookkeeping Expense						
Check	07/20/2021		Pierce County Bookkeeping	June Services	318.00	318.00
Check	08/10/2021		Pierce County Bookkeeping	July Services	318.00	636.00
Total Bookkeeping Expense					636.00	636.00
Judicial College Social Support						
Genera...	07/01/2021	CEH		DMCJA Support for Judicial College 202...	2,000.00	2,000.00
Total Judicial College Social Support					2,000.00	2,000.00
Lobbyist Contract						
Check	07/21/2021		Bogard & Johnson, LLC		6,000.00	6,000.00
Check	08/01/2021		Bogard & Johnson, LLC		6,000.00	12,000.00
Total Lobbyist Contract					12,000.00	12,000.00
TOTAL					0.00	0.00

Other current information not included in reports

DMCJA 2021-2022 Adopted Budget

Item/Committee	ALLOCATED	SPENT	REMAINING
Access to Justice Liaison	\$ 100.00		100.00
Audit (every 3 years)			
Bar Association Liaison	\$ 100.00		100.00
Board Meeting Expense	\$ 15,000.00		15,000.00
Bookkeeping Expense	\$ 3,500.00	636.00	2,864.00
Bylaws Committee	\$ 250.00		250.00
Conference Calls	\$ 200.00		200.00
Conference Planning Committee	\$ 4,000.00		4,000.00
(reconsider in Spring based on finances)	\$ -		
Contract Grant Writer	\$ 50,000.00		50,000.00
Contract Policy Analyst	\$ 50,000.00		50,000.00
Council on Independent Courts (CIC)	\$ 500.00		500.00
Diversity Committee	\$ 500.00		500.00
"Trial Court Sentencing and Supervision	\$ -		
DMCMA Liaison	\$ 100.00		100.00
DMCMA Mandatory Education	\$ 20,000.00		20,000.00
DOL Liaison Committee	\$ 100.00		100.00
Education Committee	\$ 5,000.00		5,000.00
Education - Security	\$ 2,500.00		2,500.00
Educational Grants	\$ 5,000.00		5,000.00
Judicial Assistance Service Program (JASP) Committee*	\$ 16,000.00		16,000.00
Insurance (every 3 years)			
Judicial College Social Support	\$ 2,000.00	2,000.00	0.00
Judicial Community Outreach	\$ 1,600.00		1,600.00
Legislative Committee	\$ 1,500.00		1,500.00
Legislative Pro-Tem	\$ 2,500.00		2,500.00
Lobbyist Contract	\$ 105,000.00	12,000.00	93,000.00
Long-Range Planning Committee	\$ 750.00		750.00
MPA Liaison	\$ 250.00		250.00
yrs (next 12/2021)	\$ 500.00		500.00
Mary Fairhurst National Leadership Grants	\$ 5,000.00		5,000.00
Nominating Committee	\$ 100.00		100.00
President Expense	\$ 2,000.00		2,000.00
Pro Tempore (committee chair approval)	\$ 10,000.00		10,000.00
Professional Services (Dino Traverso, CPA)	\$ 1,500.00		1,500.00
Public Outreach (ad hoc workgroup)	\$ 150.00		150.00
Rules Committee	\$ 500.00		500.00
SCJA Board Liaison	\$ 250.00		250.00
Therapeutic Courts	\$ 2,500.00		2,500.00
Treasurer Expense and Bonds	\$ ¹⁶ 100.00		100.00

Trial Court Advocacy Board - DORMANT	\$ -		
Uniform Infraction Citation Committee	\$ 1,000.00		1,000.00
Totals	\$310,050.00	\$14,636.00	\$295,414.00
Special Fund	\$ -		
*Includes \$8,000 from the SCJA	updated 08/31/2021		



Statement of Account

PAGE 1 OF 1

Statement End Date August 31, 2021

Statement Begin Date August 1, 2021

Account Number [REDACTED]

To report a lost or stolen card, call 800-324-9375.

For 24-hour telephone banking, call 877-431-1876.

WA STATE DIST & MUNICIPAL COURT JUDGES' 10192
JUDGE MICHELLE K GEHLEN
10116 NE 183RD ST
BOTHELL, WA 98011-3416

For questions or assistance with your account(s), please call 800-324-9375, stop by your local branch, or send a written request to our Client Care Center at 9929 Evergreen Way, Everett WA 98204.

Business Premium Money Market Summary - # [REDACTED]

Table with 2 columns: Description and Amount. Rows include Annual Percentage Yield Earned for this Statement Period (0.200%), Interest Rate Effective 08/01/2021 (0.200%), Interest Earned/Accrued this Cycle (\$6.62), Number of Days in this Cycle (31), Date Interest Posted (08-31-2021), and Year-to-Date Interest Paid (\$58.57).

Table with 2 columns: Description and Amount. Rows include Beginning Balance (\$38,941.21), Interest Earned This Period (+6.62), Deposits and Credits (+0.00), Checks Paid (-0.00), ATM, Electronic and Debit Card Withdrawals (-0.00), Other Transactions (-0.00), and Ending Balance (\$38,947.83).

Table with 3 columns: Description, Total for This Period, and Total Year-to-Date. Rows include Total Overdraft Fees (\$0.00) and Total Returned Item Fees (\$0.00).

We are updating our Personal Deposit Account Agreement and Disclosures. Updates to your deposit account agreement and disclosures are effective September 1, 2021. You may review the changes and the updated Account Agreement on the disclosures page of our website at wafdbank.com. Printed copies of the Summary of Changes to the Personal Deposit Account Agreement and Disclosures are available at our branches or by calling our Client Care Center at 1-800-324-9375. After September 1, 2021, printed copies of the updated Account Agreement will be available at our branches or by calling our Client Care Center. Includes WaFd Bank and Member FDIC logos.



Interest Earned This Period

Table with 3 columns: Date, Description, and Amount. Rows include 08-31 Credit Interest (6.62) and Total Interest Earned This Period (6.62).

Visa may provide updated debit card information, including your expiration date and card number, with merchants that have an agreement for reoccurring payments. You may opt out of this service by calling 1-800-324-9375.

