



DMCJA Board of Governors Meeting
Friday, October 8, 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 Anita Crawford-Willis
Judge Michael Frans
Judge Michelle K. Gehlsen
Judge Drew Ann Henke
Commissioner Rick Leo
Judge Lloyd Oaks
Judge Kevin Ringus
Judge Jeffrey Smith
Judge Mindy Walker
Judge Karl Williams
Commissioner Paul Wohl

Members Absent:

Judge Thomas Cox
Judge Catherine McDowall
Judge Laura Van Slyck

Guests:

Judge Jeffrey Goodwin
Judge Jennifer Forbes, SCJA
Judge Rebecca Robertson, BJA
Judge Steve Rosen, King County Superior Court
Judge Megan Valentine
Kris Thompson, DMCMA
Jessica Kerr, Washington Women Lawyers
Chris Gaddis, Pierce Co. Superior Ct Administrator
Mark O'Halloran, WSAJ

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
J Benway, Principal Legal Analyst
Vicky Cullinane, Business Liaison
Cynthia Delostrinos, Associate Director
Tracy Dugas, Court Program Specialist
Carl McCurley, Court Research Center Manager

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 12:33 p.m.

WELCOME AND MINUTES

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

A. Minutes

The minutes from the September 10, 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 were approved by consensus.

COMMITTEE AND LIAISON REPORTS

A. Diversity Committee Report

Judge Karl Williams reported that the Electronic Home Monitoring survey will be distributed in the next few days and requested that members please take the survey when it becomes available.

B. Legislative Committee Report

Commissioner Paul Wohl reported that normally at this time of year, the Legislative Committee shares the proposals that they recommend move forward for action by the board, however at the committee meeting this morning, it was decided to recommend that the board approve the plan to not put forth bills of their own this year. Commissioner Wohl shared that the committee expects the focus this year will be on providing information and resources for stakeholders and legislators, providing testimony, and attending meetings. Commissioner Wohl reported that based on recent conversations with legislators, he anticipates that Senator Pedersen's Uniform Pretrial Release and Detention Act (SB 5307) will again be a focus this session. In addition, he anticipates that there will be proposals for amendments to HB 1320 (Protection Orders), amendments to the Blake response bill (SB 5476). Commissioner Wohl noted that Blake in particular will begin to impact courts of limited jurisdiction, as cases that were felony level before will now be filed in district and municipal courts, and legislators seem to prefer therapeutic alternatives to address these cases. Judge Short responded that DMCJA can prioritize funding for e-filing, a policy analyst, and court security without having specific bills of our own introduced this year.

C. Rules Committee Report

Judge Jeffrey D. Goodwin reported that DMCJA and SCJA have been working together to address concerns about potential changes to rules for remote jury selection and remote trials (GR 41 and CR 39), and a joint proposal will be forthcoming. Judge Goodwin shared that the committee received a lot of feedback from membership regarding remote jury trials, and the majority expressed that they are generally not opposed to the idea but that it is needs to be discretionary. Judge Goodwin also noted that CR 39 is a Superior Court Rule, so it does not apply to courts of limited jurisdiction, but that it is possible there will be a proposal for a comparable rule in the future. He shared that the Rules Committee should have a recommendation ready for the Board at the November meeting, and that the comment period ends on December 29. Judge Goodwin reported that the committee is also looking at the possibility of a statewide e-filing rule that could help to streamline the process and alleviate some concerns that courts have expressed about implementing a local rule. Judge Goodwin reported that there is also some news regarding CrRLJ 2.1 (Citizen Complaint Rule) and asked J Benway, AOC Principal Legal Analyst, to explain.

J Benway reported that in September and in response to a recent concurrence by Justice Yu that indicated citizen complaints were unconstitutional, Washington Association of Prosecuting Attorneys (WAPA) submitted a proposed amendment to CrRLJ 2.1 to remove subsection (c) which would remove the citizen complaint provisions of the rule. The DMCJA Rules Committee will be monitoring that submission and will submit comments to support the changes when it is published in January.

