



**DISTRICT AND MUNICIPAL  
COURT JUDGES' ASSOCIATION**

***BOARD MEETING***

**October 14, 2022**

**VIA ZOOM  
VIDEO CONFERENCE**

# DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

## 2022-2023

DATE	TIME	MEETING LOCATION*
Friday, July 8, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Aug 12, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Sept 9, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Oct 14, 2022	12:30 – 3:30 p.m.	Zoom Video Conference *updated*
Friday, Nov 18, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Dec 9, 2022	12:30 – 3:30 p.m.	AOC SeaTac Facility 18000 International Blvd, Suite 1106 Zoom Available
Friday, Jan 13, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Feb 10, 2023	12:30 – 3:30 p.m.	AOC SeaTac Facility 18000 International Blvd, Suite 1106 Zoom Available
Friday, March 10, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, April 14, 2023	12:30 – 3:30 p.m.	AOC SeaTac Facility 18000 International Blvd, Suite 1106 Zoom Available
May 5-6, 2023	12:00 p.m. – 5:00 p.m. 8:00 a.m. – 3:00 p.m.	Board Retreat & Monthly Board Meeting Location: Winthrop, WA *updated*
June 4, 2023	9:00 a.m. – 12:00 p.m. (at Spring Program)	Annual Business Meeting Location: TBD *updated*

AOC Staff: Stephanie Oyler

*\*All meeting locations are subject to change, with notice to members*

Updated: August 30, 2022

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**DMCJA BOARD MEETING**  
**FRIDAY, OCTOBER 14, 2022**  
**12:30 PM – 3:30 PM**  
**ZOOM VIDEO CONFERENCE**

**PRESIDENT RICK LEO**

AGENDA	PAGE
<b>1. Presentation</b> DMCJA Policy Analysts	
<b>2. General Business</b>	
A. Minutes for September 9, 2022	1
B. Treasurer Report for September – Judge Anita Crawford-Willis	6
C. Special Fund Report for September – Judge Karl Williams	14
<b>3. Liaison Reports</b>	
A. Superior Court Judges’ Association ( <b>SCJA</b> ) – Judge Samuel Chung, President-Elect	
1. SCJA Response to Emergency Orders	19
2. SCJA Emergency Orders Recommendations Table	23
B. District and Municipal Court Management Association ( <b>DMCMA</b> ) – Ellen Attebury, President	
C. Misdemeanant Probation Association ( <b>MPA</b> ) – Regina Alexander, Representative	
D. Washington State Association for Justice ( <b>WSAJ</b> ) – Mark O’Halloran	
E. Washington State Bar Association ( <b>WSBA</b> ) – Brent Williams-Ruth & Erik Kaeding	
F. Administrative Office of the Courts ( <b>AOC</b> ) – Dawn Marie Rubio, State Court Administrator	
G. Board for Judicial Administration ( <b>BJA</b> ) – Judge Tam Bui, Judge Dan Johnson, Judge Mary Logan, Judge Rebecca Robertson	
H. Judicial Information System Update ( <b>JIS</b> ) – Arsenio Escudero, JIS Business Liaison, AOC	
<b>4. Standing Committee Reports</b>	
A. Bylaws Committee Report – Judge Kristian Hedine	
B. Diversity Committee Report – Judge Willie Gregory	34
C. DOL Liaison Committee Report – Judge Angelle Gerl	35
D. Education Committee Report – Judge Jeffrey R. Smith	
E. Judicial Assistance Services Program (JASP) – Judge Mary Logan	
F. Legislative Committee Report – Judge Kevin G. Ringus and Judge Whitney Rivera	36
G. Public Outreach Committee Report – Judge Michelle K. Gehlsen	
1. Minutes from the September 12, 2022 meeting	37
H. Rules Committee Report – Judge Catherine McDowall and Judge Wade Samuelson	
1. Monthly Report	40
2. Minutes from the August 23, 2022 meeting	42
I. Therapeutic Courts Committee Report – Judge Fred Gillings and Judge Jenifer Howson	

<b>5. Action Items</b> A. Ratification of ITG 1349 - Pacific City/Algona Muni KCD-Court Case Management System (CMS) to Enterprise Data Repository (EDR) Data Exchange	45
<b>6. Discussion Items</b> A. Bylaws Committee Proposal to amend to include “fellow” memberships B. ITG Request #1339, Therapeutic Court Case Management – Dr. Mikala Meize-Bowers C. Rules Committee Proposal re: CrRLJ 2.1 GR 9 D. Rules Committee Proposal re: IRLJ 6.6 GR 9 E. Staff at the DMCJA Retreat F. DMCJA Logo – Judge Jeffrey R. Smith	46 47 48 50
<b>7. Information Items</b> A. DMCJA President’s appointments to the DMCJA Nominating Committee pursuant to DMCJA Bylaws, Art. IX, Sec. 2(a)(2). B. Memo to Chief Justice González: DMCJA Comment on Interim Emergency Order C. Rules Committee Letter re: Proposed Amendments to CrRLJ 7.4 and 7.5 D. Press Release: Gender & Justice Commission Research Finds DV MRT Treatment is Effective, Low Cost E. Trial Court Legal Services available on <a href="#">Inside Courts</a> F. Webinar Recording: <a href="#">Procedural Justice – It Starts With You</a> G. Webinar: Update on Search and Seizure Law to be held December 13, 2022 H. DMCMA Conference to be held May 7-10, 2023 in Vancouver, WA I. Free Virtual Conference - <a href="#">Community Justice 2022: International Summit</a> , November 3, 2022	53 54 58 65 68 70
<b>8. Other Business</b> A. Attendee Information Sharing B. The next DMCJA Board meeting is scheduled for Friday, November 18, 2022 from 12:30 p.m. to 3:30 p.m. via Zoom video conference.	
<b>9. Adjourn</b>	



**DMCJA Board of Governors Meeting**  
Friday, September 9, 2022 12:30 p.m. to 3:30 p.m.  
Zoom Video Conference <https://wacourts.zoom.us/j/82910554410>

**MEETING MINUTES**

**Members Present:**

Chair, Commissioner Rick Leo  
Judge Anita Crawford-Willis  
Judge Michael Frans  
Judge Jessica Giner  
Judge Jeffrey D. Goodwin  
Judge Carolyn M. Jewett  
Judge Catherine McDowall  
Judge Lloyd Oaks  
Judge Kevin Ringus  
Judge Whitney Rivera  
Judge Charles D. Short  
Judge Jeffrey Smith  
Judge Karl Williams  
Commissioner Paul Wohl  
Judge Tam Bui, BJA Representative  
Judge Mary Logan, BJA Representative

**Guests:**

Judge Samuel Chung, SCJA  
Judge Michael Finkle  
Judge Michelle Gehlsen, Public Outreach Chair  
Judge Angelle Gerl, DOL Liaison Chair  
Judge Nathaniel Green, Bylaws Chair  
Judge Willie Gregory, Diversity Chair  
Regina Alexander, MPA Liaison  
Melissa Johnson, DMCJA Lobbyist  
LaTricia Kinlow, DMCMA Representative

**AOC Staff:**

Stephanie Oyler, Primary DMCJA Staff  
J Benway, Principal Legal Analyst  
Tracy Dugas, Court Program Specialist  
Antonio Escudero, JIS Business Liaison

**Members Absent:**

Judge Dan B. Johnson, BJA Representative  
Judge Rebecca Robertson, BJA Representative

**CALL TO ORDER**

Commissioner Rick Leo, 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.

Commissioner Leo shared that the first DMCJA policy analyst has been hired by AOC, and their anticipated start date is September 16, 2022.

**PRESENTATION – Protection Order Updates, Judge Jeffrey Goodwin and Judge Michael Finkle**

Judge Goodwin and Judge Finkle provided a brief overview of some recent changes to protection order statutes, including retroactivity and weapons surrender orders.

**GENERAL BUSINESS**

**A. Minutes**

The minutes from the July 8, 2022 meeting were previously distributed to the members. Commissioner Leo noted one typographical error in the Presentation section, and asked if there were any additional changes that needed to be made to the minutes. Hearing none, the minutes were approved by consensus with the aforementioned correction.

**B. Treasurer Reports for July & August**

Treasurer Judge Anita Crawford Willis presented the treasurer reports for July and August.

**C. Special Fund Report for July & August**

Special Fund Custodian Judge Karl Williams presented special fund reports for July and August.

**LIAISON REPORTS**

**A. Superior Court Judges' Association (SCJA)**

SCJA President-Elect Judge Samuel Chung reported that the SCJA and the DMCJA are continuing to collaborate on improving the GR 9 rules process, and have recently submitted a suggestion to the Supreme Court Rules Committee.

**B. District and Municipal Court Management Association (DMCMA)**

DMCMA President-Elect LaTrisha Kinlow was present on behalf of President Ellen Attebury. Trish thanked DMCJA for their support of the recently approved changes to ARLJ 14 that will require education for court administrators. Trish shared that DMCMA is launching an Administrator Academy, hopefully during their conference next year, which they intend to hold in-person if possible.

**C. Misdemeanant Probation Association (MPA)**

Representative Regina Alexander was not present.

**D. Washington State Association for Justice (WSAJ)**

Representative Mark O'Halloran was not present.

**E. Washington State Bar Association (WSBA)**

Representative Francis Adewale was not present.

**F. Administrative Office of the Courts (AOC)**

State Court Administrator Dawn Marie Rubio was not present.

**G. Board for Judicial Administration (BJA)**

Judge Tam Bui reported that the next BJA meeting will be held on September 16, 2022. Judge Bui shared that the Court Education Committee (CEC) is currently working on education criteria as a guide for various groups and the trial court associations to prepare for spring conferences. Judge Bui noted that the CEC has received feedback that MPA members are not currently receiving adequate education, and the committee hopes to address this need. Judge Mary Logan reported that the BJA Budget and Funding Committee recently met to review the decision packages submitted by Chris Stanley and draft their recommendations for the upcoming BJA meeting.