Action Plan re: DMCJA's top priority, "Identifying & Eliminating Systemic Racism in our Justice System"

Increasing Fairness in the Justice System:

- 1) Collect and report race **data** at a statewide and local level, for every DMCJA court/jurisdiction.
 - a. Partner with the Washington State Center for Court Research, AOC, and Washington State Minority and Justice Commission to produce statewide reports and assist local courts with collecting, reviewing, and improving their data. This data can then be used to identify and address systemic problems.
 - b. Ensure that race and other demographics (gender, language, etc.) are captured and reflected in the new CLJ-CMS.
- 2) Expand programs that reduce the disparate impact of **court imposed financial obligations** to unaddressed costs that continue to be imposed on the indigent.
 - a. Courts in Washington have already begun to address the disparate impact of legal financial obligations. This must continue to be a priority. The LFO calculator is one example of a new program that has helped. Individual courts are using other innovative methods to address the issue, such as relicensing programs and waiving all discretionary financial obligations. Effective programs can be modeled by other jurisdictions.
 - b. Assess and report on methods to eliminate the disparate impact of court ordered Pretrial and Post-conviction services. EHM, Alcohol Monitoring, and Abusive Partner Intervention Programs are examples of services indigent defendants often are required to pay without any assistance.
 - c. Surveys and success stories from across the state should be collected and used to develop recommendations for courts to obtain funding to eliminate the disparate impact on the indigent.
- 3) Deploy **secret court shoppers** to assess procedural fairness in the courts.
 - a. The purpose for "secret court shoppers" is to provide the court feedback from a court-customer's perspective, analyzing and observing the court through a procedural justice lens. The focus would be as broad as possible to include all aspects of the courthouse experience, including contact with security, clerks, interpreters, probation, etc. The Center for Court Innovation partnered with Thurston County in deploying secret shoppers, and then put together a report for the court on ways that it can improve its services. Link to report - https://www.co.thurston.wa.us/distcrt/docs/TCDC_Report.pdf
 - b. Secret court shoppers could be deployed across the state, similar to what was done in Thurston County District Court.
- 4) **Prioritize education** aimed at addressing bias and systemic racism.
 - a. DMCJA has offered education on these topics on a regular basis. The DMCJA Education Committee shall continue to prioritize these topics with an eye towards collaboration and innovation. Several education sessions for the next year are already in the planning stage.
- 5) Explore methods to ensure diversity and appropriate representation in **jury pools**. Some work in this area has already occurred at both the local and state court levels. DMCJA in collaboration with the Minority & Justice Commission and other stakeholders need to outline appropriate next steps to further this work.
- 6) **Publicize local initiatives** from individual courts that target systemic racism, such as the "Race and Social Justice Initiative" from Seattle Municipal Court. These local initiatives deserve study and recognition and other courts can borrow innovative ideas.

Recruitment of a More Diverse Bench:

- 1) Support the **Pro Tem training** organized every 2 years by the DMCJA Diversity Committee and the WSBA.
 - a. Since 2008, the DMCJA Diversity Committee has partnered with the WSBA in putting on a Pro Tem Training every two years, specifically with the intent of increasing diversity in the judiciary.
 - b. A focus on recruitment to the minority bar associations has proved effective. In 2018, we saw the most diverse class of participants. We believe this success was due to the extra effort the Diversity Committee put into personally reaching out to the minority bar associations, and sending our judges to speak with their membership about the training.

- 2) Develop a **list of pro tems**, with a specific focus on recruitment of black, indigenous, people of color, and women. The list could be shared and used across jurisdictions.
 - a. Partner with organizations like the Washington Women Lawyers, Minority Bar Associations, Judicial Institute, Northwest Tribal Court Judges Association, and the National Association of Women Judges in these efforts.
 - b. Connect prospective pro tems with judicial mentors. Mentors can share tips, observation opportunities, open office hours, and other help.
 - c. An education program is planned for this spring focused on best practices in selecting and training pro tems, with an eye towards recruitment of the underrepresented.
- 3) Create a statewide **Diversity Clerkship program**.
 - a. Make a push statewide for law school clerkships. Perhaps similar to Color of Justice program. <https://www.nawj.org/catalog/community-outreach-programs/color-of-justice-program>
- 4) **Increase engagement** and visibility with **diverse attorneys and law students**:
 - a. Invite Minority Bar Associations to Board meetings on a rotating basis.
 - b. Invite student representatives from each law school to Board meetings on a rotating basis.
 - c. Host judge-attorney mixers after meetings with Minority Bar Associations.
 - d. Host an educational event or keynote speaker focused on issues of equity and racial justice, followed by a catered mixer after.
 - e. Host board meetings around different parts of the state with attorney mixers after, where local judges and attorneys are invited.

Community Outreach & Listening:

- 1) Create best practices and a **toolkit** for community listening sessions.
 - a. DMCJA should generate a toolkit for individual courts to use for their own community listening sessions.
- 2) Start an ongoing **Book club** with DMCJA members that will facilitate conversations with judges on topics such as “how to talk about race.”
 - a. Compile a list of books that address structural racism that are appropriate for a judicial audience.
 - b. Include films, videos, podcasts, and articles that can facilitate discussion.
 - c. Establish regular meetup times. Meetings can be by Zoom during the pandemic.
- 3) Begin DMCJA Board **listening sessions**.
 - a. The Board should meet in different community locations on occasion, rather than always in Seatac.
 - b. Community leaders can give talks on culture or history and food can be shared.
- 4) Promote DMCJA **volunteer opportunities**.
 - a. The Board could consider volunteer activities for appropriate community projects after meetings conclude.
 - b. A list of appropriate volunteer activities for DMCJA members could be shared.
 - c. Ethical considerations should always be a priority so it is done in an ethical fashion.
- 5) Sponsor **educational scholarships** with a particular focus on the underrepresented.
 - a. Consider sponsoring student educational scholarships as an organization.
 - b. Consider a member challenge to individually sponsor student scholarships.

Increasing diversity in DMCJA leadership:

- 1) Increase **member involvement** in DMCJA committees.
 - a. Member involvement currently is around 30%. Establish a goal of 50% member involvement in committees within 2 years.
 - b. Establish a no obligation “Try a Meeting” program where someone can attend a committee meeting without long-term obligation.
- 2) Create **incentives** to volunteer and **reduce barriers** that prevent involvement.

- a. Survey members for barriers that prevent their involvement.
 - b. Maintain and publicize adequate Pro Tem reimbursement for those who can't participate due to pro tem costs.
 - c. Consider other innovative incentives: such as participation in a special activity at conference, or dues incentives, or a complimentary meal or upgraded room, or a prize for the first person to sign up five new members.
- 3) DMCJA should **target promising members** in an intentional manner for volunteer spots. We should reach out personally whenever possible. Regional contacts can help with recruitment.
- a. Help with networking should be offered to those interested in volunteering in other state and national organizations. Member involvement in other organizations brings back innovative ideas that is beneficial to the DMCJA as a whole.

GR 9 COVER SHEET
Suggested Amendment to
CRIMINAL RULES FOR SUPERIOR COURTS, CrR 3.4
PRESENCE OF THE DEFENDANT

A. Name of Proponent:

Superior Court Judges' Association (SCJA) Criminal Law and Rules Committee.