D. Therapeutic Courts Committee Report

Judge Short noted that Judge Van Slyck was not able to join the meeting today, but that he felt it important to note that the application period for therapeutic courts grant funding from SB 5476 had now closed. Judge Short reminded the board that \$4.5 million would be distributed to therapeutic programs in courts of limited jurisdiction.

E. Public Outreach Committee Report

Judge Michelle K. Gehlsen reported that the Public Outreach Committee had recently sent a request to the listserv asking if members knew specific key legislators, and that they received many responses which will be helpful for the Legislative Committee's work this session. The committee also sent a request for materials to the listserv for public presentation samples, and are working on starting a Facebook page.

F. Education Committee Report

Judge Jeffrey R. Smith reported that the committee has been receiving proposals for educational sessions, and they will be reviewed and prioritized by the committee at their meeting on October 21. Proposals are still welcome, and Judge Smith encouraged members to submit their ideas for

conference education topics. Judge Smith reminded the board that Judicial College will be fully virtual again this year, and that there still has not been a decision about whether Spring Program will be held in person, but a decision will likely be made after the first of the year.

G. Treasurer's Report

Judge Karl Williams referred to the packet and is available to respond to any questions.

H. Special Funds Report

Judge Jeffrey R. Smith reported that the Special Fund has generated \$6.40 in interest. We're working on fixing the issue with mail going to Judge Gehlsen at the Bothell Municipal Court. Judge Short inquired if anyone has a personal banking relationship with Bank of America, to please let staff know, as we are hoping to simplify the process of switching officers on the account every year.

I. Liaison Reports

1. Administrative Office of the Courts (AOC)

State Court Administrator Dawn Marie Rubio was not present.

2. Board for Judicial Administration (BJA)

Judge Rebecca Robertson reported that representatives from the Gender and Justice Commission attended the recent BJA meeting to provide a presentation on their work. Judge Robertson shared that BJA's goals continue to include recovery from COVID-19, including addressing any rules changes that are necessary for COVID recovery. Additional goals include consistent funding that is not fee-based, and court security improvements. Judge Robertson reported that BJA is also looking at how Blake is impacting courts, and amending the judicial retirement plan.

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

Judge Kimberly Walden was not present.

4. District and Municipal Court Management Association (DMCMA)

DMCMA President Kris Thompson reported that DMCMA will be holding one more Silence = Acceptance training on October 21, and it is open to everyone including stakeholders and non-court staff. In addition, DMCMA will be continuing their racial justice series at the fall regional training with a workshop called Courageous Conversations. Kris Thompson shared that DMCMA is working on compiling information regarding jury trials and virtual hearings.

5. Judicial Information System (JIS) Report

AOC Business Liaison Vicky Cullinane reported that AOC is collaborating with DMCJA to request funding for e-filing in the supplemental budget, and that a state rule for e-filing is being explored. The CLJ-CMS project is continuing to move ahead with implementation for pilot courts next year.

6. Minority Bar Associations – Washington Women Lawyers (WWL) Bar Association

WWL President Jessica Kerr introduced herself and reported that WWL has several exciting events coming up, including their annual banquet, and that this is the time of year when positions turn over in their association. Jessica Kerr shared that the American Bar Association also has an event next month, and that the calendar on Washington State Bar Association's website includes many events held by minority bar associations. She shared that WWL is collaborating with many other groups on projects right now, including a mentorship program that may be of interest to DMCJA, and that WWL.org has registration information. They regularly offer membership discounts for members of the bench, but it is WWL's 50th anniversary this year, so they are offering free membership at this time.

7. Misdemeanant Probation Association (MPA)

MPA Representative Regina Alexander was not present.

8. Racial Equity Consortium

Judge Anita Crawford-Willis reported that participation in the consortium has been a great experience, as it has allowed her to meet a lot of people, view excellent presentations, and participate in breakout work. Judge Crawford-Willis shared that each of the last few meetings have focused on a particular topic, and the meeting in October will be devoted to issues related to reentry, with Columbia Legal Services providing the main presentation.

