



DMCJA Board of Governors Meeting
Friday, February 11, 2022, 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 Catherine McDowall
Judge Lloyd Oaks
Judge Kevin Ringus
Judge Jeffrey Smith
Judge Laura Van Slyck
Judge Mindy Walker
Judge Karl Williams
Commissioner Paul Wohl

Members Absent:

Judge Thomas Cox

Guests:

Judge Tam Bui, BJA Representative
Judge Jennifer Forbes, SCJA
Judge Jessica Giner, Guest
Judge Jeffrey Goodwin, Rules Committee
Judge David A. Larson, Guest
Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative
Francis Adewale, WSBA
Regina Alexander, MPA
Mark O'Halloran, WSAJ
Kris Thompson, DMCMA

AOC Staff:

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

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 12:33pm.

WELCOME AND MINUTES

Judge Short welcomed everyone to the February 2022 meeting of the DMCJA Board of Governors.

A. Minutes

The minutes from the January 14, 2022 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

Racial Justice Consortium Update - AOC Senior Court Program Analyst Patricia Lally presented about the activities of the Racial Justice Consortium and welcomed feedback on the draft plan when it is distributed at a later date.

COMMITTEE AND LIAISON REPORTS

A. Liaison Reports

1. District and Municipal Court Management Association (DMCMA)

DMCMA President Kris Thompson reported that DMCMA recently sent a letter to the Interpreter Commission to request that a joint template for the Language Access Plan be created, and they will be meeting with representatives from the Commission soon. Judge Short explained that courts are required to publish a Language Access Plan to explain how they will meet the needs of those who require an interpreter for court proceedings, and that there are new requirements for updated plans this year.

2. Misdemeanant Probation Association (MPA)

MPA Representative Regina Alexander reported that MPA is busy planning their conference, scheduled for May 2 to May 4, 2022.

3. Washington State Association for Justice (WSAJ)

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

4. Washington State Bar Association (WSBA)

WSBA Representative Francis Adewale, Esq. reported that WSBA is working on some structural changes and that he will have more to present next month.

5. Minority Bar Associations

No representatives from the minority bar associations were present.

6. Administrative Office of the Courts (AOC)

State Court Administrator Dawn Marie Rubio was not present.

7. Board for Judicial Administration (BJA)

Judge Tam Bui reported that the BJA Court Education Committee (CEC) has just concluded virtual Judicial College with a large class this year. Judge Bui shared that the CEC continues to meet to review and update the strategic plan, and noted that they are sponsoring a webinar called Situational Awareness on February 16, 2022.

Judge Rebecca Robertson reported that the Court Security Taskforce is regularly engaging with legislators and have encountered some concerns over court security funding, especially in regards to operating costs for staffing. Judge Robertson noted that Chris Stanley and the Taskforce are working on a "Plan B" for a graduated funding system where initial costs are covered by the legislature but transitions to local sources over time.

Judge Logan reported that BJA Budget and Finance Committee has established a new budget process for this year that will give everyone in the branch an opportunity to submit budget proposals.

8. CLJ-CMS Project and Rules for e-Filing/Judicial Information System (JIS) Report

Judge Kimberly Walden was not present but Judge Short relayed on her behalf that discussions continue regarding the integration of outside software with the new CMS and ensuring that JABS has accurate, updated data from all courts. The committee is reviewing document viewer capability in JABS in anticipation of the protection order bill, and will continue to push to include funding for eFiling in conjunction with the CMS.

9. Superior Court Judges' Association (SCJA)

SCJA President-Elect Jennifer Forbes reported that SCJA has been busy with legislative session and requested the support of DMCJA for a rules proposal regarding an amendment to CJC Canon 2. Judge Forbes also shared an update on the work of the group preparing for the Salary Commission and mentioned that the group is considering hiring a public relations consultant to help them prepare for the presentations.

10. Racial Equity Consortium

Judge Michelle Gehlsen reported that there is no update at this time beyond the work shared by Patricia Lally earlier in the meeting.