B. Spokesperson:

Laura M. Riquelme
SCJA Criminal Law and Rules Committee, Chair
Skagit County Superior Court Judge

C. Purpose:

On February 1, 2021, CrR 3.4 was amended pursuant to Order No. 25700-A-1319 upon the suggestion of the Washington Defender Association. Subsections pertaining to Videoconference Proceedings (subsection (e)) and Videoconference Proceedings under chapter 10.77 RCW (subsection (f)) were unchanged in this most recent amendment to CrR 3.4. The Superior Court Judges' Association (SCJA) suggests a robust update to CrR 3.4(e) and (f).

The COVID-19 pandemic forced our courts to implement better infrastructure for remote proceedings. CrR 3.4 should be updated to utilize this technology while also establishing standards for conducting remote hearings. The SCJA recognizes that fewer required physical appearances for defendants would likely lead to fewer missed court dates and warrants. This reduction should decrease daily court congestion and allow for a more expeditious case resolution while improving access to justice.

The FOURTH REVISED AND EXTENDED ORDER REGARDING COURT OPERATIONS, Order No. 25700-B-646, was used as a foundation to develop the suggested amendments. These suggested amendments are necessary for fair administration of justice in a postpandemic Washington State.

The suggested amendments address issues such as standards for audio and video quality, the use of electronic signatures, access to interpreters, and visibility of the public during a remote proceeding. The same safeguards suggested in subsection (e) are suggested for Remote Proceedings under chapter 10.77 RCW in subsection (f).

D. Hearing:

The proponents do not believe a public hearing is needed.

E. Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested amendment to CrR 3.4(e) and (f) and request that the Rules Committee proceed to an abbreviated comment period.

CrR 3.4
PRESENCE OF THE DEFENDANT

(a) – (d) [Unchanged.]

(e) ~~Videoconference Proceedings~~ Remote Appearances.

(1) *In General.* A defendant may appear remotely through video or telephonic conferencing as available in each court and indicated in this rule. A defendant who is out of custody and wishes to appear remotely is responsible for his or her own device and internet access to connect to court.

(2) *Authorization.* Remote appearances are authorized for all criminal proceedings except for arraignment, all phases of a trial, entry of a guilty plea, and sentencing for which the defendant must have prior court approval permitting a remote appearance. Preliminary appearances held pursuant to CrR 3.2.1, arraignments held pursuant to this rule and CrR 4.1, bail hearings held pursuant to CrR 3.2, and trial settings held pursuant to CrR 3.3, may be conducted by videoconference in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All remote videoconference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an inperson hearing, which may in the trial court judge's discretion be granted.

(3) *Remote Appearances Required by Video.* Remote appearances at arraignments, testimonial hearings, trials, sentencing, and whenever the defendant is in-custody shall include video. Local court rules may require all remote appearances take place over video.

~~(2) *Agreement.* Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrR 4.2 may be conducted by videoconference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge pursuant to local court rule.~~

~~(3)-(4) *Standards for Remote Appearances Videoconference Proceedings.*~~

(a) *Video Appearances.* The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. The video and audio should be of sufficient quality to ensure that the video and audio connections are clear and intelligible participants are easily seen and understood. Videoconference facilities Platforms, court procedures, or in-custody facilities must provide for allow confidential communications between attorney and client, including a means during the hearing for the attorney and the client to read and review all documents executed therein, and security sufficient to protect the safety of all participants and observers when conducted in a custodial environment. For purposes of videoconference proceedings, the electronic, scanned, or facsimile signatures of the defendant, counsel, interested parties, and the court shall be treated as if they were original signatures. This includes all orders on judgment and sentence, no contact orders, statements of defendant on pleas of guilty, and other documents or pleadings as the court shall determine are appropriate or necessary. Defense counsel or the court may affix a “/s/” on any documents except a judgment and sentence to indicate the defendant’s signature when the defendant indicates their approval during the hearing. In interpreted proceedings, the interpreter must be in a location or over a platform where the defendant and defense attorney can have confidential conversations through the interpreter. the interpreter must be located next to the defendant and t The proceeding must be conducted to assure that the interpreter can hear all participants. When the public appears remotely, members of the public need not enable their video to be visible to other participants absent a finding of good cause and order of the court.

(B) Telephonic Appearances. If parties appear remotely with only an audio connection, the connection should be of sufficient quality to ensure participants are clearly audible. Telephonic appearances shall otherwise have the same requirements as indicated for video appearances.

(f) Remote Videoconference Proceedings under RCW 10.77.

(1) *Authorization.* Proceedings held pursuant to chapter 10.77 RCW may be conducted by video conference using the same safeguards in CrR 3.4(e)(4)(a). ~~in which all participants can simultaneously see, hear, and speak with each other except as otherwise directed by the trial court judge.~~ When these proceedings are conducted via by video conference, it is presumed that all participants will be physically present in the courtroom except for the forensic evaluator unless as otherwise provided by these rules, or as excused or excluded by the court for good cause shown. Good cause may include circumstances where at the time of the hearing, the court does not have the technological capability or equipment to conduct the conference by video as provided in this rule. Such video proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All videoconference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Five days prior to the hearing date, any party may request the forensic evaluator be physically present in the courtroom, which may in the trial court judge's discretion be granted.

(2) *Standards for Videoconference Remote Proceedings under Chapter 10.77 RCW.* These proceedings shall use the same standards enumerated in CrR 3.4(e)(4)(a). ~~The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. Videoconference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.~~

TO: Judge Charles D. Short, President, DMCJA Board
FROM: Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee
SUBJECT: SCJA Proposal for Amendments to CrR 3.4
DATE: August 31, 2021

The Superior Court Judges Association (SCJA) submitted a proposal to amend CrR 3.4 that has been published by the Supreme Court with a comment deadline of September 30, 2021. The DMCJA Rules Committee recommends that the DMCJA oppose this proposal. We recognize that it is somewhat unusual for the DMCJA to oppose rules amendments requested by the SCJA. However, two important considerations have prompted this objection from the DMCJA along with a recommendation for a separate course of action.

1. The DMCJA recognizes that, to the extent practicable, consistency between Superior Court rules and CLJ rules benefits all users of the court system. The SCJA proposal does not address DMCJA concerns regarding sections (a) through (d) of rule 3.4. The DMCJA is requesting revisions to those sections that should be reflected in the Superior Court version of the rule as well.

2. While the DMCJA does not oppose SCJA's efforts to address standards for remote hearings, we suggest that a more comprehensive rule, perhaps a new GR or a new AR / ARLJ, addressing remote hearings for civil proceedings and all phases of criminal proceedings would be more beneficial for court users.

