



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

April 8, 2022

**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>Saturday, May 14, 2022</i>	9:45 a.m. - 3:30 p.m.	DMCJA Board Retreat & Meeting Location: Chelan
<i>June 6-10 2022</i>	Varies	DMCJA Spring Program Zoom Video Conference

AOC Staff: Stephanie Oyler

Updated: March 7, 2022

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DMCJA BOARD MEETING
FRIDAY, APRIL 8, 2022
12:30 PM – 3:30 PM
ZOOM VIDEO CONFERENCE

PRESIDENT CHARLES SHORT

AGENDA

PAGE

Call to Order

1. Welcome and Minutes – Judge Charles D. Short

- A. Minutes for March 11, 2022 Meeting

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2. Presentation

- A. Northwest Tribal Court Judges Association (NWTCJA) – President Lisa Dickinson, Dickinson Law Firm PLLC, Spokane

In addition to private practice, Ms. Dickinson serves in a judicial capacity as an Appellate Justice for the Northwest Intertribal Court System, as a Tribal Court Pro Tem Judge and Appellate Justice for the Nez Perce Tribe, and has previously served as the Chief Justice of the Coeur d'Alene Tribe. She also serves as a Pro Tem Administrative Law Judge for the Office of Administrative Hearings.

3. Reports

- A. Liaisons' Reports

1. District and Municipal Court Management Association (**DMCMA**) – Kris Thompson, President
2. Misdemeanant Probation Association (**MPA**) – Regina Alexander, Representative
3. Washington State Association for Justice (**WSAJ**) – Mark O'Halloran, Esq.
4. Washington State Bar Association (**WSBA**) – Francis Adewale, Esq.
5. Minority Bar Associations –
6. Administrative Office of the Courts (**AOC**) – Dawn Marie Rubio, State Court Administrator
7. Board for Judicial Administration (**BJA**) – Judge Mary Logan, Judge Dan Johnson, Judge Tam Bui, and Judge Rebecca Robertson
8. CLJ-CMS Project and Rules for E-Filing – Judge Kimberly Walden
9. Superior Court Judges' Association (**SCJA**) – Judge Jennifer Forbes, SCJA President-Elect
10. Racial Justice Consortium – Judge Anita Crawford-Willis and Judge Michelle K. Gehlsen

- B. Rules Committee Report – Judge Jeffrey D. Goodwin

- C. Diversity Committee Report – Judge Karl Williams

- D. Legislative Committee Report – Judge Kevin G. Ringus & Commissioner Paul Wohl

- E. Therapeutic Courts Committee Report – Judge Laura Van Slyck

- F. Public Outreach Committee Report – Judge Michelle K. Gehlsen

- G. Education Committee Report – Judge Jeffrey R. Smith

- H. Treasurer's Report – Judge Karl Williams

- I. Special Funds Report – Judge Jeffrey R. Smith

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4. Break - 10 minutes

5. Action Items A. Travel Expenses for Judge Patricia Connolly Walker and Judge Kimberley 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. Rules Committee Proposal to Amend CRLJ 55 C. Additional Funding for Public Outreach Committee In-Person Work Session	24
6. Discussion A. Access to Superior Court Records/Documents B. Retreat COVID-19 Requirements C. Bylaws Committee Report re Public Outreach Committee D. Bylaws Committee Report re Board Meeting Notification E. Rules Committee – Various Proposed Rules Changes – Support Position F. Rules Committee – Various Proposed Rules Changes – No Position G. Rules Committee – Opposition to Proposed Amendment to APR 9 H. Rules Committee – Opposition to Amendment to CrRLJ 3.1 I. Rules Committee – Opposition to Amendment to CrRLJ 7.6 J. Rules Committee – DMCJA Proposed Rules Changes – no action required	29 43 44 46 47 51 54 79 85 92
7. Information A. Concept Papers	94
8. Adjourn	
Next Scheduled Meeting: Annual Retreat & Board Meeting: Saturday, May 14, 2022 In-Person & Via Zoom Retreat 9:45 a.m. to 12:45 p.m. Board Meeting 2:00 p.m. to 3:30 p.m.	



DMCJA Board of Governors Meeting
Friday, March 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 Thomas Cox
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

Members Absent:

Judge Anita Crawford-Willis
Judge Laura Van Slyck

Guests:

Judge Valerie Bouffiou, Guest
Judge Tam Bui, BJA Representative
Judge Tracy Flood, Guest
Judge Jennifer Forbes, SCJA
Judge Jessica Giner, Guest
Judge Jeffrey Goodwin, Rules Committee
Judge Mary Logan, BJA Representative
Judge Lisa Paglisotti, Guest
Judge Rebecca Robertson, BJA Representative
Judge Megan Valentine, Guest
Judge Patricia Connolly Walker, JIS CMJ-CMS
Francis Adewale, WSBA
Melissa Johnson, Lobbyist
Allen Mills, Bluecrane Solutions, Inc

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
J Benway, Principal Legal Analyst
Tessa Clements, Behavioral Health Program Lead
Tracy Dugas, Court Program Specialist
Frank Thomas, 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 12:33 p.m.

WELCOME AND MINUTES

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

Judge Short introduced the 2022 Judicial College graduates that were in attendance.

A. Minutes

The minutes from the February 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

National Association of Women Judges

Judge Lisa Paglisotti provided an overview of the National Association of Women Judges and shared information about their upcoming Women's Resource Fair.

AOC Office of Court Innovation Behavioral Health Unit Decision Package

AOC Behavioral Health Program Lead Tessa Clements gave a brief overview of the decision package that established the Behavioral Health Program team.

COMMITTEE AND LIAISON REPORTS

A. Liaison Reports

1. District and Municipal Court Management Association (DMCMA)

DMCMA President Kris Thompson was not present but provided a written report that the DMCMA's next board meeting will be held on March 15, 2022.

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. reported that representatives from the WSBA recently met with the Supreme Court to discuss the structure and future of the bar association. Mr. Adewale shared that the WSBA would like to ask the DMCJA for ideas about how to encourage new attorneys to relocate to more rural areas and would like to have further discussion about this issue at a subsequent board meeting. Judge Smith shared that this is also an issue in the medical field and that medical schools may have some models they can share.

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 reminded the board that the BJA Court Education Committee is responsible for education and training for members of the judicial branch, and that they collaborate with AOC to develop education opportunities. Judge Bui noted that SB 5490 (Interbranch Advisory Committee) did pass the legislature this session and is awaiting the Governor's signature. The Chief Justice will be starting discussions on how best to approach this committee, including membership and top priorities.

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

Allen Mills, Bluecrane Solutions, Inc. introduced himself and shared that he is present today as a resource for questions related to the CLJ-CMS project. Judge Walker briefly shared an update on integration of third party software into CLJ-CMS. Mr. Mills noted that his impression is that the AOC is attempting to solve the problem of integration into the Tyler suite of products and that the upcoming report from Dexter Mejia at AOC should provide more detailed information about next steps. Judge Walker requested that the DMCJA provide funds for two Steering Committee members to attend the upcoming Tyler conference (Tyler Connect) in Indianapolis, Indiana. A poll was taken to gauge interest in providing up to \$4000 in expense reimbursement for two Steering Committee members to attend Tyler Connect, which passed by acclamation. This item will be carried over to Action at the next meeting.

9. Superior Court Judges' Association (SCJA)

Judge Jennifer Forbes, SCJA President-Elect, reported that SCJA is overall pleased with the legislative outcome this year, and that preparations for the Salary Commission discussions are ongoing. Judge Forbes shared that SCJA's annual business meeting will occur at the end of April, and a new President-Elect will join the DMCJA board meetings as the SCJA representative in May.

10. Racial Equity Consortium

Judge Michelle Gehlsen reported that the Consortium is continuing to draft a work plan that will outline their next steps.

B. Rules Committee Report

Judge Jeffrey D. Goodwin reported that he and Judge Short recently met with the SCJA and the WSBA regarding a previously discussed issue with GR 9, where the Supreme Court Rules Committee is not following their own policy to have rules proposals vetted through the associations prior to publishing. Judge Goodwin will be drafting a letter to be sent on behalf of the DMCJA to outline the concerns.

1. Rules Committee Meeting Minutes

The minutes from the January 25, 2022 Rules Committee meeting are included in the packet.

C. Diversity Committee Report

Judge Karl Williams reported that the Diversity Committee has hired an intern to work on the EHM project.

D. Legislative Committee Report

Commissioner Paul Wohl requested that Melissa Johnson, DMCJA Lobbyist, provide the Legislative Committee report today. Melissa Johnson reported that the budget bill passed the legislature late last night, and the DMCJA was overall very successful in receiving funding for their priorities. Ms. Johnson shared that the DMCJA will be getting two new staff policy analysts, one of which will be a general analyst, and one that will focus on Blake-related work. She reported that \$4.9 million was allocated in the budget to therapeutic courts, that municipal courts will receive funding to implement Blake, and AOC's data quality program will receive funding for staff, with eFiling costs funded, and court room AV upgrade funding also available. Ms. Johnson noted that the one item that was not funded at all is courthouse security, and that she hopes the branches can come together on the Interbranch Advisory Committee to reach an understanding on this issue. Ms. Johnson also reported that on the policy side, bills regarding legal financial obligations (HB 1412), single judge courts (HB 1825), and auditor fee waivers (HB 1961) all passed the legislature this year. Ms. Johnson thanked everyone who participated in DMCJA's Legislative Day and noted that the Committee is working on exciting things for the interim period in preparation for the 2023 session.

E. Therapeutic Courts Committee Report

Judge Laura Van Slyck was not present but provided a report that the next Therapeutic Courts Committee meeting is scheduled for April 6. An outreach letter to committee members and new therapeutic court grantees has been distributed.

F. Public Outreach Committee Report

Judge Michelle K. Gehlsen reported that the committee will be requesting additional funding this year for an in-person work session and requested that this item be added to the April board meeting agenda for Action. Judge Gehlsen shared that the committee is also working on a "take your legislator/executives to the court" event for the fall, and that soon a toolkit will be available on Inside Courts with examples of presentations to city councils or similar audiences.

G. Education Committee Report

Judge Jeffrey R. Smith reported that a Save-the-Date for the 2022 DMCJA Virtual Spring Program (June 6 through June 10, 2022) has been sent to membership.

H. Treasurer’s Report

Judge Karl Williams reported that 2022 dues continue to be received.

I. Special Funds Report

Judge Jeffrey R. Smith reported that the Special Funds account has generated \$5.98 in interest.

J. Nominating Committee Report

Nominating Committee Chair Judge Michelle Gehlsen directed members to the materials, providing the 2022 candidates for election as follows:

President-Elect	Judge Jeffrey Smith
Vice-President	Judge Karl Williams
Secretary/Treasurer	Judge Anita Crawford-Willis
Board Position #2 FT District	Judge Jeffrey Goodwin & Judge Mindy Walker
Board Position #3 PT District	Judge Chancey Crowell & Judge Carolyn Jewett
Board Position #4 FT Municipal	Judge Jessica Giner & Judge Gloria Ochoa-Bruck

ACTION

- A. The Board moved, seconded, and passed a vote (M/S/P) to update the guidelines for the Justice Mary Fairhurst Grant to change the requirement from “active on a committee” to “active on a committee on behalf of DMCJA.”
- B. M/S/P to approve the HB 1294 Model Interlocal Probation Agreement as presented.
- C. M/S/P to make a donation of \$2500 from the general fund for the Minority and Justice Commission Annual Symposium provided that use of these funds for this purpose would not violate judicial ethics.
- D. M/S/P to provide support of up to \$2500 from the Special Fund for hiring a public relations firm to help with messaging in preparation for Salary Commission presentations.
- E. M/S/P to adopt the resolution as presented to create the David A. Steiner Leadership Award.
- F. M/S/P to adopt the proposed Guidelines for DMCJA Social Media Posting as policy.

DISCUSSION

A. Resolution for Judge Steiner Award

Commissioner Rick Leo introduced the draft language for the Steiner Award and requested that the Board vote on this item.

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

B. 2023-205 Biennium Budget Development & Submittal

Judge Short reminded the Board that Chris Stanley, AOC Management Services Division Director, is providing the opportunity for those throughout the judicial branch to submit concept papers for budget decision packages. Judge Short provided a brief explanation of each of the ideas submitted to the DMCJA for consideration and requested that members take a poll to prioritize these items. A link to the poll was provided in the chat.

C. Public Outreach Social Media Policy Draft

Judge Gehlsen introduced the Guidelines for DMCJA Social Media Posting Policy from the Community Engagement Subcommittee and requested that the Board vote to approve the policy. The Board moved, seconded, and passed a vote (M/S/P) to move this item to Action today.

D. Rules Committee Proposal to Amend CRLJ 55

Judge Goodwin introduced the proposal to Amend CRLJ 55 and requested that this item on placed on the April board meeting agenda for action.

E. Special Funds Expenditure – Salary Commission PR Consulting Firm

Commissioner Leo introduced this item and explained this year, the Washington Citizens' Commission on Salaries for Elected Officials ("Salary Commission") will meet to determine updated salaries for elected officials, including judicial officers. Commissioner Leo noted that the Salary Commission holds a series of meetings beginning in the fall, and that the first two speakers from the judicial branch at those meetings will be Judge Forbes from SCJA, and himself. An ad hoc workgroup of judges usually meets on Salary Commission years to discuss how to approach the meetings, and this year that workgroup has decided that recommend that SCJA and DMCJA jointly contract with a public relations firm to help with preparation and messaging. Judge Forbes noted that the workgroup has been watching videos of past meetings, and it has become clear that they have not always communicated well with their audience (i.e. the Commissioners). Commissioner Leo shared that a proposal from FM Public Affairs is available in the meeting materials today and requested that this item be moved to Action.

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

INFORMATION

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

- A. Joint Minority Mentorship Program (JMMP)
- B. Rules Published for Comment and Preliminary Responses
- C. Save the Date – 2022 DMCJA Virtual Spring Program, June 6-10, 2022
- D. Webinar – Washington's New Civil Protection Order Law, April 6, 2022
- E. BJA Strategic Initiative Request for Proposals – due April 21, 2022

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for Friday, April 8, 2022 from 12:30 p.m. to 3:30 p.m., held via Zoom video conference.

The meeting was adjourned at 3:53 p.m.

Christina E Huwe
Pierce County Bookkeeping
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 March 31st, 2022

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

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 March 31, 2022

	Mar 31, 22
ASSETS	
Current Assets	
Checking/Savings	
Bank of America - Checking	30,560
Bank of America - Savings	372,048
Washington Federal (Spec Fund)	38,993
Total Checking/Savings	441,601
Total Current Assets	441,601
Fixed Assets	
Accumulated Depreciation	(703)
Computer Equipment	579
Total Fixed Assets	(124)
TOTAL ASSETS	441,477
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
Credit Cards	
Bank of America C. C.	(17)
Total Credit Cards	(17)
Total Credit Cards	(17)
Total Current Liabilities	(17)
Total Liabilities	(17)
Equity	
Unrestricted Earnings	33,156
Unrestricted Net Assets	305,296
Net Income	103,042
Total Equity	441,494
TOTAL LIABILITIES & EQUITY	441,477

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Nine Months Ending March 31st, 2022

	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21
Ordinary Income/Expense						
Income						
Interest Income	8.85	8.86	8.57	8.79	8.46	8.66
Membership Revenue	0.00	0.00	0.00	0.00	0.00	15,000.00
Total Income	<u>8.85</u>	<u>8.86</u>	<u>8.57</u>	<u>8.79</u>	<u>8.46</u>	<u>15,008.66</u>
Gross Profit	8.85	8.86	8.57	8.79	8.46	15,008.66
Expense						
President's - Special Fund	0.00	0.00	0.00	0.00	190.06	0.00
Prior Year Budget Expense	1,645.16	5,031.34	0.00	0.00	0.00	0.00
Board Meeting Expense	0.00	0.00	0.00	0.00	0.00	0.00
Bookkeeping Expense	318.00	318.00	318.00	318.00	318.00	318.00
Judicial Assistance Committee	0.00	0.00	1,525.00	750.00	0.00	2,000.00
Judicial College Social Support	2,000.00	0.00	0.00	0.00	0.00	0.00
Judicial Community Outreach	0.00	0.00	0.00	0.00	0.00	2,000.00
Legislative Pro-Tem	0.00	0.00	0.00	0.00	0.00	244.90
Lobbyist Contract	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00
President Expense	0.00	0.00	100.00	0.00	17.39	260.59
Pro Tempore (Chair Approval)	0.00	0.00	394.63	166.00	0.00	734.70
Professional Services	0.00	0.00	0.00	0.00	775.00	0.00
Treasurer Expense and Bonds	0.00	0.00	0.00	10.00	0.00	0.00
Total Expense	<u>9,963.16</u>	<u>11,349.34</u>	<u>8,337.63</u>	<u>7,244.00</u>	<u>7,300.45</u>	<u>11,558.19</u>
Net Ordinary Income	<u>(9,954.31)</u>	<u>(11,340.48)</u>	<u>(8,329.06)</u>	<u>(7,235.21)</u>	<u>(7,291.99)</u>	<u>3,450.47</u>
Net Income	<u><u>(9,954.31)</u></u>	<u><u>(11,340.48)</u></u>	<u><u>(8,329.06)</u></u>	<u><u>(7,235.21)</u></u>	<u><u>(7,291.99)</u></u>	<u><u>3,450.47</u></u>

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Nine Months Ending March 31st, 2022

	<u>Jan 22</u>	<u>Feb 22</u>	<u>Mar 22</u>	<u>TOTAL</u>
Ordinary Income/Expense				
Income				
Interest Income	8.59	8.43	9.37	78.58
Membership Revenue	112,275.00	47,050.00	7,800.00	182,125.00
Total Income	<u>112,283.59</u>	<u>47,058.43</u>	<u>7,809.37</u>	<u>182,203.58</u>
Gross Profit	112,283.59	47,058.43	7,809.37	182,203.58
Expense				
President's - Special Fund	0.00	0.00	100.00	290.06
Prior Year Budget Expense	0.00	0.00	0.00	6,676.50
Board Meeting Expense	150.00	0.00	0.00	150.00
Bookkeeping Expense	318.00	318.00	318.00	2,862.00
Judicial Assistance Committee	0.00	0.00	2,000.00	6,275.00
Judicial College Social Support	0.00	0.00	0.00	2,000.00
Judicial Community Outreach	0.00	0.00	0.00	2,000.00
Legislative Pro-Tem	0.00	0.00	0.00	244.90
Lobbyist Contract	6,000.00	6,000.00	6,000.00	54,000.00
President Expense	524.93	70.07	0.00	972.98
Pro Tempore (Chair Approval)	489.80	489.80	630.00	2,904.93
Professional Services	0.00	0.00	0.00	775.00
Treasurer Expense and Bonds	0.00	0.00	0.00	10.00
Total Expense	<u>7,482.73</u>	<u>6,877.87</u>	<u>9,048.00</u>	<u>79,161.37</u>
Net Ordinary Income	<u>104,800.86</u>	<u>40,180.56</u>	<u>(1,238.63)</u>	<u>103,042.21</u>
Net Income	<u><u>104,800.86</u></u>	<u><u>40,180.56</u></u>	<u><u>(1,238.63)</u></u>	<u><u>103,042.21</u></u>

Washington State District And Municipal Court Judges Assoc.

04/04/22

Reconciliation Detail

Bank of America - Checking, Period Ending 03/31/2022

Type	Date	Nu	Name	Clr	Amount	Balance
Beginning Balance						81,842.98
Cleared Transactions						
Checks and Payments - 9 items						
Check	03/04/2022		Pierce County Book...	X	-318.00	-318.00
Transfer	03/04/2022			X	-17.56	-335.56
Transfer	03/06/2022			X	-17.56	-353.12
Check	03/15/2022		Bogard & Johnson, ...	X	-6,000.00	-6,353.12
Check	03/18/2022		Snohomish Co. Distr...	X	-420.00	-6,773.12
Transfer	03/18/2022			X	-99.71	-6,872.83
Check	03/25/2022		Lynwood Municipal ...	X	-1,000.00	-7,872.83
Check	03/25/2022		Adams County Trea...	X	-500.00	-8,372.83
Transfer	03/31/2022			X	-50,000.00	-58,372.83
Total Checks and Payments					-58,372.83	-58,372.83
Deposits and Credits - 1 item						
Deposit	03/09/2022			X	5,450.00	5,450.00
Total Deposits and Credits					5,450.00	5,450.00
Total Cleared Transactions					-52,922.83	-52,922.83
Cleared Balance					-52,922.83	28,920.15
Uncleared Transactions						
Checks and Payments - 2 items						
Check	03/31/2022		Susanna Neil Kanth...		-2,000.00	-2,000.00
Check	03/31/2022		Snohomish Co. Distr...		-210.00	-2,210.00
Total Checks and Payments					-2,210.00	-2,210.00
Deposits and Credits - 1 item						
Deposit	03/31/2022				3,850.00	3,850.00
Total Deposits and Credits					3,850.00	3,850.00
Total Uncleared Transactions					1,640.00	1,640.00
Register Balance as of 03/31/2022					-51,282.83	30,560.15
Ending Balance					-51,282.83	30,560.15

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America - Savings, Period Ending 03/31/2022

Type	Date	Nu	Name	Clr	Amount	Balance
Beginning Balance						322,045.06
Cleared Transactions						
Deposits and Credits - 2 items						
Deposit	03/31/2022			X	2.75	2.75
Transfer	03/31/2022			X	50,000.00	50,002.75
Total Deposits and Credits					50,002.75	50,002.75
Total Cleared Transactions					50,002.75	50,002.75
Cleared Balance					50,002.75	372,047.81
Register Balance as of 03/31/2022					50,002.75	372,047.81
Ending Balance					50,002.75	372,047.81

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July 2021 through March 2022

Date	Name	Memo	Amount	Balance
Bank of America - Checking				
07/06/2021		Funds Transfer to credit card	(949.70)	(949.70)
07/07/2021		Funds Transfer to credit card	(490.65)	(1,440.35)
07/07/2021	Michelle Gehlsen		(422.66)	(1,863.01)
07/13/2021	MD Engraving		(417.05)	(2,280.06)
07/20/2021	Pierce County Bookkeeping		(318.00)	(2,598.06)
07/20/2021	Timothy Jenkins		(69.90)	(2,667.96)
07/20/2021	King County District Court		(244.90)	(2,912.86)
07/21/2021	Bogard & Johnson, LLC		(6,000.00)	(8,912.86)
08/01/2021	Bogard & Johnson, LLC		(6,000.00)	(14,912.86)
08/10/2021	Pierce County Bookkeeping		(318.00)	(15,230.86)
08/16/2021	AOC		(190.29)	(15,421.15)
08/23/2021	SCJA		(4,841.05)	(20,262.20)
09/10/2021	Okanogan County District Court		(394.63)	(20,656.83)
09/15/2021	Bogard & Johnson, LLC		(6,000.00)	(26,656.83)
09/15/2021	Pierce County Bookkeeping		(318.00)	(26,974.83)
09/29/2021	Susanna Neil Kanther-Raz		(1,525.00)	(28,499.83)
10/05/2021		Funds Transfer	10,000.00	(18,499.83)
10/07/2021		Funds Transfer to credit card	(100.00)	(18,599.83)
10/15/2021	Life Management Consulting & Se...		(750.00)	(19,349.83)
10/15/2021	Bogard & Johnson, LLC		(6,000.00)	(25,349.83)
10/15/2021	Pierce County Bookkeeping		(318.00)	(25,667.83)
10/27/2021	City of Tacoma		(166.00)	(25,833.83)
11/04/2021		Funds Transfer	5,000.00	(20,833.83)
11/10/2021		Funds Transfer to credit card	(103.40)	(20,937.23)
11/10/2021	Dino W Traverso, PLLC		(775.00)	(21,712.23)
11/15/2021	Bogard & Johnson, LLC		(6,000.00)	(27,712.23)
11/25/2021	Pierce County Bookkeeping	October Services	(318.00)	(28,030.23)
11/29/2021		Funds Transfer to credit card	(96.66)	(28,126.89)
12/06/2021		Funds Transfer to credit card	(34.95)	(28,161.84)
12/10/2021	Susanna Neil Kanther-Raz		(2,000.00)	(30,161.84)
12/10/2021		Funds Transfer	7,000.00	(23,161.84)
12/10/2021	Pierce County Bookkeeping	November Services	(318.00)	(23,479.84)
12/14/2021	Washington YMCA Youth & Gover...		(2,000.00)	(25,479.84)
12/15/2021	Bogard & Johnson, LLC		(6,000.00)	(31,479.84)
12/21/2021		Funds Transfer	10,000.00	(21,479.84)
12/21/2021		Funds Transfer to credit card	(260.32)	(21,740.16)
12/23/2021		Deposit	4,450.00	(17,290.16)
12/23/2021		Deposit	3,800.00	(13,490.16)
12/23/2021		Deposit	6,750.00	(6,740.16)
12/28/2021	King County District Court		(244.90)	(6,985.06)
12/28/2021	King County District Court		(734.70)	(7,719.76)
01/07/2022		Funds Transfer	(52.26)	(7,772.02)
01/14/2022		Deposit	33,025.00	25,252.98
01/14/2022	Pierce County Bookkeeping		(318.00)	24,934.98
01/14/2022	Michelle Gehlsen.		(264.13)	24,670.85
01/15/2022	Bogard & Johnson, LLC		(6,000.00)	18,670.85
01/25/2022	Chelan Chamber of Commerce		(150.00)	18,520.85
01/27/2022	King County District Court		(489.80)	18,031.05
01/28/2022		Funds Transfer to credit card	(156.70)	17,874.35
01/29/2022		Deposit	16,300.00	34,174.35
01/29/2022		Deposit	10,300.00	44,474.35
01/29/2022		Deposit	7,750.00	52,224.35
01/29/2022		Deposit	27,050.00	79,274.35
01/29/2022		Deposit	7,900.00	87,174.35
01/29/2022		Deposit	8,450.00	95,624.35
01/29/2022		Deposit	1,500.00	97,124.35
02/02/2022		Funds Transfer	(90,000.00)	7,124.35
02/04/2022	King County District Court		(489.80)	6,634.55
02/10/2022		Deposit	13,300.00	19,934.55
02/10/2022		Deposit	3,000.00	22,934.55
02/15/2022	Bogard & Johnson, LLC		(6,000.00)	16,934.55
02/15/2022	Pierce County Bookkeeping	January Services	(318.00)	16,616.55
02/17/2022		Funds Transfer to credit card	(87.06)	16,529.49
02/18/2022		Deposit	14,850.00	31,379.49
02/18/2022		Deposit	9,650.00	41,029.49
02/18/2022		Deposit	4,000.00	45,029.49
02/21/2022		Deposit	2,250.00	47,279.49
03/04/2022		Funds Transfer	(17.56)	47,261.93
03/04/2022	Pierce County Bookkeeping		(318.00)	46,943.93