**H. Judicial Information System (JIS)**

AOC JIS Business Liaison Arsenio Escudero gave a brief overview of recent JIS updates and provided an overview of the ITG request process.

**STANDING COMMITTEE REPORTS**

**A. Bylaws Committee**

Judge Nathaniel Green was present on behalf of Judge Hedine and reported that the Bylaws committee is working on adding a section to the bylaws regarding "fellow memberships" which they hope to present to the board at the October meeting.

**B. Conference Planning Committee**

Judge Andrea Beall was not present but previously reported that the conference planning committee only meets leading up to the Spring Conference, and only when conference is in-person, as the

committee is in charge of planning networking and social activities for the conference. The committee will address how to further incorporate diversity and inclusion into their committee work when they next meet, which will be in January 2023, if the 2023 Spring Conference is held in-person.

**C. Diversity Committee**

Judge Willie Gregory reported that the committee reviewed and discussed the DMCJA Priorities and that the priority they have taken to heart is priority 1, Identifying and Eliminating Systemic Racism in our Justice System. Judge Gregory noted that the Diversity Committee collaborates with the WSBA on a pro tem training that occurs every other year in March, and that committee members provide some of the training, which is targeted towards minority bar associations. Judge Gregory reported that the committee will also be working with the BJA on the strategic initiative on jail alternatives as the idea for that task force was proposed by them. The committee regularly invites presenters to attend their meetings to discuss diversity and workplaces, and member judges talk about how diversity is handled in their courtrooms. Judge Gregory will be attending the Executive Diversity Summit in November.

**D. DOL Liaison Committee**

Judge Angelle Gerl reported that the committee reviewed the DMCJA Priorities and chose four related projects to work on this year. First, the committee has submitted a legislative proposal which will allow individuals to more easily access an Abstract Driver Record. Secondly, the committee has submitted a proposed rules amendment to address weigh station scales. Third, the committee will be reviewing models for relicensing programs in conjunction with the Therapeutic Courts Committee. And finally, the committee will be submitting an ITG request that will allow AOC's systems to incorporate a date of death when available from the Department of Licensing. Commissioner Leo commended Judge Gerl and her committee on their attention to the Priorities project and thanked her for setting a great example.

**E. Education Committee**

Judge Jeffrey R. Smith reported that the Education Committee will be holding their retreat in October, which is where they will begin putting together the 2023 Spring Program. Judge Smith shared that a poverty simulator, which is a participatory type of education presentation, will be present at the next conference which will be held in-person in Spokane. Education staff had previously sent out a request for DMCJA members to submit ideas for conference topics but they did not receive very many responses, so Judge Smith encouraged anyone with ideas to still submit them. Judge Smith also remarked that the 2023 Board Retreat will be held in-person at the Sun Mountain Lodge in Winthrop.

**F. Judicial Assistance Services Program (JASP)**

Judge Mary Logan reminded the board that JASP is not structured like other committees, as they have members from both DMCJA and SCJA and their work involves contracting with an outside provider to assist with providing resources to judicial officers who need additional support. Judge Logan reported that the JASP annual training for peer counselors will occur in October, and that a new self help training on anger is now available on the learning management system.

**G. Legislative Committee**

Judge Kevin Ringus reported that the Legislative Committee has been meeting monthly throughout the summer, which is a change from past years when the committee took a break during that time. Judge Ringus noted that he and Judge Rivera, as committee Co-Chairs, have been holding regularly meetings with legislators to discuss the upcoming legislative session. Judge Ringus shared that the committee discussed the DMCJA Priorities and noted that several of the priorities call out the Legislative Committee specifically, and those projects will be priority. The committee also intends to look at legislative proposals and bills through a DEI lens this year when reviewing for court impacts. Judge Ringus reported that the committee will be holding a Legislative Day in Olympia with a tentative date of January 31, 2023.

#### H. Public Outreach Committee

Judge Michelle K. Gehlsen reported that more information about the work of the committee is provided in the written report in today's materials packet. Judge Gehlsen briefly shared that the Social Media Subcommittee has been working on the DMCJA Facebook page which will go live soon, and that she will attend an upcoming DMCMA meeting to request that court administrators and managers assist us with generating content for the page. Judge Gehlsen also reported that the *You've Been Served: A Courthouse Dialogue* event will be coming up soon, on September 21, and the committee has been working closely with the DMCJA Lobbyist Melissa Johnson to ensure that participating courts are prepared to host state legislators and local officials.

#### I. Rules Committee

Judge Catherine McDowall reported that the Rules Committee had a very busy summer, as many rules were out for comment in the last few months. Judge McDowall shared that the committee received feedback from municipal court judges that they were concerned about the CrRLJ 3.4 amendment proposed by the DMCJA because they interpret the new language differently than what the committee was anticipating. The Rules Committee intends to submit a request for a technical amendment in order to correct any issues with interpretation, as this was an unintended consequence of striking some language from the Rule. Judge McDowall noted that technical amendments can generally be adopted quickly by the Supreme Court because they do not need to follow the same rules process as full rules proposals. Judge Goodwin noted that he and Judge McDowall recently met with Justice Johnson to discuss a proposed amendment to CrRLJ 7.6 from the Washington Defender Association regarding probation holds, but they were unable to come to a solution. Judge McDowall reported that in regards to the Priorities project, the Rules Committee will be reviewing proposed rules through a lens of racial justice and are planning (as time allows) to do a review of rules more generally to see if there are changes needed to eliminate bias.

1. The minutes from the June 28, 2022 Rules Committee meeting were provided in the packet.
2. The minutes from the July 26, 2022 Rules Committee meeting were provided in the packet.

#### J. Therapeutic Courts Committee

Judge Fred Gillings and Judge Jenifer Howson were not present.

### ACTION

#### A. Proposed Legislative Items for the 2023 Session

The Board moved, seconded, and passed a vote (M/S/P) to approve the DMCJA 2023 Legislative Agenda as proposed by the Legislative Committee in the memo dated September 2, 2022.

#### B. JASP FY 2021-2022 Budget Rollover Request

M/S/P to approve the budget request from JASP to roll over the remaining funds from 2021-2022 into the 2022-2023 JASP budget.

#### C. Public Outreach Committee Additional Funding Request – *Meals for You've Been Served* Event

M/S/P to approve moving up to \$3000 into the Public Outreach Committee budget for reimbursement for meals at the *You've Been Served* event on September 21, 2022. Funds will be moved from the Board Expenses line item.

### DISCUSSION

#### A. DMCJA Logo

Commissioner Leo introduced this item by explaining that the DMCJA has never had a logo, although most other judicial branch groups have one, including the SCJA. Commissioner Leo had requested that



staff provide general guidelines to the AOC Communications team to draft a few proposed logo options which would include the color blue (to contrast with colors used by other associations) and the George Washington head in a seal format. Two options were presented for the board's review, and members presented concerns that the inclusion of George Washington may not accurately represent the values of the association. Judge Smith suggested that he is aware of a service that could provide many logo options quickly from which the board could choose, and he is willing to inquire to begin this process for the DMCJA. This item will be carried over to Discussion on next month's agenda.

**B. Proposed Legislative Items for the 2023 Session**

Judge Kevin Ringus and Judge Whitney Rivera noted that a memo is included in the materials for today's meeting that outlines the proposals the committee would like to see move forward this year. M/S/P to move this item to Action today.

**C. Public Outreach Committee Additional Funding Request – Meals for *You've Been Served* Event**

Judge Michelle Gehlsen reported that the upcoming You've Been Served event will involve providing meals for state legislators and local officials at participating courthouses, and requested an additional budget allocation of up to \$3000 for the committee to reimburse participating courts for this expense. M/S/P to move this item to Action today.

**D. JASP FY 2021-2022 Budget Rollover Request**

Judge Mary Logan explained that JASP had previously requested that they be allowed to carry over remaining funds from 2021-2022 into their 2022-2023 budget, and that the board had considered this request during the Retreat in May but had decided to wait until the bookkeeper was able to provide the exact dollar amount that would be carried over. That figure is now available and JASP would like the board to consider the request to carry over those funds. M/S/P to move this item to Action today.

**E. Staff at the DMCJA Retreat**

This item was not discussed and will be carried over to Discussion on next month's agenda.

**INFORMATION ITEMS**

Commissioner Leo brought the following informational items to the Board's attention.

- A. Registration Flyer: 63<sup>rd</sup> Annual Washington Judicial Conference, September 18-20, 2022
- B. October Board Meeting to be held via Zoom
- C. Updated Board Meeting Schedule

**OTHER BUSINESS**

- A. Attendee Information Sharing
- B. The next DMCJA Annual Business Meeting is scheduled for Friday, October 14, 2022 from 12:30 p.m. to 3:30 p.m. via Zoom video conference.

The meeting was adjourned at 3:11 p.m.