As is evident from the SCJA and DMCJA proposals to amend Rule 3.4, we have each taken different approaches to incorporating what has worked well from our experiences. As part of this process, the DMCJA Rules Committee has been in contact with the SCJA Rules Committee and we are working together to determine whether these versions can be reconciled.

DMCJA Proposal for CrRLJ 3.4 (a) – (d)

The SCJA and DMCJA proposals to modify Rule 3.4 take different approaches. The SCJA proposal leaves existing sections (a) – (d) unchanged. Section (e) is amended to address when and how remote hearings are conducted and establishes standards for remote hearings. Section (f) regarding Chapter 10.77 RCW proceedings is largely unchanged.

The DMCJA proposal revises sections (a) – (d) of the existing rule. Those changes result in clarity and consistency with other statewide rules. CLJs need the flexibility in setting hearings and requiring an appearance that these amendments provide. For example, a jury trial may be a significant expenditure for a smaller jurisdiction. That smaller court needs to have the flexibility to set a hearing where an appearance is required to confirm a jury trial is still proceeding.

Paragraph (a) is revised to clarify that an appearance – physical, remote, or by counsel - is required at all hearings. This change allows the court to manage pre-trial, trial, and sentence

review calendars while still permitting the defendant to appear remotely or through counsel when appropriate.

New paragraph (b) defines what “appearance” means for purposes of this rule. This definition section clarifies that there are three ways in which a defendant may “appear” in court – in person, by video or remote appearance, and through counsel.

Paragraph (c) is retitled “When Physical Appearance Required.” A physical appearance continues to be required for designated hearings, but allows judicial discretion to permit a remote appearance. The ‘good cause’ requirement is moved to this section along with the other required appearances for clarity.

Paragraph (d) is identical to former paragraph (c), with the exception that it changes “by its lawyer” to “through counsel” to make the language consistent with the definitions in the new paragraph (b).

Paragraph (e) clarifies that a trial court has the authority to issue a bench warrant if no appearance – physical, remote, or through counsel - is made by the defendant. If neither a defendant nor an attorney appear at a hearing, a hearing cannot take place and thus the case cannot advance.

There are substantial benefits to court users by adopting the DMCJA proposal:

1. It retains the intent of the rule to allow counsel to appear for a defendant for hearings where defendants’ physical appearance is not required.
2. It defines the terms physical appearance, remote appearance and appearance through counsel. Defining these terms adds clarity to the rule.
3. Additional language changes make Rule 3.4 consistent with other rules:
 - ‘Necessary’ is replaced with ‘required.’ CrRLJ 3.3(2)(ii) uses the term ‘required.’
 - ‘Presence’ is replaced with ‘appearance.’ “Appear” and “appearance” are used throughout the CrRLJs.
 - ‘Defendant not Present’ is replaced with ‘Failure to Appear,’ as used in CrRLJ 3.2 and 3.3.
4. The exception requiring a physical appearance on good cause is moved to paragraph (c) with the other hearings requiring a physical appearance. This change provides clarity to the rule.
5. The requirements for remote hearings are moved to a new GR that would be able to address requirements for both civil and criminal proceedings throughout the entire case.

DMCJA Proposal for Remote Hearing Standards

With regard to remote hearings, the rules need to address (1) when a remote appearance is permitted and, (2) how remote hearings are conducted. The SCJA proposal re-writes paragraph

(e) to include hearings where a remote appearance is permitted. The DMCJA proposal also specifies when remote hearings are permitted, but does so within the framework of addressing appearances, resulting in a clearer understanding of when and how the defendant is required to appear. Any differences between how the SCJA and the DMCJA address appearance requirements can be written into the DMCJA version of Rule 3.4. As stated above, we believe consistency is beneficial, but operational needs may necessitate minor variations.

The other major difference between the SCJA and DMCJA proposals for Rule 3.4 is the location within the rules where remote hearing standards are established. The DMCJA proposal takes the approach of moving remote hearing standards to a new AR, ARLJ, or GR to encompass both civil and criminal proceedings. DMCJA recommends that SCJA Rules and DMCJA Rules work together to determine baseline standards for remote hearings.

Full Text of DMCJA Proposed Rule Changes

CrRLJ 3.4 PRESENCE APPEARANCE OF THE DEFENDANT

~~(a) **Presence Defined.** Unless a court order or this rule specifically requires the physical presence of the defendant, the defendant may appear remotely or through counsel. Appearance through counsel requires that counsel either (i) present a waiver the defendant has signed indicating the defendant wishes to appear through counsel or (ii) affirm, in writing or in open court, that this is the defendant's preference.~~ **Appearance Required.** The appearance of the defendant is required at all hearings set by the Court.

~~(b) **Definitions.** For purposes of this rule, “appear” or “appearance” means the defendant’s physical appearance, remote appearance, or appearance through counsel.~~

- (1) ~~“Physical appearance” means the defendant’s appearance pursuant to the CrRLJ 3.3(a) definition of appearance.~~
- (2) ~~“Remote appearance” means the defendant appears through a telephonic or video conference platform approved by the Court.~~
- (3) ~~“Appearance through counsel” means that counsel appears on behalf of the defendant. Appearance through counsel requires that counsel affirm, in writing or in open court, that they have consulted with the defendant since the last appearance, and that the defendant waives the right to be present at the instant hearing.~~

~~(b) (c) **When Physical Appearance Is Required Necessary.** The defendant’s physical appearance shall be present physically or remotely (in the court’s discretion) is required at arraignment (if one is held), at every stage of the trial including the empaneling of the jury, and the returning of the verdict, and at the imposition of imposing the sentence, and at hearings set by the Court upon a finding of good cause, except as otherwise provided by these rules, or as excused or excluded by the Court for good cause shown.~~

~~(e)~~ **(d) Effect of Voluntary Absence.** The defendant's voluntary absence after the trial has commenced in his or her presence shall not prevent continuing with the trial to and including the return of the verdict. A corporation may appear ~~by its lawyer~~ through counsel for all purposes. In prosecutions for offenses punishable by fine only, the Court, with the defendant's written consent ~~of the defendant~~, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence.

~~(d)~~ **(e) Defendant Not Present. Failure to Appear.** ~~In order to require the defendant's physical or remote presence at any hearing other than those listed in subpart (b), the court must find good cause. If in any case the defendant fails to appear is not present when his or her personal attendance appearance is necessary required,~~ the Court may order the clerk to issue a bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other cases.