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<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>	<u>Balance</u>
03/06/2022		Funds Transfer to credit card	(17.56)	46,926.37
03/09/2022		Deposit	5,450.00	52,376.37
03/15/2022	Bogard & Johnson, LLC		(6,000.00)	46,376.37
03/18/2022	Snohomish Co. District Court		(420.00)	45,956.37
03/18/2022		Funds Transfer to credit card	(99.71)	45,856.66
03/25/2022	Lynwood Municipal Court		(1,000.00)	44,856.66
03/25/2022	Adams County Treasurer		(500.00)	44,356.66
03/31/2022	Susanna Neil Kanther-Raz		(2,000.00)	42,356.66
03/31/2022	Snohomish Co. District Court		(210.00)	42,146.66
03/31/2022		Deposit	3,850.00	45,996.66
03/31/2022		Funds Transfer	(50,000.00)	(4,003.34)
Total Bank of America - Checking			(4,003.34)	(4,003.34)
Bank of America - Savings				
07/31/2021		Interest	2.24	2.24
08/31/2021		Interest	2.24	4.48
09/30/2021		Interest	2.17	6.65
10/05/2021		Funds Transfer	(10,000.00)	(9,993.35)
10/29/2021		Interest	2.17	(9,991.18)
11/04/2021		Funds Transfer	(5,000.00)	(14,991.18)
11/29/2021		Interest	2.05	(14,989.13)
12/10/2021		Funds Transfer	(7,000.00)	(21,989.13)
12/21/2021		Funds Transfer	(10,000.00)	(31,989.13)
12/29/2021		Interest	2.04	(31,987.09)
01/29/2022		Interest	1.97	(31,985.12)
02/02/2022		Funds Transfer	90,000.00	58,014.88
02/28/2022		Interest	2.45	58,017.33
03/31/2022		Funds Transfer	50,000.00	108,017.33
03/31/2022		Interest	2.75	108,020.08
Total Bank of America - Savings			108,020.08	108,020.08
Washington Federal (Spec Fund)				
07/31/2021		Interest	6.61	6.61
08/31/2021		Interest	6.62	13.23
09/30/2021		Interest	6.40	19.63
10/31/2021		Interest	6.62	26.25
11/30/2021		Interest	6.41	32.66
12/31/2021		Interest	6.62	39.28
01/31/2022		Interest	6.62	45.90
02/28/2022		Interest	5.98	51.88
03/31/2022		Interest	6.62	58.50
Total Washington Federal (Spec Fund)			58.50	58.50
Prepaid Expenses				
07/01/2021		DMCJA Support for Judicial C...	(2,000.00)	(2,000.00)
Total Prepaid Expenses			(2,000.00)	(2,000.00)
Credit Cards				
Bank of America C. C.				
07/06/2021		Funds Transfer	949.70	949.70
07/07/2021	Homewetbar Gifts	President Expense - Prior Year ...	(490.65)	459.05
07/07/2021		Funds Transfer	490.65	949.70
09/06/2021	Harbor Blooms	DMCJA sent flowers to Tracy at...	(100.00)	849.70
10/07/2021		Funds Transfer	100.00	949.70
10/21/2021	Secretary of State	Corp renewal	(10.00)	939.70
11/04/2021	De Laurenti Florist	Condolences for Judge Steiner	(93.40)	846.30
11/10/2021		Funds Transfer	103.40	949.70
11/22/2021	TLF Flowers	Judge Lucas Memorial	(96.66)	853.04
11/29/2021		Funds Transfer	96.66	949.70
11/29/2021	Amazon	New Judge Books	(17.39)	932.31
12/01/2021	Amazon	New Judge Books	(17.56)	914.75
12/06/2021		Funds Transfer	34.95	949.70
12/12/2021	Amazon	New Judge Book	(17.32)	932.38
12/12/2021	Amazon	New Judge Book	(17.23)	915.15
12/12/2021	Amazon	New Judge Book	(17.35)	897.80
12/12/2021	Amazon	New Judge Book	(17.37)	880.43
12/12/2021	Amazon	New Judge Book	(17.58)	862.85

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<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>	<u>Balance</u>
12/12/2021	Amazon	New Judge Book	(17.45)	845.40
12/13/2021	Amazon	New Judge Book	(17.56)	827.84
12/13/2021	Amazon	New Judge Book	(17.29)	810.55
12/13/2021	Amazon	New Judge Book	(17.32)	793.23
12/13/2021	Amazon	New Judge Book	(17.31)	775.92
12/13/2021	Amazon	New Judge Book	(17.31)	758.61
12/13/2021	Amazon	New Judge Book	(17.34)	741.27
12/13/2021	Amazon	New Judge Book	(17.31)	723.96
12/16/2021	Amazon	New Judge Book	(17.29)	706.67
12/21/2021		Funds Transfer	260.32	966.99
01/05/2022	Amazon	New Judge Book	(17.29)	949.70
01/05/2022	Amazon	New Judge Book	(17.62)	932.08
01/05/2022	Amazon	New Judge Book	(17.35)	914.73
01/06/2022	Amazon	New Judge Book	(17.56)	897.17
01/06/2022	Amazon	New Judge Book	(17.56)	879.61
01/06/2022	Amazon	New Judge Book	(17.29)	862.32
01/07/2022		Funds Transfer	52.26	914.58
01/07/2022	Amazon	New Judge Book	(17.29)	897.29
01/10/2022	Amazon	New Judge Book	(17.56)	879.73
01/10/2022	Amazon	New Judge Book	(17.56)	862.17
01/10/2022	Amazon	New Judge Book	(17.23)	844.94
01/10/2022	Amazon	New Judge Book	(17.29)	827.65
01/10/2022	Amazon	New Judge Book	(17.39)	810.26
01/13/2022	Amazon	New Judge Book	(17.26)	793.00
01/27/2022	Amazon	New Judge Book	(17.29)	775.71
01/28/2022		Funds Transfer	156.70	932.41
01/31/2022	Amazon	New Judge Book	(17.26)	915.15
02/02/2022	Amazon		(17.56)	897.59
02/02/2022	Amazon		(17.56)	880.03
02/08/2022	Amazon		(17.39)	862.64
02/17/2022		Funds Transfer	87.06	949.70
02/24/2022	Amazon		(17.56)	932.14
03/04/2022	Marni's Petal Pushers Floral and ...		(100.00)	832.14
03/04/2022		Funds Transfer	17.56	849.70
03/06/2022		Funds Transfer	17.56	867.26
03/18/2022		Funds Transfer	99.71	966.97
Total Bank of America C. C.			966.97	966.97
Total Credit Cards			966.97	966.97
Interest Income				
07/31/2021		Interest	(2.24)	(2.24)
07/31/2021		Interest	(6.61)	(8.85)
08/31/2021		Interest	(2.24)	(11.09)
08/31/2021		Interest	(6.62)	(17.71)
09/30/2021		Interest	(2.17)	(19.88)
09/30/2021		Interest	(6.40)	(26.28)
10/29/2021		Interest	(2.17)	(28.45)
10/31/2021		Interest	(6.62)	(35.07)
11/29/2021		Interest	(2.05)	(37.12)
11/30/2021		Interest	(6.41)	(43.53)
12/29/2021		Interest	(2.04)	(45.57)
12/31/2021		Interest	(6.62)	(52.19)
01/29/2022		Interest	(1.97)	(54.16)
01/31/2022		Interest	(6.62)	(60.78)
02/28/2022		Interest	(2.45)	(63.23)
02/28/2022		Interest	(5.98)	(69.21)
03/31/2022		Interest	(2.75)	(71.96)
03/31/2022		Interest	(6.62)	(78.58)
Total Interest Income			(78.58)	(78.58)

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<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>	<u>Balance</u>
Membership Revenue				
12/23/2021	George Steele	Mason County	(1,000.00)	(1,000.00)
12/23/2021	Dale A. McBeth	Chehalis Municipal Court	(500.00)	(1,500.00)
12/23/2021	Thomas L. Meyer	Yelm Municipal	(250.00)	(1,750.00)
12/23/2021	Deanna Crull	Airway Heights	(200.00)	(1,950.00)
12/23/2021	Megan Valentine	Grays Harbor County	(1,000.00)	(2,950.00)
12/23/2021	Brian D. Barlow	Grant County	(1,000.00)	(3,950.00)
12/23/2021	Nicholas Wallace	Grant County	(1,000.00)	(4,950.00)
12/23/2021	Brian Gwinn	Grant County	(1,000.00)	(5,950.00)
12/23/2021	Melissa K. Chal arson	Grant County (Commissioner)	(800.00)	(6,750.00)
12/23/2021	Therese Murphy	City of Zillah	(250.00)	(7,000.00)
12/23/2021	Scott Ahlf	Olympia	(1,000.00)	(8,000.00)
12/23/2021	Ronald Reynier	Skamania County	(500.00)	(8,500.00)
12/23/2021	Claire Bradley	Kitsap County District Court	(1,000.00)	(9,500.00)
12/23/2021	Kevin P Kelly	Kitsap County District Court	(1,000.00)	(10,500.00)
12/23/2021	Jeffrey J. Jahns	Kitsap County District Court	(1,000.00)	(11,500.00)
12/23/2021	Marilyn Paja	Kitsap County District Court	(1,000.00)	(12,500.00)
12/23/2021	Kristian E. Hedine	Walla Walla County	(1,000.00)	(13,500.00)
12/23/2021	Angelle M. Geri	Airway Heights	(500.00)	(14,000.00)
12/23/2021	Kyle Imler	Grays Harbor County	(1,000.00)	(15,000.00)
01/14/2022	Bruce Hanify	Clallam County	(500.00)	(15,500.00)
01/14/2022	Jennifer M. Azure	Benton County District Court	(1,000.00)	(16,500.00)
01/14/2022	James F. Bell	Benton County District Court	(1,000.00)	(17,500.00)
01/14/2022	Daniel Kathren	Benton County District Court	(1,000.00)	(18,500.00)
01/14/2022	Terry Tanner	Benton County District Court	(1,000.00)	(19,500.00)
01/14/2022	John S Ziobro	Benton County District Court	(1,000.00)	(20,500.00)
01/14/2022	G. Scott Marinella	Columbia District Court (Associ...	(25.00)	(20,525.00)
01/14/2022	N. Scott Stewart	Issaquah Municipal Court	(500.00)	(21,025.00)
01/14/2022	Susan L. Solan	Aberdeen Municipal Court	(500.00)	(21,525.00)
01/14/2022	Eric C. Bigger	Douglas County District Court	(1,000.00)	(22,525.00)
01/14/2022	Andrea K. Russell	Adams Co. District Court Ritzville	(500.00)	(23,025.00)
01/14/2022	Virginia M. Amato	King County District Court	(1,000.00)	(24,025.00)
01/14/2022	Susan Mahoney	King County District Court	(1,000.00)	(25,025.00)
01/14/2022	Fa'amomoi Masaniai	King County District Court	(1,000.00)	(26,025.00)
01/14/2022	Marcus W. Naylor	King County District Court	(1,000.00)	(27,025.00)
01/14/2022	Lisa O'Toole	King County District Court	(1,000.00)	(28,025.00)
01/14/2022	Lisa Paglisotti	King County District Court	(1,000.00)	(29,025.00)
01/14/2022	Kevin Peck	King County District Court	(1,000.00)	(30,025.00)
01/14/2022	E. Rania Rampersad	King County District Court	(1,000.00)	(31,025.00)
01/14/2022	Kristin Shotwell	King County District Court	(1,000.00)	(32,025.00)
01/14/2022	Elizabeth D. Stephenson	King County District Court	(1,000.00)	(33,025.00)
01/14/2022	Leah Taguba	King County District Court	(1,000.00)	(34,025.00)
01/14/2022	Brian Todd	King County District Court	(1,000.00)	(35,025.00)
01/14/2022	Matthew York	King County District Court	(1,000.00)	(36,025.00)
01/14/2022	Rebecca Robertson	King County District Court	(1,000.00)	(37,025.00)
01/14/2022	Marcine Anderson	King County District Court	(1,000.00)	(38,025.00)
01/14/2022	Joe Campagna	King County District Court	(1,000.00)	(39,025.00)
01/14/2022	Kuljinder Dhillon	King County District Court	(1,000.00)	(40,025.00)
01/14/2022	Michael Finkle	King County District Court	(1,000.00)	(41,025.00)
01/14/2022	Michelle Gehlsen	King County District Court	(1,000.00)	(42,025.00)
01/14/2022	Laurel Gibson	King County District Court	(1,000.00)	(43,025.00)
01/14/2022	Nathaniel Green	King County District Court	(1,000.00)	(44,025.00)
01/14/2022	Corinna Harn	King County District Court	(1,000.00)	(45,025.00)
01/14/2022	Gregg Hirakawa	King County District Court	(1,000.00)	(46,025.00)
01/14/2022	Jill Klinge	King County District Court	(1,000.00)	(47,025.00)
01/14/2022	Rhonda Laumann	King County District Court	(1,000.00)	(48,025.00)
01/29/2022	Debra Lev	Bellingham Municipal Court	(1,000.00)	(49,025.00)
01/29/2022	Nicholas Henery	Bellingham Municipal Court	(800.00)	(49,825.00)
01/29/2022	Thomas Brown	Ferry County District	(500.00)	(50,325.00)
01/29/2022	Brian Sanderson	Yakima County District	(1,000.00)	(51,325.00)
01/29/2022	Kevin Eilmes	Yakima County District	(800.00)	(52,125.00)
01/29/2022	Alfred G. Schweepe	Yakima County District	(1,000.00)	(53,125.00)
01/29/2022	Donald W. Engel	Yakima County District	(1,000.00)	(54,125.00)
01/29/2022	Charles Short	Okanogan County District	(1,000.00)	(55,125.00)
01/29/2022	Chancey C. Crowell	Okanogan County District	(1,000.00)	(56,125.00)
01/29/2022	David A Larson	Federal Way Municipal Court	(1,000.00)	(57,125.00)
01/29/2022	Wade Samuelson	Lewis County District Court	(1,000.00)	(58,125.00)
01/29/2022	RW Buzzard	Lewis County District Court	(1,000.00)	(59,125.00)
01/29/2022	Wendy S. Tripp	Lewis County District Court	(200.00)	(59,325.00)
01/29/2022	Elizabeth Penoyar	North Pacific District Court	(500.00)	(59,825.00)

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Date	Name	Memo	Amount	Balance
01/29/2022	Nancy R. McAllister	South Pacific District Court	(500.00)	(60,325.00)
01/29/2022	Craig Stilwill	Pasco Municipal Court	(1,000.00)	(61,325.00)
01/29/2022	M. Jamie Imboden	Cowlitz District	(1,000.00)	(62,325.00)
01/29/2022	John A Hays	Cowlitz District	(1,000.00)	(63,325.00)
01/29/2022	Debra L Burchett	Cowlitz District	(1,000.00)	(64,325.00)
01/29/2022	Thomas W. Cox	Garfield County District	(500.00)	(64,825.00)
01/29/2022	Valerie Bouffiou	Lynwood Municipal Court	(1,000.00)	(65,825.00)
01/29/2022	Enrico Leo	Snohomish District Court	(800.00)	(66,625.00)
01/29/2022	Jenn Rancourt	Snohomish District Court	(1,000.00)	(67,625.00)
01/29/2022	Beth Fraser	Snohomish District Court	(1,000.00)	(68,625.00)
01/29/2022	Jeffery Goodwin	Snohomish District Court	(1,000.00)	(69,625.00)
01/29/2022	Douglas Fair	Snohomish District Court	(1,000.00)	(70,625.00)
01/29/2022	Patricia L. Lyon	Snohomish District Court	(1,000.00)	(71,625.00)
01/29/2022	Steven Clough	Snohomish District Court	(1,000.00)	(72,625.00)
01/29/2022	Tam Bui	Snohomish District Court	(1,000.00)	(73,625.00)
01/29/2022	Anthony Howard	Snohomish District Court	(1,000.00)	(74,625.00)
01/29/2022	Robert Hamilton	Enumclaw Municipal Court	(250.00)	(74,875.00)
01/29/2022	Jeanette Lineberry	Pierce County District Court	(1,000.00)	(75,875.00)
01/29/2022	Karla Buttorff	Pierce County District Court	(1,000.00)	(76,875.00)
01/29/2022	Kevin McCann	Pierce County District Court	(1,000.00)	(77,875.00)
01/29/2022	Lloyd Oaks	Pierce County District Court	(1,000.00)	(78,875.00)
01/29/2022	Lizanne Padula	Pierce County District Court	(1,000.00)	(79,875.00)
01/29/2022	Claire Sussman	Pierce County District Court	(1,000.00)	(80,875.00)
01/29/2022	Karl Williams	Pierce County District Court	(1,000.00)	(81,875.00)
01/29/2022	Jeff Gregory	Mercer Island Municipal Court	(500.00)	(82,375.00)
01/29/2022	Drew Henke	Tacoma Municipal Court	(1,000.00)	(83,375.00)
01/29/2022	Dennis H. Ball	Tacoma Municipal Court	(1,000.00)	(84,375.00)
01/29/2022	David B Ladenburg	Tacoma Municipal Court	(1,000.00)	(85,375.00)
01/29/2022	Randall L. Hansen	Tacoma Municipal Court	(800.00)	(86,175.00)
01/29/2022	Sandra L. Allen	Gig Harbor and Milton Municipal...	(500.00)	(86,675.00)
01/29/2022	James M.B. Buzzard	Centralia Municipal Court	(500.00)	(87,175.00)
01/29/2022	Jennifer Johnson Grant	City of Lake Forest Park	(500.00)	(87,675.00)
01/29/2022	Anthony Parise	Whatcom County District	(800.00)	(88,475.00)
01/29/2022	Matthew Elich	Whatcom County District	(1,000.00)	(89,475.00)
01/29/2022	Angela Anderson	Whatcom County District (no for...	(1,000.00)	(90,475.00)
01/29/2022	Geoff Arnold	Cosmopolis Municipal Court	(250.00)	(90,725.00)
01/29/2022	Howard F Delaney	Spokane Municipla Court	(800.00)	(91,525.00)
01/29/2022	Gloria Ochoa-Bruck	Spokane Municipla Court	(1,000.00)	(92,525.00)
01/29/2022	Gerald A. Caniglia	Spokane Municipla Court	(800.00)	(93,325.00)
01/29/2022	Michael Valerien	Spokane Municipla Court	(800.00)	(94,125.00)
01/29/2022	Kristin O'Sullivan	Spokane Municipla Court	(1,000.00)	(95,125.00)
01/29/2022	Molly A. Nave	Spokane Municipla Court	(800.00)	(95,925.00)
01/29/2022	Mary C. Logan	Spokane Municipla Court	(1,000.00)	(96,925.00)
01/29/2022	Carolyn J. Benzel	Adams - Othello County District ...	(500.00)	(97,425.00)
01/29/2022	Tina Kernan	Asotin District Court	(1,000.00)	(98,425.00)
01/29/2022	Seth Niesen	Seattle Municipal Court	(800.00)	(99,225.00)
01/29/2022	Mary Lynch	Seattle Municipal Court	(800.00)	(100,025.00)
01/29/2022	Park D. Eng	Seattle Municipal Court	(800.00)	(100,825.00)
01/29/2022	Robert Chung	Seattle Municipal Court	(800.00)	(101,625.00)
01/29/2022	Jerome Roache	Seattle Municipal Court	(800.00)	(102,425.00)
01/29/2022	Faye R. Chess	Seattle Municipal Court	(1,000.00)	(103,425.00)
01/29/2022	Catherine McDowall	Seattle Municipal Court	(1,000.00)	(104,425.00)
01/29/2022	Anita M. Crawford-Willis	Seattle Municipal Court	(1,000.00)	(105,425.00)
01/29/2022	Adam C. Eisenberg	Seattle Municipal Court	(1,000.00)	(106,425.00)
01/29/2022	Willie Gregory	Seattle Municipal Court	(1,000.00)	(107,425.00)
01/29/2022	Andrea Chin	Seattle Municipal Court	(1,000.00)	(108,425.00)
01/29/2022	Damon G. Shadid	Seattle Municipal Court	(1,000.00)	(109,425.00)
01/29/2022	Rick L. Hansen	Klickitat County (West) (no form)	(500.00)	(109,925.00)
01/29/2022	Andrea Beall	Puyallup Municipla Court	(1,000.00)	(110,925.00)
01/29/2022	Timothy A. Dury	Port Orchard Municipal Court	(500.00)	(111,425.00)
01/29/2022	John A. Miller	Fircrest Ruston Municipal Court	(250.00)	(111,675.00)
01/29/2022	Kelley Olwell	Yakima Municipal Court	(1,000.00)	(112,675.00)
01/29/2022	Susan Woodard	Yakima Municipal Court	(1,000.00)	(113,675.00)
01/29/2022	Tamara A. Hanlon	Yakima Municipal Court	(400.00)	(114,075.00)
01/29/2022	John Olson	Kirkland (no form)	(1,000.00)	(115,075.00)
01/29/2022	Dave Neupert	District Court 1 Clallam County	(1,000.00)	(116,075.00)
01/29/2022	Clarke W. Tibbits	East Wenatchee Municipal Court	(500.00)	(116,575.00)
01/29/2022	William Penoyar	South Bend Municipal Court	(250.00)	(116,825.00)
01/29/2022	Jean A Cotton	Hoquiam Municipal Court	(500.00)	(117,325.00)
01/29/2022	Anneke Berry	Buckley Municipal Court	(250.00)	(117,575.00)

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July 2021 through March 2022

Date	Name	Memo	Amount	Balance
01/29/2022	Arthur Blauvelt III	Elma & Oakville Municipal Courts	(250.00)	(117,825.00)
01/29/2022	Kara Murphy Richards	Renton Municipal Court	(1,000.00)	(118,825.00)
01/29/2022	Jessica A Giner	Renton Municipal Court	(1,000.00)	(119,825.00)
01/29/2022	Lisa Mansfield	Lakewood Municipal Court	(1,000.00)	(120,825.00)
01/29/2022	Stephen D Greer	Shelton Municipal Court	(500.00)	(121,325.00)
01/29/2022	Robin R. McCroskey	Pend Oreille County District Court	(1,000.00)	(122,325.00)
01/29/2022	Lorrie Towers	Marysville Municipal Court	(1,000.00)	(123,325.00)
01/29/2022	Fred L. Gillings	Marysville Municipal Court	(1,000.00)	(124,325.00)
01/29/2022	Douglas B. Robinson	Colfax Municipal Court	(200.00)	(124,525.00)
01/29/2022	David Ebenger	Winthrop, Twisp and Omak Mun...	(250.00)	(124,775.00)
01/29/2022	Whitney Rivera	City of Edmonds (no form)	(1,000.00)	(125,775.00)
01/29/2022	Andrew W. Wheeler	Battle Ground Municipal Court	(500.00)	(126,275.00)
01/29/2022	Mara J. Rozzano	Bothell Municipal Court	(1,000.00)	(127,275.00)
02/10/2022	Patricia Connolly Walker	Spokane County District Court	(1,000.00)	(128,275.00)
02/10/2022	Jennifer L. Fassbender	Spokane County District Court	(1,000.00)	(129,275.00)
02/10/2022	Debra Hayes	Spokane County District Court	(1,000.00)	(130,275.00)
02/10/2022	Patrick T Johnson	Spokane County District Court	(1,000.00)	(131,275.00)
02/10/2022	Richard M. Leland	Spokane County District Court	(1,000.00)	(132,275.00)
02/10/2022	Aimee N. Maurer	Spokane County District Court	(1,000.00)	(133,275.00)
02/10/2022	Jeffrey R. Smith	Spokane County District Court	(1,000.00)	(134,275.00)
02/10/2022	Donna Wilson	Spokane County District Court	(1,000.00)	(135,275.00)
02/10/2022	Eric Dooyema	Spokane County District Court	(800.00)	(136,075.00)
02/10/2022	Heidi Heywood	Wahkiakum District Court	(500.00)	(136,575.00)
02/10/2022	Kevin Ringus	Fife Municipal Court	(1,000.00)	(137,575.00)
02/10/2022	Kyle Mott	Chelan County District	(1,000.00)	(138,575.00)
02/10/2022	Roy Fore	Chelan County District	(1,000.00)	(139,575.00)
02/10/2022	Allen C Unzleman	Napavine Municipal County	(250.00)	(139,825.00)
02/10/2022	Christopher C Bates	Montesano Municipal Court	(250.00)	(140,075.00)
02/10/2022	Robert R. Northcott	Granger Municipal Court	(250.00)	(140,325.00)
02/10/2022	Darrel R. Ellis	Roslyn Municipal Court	(250.00)	(140,575.00)
02/10/2022	Darrel R. Ellis	Cle Elum Municipal Courty	(250.00)	(140,825.00)
02/10/2022	Amy Kaestner	Everett Municipal Court	(1,000.00)	(141,825.00)
02/10/2022	Laura Vanslyck	Everett Municipal Court	(1,000.00)	(142,825.00)
02/10/2022	Thomas M. Ellington	City of Roy	(250.00)	(143,075.00)
02/10/2022	Kimberly R Boggs	Columbia County District Court /...	(500.00)	(143,575.00)
02/18/2022	William H. Hawkins	Island County Dist. Municipal C...	(1,000.00)	(144,575.00)
02/18/2022	Ronald Andrew M Costeck	Island County Dist. Municipal C...	(800.00)	(145,375.00)
02/18/2022	Erin Priest	Clark County (no form)	(800.00)	(146,175.00)
02/18/2022	Todd George	Clark County (no form)	(800.00)	(146,975.00)
02/18/2022	Abigail Bartlett	Clark County (no form)	(1,000.00)	(147,975.00)
02/18/2022	Kelli E. Osler	Clark County (no form)	(1,000.00)	(148,975.00)
02/18/2022	Sonya L. Langsdorf	Clark County (no form)	(1,000.00)	(149,975.00)
02/18/2022	James B Smith	Clark County (no form)	(1,000.00)	(150,975.00)
02/18/2022	Chad E. Sleight	Clark County (no form)	(1,000.00)	(151,975.00)
02/18/2022	Kristen L. Parcher	Clark County (no form)	(1,000.00)	(152,975.00)
02/18/2022	Carolyn Jewett	San Juan County District Court	(1,000.00)	(153,975.00)
02/18/2022	Tracy Flood	Bremerton Municipal Court	(1,000.00)	(154,975.00)
02/18/2022	Shane Seaman	Bremerton Municipal Court	(200.00)	(155,175.00)
02/18/2022	Jessica K. Ness	Monroe Municipal	(500.00)	(155,675.00)
02/18/2022	Anthony Gipe	Kent Municipal Court	(1,000.00)	(156,675.00)
02/18/2022	Michael R Frans	Kent Municipal Court	(1,000.00)	(157,675.00)
02/18/2022	Dan B Johnson	Lincoln County District	(500.00)	(158,175.00)
02/18/2022	Kris Kaino	Long Beach / Ilwaco Municipal ...	(250.00)	(158,425.00)
02/18/2022	Gerald F. Roach	Franklin County (no form)	(1,000.00)	(159,425.00)
02/18/2022	Terrance G. Lewis	Lynden Municipal Court	(250.00)	(159,675.00)
02/18/2022	Lisa Leone	City of Des Moines (no form)	(500.00)	(160,175.00)
02/18/2022	Carolyn J. Benzel	Adams County District Court-Ot...	(1,000.00)	(161,175.00)
02/18/2022	Darrel R. Ellis	Upper Kittitas County District Co...	(500.00)	(161,675.00)
02/18/2022	Jenifer Howson	Skagit County District Court	(1,000.00)	(162,675.00)
02/18/2022	Warren Gilbert	Skagit County District Court	(1,000.00)	(163,675.00)
02/18/2022	Diane Goddard	Skagit County District Court	(1,000.00)	(164,675.00)
02/18/2022	Pat Eason	Skagit County District Court	(800.00)	(165,475.00)
02/18/2022	Paul Nielsen	Skagit County District Court	(800.00)	(166,275.00)
02/18/2022	Paul Wohl	Thurston County District	(800.00)	(167,075.00)
02/18/2022	Kalo Wilcox	Thurston County District	(1,000.00)	(168,075.00)
02/18/2022	Samuel G. Meyer	Thurston District	(1,000.00)	(169,075.00)
02/18/2022	Brett Buckley	Thurston District	(1,000.00)	(170,075.00)
02/18/2022	Pauline Freund	Seatac Municipal	(500.00)	(170,575.00)
02/18/2022	Kimberly Walden	Tukwila Municipal Court	(500.00)	(171,075.00)
02/18/2022	Jeffery Baker	Klickitat County (West) (no form)	(500.00)	(171,575.00)