**Christina E Huwe**  
**Pierce County Bookkeeping**  
1504 58<sup>th</sup> 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 September 30th, 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 Statement (8-31-22 & 9-30-22)
- 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 September 30, 2022

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	Sep 30, 22
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Bank of America - Checking	10,426
Bank of America - Savings	329,956
Washington Federal (Spec Fund)	36,549
<b>Total Checking/Savings</b>	376,931
<b>Total Current Assets</b>	376,931
<b>Fixed Assets</b>	
Accumulated Depreciation	(703)
Computer Equipment	579
<b>Total Fixed Assets</b>	(124)
<b>TOTAL ASSETS</b>	<b>376,807</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Credit Cards</b>	
Credit Cards	
Bank of America C. C.	88
<b>Total Credit Cards</b>	88
<b>Total Current Liabilities</b>	88
<b>Total Liabilities</b>	88
<b>Equity</b>	376,719
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>376,807</b>

**Washington State District And Municipal Court Judges Assoc.**  
**Statement of Activities**  
For the Three Months Ending September 30th, 2022

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	<u>Jul 22</u>	<u>Aug 22</u>	<u>Sep 22</u>	<u>TOTAL</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Interest Income	12.93	22.11	22.01	57.05
<b>Total Income</b>	<u>12.93</u>	<u>22.11</u>	<u>22.01</u>	<u>57.05</u>
<b>Gross Profit</b>	12.93	22.11	22.01	57.05
<b>Expense</b>				
Fraud	7.97	0.00	0.00	7.97
Contract Grant Writer	833.75	5,093.75	1,825.55	7,753.05
President's - Special Fund	94.86	0.00	87.73	182.59
Special Fund Expense	0.00	0.00	2,500.00	2,500.00
Prior Year Budget Expense	4,692.47	580.00	0.00	5,272.47
Board Meeting Expense	0.00	3,000.00	12.00	3,012.00
Bookkeeping Expense	318.00	318.00	318.00	954.00
Judicial Assistance Committee	101.74	(8,000.00)	0.00	(7,898.26)
Lobbyist Contract	12,000.00	6,000.00	6,000.00	24,000.00
Treasurer Expense and Bonds	0.00	0.00	140.00	140.00
<b>Total Expense</b>	<u>18,048.79</u>	<u>6,991.75</u>	<u>10,883.28</u>	<u>35,923.82</u>
<b>Net Ordinary Income</b>	<u>(18,035.86)</u>	<u>(6,969.64)</u>	<u>(10,861.27)</u>	<u>(35,866.77)</u>
<b>Net Income</b>	<u><b>(18,035.86)</b></u>	<u><b>(6,969.64)</b></u>	<u><b>(10,861.27)</b></u>	<u><b>(35,866.77)</b></u>

## Washington State District And Municipal Court Judges Assoc.

## Reconciliation Detail

Bank of America - Checking, Period Ending 09/30/2022

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						16,709.44
<b>Cleared Transactions</b>						
<b>Checks and Payments - 4 items</b>						
Check	08/30/2022		Sun Mountain Lodge	X	-3,000.00	-3,000.00
Check	09/12/2022		Pierce County Book...	X	-318.00	-3,318.00
Check	09/14/2022		Collaborative Parner...	X	-1,825.55	-5,143.55
Check	09/15/2022		Bogard & Johnson, ...	X	-6,000.00	-11,143.55
Total Checks and Payments					-11,143.55	-11,143.55
<b>Deposits and Credits - 1 item</b>						
Transfer	09/30/2022			X	5,000.00	5,000.00
Total Deposits and Credits					5,000.00	5,000.00
Total Cleared Transactions					-6,143.55	-6,143.55
Cleared Balance					-6,143.55	10,565.89
<b>Uncleared Transactions</b>						
<b>Checks and Payments - 1 item</b>						
Check	09/28/2022		Liberty Mutual Insur...		-140.00	-140.00
Total Checks and Payments					-140.00	-140.00
Total Uncleared Transactions					-140.00	-140.00
Register Balance as of 09/30/2022					-6,283.55	10,425.89
<b>New Transactions</b>						
<b>Checks and Payments - 16 items</b>						
Check	10/03/2022		City of Lakewood		-2,500.00	-2,500.00
Check	10/03/2022		Susanna Neil Kanth...		-1,200.00	-3,700.00
Check	10/03/2022		Pierce County Book...		-318.00	-4,018.00
Transfer	10/03/2022				-87.73	-4,105.73
Check	10/09/2022		Collaborative Parner...		-4,705.50	-8,811.23
Check	10/09/2022		Kent Municipal Court		-240.32	-9,051.55
Check	10/09/2022		Snohomish Co. Distr...		-216.89	-9,268.44
Check	10/09/2022		Grant County		-143.55	-9,411.99
Check	10/09/2022		City of Spokane		-142.25	-9,554.24
Check	10/09/2022		Lisa Hardy (Court A...		-134.97	-9,689.21
Check	10/09/2022		Federal Way Munic...		-131.35	-9,820.56
Check	10/09/2022		King County District ...		-118.74	-9,939.30
Check	10/09/2022		Karl Williams		-106.62	-10,045.92
Check	10/09/2022		Clark County District		-88.60	-10,134.52
Check	10/09/2022		City of Puyallup		-71.45	-10,205.97
Check	10/14/2022		Bogard & Johnson, ...		-6,000.00	-16,205.97
Total Checks and Payments					-16,205.97	-16,205.97
<b>Deposits and Credits - 2 items</b>						
Transfer	10/03/2022				10,000.00	10,000.00
Transfer	10/09/2022				10,000.00	20,000.00
Total Deposits and Credits					20,000.00	20,000.00
Total New Transactions					3,794.03	3,794.03
<b>Ending Balance</b>					<b>-2,489.52</b>	<b>14,219.92</b>

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

Type	Date	Name	Memo	Amount	Balance
<b>Bank of America - Checking</b>					
Check	07/08/2022	Collaborative Parners Initi...		(833.75)	(833.75)
Check	07/08/2022	Pierce County Bookkeeping		(318.00)	(1,151.75)
Check	07/08/2022	Sonial R. True		(117.00)	(1,268.75)
Check	07/08/2022	Opal Art Glass		(1,010.21)	(2,278.96)
Check	07/11/2022	Bogard & Johnson, LLC		(6,000.00)	(8,278.96)
Check	07/11/2022	Bogard & Johnson, LLC		(6,000.00)	(14,278.96)
Transfer	07/11/2022		Funds Transfer	12,000.00	(2,278.96)
Check	07/12/2022	City of Tukwila		(2,000.00)	(4,278.96)
Check	07/12/2022	Okanogan County District ...		(394.63)	(4,673.59)
Check	07/25/2022	Okanogan County District ...		(394.63)	(5,068.22)
Transfer	07/25/2022		Funds Transfer	10,000.00	4,931.78
Check	07/26/2022	Kyle Mott		(176.00)	4,755.78
Check	07/26/2022	Chelan County District Co...		(600.00)	4,155.78
Check	08/01/2022	Charles Short		(300.00)	3,855.78
Transfer	08/01/2022		Funds Transfer	(94.86)	3,760.92
Check	08/01/2022	Charles Short		(280.00)	3,480.92
Check	08/02/2022	Collaborative Parners Initi...		(2,682.50)	798.42
Check	08/12/2022	Pierce County Bookkeeping		(318.00)	480.42
Deposit	08/12/2022		Jasp Contribution	8,000.00	8,480.42
Transfer	08/15/2022		Funds Transfer	5,000.00	13,480.42
Check	08/15/2022	Bogard & Johnson, LLC		(6,000.00)	7,480.42
Check	08/22/2022	Collaborative Parners Initi...		(2,411.25)	5,069.17
Check	08/30/2022	Sun Mountain Lodge		(3,000.00)	2,069.17
Check	09/12/2022	Pierce County Bookkeeping		(318.00)	1,751.17
Check	09/14/2022	Collaborative Parners Initi...		(1,825.55)	(74.38)
Check	09/15/2022	Bogard & Johnson, LLC		(6,000.00)	(6,074.38)
Check	09/28/2022	Liberty Mutual Insurance		(140.00)	(6,214.38)
Transfer	09/30/2022		Funds Transfer	5,000.00	(1,214.38)
Total Bank of America - Checking				(1,214.38)	(1,214.38)
<b>Bank of America - Savings</b>					
Transfer	07/11/2022		Funds Transfer	(12,000.00)	(12,000.00)
Transfer	07/25/2022		Funds Transfer	(109.71)	(12,109.71)
Transfer	07/25/2022		Funds Transfer	(10,000.00)	(22,109.71)
Deposit	07/31/2022		Interest	2.99	(22,106.72)
Transfer	08/15/2022		Funds Transfer	(5,000.00)	(27,106.72)
Deposit	08/30/2022		Interest	2.86	(27,103.86)
Transfer	09/30/2022		Funds Transfer	(5,000.00)	(32,103.86)
Deposit	09/30/2022		Interest	2.75	(32,101.11)
Total Bank of America - Savings				(32,101.11)	(32,101.11)
<b>Washington Federal (Spec Fund)</b>					
Deposit	07/31/2022		Interest	9.94	9.94
Deposit	08/31/2022		Interest	19.25	29.19
Check	09/14/2022	FM Public Affairs		(2,512.00)	(2,482.81)
Deposit	09/30/2022		Interest	19.26	(2,463.55)
Total Washington Federal (Spec Fund)				(2,463.55)	(2,463.55)
<b>Credit Cards</b>					
<b>Bank of America C. C.</b>					
Credit ...	07/12/2022	GroupGreeting		(101.74)	(101.74)
Credit ...	07/15/2022	Google *Ciara Prochask		(3.49)	(105.23)
Credit ...	07/15/2022	Google *Ciara Prochask		(3.49)	(108.72)
Credit ...	07/15/2022	Google *Ciara Prochask		(0.99)	(109.71)
Transfer	07/25/2022		Funds Transfer	109.71	0.00
Credit ...	07/26/2022	Buds Blooms		(94.86)	(94.86)
Transfer	08/01/2022		Funds Transfer	94.86	0.00
Credit ...	09/13/2022	Peters & Sons		(87.73)	(87.73)
Total Bank of America C. C.				(87.73)	(87.73)
Total Credit Cards				(87.73)	(87.73)

