



DMCJA Board of Governors Meeting
Friday, November 12, 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 Michelle K. Gehlsen
Commissioner Rick Leo
Judge Catherine McDowall
Judge Lloyd Oaks
Judge Kevin Ringus
Judge Jeffrey Smith
Judge Laura Van Slyck
Judge Mindy Walker
Judge Karl Williams

Members Absent:

Judge Thomas Cox
Judge Michael Frans
Judge Drew Ann Henke
Commissioner Paul Wohl

Guests:

Judge Tam Bui, BJA
Judge Rebecca Robertson, BJA Representative
Judge Jeffrey Goodwin
Judge Kimberly Walden
Regina Alexander (MPA)
Maya Bradshaw, Black Students Law Association –
Seattle U School of Law
Caroline Djamalov, King Co Prosecuting Attorney's Office
John Laney, Filipino Lawyers of Washington
Doris O'Neal, YWCA

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
J Benway, Principal Legal Analyst
Tracy Dugas, Court Program Specialist

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 November 2021 meeting of the DMCJA Board of Governors.

A. Minutes

The minutes from the October 8, 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.

PRESENTATION

A. Survivor First

Judge Short welcomed YWCA Seattle King County Director Doris O'Neal and King County Prosecuting Attorney's Office Lead Deputy Caroline Djamalov of Gender Based Violence Specialized Services, who gave a presentation on Survivor FIRST (Facilitating Interventions and Resources for Survivors of Trauma).

COMMITTEE AND LIAISON REPORTS

A. Liaison Reports

1. District and Municipal Court Management Association (DMCMA)

DMCMA President Kris Thompson was not present.

2. Misdemeanant Probation Association (MPA)

MPA Representative Regina Alexander reported that MPA recently received a grant from the Traffic Safety Commission that will help them to purchase portable breath tests. The funds will also be used to pay for costs associated with updating the supervision manual, training for how to properly administer portable breath tests, and a guest speaker at their May conference. Regina shared that 28 people graduated from Probation Academy this year, which was held partially in-person and partially remote. MPA is partnering with the American Probation and Parole Association (APPA), which is currently offering two-for-one membership, so she encourages courts to have their probation staff join if they are not currently members. MPA is also working on a program called Building Bridges, which is a network of probation officers across the state who are willing to provide mentorship or assistance, similar to DMCMA's Courts Helping Courts program.

3. Washington State Association for Justice (WSAJ)

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

4. Washington State Bar Association (WSBA)

WSBA Representative Francis Adewale, Esq. was not present.

5. Minority Bar Associations – Filipino Lawyers of Washington (FLOW)

John Laney, President of the Filipino Lawyers of Washington, introduced himself and shared information about his organization. John Laney reported that during the COVID-19 pandemic, a lot of their usual activities and outreach have been cancelled and they are struggling to maintain engagement with members and stakeholders. John Laney shared that FLOW has many talented members, some of whom are considering a career in the judiciary, and that they would appreciate more opportunities for pro tem trainings, mentorship, and exploring pathways to the bench. John additionally shared that FLOW is looking for ways to be more assertive, including providing their own endorsements. Staff will send information about The Judicial Institute to John to share with FLOW members.

6. Seattle University School of Law

Maya Bradshaw, Vice President of the Black Law Students Association, reported that the association will be holding a symposium on February 25, 2022, at Seattle University. The theme for the event will be Institutional Transformation and the Law, with panels on understanding the limits of formal equality and critical discussion about substantive racial justice initiatives, along with a keynote from Justin Hansford. Staff will distribute information about this event as it approaches.

7. Administrative Office of the Courts (AOC)

State Court Administrator Dawn Marie Rubio was not present.

8. Board for Judicial Administration (BJA)

Judge Rebecca Robertson reported that the Trial Court Security Task Force is beginning to hold meetings with legislators to discuss their request for over \$4 million in funding for courthouse security staff. Judge Robertson shared that the Policy and Planning Committee recently conducted a survey to gauge what kind of funding courts would like to procure, with most courts of limited jurisdiction indicating they needed more funding for therapeutic courts.

Judge Tam Bui reported that Court Education Committee is actively looking at final edits of the subcommittee working on diversity equity and inclusion, which will give definitions for use in training, as well as guiding principles for groups utilizing CEC funding to incorporate these concepts into education, training and presentations. Judge Bui also shared that they are reviewing the 2017 strategic plan because the education landscape has changed so much over time, and they will evaluate what the committee has accomplished, determine what to include in education going forward, and set goals for future years.