B. Rules Committee Report

Judge Jeffrey D. Goodwin reported that comments are coming in regarding DMCJA's proposals to amend CrRLJ 3.3 and CrRLJ 3.4, most are in opposition to the 3.3 proposal but Judge Goodwin feels these comments are based on a misreading of the rules. Judge Goodwin reported that the Rules Committee is recommending that DMCJA submit an additional comment on their own proposal to clarify. Judge Goodwin reported that GR 11.3 Interpreter Commission continues to be problematic and that Rules has a proposal that would simplify and streamline this rule. Judge Goodwin shared that there are more than 100 published rules for comment for the period ending on April 30, 2022, although not all will require a comment. Judge Goodwin reported that the committee continues to experience issues with GR 9 and the Supreme Court not vetting proposals through the associations as required in their own rules.

1. Rules Committee Meeting Minutes

The minutes from the December 22, 2021 Rules Committee meeting and January 5, 2022 Special Rules Committee meeting are included in the packet.

C. Diversity Committee Report

Judge Karl Williams was present but did not report on this item.

D. Legislative Committee Report

Commissioner Paul Wohl reported that the Legislative Committee continues to meet with legislators in support of funding priorities: therapeutic court funding, eFiling, a policy analyst position for DMCJA, and courthouse security. Commissioner Wohl reported on the status of several bills of interest, including: HB 1825 (Single Judge Courts) passed out of the House and has moved onto the Senate Law and Justice Committee, but language changes suggested by DMCJA have not yet made it into the bill. HB 1901 (Protection Orders) incorporates many of the suggestions from DMCJA and is much improved from the original version. SB 5663 (Blake) has received some pushback from legislators and its status is unclear but it may be changed to a budget proviso to provide funding for identifying cases for vacating or resentencing, and refunding LFOs.

E. Therapeutic Courts Committee Report

Judge Laura Van Slyck reported that the Therapeutic Courts Committee is looking to host an update on the grants program at the DMCJA spring conference, and Judge Howson is liaising with Education Committee to determine how best to approach that. Judge Van Slyck shared that during the recent TCC meeting, members discussed that an informational meeting for new programs is needed to provide education on best practices, and in addition to providing mentorship opportunities, they are considering a new listserv for those courts.

F. Public Outreach Committee Report

Judge Michelle K. Gehlsen reported that the next Public Outreach meeting was coming up soon and she would have more to report at the next board meeting.

G. Education Committee Report

Judge Jeffrey R. Smith reported for this item under Discussion item A.

H. Treasurer's Report

Judge Karl Williams reported dues collection is in process and that he has been working with staff and DMCJA's bookkeeper to track payments.

I. Special Funds Report

Judge Jeffrey R. Smith reported that Special Funds Report is available in the materials for today's meeting.

BREAK

Recessed for 10 min break at 2:24 p.m.

ACTION

- A. The Board moved, seconded, and passed a vote (M/S/P) to authorize Rules Committee to submit comments regarding GR 11.3 Interpreter Commission, GR 31 and CrR 2.1 Juvenile Records, GR 31 Juvenile Records, and CrRLJ 3.4 as outlined in the memo in the materials for today's meeting.

DISCUSSION

A. Spring Program Update

Judge Smith reported the Committee has explored additional possibilities for an in-person program after AOC was unable to come to terms with Campbell's Resort in Chelan, but they have been unable to find a solution, so Spring Program will be held virtually this year. Judge Short noted that staff did complete additional research for alternative locations (such as law schools or universities) that may be appropriate to utilize in future years.

B. Court FAIR ("Secret Shopper") Project Update

Commissioner Rick Leo reported that DMCJA submitted a request for legislative funding for an enhanced version of this project, for 12 to 15 courts at a cost of about \$500,000, when it became known that the legislature may have additional one-time funding available. Commissioner Leo shared that he has also been in contract with Justice Yu in her capacity as Minority and Justice Commission Co-Chair, and she has expressed interest in the project, and that the DMCJA Diversity Committee has requested that he attend their next meeting to further explain the project and how they might be able to participate.