~~(e) Videoconference Proceedings.~~

~~(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to this rule and CrRLJ 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an in person hearing, which may in the trial court judge's discretion be granted.~~

~~(2) Agreement. Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge pursuant to local court rule.~~

~~(3) Standards for Video Conference Proceedings. The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. The video and audio should be of sufficient quality to ensure participants are easily seen and understood. Video conference facilities must provide for confidential communications between attorney and client, including a means during the hearing for the attorney and the client to read and review all documents executed therein, and security sufficient to protect the safety of all participants and observers. For purposes of videoconference proceedings, the electronic or facsimile signatures of the defendant, counsel, interested parties and the court shall be treated as if they were original signatures. This includes all orders on judgment and sentence, no contact orders, statements of defendant on pleas of guilty, and other documents or pleadings as the court shall determine are appropriate or necessary. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.~~

~~(f) Videoconference Proceedings under RCW 10.77.~~

~~(1) *Authorization.* Proceedings held pursuant to chapter 10.77 RCW, may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other except as otherwise directed by the trial court judge. When these proceedings are conducted via video conference, it is presumed that all participants will be physically present in the courtroom except for the forensic evaluator unless as otherwise provided by these rules, or as excused or excluded by the court for good cause shown. Good cause may include circumstances where at the time of the hearing, the court does not have the technological capability or equipment to conduct the conference by video as provided in this rule. Such video proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Five days prior to the hearing date, any party may request the forensic evaluator be physically present in the courtroom, which may in the trial court judge's discretion be granted.~~

~~(2) *Standards for Video Conference Proceedings under Chapter 10.77 RCW.* The judge, counsel, all parties, and the public must be able to see and hear each other during the proceedings, and speak as permitted by the judge. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.~~



August 19, 2021

The Honorable Justice Mary Yu, Co-Chair
The Honorable Judge Veronica Alicea-Galvan, Co-
Chair Minority and Justice Commission
Administrative Office of the Courts
Post Office Box 41170
Olympia, WA 98504-1170

The Honorable Michelle K. Gehlsen, President
District and Municipal Court Judges Association
Administrative Office of the Courts
Post Office Box 41170
Olympia, WA 98504-1170

RE: Ending driver license suspensions for failure to appear under *Pierce* and SB 5226

Dear Justice Yu, Judge Alicea-Galvan, and Judge Gehlsen:

We write to strongly urge the Minority and Justice Commission and the District and Municipal Courts Judges' Association to recommend to courts that they commit to ending suspension of driver licenses for failure to appear (FTA) and, as described below, that they adopt alternate mechanisms for establishing ability to pay. This recommendation is necessary because of the troubling interplay between *Pierce v. Department of Licensing* (Cause No. 20-2-02149-34) and the recently enacted Senate Bill 5226, which effectively allows suspensions for failure to appear, without a determination of ability to pay.

In *Pierce v. Department of Licensing*, Thurston County Superior Court Judge Mary Sue Wilson held that the current statute allowing license suspensions for FTA is unconstitutional as applied to people who are indigent. Shortly thereafter, on May 10th, Governor Inslee signed SB 5226 into law. The bill reforms driver license suspension laws by ending suspensions based on failure to pay traffic infractions, including failure to pay installments of a payment plan related to an infraction (the bill goes into effect on January 1, 2023). SB 5226 for the most part delinks driver license suspensions from debt collection efforts, but continues to allow the practice of requiring drivers on payment plans to appear in court if they fail to pay an installment of their payment plan. If that driver subsequently fails to appear at that

Re: Ending FTA driver license suspensions

hearing, DOL would be required to suspend that person's license if notified by a court. However, on June 1, 2021, the *Pierce* court entered an injunction ordering DOL to rescind all FTA suspensions, prohibiting the further suspensions of driver licenses until the effective date of SB 5226, and requiring DOL to report back about the implementation of the new ability-to-pay determination system before the injunction will be dissolved.

Therefore, requiring an in-person appearance for people who miss installments of a payment plan would serve no purpose. The practice also has racially disproportionate consequences and disproportionate consequences for low-income people generally. If courts choose to exercise the option to require an appearance after a missed payment, they will be perpetuating the racial harms of debt-based driver license suspensions that led to the reforms culminating in the passing of SB 5226 in the first place. The Stanford Open Policing Project, which has compiled and analyzed over 200 million records of traffic stops across the US, has found that Black drivers are stopped at higher rates than white drivers.¹ Numerous studies and reports following the ArchCity Defenders' white paper² on municipal courts around Ferguson have also detailed racial disparities in the issuing of traffic infractions.³ Failing to pay infractions results in license suspensions and driving with a suspended license can result in a criminal charge, driving while license suspended in the 3rd degree (DWLS3). DWLS3 is the most charged crime in Washington and reveals how racial disparities in traffic enforcement get perpetuated: Black Washingtonians, just 4% of the driving age population, represent 13% of defendants in DWLS3 cases.⁴ Lastly, requiring an appearance is a hurdle that is higher to overcome for people in poverty or for people working low-wage jobs who can't take a day off of work. The goal of achieving full payment of a traffic infraction can be met in other ways that wouldn't risk a license suspension.

A reasonable approach to resolve the conflicts between *Pierce*, SB 5226, and the racialized outcomes above would be simply not requiring an in-person appearance for people who may have missed installments of their payment plan. SB 5226 will implement new citations that will give drivers the option of submitting information about their financial ability to pay. These and other tools—such as restructuring payment plans or, if necessary, referring outstanding debt to collection agencies that can seek judgments on that debt—are available to courts to enforce compliance with traffic-related financial obligations. For those drivers with the ability to pay, they do. Those who don't would be subject to garnishment as in any collection action, with all of the protections built into that system for low-income people.

¹ Findings, Stanford Open Policing Project. <https://openpolicing.stanford.edu/findings/>.

² ArchCity Defenders: Municipal Courts White Paper (2014), <https://www.archcitydefenders.org/wp-content/uploads/2019/03/ArchCity-Defenders-Municipal-Courts-Whitepaper.pdf>

³ See Research Working Group of the Task Force on Race and the Criminal Justice System. (2011). *Preliminary Report on Race and Washington's Criminal Justice System*, <https://law.seattleu.edu/centers-and-institutes/korematsu-center/reports/race-and-criminal-justice-task-force/>; US Commission on Civil Rights. (2017). *Targeted Fines and Fees Against Communities of Color*, https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf; Lawyers' Committee for Civil Rights of the San Francisco Bay Area. (2015). *Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California*, <https://lccrsf.org/wp-content/uploads/Not-Just-a-Ferguson-Problem-How-Traffic-Courts-Drive-Inequality-in-California-4.8.15.pdf>.

⁴ American Civil Liberties Union of Washington Foundation. (2017). *Driven to Fail: The High Cost of Washington's Most Ineffective Crime – DWLS III*, p. 14. <https://www.aclu-wa.org/docs/driven-fail-high-cost-washingtons-most-ineffective-crime>.