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

Judge Kimberly Walden reported that the CLJ-CMS project team is continuing to work with Tyler Technologies, and are going through a testing process right now. Judge Walden shared that the committee is discussing the possibility of utilizing outside software to fill gaps, and how integration would work. Judge Walden noted that they are waiting for a funding decision from the state regarding eFiling before determining how best to move forward with that portion.

Judge Goodwin reported that Rules Committee determined that policy issues with eFiling are too broad for them to consider alone, as well as outstanding concerns regarding funding and the unresolved mandatory vs non-mandatory discussion. Judge Short noted that funding for eFiling is a top priority for DMCAJ this year and that the Legislative Committee and Melissa Johnson, DMCJA lobbyist, have been in discussions with legislators. Judge Short also shared that Vicky Cullinane is no longer employed by AOC, so any JISC questions should come to staff until a replacement is hired.

10. Superior Court Judges' Association (SCJA)

SCJA President-Elect Judge Jennifer Forbes was not present.

11. Racial Equity Consortium

Judge Michelle Gehlsen reported that the Consortium is working on a plan for the next year, with staff putting together a comprehensive work plan for different groups to put pieces of the plan into action.

B. Rules Committee Report

Judge Jeffrey D. Goodwin reported that the Supreme Court put the DMCJA rule proposal for CrRLJ 3.4 up for comment along with the proposal for CrRLJ 3.3. Judge Goodwin shared that DMCJA and SCJA rules committees are collaborating on potential amendments to CrR 3.4 and CrRLJ 3.4, which would move standards for remote hearings out of the existing rules and into a new general rule. Judge Goodwin expects that the committee will have a draft to the board for the December meeting. Judge Short inquired if Rules Committee would be able to provide feedback to Justice Stephens regarding GR 39 and GR 41, and Judge Goodwin responded that he will look into providing comments by their December 6 deadline.

C. Diversity Committee Report

Judge Karl Williams reported that the electronic home monitoring survey has been distributed and noted that some court funding options have changed significantly since the beginning of the COVID-19 pandemic, where there may currently being opportunities for subsidized electronic home monitoring that may not exist once the pandemic has passed and financially disadvantaged people will once again need to determine if they can afford EHM versus jail time.

D. Legislative Committee Report

Judge Kevin Ringus reported that he cannot remember an interim that has been as busy as this year. Judge Ringus shared that Melissa Johnson, DMCJA lobbyist, has been meeting with legislators, and that in addition to those meetings, the Committee has been participating in the following: 3 Blake workgroups, a workgroup for establishing a model interlocal probation agreement as required in HB 1294, 3 workgroups from the protection order bill (HB 1320), discussions regarding SB 5476 (Blake response bill) and continued funding for therapeutic courts, a Jail Standards Task Force, legislative work sessions from

House Public Safety Committee (regarding drug policy) and House Civil Rights and Judiciary Committee (regarding court unification).

E. Therapeutic Courts Committee Report

Judge Laura Van Slyck reported that over \$9 million was requested by applicants for the therapeutic court grants program established in SB 5476, with only \$4.5 million available to distribute. Judge Van Slyck shared that the committee will be meeting on December 1 and will discuss more detailed information about the awards, along with the hope that there could be more supplemental funding this legislative session. Judge Van Slyck noted that she will be presenting information about therapeutic courts and the grant distribution to the House Public Safety Committee at their upcoming work session, along with Judges Ringus and Gehlsen. Judge Van Slyck shared that the Therapeutic Courts Committee members worked together in a spirit of collaboration and goodwill, to assist other courts with their grant applications, which she feels speaks well for the Association, the Committee, and the importance of therapeutic courts. Judge Short noted that he had heard about courts that did not apply for funding because they were intimidated by the idea of starting a therapeutic court, or by the application process, so the need statewide is beyond those that applied during the application period.

F. Public Outreach Committee Report

Judge Michelle K. Gehlsen reported that the committee is continuing to work on subcommittee projects, including a Facebook page and a resources toolkit for judges (which will include sample State of the Courts presentations). Judge Gehlsen requested that any board members who have samples they would like to share should send them to staff.

G. Education Committee Report

Judge Jeffrey R. Smith reported that the committee now has a draft schema for the spring conference, which includes an interesting mix of education topics, and which will be formalized at the meeting early next month. Judge Smith shared that we do not yet have a signed contract but that the hope is to hold the conference at Campbell's in Chelan. Judge Short noted that dates for the conference are currently being held by the resort, but that the current negotiations are focused on providing an adequate escape clause should the in-person event need to be cancelled. Brief discussion ensued about the value of recording Judicial College education sessions.