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

Type	Date	Name	Memo	Amount	Balance
<b>Interest Income</b>					
Deposit	07/31/2022		Interest	(2.99)	(2.99)
Deposit	07/31/2022		Interest	(9.94)	(12.93)
Deposit	08/30/2022		Interest	(2.86)	(15.79)
Deposit	08/31/2022		Interest	(19.25)	(35.04)
Deposit	09/30/2022		Interest	(2.75)	(37.79)
Deposit	09/30/2022		Interest	(19.26)	(57.05)
Total Interest Income				(57.05)	(57.05)
<b>Fraud</b>					
Credit ...	07/15/2022	Google *Ciara Prochask	Google *Ciara Prochask 855-...	3.49	3.49
Credit ...	07/15/2022	Google *Ciara Prochask		3.49	6.98
Credit ...	07/15/2022	Google *Ciara Prochask	Google *Ciara Prochask	0.99	7.97
Total Fraud				7.97	7.97
<b>Contract Grant Writer</b>					
Check	07/08/2022	Collaborative Parners Initi...	Invoice 1104	833.75	833.75
Check	08/02/2022	Collaborative Parners Initi...	Invoice 1114	2,682.50	3,516.25
Check	08/22/2022	Collaborative Parners Initi...	Invoice 1126	2,411.25	5,927.50
Check	09/14/2022	Collaborative Parners Initi...	Invoice 1134	1,825.55	7,753.05
Total Contract Grant Writer				7,753.05	7,753.05
<b>President's - Special Fund</b>					
Credit ...	07/26/2022	Buds Blooms	Flowers sent to Justice Madsen	94.86	94.86
Credit ...	09/13/2022	Peters & Sons	Flowers for Judge Smith	87.73	182.59
Total President's - Special Fund				182.59	182.59
<b>Special Fund Expense</b>					
Check	09/14/2022	FM Public Affairs		2,500.00	2,500.00
Total Special Fund Expense				2,500.00	2,500.00
<b>Prior Year Budget Expense</b>					
Check	07/08/2022	Sonial R. True	JASP	117.00	117.00
Check	07/08/2022	Opal Art Glass	President Line Item	1,010.21	1,127.21
Check	07/12/2022	City of Tukwila	Pro Tempore	480.00	1,607.21
Check	07/12/2022	City of Tukwila	Board Meeting Expense	1,520.00	3,127.21
Check	07/12/2022	Okanogan County District ...	Spring Conference Presenter ...	394.63	3,521.84
Check	07/25/2022	Okanogan County District ...	Judge Styainer's Memorial Se...	394.63	3,916.47
Check	07/26/2022	Kyle Mott	Public outreach committee lin...	176.00	4,092.47
Check	07/26/2022	Chelan County District Co...	Pro Tempore Line Item	600.00	4,692.47
Check	08/01/2022	Charles Short	President's special line item ...	300.00	4,992.47
Check	08/01/2022	Charles Short	Judge Steiner Memorial-Presi...	280.00	5,272.47
Total Prior Year Budget Expense				5,272.47	5,272.47
<b>Board Meeting Expense</b>					
Check	08/30/2022	Sun Mountain Lodge	Retreat Down Payment	3,000.00	3,000.00
Check	09/14/2022	FM Public Affairs		12.00	3,012.00
Total Board Meeting Expense				3,012.00	3,012.00
<b>Bookkeeping Expense</b>					
Check	07/08/2022	Pierce County Bookkeeping	Invoice 1246	318.00	318.00
Check	08/12/2022	Pierce County Bookkeeping		318.00	636.00
Check	09/12/2022	Pierce County Bookkeeping		318.00	954.00
Total Bookkeeping Expense				954.00	954.00
<b>Judicial Assistance Committee</b>					
Credit ...	07/12/2022	GroupGreeting		101.74	101.74
Deposit	08/12/2022	Superior Court Judges As...	Jasp Contribution	(8,000.00)	(7,898.26)
Total Judicial Assistance Committee				(7,898.26)	(7,898.26)

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

Type	Date	Name	Memo	Amount	Balance
<b>Lobbyist Contract</b>					
Check	07/11/2022	Bogard & Johnson, LLC	June Payment	6,000.00	6,000.00
Check	07/11/2022	Bogard & Johnson, LLC	July Payment	6,000.00	12,000.00
Check	08/15/2022	Bogard & Johnson, LLC	August Payment	6,000.00	18,000.00
Check	09/15/2022	Bogard & Johnson, LLC	September Payment	6,000.00	24,000.00
Total Lobbyist Contract				24,000.00	24,000.00
<b>Treasurer Expense and Bonds</b>					
Check	09/28/2022	Liberty Mutual Insurance	Bond Expense	140.00	140.00
Total Treasurer Expense and Bonds				140.00	140.00
<b>TOTAL</b>				<b>0.00</b>	<b>0.00</b>



## **Other current information not included in reports**



Statement of Account

PAGE 1 OF 2

Statement End Date August 31, 2022

Statement Begin Date August 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' 13677  
 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	0.582%
Interest Rate Effective 08/01/2022	0.300%
Interest Rate Effective 08/03/2022	0.600%
Interest Earned/Accrued this Cycle	\$19.25
Number of Days in this Cycle	31
Date Interest Posted	08-31-2022
Year-to-Date Interest Paid	\$68.08

<b>Beginning Balance</b>	<b>\$39,022.71</b>
Interest Earned This Period	+19.25
Deposits and Credits	+0.00
Checks Paid	-0.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
<b>Ending Balance</b>	<b>\$39,041.96</b>

	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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Statement of Account

PAGE 1 OF 2

Statement End Date September 30, 2022

Statement Begin Date September 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' 13479  
 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.

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Business Premium Money Market Summary - # 3329100238

Annual Percentage Yield Earned for this Statement Period	0.602%
Interest Rate Effective 09/01/2022	0.600%
Interest Earned/Accrued this Cycle	\$19.26
Number of Days in this Cycle	30
Date Interest Posted	09-30-2022
Year-to-Date Interest Paid	\$87.34

<b>Beginning Balance</b>	<b>\$39,041.96</b>
Interest Earned This Period	+19.26
Deposits and Credits	+2,500.00
Checks Paid	-2,500.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
<b>Ending Balance</b>	<b>\$39,061.22</b>

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

Interest Earned This Period

Date	Description	Amount
09-30	Credit Interest	19.26
<b>Total Interest Earned This Period</b>		<b>19.26</b>

Visa may provide updated debit card information, including your expiration date and card number, with merchants that have an agreement for recurring payments. You may opt out of this service by calling 1-800-324-9375.



Statement of Account

PAGE 2 OF 2

Statement End Date September 30, 2022
Statement Begin Date September 1, 2022
Account Number [REDACTED]

For 24-hour telephone banking
1-877-431-1876

Deposits and Credits

Table with 3 columns: Date, Description, Amount. Row 1: 09-21, Eff. 09-20 Check 1067 (Returned), 2,500.00. Total Deposits and Credits: 2,500.00



Checks Paid

Table with 6 columns: Number, Date, Amount, Number, Date, Amount. Row 1: 1067, Sep 21, 2,500.00. Total Checks Paid: \$2,500.00

\* All of your recent checks may not be on this statement, either because they haven't cleared yet, they were listed on one of your previous statements, or they were converted to an electronic withdrawal and may be listed below.

## DMCJA 2022-2023 Adopted Budget

Item/Committee	ALLOCATED	SPENT	Balance
Access to Justice Liaison	\$ 100.00		100.00
Audit (every 3 years)			
Bar Association Liaison (WSBA)	\$ 100.00		100.00
Board Meeting Expense *	\$ 78,605.26	3,012.00	75,593.26
Bookkeeping Expense	\$ 3,500.00	954.00	2,546.00
Bylaws Committee	\$ 250.00		250.00
Conference Calls/Zoom	\$ 100.00		100.00
Conference Planning Committee	\$ 4,000.00		4,000.00
Conference (Spring) <u>Incidental</u> Fees For Members for <b>2023</b>	\$ 40,000.00		40,000.00
Contract Grant Writer	\$ 72,000.00	7,754.00	64,246.00
Contract Policy Analyst			0.00
Council on Independent Courts (CIC)	\$ 500.00		500.00
Diversity Committee	\$ 500.00		500.00
DMCJA/SCJA Sentencing Alternatives aka "Trial Court Sentencing and Supervision Committee" DORMANT			
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**	\$ 19,653.00	102.00	19,551.00
Insurance (every 3 years)			
Judicial College Social Support	\$ 2,000.00		2,000.00
Judicial Community Outreach	\$ 2,000.00		2,000.00
Legislative Committee	\$ 1,500.00		1,500.00
Legislative Pro-Tem	\$ 2,500.00		2,500.00
Lobbyist Contract	\$ 72,000.00	24,000.00	48,000.00
Lobbyist Expenses	\$ 1,500.00		1,500.00
Long-Range Planning Committee	\$ 750.00		750.00
MPA Liaison	\$ 250.00		250.00
Municipal/District Court Swearing In - Every 4 yrs (12/2024)			0.00
(Mary Fairhurst) National Leadership Grants	\$ 5,000.00		5,000.00

Nominating Committee	\$ 100.00		100.00
President Expense	\$ 3,000.00		3,000.00
President's Expense - Special Fund	\$ 1,000.00	183.00	817.00
Pro Tempore (committee chair approval)	\$ 10,000.00		10,000.00
Professional Services	\$ 1,500.00		1,500.00
Public Outreach (ad hoc workgroup)***	\$ 2,394.74		2,394.74
Rules Committee	\$ 500.00		500.00
SCJA Board Liaison	\$ 250.00		250.00
Therapeutic Courts	\$ 2,500.00		2,500.00
Treasurer Expense and Bonds	\$ 100.00	140.00	-40.00
Trial Court Advocacy Board (TCAB) - dormant			0.00
Uniform Infraction Citation Committee (UICC)	\$ 1,000.00		1,000.00
Totals	\$ 361,853.00	\$ 36,145.00	\$ 325,708.00
Special Fund		\$2,500.00	
*To include \$50,000 carryover from 2021-2022 budget			
** To include \$8000,00 from the SCJA and carryover of any remaining funds from 2021-2022			
***Board approved move from the Board Expense to the Public Outreach line item. 1394.74			

updated 9-30-22



WASHINGTON  
COURTS

# Superior Court Judges' Association

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360-337-7140

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Seattle, WA 98104-2361  
206-477-4933

October 3, 2022

Chief Justice Steven González  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: SCJA's Comments on Supreme Court Emergency Orders

Dear Chief Justice González,

Thank you for giving Superior Court Judges' Association (SCJA) the opportunity to provide recommendations to effectively transition from operative Supreme Court Emergency Orders related to the COVID-19 pandemic. The Court's Emergency Orders have provided important guidance during an extremely challenging time for our courts. In addition to confronting the public health pandemic, superior courts are heeding a national call to build racial justice and equity, implementing substantive changes to the criminal and civil statutes, and addressing an unprecedented caseload backlog. By balancing the need to stabilize critical court operations with the obligation to respond to local health conditions, the Emergency Orders helped jurisdictions resume jury trials, ensure due process, support remote access and open courts while protecting the health of the public, jurors, litigants, lawyers, court staff, and judicial officers. As you well know, the creativity, hard work, and collaboration of so many has been extraordinary.