C. Proposal to Update Guidelines for Justice Mary Fairhurst Grant

Judge Gehlsen reported that she feels the grant requirements may be too strict, which may be why DMCJA only received one application for the grant funds last year. Judge Gehlsen will draft language to change the requirements to be more broad and this item will be carried over to Action for the next meeting.

D. HB 1294 Model Interlocal Probation Agreement

Judge David A. Larson provided an overview of the model agreement developed in collaboration with MPA and WAPA. Judge Larson explained that the model interlocal agreement is designed to streamline the process but that it is a model and therefore can and should be changed by the courts that choose to utilize it. Judge Larson will make a few final edits to the draft and this item will be carried over to Action for the next meeting.

E. Proposals for Bylaws Changes

Judge Short reminded the board that Bylaws changes are approved by the full membership at the annual meeting and inquired if anyone had potential changes for this year. Judge Short suggested that the Association could consider the following changes:

- Removal from Board for Cause
 - Allowing tribal court judges to be associate members
- J Benway reminded the board that language for bylaws changes must be approved by them at least 30 days prior to the vote at the annual meeting, which will likely mean that Bylaws Committee will need to review these items and provide the language at the April board meeting. Judge Short asked staff to find out how the annual judicial branch conference handles fees from tribal court attendees.

F. Implicit Bias Training Proposal

Judge Karl Williams referred to the proposal in the material packet and noted that he feels this type of anti-bias training is important for all. Judge Smith responded that he has reviewed the proposal, that it is extensive, and that he is impressed by this particular training in particular because the project is long term rather than just one webinar or event. Judge Bui remarked that BJA Court Education Committee may be able to assist with distributing this type of training more widely across the court levels, and that the training could potentially reside on the Learning Management System.

G. Rules Committee Memos Re: Rules Proposals Published for Comment:

1. GR 11.3 Interpreter Commission
2. GR 31 and CrR 2.1 Juvenile Records
3. GR 31 Juvenile Records
4. CrRLJ 3.4 Additional Comment

Judge Goodwin introduced this item under Rules Committee Report.

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

H. Request from Minority and Justice Commission for Annual Symposium Support

Judge Short reported that the Minority and Justice Commission has requested financial support to hire a well-known speaker for their Annual Symposium event, and reminded the board that Minority and Justice Commission has been supportive of DMCJA's education funding requests in the past. Discussion ensued about the appropriateness of donating funds for this type of event and whether this would turn into a recurring request in the future. Staff will invite Minority and Justice Commission staff Frank Thomas and member Chris Sanders to attend the next board meeting for further discussion. This item will be carried over to Action for the next meeting.

I. 2023-2025 Biennial Budget Development & Submittal

Judge Short provided an overview of the Biennial Budget Development materials distributed by Chris Stanley and available in the meeting materials. Judge Short inquired if members had ideas for items that DMCJA could request in the budget, and Judge Ringus remarked that any items from the 2022 decision package that are not funded might be appropriate to request. Judge Gehlsen noted that if DMCJA had a policy analyst, they would be able to put together memos for these requests. Staff will re-send materials to the full DMCJA listserv and request that members submit ideas.

INFORMATION

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

- A. January 26, 2022 Letter from Chief Justice González and State Court Administrator Dawn Marie Rubio to Senator Pedersen re: One-Time Budget Requests
- B. Letter from DMCMA to Supreme Court Interpreter Commission Re: Language Assistance Plan Requirements for Courts
- C. Webinar: Situational Awareness and Personal Safety on February 16, 2022.

OTHER BUSINESS

Commissioner Leo read the language he had drafted for introducing the Judge Steiner Award and requested feedback from the board. Feedback was positive, and Commissioner Leo will continue working on the draft for further discussion and approval at the next meeting.

The next DMCJA Board Meeting is scheduled for Friday, March 11, 2022 from 12:30 p.m. to 3:30 p.m., held via Zoom video conference.

The meeting was adjourned at 3:38 p.m.