H. Treasurer's Report

Judge Karl Williams referred members to the meeting packet for details.

I. Special Funds Report

Judge Jeffrey R. Smith reported that the Special Fund has generated \$6.62 in interest.

BREAK

Judge Short recessed the meeting for a 10 minute break.

ACTION

DISCUSSION

A. Representative Hansen and House Civil Rights & Judiciary Committee Work Session: Unifying the Court System

Judge Short shared that DMCJA and SCJA held a joint meeting to discuss a plan for the work session with Representative Hansen, and that a BJA meeting was also convened. Judge Short invited any members who would like to be part of the discussion to contact staff for an invitation to future

discussions on this issue. Judge Short inquired if members had thoughts on what information should be included in the presentation, or if DMCJA should present a one-pager document to the legislative committee. He noted that there is no specific proposal from Representative Hansen about what model he may introduce, but that the National Center for State Courts will be participating in the work session to present about different models. Brief discussion ensued about whether or not the legislature has the authority to make this decision, and Judge Short noted that there would likely need to be constitutional changes.

Judge Short shared that one of the topics he plans to touch on during his presentation is how some projects on topics that are important to the legislature would have to be delayed to implement this kind of substantial change. Judge Ringus noted that Representative Hansen appears to be in an information gathering stage, and that an actual proposal likely won't happen this legislative session because it is a "short" (60 day) session this year. Judge Ringus also noted that we do not know yet what kind of "unification" may be of interest to the legislature, as this could simply mean that they would like to have all courts sharing technology and data. Judge McDowell inquired about what problem the legislature is actually trying to solve with this change, as this would inform what materials DMCJA submits. Judge Short responded that he believes this is the key question, and we are not sure.

Judge Short continued that this issue has been discussed many times over the years, and studies by DMCJA and others have been conducted to determine the impacts of unification. Discussion ensued about specific times that legislators may have been frustrated in recent years because they were not able to access information they needed, or were told that court technology does not work how they thought it did. Judge Bui noted that her impression is that the point of the work session is simply to share information, and that the frustration from legislators may be related to them not fully understanding how the court system works.

B. Legislative Workgroups – ESB 5476 (Blake), HB 1320 (Protection Orders), SB 5307 (Pretrial Release and Detention Act)

This item was addressed earlier on the agenda under Legislative Committee Report.

C. Municipal Court Judges Swearing-In Ceremony – Judge Kevin Ringus

Judge Ringus shared that the event is coming up soon on December 6, 2021 at 8:30 a.m., and that the save-the-date has been sent to the DMCJA listserv. Judge Ringus noted that several judicial positions will be turning over in the next few weeks, so there may be new judges that we are not aware of yet.

D. Spring Program Update

This item was addressed earlier on the agenda under Education Committee Report.

E. President's Fund – Splitting funds between general fund and special fund

Judge Short shared that he had spoken to Tom Creekpau, an AOC employee who handles ethics questions for judges, and that Tom recommended that DMCJA utilize the special fund for gifts and flowers, rather than the general fund. Judge Short noted that in the current budget, DMCJA has allocated \$2000 to the President's Fund but that it does not differentiate between special and general funds, so he suggests that the association allocate \$1500 from the general fund and \$500 from the special fund for these purposes. Staff will discuss the logistics of this idea with the DMCJA bookkeeper and this item will be carried over to the January agenda.

INFORMATION

Judge Short noted that the passing of Judge Steiner has been particularly impactful to members. Judge Smith suggested that DMCJA could establish a scholarship or some other meaningful gesture, such as an annual

leadership award. Discussion ensued about the potential meaning and name of the award, including "Leadership in Adversity" suggested by Judge Oaks. Members determined that they would prefer to establish a new award for this purpose versus re-naming the President's Award. Commissioner Leo will draft a resolution that would explain the importance of Judge Steiner's contributions to DMCJA and establish the award in his name. This item will be carried over to the January agenda.

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

A. New DMCJA Nominations to External Committees:

1. DSHS General Advisory Committee - Judge Jeffrey J. Baker, Klickitat County District Court
2. Washington Pattern Jury Instructions Committee (WPI) – Judge Whitney Rivera (mid-term replacement for Judge Aimee Maurer)

B. Member Volunteer Service Opportunity – Washington State Supreme Court Gender and Justice Commission

C. Memorial Service Announcement – Honorable Judge Eric Z. Lucas, retired

D. King County Bar Association Announcement – Honorable Judge David Steiner's Passing

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for Friday, December 10, 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.