To respond to your request for input, SCJA has reached out to judicial officers across the state. As SCJA represents 200 independently elected and appointed judges, and more than fifty court commissioners, we received a range of feedback on the role of emergency or interim orders going forward, and court authority to enact provisions through court rules. With the response time given (even with a much-appreciated extension), SCJA cannot reach a consensus regarding discrete orders and court rules. Instead, we share two guiding principles that clearly and uniformly emerged, as noted below. We also enclose a chart that provides specific comment on those orders deemed most relevant to superior court operations.

## 1. Local discretion to respond to public health emergencies

Courts are encountering a wide range of practices and procedures around masking, social distancing, vaccination, and other issues as recommended by local public health officials. Courts need to retain local discretion to respond, whether through local rules or administrative practices. The pandemic exposed long-standing disparities in health outcomes between racial and ethnic groups. Black, Indigenous, and other people of color had higher rates of COVID-19 infection, hospitalization, and death. As many of the Governor's Emergency Proclamations have expired or been

rescinded, local public health authorities are providing more direct guidance to courts regarding appropriate protective measures in their communities. Judicial officers must retain the authority to respond to local needs, practices and procedures to protect the health and safety of those accessing the courts. SCJA asks that existing or interim Supreme Court orders remove requirements for a single, statewide response to public health conditions while retaining language that recognizes the authority of individual courts to respond to public health recommendations at the local level. Without this authority, jurisdictions may be unable to issue or extend local court rules to protect court participants. These consequences will disproportionately impact BIPOC communities.

## **2. Local discretion to hold remote proceedings**

The pandemic brought about many important innovations. Most notably, it super-charged the ability of courts to hold remote hearings to allow for remote participation by jurors, attorneys, and other participants in appropriate situations. Innovations created by remote proceedings cannot – and should not – now be undone. Not only can this use of technology create enormous efficiencies for courts, but providing the option for remote participation and filing also increases meaningful access to justice for the public. Many courts have found that participants rely on remote proceedings, electronic filing and signatures, and increased public access in many circumstances. Legislation, most specifically the recent alignment and modernization of protection order statutes, has codified remote proceedings and technology into our courts beyond what we could have imagined just a few short years ago.

Not all courts have the ability or incentive to conduct remote proceedings due to local characteristics, but those that have implemented these innovations overwhelmingly endorse their efficiencies and effectiveness. With universal broadband, and data showing the effect of remote access on diverse and rural court users, remote court procedures could expand exponentially over time. Courts that have integrated remote proceedings into their practices, and those that desire to do so, must have the authority and discretion to adopt local rules to facilitate them. These innovations cannot be lost. Additionally, many local courts and various statewide court committees, including the BJA Remote Proceedings Work Group chaired by Judge Jim Rogers and Judge Gerl continue to review these very issues. SCJA believes it is paramount that any interim order includes local authority and discretion to conduct remote trial and non-trial proceedings, as well as remote access to court services. With the discretion to conduct remote proceedings and to provide online court services in the way that best fits individual courts' needs and resources, each jurisdiction can make the appropriate individual determinations tailored to the needs of court participants and the public.

### **Specific Comments on Transition from the Emergency Orders**

In response to your request for comments, SCJA has focused on seven orders with the greatest impact on superior courts. In the enclosed chart, the provisions of each order are sorted into three categories, based on general comments: retain the provision within the interim order, rescind, and no position. In many cases, comments include more detail regarding SCJA's rationale and recommendations for further action. In line with the guiding principles articulated above, comments reflect SCJA's request to transition away from the presumption of requirements and toward reinforcing greater local discretion and authority.



An equally important request of the Supreme Court is to afford trial judges who work with these issues every day more time to collaborate to provide this Court with specific and meaningful input. Accordingly, SCJA respectfully asks that for review and edit of Emergency Orders that are extended, or for interim orders put into place, the Supreme Court consider a comment period as specified in GR 9 and GR 7 rulemaking.

Retain in Interim Order:

- Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations  
The last paragraph of the general order, and provisions 1, 3-4(b), 5-8, 10, 13-14, 15(a), and 16-24
  
- Order 25700-B-647 Extended and Revised Order re: Dependency and Termination Cases  
Provisions 5 and 6
  
- Order 25700-B-631 Modification of Jury Trial Proceedings  
Provisions 2,4-7(c), and 9
  
- Order 25700-B-610 Temporarily Suspending Local and State Court Rules the Require In-Person Administration of Oaths of Affirmations  
Provision a
  
- Order 25700-B-602 Authorizing Emergency Local Rules  
Provisions 1 and 4

Rescind:

- Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations  
Provisions 9, 11-12, 14(a)-(b), and 15(b)-(d)
  
- Order 25700-B-639 Authorizing Eviction Resolution Program in Superior Courts  
All parts of this order
  
- Order 25700-B-631 Modification of Jury Trial Proceedings  
Provisions 1, 3, 8, and 10

No position:

- Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations  
Provisions 2 and 4(c)
  
- Order 25700-B-647 Extended and Revised Order re: Dependency and Termination Cases  
Provisions 1-4 and 7-15
  
- Order 25700-B-620 Extended and Revised Order re: Civil Commitment Proceedings  
All provisions of this order.
  
- Order 25700-B-610 Temporarily Suspending Local and State Court Rules the Require In-Person Administration of Oaths of Affirmations  
Provisions b and c
  
- Order 25700-B-602 Authorizing Emergency Local Rules  
Provisions 2 and 3

Chief Justice González  
October 3, 2022  
Page 4

Thank you for your attention to these matters of critical importance. SCJA respectfully asks that you incorporate this feedback into any interim and post-pandemic orders. SCJA would welcome the opportunity to answer any questions you may have and to work with the Supreme Court to craft specific language for these orders. Judge Samuel Chung has led SCJA's response and is also available to answer any questions directly.

Sincerely,

A handwritten signature in blue ink, reading "Jennifer Forbes". The signature is written in a cursive, flowing style.

Judge Jennifer Forbes, President  
Superior Court Judges' Association

Enclosed: SCJA Recommendations to Supreme Court Emergency Orders

cc: SCJA Board of Trustees  
Judge Samuel Chung  
Ms. Allison Lee Muller

**SCJA Recommendations to Supreme Court Emergency Orders**

Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations			
Provision Number	Provision Subject	Retain, Rescind or No Position	Recommendation
General Order	Authority of Courts to Conduct Remote Proceedings	Retain	The SCJA recommends the provision be retained within the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. Jurisdictions must retain the discretion to conduct voir dire, civil jury trials, and criminal and civil non-jury trials by remote means as public health conditions and local technological capabilities allow. Because this option has been essential to address challenges caused by the pandemic, modifications to the interim order must reflect this discretion.
1	Civil Jury Trials	Retain	The SCJA recommends the provision be retained within the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. Jurisdictions must retain the discretion to conduct civil jury and non-jury trials by remote means as public health conditions and local technological capabilities allow. Because this option has been essential to address challenges caused by the pandemic, modifications to the interim order must reflect this discretion.
2	[Reserved]	No position	The SCJA has no position on this provision.
3	Civil Matters – Remote Means	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. The interim order may require modification to reflect that courts are not required to prioritize or conduct emergency matters remotely, but to allow local courts the discretion to conduct proceedings through remote means based on their priorities and resources.
4	Civil Matters – Protection Orders	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. Modifications to the interim order may be needed to conform with legislation enacted under E2SHB 1320 (modernizing protection orders) and 1901 (civil protection orders).
4(a)	PO Service	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. Modifications to the interim order may be needed to conform with legislation enacted under E2SHB 1320 (modernizing protection orders) and 1901 (civil protection orders).

Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations (cont).			
4(b)	PO Extensions	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. Modifications to the interim order may be needed to conform with legislation enacted under E2SHB 1320 (modernizing protection orders) and 1901 (civil protection orders).
4(c)	Guidance	No position	The SCJA has no position on this provision.
5	Stipulations to Civil Matters	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period will allow any entity/person who would like to do so to propose a court rule change through the GR 9 process. The interim order may require modification to reflect that jurisdictions retain discretion to conduct discovery, pretrial hearing and ADR in person or remotely, and may encourage parties to stipulate reasonable modifications in writing.
5(a)	Remote Depositions	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period will allow any entity/person who would like to do so to propose a court rule change through the GR 9 process. The interim order may require modification to reflect that there is no presumption requiring remote depositions, but that depositions may proceed remotely by agreement of the parties or court order.
5(b)	Remote Service	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period will allow any entity/person who would like to do so to propose a court rule change through the GR 9 process. The interim order may require modification to reflect there is no presumption requiring remote service, but that service may proceed remotely by agreement of parties or court order.
6	Sexually Violent Predators – Civil Cases	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. Local court jurisdictions must retain the discretion to conduct remote hearings in SVP cases. The interim order may require modification to affirm local court authority to schedule civil matters and hear oral argument remotely. Additionally, mandatory social distancing and other public health measures should not be ordered. Instead, local court jurisdictions have the authority to impose and enforce public health requirements with guidance from their local public health authorities. It may be helpful to identify whether, and if so, which proceedings require a <i>Matthews v. Eldridge</i> analysis to proceed remotely (e.g., dependency fact findings, termination of parental rights, Title 13 guardianships, adoptions, juvenile offender, or adult criminal).
7	Criminal Trials	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. It is imperative that local court jurisdictions retain authority to conduct remote

Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations (cont.)

7 (cont.)			nonjury trials until statewide and/or local rules are promulgated through the GR 9 or GR 7 process to address this practice on a permanent basis beyond the public health emergency. Additionally, mandatory social distancing and other public health measures should not be ordered. Instead, local court jurisdictions must have the authority to impose and enforce public health requirements with guidance from their local public health authorities.
8	Remote Out of Custody Hearings	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. Following the interim order, the SCJA urges the Supreme Court Rules Committee to adopt its proposed changes to CrR 3.4, as it addresses the authority of courts to hold criminal proceedings remotely. Should the Supreme Court Rules Committee be unwilling to adopt this rule proposal, SCJA recommends the interim order retain language authorizing local court discretion to permit remote criminal proceedings.
9	Ex Parte Criminal Orders	Rescind	The SCJA recommends this provision be rescinded. Courts are managing their case calendars for ex parte no contact orders locally, and do not have a continuing need for an emergency order.
10	In Custody Hearings	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. The interim order may require modification to clarify that strict social distancing and other public health measures are not mandatory. Instead, local court jurisdictions must have the authority to impose and enforce public health requirements with guidance from their local public health authorities.
11	Juvenile Court Jurisdiction	Rescind	The SCJA recommends this provision be rescinded. Dates cited are no longer applicable.
12	Continuance of Hearings / Trials	Rescind	The SCJA recommends this provision be rescinded. Most of the dates cited are no longer applicable. Judicial officers have and retain the authority to make individual findings to exclude time impacted for health reasons when calculating time to trial.
13	Criminal and Juvenile Signatures	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. Following the interim order, the SCJA urges the Supreme Court Rules Committee to adopt its proposed changes to CrR 3.3. The proposed rule addresses the issue that an attorney signing on behalf of their client signifies the client's agreement and knowledge of the dates involved. Should the Supreme Court Rules Committee be unwilling to adopt this proposal, SCJA recommends the interim order include language permitting attorneys to sign on behalf of defendants who are in and out of custody. The identified procedural gap will need to be addressed through the GR 9 process.

Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations (cont.)			
13(a)	Defendant / Respondent Signatures	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. Following the interim order, the SCJA urges the Supreme Court Rules Committee to adopt its proposed changes to CrR 3.3. The proposed rule addresses the issue that an attorney signing on behalf of their client signifies the client's agreement and knowledge of the dates involved. Should the Supreme Court Rules Committee be unwilling to adopt this proposal, SCJA recommends the interim order include language permitting attorneys to sign on behalf of defendants who are in and out of custody. The identified procedural gap will need to be addressed through the GR 9 process.
13(b)	Notice of New Court Dates - Courts	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period will allow any entity/person who would like to do so to propose a court rule change through the GR 9 process.
13(c)	Notice of New Court Dates - Attorneys	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. Following the interim order, the SCJA urges the Supreme Court Rules Committee to adopt its proposed changes to CrR 3.3. The proposed rule addresses the issue that an attorney signing on behalf of their client signifies the client's agreement and knowledge of the dates involved. Should the Supreme Court Rules Committee be unwilling to adopt this proposal, SCJA recommends the interim order include language to address process gaps created by the 2020 adoption of changes to CrR 3.4 regarding a defendant's presence at a proceeding. The identified procedural gap will need to be addressed through the GR 9 process.
14	Criminal and Juvenile Bench Warrants	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order, but also recommends deleting the statement "Courts should continue the practice of not issuing or enforcing bench warrants for juvenile status offenses or violations" as it is superfluous in light of the current court rules. Following the interim order, the SCJA urges the Supreme Court Rules Committee to adopt its proposed changes to JuCR 7.16.
14(a)	Bench Warrant Facts	Rescind	The SCJA recommends this provision be rescinded.
14(b)	Suspension of CrR 2.2 and CrRLJ 2.2	Rescind	The SCJA recommends this provision be rescinded. This provision references the Governor's emergency proclamation to suspend requirements related to the defendant's appearance, which are no longer applicable.
15(a)	Pre-trial Release Motions	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period will allow any entity/person who would like to do so to propose a court rule change through the GR 9 process.

Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations (cont.)			
15(b)	Pandemic Impacts to Previous Orders	Rescind	The SCJA recommends this provision be rescinded. The pandemic is no longer a novel concern requiring amendment of previous bail, release, or detention orders.
15(c)	Agreed Release Orders	Rescind	The SCJA recommends this provision be rescinded.
15(d)	Expedited Hearings	Rescind	The SCJA recommends this provision be rescinded.
16	Criminal Hearings	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. The interim order may require modification to more generally authorize courts to hold remote appearances (with safeguards such as the ability to ensure attorney-client confidentiality) in criminal and juvenile offender proceedings. Following the interim order, the SCJA asks the Supreme Court Rules Committee to adopt the proposed changes to CrR 3.4, which addresses court authority to conduct criminal proceedings remotely.
17	Courts Costs for Remote Access	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
18	Notice of Court Operations	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
19	Remote Interpretation	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
20	Public Access	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
21	Electronic Signatures	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. Many self-represented parties in civil and family law actions will continue to electronically file documents from



Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations (cont.)			
21 (cont.)			remote locations, and the permission to accept electronic signatures is vital to those who cannot afford software offering more formal “digital” signatures.
21(a)	Judicial Officer / Clerk Signatures	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
21(b)	E-filing	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
21(c)	Remote Marriages	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. SCJA’s initial assessment is marriage proceedings conducted by remote technologies should formally be deemed to be “in the presence of” an officiant. This is a public access issue for many, including those for whom court access is difficult or risky, but who wish to have their relationships solemnized.
22	Additional Orders/Order Conflicts	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. The interim order may require modification to clarify local courts have the authority and discretion to issue orders and/or local court rules, so long as they do not conflict with generally applicable rules or other provisions of the Supreme Court’s interim order.
23	More Restrictive Orders	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. The interim order may require modification to clarify that local courts have the authority and discretion to issue orders and/or local court rules to respond to local public health conditions and to maximize access to justice responsive to local circumstances.
24	Order Extension, Part of the Record	Retain	The SCJA recommends this provision be retained with the Supreme Court’s interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. The interim order may require modification to clarify its



Order 25700-B-658 Fifth Revised and Extended Order Regarding Court Operations (cont.)			
24 (cont.)			purpose is to address gaps in the existing state court rules created by the public health emergency.

Order 25700-B-647 Extended and Revised Order re: Dependency and Termination Cases			
Provision Number	Provision Subject	Retain, Rescind or No Position	Recommendation
1	Shelter Care	No position	The SCJA has no position on this provision.
2	Attorney Representation	No position	The SCJA has no position on this provision.
3	Attorney Representation	No position	The SCJA has no position on this provision.
4	Attorney Representation	No position	The SCJA has no position on this provision.
5	Reasonable Accommodation	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. Courts should continue to be obliged to offer reasonable accommodations for attorneys, parties, and other participants who, due to disability, illness, or high risk of infection could safely attend proceedings remotely, but would put themselves at risk if required to appear in person.
6	Remote Hearings	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. The resumption of in person proceedings shall be left to the discretion and needs of the local court jurisdiction. Courts should continue to be obliged to offer reasonable accommodations for attorneys, parties, and other participants who, due to disability, illness, or high risk of infection could safely attend proceedings remotely, but would put themselves at risk if required to appear in person.
7	Default Orders	No position	The SCJA has no position on this provision.
8	Visitation	No position	The SCJA has no position on this provision.
9	Plan for Services	No position	The SCJA has no position on this provision.
10	Fact Finding Hearings	No position	The SCJA has no position on this provision.
11	Remote Trials	No position	The SCJA has no position on this provision.
12	Remote Trials	No position	The SCJA has no position on this provision.
13	Good Cause Exception	No position	The SCJA has no position on this provision.

Order 25700-B-647 Extended and Revised Order re: Dependency and Termination Cases			
14	Local Court Authority	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. The resumption of in person proceedings must be left to the discretion and needs of the local court jurisdiction taking into consideration local circumstances.
15	Extension of Order	No position	The SCJA has no position on this provision.

Order 25700-B-639 Authorizing Eviction Resolution Program in Superior Courts			
Provision Number	Provision Subject	Retain, Rescind or No Position	Recommendation
	Eviction Resolution Program Authorization	Rescind	The SCJA recommends this order be rescinded. The SCJA Eviction Resolution Program Workgroup reviewed this order, determined it is no longer needed. The enactment of E2SSB 5160 (landlord-tenant relations) codified provisions of the eviction resolution pilot program.

