



DMCJA Board of Governors Meeting
Friday, April 8, 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 Thomas Cox
Judge Anita Crawford-Willis
Judge Michael Frans
Judge Michelle K. Gehlsen
Judge Drew Ann Henke
Judge Catherine McDowall
Judge Lloyd Oaks
Judge Jeffrey Smith
Judge Laura Van Slyck
Judge Mindy Walker
Judge Karl Williams
Commissioner Paul Wohl

Members Absent:

Commissioner Rick Leo

Guests:

Judge Tam Bui, BJA Representative
Judge Lisa Jill Dickinson
Judge Tracy Flood, Guest
Judge Jennifer Forbes, SCJA
Judge Jessica Giner, Guest
Judge Jeffrey Goodwin, Rules Committee
Judge Rebecca Robertson, BJA Representative
Francis Adewale, WSBA
Kris Thompson, DMCMA

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 12:30 p.m.

WELCOME AND MINUTES

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

A. Minutes

The minutes from the March 11, 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.

PRESENTATIONS

Northwest Tribal Court Judges' Association (NWTCJA) – Judge Lisa Dickinson

Judge Dickinson briefly introduced NWTCJA and provided an overview of her background and the association's work.

COMMITTEE AND LIAISON REPORTS

A. Liaison Reports

1. District and Municipal Court Management Association (DMCMA)

DMCMA President Kris Thompson reported that Judge Ochoa-Bruck will be attending the upcoming DMCMA conference in May to discuss tribal courts and related topics. Kris Thompson shared that the association is working on updating their website, and exploring a centralized email system for DMCMA officers.

2. Misdemeanant Probation Association (MPA)

MPA Representative Regina Alexander was not present.

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. reminded attendees that a survey was recently sent to DMCJA members regarding the structure of WSBA.

5. Minority Bar Associations

No 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 BJA Court Education Committee (CEC) continues to work on strategic planning, prioritization and core values. Judge Bui shared that the Learning Management System, a hosted web application where courses and events can be uploaded including both online e-learning and instructor-led courses, will be launching a pilot project where CEC members will be testing e-learning. CEC will discuss how to utilize 2023 as a transition year, and how to pivot from the current state of all online back to some in-person events now that education and conference costs have skyrocketed. Judge Bui reported that the BJA will have a meeting on June 17 to begin discussions about the Interbranch Advisory Committee, including how best to utilize the group and what purpose it will serve.

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

Judge Kimberly Walden was not present.

9. Superior Court Judges' Association (SCJA)

SCJA President-Elect Jennifer Forbes reported that SCJA will hold their annual business meeting soon and that the new President-Elect, and SCJA Liaison to DMCJA, will be Judge Samuel S. Chung from King County Superior Court. Judge Forbes shared that after hearing the recent discussion regarding the Tyler Connect conference, SCJA will now be sending one judge to the conference as well. SCJA members are actively working on Salary Commission preparation, including meeting with a public relations consultant to establish a plan for messaging during the presentation. Judge Forbes shared that SCJA has decided to maintain a lower dues rate again this year.

10. Racial Equity Consortium

Judge Michelle Gehlsen reported that the established timeframe for the Consortium is coming to an end, with the final meeting scheduled in April. Judge Gehlsen shared that the Action Plan from the Consortium will be available soon.

B. Rules Committee Report

Judge Jeffrey D. Goodwin reported that Rules Committee has several comments for consideration on the agenda today, and brief discussion ensued about how trial courts can better participate and have more of a voice in the rules process.

C. Diversity Committee Report

Judge Short reported that the committee is finalizing their report on EHM funding for indigent defendants.

D. Legislative Committee Report

Commissioner Paul Wohl reported that the committee held a legislative session debrief where it was determined that it would be beneficial to the Association to begin developing the legislative agenda earlier in the year, as this will allow more time for discussions with legislators. Commissioner Wohl shared that the new timeline for proposals will involve the committee meeting in May and June to discuss proposals received and decide which to move forward, with presentation of their report and proposed legislation at the June or July board meeting. Judge Smith noted that there may be some overlap between the work of the Legislative Committee and Long Range Planning Committee, and requested that there is collaboration between the two in order to have a unified plan for the year.