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July 2021 through March 2022

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>	<u>Balance</u>
02/18/2022	Brock D. Stiles	Sedro-Woolley Municipal	(500.00)	(172,075.00)
02/21/2022	David Hatch	Westport Municipal Court	(250.00)	(172,325.00)
02/21/2022	Dan LeBeau	Colton Municipal Court	(250.00)	(172,575.00)
02/21/2022	Jeffrey L. Tolman	Poulsbo Municipal Court	(500.00)	(173,075.00)
02/21/2022	Mark Kaiman	Ferndale Municipal Court	(250.00)	(173,325.00)
02/21/2022	Sara L. McCulloch	Bainbridge Island Municipal Court	(500.00)	(173,825.00)
02/21/2022	Troy Lee	City of Sunnyside (no form)	(500.00)	(174,325.00)
03/09/2022	Dwayne L. Christopher	Pierce County District Court	(1,000.00)	(175,325.00)
03/09/2022	Scott C. Sage	Ocean Shores Municipal Court	(250.00)	(175,575.00)
03/09/2022	Valerie Bouffiou	Lynnwood Municipal Court	(1,000.00)	(176,575.00)
03/09/2022	Joanna J Daniels	Bonney Lake, South Prairie & E...	(1,000.00)	(177,575.00)
03/09/2022	Mindy Walker	Jefferson County District Court	(1,000.00)	(178,575.00)
03/09/2022	John E Hart	Whitman County District Court	(1,000.00)	(179,575.00)
03/09/2022	Bronson Faul	Selah Municipal Court	(200.00)	(179,775.00)
03/25/2022	Lynwood Municipal Court	refund of Judge Judge Bouffiou'...	1,000.00	(178,775.00)
03/25/2022	Adams County Treasurer	refund of overpaid dues for Ada...	500.00	(178,275.00)
03/31/2022	Michael Bobbink	Blaine Everson Sumas Municip...	(500.00)	(178,775.00)
03/31/2022	Peter Peaguin	King County District Court	(800.00)	(179,575.00)
03/31/2022	Michael Morgan	King County District Court	(800.00)	(180,375.00)
03/31/2022	Gina Tveit	Stevens County District Court	(1,000.00)	(181,375.00)
03/31/2022	Krista White Swain	Sumner and Black Diamond Mu...	(500.00)	(181,875.00)
03/31/2022	Alex Thomason	Brewster Municipal Court	(250.00)	(182,125.00)
Total Membership Revenue			(182,125.00)	(182,125.00)
President's - Special Fund				
11/04/2021	De Laurenti Florist	Condolences for Judge Steiner	93.40	93.40
11/22/2021	TLF Flowers	Judge Lucas Memorial	96.66	190.06
03/04/2022	Marni's Petal Pushers Floral and ...	Judge Short sent to Judge Chris...	100.00	290.06
Total President's - Special Fund			290.06	290.06
Prior Year Budget Expense				
07/07/2021	Homewetbar Gifts	President Expense - Prior Year ...	490.65	490.65
07/07/2021	Michelle Gehlsen	President Line Item - Gift for Lo...	319.70	810.35
07/07/2021	Michelle Gehlsen	President Line Item - Flowers se...	102.96	913.31
07/13/2021	MD Engraving	President Line Item - hanger aw...	417.05	1,330.36
07/20/2021	Timothy Jenkins	Jasp line item	69.90	1,400.26
07/20/2021	King County District Court	Pro Tempore 6/28/21	244.90	1,645.16
08/16/2021	AOC	President Line Item	190.29	1,835.45
08/23/2021	SCJA	1/2 of leftover JASP amount fro...	4,841.05	6,676.50
Total Prior Year Budget Expense			6,676.50	6,676.50
Board Meeting Expense				
01/25/2022	Chelan Chamber of Commerce	DMCJA 5/14/22 Caldwell rental	150.00	150.00
Total Board Meeting Expense			150.00	150.00
Bookkeeping Expense				
07/20/2021	Pierce County Bookkeeping	June Services	318.00	318.00
08/10/2021	Pierce County Bookkeeping	July Services	318.00	636.00
09/15/2021	Pierce County Bookkeeping	August Services	318.00	954.00
10/15/2021	Pierce County Bookkeeping	September Services	318.00	1,272.00
11/25/2021	Pierce County Bookkeeping	October Services	318.00	1,590.00
12/10/2021	Pierce County Bookkeeping	November Services	318.00	1,908.00
01/14/2022	Pierce County Bookkeeping	December Services	318.00	2,226.00
02/15/2022	Pierce County Bookkeeping	January Services	318.00	2,544.00
03/04/2022	Pierce County Bookkeeping	February Services	318.00	2,862.00
Total Bookkeeping Expense			2,862.00	2,862.00

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July 2021 through March 2022

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>	<u>Balance</u>
Judicial Assistance Committee				
09/29/2021	Susanna Neil Kanther-Raz	Quarter 3	1,200.00	1,200.00
09/29/2021	Susanna Neil Kanther-Raz	FJLC Meeting Webinar	325.00	1,525.00
10/15/2021	Life Management Consulting & Se...	Presentation on Anger Training ...	750.00	2,275.00
12/10/2021	Susanna Neil Kanther-Raz	4th quarter payment	1,200.00	3,475.00
12/10/2021	Susanna Neil Kanther-Raz	peer training	800.00	4,275.00
03/31/2022	Susanna Neil Kanther-Raz	Quarter 1, 2022	1,200.00	5,475.00
03/31/2022	Susanna Neil Kanther-Raz	4 sessions	800.00	6,275.00
Total Judicial Assistance Committee			6,275.00	6,275.00
Judicial College Social Support				
07/01/2021		DMCJA Support for Judicial C...	2,000.00	2,000.00
Total Judicial College Social Support			2,000.00	2,000.00
Judicial Community Outreach				
12/14/2021	Washington YMCA Youth & Gover...		2,000.00	2,000.00
Total Judicial Community Outreach			2,000.00	2,000.00
Legislative Pro-Tem				
12/28/2021	King County District Court	Judge Gehlsen 11-18-21	244.90	244.90
Total Legislative Pro-Tem			244.90	244.90
Lobbyist Contract				
07/21/2021	Bogard & Johnson, LLC		6,000.00	6,000.00
08/01/2021	Bogard & Johnson, LLC		6,000.00	12,000.00
09/15/2021	Bogard & Johnson, LLC		6,000.00	18,000.00
10/15/2021	Bogard & Johnson, LLC		6,000.00	24,000.00
11/15/2021	Bogard & Johnson, LLC		6,000.00	30,000.00
12/15/2021	Bogard & Johnson, LLC		6,000.00	36,000.00
01/15/2022	Bogard & Johnson, LLC		6,000.00	42,000.00
02/15/2022	Bogard & Johnson, LLC		6,000.00	48,000.00
03/15/2022	Bogard & Johnson, LLC		6,000.00	54,000.00
Total Lobbyist Contract			54,000.00	54,000.00
President Expense				
09/06/2021	Harbor Blooms	DMCJA sent flowers to Tracy at...	100.00	100.00
11/29/2021	Amazon	New Judge Book	17.39	117.39
12/01/2021	Amazon	New Judge Book	17.56	134.95
12/12/2021	Amazon	New Judge Book	17.32	152.27
12/12/2021	Amazon	New Judge Book	17.23	169.50
12/12/2021	Amazon	New Judge Book	17.35	186.85
12/12/2021	Amazon	New Judge Book	17.37	204.22
12/12/2021	Amazon	New Judge Book	17.58	221.80
12/12/2021	Amazon	New Judge Book	17.45	239.25
12/13/2021	Amazon	New Judge Book	17.56	256.81
12/13/2021	Amazon	New Judge Book	17.29	274.10
12/13/2021	Amazon	New Judge Book	17.32	291.42
12/13/2021	Amazon	New Judge Book	17.31	308.73
12/13/2021	Amazon	New Judge Book	17.31	326.04
12/13/2021	Amazon	New Judge Book	17.34	343.38
12/13/2021	Amazon	New Judge Book	17.31	360.69
12/16/2021	Amazon	New Judge Book	17.29	377.98
01/05/2022	Amazon	New Judge Book	17.29	395.27
01/05/2022	Amazon	New Judge Book	17.62	412.89
01/05/2022	Amazon	New Judge Book	17.35	430.24
01/06/2022	Amazon	New Judge Book	17.56	447.80
01/06/2022	Amazon	New Judge Book	17.56	465.36
01/06/2022	Amazon	New Judge Book	17.29	482.65
01/07/2022	Amazon	New Judge Book	17.29	499.94
01/10/2022	Amazon	New Judge Book	17.56	517.50
01/10/2022	Amazon	New Judge Book	17.56	535.06
01/10/2022	Amazon	New Judge Book	17.23	552.29
01/10/2022	Amazon	New Judge Book	17.29	569.58
01/10/2022	Amazon	New Judge Book	17.39	586.97
01/13/2022	Amazon	New Judge Book	17.26	604.23
01/14/2022	Michelle Gehlsen.	President's Gavel	264.13	868.36

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July 2021 through March 2022

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>	<u>Balance</u>
01/27/2022	Amazon	New Judge Book	17.29	885.65
01/31/2022	Amazon	New Judge Book	17.26	902.91
02/02/2022	Amazon		17.56	920.47
02/02/2022	Amazon		17.56	938.03
02/08/2022	Amazon		17.39	955.42
02/24/2022	Amazon		17.56	972.98
Total President Expense			972.98	972.98
Pro Tempore (Chair Approval)				
09/10/2021	Okanogan County District Court	8/20/21	394.63	394.63
10/27/2021	City of Tacoma	10/8/21	166.00	560.63
12/28/2021	King County District Court	Judge Gehlsen 12/10/21	244.90	805.53
12/28/2021	King County District Court	Judge Gehlsen 10-25-21	244.90	1,050.43
12/28/2021	King County District Court	Judge Gehlsen 11-05-21	244.90	1,295.33
01/27/2022	King County District Court	Judge Gehlsen 10/8/2021	244.90	1,540.23
01/27/2022	King County District Court	Judge Gehlsen 11/12/21	244.90	1,785.13
02/04/2022	King County District Court	1/14/22	244.90	2,030.03
02/04/2022	King County District Court	1/24/22	244.90	2,274.93
03/18/2022	Snohomish Co. District Court	2-2-22	420.00	2,694.93
03/31/2022	Snohomish Co. District Court	3-29-22	210.00	2,904.93
Total Pro Tempore (Chair Approval)			2,904.93	2,904.93
Professional Services				
11/10/2021	Dino W Traverso, PLLC	Corp tax return	775.00	775.00
Total Professional Services			775.00	775.00
Treasurer Expense and Bonds				
10/21/2021	Secretary of State	Corp renewal	10.00	10.00
Total Treasurer Expense and Bonds			10.00	10.00
TOTAL			0.00	0.00



Statement of Account

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Statement End Date March 31, 2022
 Statement Begin Date March 1, 2022
 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' 14597
 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]

Annual Percentage Yield Earned for this Statement Period 0.200%
 Interest Rate Effective 03/01/2022 0.200%
 Interest Earned/Accrued this Cycle \$6.62
 Number of Days in this Cycle 31
 Date Interest Posted 03-31-2022
 Year-to-Date Interest Paid \$19.22

Beginning Balance \$38,986.48
 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
Ending Balance \$38,993.10

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

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Interest Earned This Period

Date	Description	Amount
03-31	Credit Interest	6.62
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.

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	150.00	14,850.00
Bookkeeping Expense	\$ 3,500.00	2,862.00	638.00
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	6,275.00	9,725.00
Insurance (every 3 years)			
Judicial College Social Support	\$ 2,000.00	2,000.00	0.00
Judicial Community Outreach	\$ 2,000.00	2,000.00	0.00
Legislative Committee	\$ 1,500.00		1,500.00
Legislative Pro-Tem	\$ 2,500.00	245.00	2,255.00
Lobbyist Contract	\$ 105,000.00	54,000.00	51,000.00
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	\$ 1,500.00	973.00	527.00
Special Fund (from President line item)	\$ 500.00	290.00	210.00
Pro Tempore (committee chair approval)	\$ 10,000.00	2,905.00	7,095.00
Professional Services (Dino Traverso, CPA)	\$ 1,500.00	775.00	725.00
Public Outreach (ad hoc workgroup)	\$ 150.00		150.00
Rules Committee	\$ 500.00		500.00
SCJA Board Liaison	\$ 250.00		250.00
Therapeutic Courts	\$ ²² 2,500.00		2,500.00

Treasurer Expense and Bonds	\$ 100.00	10.00	90.00
Trial Court Advocacy Board - DORMANT	\$ -		
Uniform Infraction Citation Committee	\$ 1,000.00		1,000.00
Totals	\$310,450.00	\$72,485.00	\$237,965.00
Special Fund			
*Includes \$8,000 from the SCJA	updated 03/31/2022		

GR 9 COVER SHEET
Suggested Amendment to
WASHINGTON STATE COURT RULES:
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION

CRLJ 55
DEFAULT

- A. **Name of Proponent:** District & Municipal Courts Judges' Association
(DMCJA)
- B. **Spokesperson:** Judge Michael J. Finkle, Member, DMCJA Rules Committee
- C. **Purpose:** CLRJ 55(f) sets out the procedures for a motion for default judgment when the defendant has not appeared and more than one year has elapsed from the date of service of the summons and complaint. The current court rule only references service of the summons. The current version of the rule does not expressly state that a motion for default judgment under that subsection must be noted for hearing. CRLJ 55(f)(2)(iv), applicable if the plaintiff initially served process by publication, clearly requires the plaintiff to note the motion for a hearing. This could have been an oversight on the original drafters part or intentional as service by publication under CRLJ 55 (b)(3) requires an examination upon oath. Nevertheless, the absence of such a clear requirement in CRLJ 55(f)(2)(i)-(iii) can cause confusion.

There are two reasons for the request. First, the way the rule is currently drafted can cause counsel and/or judges to avoid setting motions for default for a hearing when more than one year has passed since personal service. King County District Court recently received approximately 8 motions (all from the same law firm) seeking default judgments without a hearing. This spurred several hours of research by the judge handling the matter. That could have been avoided with a simple rule change. Second, King County Superior Court has seen fit to adopt a local rule (LCR 55(a)(1) that expressly requires a hearing. If CR 55 (similar to CRLJ 55) was clear, the local rule would be unnecessary.

The proposed amendment to CRLJ 55(f)(1) would not change the existing rule; it would only make it clear. King County's local rule can only be considered valid if it clarifies the state rule. If it changes it, then it is invalid. While passage of a Superior Court local rule is not binding authority, it is a good indicator that the proposed clarification would be consistent with the current rule.

The only two cases that the DMCJA is aware of that remotely discuss this issue mention that the plaintiffs noted hearings, but do not say whether a hearing was required. Those cases are: *Brooks v. University City, Inc.*, 154 Wn.App. 474 (2010); and *Dubois v. Kapuni*, 71 Wn.App. 621 (1993). The two cases certainly support the notion that a hearing is necessary, but they are not directly on point.

For the foregoing reasons, the DMCJA is requesting that the Supreme Court amends CRLJ 55(f)(1) to clarify the process for seeking a default judgment when service occurred more than one year before.

D. **Hearing:** A hearing is not recommended.

E. **Expedited Consideration:** Expedited consideration is not requested.

CRLJ 55 DEFAULT

(a) Entry of Default.

(1) *Motion.* When a party against whom a judgment for affirmative relief is sought has failed to appear, plead, or otherwise defend as provided by these rules and that fact is made to appear by motion and affidavit, a motion for default may be made.

(2) *Pleading After Default.* Any party may respond to any pleading or otherwise defend at any time before a motion for default and supporting affidavit is filed, whether the party previously has appeared or not. If the party has appeared before the motion is filed, he may respond to the pleading or otherwise defend at any time before the hearing on the motion. If the party has not appeared before the motion is filed he may not respond to the pleading nor otherwise defend without leave of court. Any appearances for any purpose in the action shall be for all purposes under this rule 55.

(3) *Notice.* Any party who has appeared in the action for any purpose, shall be served with a written notice of motion for default and the supporting affidavit at least 5 days before the hearing on the motion. Any party who has not appeared before the motion for default and supporting affidavit are filed is not entitled to a notice of the motion, except as provided in subsection (f)(2)(i).

(4) *Venue.* A motion for default shall include a statement of the basis for venue in the action. A default shall not be entered if it clearly appears to the court from the papers on file that the action was brought in an improper district.

(b) Entry of Default Judgment. As limited in rule 54(c), judgment after default may be entered as follows, if proof of service is on file as required by subsection (b)(4):

(1) *When Amount Certain.* When the claim against a party, whose default has been entered under section (a), is for a sum certain or for a sum which can by computation be made certain, the court upon motion and affidavit of the amount due shall enter judgment for that amount and costs against the party in default, if he is not an infant or incompetent person. No judgment by default shall be entered against an infant or incompetent person unless represented by a general guardian or guardian ad litem. Findings of fact and conclusions of law are not necessary under this subsection even though reasonable attorney fees are requested and allowed.

(2) *When Amount Uncertain.* If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings as are deemed necessary or, when required by statute, shall have such matters resolved by a jury. Findings of fact and conclusions of law are required under this subsection.

(3) *When Service by Publication or Mail.* In an action where the service of the summons was by publication, or by mail under rule 4(d)(4), the plaintiff, upon the expiration of the time for answering, may, upon proof of service, apply for judgment. The court must thereupon require proof of the demand mentioned in the complaint, and must require the plaintiff or his agent to be examined on oath respecting any payments that have been made to the plaintiff, or to anyone for his use on account of such demand, and may render judgment for the amount which he is entitled to recover, or for such other relief as he may be entitled to.

(4) *Costs and Proof of Service.* Costs shall not be awarded and default judgment shall not be rendered unless proof of service is on file with the court.

(c) Setting Aside Default.

(1) *Generally.* For good cause shown and upon such terms as the court deems just, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with rule 60(b).

(2) *When Venue Is Improper.* A default judgment entered in a district of improper venue is valid but will on motion be vacated for irregularity pursuant to rule 60(b)(1). A party who procures the entry of the judgment shall, in the vacation proceedings, be required to pay to the party seeking vacation the costs and reasonable attorney fees incurred by the party in seeking vacation if the party procuring the judgment could have determined the district of proper venue with reasonable diligence. This subsection does not apply if either (i) the parties stipulate in writing to venue after commencement of the action, or (ii) the defendant has appeared, has been given written notice of the motion for an order of default, and does not object to venue before the entry of the default order.

(d) Plaintiffs, Counterclaimants, Cross Claimants. The provisions of this rule apply whether the party entitled to the judgment by default is a plaintiff, a third party plaintiff, or a party who has pleaded a cross claim or counterclaim. In all cases a judgment by default is subject to the limitations of rule 54(c).

(e) Judgment Against State. [Reserved.]

(f) How Made After Elapse of Year.

(1) *Notice.* When more than 1 year has elapsed after service of summons with no appearance being made, the court shall not sign an order of default or enter a judgment until a notice of the time and place of the hearing on the application for the order or judgment is served on the party in default, not less than 10 days prior to the entry. Proof by affidavit of the service of the notice shall be filed before entry of the judgment.

(2) *Service.* Service of notice of the time and place on the application for the order of default or default judgment shall be made as follows:

(i) by service upon the attorney of record;

(ii) if there is no attorney of record, then by service upon the defendant by certified mail with return receipt of said service to be attached to the affidavit in support of the application; or

(iii) by a personal service upon the defendant in the same manner provided for service of process.

(iv) If service of notice cannot be made under sections (i) and (iii), the notice may be given by publication in a newspaper of general circulation in the county in which the action is pending for one publication, and by mailing a copy to the last known address of each defendant. Both the publication and mailing shall be done 10 days prior to the hearing.



WASHINGTON
COURTS

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October 6, 2017

Ms. Barbara J. Christensen, President
Washington State Association of County Clerks
Clallam County Clerk's Office
223 E 4th St, Ste. 9
Port Angeles, WA 98362-3015

RE: DMCJA Odyssey Portal Access Request

Dear Ms. Christensen:

I am writing you on behalf of the District and Municipal Court Judges' Association (DMCJA) to request that you work with us to have the Administrative Office of the Courts (AOC) create a user profile in the Odyssey Portal which will provide district and municipal court judges with statewide access to all non-sealed documents. I understand that decisions about access will need to be made by the duly elected Clerks in each county, but as President I hope you will be able to convey our needs to the members of your Association as set out below.

District and municipal court judges make thousands of daily decisions that affect public safety, personal liberty, and property interests of the public. These judges conducted over 18,000 hearings last year involving civil protection orders—domestic violence, stalking, harassment, and sexual assault. We were involved in nearly 17,000 felony matters, thousands of domestic violence criminal proceedings, and made release decisions involving persons accused of driving under the influence and other serious matters affecting public safety.

Without ready access to the terms of existing no-contact and protection orders in superior court, judicial officers could be entering orders with conflicting terms. Without access to key information about criminal pleas, judgments and sentences in superior court, judicial officers could decide to release defendants they might not release if they had all of the information available about that defendant. In setting fines and penalties, or allowing defendants to enter payment plans, judicial officers should have access to any civil judgment or order the defendant may already have.

STATE OF WASHINGTON

1206 Quince Street SE • P.O. Box 41170 • Olympia, WA 98504-1170
360-753-3365 • 360-586-8869 Fax • www.courts.wa.gov

Ms. Barbara J. Christensen, President
October 6, 2017
Page 2

There is information contained in superior court documents that is critical for accurate and efficient decision-making by district and municipal court judges. With Odyssey Portal now available, there is finally an efficient way for our judges to obtain instant access to documents from many counties in the state.

District and municipal court judges handle very large caseloads. With the pace of limited jurisdiction caseloads, judicial officers do not have the luxury of the time it would take to call superior court clerks and have them read them the terms of all relevant orders over the phone, nor do they have the time to wait hours for an e-mailed copy, or days for a paper copy of an order to be mailed to them. The integrity of judicial decision-making and the safety of Washington's citizens depends on judicial access to all available information in its most readily available format. For this reason, it is critical that Washington's district and municipal court judges have access to the electronic documents available through the Odyssey Portal. Time is of the essence.

We look forward to working with the county clerks and the Administrative Office of the Courts to promptly address this issue on a statewide basis.