9. Superior Court Judges' Association (SCJA)

SCJA President-Elect Judge Jennifer Forbes reported that SCJA has been very busy with proposed court rules changes, including comments to address some of the deficiencies in the judicial canons regarding unrepresented litigants, which would clarify what judges can do without violating ethics rules. Judge Forbes shared that the intention behind the suggested changes is for judges to feel more comfortable while providing better access to justice. Judge Forbes noted that SCJA is also busy preparing for the upcoming legislative session, and that pretrial reform is a shared concern with DMCJA, so she is hoping for collaboration on that issue.

10. Washington State Association for Justice (WSAJ)

WSAJ Representative Mark O'Halloran, Esq. reported that WSAJ recently held their annual convention, and that this is a transitional year for leadership positions.

11. Washington State Bar Association (WSBA)

WSBA Representative Bryn Peterson, Esq. was not present.

BREAK

Judge Short recessed the meeting for a 10 minute break.

ACTION

- A. The Board moved, seconded, and passed (M/S/P) a vote to move forward with exploring the Secret Shopper program, with Commissioner Leo heading the project.

DISCUSSION

A. Supreme Court Commissions: Juror Demographic Survey

Judge Steve Rosen (King County Superior Court), Chris Gaddis (Pierce County Superior Court Administrator) and Cynthia Delostrinos (AOC Associate Director, Office of Court Innovation) shared a presentation about implementing an upcoming statewide juror demographic survey that is required by a 2021 legislative proviso.

B. Judicial Needs Estimate

AOC Court Research Center Manager Carl McCurley, PhD, presented on the judicial needs estimate. Carl McCurley recommended that DMCJA and SCJA consider launching (or supporting) a program to standardize the way that court data is collected, as the current model does not distinguish across types of matters the courts hear, and subsequently provides inaccurate estimates.

C. DMCJA Reimbursement Process

AOC Court Program Specialist Tracy Dugas explained that the previous three forms that were provided for DMCJA member use when requesting reimbursement for pro tem expenses, time spent providing

legislative testimony or when requesting reimbursement for committee expenses have been consolidated into one form, which is now fillable for member convenience. The form is available on the DMCJA website under "[Reimbursement Form](#)."

D. Municipal Court Judges Swearing-In Ceremony

Judge Ringus reported that he has been working with the Chief Justice's Judicial Administrative Assistant to see if a location and date is available. A Zoom swearing-in may actually allow more participation for the municipal judges since it would not require travel. Judge Ringus suggests moving forward with holding the event on December 6, as elections should be certified by then. Judge Ringus will confirm this date with the Chief Justice.

E. DMCJA Action Plan – Secret Shopper Update

Judge Short reported that DMCJA has been working through items from the Diversity Committee Action Plan. One of those items suggested in the Action Plan is the Secret Shopper program, taking the model that Thurston County used, but statewide. Judge Short noted that courts would volunteer to participate in the program, and would then work with the Center for Court Innovation, to get a representative sample for the state. Judge Short noted that he may have a potential conflict of interest, requested that the board discuss this item without his presence, and was moved to a breakout room temporarily. Commissioner Wohl shared some information about his experience with this program at Thurston County District Court and that he found it to be very beneficial to improving service and access to justice. Judge Gehlsen expressed that some courts may be concerned about how the reports from this program will impact elections but that she supported that idea.

The Board moved, seconded, and passed (M/S/P) a vote to move this item to Action today.

F. Race/Ethnicity and Gender Demographics Information Project

Commissioner Rick Leo reported that he had been contacted by Professor Chang from Task Force 2.0 to inquire if DMCJA was tracking race/ethnicity or gender information for members, and if not, if the association would consider taking on this project. Judge Forbes shared that SCJA is also considering taking on this or a similar project. After brief discussion, it was decided that staff will check with WSBA to determine what demographic they collect and how this information is used.

INFORMATION

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

- A. DMCJA President's appointments to the DMCJA Nominating Committee pursuant to DMCJA Bylaws, Art. IX, Sec. 2(a) (2)**
- B. AOC's September 20, 2021 response to AWC letter dated September 9, 2021 regarding AOC's distribution of *Blake* funds**
- C. CLJ Vaccine Mandates Survey data**

OTHER BUSINESS

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

The meeting was adjourned at 3:20 p.m.