E. Therapeutic Courts Committee Report

Judge Laura Van Slyck reported that the committee has been coordinating with Education Committee for a therapeutic courts roundtable event at Spring Program. Judge Van Slyck noted that the committee is very excited about the additional \$4.9M in funding allocated to AOC for therapeutic courts in the supplemental budget, and that the committee has instituted a mentoring process for new grantees. Judge Van Slyck shared that Judge Logan provided a brief presentation at the last committee meeting regarding “community justice counselors” in order to provide judges with a sense of how they might utilize the additional funding that was allocated for that specific purpose. Judge Smith noted that Francis Adewale had worked behind the scenes to help secure that funding and thanked him for his work. Judge Short remarked that DMCJA is working with AOC to make sure that the process moves quickly, is fair, and that new courts have the ability to apply for funding.

F. Public Outreach Committee Report

Judge Michelle K. Gehlsen reported that the committee is planning an in-person work session in June. The committee continues to work on the social media accounts recently approved by the board, with the next step involving account setup and outreach to court administrators to gather content. Judge Gehlsen shared that the committee is also in the early stages of planning an event for key legislators to visit courthouses in the fall.

G. Education Committee Report

Judge Jeffrey R. Smith reported that the committee recently met to discuss the Spring Program schema, and there will be some unique presentations this year, including roundtables on several topics. Judge Smith shared that a save-the-date has been sent to DMCJA members and registration should be available soon. Commissioner Wohl inquired if Education will be providing a presentation on protection orders at Spring Program, and Judge Smith responded that there was a recent webinar on the topic, and that part two of that webinar will occur during the conference. Judge Smith noted that due to time limitations and complexity of the topic, they may need to hold ongoing webinars on this issue.

H. Treasurer’s Report

The Treasurer’s Report is available in the materials for this meeting.

I. Special Funds Report

Judge Jeffrey R. Smith reported that the Reserves Committee will be meeting soon, and as part of that discussion, will determine whether to recommend special funds dues be assessed next year.

ACTION

- A. The Board moved, seconded, and passed a vote (M/S/P) to approve travel expenses for Judge Patricia Connolly Walker and Judge Kimberly Walden to attend the Tyler Connect 22 Member Conference on May 15-18, 2022 in Indianapolis, Indiana, at an expense not to exceed \$2,000 each.
- B. M/S/P to accept Rules Committee Proposal to Amend CRLJ 55 as presented.
- C. M/S/P to increase Public Outreach Committee's budget for 2021-2022 for up to \$1500 in reimbursement costs for an in-person work session in June.
- D. M/S/P to authorize Rules Committee to submit comments regarding various proposals as outlined in the memos in the materials for today's meeting.

DISCUSSION

A. Access to Superior Court Records/Documents

Judge Short introduced this item and requested that members refer to the letters, previously sent by DMCJA, in the materials packet. Judge Robertson remarked that she continues to have difficulty in accessing superior court records and that the recent protection order bills (HB 1320 and HB 1901) will require access to documents across court levels. Judge Short reported that he has reached out to the Washington State Association of County Clerks and that they recognize that this is an issue and a solution is needed. There is currently a ClerkShare program where superior court judges can access documents from other superior courts, but it is not electronic – they are essentially sending an email to the court to request the documents. Judge Cox inquired about when uniform forms will be available between the court levels, and Judge Short responded that the forms committee is working to finalize the highest priority forms by July and lower priority forms by end of the year. Judge Ringus remarked that uniform forms are not helpful if judges cannot access information about what has occurred in another court. Judge Williams asked how this issue will be impacted by the new CLJ-CMS, and Judge Short responded that although the new court management system will include a document viewer, only records from superior courts utilizing the Odyssey product will be available for viewing, which accounts for approximately half of the superior courts. Judge Short noted that the Gender and Justice HB 1320 Technology workgroup is meeting regularly to resolve this issue.