Justice Mary Yu, Judge Veronica Alicea-Galvan, and
Judge Michelle K. Gehlsen

August 19 - Page 3

Re: Ending FTA driver license suspensions

Columbia Legal Services and the Northwest Justice Project stand ready to assist the courts in establishing systems that promote equitable outcomes. Such a system collects only from those with the demonstrated ability to pay, and not from those where a record supports a finding of indigency.

We stand ready to help and look forward to working with you to ensure we do not continue to perpetuate these unjust practices. Thank you for your attention.

Respectfully,



César E. Torres
Executive Director
Northwest Justice




Merf Ehrman
Executive Director
Columbia Legal Services



August 5, 2021

TO: Eric Johnson, Executive Director, Washington State Association of Counties
Kim Allen, President, Washington State Association of County Clerks
Russell Brown, Executive Director, Washington Association of Prosecuting Attorneys
Darla McKay, President, Washington State Association of County Auditors
Presiding Judges of Superior Courts
Presiding Judges of District and Municipal Courts

FROM: Christopher Stanley, Chief Financial & Management Officer 

RE: Distribution of Funds, ESSB 5092, Section 115(5-6)

I appreciate the sustained communication our offices have shared since the end of the Legislative Session regarding the distribution of the funds provided by the Legislature to offset extraordinary costs related to the Supreme Court's decision in *State of Washington v. Blake*.

Over the past three months, we have met with stakeholders to discuss various approaches to distributing the funds provided by the Legislature. Our goal has always been to create an equitable and efficient way to distribute these limited funds. There appears to be a broad consensus that these funds will likely not be sufficient to cover the total costs of implementing the *Blake* decision, which means that any distribution formula would not be a limiting formula, but merely a way to allocate these initial funds.

Our proposal concerning funds in Section 115(5) regarding extraordinary costs related to resentencing and vacating convictions would be to allocate funds to counties based on a county's current Department of Corrections *Blake* in-custody and supervision population. While there was some push-back to this approach and suggestions to use a more comprehensive data set, a more extensive data set does not guarantee a more accurate data set. The current data is available now, without need for review or examination for accuracy, and we are prepared to allocate funds to counties by the end of the month based on these figures. A table of allocations for these funds is attached. It should be stressed that these allocations are not limiting figures, and again – there is broad consensus that the funds in Section 115(5) will likely be insufficient to cover the total costs of implementation.

Regarding the funds in Section 115(6) appropriated to assist counties with refunds of legal financial obligations (LFOs), our initial proposal was to use a 10-year "lookback" to allocate these initial funds. Like the DOC data, this data is both reliable and immediately available. We examined the approach of using a more extended period, but the data sources appear to become more challenging to obtain the further back we go in years. As with the funds in Section 115(5), we are

prepared to allocate funds to counties by the end of the month based on these figures. A table of allocations for these funds is attached. Again, it should be stressed here as well that these allocations are *not limiting figures* but merely a starting point for distributing these limited funds.

Ultimately, the cash distribution methodology for both of these funding provisos is simple: Reimbursement of actual expenditures. The allocation formulae referenced above simply help allocate funds in a manner that ensures *all* counties will have the *opportunity* to receive reimbursement for their expenditures. These allocated funds will likely be insufficient to cover the entire cost obligation, and we hope the Legislature will provide more funding in the 2022 Supplemental Budget to fully cover extraordinary costs of vacating and resentencing convictions related to *Blake* as well as cover the costs of refunding *Blake* LFOs.

We have received several letters asking AOC to request additional funds from the Legislature to cover *Blake*-related costs. AOC doesn't believe that it is our role to request these funds, but we are happy to include external requests from members of the justice community and the judicial branch in our presentations to the Board of Judicial Administration and the Supreme Court when those governing bodies are deciding which requests to forward to the Legislature in the 2022 Legislative Session.

I recognize that this information may not be what you wanted to hear; you may still want us to consider alternative allocation methodologies. However, in the interest of moving forward immediately, we are prepared to begin issuing contracts to all 39 counties to set the allocations in place by the end of the month and begin issuing reimbursements soon thereafter. Ultimately, the goal is to begin the work of vacating, resentencing, and refunding individuals impacted by *Blake* and to do that quickly and efficiently in the interest of justice. There's not enough funding to do it all right now, but there's enough to get started, and I hope we can all work together to secure the remaining necessary funds from the Legislature.

As we go forward, I'm open to continuing the conversations around the data to strengthen the case to the Legislature that additional funding will be needed to complete this critical work. If you have further questions or concerns or wish to discuss this further, please reach out to me at Christopher.Stanley@courts.wa.gov.

cc: Senator Christine Rolfes and Ways & Means Committee Leadership
Representative Timm Ormsby and Appropriations Committee Leadership
Scott Merriman, Office of Financial Management
Larry Jefferson, Office of Public Defense
Trisha Newport, Department of Corrections
Judge David Estudillo, President, Superior Court Judges' Association
Judge Charles Short, President, District and Municipal Court Judges' Association
Sharon Swanson, Association of Washington Cities
Association of Washington Superior Court Administrators
District and Municipal Court Administrators

Blake Court Expenses Allocation Matrix

Data Source: *Individuals with a Possession Conviction in DOC Jurisdiction as of 5/31/2021*

Total
44,500,000

County	In-Facility and Supervised DOC Population	Pct	Allocation
Adams	32	0.2%	75,000
Asotin	94	0.5%	221,000
Benton	774	4.1%	1,823,800
Chelan	443	2.3%	1,043,400
Clallam	261	1.4%	615,200
Clark	1,380	7.3%	3,252,400
Columbia	18	0.1%	42,000
Cowlitz	852	4.5%	2,007,900
Douglas	133	0.7%	313,100
Ferry	16	0.1%	37,000
Franklin	311	1.6%	732,300
Garfield	14	0.1%	32,000
Grant	316	1.7%	744,300
Grays Harbor	495	2.6%	1,166,500
Island	103	0.5%	242,100
Jefferson	68	0.4%	160,000
King	2,143	11.3%	5,051,200
Kitsap	626	3.3%	1,475,600
Kittitas	140	0.7%	329,100
Klickitat	85	0.5%	200,000
Lewis	535	2.8%	1,260,500
Lincoln	28	0.1%	65,000
Mason	298	1.6%	702,300
Okanogan	193	1.0%	454,200
Pacific	162	0.9%	381,100
Pend Oreille	21	0.1%	49,000
Pierce	3,013	16.0%	7,102,100
San Juan	6	0.0%	14,000
Skagit	394	2.1%	928,400
Skamania	41	0.2%	96,000
Snohomish	1,325	7.0%	3,123,400
Spokane	1,714	9.1%	4,039,800
Stevens	191	1.0%	450,200
Thurston	1,173	6.2%	2,766,700
Wahkiakum	4	0.0%	9,000
Walla Walla	159	0.8%	374,100
Whatcom	422	2.2%	994,400
Whitman	37	0.2%	87,000
Yakima	865	4.6%	2,038,900
Total	18,885		44,500,000