Sincerely,



Judge Scott K. Ahlf
President, DMCJA
Olympia Municipal Court

cc: Ms. Callie Dietz, Washington State Court Administrator, AOC



WASHINGTON
COURTS

District and Municipal Court Judges' Association

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Grant County District Court
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JUDGE AIMEE MAURER
Spokane County District Court
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JUDGE JEFFREY R. SMITH
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Everett Municipal Court
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COMMISSIONER PAUL WOHL
Thurston County District Court
(360) 786-5562

September 20, 2019

Barbara Miner, Clerk
King County Superior Court
516 3rd Ave., Rm. E609
Seattle, WA 98104-2363

Judge James Rogers, Presiding Judge
King County Superior Court
516 3rd Ave., Rm. C203
Seattle, WA 98104-2361

RE: REQUEST FOR FREE ACCESS TO ONLINE COURT RECORDS

Dear Ms. Miner and Judge Rogers:

I am writing on behalf of the District and Municipal Court Judges' Association ("DMCJA"). At its most recent meeting, the DMCJA Board discussed the King County Clerk's Office ("KCCO") practice of charging a fee to judicial officers for online court record access. In the past, judicial officers were able to review essential court records, including records such as various types of evaluations, compliance reports, without cost via the Judicial Access Browser System. At present, the same level of information is not available for King County Superior Court ("KCSC") cases, and judicial officers are now required to pay to access court records. As you may know, judicial officers review court records to obtain a full history of a defendant in order to adjudicate a case. The DMCJA requests that KCCO allows judicial officers free access to its online court records as a professional courtesy and for public safety reasons.

The "right of access to judicial records, like the openness of court proceedings, serves to enhance the basic fairness of the proceedings and to safeguard the integrity of the fact-finding process." See *Dreiling v. Jain*, 151 Wn. 2d 900, 908-909 (2004). Although General Rule 31, *Access to Court Records*, states that a "fee may not be charged to view court records at the courthouse," it is impractical for a judicial officer needing to view the case history of a defendant before the court to physically travel to a court in another jurisdiction to receive the information free of charge.

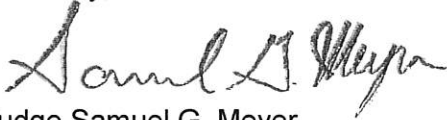
Barbara Miner, Clerk
Judge James Rogers, Presiding Judge
September 20, 2019
Page 2

A full and complete history of a particular defendant is essential to all members of the criminal justice system. Prosecutors require this information in order to make well informed charging decisions, plea offers and sentencing recommendations. Defense attorneys require this information to get a complete understanding of the person they are representing as well as being able to present any mitigating information that may be available.

Judges require this information to craft appropriate orders and sentences. Without this information, defendants might be subject to conflicting orders. As you know, district and municipal courts are high volume courts and numerous decisions are made every day on whether a defendant is held on bail or released into the community. A judicial officer should have all available information about a defendant before making that decision. Without that information some defendants may be released when they would have been held on bail. The integrity and fairness of the judicial process depends on access to all available information.

Thank you for your consideration of our request. Please feel free to contact me with any questions or concerns. I look forward to hearing from you.

Sincerely,



Judge Samuel G. Meyer
DMCJA President

cc: Superior Court Judges' Association (SCJA)
KCSC Executive Committee
Judicial Information System Committee (JISC)
Board for Judicial Administration (BJA)

Superior Court of the State of Washington for the County of King

JAMES E. ROGERS
Presiding Judge

King County Courthouse
Seattle, Washington 98104-2381
Jim.Rogers@kingcounty.gov
(206) 477-1597

October 21, 2019

Judge Samuel G. Meyer, President
Thurston County District Court
2000 Lakeridge Dr. SW, Bldg 3
PO Box 40947
Olympia, WA 98504-0947

RE: Your September 20, 2019 Letter regarding Court Records

Dear Judge Meyer:

Thank you for your September 20, 2019 letter requesting free access to online court records. We are happy to respond and clarify some of the details in your letter.

Your letter states that *“in the past, judicial officers were able to review essential court records, including records such as various types of evaluations, compliance reports, without cost via the Judicial Access Browser system. At present, the same level of information is not available for King County Superior Court (KCSC) case records and judicial officers are now required to pay to access court records.”*

Please let us clarify:

- Whatever was viewable in JABS in the past is currently viewable in JABS, including King County Superior Court records. The EDR went live in July and since then all KCSC records are viewable in JABS, as they were in the past. The EDR implementation included all data from KCSC.
- The requests for copies of KCSC records we receive from limited jurisdiction court judicial officers have been supplied for free. We are happy to continue that service.

Your letter also states: *“A full and complete history of a particular defendant is essential to all members of the criminal justice system....”* Of course we agree with this paragraph and the next one in your letter. We invested over three years' worth of time and over \$7 million in state funds to successfully implement the EDR with AOC so that KCSC data is available in JABS with all the other Washington state court records. Our complete court records are there for everyone who uses JABS.

The EDR will of course be essential to the Limited Jurisdiction (LJ) courts and all of us who use JABS during implementation of the new CLJ-CMS, while courts are migrating between the systems over a many-year period. Without the EDR, that migration would have meant that statewide data would not

Judge Samuel Meyer

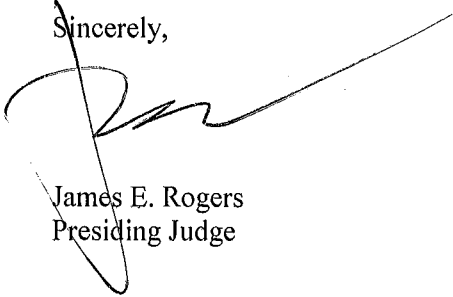
October 21, 2019

Page 2


have a central repository throughout the migration period. We are happy to have blazed the trail both for the LJ courts migrating to the new Odyssey system and for those courts migrating to their own CMS. The EDR is there for all to use now.

We thank you for your inquiry. Why don't we meet to discuss this further? That would be the best way to clear up any misunderstandings. Elizabeth Willoughby, Confidential Secretary to Barbara Miner, will contact you and get a meeting on all of our calendars.

Sincerely,



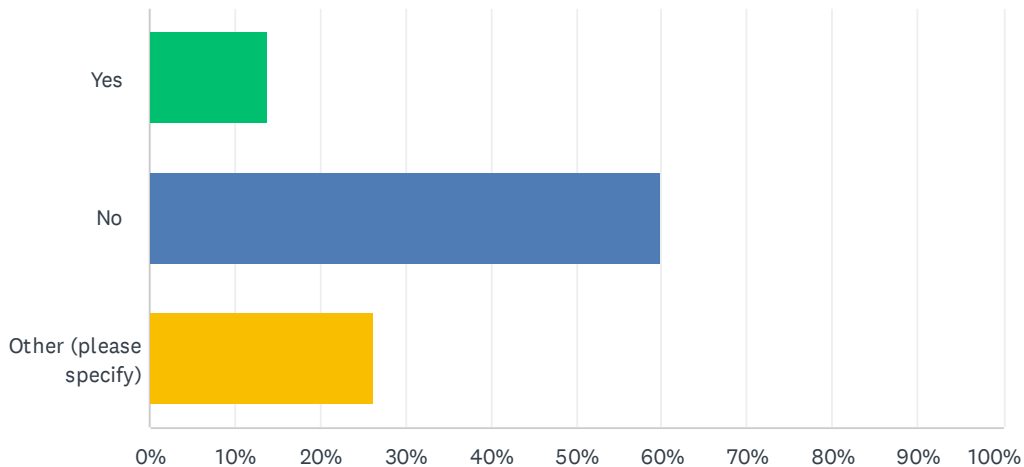
James E. Rogers
Presiding Judge



Barbara Miner
County Clerk

Q3 Does your local County Clerk's Office require you to pay to access/view/print Superior Court documents?

Answered: 65 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	13.85%	9
No	60.00%	39
Other (please specify)	26.15%	17
TOTAL		65

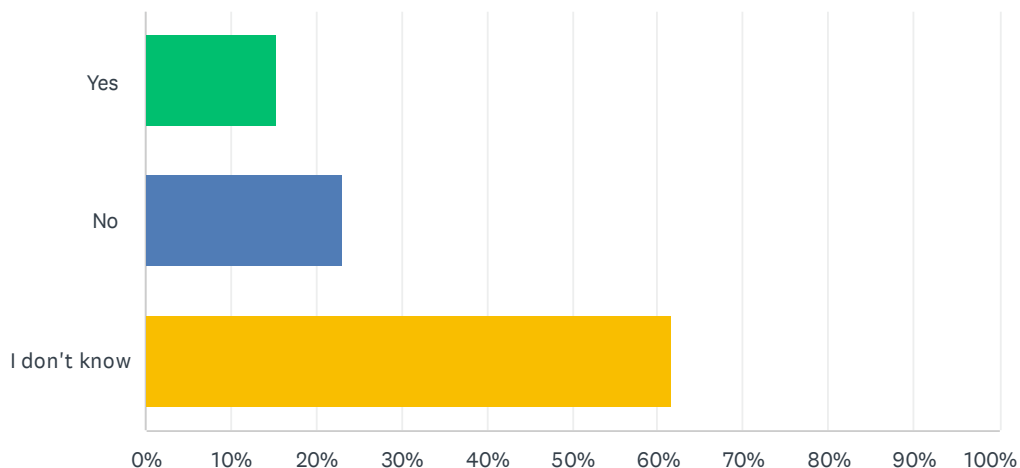
#	OTHER (PLEASE SPECIFY)	DATE
1	Currently don't have access but when we do we won't be charged to view but will charge to print	3/30/2022 4:11 PM
2	we can't access or view Superior Court documents	3/30/2022 1:24 PM
3	Unknown as we do not typically ask for Superior Court documents	3/30/2022 1:19 PM
4	Currently don't have access but when we do we won't be charged to view but will charge to print	3/30/2022 12:59 PM
5	My belief is I may be able to view some but not all and have to pay to print	3/30/2022 9:38 AM
6	I don't know	3/30/2022 9:03 AM
7	For copies, yes. To view actual file in the lobby, no.	3/30/2022 8:37 AM
8	I believe so because I have been told so, but I have not confirmed that independently.	3/26/2022 3:11 PM
9	I have not asked Superior Court for copies or to view a file.	3/23/2022 4:38 PM
10	It does not require the Court to access/view/print Superior Court Documents	3/23/2022 3:48 PM
11	Don't access	3/23/2022 9:20 AM
12	We have no technological access to Superior Court records, period.	3/22/2022 2:02 PM
13	rarely need access, depends on the clerk that responds	3/22/2022 1:55 PM

Access to Superior Court Records

14	I have to verify that I work for the court each year to be able to view LINX without charge.	3/22/2022 12:18 PM
15	No access to records	3/22/2022 12:17 PM
16	I don't know. I have access provided by the Court already as I'm a part time Superior Court Commissioner too	3/22/2022 12:17 PM
17	We have needed any documents	3/22/2022 12:12 PM

Q4 Does your local County Clerk's Office require others in the courts (such as prosecutors or defense attorneys) to pay for access to Superior Court records?

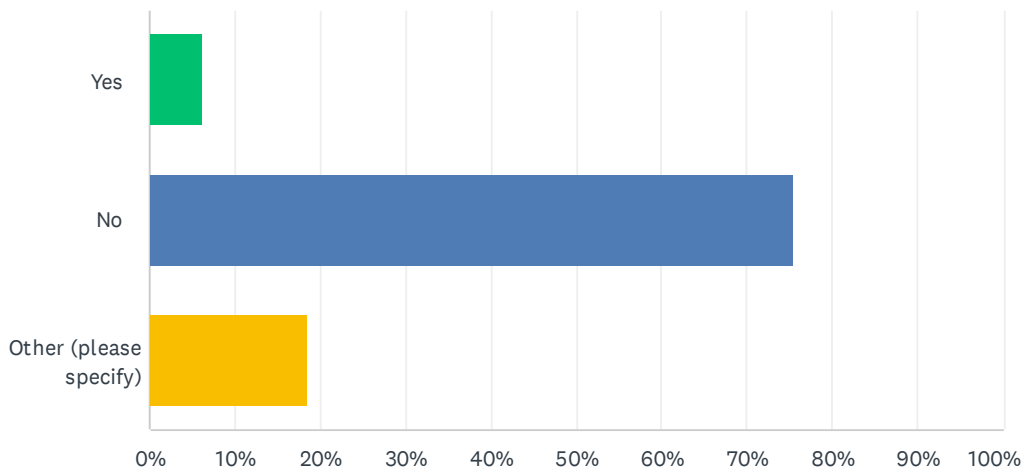
Answered: 65 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	15.38%	10
No	23.08%	15
I don't know	61.54%	40
TOTAL		65

Q5 Do you regularly access or request Superior Court documents from other counties besides your own (e.g. a neighboring county)?

Answered: 65 Skipped: 0

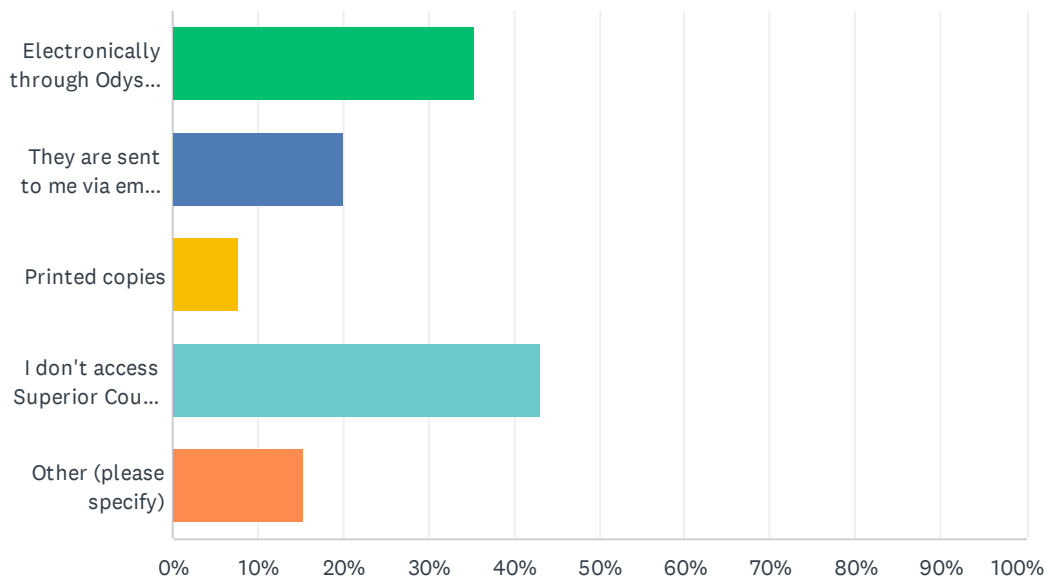


ANSWER CHOICES	RESPONSES	
Yes	6.15%	4
No	75.38%	49
Other (please specify)	18.46%	12
TOTAL		65

#	OTHER (PLEASE SPECIFY)	DATE
1	Occasionally	3/30/2022 2:04 PM
2	I try to but can't	3/30/2022 2:02 PM
3	I regularly review court records in Superior Court cases but do not attempt to access or review documents as it would be too cumbersome to attempt in the middle of a hearing	3/30/2022 9:38 AM
4	I do not because of the cost (at least perceived cost), but might access records if there was no cost and if it was easy.	3/26/2022 3:11 PM
5	Sometimes, I would access or request documents more regularly if access was less complicated.	3/22/2022 3:39 PM
6	However, if we had access through JABS, for instance, I would be checking out of county Superior Court records on a regular basis.	3/22/2022 2:02 PM
7	Occasionally	3/22/2022 12:56 PM
8	Occasionally	3/22/2022 12:45 PM
9	Not regularly, but I would if it was available. I know that I cannot access documents, so I don't try.	3/22/2022 12:31 PM
10	Our prosecutor will request and provide documents from other counties.	3/22/2022 12:18 PM
11	I'm not able to as I would have to pay for access for each county - a horrible waste and denial of access to important info	3/22/2022 12:17 PM

Q6 How do you regularly access electronic Superior Court documents from a County Clerk's Office?

Answered: 65 Skipped: 0



ANSWER CHOICES	RESPONSES	
Electronically through Odyssey Portal or other Case Management System	35.38%	23
They are sent to me via email	20.00%	13
Printed copies	7.69%	5
I don't access Superior Court documents	43.08%	28
Other (please specify)	15.38%	10
Total Respondents: 65		

#	OTHER (PLEASE SPECIFY)	DATE
1	Linx	3/30/2022 1:38 PM
2	I occasionally make a request of the prosecutor to view documents to advise me of contents - most often conditions of release or terms of a protection order	3/30/2022 9:38 AM
3	I contact Superior Court directly	3/30/2022 9:03 AM
4	We have to ask County Clerk's Office for any documents, no electronic access to documents.	3/30/2022 8:52 AM
5	When we do, paper copies.	3/30/2022 8:26 AM
6	I don't access but it would be helpful to be able to access them when defendant is on court monitored probation	3/22/2022 2:36 PM
7	I have one of our clerks call the Clerk of Superior Court.	3/22/2022 2:02 PM
8	We rarely access documents. Typically only with appeal issues.	3/22/2022 1:55 PM
9	Our Superior Court Clerk has to access them via ClerkShare for King County...if they give	3/22/2022 1:18 PM

Access to Superior Court Records

them to her. Sometimes they have to be specially ordered by email, or phone if email isn't answered timely.

10	Due to the requirement to pay, we have done all that we can to avoid accessing the documents from County Clerk's Office.	3/22/2022 12:28 PM
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Q7 Comments:

Answered: 14 Skipped: 51

#	RESPONSES	DATE
1	Courts, prosecutor's and public defenders should not be charged for court documents. Courts, prosecutor, and pd are paid out of general fund dollars and should be funded by the legislature or local legislative branch.	3/30/2022 4:11 PM
2	Our clerk's office does not charge the prosecutor's office but does charge defense counsel including public defenders and private defense--think all or none should be charged. Do not think court's should be getting charged to print documents.	3/30/2022 12:59 PM
3	being able to electronically view from JABS (at least in crminal cases) would be an awesome feature	3/30/2022 9:38 AM
4	Skamania County Clerk's Office electronic imaging program is OnBase, and we have to go through their office for all documents.	3/30/2022 8:52 AM
5	This may be novel, but imagine if we could pull up documents on line via JABS or its successor, so the court could view PC statements of new Superior Court charges? That might produce information that is relevant to setting pre-trial release or imposing sentences. Just a thought.	3/30/2022 8:26 AM
6	I would normally have the court administrator answer these questions, but she is on vacation and will not return before the March 31st deadline.	3/26/2022 3:11 PM
7	We don't have a Superior Court portal. If we need something, we call a clerk and ask for a copy.	3/24/2022 8:12 AM
8	A training on how to access superior court documents and jail registrars would be wonderful! I find myself struggling to find this information at times (and that is most likely my error)!	3/23/2022 7:30 AM
9	It would be very helpful to have access to Superior Court records especially when monitoring a case when a defendant is on court monitored probation and we need to do records checks.	3/22/2022 2:36 PM
10	We would greatly appreciate having access to Superior Court files, to know if charges have been filed, resolved, what pretrial release/sentence conditions were imposed, NCOs entered, etc.	3/22/2022 2:02 PM
11	As a practical matter accessing superior court documents is not possible without great in person effort, we are not part of the county government.	3/22/2022 1:55 PM
12	I would like to have access to all counties' Superior Court records without having to make a separate request (i.e. to King, Pierce, and I think Benton whose documents *look* like they are on Odyssey but because they are stored in LibertyNet are not possible for me to access). I know the little rural courts can't make the largest counties come on board, but it would save me SO MUCH time if everything were accessible via Odyssey so I could see it myself without having to request that a clerk request it from another clerk to send back to my clerk to either send to or print for me!	3/22/2022 1:18 PM
13	I would very much like for our district court judges to all have Odyssey access at least for our own superior court	3/22/2022 12:49 PM
14	I have requested either a clerk or probation officer provide me with necessary reports from jurisdictions outside of Franklin County and they must request copies. Access through Odyssey would be much easier.	3/22/2022 12:31 PM



PROTOCOLS FOR PARTICIPATION IN OFF-SITE, FACE-TO-FACE, WORK-RELATED ACTIVITIES

AOC Leadership intends to protect the health of all employees in our workplace. Requirements stated herein may be stricter than those you see elsewhere. Your understanding and cooperation are appreciated.

In an effort to clarify expectations for staff and stakeholders, this document describes how AOC may authorize employees to engage in off-site, face-to-face, work-related activities. For the purpose of this guidance document, off-site refers to all non-AOC, Supreme Court or Court of Appeals facilities.

1. The decision whether an AOC employee may participate in off-site, face-to-face, work related activities will be made by the employee's division director after the employee submits the AOC [COVID Travel Exception Form](#).
2. AOC is operating under its Pandemic Plan, Phase II, Limited Building Access Operations, which provides:

AOC employees [including managers and supervisors] who CAN telework MUST telework. This is MANDATORY and not optional. This helps to minimize exposure or decrease risk for those who can telework as well as those AOC employees who are unable to telework because their work is tied to the building and open for operations.

Until AOC Leadership determines it is appropriate to move to the next step in the AOC Reentry Plan, it is presumed that employees will not be authorized to participate in off-site, face-to-face, work-related activities.

3. The division director may consider exceptions if the AOC employee has been "fully vaccinated" for COVID-19 as indicated by [Supreme Court Order No. 25700-B-669](#) and [AOC Policy 3.31](#), *COVID-19 Vaccination Requirement for AOC Workers*. The Centers for Disease Control and Prevention (CDC) considers people [fully vaccinated](#) when they have received their primary series of COVID-19 vaccines. The Director will consider factors and conditions such as:
 - a. Event attendees attest either that they are fully vaccinated or have had a negative COVID-19 test within 72 hours of the event. Note: AOC employees are not responsible for verifying this information.
 - b. All invitees (e.g., members, guests, faculty) will be informed in advance that they may not attend the event if they have experienced COVID-19 symptoms in the last 10 days or been in contact with someone who recently tested positive.
 - c. A participating AOC employee must wear an [effective, well-fitting mask](#) in public indoor settings, just as they would if working in any AOC facility.
 - d. Each day before entering any venue, AOC employees will be expected to self-screen for COVID-19 symptoms using the same criteria that are in effect at that time for entry into AOC facilities. See [AOC Building Entry Information: At-A-Glance](#).
 - e. AOC employees who experience COVID symptoms at any time during an event or while in transit to the event must immediately end their participation. For this reason, the employee must have a plan for return transportation that will not expose other AOC employees.
 - f. Event participants are also expected to self-screen daily for COVID-19 symptoms according to the most recent guidance from the state Department of Health.
 - g. Event participants are instructed that they must properly wear [effective, well-fitting masks](#) in public indoor settings during the event. AOC employees are not responsible for monitoring or enforcing compliance, but are instructed to notify their supervisor and end their participation in the event if attendees are not complying with this requirement.
 - h. AOC employees responsible for organizing or staffing an event may obtain and make available KN95 or higher grade masks for their own use and that of other participants.

AOC employees and attendees are encouraged to enable Exposure Notifications on their smartphones to alert users if they may have been exposed to COVID-19.



DMCJA Bylaws Committee Report April 2022

Committee Members:

Judge Hedine, Chair
Judge Ebenger
Judge Green

AOC Staff:

Ms. J Benway

The DMCJA Board requested that the Bylaws Committee propose Bylaws amendments to include the Public Outreach Committee as a standing committee, and to add that Committee's functions to the DMCJA Bylaws. To effectuate this purpose, the Bylaws Committee recommends the following amendments:

Proposed amendments to DMCJA Bylaws Article X **ARTICLE X - Committees**

Section 1. Membership of Committees:

There shall be ~~thirteen~~ fourteen (1314) standing committees and other such committees as may be authorized by the Association and by the President. The standing committees shall be the Nominating Committee, Bylaws Committee, Conference Committee, Legislative Committee, Court Rules Committee, Education Committee, Long Range Planning Committee, Diversity Committee, DOL Liaison Committee, Public Outreach Committee, Technology Committee, Therapeutic Courts Committee, Council on Independent Courts, and Judicial Assistance Services Program. Committee Chairs shall submit written annual reports to the members at the Association's Annual Meeting. In selecting members for the Association's committees, the President should make every effort to assign a member to the member's first preferred committee, even if such assignment increases the committee's size.

Section 2. Committee Functions:

(a) – (k) [no change]

(l) Public Outreach Committee:

(1) The Public Outreach Committee will educate justice partners on the accomplishments and challenges of district and municipal courts.

- (2) The Public Outreach Committee will provide resources for association members to assist in communications with justice partners.



DMCJA Bylaws Committee Report April 2022

Committee Members:

Judge Hedine, Chair
Judge Ebenger
Judge Green

AOC Staff:

Ms. J Benway

The DMCJA Board requested that the Bylaws Committee propose a Bylaws amendment to shorten the period of time required to provide notification of Board of Governors meetings. To effectuate this purpose, the Bylaws Committee recommends the following amendment:

Proposed amendments to DMCJA Bylaws Article VII
ARTICLE VII – Board of Governors

Section 1. Membership:

[no change]

Section 2. Vacancies:

[no change]

Section 3. Meetings:

(a) The Board of Governors shall meet at the call of the President, during the Annual Meeting, and at such other times as the President or a majority of the Board of Governors may deem necessary provided written notice is given to all members of the Board at least ~~40~~ five (5) **OR** three (3) days in advance. Any written notice required by this Article may be given by mail or email. The Association may reimburse the Board of Governors their necessary travel expenses to attend any Board meeting, except in connection with the Annual Meeting.

(b) – (e) [no changes]

TO: Judge Charles Short, President, DMCJA Board
FROM: Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee
DATE: 31 March 2022
RE: Various proposed rules changes
POSITION: Support

The summary attached to this memo lists 10 separate proposed rules changes where the DMCJA Rules Committee recommends support. The proposal for GR 42 may require some additional language for clarity and we have attached a proposal. GR 42(c) states that judicial officers shall not be involved in the selection of attorneys providing public defense services. GR 42(e) is in direct conflict with that provision because it directs judicial officers to assign attorneys in some situations. A simple fix is to add a short statement to section (c) that states 'unless otherwise provided for in this rule.'

Please let me know if you have any questions. I can be reached at 425-744-6803 or jeffrey.goodwin@snoco.org.