B. Retreat COVID-19 Requirements

Judge Short shared that the vast majority of board members indicated in a recent survey that they are comfortable with Retreat attendees attesting to either being vaccinated against COVID-19 or that they will COVID-19 test shortly before the event. Most respondents also indicated that they prefer masks to be optional for the event, so these are the protocols that will be in place. Those who are uncomfortable with these protocols or otherwise unable to travel to Chelan are encouraged to join the event via Zoom.

C. Bylaws Committee Report re Public Outreach Committee

J Benway, Principal Legal Analyst and staff to the Bylaws Committee, referred members to the Bylaws Committee Report in the materials and noted that the committee will need additional time to discuss potential amendments regarding tribal judges and removal for cause. Discussion ensued about the language of the charges, and J Benway clarified that the language shown in the proposed amendment

is taken directly from the committee charges on the Public Outreach Committee roster. Judge Smith noted that the language could be changed to be more inclusive to the committee's actual work by referring to educating justice partners and the public.

D. Bylaws Committee Report re Board Meeting Notification

J Benway reported that the Bylaws Committee did not have a recommendation on whether to require five or three days' notice for board meetings, and that there was no standard based on her research of other associations. Judge Ringus inquired if changing this language would conflict with the new Nonprofit Corporations Act, and J Benway responded that she will research the issue. Due to the time constraints for providing all DMCJA members with notice of bylaws changes on the ballot at the annual meeting, the board will vote on approving the amendment language via email and ratify the vote at the next board meeting in May.

E. Rules Committee – Various Proposed Rules Changes – Support Position

Judge Goodwin explained that the next several agenda items could be discussed together but are broken down by suggested position (support, oppose, no position) for convenience. Judge Goodwin noted that many of the proposals involve simple language changes, but that a proposal from WAPA that would eliminate citizen complaints is also included.

F. Rules Committee – Various Proposed Rules Changes – No Position

This item was discussed under Discussion Item E.

G. Rules Committee – Opposition to Proposed Amendment to APR 9

Judge Goodwin brought attention to this proposed amendment in particular due to concerns that have been raised, as it would potentially allow a second year law student to participate in jury and bench trials in courts of limited jurisdiction. Judge Goodwin shared his opinion that students at that level would not have enough experience or formal training to provide adequate representation, as evidence is not substantially covered until the second year of law school.

H. Rules Committee – Opposition to Amendment to CrRLJ 3.1

This item was discussed under Discussion Item E.

I. Rules Committee – Opposition to Amendment to CrRLJ 7.6

This item was discussed under Discussion Item E.

J. Rules Committee – DMCJA Proposed Rules Changes – no action required

M/S/P to move all Rules Committee recommendations (Items E through J) to Action today.

INFORMATION

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

A. Concept Papers

Judge Short briefly explained each of the concept papers that have been submitted to Chris Stanley, AOC Chief Financial and Management Officer, on behalf of DMCJA:

- Email and Text Court Date Reminders
- FAIR Court Project (“Secret Shopper”)
- Conversion of Statewide Court Forms to Fillable/Shareable PDFs
- Grant Writing Assistance for Courts
- Judicial Education: Implicit Bias Training
- Indigent Funding for Court Ordered Services that Impact Public Safety – SCRAM, EHM, APIP
- Third Party Software Integration into CLJ-CMS, and Statewide OCourt
- JABS/EDR & Data Quality
- Law Clerks for Trial Courts in Trial Legal Services at AOC
- Statewide Electronic Document Viewer
- Therapeutic Courts Funding for CLJs
- Uniform Statewide Electronic Protection Order System to Meet New Statutory Requirements

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for Saturday, May 14, 2022 from 2:00 p.m. to 3:30 p.m., held at the Chelan Chamber of Commerce and available via Zoom video conference. The Board Meeting follows the Annual Board Retreat, to be held from 9:45 a.m. to 12:45 p.m. (Board and BJA Representatives only).

The meeting was adjourned at 3:30 p.m.