Order 25700-B-631 Modification of Jury Trial Proceedings			
Provision Number	Provision Subject	Retain, Rescind or No Position	Recommendation
1	Resumption of Jury Trials	Rescind	The SCJA recommends this order be rescinded.
2	Jury Service	Retain	The SCJA recommends this provision be retained in an interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. Flexibility to accommodate local practices and public health recommendations is still necessary.
3	Jury Proceedings	Rescind	The SCJA recommends this order be rescinded.
4	Remote Jury Selection	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A proposed rule currently is pending through the GR 9 process. A transition period provides courts additional opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
5	Hardship Excusals	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.

Order 25700-B-631 Modification of Jury Trial Proceedings (cont.)			
6	Jury Selection	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
7(a)	Peremptory Challenges	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. Small and rural courts are continuing to provide jurors with space for some social distancing, to allow for the varying public health accommodations desired by jurors. Larger juror pools are unable to physically occupy these spaces. The SCJA's Rural Courts Committee favors retention of this provision.
7(b)	Peremptory Challenges for Alternate Jurors	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period will allow any entity/person who would like to do so to propose a court rule change through the GR 9 process.
7(c)	Peremptory Challenges for Alternate Jurors	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period will allow any entity/person who would like to do so to propose a court rule change through the GR 9 process.
8	Order Supremacy	Rescind	The SCJA recommends this order be rescinded.
9	Local Court Authority	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency. Local courts must retain authority and discretion to adopt rules and procedures responsive to their needs and conditions.
10	Modification of Order	Rescind	The SCJA recommends this order be rescinded.

Order 25700-B-620 Extended and Revised Order re: Civil Commitment Proceedings			
Provision Number	Provision Subject	Retain, Rescind or No Position	Recommendation
1	Compliance with ITA	No position	The SCJA has no position on this provision.
2	Communication with Counsel	No position	The SCJA has no position on this provision. The SCJA notes that RCW 71.05.820, references court sessions, but not facilitating communication with counsel.

Order 25700-B-620 Extended and Revised Order re: Civil Commitment Proceedings (cont.)			
3	Remote Competency Evaluations	No position	The SCJA has no position on this provision. The SCJA notes that RCW 71.05.150, permits video assessments provided that a licensed health care professional or designated crisis responder is present with the person at the time of the interview.
4	Communication with Counsel	No position	The SCJA has no position on this provision. The SCJA notes that 71.05.217, captures patient rights.
5	Remote Proceedings	No position	The SCJA has no position on this provision. The SCJA notes that CR 43, as referenced in RCW 71.05.820, provides for remote ITA proceedings. Should an interim order pertaining civil commitment be issued, it may require modification to affirm local court authority to conduct remote proceedings. Additionally, mandatory social distancing and other public health measures should not be ordered. Instead, local court jurisdictions have the authority to impose and enforce public health requirements with guidance from their local public health authorities.
6	Remote Proceedings	No position	The SCJA has no position on this provision. The SCJA notes that CR 43, as referenced in RCW 71.05.820, provides for remote ITA proceedings.
7	Continuances	No position	The SCJA has no position on this provision.
8	Counsel Subject to Health Measures	No position	The SCJA has no position on this provision. The SCJA notes that this provision is not captured in current statute or court rule.
9	Counsel Access to Records	No position	The SCJA has no position on this provision. The SCJA notes that this provision is not captured in current statute or court rule.
10	Clerk Filing of Pleadings	No position	The SCJA has no position on this provision. The SCJA notes that while this provision is not captured in current rule or statute, protocols adopted by the clerks will likely continue after the pandemic.
11	Remote Proceedings	No position	The SCJA has no position on this provision. The SCJA notes that while this provision is not captured in current rule or statute, we anticipate judicial officers will continue this practice.
12	Standard for Dismissal	No position	The SCJA has no position on this provision.
13	Superseding of Order	No position	The SCJA has no position on this provision.
14	Local Court Authority	No position	The SCJA has no position on this provision. Local courts must retain authority and discretion to adopt rules and procedures responsive to their needs and conditions.
15	Superseding and Modification of Order	No position	The SCJA has no position on this provision.
16	Definitions	No position	The SCJA has no position on this provision.
17	Intent	No position	The SCJA has no position on this provision.

Order 25700-B-610 Temporarily Suspending Local and State Court Rules That Require In-Person Administration of Oaths of Affirmations			
Provision Number	Provision Subject	Retain, Rescind or No Position	Recommendation
a	Remote Oaths and Affirmations	Retain	The SCJA recommends this provision be retained with the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
b	Independence from Rules Review	No position	The SCJA has no position on this provision.
c	Publication	No position	The SCJA has no position on this provision.

Order 25700-B-602 Authorizing Emergency Local Rules			
Provision Number	Provision Subject	Retain, Rescind or No Position	Recommendation
1	Emergency Local Rules	Retain	The SCJA recommends the provision be retained within the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.
2	Emergency Local Rules	No position	The SCJA has no position on this provision.
3	Court Closure	No position	The SCJA has no position on this provision.
4	Publication of Rules and Orders	Retain	The SCJA recommends the provision be retained within the Supreme Court's interim order. A transition period provides courts the opportunity to promulgate state or local rules through the GR 9 or GR 7 process to allow this practice to continue beyond the public health emergency.

# DMCJA

## MONTHLY COMMITTEE REPORT TO THE BOARD

**\*\*IF A CHAIR, OR A COMMITTEE MEMBER DESIGNEE, IS NOT AVAILABLE TO ATTEND THE MEETING VIA ZOOM/IN-PERSON, A WRITTEN REPORT SHOULD BE SUBMITTED FOR THE BOARD PACKET\*\***

**DMCJA Diversity**  
COMMITTEE

**Judge Willie Gregory**  
CHAIR(S)

### PRINCIPAL ACTIVITIES OVER THE PAST MONTH

- Received a presentation from BJA staff regarding the new Alternatives to Incarceration Task Force.
- Discussed DMCJA 2022-23 Priorities and possible actions/projects this committee could take to advance the priorities
- Conducted a survey to assist in the planning of the 2023 DMCJA Pro Tem Training in collaboration with the WSBA.
- Shared ideas and strategies concerning diversity in the courts.

### WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES

- Continue to identify DMCJA 2022-23 Priority Projects that this committee will take on
- Planning and outreach for the WSBA Pro-Tem Training in 2023
- Participate in the Washington Initiative for Diversity's Executive Diversity Summit
- Formulating a topic to propose as an education session.

# DMCJA

## MONTHLY COMMITTEE REPORT TO THE BOARD

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<b>DOL Liaison Committee</b>	<b>Judge Angelle Gerl</b>
COMMITTEE	CHAIR(S)

### PRINCIPAL ACTIVITIES OVER THE PAST MONTH

1. Approved and presented a proposed amendment to IRLJ 6.6 with a GR 9 Coversheet which has been accepted by the Rules Committee and will likely be submitted this month by the rules committee.
2. Approved a request to IT Governance which will be submitted to the IT department in early October regarding updating JIS Records with official Death Records.
3. Regarding changes to RCW 46.52.130, the committee submitted a proposal to the legislative committee which has accepted the proposed changes. As we understand it was adopted as an official an official DMCJA proposal this year.
4. Regarding Model Relicensing – We are gathering information about past projects and will be making a decision on how to proceed. We may be able to get the assistance of a policy analyst in this effort.

### WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES

1. Continue to support amendment to IRLJ 6.6
2. Continue to follow up on Death Record proposal.
3. Follow the proposal of RCW 46.52.130. As we understand it, there is a potential sponsor and we may need to assist with updating the bill language in the future.
4. Discuss relicensing at the November meeting and determine how to best proceed on that project going forward.

# DMCJA

## MONTHLY COMMITTEE REPORT TO THE BOARD

**\*\*IF A CHAIR, OR A COMMITTEE MEMBER DESIGNEE, IS NOT AVAILABLE TO ATTEND THE MEETING VIA ZOOM/IN-PERSON, A WRITTEN REPORT SHOULD BE SUBMITTED FOR THE BOARD PACKET\*\***

**Legislative**  
COMMITTEE

**Judges Ringus & Rivera**  
CHAIR(S)

### **PRINCIPAL ACTIVITIES OVER THE PAST MONTH**

On September 9<sup>th</sup>, the Legislative Committee meet via Zoom to review our proposed legislative agenda. There was discussion of one new proposal, therapeutic courts funding models, and DMCJA funding priorities. The co-chairs and our lobbyist, Melissa Johnson, presented the Committee’s Legislative Agenda to the DMCJA Board for discussion and approval later that day at its September 9<sup>th</sup> meeting.

Judge Ringus, Judge Rivera, Commissioner Leo, and the DMCJA lobbyist, Melissa Johnson, met over Zoom with Senator Dhingra on September 20<sup>th</sup> to discuss the upcoming session, anticipated legislation, and our legislative proposals.

The Committee collaborated with the Public Outreach Committee for the ‘You’ve Been Served’ event held on September 21<sup>st</sup>. Many committee members hosted local and state legislators to discuss court security, the current state of our CMS system, civil protection orders, and many other topics of interest. Judge Rivera presented information regarding courthouse security to the groups meeting statewide over Zoom.

Judge Ringus, on behalf of the DMCJA, attended the Interbranch Advisory Committee meeting in Olympia on September 26<sup>th</sup>. The main topics included the proposed judicial branch budget, the status of the judiciary’s response to Blake, and proposed policy items of legislation.

### **WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES**

Several of the action items within the Priorities Project were identified by the Committee and already fall under the mission of the Committee (namely, meeting face-to-face with local and state legislative members, advocacy with the legislature for funding objectives, and developing strategies to educate the executive and legislative branches).

As initiatives are identified and may arise during the legislative process, we will review each item using a diversity, equity, and inclusion lens to identify areas of potential racism as it may relate to our judges, staff, and participants.

Our next meeting is scheduled for October 14<sup>th</sup>, 2022. We continue to plan our Legislative Day 2023 to be held in January or early February, of 2023.