Blake LFO Pool Distribution

Based on Average 10-Year LFO AR Paid, RCW 69.50.4013

Blake LFO Pool Appropriation	23,500,000
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Court Name	Court Level	Average 10-Year AR Paid	Pct Total	Distribute Blake LFO Pool
ADAMS COUNTY SUPERIOR COURT	Superior	73,005	0.10%	23,661
ASOTIN COUNTY SUPERIOR COURT	Superior	173,623	0.24%	56,271
BENTON COUNTY SUPERIOR COURT	Superior	1,458,351	2.01%	472,652
CHELAN COUNTY SUPERIOR COURT	Superior	481,153	0.66%	155,942
CLALLAM COUNTY SUPERIOR COURT	Superior	183,053	0.25%	59,327
CLARK COUNTY SUPERIOR COURT	Superior	1,657,312	2.29%	537,135
COLUMBIA COUNTY SUPERIOR COURT	Superior	24,096	0.03%	7,810
COWLITZ COUNTY SUPERIOR COURT	Superior	367,294	0.51%	119,040
DOUGLAS COUNTY SUPERIOR COURT	Superior	227,709	0.31%	73,801
FERRY COUNTY SUPERIOR COURT	Superior	28,672	0.04%	9,293
FRANKLIN COUNTY SUPERIOR COURT	Superior	362,774	0.50%	117,575
GARFIELD COUNTY SUPERIOR COURT	Superior	22,788	0.03%	7,386
GRANT COUNTY SUPERIOR COURT	Superior	301,822	0.42%	97,821
GRAYS HARBOR COUNTY SUPERIOR COURT	Superior	133,221	0.18%	43,177
ISLAND COUNTY SUPERIOR COURT	Superior	178,394	0.25%	57,818
JEFFERSON COUNTY SUPERIOR COURT	Superior	103,118	0.14%	33,420
KING COUNTY SUPERIOR COURT	Superior	1,720,256	2.37%	557,535
KITSAP COUNTY SUPERIOR COURT	Superior	807,593	1.11%	261,741
KITTITAS COUNTY SUPERIOR COURT	Superior	229,911	0.32%	74,514
KLICKITAT COUNTY SUPERIOR COURT	Superior	84,635	0.12%	27,430
LEWIS COUNTY CLERK SUPERIOR	Superior	320,517	0.44%	103,879
LINCOLN COUNTY SUPERIOR COURT	Superior	40,056	0.06%	12,982
MASON COUNTY SUPERIOR COURT	Superior	145,504	0.20%	47,158
OKANOGAN COUNTY SUPERIOR COURT	Superior	172,912	0.24%	56,041
PACIFIC COUNTY SUPERIOR COURT	Superior	94,219	0.13%	30,537
PEND OREILLE CO SUPERIOR COURT	Superior	44,000	0.06%	14,260
PIERCE COUNTY SUPERIOR COURT	Superior	1,958,901	2.70%	634,880
SAN JUAN COUNTY SUPERIOR COURT	Superior	52,166	0.07%	16,907
SKAGIT COUNTY SUPERIOR COURT	Superior	426,009	0.59%	138,070
SKAMANIA COUNTY SUPERIOR COURT	Superior	80,962	0.11%	26,240
SNOHOMISH COUNTY SUPERIOR COURT	Superior	995,867	1.37%	322,760
SPOKANE COUNTY SUPERIOR COURT	Superior	1,067,711	1.47%	346,045
STEVENS COUNTY SUPERIOR COURT	Superior	145,438	0.20%	47,137
THURSTON COUNTY SUPERIOR COURT	Superior	711,741	0.98%	230,675
WAHKIAKUM COUNTY SUPERIOR COURT	Superior	35,770	0.05%	11,593
WALLA WALLA CO SUPERIOR COURT	Superior	244,655	0.34%	79,293

Blake LFO Pool Distribution

Based on Average 10-Year LFO AR Paid, RCW 69.50.4013

Blake LFO Pool Appropriation	23,500,000
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Court Name	Court Level	Average 10-Year AR Paid	Pct Total	Distribute Blake LFO Pool
WHATCOM COUNTY SUPERIOR COURT	Superior	579,087	0.80%	187,682
WHITMAN COUNTY SUPERIOR COURT	Superior	147,170	0.20%	47,698
YAKIMA COUNTY SUPERIOR COURT	Superior	324,091	0.45%	105,038
#1 GRAYS HARBOR DISTRICT COURT	District	492,857	0.68%	159,735
#2 GRAYS HARBOR DISTRICT COURT	District	382,864	0.53%	124,086
ASOTIN DISTRICT COURT	District	228,600	0.32%	74,089
BENTON COUNTY DISTRICT COURT	District	5,153,391	7.11%	1,670,214
BRIDGEPORT DISTRICT COURT	District	134,042	0.18%	43,443
CHELAN COUNTY DISTRICT COURT	District	1,390,211	1.92%	450,567
CLALLAM COUNTY DISTRICT COURT #1	District	957,003	1.32%	310,165
CLALLAM DISTRICT COURT #2	District	203,741	0.28%	66,032
CLARK COUNTY DISTRICT COURT	District	3,807,963	5.25%	1,234,161
COLUMBIA COUNTY DISTRICT COURT	District	63,487	0.09%	20,576
COWLITZ COUNTY DISTRICT COURT	District	1,418,147	1.96%	459,621
DOUGLAS DISTRICT COURT	District	567,563	0.78%	183,947
E. KLICKITAT DISTRICT	District	197,656	0.27%	64,060
FERRY COUNTY DISTRICT COURT	District	72,133	0.10%	23,378
FRANKLIN DISTRICT COURT	District	815,172	1.12%	264,197
GARFIELD COUNTY DISTRICT COURT	District	74,272	0.10%	24,072
GRANT COUNTY DISTRICT COURT	District	1,713,935	2.36%	555,487
ISLAND COUNTY DISTRICT COURT	District	695,638	0.96%	225,456
JEFFERSON DISTRICT COURT	District	360,576	0.50%	116,863
KING COUNTY DISTRICT COURT	District	7,143,893	9.85%	2,315,336
KITSAP DISTRICT COURT	District	2,008,010	2.77%	650,796
LEWIS COUNTY DISTRICT COURT LAW AND JUSTICE CENTER	District	1,196,641	1.65%	387,831
LINCOLN COUNTY DISTRICT COURT	District	289,228	0.40%	93,739
LOWER KITTITAS DISTRICT COURT	District	1,205,037	1.66%	390,552
MASON COUNTY DISTRICT COURT	District	854,857	1.18%	277,059
NORTH PACIFIC DISTRICT COURT PACIFIC COUNTY COURTHOUSE	District	148,705	0.21%	48,195
OKANOGAN COUNTY DISTRICT COURT	District	695,304	0.96%	225,348
OTHELLO DISTRICT COURT	District	291,158	0.40%	94,364
PEND OREILLE DISTRICT COURT	District	217,529	0.30%	70,501
PIERCE COUNTY DISTRICT COURT	District	3,924,250	5.41%	1,271,850
RITZVILLE DISTRICT COURT	District	272,468	0.38%	88,307
SAN JUAN DISTRICT COURT	District	197,016	0.27%	63,853
SKAGIT COUNTY DISTRICT COURT	District	1,279,316	1.76%	414,626