Judge Jeffrey D. Goodwin
Snohomish County District Court
DMCJA Rules Committee Chair

CC: DMCJA Rules Committee

Support

Rule / Title	Description	Comment
GR 26 - Mandatory Continuing Judicial Education	BJA proposal to add a CJE requirement of 4.5 hours per reporting period of diversity, equity, and inclusion (DEI)	Support
GR 42 [NEW]	- Independence of Public Defense Services	Comment needed regarding amendment to the proposal.
CJC 2.2 - Impartiality and Fairness	Proposal to amend Comment 4 to include gender identity and gender expression.	Support
CJC 2.3 - Bias, Prejudice, and Harassment	SCJA proposal to amend Comment 4 clarifying the court's ability to provide reasonable accommodations to unrepresented litigants.	Support
CJC 2.6 - Ensuring the Right to Be Heard	SCJA Proposal adding Comment 4 that suggests ways in which the court facilitate the right of the unrepresented litigant to be heard.	Support
CJC / DRJ / RPC / APR / ELC / ER	Eliminate biased and non-inclusive language	Support
CrR 3.3 -Time for Trial	SCJA Proposal that mirrors DMCA Proposal	Support
CrRLJ 2.1 -	WAPA proposal to eliminate Citizen Complaint	Support
CrRLJ 4, 8, 13, 15, 17, 18, 19, 20, 22, 24, 25, 40, 41, 43, 44.1, 46, 47, 49, 51, 54, 55, 56, 58, 59, 73, 75	WSBA proposal for gender neutral language.	Support
Non-Biased Language in Court Rules Project	Consortium to Address Biased and Non-Inclusive Language in Court Rules proposal to replace existing language with neutral words	Support

GR 42

[NEW]

INDEPENDENCE OF PUBLIC DEFENSE SERVICES

(a) Purpose and policy. The purpose of this rule is to safeguard the independence of public defense services from judicial influence or control. Consistent with the right to counsel as provided in article I, sections 3 and 22 of the Washington State Constitution and in Washington statutes, it is the policy of the judiciary to develop rules that further the fair and efficient administration of justice. In promulgating this Rule, the Washington Supreme Court seeks to prevent conflicts of interest that may arise if judges control the selection of public defense administrators or the attorneys who provide public defense services, the management and oversight of public defense services, and the assignment of attorneys in individual cases.

(b) Scope. This rule applies to superior courts and courts of limited jurisdiction.

(c) Selection of the public defense administrator and public defense attorneys. Judges and judicial staff in superior courts and courts of limited jurisdiction shall not select public defense administrators or the attorneys who provide public defense services, unless otherwise provided for in this rule.

(d) Management and oversight of public defense services.

(1) Judges and judicial staff in superior courts and courts of limited jurisdiction shall neither manage nor oversee public defense services, including public defense contracts and assigned counsel lists. Judges should encourage local governments to have attorneys with public defense experience manage and oversee public defense services.

(2) The terms “manage” and “oversee” include: drafting, awarding, renewing, and terminating public defense contracts; adding attorneys or removing them from assigned counsel lists; developing or issuing case weighting policies; monitoring attorney caseload limits and case-level qualifications; monitoring compliance with contracts, policies, procedures and standards; and recommending compensation.

(e) Assignment of public defense attorneys in individual cases.

(1) Consistent with federal and state constitutions, applicable statutes and rules of court, the role of judges and their staff in the assignment of a specific attorney in an individual case is to: a) determine whether a party is eligible for appointment of counsel by making a finding of indigency or other finding that a party is entitled to counsel; or b) refer the party for an indigency determination; and c) refer the party to a public defense agency or a public defense administrator

to designate a qualified attorney. Alternatively, a public defense administrator may, prior to a court hearing where eligibility is determined, designate a qualified attorney to be appointed if the court finds the party is eligible.

(2) If there is no public defense agency or administrator, a judicial officer should appoint a qualified attorney, on a rotating basis, from an independently established list of assigned counsel or contractors.

(3) If no qualified attorney on the list is available, a judicial officer shall appoint an attorney who meets the qualifications in the Supreme Court Standards for Indigent Defense.

(f) Necessary services and substitution of counsel. This rule does not limit a judicial officer's authority to grant a motion for necessary investigative, expert, or other services, or to appoint counsel in individual cases when substitution of counsel is required or requested. Substitution of counsel should be made as provided in (e) above.

(g) Effective Date of Rule. This rule will go into effect days after its adoption by the Supreme Court.

Comment

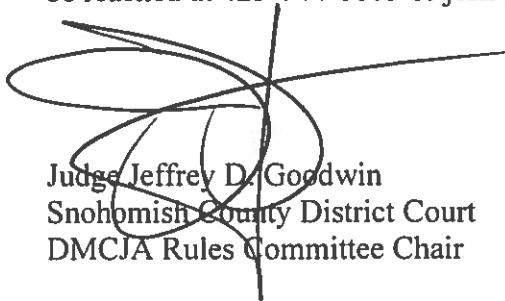
[1] This rule does not alter judges' obligation to ensure that public defense attorneys have certified their compliance with the Supreme Court's Standards for Indigent Defense.

[2] This rule does not preclude judges from communicating information about a public defense attorney's performance to the public defense agency or administrator. Following such communication, judges shall have no role in determining what actions, if any, the public defense agency or administrator takes in response to that communication.

[3] This rule does not preclude judges from providing information on an attorney's performance, in response to requests from public defense agencies or administrators, requests from the Washington State Bar Association, and for example, requests for information made by a judicial candidate evaluation committee.

TO: Judge Charles Short, President, DMCJA Board
FROM: Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee
DATE: 31 March 2022
RE: Various proposed rules changes
POSITION: No Position

The summary attached to this memo lists 20 separate proposed rules changes where the DMCJA Rules Committee recommends No Position. Please let me know if you have any questions. I can be reached at 425-744-6803 or jeffrey.goodwin@snoco.org.



Judge Jeffrey D. Goodwin
Snohomish County District Court
DMCJA Rules Committee Chair

CC: DMCJA Rules Committee

No Position

Rule / Title	Description	Comment
GR 11 - Court Interpreters	Interpreter Commission proposed amendment authorizing court to “provide vital information necessary to access judicial proceedings in languages other than English	No position
GR 11.1 - Purpose and Scope of Interpreter Commission	Interpreter Commission proposed amendment increasing size of commission from 15 to 20 members and outlining commission responsibilities.	No position
APR 6 -	WSBA proposal to modify requirements for APR 6 program.	No position
RPC 8.4 - Misconduct	Proposal to add gender expression and gender identity.	No Position
CrR 4.2(g) - Pleas	Washington Pattern Forms Committee proposal to amend the felony plea form.	No Position
ELC 3, 4, 4.1, 4.3, 5.1, 5.3, 5.7, 7.2, 14.3, and 15.1	WSBA Proposal regarding Enforcement of Lawyer Conduct	No Position
RALJ 6.2 - Transmittal of Record of Proceedings	WSBA Proposal for Court Clerk to number the pages of the record of proceedings	No Position
RALJ 10.3 - Extension and Reduction of Time	WSBA proposal correcting grammar, capitalization and wording. No substantive changes.	No Position
RALJ 11.2 - Lawyer's Fees and Expenses	WSBA proposal changing the word ‘Lawyer’ to “Attorney” in rule heading.	No Position

RALJ 11.7 - Application of Other Court Rules	WSBA proposal updating language. No substantive changes	No Position
RAP 2.2 - Decisions of the Superior Court That May Be Appealed	WSBA proposal to Add a comment to the rule that a summary judgment order disposing of all claims constitutes a final judgment that starts the 30 day appeal period.	No Position
RAP 2.5 - Circumstances Which May Affect Scope of Review	Chief Justice Gonzalez's Law Clerk's Replaces the term 'meretricious relationship' with the term 'committed intimate relationship'.	No Position
RAP 9.2 – Verbatim Report of Proceedings	Court of Appeals Rules Committee proposal addressing failure to pay costs of preparation of the verbatim report of proceedings.	No Position
RAP 10.4 – Preparation and Filing of Brief by a Party	Court of Appeals Rules Committee proposal to abbreviate Administrative Records as 'AR'.	No Position
RAP 10.8 - Additional Authorities	Court of Appeals Rules Committee proposal addressing additional authorities.	No Position
RAP 16.9 - Personal Restraint Petition - Response to Petition	Court of Appeals Rules Committee proposal setting a limitation on responses to PRPs	No Position
RAP 17.2 - Who Decides a Motion	Court of Appeals Rules Committee proposal that a commissioner referral of a motion to the judges is not reviewable.	No Position
RAP 18.9 - Violation of Rules	Court of Appeals Rules Committee proposal addressing sanctions for violation of RAP.	No Position
CrRLJ 2.1 - Complaint—Citation and Notice	Chief Justice proposal to correct RCW citation in Rule.	Comment supporting WAPA request to delete citizen complaint provisions
CrRLJ 4.8 - Subpoenas	WDA proposal to make subpoena provisions in CLJs the same as superior court.	No Position

TO: Judge Charles Short, President, DMCJA Board
FROM: Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee
DATE: 22 March 2022
RE: Proposed Amendment to APR 9
POSITION: Oppose

“You know nothing, Jon Snow”
Ygritte, Game of Thrones

This proposal from the Law Schools at University of Washington, Seattle University, Gonzaga, and the WSBA would expand the current Rule 9 program and permit law students that have completed one year of law school and who are under the supervision of a law school clinic to try hearings and trials in CLJs. APR 9(e)(1)(d) would still require the law student meet the participation and observation requirements by the supervising attorney prior to handling proceedings without the presence of the supervising attorney.

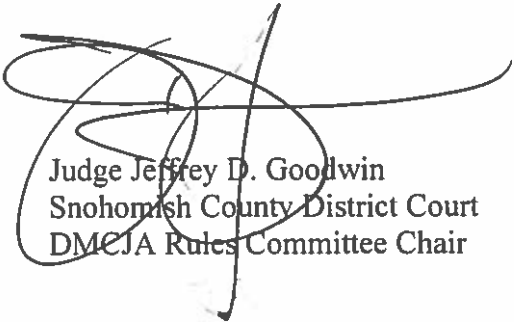
A first-year law student at the University of Washington is required to take Introduction to Perspectives on the Law, Contracts, Civil Procedure, Property, Torts, Criminal Law, Legal Analysis, Research, and Writing, Constitutional Law, and Transnational Law. Evidence is not substantively covered until the student’s second year.

APR 9(e) outlines the scope of practice permitted under the rule and is unchanged by this proposal. After a reasonable period of supervision and participation with the supervising attorney, an intern is permitted to try hearings, nonjury trials, or jury trials in Courts of Limited Jurisdiction (CLJs). The DMCJA Rules Committee opposes a rule that permits a second-year law student to represent a defendant in criminal proceedings in the absence of the supervising attorney.

We recognize the benefits identified in the GR 9 cover sheet to both the law student and the bar generally from increased exposure to real-world practice. We make no objection to any other scope of practice area for these inexperienced attorneys-to-be. We would not be objecting if the supervising attorney were required to be present for CLJ hearings and trials. However, we adamantly believe a second year law student, in the absence of their supervising lawyer, lacks the formal training necessary to defend someone facing a deprivation of their liberty.

We urge the Supreme Court Rules Committee to exempt APR 9(e)(1)(A) and (D)(2) from the scope of practice allowed for a law student that has not completed at least two years of law school education, regardless of their participation in any law school legal clinic.

Please let me know if you have any questions. I can be reached at 425-744-6803 or jeffrey.goodwin@snoco.org.



Judge Jeffrey D. Goodwin
Snohomish County District Court
DMCJA Rules Committee Chair

CC: DMCJA Rules Committee

Suggested Amendments

ADMISSION AND PRACTICE RULES (APR)

Rule 9. Licensed Legal Interns

A. Proponents:

University of Washington School of Law

Seattle University School of Law

Gonzaga University School of Law

Washington State Bar Association

B. Spokespersons:

Lisa Kelly, Bobbe and Jon Bridge Professor of Child Advocacy Emeritus

University of Washington School of Law

Renata Garcia de Carvalho, Chief Regulatory Counsel

Washington State Bar Association

C. Purpose:

The proponents propose an amendment to APR 9, Washington's licensed legal intern rule, to permit law students in good academic standing who have completed one-third of the prescribed law school curriculum to be licensed as legal interns so long as they are under the supervision of a clinical law teacher. The purpose of this suggested amendment is to bring Washington in line with national law student practice norms as well as current trends in legal education, which support more practical training experience.

The proponents also propose suggested amendments to allow Master of Laws (LLM) graduates of American Bar Association (ABA) approved law schools who qualify to sit for the bar exam in Washington to be eligible for the Rule 9 license, to clarify possible action by the Washington State Bar Exam (WSBA) for licensed legal intern misconduct, and to update various terms throughout the rule to allow for electronic processing and handling of Rule 9 documents and procedures.

I. APR 9(b)(A) – Law School Clinic Eligibility

a. Overview

The Washington State Bar Association and Washington State's three law schools urge amending APR 9 to expand eligibility for Licensed Legal Intern status to those law students who have

completed one-third of their law school curriculum and are enrolled in a clinical law course. The current rule confers eligibility only on those law students who have completed two-thirds of the curriculum. The proposed amendment maintains the two-thirds requirement for those law students who are in externships or employment arrangements. It also does not touch upon the current eligibility requirements for those in the law clerk program. This proposal will support the creation of a more logical and cohesive experiential law school curriculum that will better prepare students for the practice of law, align Washington State with national norms, help with the recruitment and retention of a more diverse student body, expand access to justice, assist in the administration of justice, and provide benefit to the bar and clients through more prepared graduates.

This amendment is supported by the Deans of all three law schools and was approved by the WSBA Board of Governors on July 16, 2021.

b. Rationale in Support of Suggested Amendment to APR 9(b)(A)

i. The Suggested Amendment is Consistent with Trends in Legal Education

Legal education has been on a slow but steady path of change in response to pressures from a wide range of constituencies including students, the bench, the bar, and broader society. Calls to recognize the profession's exclusivity and the law's effects on social justice, both for good and ill, have re-emerged and grown increasingly urgent. Law schools are called to admit, retain, and prepare a more diverse student body to enter an increasingly complex and demanding legal profession. In this context, it is critical that law students have a curriculum deliberately designed to ensure their success and readiness to enter the profession. APR 9, commonly known among educators as the Student Practice Rule, is a key element in that curriculum design.

The pressure on law schools to develop new pedagogies with clear learning objectives relevant to the practice of law has been building for a considerable amount of time. At least three influential reports in the past three decades have asked legal education to re-imagine itself. In 1992, the ABA's Task Force on Law Schools and the Profession issued what is commonly referred to as the *MacCrate Report*, which enumerated and called upon law schools to address the fundamental professional skills and professional values necessary for competent, ethical representation.^[1] The *MacCrate Report* emphasized the importance of clinical and other experiential learning opportunities.^[2] In 2007, *The Carnegie Report* was published, exhorting law schools to rethink their curricula to be more in line with other professional schools providing students with opportunities to develop not only an intellectual understanding of the discipline at hand but also a professional identity attained through opportunities to practice.^[3] Also in 2007, a group of law faculty issued *Best Practices*,^[4] which sought to operationalize the concerns of both the *MacCrate Report* and the *Carnegie Report* by recommending a curriculum that would better prepare students for practice upon graduation.

The integration of experiential learning into the law school curriculum expanded in 2017 when the American Bar Association (ABA) amended its accreditation standards, requiring each student to take one or more experiential courses totaling at least 6 credit hours.¹⁵¹ The pace of curriculum reform in legal education may be slow, but today's law schools do provide more opportunities to learn lawyering skills than law schools of the pre-*MacCrate Report* era. All three of Washington's law schools have well-established and robust clinical law programs. At the University of Washington, students can choose from among eleven different clinical offerings, staffed by 16 faculty.¹⁶¹ Seattle University offers thirteen different clinical courses taught by 11 faculty.¹⁷¹ Gonzaga law students have nine clinics from which to choose with 11 faculty at the helm.¹⁸¹

Not only do these clinics provide students with opportunities to practice under faculty supervision, but they also address a wide variety of unmet legal needs. Clinic clients are unable to afford private counsel and are often clients of color. The needs that arise give students the opportunity to engage with some of the most urgent issues of our time—the school-to-prison-pipeline, housing justice, immigration, civil rights, LGBTQ+ rights, and workers' rights, to name just a few of the current offerings.

Clinical law programs offer students a balanced blend of substantive knowledge, practice opportunities, and reflection on both their individual performance and the law's capacity to effectuate social justice. While clinical learning goals vary based upon the unique clinical offering, the typical clinic pedagogy—prepare, perform, and reflect—allows clinic students to practice law in slow motion. The critical role of reflection teaches students the critical skill of how to learn from practice, a skill that is essential and transferable to all practice settings.

Clinic pedagogy has three distinct components—the classroom, the supervision session, and the work performed outside of the law school building. The classroom component allows students the space to come together to learn the skills and substantive knowledge necessary to work on their cases. Typical classroom exercises include roleplays of interviews, client counseling sessions, and mock hearings involving the real-life cases assigned. As the academic semester or quarter progresses, case rounds become a critical part of most clinic classrooms in which strategic and ethical issues are raised and solutions are brainstormed.

Supervision meetings are a critical part of clinical teaching. In most clinics, students work in teams of at least two, which also enables them to learn the important professional skills of collaboration and joint problem-solving. The professor meets with each clinical team on a weekly basis, sometimes more often when case needs demand it. Every step in a case is analyzed and prepared for—from the client interview to research of possible strategies, to the drafting of pleadings, through participation in any court proceedings.

Another salient tenet of clinical pedagogy is the commitment to student “case ownership.” This means that students are the main point of contact with clients and execute all the work required in any case for which they are responsible. Student case ownership is of course subject to meticulous faculty supervision. This means, for example, that the clinical professor will require a

student to write multiple drafts of pleadings, briefs, even important emails, before permitting the correspondence or pleadings to leave the clinic office.

Clinics are not the only experiential educational offering that students have available to them. Externship programs also engage students in real-life practice while earning law school credit. Each of Washington's three law schools have well-developed Externship programs which are managed by an Externship Director who helps facilitate students' matching with an appropriate field placement. Externships generally have a seminar component staffed by law school faculty as well. Externship seminars address basic skills and professionalism, but the actual supervision of the student work is left to the attorneys in the field, who are carrying their own cases as well.

At the University of Washington, Seattle University, and Gonzaga University, databases containing hundreds of externship opportunities are maintained. While the type of placements involved vary tremendously, externships historically have fallen into one of the following categories: judicial; criminal prosecution; criminal defense; and a wide variety of nonprofits and government offices.

Externship placements may occur during the academic year or the summer. Students earn externship credits in either part-time or full-time externships; the latter allowing them the opportunity to become immersed in the professional life of the office to which they are assigned.

APR 9 determines when law students will begin to exercise their lawyering skills in the real world of state-court practice under the supervision of a qualified supervising lawyer. It allows the licensed legal intern to engage in most critical lawyering functions either with or without the presence of the supervising lawyer. The rule itself details the functions that can be performed and in what context, but in general the licensed legal intern can engage in interviewing, counseling, and negotiation without the presence of the supervising attorney, can draft pleadings and correspondence if also signed by the supervising attorney, and can appear without the attorney for the presentation of agreed and *ex parte* orders.¹²¹ After "a reasonable period of in-court supervision" or supervised appearances in administrative hearings, a licensed intern can also appear without supervision for misdemeanor matters, for hearings before courts of limited jurisdiction, and can appear in administrative proceedings in which a nonlawyer representative is not permitted.¹²⁰ However, licensed legal interns may not conduct depositions or appear in superior court or the Washington Court of Appeals without the presence of a supervising lawyer.¹²¹

Washington's current student practice rule only allows those law students who have completed the equivalent of the second year of law school to be recognized as licensed legal interns.¹²² Given that most clinics are only offered during the academic year, this means that students who wish to gain experience in state court must wait until their third year of law school to work under the close supervision of a faculty member.

The suggested amendment would allow law students who have completed one-third of the law school curriculum *and* are enrolled in a clinical law course to be eligible to serve as licensed legal interns. This earlier, more heavily supervised practice experience is consistent with the

overall trend in legal education to integrate practice with classroom learning after the doctrinal rigors of the first year.

The suggested amendment also makes for a more rational sequencing of experiential courses. As described above, clinics allow students the opportunity to practice law in slow motion with a focus on skill development and professional identity. By contrast, externships introduce law students to the often fast-paced real world of law practice where they often engage in high volume case work. Very few externship field supervisors who have their own caseloads have the time for role plays, mock hearings, or multiple drafts of documents characteristic of clinical practice. Research shows that externships provide fewer opportunities for students to discuss ethical issues than clinics do.^[13] This discrepancy is likely due to the constraints of client confidentiality that inhibit discussions of specific case work in the externship seminar as well as the difference in role of the externship law office supervisor and a faculty member with clear teaching goals. These same confidentiality concerns also restrict the ability of students to engage in reflection on what they are learning from their cases in the externship seminar. Therefore, the foundational skill of learning from practice is not as easily developed in the externship seminar as it can be in the clinic seminar where students freely exchange the details of their cases with one another.

By allowing second-year students to engage in skill development and careful consideration of ethical issues under the close supervision of a clinical faculty member whose primary responsibility is teaching, students are provided a solid foundation as they move into the externship setting. There they will be able to take the lessons of the clinic and apply them to a larger volume of cases and without the step-by-step instruction provided in the clinical professor.

In short, clinics and externships are both integral pieces of preparing students for practice. Maximizing the benefit to be gained from each requires a more deliberate sequencing that will be supported by the suggested amendment allowing second-year clinic students a limited license to practice law under APR 9.

ii. The Suggested Amendment is Consistent with National Norms

If Washington were to amend APR 9 as suggested here, it would join the majority of states with student practice rules that allow law students a limited license prior to their third year of law school.^[14]

States allowing students to practice during the second year vary in the specifics of their rules. A large number take the moderate approach suggested here and allow clinic students to practice sooner than non-clinical students who must wait until the third year.^[15] Even more states allow all second-year students to practice, without reference to clinic enrollment.^[16] Another large group of states use the halfway mark as the dividing line, allowing all students to practice in the middle of their second year.^[17] A handful restrict all student practice to the clinical context, regardless of whether the student is a 2L or 3L student.^[18]

The proponents of this suggested amendment advise against using the halfway point as the demarcating line here in Washington State. Many of the clinics offered in our law schools'

Clinical Programs are yearlong. Some clinics centered in state court practice have students enrolled for the entire academic year in order to provide them with the most satisfying and educationally beneficial clinical experience of seeing a case through from beginning to end. Therefore, making students Rule 9 eligible at the beginning of the year means the student will be able to see the case through from beginning to end. Clients also benefit from the continuity of representation when a student is able to remain on board throughout the life of the case. Making clinic students wait until they are halfway through their second year would thwart the underlying pedagogical purpose of this suggested change. In addition, the halfway mark would be particularly punitive for students at the University of Washington which operates on a quarter system. Requiring students to wait until they have met or exceeded the halfway point would result in the UW clinic students only being able to appear in cases for one eight-week period at the end of their second academic year.

The amendment suggested here strikes an appropriate balance among the approaches offered nationally. It is tailored to the particular needs of our state's law schools and their students while also ensuring that clients receive quality legal representation from law students at all stages of their education.

iii. The Suggested Amendment Yields Significant Ancillary Benefits

In addition to achieving the primary goal of better preparing law students for the practice of law, the suggested amendment will also result in several significant ancillary benefits. These benefits include: 1) providing law offices and clients with better prepared law students and law graduates; 2) increasing capacity to retain a truly diverse student body through early and strong clinical programming; 3) increasing access to justice in the state courts for the people of Washington state; and 4) improving the administration of justice by reducing the number of *pro se* litigants in Washington's courts.

1. The Suggested Amendment Benefits the Bar and Clients by Better Preparing Graduates to Practice

The changing economics of a twenty-first century law practice has been among the strongest drivers for change in legal education.^[19] Whether it is Big Law responding to client demand for more efficient and transparent service provision, small and solo practice firms needing to make their services more affordable, or public interest organizations responding to ever-increasing demand for their services, the practice of law feels the pressure to make every billable or trackable hour count.^[20] Gone are the days of lengthy mentoring periods for new lawyers.

These pressures have led to calls for practice-ready law graduates.^[21] Given that the practice of law is increasingly specialized and always changing, it is unrealistic to demand that each law graduate be fully practice-ready for all of the possible types of opportunities that exist.^[22] However, allowing students to begin building their skills in the second year will provide the graduating law student with a better developed set of foundational lawyering skills and a stronger sense of professional identity.

The benefits of this expanded access rule would also extend to summer employment between the second and third year of law school. Those students with clinical experiences in state court practice in their 2L year will be that much more prepared to be effective contributors to the law offices that hire them. Ultimately, these benefits to future employers redound to the benefit of clients who will not only have more efficient junior counsel working on their matters but also will have more experienced, competent services rendered.

2. Addressing Retention of a Diverse Student Body through Early Student Engagement in Strong Clinical Programs

In the wake of the uprisings of 2020, the call for diversity, equity, and inclusion within legal institutions has grown increasingly louder. Washington General Rule 12.2 charges the Washington State Bar Association (WSBA) with the mission to “promote diversity and equality in the courts and in the legal profession.”^[23] In furtherance of this goal, the WSBA has joined the Washington Race Equity & Justice Initiative,^[24] which acknowledges that “[t]he effects of bias and structural racialization are especially damaging to the social fabric of our democracy when they are woven into the law, legal profession and justice system, where they can weaken the ability of these systems to safeguard equity and justice under the rule of law.”^[25] The WSBA is committed to “change structures, policies, processes, and practices in the law, legal profession, and justice system that allow harm and disparate outcomes for Black, Indigenous, and communities of color to continue unabated.”^[26]

Among the racialized harms and disparate outcomes that land right on the doorstep of law schools is the ongoing structural racism that excludes people of color from the profession itself. Structural racism embedded in legal education deters people of color from applying.^[27] It keeps law schools from admitting people of color when they apply.^[28] And it subsequently drives people of color out of the institution once they are admitted.^[29] While the suggested amendment to APR 9 cannot address the problems surrounding admissions criteria and its impact on recruiting students of color is not well-studied, an amended APR 9 would contribute to creating learning environments early in the curriculum that support the retention of students of color.