Blake LFO Pool Distribution

Based on Average 10-Year LFO AR Paid, RCW 69.50.4013

Blake LFO Pool Appropriation	23,500,000
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Court Name	Court Level	Average 10-Year AR Paid	Pct Total	Distribute Blake LFO Pool
SKAMANIA COUNTY DISTRICT COURT	District	218,172	0.30%	70,709
SNO CO DIST CT CASCADE DIV	District	1,046,020	1.44%	339,015
SNO CO DIST CT EVERETT DIV	District	1,470,000	2.03%	476,427
SNO CO DIST CT EVERGREEN DIV	District	1,255,465	1.73%	406,896
SNO CO DIST CT SOUTH DIV	District	2,092,879	2.89%	678,302
SOUTH PACIFIC DISTRICT COURT	District	233,059	0.32%	75,534
SPOKANE COUNTY DISTRICT COURT	District	3,419,739	4.72%	1,108,337
STEVENS COUNTY DISTRICT COURT	District	329,304	0.45%	106,728
THURSTON COUNTY DISTRICT COURT	District	2,069,723	2.85%	670,797
UPPER KITTITAS DISTRICT COURT	District	515,068	0.71%	166,933
W. KLICKITAT DISTRICT	District	120,021	0.17%	38,899
WAHIAKUM DISTRICT COURT	District	104,461	0.14%	33,856
WALLA WALLA DISTRICT COURT	District	489,382	0.67%	158,609
WHATCOM COUNTY DISTRICT COURT	District	1,877,628	2.59%	608,539
WHITMAN COUNTY DISTRICT COURT	District	797,928	1.10%	258,609
YAKIMA CO DIST CT - YDC -	District	1,811,412	2.50%	587,079
Total		72,508,478	100.0%	23,500,000

September 9, 2021

Christopher Stanley
Chief Financial & Management Officer
Administrative Office of the Courts
1112 Quince Street SE
Olympia, WA 98501

Re: *Distribution of Funds, ESSB 5092, Section 115 (5-6)*

Mr. Christopher Stanley:

I am writing to express my concerns about the way in which the Administrative Office of the Courts (AOC) plans to distribute critical funds in response to *State of Washington v. Blake*.

Initially, AOC interpreted the budget proviso found in ESSB 5092, Section 115 (5-6), as including monies to distribute to municipal courts. I understand there was a negative response to this interpretation.

However, an email from AOC on August 19th indicated that municipalities were no longer included in the distribution due to an entirely unrelated issue. The email states:

We have recently become aware of specific data-reporting issues that AOC must resolve before including municipal courts on the LFO distribution table. We removed these courts from this initial allocation table. We'll be reaching out to our municipal partners to attempt to resolve this issue. We sincerely apologize for any inconvenience.

The above explanation, along with a new spreadsheet that shows municipalities will not receive funds to offset the costs of *Blake*, is confusing and troubling. AWC is aware that the Washington Association of Prosecuting Attorneys (WAPA) recently suggested that some municipalities may have issues with how their municipal codes regarding criminal charges had been adopted. AWC has raised this issue with our cities and, to date, we have not had any indication that this is a widespread concern or occurrence. As you are aware, WAPA does not have regulatory authority in this arena nor the ability to accurately collect this information. However, the stated reasoning behind the change in approach by AOC seems to imply there is a larger issue at play, potentially of a scope that may warrant a complete change in approach to distributing the limited resources allocated by the legislature.

AWC respectfully requests that your office provide a detailed explanation for the change in distribution. Specifically, we would like to know if the reasoning for excluding municipalities from funding was due to

Christopher Stanley
Page 2
September 9, 2021

the concerns about the legislative intent behind the funding, the issue raised by WAPA or another specific data-reporting issue and, if so, what data is involved. We would also request that you provide more explanation of your plans for outreach to municipal partners to resolve your questions.

As I am sure you are aware, the impacts of ESB 5476 fall squarely on cities and our municipal courts. The legislature has provided no direct funding to cities to offset these costs. While we work to gather our own data to support our future budget requests, we are sensitive to any implication that cities are not compiling the latest and most accurate data.

I look forward to hearing from you,



Peter King
Chief Executive Officer

cc: Eric Johnson, Executive Director, Washington State Association of Counties
Kim Allen, President, Washington State Association of County Clerks
Russell Brown, Executive Director, Washington Association of Prosecuting Attorneys
Darla McKay, President, Washington Association of County Auditors
Senator Christine Rolfes and Ways & Means Committee Leadership
Representative Timm Ormsby and Appropriations Committee Leadership
Scott Merriman, Office of Financial Management
Larry Jefferson, Office of Public Defense
Trisha Newport, Department of Corrections
Judge David Estudillo, President, Superior Court Judges' Association
Judge Charles Short, President, District and Municipal Court Judges' Association

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2021-2022

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<i>Friday, July 9, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Aug 13, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Sept 10, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Oct 8, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Nov 12, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Dec 10, 2021</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Jan 14, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, Feb 11, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, March 11, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, April 8, 2022</i>	12:30 – 3:30 p.m.	ZOOM Video Conference
<i>Friday, May 13-14, 2022</i> <i>TENTATIVE</i>	May 13: 12:00-5:00 p.m. May 14: 9:00-1:00 p.m.	DMCJA Board Retreat Location: TBD
<i>June 2022 – TBD</i>	9:00 a.m. – 12:00 p.m.	DMCJA Spring Program, Location: TBD

AOC Staff: Stephanie Oyler

Updated: September 7, 2021

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