Law students of color report that they lack a sense of belonging in law school.^[30] These feelings of alienation and isolation are likely among the drivers for the high attrition rates experienced by Black, Indigenous, and Latinx law students. Certainly, achieving a critical mass of students of color through better recruitment and admission practices will go a long way towards creating learning environments that embrace all students. However, curriculum also matters in retaining students once they are admitted. Expanding Rule 9 clinical offerings to the second year has a significant impact on the law school curriculum.

A recent national survey of law students of color indicated that curricular offerings that acknowledge privilege and equity concerns can make a difference in the well-being and sense of belonging that students of color experience. Students of color reported a dearth of learning opportunities that allow them to “reflect on their own backgrounds, connecting these with ongoing racial tensions, gender equity, and broader social justice goals.”^[31] There are many ways

that law schools can address this need for change in every aspect of their curriculum. However, clinics are already meaningfully engaging in the type of teaching and learning that answers these needs. The small, collaborative environment of clinics is an ideal place for community building, critical thinking about privilege and equity, and learning through the dynamic teachable moments that practice provides.

Prior research has established the critical role that clinics play in student engagement and academic success.^[32] Students who may have felt intimidated in the larger doctrinal classrooms often regain their confidence and sense of achievement in clinics.^[33] Furthermore, students who participate in clinics are more likely than non-clinical students to receive feedback that nurtures their ongoing interest in the practice of law.^[34] Allowing students access to clinics with Rule 9 practice opportunities sooner rather than later will support the well-being and academic success of all students.

3. The Suggested Amendment Will Expand Access to Justice

There is no shortage of unmet legal need in Washington.^[35] The demand for legal assistance continues to expand and diversify. The longstanding vacuum in legal services for family law matters is well known, but more recently, unmet legal needs surrounding housing, health care, consumer credit, employment, and the collateral consequences of the criminal legal system are being recognized.^[36] The Washington Supreme Court Task Force on Civil Legal Needs' most recent report found that “[m]ore than three-quarters (76%) of those who have a legal problem do not get the help they need.” Most low-income people, particularly those who are the survivors of domestic violence or sexual assault, face not just one legal problem, but a complex web of legal challenges.^[37] Clinical law programs provide representation to clients whose legal needs would otherwise not be met. Allowing 2Ls to practice in the state courts of Washington will augment the resources available to address this staggering need.

The exclusion of 2Ls from the student practice rule has shaped the clinical offerings that are available to students, which in turn has artificially constrained law schools' full participation in educational programming that could help to improve access to justice. Due to the inability to involve 2Ls in state-court practice and the demand among 2Ls for clinical opportunities, the three law schools have looked to other types of clinical offerings that would allow 2L participation outside of state court proceedings. To the extent that state-court practice clinics are offered, they often are undersubscribed because students have opted for a 2L clinic experience and 3L externship. With the opening of the student practice rule to 2Ls, the ability to satisfy unmet legal needs in state courts will expand as clinical programs are freer to design a broader range of clinics to meet the 2L demand that will arise for them.

While it is true that clinic student caseloads are deliberately small, the typical approach with each client is very thorough, which often leads to uncovering and addressing the multiple legal needs that the client faces. In this way, clinics are ideally situated to provide holistic and effective representation for those most in need.

Research has shown that students who participate in clinics are oriented towards valuing public service in their future legal careers.^[38] Therefore, clinics also contribute by familiarizing the

state's future bar with the importance of meaningful pro bono representation, thereby expanding access to justice for low-income people into the years to come.

Expanding clinical opportunities to include second-year students creates an access to justice multiplier effect that goes far beyond the services provided by individual students in current clinics. By amending APR 9 as suggested here, new clinics addressing unmet legal needs in state court can be envisioned and, in turn, those students who participate will be prepared and incentivized to assist in pro bono work as they enter into the profession.

4. The Suggested Amendment Will Assist in the Administration of Justice

To the extent that access to justice is improved, the administration of justice is improved as well. As acknowledged by the policies underlying the Superior Court Statistical Reporting Manual, “[p]ro se litigants ... place an additional workload on judicial and clerical resources because of their limited familiarity with legal issues and the court environment.”^[39]

These sentiments are consistent with an ABA Coalition for Justice survey of judges on the impact of *pro se* litigants in the courts.^[40] Not surprisingly, 86% of the respondents felt that courts would be more efficient if all parties were represented.^[41] The impact on the administration of justice goes beyond merely slowing down processes as *pro se* litigants struggle to find their way through a foreign system. Having unrepresented parties affects the quality of justice itself. Judges also expressed concerns that *pro se* litigation decreased the likelihood of a fair representation of the facts and compromised the impartiality of the court as it sought to aid *pro se* litigants in the interests of avoiding injustice.^[42]

Amending APR 9 to expand clinical law student access to the state courts is an important step towards decreasing the overall rate of *pro se* appearances, which will benefit not only the litigants themselves but the courts as well.

iv. Rationale for Specific Language in the Suggested Amendment

The current APR 9 provision requires the law student to have “successfully completed not less than two-thirds of a prescribed three-year course of study or five-eighths of a prescribed 4-year course of study.” The proponents of this suggested change believe that the reference to a 4-year course of study was intended to reference Seattle University’s part-time law school program, which itself has evolved over time.

The proponents have simplified the reference to the law school curriculum by eliminating the three-year versus four-year distinction, instead referencing only that the student must have completed one-third of the prescribed law school curriculum if enrolled in a clinic or two-thirds if not. This choice was made in order to be inclusive of all of the varieties of law school curriculum that have arisen or may arise in the future. For example, since this rule was established Gonzaga University has both a part-time program and the “3+3 Program,” which prescribes specific pathways for students to earn their undergraduate and law degrees in six years instead of seven.”^[43] Given the possibility for these and other unanticipated innovations in legal education in the future, the proponents believe that the suggested amendment will allow for

maximum flexibility while maintaining the structure that adheres closely to the more common 3-year full-time student trajectory.

c. APR 9(b)(4) – APR 6 Eligibility

Law students and law clerks are eligible for rule 9 licensure upon partial completion of their course of study. Law students, in addition to being eligible to apply while attending law school, are also eligible to apply within nine months of graduation. This flexibility is not afforded to law clerks who are currently only eligible to apply while in the program and not upon completion. The proposed amendment is intended to address this discrepancy by allowing individuals who have completed the APR 6 law clerk program to qualify for the rule 9 license. Generally, most law clerks are licensed under APR 9 during the course of the law clerk program. However, if a clerk does not for some reason, the clerk should have the same opportunity to apply after completing the program as would a J.D. graduate from a law school.

d. APR 9(b)(5) – LL.M. Graduate Eligibility

This amendment would allow certain LLM graduates of ABA approved law schools to qualify for the rule 9 license. Currently, under APR 3(b)(4), J.D. graduates of non-ABA law schools and graduates of foreign law schools can qualify for the bar exam if they earn an LLM from an ABA approved law school, but they are not eligible for a rule 9 license. This amendment is intended to address this discrepancy and increase equitability of the rule 9 license. In the past few years, the WSBA has received inquiries from some LLM graduates who would like to have a rule 9 license while they are in the exam and admission process. These LLM graduates who are intending to practice law in Washington and who qualify for the bar exam in Washington should be afforded the same opportunity to gain practical experience prior to entering the profession just as J.D. graduates would.

e. APR 9(d) – Application

This proposal is related to misconduct by a licensed legal intern. The proposed amendments would clarify and broaden the conduct that could result in the Bar taking action on the rule 9 license. In addition, it removes the language about forfeiture of the privilege to take the bar exam, as that privilege can only be denied by the Supreme Court.

f. APR 9(h) – Term of Limited License

The suggested amendment to increase the maximum period of the Rule 9 license follows from the suggestion to begin the license 12 months earlier under the law clinic proposal. This would allow those law students who receive a Rule 9 license in their second year to be able to have a sufficient license period after graduating while awaiting bar exam results and admission to practice. APR 9(h) limits the validity of the license to no later than 18 months after graduation which will prevent law students who receive the Rule 9 license late in law school from having the license for an unreasonable length of time after graduation.

g. Technical Amendments and Modernization

There are several suggested amendments that are technical in nature or serve to update the procedural rules regarding administration of the of the application and licensing processes in APR 9. These amendments would allow for electronic delivery and other alternative methods of handling the administrative procedures rather than through the use of physical documents or “snail” mail.

D. Hearing:

The proponents do not believe that a public hearing is necessary.

E. Expedited Consideration:

The proponents do not believe that exceptional circumstances exist to justify an expedited consideration of the proposed change.

F. Supporting Materials:

1. Suggested Amendments to APR 9 (Blackline)
2. Suggested Amendment to APR 9 (Clean Draft)
3. Joint letter from Washington law school deans dated May 3, 2021
4. Letter from University of Washington School of Law leadership team dated May 5, 2021
5. Letter from University of Washington School of Law Externship Program Director dated September 24, 2021
6. Letter from Seattle University School of Law Externship Director dated September 24, 2021
7. Order dated May 15, 2020, temporarily amending Admission and Practice Rules

APR 9
LICENSED LEGAL INTERNS

(a) [Unchanged.]

(b) **Eligibility.** To be eligible to apply to be a Licensed Legal Intern, an applicant must have arranged to be supervised by a qualifying lawyer and:

(1) Be a student duly enrolled and in good academic standing in a J.D. program at an approved law school who has:

(A) successfully completed not less than one two-thirds of a prescribed ~~3-year~~ law school course of study if enrolled in a law school clinic in compliance with this rule or five-eighths two-thirds of a prescribed ~~4-year~~ law school course of study if not enrolled in a law school clinic; and

(B) obtained the written approval of the law school's dean or a person designated by such dean and a certification by the dean or designee that the applicant has met the educational requirements; or

(2) Be an enrolled law clerk who:

(A) is certified by Bar staff to be in compliance with the provisions of APR 6 and to have successfully completed not less than five-eighths of the prescribed 4-year course of study, and

(B) has the written approval of the primary tutor; or

(3) Be a J.D. graduate of an approved law school who has not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation; or

(4) Have completed the APR 6 law clerk program and not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of completion of the APR 6 law clerk program; or

(5) Be a graduate of an approved law school with an LL.M. that meets the requirements in APR 3(b)(4) and who qualifies under APR 3(b)(4) to take the Washington lawyer bar examination and who has not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation.

(c) Unchanged.

(d) Application. The applicant must submit an application ~~on~~ in a form ~~provided~~ and manner as prescribed by the Bar ~~and signed by both the applicant and the supervising lawyer.~~

(1) The applicant and the supervising lawyer must fully and accurately complete the application, and they have a continuing duty to correct and update the information on the application while it is pending and during the term of the limited license. Every applicant and supervising lawyer must cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or other information reasonably required by the Bar. Failure to cooperate fully or to appear as directed or to furnish additional information as required shall be sufficient reason for the Bar to recommend denial or termination of the license.

(2) The application must include:

(A) all requested information about the applicant and the Supervising Lawyer;

(B) the required certification from the law school (or confirmation from the Bar, for APR 6 Law Clerks) that the applicant has the required educational qualifications; and

(C) certifications in writing under oath by the applicant and the supervising lawyer(s) that they have read, are familiar with, and will abide by this rule and the Rules of Professional Conduct.

(3) Full payment of any required fees must be submitted with the application. The fees shall be set by the Board of Governors subject to review by the Supreme Court.

(4) Bar staff shall review all applications to determine whether the applicant and the supervising lawyer have the necessary qualifications, and whether the applicant possesses the requisite good moral character and fitness to engage in the limited practice of law provided for in this rule. Bar staff may investigate any information contained in or issues raised by the application that reflect on the factors contained in APR 21(a)-24, and any application that reflects one or more of the factors set forth in APR 21(a) shall be referred to Bar Counsel for review.

(5) Bar Counsel may conduct such further investigation as appears necessary, and may refer to the Character and Fitness Board for hearing any applicant about whom there is a substantial question whether the applicant possesses the requisite good moral character and fitness to practice law as defined in APR 20. Such hearing shall be conducted as provided in APR 20-24.3. Bar Counsel may require any disclosures and conditions of the applicant and supervising lawyer that appear reasonably necessary to safeguard against unethical conduct by the applicant during the term of the limited license. No decision regarding the good moral character and fitness to practice of an applicant made in connection with an application for licensing pursuant to this rule is binding on the Bar or Character and Fitness Board at the time an applicant applies for admission to practice law and membership in the Bar, and such issues may be reinvestigated and reconsidered by Bar staff, Bar Counsel, and the Character and Fitness Board.

(6) The Supreme Court shall issue or refuse the issuance of a limited license for a Licensed Legal Intern. The Supreme Court's decision shall be forwarded to the Bar, which shall inform the applicant of the decision.

(7) Upon Supreme Court approval of an applicant, the Bar shall ~~send to the applicant, in care of the supervising lawyer's mailing address on record with the Bar,~~ deliver to the supervising lawyer, with a copy to the applicant, a letter confirming confirmation of approval by the Supreme Court and a Licensed Legal Intern identification card. An applicant must not

perform the duties of a Licensed Legal Intern before receiving the ~~confirming letter~~ confirmation and identification card.

(8) Once an application is accepted and approved and a license is issued, a Licensed Legal Intern is subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct and to all other laws and rules governing lawyers admitted to the Bar of this state, and is personally responsible for all services performed as a Licensed Legal Intern. Any ~~offense~~ conduct by a Licensed Legal Intern that would subject a lawyer admitted to practice law in this state to ~~suspension or disbarment may be punished~~ discipline may result in the Bar taking action on the Licensed Legal Intern's license, including by termination of the Licensed Legal Intern's license, or requiring disclosures by or condition on the Licensed Legal Intern and supervising lawyer that appear reasonably necessary to safeguard against unethical conduct by the Licensed Legal Intern during the term of the limited license. suspension or forfeiture of the Licensed Legal Intern's privilege of taking the lawyer bar examination and being admitted to practice law in this state.

(9) A Licensed Legal Intern who has completed less than two-thirds of a prescribed law school course of study cannot have supervising lawyers outside of a law school clinic.

(9)10) A Licensed Legal Intern who has completed at least two-thirds of a prescribed law school course of study or five-eighths of the APR 6 law clerk program may have up to two supervising attorneys lawyers in different offices at one time. A Licensed Legal Intern who qualifies under this section may submit an application for approval to add a supervising attorney in another office or to change supervising attorneys any time within the term of the limited license. A Licensed Legal Intern who was licensed prior to completing at least two-thirds of a prescribed law school course must pay the application fee if the new supervisor will not be at a law school clinic and submit written approval of the law school's dean or a person designated by such dean and a certification by the dean or designee that the applicant has met the educational requirements. When a Licensed Legal Intern applies to add a concurrent

supervising attorney in another office, the Intern must notify both the current supervising attorney and the proposed new supervising attorney in writing about the application, and both the current and the new supervising attorney must approve the addition and certify that such concurrent supervision will not create a conflict of interest for the Licensed Legal Intern. The qualifications of the new supervising attorney will be reviewed by Bar staff who may approve or deny the supervisor. The Licensed Legal Intern will be notified of approval or denial of the new supervising attorney as described above and must not perform the duties of a licensed legal intern before receiving a new ~~confirming letter~~ confirmation containing notification of approval and a new identification card.

(e) – (f)(6) Unchanged.

(7) must meet with ~~any~~ the Licensed Legal Intern ~~he/she is supervising,~~ in person or by telephone, a minimum of one time per week, to review cases being handled and to provide feedback on performance, additional guidance and instruction, and to answer questions or issues raised by the Licensed Legal Intern;

(f)(8) – (g) Unchanged.

(h) **Term of Limited License.** A limited license issued pursuant to this rule shall be valid, unless it is revoked or supervision is terminated, for a period of not more than ~~30~~ 42 consecutive months, and in no case will it be valid if it has been more than 18 months since the Licensed Legal Intern graduated from law school or completed the APR 6 Law Clerk program.

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by ~~mailing~~ delivering notice to that effect to the Bar, and must be withdrawn if the student ceases to be duly enrolled as a student prior to graduation, takes a leave of absence from the law school or from the clinical program for which the limited license was issued, or ceases to be in good academic standing, or if the

APR 6 law clerk ceases to comply with APR 6. When the approval is withdrawn, the Licensed Legal Intern's license must be terminated promptly.

(2) – (3) Unchanged.

APR 9
LICENSED LEGAL INTERNS

(a) Purpose. Supervised professional practice plays an important role in the development of competent lawyers and expands the capacity of the Bar to provide quality legal services while protecting the interests of clients and the justice system. This rule authorizes supervised professional practice by qualified law students, enrolled law clerks, and recent graduates of approved law schools when they are licensed pursuant to this rule to engage in the limited practice of law as “Licensed Legal Interns.” The license granted pursuant to this rule is a limited license, based in part on recognition of the role practice experience plays in developing the competence of aspiring lawyers and in part on the fact that the Licensed Legal Intern will be supervised by an experienced lawyer. Persons granted such a limited license and their supervising lawyers must comply with the obligations and limitations set forth in these rules.

(b) Eligibility. To be eligible to apply to be a Licensed Legal Intern, an applicant must have arranged to be supervised by a qualifying lawyer and:

(1) Be a student duly enrolled and in good academic standing at an approved law school who has:

(A) successfully completed not less than two-thirds of a prescribed 3-year course of study or five-eighths of a prescribed 4-year course of study, and

(B) obtained the written approval of the law school’s dean or a person designated by such dean and a certification by the dean or designee that the applicant has met the educational requirements; or

(2) Be an enrolled law clerk who:

(A) is certified by Bar staff to be in compliance with the provisions of APR 6 and to have successfully completed not less than five-eighths of the prescribed 4-year course of study; and

(B) has the written approval of the primary tutor; or

(3) Be a graduate of an approved law school who has not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation.

(c) Qualifications To Be a Supervising Lawyer. Except in the sections regarding the application for issuance of a limited license pursuant to this rule, references in this rule to “supervising lawyer” include both the supervising lawyer named in the application materials and on the Licensed Legal Intern identification card, and any other lawyer from the supervising lawyer’s office who meets the qualifications of a supervising lawyer and who performs the duties of a supervising lawyer. A supervising lawyer must be an active lawyer member in good standing of the Bar, who has been actively engaged in the practice of law in the State of Washington or in any state or territory of the United States or the District of Columbia for at least the 3 years immediately preceding the date of the application, who has not been disbarred or subject to a disciplinary suspension in any jurisdiction within the previous 10 years and does not have a disciplinary proceeding pending or imminent, and who has not received a disciplinary sanction of any kind within the previous 3 years.

(d) Application. The applicant must submit an application on a form provided by the Bar and signed by both the applicant and the supervising lawyer.

(1) The applicant and the supervising lawyer must fully and accurately complete the application, and they have a continuing duty to correct and update the information on the application while it is pending and during the term of the limited license. Every applicant and supervising lawyer must cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or other information reasonably required by the Bar. Failure to cooperate fully or to appear as directed or to furnish additional information as required shall be sufficient reason for the Bar to recommend denial or termination of the license.

(2) The application must include:

(A) all requested information about the applicant and the Supervising Lawyer;

(B) the required certification from the law school (or confirmation from the Bar, for APR 6 Law Clerks) that the applicant has the required educational qualifications; and

(C) certifications in writing under oath by the applicant and the supervising lawyer(s) that they have read, are familiar with, and will abide by this rule and the Rules of Professional Conduct.

(3) Full payment of any required fees must be submitted with the application. The fees shall be set by the Board of Governors subject to review by the Supreme Court.

(4) Bar staff shall review all applications to determine whether the applicant and the supervising lawyer have the necessary qualifications, and whether the applicant possesses the requisite good moral character and fitness to engage in the limited practice of law provided for in this rule. Bar staff may investigate any information contained in or issues raised by the application that reflect on the factors contained in APR 21-24, and any application that reflects one or more of the factors set forth in APR 21 shall be referred to Bar Counsel for review.

(5) Bar Counsel may conduct such further investigation as appears necessary, and may refer to the Character and Fitness Board for hearing any applicant about whom there is a substantial question whether the applicant possesses the requisite good moral character and fitness to practice law as defined in APR 20. Such hearing shall be conducted as provided in APR 20-24.3. Bar Counsel may require any disclosures and conditions of the applicant and supervising lawyer that appear reasonably necessary to safeguard against unethical conduct by the applicant during the term of the limited license. No decision regarding the good moral character and fitness to practice of an applicant made in connection with an application for licensing pursuant to this rule is binding on the Bar or Character and Fitness Board at the time an applicant applies for admission to practice law and membership in the Bar, and such issues may be reinvestigated and reconsidered by Bar staff, Bar Counsel, and the Character and Fitness Board.

(6) The Supreme Court shall issue or refuse the issuance of a limited license for a Licensed Legal Intern. The Supreme Court's decision shall be forwarded to the Bar, which shall inform the applicant of the decision.

(7) Upon Supreme Court approval of an applicant, the Bar shall send to the applicant, in care of the supervising lawyer's mailing address on record with the Bar, a letter confirming approval by the Supreme Court and a Licensed Legal Intern identification card. An applicant must not perform the duties of a Licensed Legal Intern before receiving the confirming letter and identification card.

(8) Once an application is accepted and approved and a license is issued, a Licensed Legal Intern is subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct and to all other laws and rules governing lawyers admitted to the Bar of this state, and is

personally responsible for all services performed as a Licensed Legal Intern. Any offense that would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by termination of the Licensed Legal Intern's license, or suspension or forfeiture of the Licensed Legal Intern's privilege of taking the lawyer bar examination and being admitted to practice law in this state.

(9) A Licensed Legal Intern may have up to two supervising attorneys in different offices at one time. A Licensed Legal Intern may submit an application for approval to add a supervising attorney in another office or to change supervising attorneys any time within the term of the limited license. When a Licensed Legal Intern applies to add a supervising attorney in another office, the Intern must notify both the current supervising attorney and the proposed new supervising attorney in writing about the application, and both the current and the new supervising attorney must approve the addition and certify that such concurrent supervision will not create a conflict of interest for the Licensed Legal Intern. The qualifications of the new supervising attorney will be reviewed by Bar staff who may approve or deny the supervisor. The Licensed Legal Intern will be notified of approval or denial of the new supervising attorney as described above and must not perform the duties of a licensed legal intern before receiving a new confirming letter containing notification of approval and a new identification card.

(e) Scope of Practice, Prohibitions, and Limitations. In addition to generally being permitted to perform any duties that do not constitute the practice of law as defined in GR 24, a Licensed Legal Intern shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule.

(1) A Licensed Legal Intern may engage in the following activities without the presence of the supervising attorney:

(A) Advise or negotiate on behalf of a person referred to the Licensed Legal Intern by the supervising lawyer;

(B) Prepare correspondence containing legal advice to clients or negotiating on behalf of clients, pleadings, motions, briefs, or other documents. All such correspondence, pleadings, motions, and briefs must be reviewed and signed by the supervising attorney, as well as any other documents requiring the signature of a lawyer. On any correspondence or legal document signed by the Licensed Legal Intern, the Licensed Legal Intern's signature shall be followed by the title "Licensed Legal Intern" and the Licensed Legal Intern's identification number;

(C) Present to the court ex parte and agreed orders signed by the supervising lawyer, except as otherwise provided in these rules;

(D) After a reasonable period of in-court supervision or supervision while practicing before an administrative agency, which shall include participating with the supervising lawyer in at least one proceeding of the type involved before the same tribunal and being observed by the supervising lawyer while handling one additional proceeding of the same type before the same tribunal:

(i) Represent the State or the respondent in juvenile court in misdemeanor and gross misdemeanor cases;

(ii) Try hearings, nonjury trials, or jury trials, in courts of limited jurisdiction;

(iii) Represent a client in any administrative adjudicative proceeding for which nonlawyer representation is not otherwise permitted.

(2) In any proceeding in which a Licensed Legal Intern appears before the court, the Licensed Legal Intern must advise the court of the Intern's status and the name of the Intern's supervising lawyer.

(3) A Licensed Legal Intern may participate in Superior Court and Court of Appeals proceedings, including depositions, only in the presence of the supervising lawyer or another lawyer from the same office.

(4) A Licensed Legal Intern must not receive payment directly from a client for the Intern's services. A Licensed Legal Intern may be paid for services by the Intern's employer, and the employer may charge for the services provided by the Licensed Legal Intern as may be appropriate.

(5) A Licensed Legal Intern must not try any motion or case or negotiate for or on behalf of any client unless the client is notified in advance of the status as a Licensed Legal Intern and of the identity and contact information of the Licensed Legal Intern's supervising lawyer.

(6) A Licensed Legal Intern must not perform any of the actions permitted by this rule on behalf of or under the supervision of any lawyer other than the supervising lawyer or another lawyer employed in the same office who is qualified for such supervision under this rule.

(7) For purposes of the attorney-client privilege, a Licensed Legal Intern shall be considered a subordinate of the lawyer providing supervision for the Intern.

(f) Additional Obligations of Supervising Lawyer. Agreeing to serve as the supervising lawyer for a Licensed Legal Intern imposes certain additional obligations on the supervising lawyer. The failure of a supervising lawyer to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the Rules for Enforcement of Lawyer Conduct. In addition to the duties stated or implied above, the supervising lawyer:

(1) must provide training to all Licensed Legal Interns supervised by the supervising lawyer, regarding the Rules of Professional Conduct and how they relate to the limited practice of the Licensed Legal Intern. Such training may be waived if the supervising lawyer otherwise determines that the Licensed Legal Intern has previously received such training and the supervising lawyer deems such training sufficient for the limited practice that will be supervised;

(2) must direct, supervise, and review all of the work of the Licensed Legal Intern and shall assume personal professional responsibility for any work undertaken by the Licensed Legal Intern while under the lawyer's supervision;

(3) must ensure that all clients to be represented by the Licensed Legal Intern are informed of the intern's status as a Licensed Legal Intern in advance of the representation;

(4) must review and sign all correspondence providing legal advice to clients and all pleadings, motions, briefs, and other documents prepared by the Licensed Legal Intern and ensure that they comply with the requirements of this rule, and must sign the document if it is prepared for presentation to a court;

(5) must take reasonable steps to ensure that the Licensed Legal Intern is adequately prepared and knowledgeable enough to be able to handle any assigned matters performed outside the supervising lawyer's presence, but need not be present in the room while the Licensed Legal Intern is performing such duties unless such presence is specifically required by this rule;

(6) must supervise no more than:

(a) one Licensed Legal Intern at any one time if the supervising lawyer is in private practice not otherwise described below;

(b) four Licensed Legal Interns at any one time if the supervising lawyer is employed by a recognized institution of legal aid, legal assistance, public defense, or similar programs furnishing legal assistance to indigents, or by the legal departments of a state, county, or municipality; or

(c) 10 Licensed Legal Interns at any one time if the supervising lawyer is a full-time clinical supervising lawyer or a member of the faculty of an approved law school for a clinical course offered by the law school where such course has been approved by its dean and is directed by a member of its faculty and is conducted within institutions or legal departments described in the section above or within the law school, provided that a supervising lawyer attends all adversarial proceedings conducted by the legal interns;

(7) must meet with any Licensed Legal Intern he/she is supervising, in person or by telephone, a minimum of one time per week, to review cases being handled and to provide feedback on performance, to provide additional guidance and instruction, and to answer questions or issues raised by the Licensed Legal Intern;

(8) must inform the Bar staff promptly if circumstances arise that cause the supervising lawyer to have concern about the good moral character or fitness to practice of a Licensed Legal Intern supervised by that lawyer, and cooperate in any investigation that may follow such a report;

(9) may terminate supervision of a Licensed Legal Intern under this rule at any time, with or without good cause, and must promptly notify the Bar staff of the effective date of the termination and the reasons for the termination;

(10) may be terminated as a supervising lawyer at the discretion of the Bar, and when so terminated, must take steps to ensure that any Licensed Legal Intern previously supervised by the supervising lawyer ceases to perform duties or hold him/herself out as though supervised by the supervising lawyer.

(g) Additional Obligations and Limitations. The following additional general obligations and limitations apply:

(1) A judge or administrative hearing officer may exclude a Licensed Legal Intern from active participation in a case in the interest of orderly administration of justice or for the protection of a litigant or witness. In such case, a continuance shall be granted to secure the attendance of the supervising lawyer, who must assume personal responsibility for that matter.

(2) A Licensed Legal Intern or the supervising lawyer must notify the Bar staff promptly if the supervising lawyer named on a Licensed Legal Intern's identification card terminates supervision of the Licensed Legal Intern, and such Licensed Legal Intern is prohibited from performing any of the actions described in these rules unless and until a change of supervising lawyer has been approved and a new identification card issued.

(h) Term of Limited License. A limited license issued pursuant to this rule shall be valid, unless it is revoked or supervision is terminated, for a period of not more than 30 consecutive months, and in no case will it be valid if it has been more than 18 months since the Licensed Legal Intern graduated from law school or completed the APR 6 Law Clerk program.

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by mailing notice to that effect to the Bar,

and must be withdrawn if the student ceases to be duly enrolled as a student prior to graduation, takes a leave of absence from the law school or from the clinical program for which the limited license was issued, or ceases to be in good academic standing, or if the APR 6 law clerk ceases to comply with APR 6. When the approval is withdrawn, the Licensed Legal Intern's license must be terminated promptly.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the Bar, in either case with or without cause.

(3) A Licensed Legal Intern must immediately cease performing any services under this rule and must cease holding himself or herself out as a Licensed Legal Intern upon:

(A) the termination for any reason of the Intern's limited license under this rule;

(B) the termination of the supervision for any reason or the upon the resignation of the Intern's supervising lawyer;

(C) the suspension or termination by the Bar of the supervising lawyer's status as a supervising lawyer;

(D) the withdrawal of approval of the Intern pursuant to this rule; or

(E) the failure of the supervising lawyer to maintain qualification to be a supervising lawyer under the terms of this rule.

[Adopted effective February 12, 1965; Amended effective June 4, 1970; May 21, 1971; February 29, 1972; December 31, 1973; December 31, 1976; January 1, 1977; January 1, 1979; January 1, 1981; November 2, 1981; September 1, 1984; October 1, 1985; October 11, 1985; November 29, 1991; September 1, 1994; June 2, 1998; October 1, 2002; January 1, 2014; September 1, 2017.]

TO: Judge Charles Short, President, DMCJA Board
FROM: Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee
DATE: 31 March 2022
RE: Amendment to CrRLJ 3.1
POSITION: Oppose

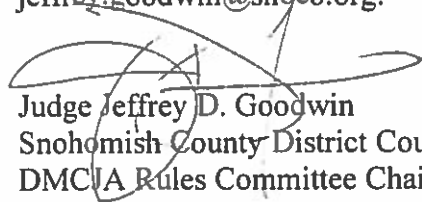
CrRLJ 3.1(d)(4) currently requires appointed counsel to certify that they are compliant with the Standards for Indigent Defense Services set forth in CrRLJ 3.1. Under the existing rule, appointed counsel must file a CrRLJ 3.1 Certification of Compliance quarterly with the court. Companion provisions are also proposed for CrR 3.1 and JuCR 9.2.

This WSBA proposal would require the court to ensure that appointed counsel have met the CrRLJ 3.1 filing requirements. The DMCJA Rules Committee is recommending that the Board oppose this amendment. If approved, this amendment would place CLJs in a supervisory capacity and would create a direct conflict with the proposed new GR 42. Under GR 42(d)(1), judges would not be permitted to ‘manage or oversee public defense services.’

The definition of ‘manage’ and ‘oversee’ from GR 42(d)(2) includes removing attorneys from assigned counsel lists, monitoring attorney caseload limits, and monitoring compliance with policies, procedures and standards; and recommending compensation. Requiring judges to ensure appointed counsel comply with CrRLJ 3.1 requirements means that Judges will be managing and overseeing public defense services in direct violation of the GR 42 proposal.

Additionally, public defense administrators and / or the Bar Association are in the best position to enforce the Certification of Compliance requirement. Those filing with the court are public records and easily obtained to determine compliance. Any violation of the Certification of Compliance requirement would be enforced by the public defense administrator limiting the attorney’s caseload or by the Bar Association through the RPCs. Any enforcement by the court would be prohibited by GR 42.

Please let me know if you have any questions. I can be reached at 425-744-6803 or jeffrey.goodwin@snoco.org.



Judge Jeffrey D. Goodwin
Snohomish County District Court
DMCJA Rules Committee Chair

CC: DMCJA Rules Committee

GR 9 COVER SHEET

Suggested Amendments to

GENERAL RULES; SUPERIOR COURT CRIMINAL RULES; JUVENILE COURT RULES; CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION

NEW GR 42, CrR 3.1, JuCR 9.2, CrRLJ 3.1

A. Name of Proponent:

Washington State Bar Association

B. Spokespersons:

Brian Tollefson, President, Washington State Bar Association

Travis Stearns, Chair, Council on Public Defense, Washington State Bar Association

Bonnie Sterken, Equity and Justice Specialist, Washington State Bar Association

C. Purpose:

The proponent recommends suggested new General Rule (GR) 42¹¹, which is intended to bring Washington State into alignment with the ABA Ten Principles of a Public Defense Delivery System (2002) and to ensure the independence of the public defense system from judicial influence and control.

Additionally, these amendments include several suggested technical amendments to CrR 3.1, JuCR 9.2, and CrRLJ 3.1 to reflect the Court's adoption of the Standards for Indigent Defense (SID).

D. History

For over a year, the Council on Public Defense's Independence Committee has been charged by the Council on Public Defense with developing a proposal to bring Washington State in line with the first principle of the ABA Ten Principles of a Public Defense Delivery System (2002). The Principles constitute the fundamental criteria necessary to ensure a public defense system provides effective, efficient, high quality, ethical, conflict-free representation. The first principle states that "[t]he public defense function, including the selection, funding, and payment of defense counsel, is independent."

Washington state's system of public defense is primarily county-based, unlike the majority of states. The selection, funding, and quality of public defense attorneys and offices varies by county. The independence of each county's system -- including insulation from political influence and judicial involvement -- is critical to ensuring those who are constitutionally or statutorily entitled to public defense counsel receive that which they are due.

While drafting the proposal, the Independence Committee worked diligently to gather considerable feedback from public defense directors, members of the judiciary, and practitioners. The proposal before you today for action has gone through multiple revisions in an attempt to be responsive to stakeholder feedback. This feedback included surveys of interested persons and organizations. We received written feedback that we included in our drafting, along with direct contact. We incorporated that feedback into our proposal, to ensure that public defenders maintained their independence while also not ignoring the voice that the judiciary must play in overseeing their courtrooms.

E. Suggested Amendments

The following are summaries and explanations of each suggested amendment:

- NEW GR 42(a) is intended to establish and codify the purpose behind new GR 42, which is to ensure the independence of public defense services from judicial influence and control.
- NEW GR 42(b) establishes where this rule will apply
- NEW GR 42(c) states that judges and judicial staff in superior and limited jurisdiction courts shall not select public defense administrators or the attorneys who provide public defense.
- NEW GR 42(d) defines manages and oversight, including the terms “manage” and “oversee.”
- NEW GR 42(e) addresses the assignment of public defense attorneys in individual cases.
- NEW GR 42(f) defines when it is appropriate for judicial officers to intervene in the assignment and substitution of counsel.
- Suggested Amendment to CrR 3.19d)(4) reflects that superior courts shall ensure that lawyers assigned to indigent defense matters shall be in compliance with the Supreme Court’s Standards for Indigent Defense.
- Suggested Amendment to CrRLJ 3.1(d)(4) reflects that superior courts shall ensure that lawyers assigned to indigent defense matters shall be in compliance with the Supreme Court’s Standards for Indigent Defense.
- Suggested Amendment to JuCR 9.2 reflects that superior courts shall ensure that lawyers assigned to indigent defense matters shall be in compliance with the Supreme Court’s Standards for Indigent Defense.

F. Hearing:

A hearing is not recommended.

G. Expedited Consideration:

Expedited consideration is not requested.

H. Supporting Material:

- New Suggested General Rule 42: Independence of Public Defense
- Suggested Amendments to CrRLJ 3.1(d)(4), CrR 3.1(d)(4), JuCR 9.2(d)

CrRLJ 3.1
RIGHT TO AND ASSIGNMENT OF LAWYER

(a)–(c) [Unchanged]

(d) Assignment of Lawyer.

(1)–(3) [Unchanged]

(4) Before appointing a lawyer for the indigent person, or at the first appearance of the lawyer in the case, the court shall ~~require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court~~ ensure the lawyer is in compliance with the Certification of Compliance requirement in the Supreme Court’s Standards for Indigent Defense.

(e)–(f) [Unchanged].

GR 42

[NEW]

INDEPENDENCE OF PUBLIC DEFENSE SERVICES

(a) Purpose and policy. The purpose of this rule is to safeguard the independence of public defense services from judicial influence or control. Consistent with the right to counsel as provided in article I, sections 3 and 22 of the Washington State Constitution and in Washington statutes, it is the policy of the judiciary to develop rules that further the fair and efficient administration of justice. In promulgating this Rule, the Washington Supreme Court seeks to prevent conflicts of interest that may arise if judges control the selection of public defense administrators or the attorneys who provide public defense services, the management and oversight of public defense services, and the assignment of attorneys in individual cases.

(b) Scope. This rule applies to superior courts and courts of limited jurisdiction.

(c) Selection of the public defense administrator and public defense attorneys. Judges and judicial staff in superior courts and courts of limited jurisdiction shall not select public defense administrators or the attorneys who provide public defense services.

(d) Management and oversight of public defense services.

(1) Judges and judicial staff in superior courts and courts of limited jurisdiction shall neither manage nor oversee public defense services, including public defense contracts and assigned counsel lists. Judges should encourage local governments to have attorneys with public defense experience manage and oversee public defense services.

(2) The terms “manage” and “oversee” include: drafting, awarding, renewing, and terminating public defense contracts; adding attorneys or removing them from assigned counsel lists; developing or issuing case weighting policies; monitoring attorney caseload limits and case-level qualifications; monitoring compliance with contracts, policies, procedures and standards; and recommending compensation.

(e) Assignment of public defense attorneys in individual cases.

(1) Consistent with federal and state constitutions, applicable statutes and rules of court, the role of judges and their staff in the assignment of a specific attorney in an individual case is to: a) determine whether a party is eligible for appointment of counsel by making a finding of indigency or other finding that a party is entitled to counsel; or b) refer the party for an indigency determination; and c) refer the party to a public defense agency or a public defense administrator to designate a qualified attorney. Alternatively, a public defense administrator may, prior to a

court hearing where eligibility is determined, designate a qualified attorney to be appointed if the court finds the party is eligible.

(2) If there is no public defense agency or administrator, a judicial officer should appoint a qualified attorney, on a rotating basis, from an independently established list of assigned counsel or contractors.

(3) If no qualified attorney on the list is available, a judicial officer shall appoint an attorney who meets the qualifications in the Supreme Court Standards for Indigent Defense.

(f) Necessary services and substitution of counsel. This rule does not limit a judicial officer's authority to grant a motion for necessary investigative, expert, or other services, or to appoint counsel in individual cases when substitution of counsel is required or requested. Substitution of counsel should be made as provided in (e) above.

(g) Effective Date of Rule. This rule will go into effect days after its adoption by the Supreme Court.

Comment

[1] This rule does not alter judges' obligation to ensure that public defense attorneys have certified their compliance with the Supreme Court's Standards for Indigent Defense.

[2] This rule does not preclude judges from communicating information about a public defense attorney's performance to the public defense agency or administrator. Following such communication, judges shall have no role in determining what actions, if any, the public defense agency or administrator takes in response to that communication.

[3] This rule does not preclude judges from providing information on an attorney's performance, in response to requests from public defense agencies or administrators, requests from the Washington State Bar Association, and for example, requests for information made by a judicial candidate evaluation committee.

TO: Judge Charles Short, President, DMCJA Board
FROM: Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee
DATE: 31 March 2022
RE: Amendment to CrRLJ 7.6
POSITION: Oppose

This Washington Defender Association proposed amendment to CrRLJ 7.6 would significantly alter the current procedural requirements for probation review hearings. Much of the proposed new language is supported by existing State and Federal law and is not objectionable. However some portions of this proposal change existing Washington State law and add substantive and procedural requirements for probation review hearings. Therefore, the Rules Committee recommends DMCJA oppose this proposal.

CrRLJ 7.6 PROBATION

- (a) **Probation.** After conviction of an offense the defendant may be placed on probation as provided by law.

Section (a) is unchanged.

- (b) **Jurisdiction.** The court may, at its discretion, authorize the probation department of a different court to supervise the defendant if (i) the defendant so requests, (ii) the supervising court approves, and (iii) the supervising court is located in a county where the defendant resides, works, or attends school.

The DMCJA Rules Committee does not oppose a transfer or consolidation of probation matters within the State of Washington. Transfer of probation matters outside of the State of Washington are governed by the Interstate Compact for Adult Offender Supervision (ICAOS) pursuant to Chapter 9.94A RCW. This rule should clarify the distinction between transferring probation within and outside of the State of Washington.

- ~~(bc)~~ **Revocation or Modification of Probation.** The court shall not revoke or modify probation except (1) after a hearing in which the defendant shall be present and apprised of the grounds on which such action is proposed, or (2) upon stipulation of the parties. ~~The defendant is entitled to be represented by a lawyer and may be released pursuant to rule 3.2 pending such hearing. A lawyer shall be appointed for a defendant financially unable to obtain one. The defendant has the right to be physically present at all hearings. The court has discretion to allow the defendant to appear through counsel or remotely.~~

A defendant has due process right to be present for a probation review hearing. *Morrissey v. Brewer*, 408 U.S. 471 (1972); *State v. Nelson*, 103 Wn.2d 760 (1985). One of the minimal due process rights identified by *Morrissey* and *Nelson* is the right to be heard in person and to

present witnesses and evidence. This WDA proposal goes one step further and establishes a right to be physically present at all probation hearings. *Morrissey* and *Nelson* were both decided before video conference hearings were widely available.

In most cases when a probation violation has been alleged, the court conducts a preliminary hearing where the defendant is advised of the nature of the violation and either admits or denies the allegation. If the allegation is denied, the matter is set for a fact-finding hearing. Facilitating the right of an out-of-custody probationer to be physically present at all probation hearings is not problematic. Not so with in-custody defendants.

Many CLJs use video conferencing for in-custody hearings. The GR 9 cover sheet supporting this amendment acknowledges that some probation review hearings are ministerial and appearances remotely or through counsel are appropriate. This addition to CrRLJ 7.6 would require corrections staff to transport in-custody defendants from the jail to court for all probation review hearings. The GR 9 cover sheet does not address what minimal due process protection requires an in-custody probationer to be transported to court in lieu of a video conference appearance.

(d) Release Pending Probation Hearing. If the defendant has been arrested for an alleged probation violation, the court shall release the defendant or set bail pursuant to rule 3.2 pending a probation hearing.

The DMCJA Rules Committee does not oppose this provision. The requirement to apply CrRLJ 3.2 already exists in the current version of the rule.

(e) Timing of Probation Hearing. If a defendant is held in custody on the alleged probation violation, the court must hold a probation hearing in which the defendant has the right to be physically present within two weeks of the defendant's arrest unless the defendant requests a continuance.

The DMCJA Rules Committee opposes this addition to CrRLJ 7.6. Issues surrounding and in-custody probationer's right to be physically present have been addressed above. We don't disagree that probation review hearings, particularly for in-custody defendants, should be timely conducted. We have concerns about how this proposal would be applied and whether CLJs across the state can comply with a two-week timeline.

Preliminarily, this proposal does not consider the probation review hearing process used in CLJs. As stated above, these hearings are typically bifurcated with a preliminary hearing to determine whether the allegation is disputed. Many allegations of probation violations are not disputed and do not require an evidentiary hearing. Disputed matters are then set for evidentiary fact finding. CLJs in smaller jurisdictions do not have regularly scheduled calendars. If this proposal is implemented, these smaller jurisdictions would incur a relatively high expense in adding court days.

Local governments would need to provide prosecutors for fact finding hearings. Evidentiary fact findings hearings require a prosecutor and local governments would be required to add

prosecutor to those additional court days. ARLJ 14 is often misunderstood to cast the court in the role of an advocate regarding probation violations. CLJ probation officers and clerks are employees of the court and are potentially witnesses in these proceedings. They cannot act as advocates. The Code of Judicial Conduct and the requirement for a neutral and detached fact finder under *Morrissey* require prosecutors to advocate on behalf of the government.

We also have concerns that, regardless of jurisdictional size, the requirement of a fact-finding hearing for in-custody probationers within two weeks is impractical. Probation will need to refer all discoverable information to prosecutors who will then need to disseminate that information and subpoena any necessary witnesses. The proposed rule does not address a result for a failing to hold a hearing within two weeks. The proposal states that ‘a hearing’ must be held within two weeks. If the preliminary hearing satisfies the requirement that ‘a hearing’ be held within two weeks and that a fact-finding hearing can be set outside two weeks, we believe that can be accomplished.

(f) Rights of the Defendant Unless Waived. The defendant is entitled to be represented by a lawyer, and a lawyer shall be appointed for a defendant financially unable to obtain one. Before a probation hearing, the court or prosecutor shall apprise the defendant of the nature and evidence of the alleged violation and the names and contact information of witnesses the court or prosecutor intends to call. At the hearing, the defendant shall have the right to present evidence and cross-examine witnesses. The defendant shall have the right to confront adverse witnesses unless the court specifically finds good cause for not allowing confrontation. If the court revokes probation, it must issue a written statement as to the evidence it relied on and the reasons for revocation.

The rights set forth in this proposal are generally provided for in both *Morrissey* and *Nelson* and the DMCJA Rules Committee does not oppose including most of this section in the rule. We do object to the manner the confrontation right is presented and the requirement for written findings. Current Washington State case law establishes that any objection to hearsay is an asserted right. See eg. *State v. Nelson*, 103 Wn.2d 760 (1985); *State v. Robinson*, 120 Wn. App. 294 (2004).

The way this rule is written requires the Court to undertake the analysis addressed in *Nelson* and *State v. Dahl*, 139 Wn. 2d 678 (1999), regarding a good cause to forgo live testimony for hearsay in every case, whether asserted by the probationer or not. This will result longer hearings and will likely require additional probation review calendars. Additionally, the proponent’s GR 9 cover sheet does not address what minimal due process protection this shift from an asserted right to a court requirement would benefit.

Finally, we object to the requirement of a written order. Current Washington State case law specifically permits an oral record. *State v. Dahl*, 139 Wn.2d 678, 689 (1999). The CrRLJs also specifically permit oral rulings on the record in several instances. CrRLJ 6.1.2(a) permits an oral record following a bench trial. CrRLJ 3.5(c) permits an oral record following a hearing regarding statements attributed to the defendant. CrRLJ 3.6(b) permits an oral record following suppression motions. Nothing in the current version of CrRLJ 7.6 requires a written

order. The reason for that is, unlike Superior Court, we do not have law clerks to assist in the drafting of those orders. Nothing in the existing rules cited here prevents either party from reducing the Court's oral ruling to a written order and presenting a proposed written order.

For the reasons set forth above, the DMCJA Rules Committee opposes this proposal. Please let me know if you have any questions. I can be reached at 425-744-6803 or jeffrey.goodwin@snoco.org.

Judge Jeffrey D. Goodwin
Snohomish County District Court
DMCJA Rules Committee Chair

CC: DMCJA Rules Committee

GR 9 Cover Sheet

Suggested Changes to CrRLJ 7.6

(A) **Name of Proponent:** Washington Defender Association

(B) **Spokesperson:** Magda Baker, Misdemeanor Resource Attorney, Washington Defender Association.

(C) **Purpose:** In 2020, there were 54,538 criminal charges that ended in convictions in Washington courts of limited jurisdiction.^[1] The sentences of many of those convicted included probation.^[2] Courts of limited jurisdiction have long had great leeway when imposing conditions of probation. *See County of Spokane v. Farmer*, 5 Wn. App. 25, 29, 486 P.2d 296 (1971) (court could set “such conditions [of probation] as bear a reasonable relation to the defendant’s duty to make reparation, or as tend to prevent the future commission of crimes”). Given the number of people on probation, the wide discretion courts have when supervising them and the grave impact of incarceration, CrRLJ 7.6 should provide more guidance about imposing and revoking probation. The Washington Defender Association proposes changes to CrRLJ 7.6 that would protect probationers before and during revocation hearings and a change that would give courts discretion to transfer the jurisdiction of probation under certain circumstances.

We suggest a change to subsection (b) that would secure the right of probationers to be physically present at probation hearings and also give courts discretion to allow remote appearances and appearances through counsel. Courts often conduct proceedings during which they merely continue cases to gather evidence or wait for the outcome of another case. The proposed change would make clear that courts may excuse probationers from such hearings.

The changes in proposed subsection (d) would allow more probationers to be released from jail before their revocation hearings. Current subsection (b) says courts “may” use the pretrial release factors in CrRLJ 3.2 to release probationers or set bail pending their revocation hearings. That wording allows some courts to hold probationers in jail until their hearings without setting bail. Proposed subsection (d) would *require* courts to consider release and bail, limiting disruption to the lives of many probationers.

Proposed subsection (e) would further limit disruptions to the lives of probationers by requiring courts to hold probation hearings for those in jail on alleged violations within two weeks of their arrests. Courts often revoke small amounts of suspended or deferred time when punishing probation violations, and this proposed change would help ensure that people who cannot post bail do not serve more time in jail than is appropriate for their violations. This proposed amendment would limit RCW 9.95.230,^[3] which now allows courts to revoke or modify probation “at any time prior to the entry of an order terminating it.” *See State v. Alberts*, 51 Wn. App. 450, 754 P.2d 128 (1988) (interpreting RCW 9.95.230 as allowing a court to hold a probation revocation hearing even after the time for probation had expired).

Proposed subsection (f) lists rights of probationers in revocation hearings, including the right to counsel set out in current CrRLJ 7.6(b) and constitutional due process rights. It would

not expand existing rights, it would simply codify them. *See Gagnon v. Scarpelli*, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed. 2d 656 (1973); *In re Boone*, 103 Wn.2d 224, 230, 691 P.2d 964 (1984). Noting these rights, a court rule would help ensure participants in probation hearings recognize and protect them.

Proposed subsection (b) would allow one court of limited jurisdiction to transfer probation to another court nearer to where a probationer lives, works or attends school if the probationer requests that and both courts agree. People are sometimes arrested for misdemeanors in jurisdictions far from where they live because they are traveling for work, family visits or vacations. Travel back to the jurisdiction of conviction for probation appointments and hearings can be difficult due to work, school and childcare obligations and limited access to transportation.

(D) Hearing: None recommended.

(E) Expedited Consideration: Expedited consideration is not requested.

CrRLJ 7.6
PROBATION

(a) [Unchanged.]

(b) Jurisdiction. The court may, at its discretion, authorize the probation department of a different court to supervise the defendant if (i) the defendant so requests, (ii) the supervising court approves, and (iii) the supervising court is located in a county where the defendant resides, works, or attends school.

(~~b~~c) Revocation or Modification of Probation. The court shall not revoke or modify probation except (1) after a hearing in which the defendant shall be present and apprised of the grounds on which such action is proposed, or (2) upon stipulation of the parties. ~~The defendant is entitled to be represented by a lawyer and may be released pursuant to rule 3.2 pending such hearing. A lawyer shall be appointed for a defendant financially unable to obtain one.~~ The defendant has the right to be physically present at all hearings. The court has discretion to allow the defendant to appear through counsel or remotely.

(d) Release Pending Probation Hearing. If the defendant has been arrested for an alleged probation violation, the court shall release the defendant or set bail pursuant to rule 3.2 pending a probation hearing.

(e) Timing of Probation Hearing. If a defendant is held in custody on the alleged probation violation, the court must hold a probation hearing in which the defendant has the right to be physically present within two weeks of the defendant's arrest unless the defendant requests a continuance.

(f) Rights of the Defendant Unless Waived. The defendant is entitled to be represented by a lawyer, and a lawyer shall be appointed for a defendant financially unable to obtain one. Before a probation hearing, the court or prosecutor shall apprise the defendant of the nature and evidence of the alleged violation and the names and contact information of witnesses the court or prosecutor intends to call. At the hearing, the defendant shall have the right to present evidence and cross-examine witnesses. The defendant shall have the right to confront adverse witnesses unless the court specifically finds good cause for not allowing confrontation. If the court revokes probation, it must issue a written statement as to the evidence it relied on and the reasons for revocation.

TO: Judge Charles Short, President, DMCJA Board
FROM: Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee
DATE: 31 March 2022
RE: DMCJA Proposed Rules Changes
POSITION: Support

The summary attached to this memo lists five DMCJA proposals for rules changes. With the exception of CrRLJ 3.4, no further comments are necessary. As of the writing of this memo, no comments have been published regarding GR 22, ARLJ 14, and CRLJ 43. CrRLJ 3.3 and 3.4 have been lumped together in comments, but there is no real objection to CrRLJ 3.3. Dozens of comments have been published regarding CrRLJ 3.4.

However, in reviewing those comments, it appears that the poetic truth of objections to appearances at court hearings has overridden the rational analysis of the rule. Our proposal is almost identical to an earlier version that Justice Stephens commented upon favorably in August. Additional comments from judicial officers in support of the change would be helpful.

Please let me know if you have any questions. I can be reached at 425-744-6803 or jeffrey.goodwin@snooco.org.



Judge Jeffrey D. Goodwin
Snohomish County District Court
DMCJA Rules Committee Chair

CC: DMCJA Rules Committee

Rules Published for Comment – April 30 Comment Period

DMCJA Proposals		
Rule / Title	Description	Comment
GR 22 - Access to Family Law and Guardianship Court Records	DMCJA Proposal regarding protection of therapeutic court records.	No further comment needed
ARLJ 14 -- NEW - Mandatory Continuing Court Administrator Education	DMCJA / DMCMA proposal for mandatory continuing education for court managers. No further comment needed	No further comment needed
CRLJ 43 - Taking of Testimony	DMCJA proposal allowing judicial discretion in permitting remote testimony in civil cases.	No further comment needed
CrRLJ 3.3	DMCJA proposal allowing attorneys to agree to continuances of pre-trial proceedings on behalf of their client.	No further comment needed.
CrRLJ 3.4	DMCJA proposal re-writing the rule for clarity and moving remote hearing requirements to another rule.	DMCJA members should individually comment supporting this proposal.



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President

RE: Concept for Judicial Branch Budget Request
Email and Text Court Date Reminders

Problem: Available research consistently shows that pretrial court date reminders (including text messages, emails, mail, and phone calls) reduce the risk of failure to appear, but local jurisdictions may not have the funding or software to provide these services. The Superior Court Judges' Association recently obtained legislative funding to implement email and text reminders through the Odyssey Case Management System, and although implementation was initially delayed due to software constrictions, Tyler Technologies expects to be able to offer this service to superior courts by the end of 2022. However, funding has not yet been provided for courts of limited jurisdiction to utilize this add-on to Odyssey, and ongoing funding for all court levels is still needed.

Proposed Solution: We propose that the Administrative Office of the Courts seek legislative funding for ongoing costs related to court date reminders sent via email and text through the Courts of Limited Jurisdiction Case Management System, in addition to securing ongoing funding for reminders for the Superior Court Case Management System.

According to the Pretrial Reform Task Force Report (2019), jurisdictions that adopt a court reminder system have seen significant increases in defendant appearance rates. In New York, text message reminders improved appearance rates by 26% for low-level offenses. In Washington, Yakima County implemented an automated text and call message reminder as part of the court's case management system. This practice helped Yakima County reach a 75% appearance rate.¹

Since Superior Courts have already worked with AOC to determine that a software solution is both appropriate and achievable, and since courts of limited jurisdiction see the majority of cases in Washington State (1,482,008 cases filed in 2021)², individuals with cases in CLJs should receive the same court date reminders that will soon be available in superior courts in order to have a substantial impact on improving appearance rates across the court system.

Estimated Staff: No new staff required, however existing IT and business analyst staff will need to dedicate time to this project.

Estimated Cost: One-time set-up fee of \$44,000 (may not be required if SCJA has already secured this funding). Ongoing annual use fee of \$200,000 for up to 4,000,000 text messages per year. SCJA has already secured

¹ Pretrial Reform Task Force, Final Recommendations Report, February 2019

² Administrative Office of the Courts, Caseloads of the Courts of Washington

funding for 3 years for up to 2,000,000 texts (at a cost of \$108,000). Total additional funding required for the added texts for the first three years is estimated to be **\$276,000**.

Is there any IT component to this request (excluding typical office equipment)? Yes



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Commissioner Rick Leo, DMCJA President-Elect

RE: Concept for Judicial Branch Budget Request – FAIR Court Project (“Secret Shopper”)

Problem: Courts often feel unwelcoming and opaque to those who pass through. Research on procedural justice, the perceived fairness of justice procedures and interpersonal treatment of litigants, survivors, and defendants in court, shows that when people feel respected and that they understand the process, they are more satisfied and more likely to accept decisions, even if they find them to be unfavorable. Minor adjustments in courthouse processes and procedures may result in increased compliance with court orders and enhanced perceptions of legitimacy.

Proposed Solution: We propose that the Administrative Office of the Courts secure one-time legislative funding for the FAIR Court Project. The Center of Court Innovation (CCI) will conduct a series of “secret court shopper” visits to 12-15 courts of limited jurisdiction within Washington State, to assess how well procedural justice practices are incorporated throughout the courthouse.

The FAIR Court Project – Fair, Accessible, and Inclusive Responses is a procedural justice/people centered practical analysis of court operations that relies on coordination with court administration and judges in order to plan and implement site visits that are performed anonymously, with the informed consent of the court. This is done in order to obtain as much of an unbiased snapshot of day-to-day court procedures as possible, assess the extent to which the Court incorporated aspects of procedural justice into their operations, and in particular, the extent to which the Court incorporated aspects of procedural justice as it relates to domestic violence cases. The court visits done through “secret court shoppers” capture the experience of a court user, beginning before entering the courthouse all the way through the process until leaving the courthouse.

After the visits, each Court receives recommendations for future procedural justice and implicit bias training with particular emphasis on the impact on marginalized populations. An educational component, to be held during DMCJA Spring Program, will allow judicial officers to review the statewide results, and to ask questions directly of CCI about how best to implement recommended changes.

In 2017, Thurston County District Court served as an unintended pilot court for this project. The project was deemed successful and resulted in immediate improvements implemented by Thurston County District Court judicial officers.¹ It is a strategic goal of the AOC and the judiciary to “improve services, assistance and information to self-represented litigants...to provide better access to information and/or services of courts.” The

¹ CCI’s Thurston County report is an example of the type of feedback and recommendations that Washington courts will receive. It is available here: [TCDC_Report.pdf \(thurston.wa.us\)](https://www.tcdc.wa.gov/Portals/0/Reports/2017%20Thurston%20County%20Report.pdf)

FAIR Court Project will provide additional statewide research that can be disseminated and incorporated into future training to increase procedural justice awareness in Washington Courts.

Estimated Staff: n/a

Estimated Cost: \$500,000.00 (one-time)

Is there any IT component to this request (excluding typical office equipment)? No



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President in conjunction with Judge Jeffrey J. Jahns, Kitsap County District Court

RE: Concept for Judicial Branch Budget Request - Conversion of Statewide Court Forms to Fillable/Shareable PDFs

Problem: The majority of the statewide forms available on the Washington Courts website are non-interactive, non-fillable forms, which are cumbersome to litigants to obtain, print, complete and return to the court. This has prompted several courts to begin independently creating fillable forms to make available, especially for self-represented litigants visiting their courts.

Proposed Solution: We propose that the Administrative Office of the Courts requests legislative funding for dedicated staff within the AOC Office of Legal Services to create and maintain fillable/shareable PDF versions of all statewide court forms, which would be easy for litigants to download, complete and return electronically to the court for filing, eliminating the need to print and scan these documents, saving litigant and court staff time. A recent NCSC webinar pointed to the benefit of shareable forms between courts in situations where a litigant has to fill out the same form for multiple cases in different courts, such as indigency screening forms.

Adobe Acrobat Pro has a tool available to convert any file to a fillable/shareable PDF, which allow users to simply tab through necessary fields entering data. The form can then be saved and emailed or printed from home, the office, school or elsewhere. Each conversion takes a significant amount of time and all data fields must be carefully programmed and tested. The public and trial courts would greatly benefit from having dedicated AOC staff to monitor the creation and modification of current and legally accurate fillable Washington State court forms.

Providers other than Adobe may offer a more elegant solution. If Tyler, OCourt, or some other company provides a superior solution to Adobe than DMCJA would support the better solution.

It is a strategic goal of the AOC and the judiciary to “improve services, assistance and information to self-represented litigants...to provide better access to information and/or services of courts.” The conversion of the existing forms on the Washington Courts website to fillable/shareable PDF forms will directly meet that goal in a manner that will serve a great portion of self-represented litigants in Washington State.

Estimated Staff: 2 ongoing FTE positions at AOC to create and maintain the fillable/shareable forms unless AOC determines existing staff is adequate or an alternative solution requires less staff.

Estimated Cost: \$275,000.00

Is there any IT component to this request (excluding typical office equipment)? Yes



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC
FROM: Judge Charles D. Short, DMCJA President
RE: Concept for Judicial Branch Budget Request – *Grant Writing Assistance for Courts*

Problem: Although there is substantial federal and national funding available for local courts through agencies such as the Department of Justice and the National Center for State Courts, few courts in Washington have the resources to apply for the funding due to lack of staff time and knowledge about grant processes. Small and rural courts, especially, struggle to dedicate the hours necessary (estimated to be 100+ hours for some federal grants) to apply for these funds. National organizations consistently report that small and rural jurisdictions often miss out on available grant funding opportunities that are designed for them.¹ In the BJA Policy and Planning Committee's Adequate Funding Survey (2022), 64% of responding district courts and 57% of responding municipal courts indicated that grant writing was the area where they most needed help in pursuing adequate funding. By a significant margin, grant funding accounted for the highest category of need within that BJA survey amongst district and municipal courts².

Proposed Solution: We propose that the Administrative Office of the Courts establish two staff positions within the Management Services Division to assist courts (especially small and rural courts of limited and general jurisdiction) with finding and applying for grants. These Senior Court Program Analyst positions would be responsible for researching available and upcoming grant opportunities, distributing information about how to apply, and providing technical assistance/education to courts that lack the resources to apply for grant funding on their own. This small investment would likely ultimately yield much larger returns of federal dollars to fund much needed court programs here in Washington. This would help alleviate local and state budget deficiencies. Other states, such as Idaho, who have invested in staff to help small and rural courts apply for grant funding have seen successful returns on the investment.

Estimated Staff: 2 ongoing FTE positions at AOC

Estimated Cost: \$262,000.00

Is there any IT component to this request (excluding typical office equipment)? No

¹ This lack of adequate staffing and resources to even be able to apply for grants was a common theme with rural stakeholders from around the country in meetings related to mental health and substance abuse disorders in 2020 and 2021, facilitated by Betty-Ann Bryce, Special Advisor for Rural Affairs at the Office of National Drug Control Policy.

² *Local Level Funding of Washington State Courts*, attached, page 15.



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC
FROM: Judge Charles D. Short, DMCJA President
RE: Concept for Judicial Branch Budget Request – Judicial Education: Implicit Bias Training

Problem: In an open letter dated June 4, 2020, the Supreme Court called upon members of the judiciary and the legal community throughout the state of Washington to join them in their commitment to achieving justice by ending racism. On November 25, 2020, the DMCJA Board of Governors published a similar open letter, stating that, “To earn and maintain public trust and confidence in a fair justice system, judges must conscientiously reason and act justly, and lead others in doing likewise.” The DMCJA Board took an initial step towards this goal by subsequently enacting, as their first priority, “Identifying and Eliminating Systemic Racism in our Justice System.” Despite these efforts, various entities throughout the judicial branch, including the Supreme Court Commissions, have continuously reported that inequities continue to persist and more comprehensive training is needed to help judicial officers examine their own implicit biases.

Proposed Solution: We propose that the Administrative Office of the Courts engage with a consulting company, such as Preeminence Consulting, to provide comprehensive, statewide implicit bias training. Although AOC has education staff and equity staff, and training sessions are regularly provided for judicial officers, the gravity and breadth of this topic requires a much larger program than what can be included in a conference session or webinar.

In the attached proposal from Preeminence Consulting, the objectives of such a training include: increasing awareness of cognitive biases, including implicit bias and unconscious biases, and how cognitive biases impact court employees’ decision-making and behaviors; increasing cultural awareness of the court’s employees; measure and increase the cultural intelligence of the court’s employees; increase awareness regarding how disabilities impact a person’s interactions with the court; change behaviors to improve diversity, equity, and inclusion within the court, and more. The key to this implicit bias training is that has several components, including assessments, workshops, and accountability, and it is conducted over the course of approximately one year.

Estimated Staff: N/A

Estimated Cost: The attached proposal was prepared by Preeminence Consulting for Pierce County District Court and indicates a minimum standard cost of **\$45,000**. This program would need to be scaled up for a statewide version of the initiative.

Is there any IT component to this request (excluding typical office equipment)? This training could be conducted partially through the Learning Management System.



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President

RE: Concept for Judicial Branch Budget Request
Indigent Funding for Court Ordered Services that Impact Public Safety: SCRAM, EHM & APIP

Problem: Courts statewide have inadequate funds to provide relief for indigent litigants who cannot afford required court ordered services like Alcohol Monitoring (such as SCRAM), Electronic Home Monitoring (EHM), and Abusive Partner Intervention Programs (APIP). These services aimed at improving public safety are common in criminal cases and are also ordered in civil protection order cases to help protect victims. There has been considerable recent success in lessening the disparate impact of legal financial obligations on indigent litigants. However, courts have far less ability to remove the financial burden of these other court ordered services. Funding for indigent litigants is not available through insurance or other sources. Indigent litigants face disparate risk of unnecessary incarceration because they cannot afford to pay for these court ordered alternatives that reduce safety risk to the public. Further, funding for these alternatives is often much less expensive than the costs of incarceration.

Proposed Solution: We propose that the Administrative Office of the Courts seek legislative funding to help indigent litigants pay for needed SCRAM, EHM, APIP or other related services in which they simply can't afford.

Estimated Staff: No new staff required, however existing staff may need to dedicate time to this project.

Estimated Cost: SCALABLE. Various approaches could be used. A statewide pooled fund could be utilized by courts to pay for a percentage of the statewide need for indigent litigants. Alternatively, funding could be requested for pilot courts to receive full funding for the estimated need in those jurisdictions. Results obtained from pilot courts could be used to show where cost savings were obtained and guide future funding requests. Under either alternative, funding should not supplant existing local funding. The average cost statewide for EHM is \$14/day.¹ The average cost statewide for SCRAM is \$12/day. The average cost statewide for Breathalyzer monitoring is \$6/day. We are presently researching the average cost for APIP statewide and will update you when we receive that. To give a local example of costs, Okanogan County uses three online APIP providers. The average cost between them is \$100 for the initial evaluation and then \$25/session on average.

Is there any IT component to this request (excluding typical office equipment)? No

¹ The statewide data is derived from the DRAFT *Court Practices Related to EHM & Other Jail Alternatives: Descriptive Analysis of Survey Results* from the DMCJA Diversity Committee. It is still in DRAFT form but is expected to be released later this year.



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President in conjunction with Judge Kimberly Walden, Tukwila Municipal Court

RE: Concept for Judicial Branch Budget Request – *Third Party Software Integration into CLJ-CMS, and Statewide OCourt*

Problem:

1. Courts desire to be able to integrate locally acquired and widely used court software with the new state case management system (CLJ-CMS) to maintain current efficiencies and recent advances in court technology. Without the ability to integrate, the justice community may lose some key functions, potentially requiring additional staffing and making remote hearings cumbersome. Currently, AOC's contract with Tyler Technologies does not include third party software integration within the scope of work.
2. OCourt software allows its court clients to operate in a highly efficient manner in less time with fewer staff, however local funding is not always available to purchase and maintain this software. Due to no ability to integrate with the CLJ-CMS product, courts will have to choose between maintaining their own CMS and keeping OCourt, or joining CLJ-CMS and losing access to this software.

Proposed Solution:

1. Integration: We propose that the Administrative Office of the Courts prioritize a legislative request for the estimated \$3,000,000 in costs to hire any required internal staff and contract with Tyler Technologies to develop and implement the ability to integrate third party software into the CLJ-CMS system. The ability for courts to integrate locally acquired software to the Tyler product (Enterprise Justice, formerly Odyssey) is not an uncommon practice for their clients and it is important to the ultimate success of Washington's new CLJ-CMS. AOC conducted extensive research into the needs of CLJ courts when preparing the RFP for the JIS replacement, and identified gaps between those needs and the capability of the Tyler product. While awaiting the years necessary to roll out the new CMS, many courts purchased software to use with the JIS applications to improve efficiencies and their overall operations. These efforts allowed courts to become "paperless" with electronic files, document management, and interactive forms. Some courts implemented electronic filing, remote hearings, and found other ways to invest in and use technology, allowing them to seamlessly transition to remote court during the pandemic. As courts begin to transition to the new CLJ-CMS product, they must be able to continue to utilize these third party software applications in order to continue providing the level of service that their customers and communities have come to expect.
2. OCourt: We propose that the Administrative Office of the Courts contract with OCourt to provide statewide access to this software product. OCourt is currently in use by nearly 30 courts across the state and provides significant efficiencies not available through any other product. Some of the benefits of this software include simultaneous view and access of electronic documents (such as court forms) to all parties so pleadings can be

prepared, viewed, and edits made in advance of court; digital signatures; quick distribution and archive process; all pleadings auto-populating person and plea details directly from JIS and other documents; scheduling and calendaring; and forms that collapse when printed thus only printing information relevant to the case and therefore easier to understand. The suite of OCourt products allows courts to go “paper on demand” which meant that they could shift to a virtual court environment with ease during the COVID-19 pandemic, and allowed courts to reduce their staffing and costs associated with maintaining paper files. Since OCourt is web-based, access to justice has improved, and judges can even preside over cases in other remote courts as a visiting judge. These efficiencies should be available to all courts of limited jurisdiction.

Estimated Staff: Unknown – AOC staff (IT and Business Analysts) will need to work on these projects.

Estimated Cost:

1. Integration - \$3,000,000 (one-time)
2. OCourt –
 - a. \$1,106,000 for implementation and first year of support (one time)
 - b. \$2,721,000 for 3 year support contract after first year (ongoing)

Is there any IT component to this request (excluding typical office equipment)? Yes, new IT systems, policies, and possibly staff will likely be required.



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President

RE: Concept for Judicial Branch Budget Request
JABS/EDR & Data Quality

Problem: This is an extremely important issue to DMCJA because of the consequences to public safety that arise from it. Judicial Officers rely on JABS to provide timely and fully accurate information to make multiple decisions that must be made quickly but thoughtfully. These can turn into life and death decisions and incomplete (or inaccurate) data can create serious safety consequences. The public deserves an electronic system that is quick, reliable and accurate.

Proposed Solution: We propose that the Administrative Office of the Courts seek adequate legislative funding so that the current gaps in our electronic data can be resolved as soon as possible given the gravity of this issue.

Estimated Staff: Unknown – AOC staff (IT and Business Analysts) will need to work on these projects. Existing staff levels may be adequate. DMCJA would defer to AOC analysis.

Estimated Cost: Unknown. DMCJA would defer to AOC analysis. Dirk Marler from AOC is submitting a concept paper on this topic.

Is there any IT component to this request (excluding typical office equipment)? Yes



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President

RE: Concept for Judicial Branch Budget Request
Law Clerks for Trial Courts in Trial Legal Services at AOC

Problem: Smaller courts cannot afford to hire their own law clerks to assist in legal research. Law clerks have proven to be very beneficial for larger courts who have the resources to employ them. These additional resources lead to more just and timely results for the public. Law clerks housed at AOC could be shared amongst smaller courts who do not have the funds for a law clerk on their own. Their work could also be shared amongst courts statewide, making their impact much larger than if they were employed at individual courts.

Proposed Solution: We propose that the Administrative Office of the Courts seek adequate legislative funding so that additional law clerks can be used as a shared resource for courts statewide. If AOC determines they are not in a position to be able to adequately expand this resource at this time, then this may be an item that needs to be delayed until AOC has that capacity. If that proves to be the case, DMCJA wants to make sure that this important need is not forgotten down the road.

Estimated Staff: Unknown – There exists a significant present need at the trial court level. However, DMCJA would defer to AOC analysis on AOC's present ability to expand to meet this need.

Estimated Cost: Unknown. DMCJA would defer to AOC analysis.

Is there any IT component to this request (excluding typical office equipment)? No



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President

RE: Concept for Judicial Branch Budget Request
Statewide Electronic Document Viewer

Problem: Judicial officers need quick and easy electronic access to documents from other courts and clerks from around the State. Currently there is no such solution in place. Differing case management systems make the problem more difficult to solve. Public safety is put at risk when judges are forced to make decisions on less information than would be possible through a statewide document viewer.

Proposed Solution: We propose that the Administrative Office of the Courts seek adequate legislative funding so that a Statewide Document Viewer can be implemented as soon as possible.

Estimated Staff: Unknown – AOC staff (IT and Business Analysts) may need to work on these projects. This also may depend on the solution chosen.

Estimated Cost: Unknown. It largely depends on how viable or how quickly AOC can implement a potential solution with existing resources.

Is there any IT component to this request (excluding typical office equipment)? Yes



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President

RE: Concept for Judicial Branch Budget Request – Therapeutic Courts Funding for CLJs

Problem: Following the Supreme Court decision in *State v. Blake*, the legislature reclassified drug possession in Washington State from a felony to a misdemeanor, resulting in increased possession cases in courts of limited jurisdiction. Although problem solving courts have existed in CLJs for many years and have been shown to positively impact the lives of those who participate, there has recently been increasing interest in the establishment of therapeutic programs to address the needs of those struggling with mental health issues or drug addiction. Most courts are unable to access funds within the Criminal Justice Treatment Account, and many courts (especially small or rural courts) have limited staff time available to seek federal grants available to treatment courts. In the BJA Adequate Funding Survey (2022), 67% of responding district courts and 66% of responding municipal courts indicated that therapeutic and problem solving courts funding was the top funding priority in order to better serve court users in their communities.

Proposed Solution: We propose that the Administrative Office of the Courts request ongoing legislative funding for therapeutic programs in courts of limited jurisdiction, which would reduce barriers for new courts establishing their programs and existing courts that are struggling to maintain these important therapeutic options.

Therapeutic courts, as defined under Chapter 2.30 of the Revised Code of Washington, provide individuals the opportunity to obtain treatment services under a closely monitored diversion program in lieu of the traditional trial track of the criminal justice system. The Washington State Legislature has indicated that therapeutic courts may decrease re-offense, improve the safety of the community, and improve the life of the participant. Over 50 therapeutic courts exist or are in the process of being established in CLJs (including 22 new programs established through grant funding provided by the legislature in 2021), and the need for a continuing supportive funding stream will increase with time as these courts grow and expand. Ongoing funding availability would allow these programs to collaborate in innovative ways and reduce costs overall, by pooling their resources to establish resource centers, hiring county-wide service navigators, and contracting directly with service providers.

This ongoing funding should be easily-accessible with a low barrier to entry in order to encourage the creation of new programs in jurisdictions where therapeutic courts do not yet exist. AOC recently established a Behavioral Health team where new and existing courts will be able to obtain information and education, allowing more courts to find the resources they need to feel confident in starting their programs – the only piece that is missing, for many of them, is funding.

Estimated Staff: 1 FTE in the AOC Behavioral Health unit to administer an ongoing grant program

Estimated Cost: SCALABLE. A full budget for a therapeutic court includes several specialized staff positions (including case managers and peer support specialists), in addition to judge, administrator, and prosecutor time,

technology and supplies, and contracts for services such as emergency housing, life skills training, and mental health care or addiction treatment.

For a comprehensive program, the total cost is approximately \$483,383 per year. If we assume that half of the 54 therapeutic courts in CLJs would operate at this level, and the other half are in smaller or more rural areas requiring half of the resources, the total need just for existing courts is approximately *\$19,595,439 per year*.

Is there any IT component to this request (excluding typical office equipment)? No



District and Municipal Court Judges' Association

April 1, 2022

TO: Christopher Stanley, Chief Financial & Management Officer, AOC

FROM: Judge Charles D. Short, DMCJA President

RE: Concept for Judicial Branch Budget Request
Uniform Statewide Electronic Protection Order System to Meet New Statutory Requirements

Problem: Courts, clerks and law enforcement agencies across the state need access to a uniform system for electronic submission of protection orders, electronic service options, electronic access to advocate help, and electronic tracking of the progress of cases, including service of process. Such a uniform system will prevent confusion for petitioners and other court users when they attempt to access the courts no matter where the petitioner or other user is located. This has been a common theme heard during stakeholder meetings related to the new protection order bill. Without such a uniform system, a patchwork of haphazard electronic solutions in various jurisdictions will create confusion and ultimately not meet the goals of the legislature. Disparate access to justice experiences will result.

Proposed Solution: We propose that the Administrative Office of the Courts seek legislative funding for a uniform statewide electronic protection order system that complies with all the requirements of the new protection order bill.

Estimated Staff: Unknown – AOC staff (IT and Business Analysts) may need to work on these projects. This also may depend on the solution chosen.

Estimated Cost: \$1,760,000 per year subscription for all courts and law enforcement agencies statewide, including participating tribal courts.¹ This is one estimate of potential cost from one particular provider. Other similar alternatives may have differing costs. DMCJA does not necessarily take a position on which provider or solution is chosen. How soon the solution can be implemented, how elegant the solution is, how simple it is for users, and how cost effective are all important considerations.

Is there any IT component to this request (excluding typical office equipment)? Yes

¹ 350+ courts and 250+ law enforcement agencies, including tribal jurisdictions willing to participate, and judicial access to protection order documents from other courts. See attached estimate for a solution from LegalAtoms.