**DMCJA PUBLIC OUTREACH COMMITTEE MEETING  
MONDAY, SEPTEMBER 12, 2022  
4:00 P.M. – 5:00 P.M.  
ZOOM VIDEO CONFERENCE**

**MEETING MINUTES**

**Members Present:**

Co-Chair, Judge Beth Fraser  
Co-Chair, Judge Michelle Gehlsen  
Commissioner Deanna Crull  
Judge Douglas Fair  
Judge Tracy Flood  
Judge Pauline Freund  
Judge Angelle Gerl  
Judge Stephen Greer  
Judge Gloria Ochoa-Bruck  
Judge Whitney Rivera  
Judge Paul Sander  
Judge James Smith  
Melissa Johnson, Lobbyist

**Members Absent:**

Judge Scott Ahlf  
Judge Jennifer Azure  
Commissioner Eric Dooyema  
Judge Fred Gillings  
Judge Kyle Mott  
Judge Kevin Ringus

**Administrative Office of the Courts  
(AOC) Staff:**

Stephanie Oyler

**Call to Order and Welcome – Co-Chair Judge Michelle Gehlsen**

Judge Michelle Gehlsen, Public Outreach Committee (Committee) Co-Chair, called the meeting to order at 4:03 p.m.

**General Business**

**A. Minutes Approval – August 8, 2022**

The minutes from August 8, 2022 were inadvertently left out of the materials packet for today's meeting and will be distributed with the next meeting materials.

**Discussion**

**B. Subcommittee Project Updates and Discussion**

**1. Legislative Support**

Judge Gehlsen provided a brief update on the status of the You've Been Served: A Courthouse Dialogue event and gave an overview of the schedule. Legislators are scheduled to arrive at approximately 11:30 a.m. and courthouse tours should begin shortly thereafter. The Zoom

portion of the event will begin promptly at 12:15 p.m. with comments from the Chief Justice, and participants should plan to log in a few minutes early. Judge Gehlsen shared that the two main topics during the presentation will be therapeutic court funding, and courthouse security. Melissa Johnson reported that participants will be asked to complete a survey after the event to make sure that we capture what occurred in each breakout session, along with comments and questions from legislators. Melissa is planning to hold two preparation meetings the week before the event for participating judges.

**ACTION:** *Staff* will confirm one more time with the Chief Justice to make sure that he has the correct start time, overview of the topics to be discussed, and list of participants including courts and legislators.

**ACTION:** *Melissa Johnson and Staff* will collaborate on the survey to be sent to participating courts, along with any other final details.

## 2. Community Engagement

Judge Gehlsen reported that there was a discussion about the DMCJA logo at the September 9 board meeting but that the logo options presented did not meet the needs of the association. Judge Gerl reminded the committee that at the last Public Outreach meeting, there was discussion about launching the Facebook page after the upcoming judicial conference, as this would give an opportunity for committee members to mention the page and the need for content. Judge Gehlsen mentioned that during the board meeting, she asked Judge Gregory, Chair of the DMCJA Diversity Committee, to be prepared to submit content related to the work of the committee. Judge Gehlsen will also be attending the upcoming DMCMA board meeting where she will request that court administrators submit content.

**ACTION:** *Judge Gehlsen and Judge Fraser* will choose a session at the Judicial Conference where Judge Gerl can announce the Facebook page and request that content be submitted to [DMCJAPublicOutreach@gmail.com](mailto:DMCJAPublicOutreach@gmail.com).

**ACTION:** *Judge Gehlsen* will attend the DMCMA Board meeting on September 27, 2022 to announce the Facebook page and request their help with generating content.

## 3. Toolkit

Judge Gehlsen reported that as part of her update to the board on September 9, she shared that Public Outreach still needs more content for the toolkit. The Committee discussed that Judge Gerl could also mention at the Judicial Conference that DMCJA has a toolkit, that it needs more resources, and also where to find it on Inside Courts. Judge Fraser volunteered to assist Judge Gerl in drafting language for the comments during Judicial Conference.

**ACTION:** *Judge Gerl* will mention the Toolkit during the Judicial Conference, and that more content is needed.

**ACTION:** *Judge Fraser* will assist Judge Gerl in drafting language for the conference announcements.

DMCJA Public Outreach Committee  
Minutes for September 12, 2022

C. All Committee Discussion

1. Next Steps

**Next Meeting:** Monday, October 17, 2022 from 4:00 p.m. to 5:00 p.m. via Zoom

**Adjourn**

There being no further business, the meeting adjourned at approximately 4:20 p.m.

# DMCJA

## MONTHLY COMMITTEE REPORT TO THE BOARD

**\*\*IF A CHAIR, OR A COMMITTEE MEMBER DESIGNEE, IS NOT AVAILABLE TO ATTEND THE MEETING VIA ZOOM/IN-PERSON, A WRITTEN REPORT SHOULD BE SUBMITTED FOR THE BOARD PACKET\*\***

<b>Rules</b>	<b>Wade Samuelson, Cat McDowall</b>
COMMITTEE	CHAIR(S)

### PRINCIPAL ACTIVITIES OVER THE PAST MONTH

IRLJ Amendments: In our response (strongly) opposing NJP’s IRLJ amendments, the committee told the Supreme Court that we were drafting our own proposal to amend IRLJs to comply with new statutes. Judge Samuelson and Judge Ringus are working on a proposal, which we plan to submit to the Board for email approval in October, in order to submit the proposal to the Supreme Court Rules committee before their deadline of November 4.

Proposed Amendment to CrRLJ 2.1: The committee approved a proposal to CrRLJ 2.1, and passed to the DMCJA Board for consideration.

Proposed Amendment to IRLJ 6.6: The committee approved a proposal to amend IRLJ 6.6 to add a section allowing certification of weight measuring devices, similar to the speed measuring device certification currently contained in that rule. The committee passed the proposal to the DMCJA Board for consideration.

Proposed Amendment to CrRLJ 7.4 and 7.5: Judge Steele had submitted a proposal to Supreme Court Rules Committee changing CrRLJ 7.4/7.5 to bring them in alignment with the Superior Court rules, which have a 10-day period to submit such a motion, and which provide judges discretion to extend the time for filing arrest of judgments. Supreme Court Rules asked DMCJA Rules Committee for comment under GR 9(f)(2). The committee made minor changes to Judge Steele’s proposal and we plan to submit a letter to the Supreme Court Rules Committee with our input.

Removing Forms from Rules: The committee discussed a proposal to amend GR 39 that involved changes to forms that are included in the rule. This led to a broader discussion of our general opposition to including forms in rules as it is much harder to enact changes to court rules, rather than simply having the pattern forms committee propose new/revised forms to comply with current legislation. We decided to undertake a broader review of the court rules to consider a future proposal to remove forms from rules.

DMCJA Priorities: The committee continued our plan to implement DMCJA Priorities, as described in last month’s update.

## **WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES**

- GR 19 proposal regarding standards for video hearings in court
- Work with Supreme Court Rules and SCJA on updates to GR 9
- Review Rules to propose removing forms from Rules
- IRLJ amendments to comply with new statutes.



**DMCJA Rules Committee Meeting  
Tuesday, August 23, 2022 (12:15 – 1:15 p.m.)**

Via Zoom

**MEETING MINUTES**

**Members Attending:**

Judge McDowall, Co-Chair  
Judge Samuelson, Co-Chair  
Judge Buttorff  
Commissioner Dooyema  
Judge Freund  
Judge Gerl  
Commissioner Nielsen  
Judge Steele

**AOC Staff:**

J Benway

**Members Not Attending:**

Judge Biggar  
Judge Meyer  
Judge Padula  
DMCMA Liaison [position vacant]

Judge Samuelson called the meeting to order at 12:18 p.m. and welcomed the participants.

The Committee discussed the following items:

**1. Approve minutes from the July 26, 2022 Committee meeting**

Hearing no objections, the corrected minutes of the July 26, 2022 Committee meeting were deemed approved.

**2. Discuss proposed IRLJ amendments published for comment [comment deadline of August 31]:**

E2SB 5226, passed by the legislature in 2021, changed certain aspects of infraction processing and added an option to allow people to opt out of paying a ticket. A number of groups (the ACLU of Washington, Columbia Legal Services, Northwest Justice Project, Public Defender Association, Washington Defender Association, Washington Driver's Relicensing Task Force) joined together to propose amendments to the IRLJ to be adopted prior to the legislation's effective date of January 1, 2023. The Uniform Infraction and Citation Committee (UICC), the Pattern Forms Committee's CLJ Subcommittee, and AOC are submitting separate comments opposing the proposal.

The Committee Co-Chairs requested that a Committee member act as point person for this item and draft a response to the proposal. The Committee agreed that a good general approach would be to (1) express opposition; (2) state that it is difficult to analyze because what is required by the bill is mixed in with policy asks by the proponents; (3) agree with the comments of the UICC and Pattern Forms Committee; and (4) provide a few issues (bullet points are fine) about which the DMCJA is particularly concerned. Judge Padula agreed to prepare a draft comment letter for Committee review; she will request assistance from Judge Buttorff. Ms. Benway will provide Judge Padula with supporting materials and facilitate review of the comment by the DMCJA Board prior to the August 31 deadline. The Committee may schedule more meetings to review this item.

### **3. CrRLJ 7.6 workgroup with defense bar update**

Judge McDowall reported that the WSSC Rules Committee had convened a series of discussions between the Washington Defenders Association (WDA), the DMCJA, and other interested stakeholders to discuss the WDA proposal to amend CrRLJ 7.6. Judge McDowall and Judge Goodwin attended three meetings, but the two perspectives have not been able to be harmonized. Judge Goodwin has prepared a response that will be submitted to the WSSC Rules Committee on behalf of the DMCJA.

### **4. UICC proposal to amend CrRLJ 2.1**

The Uniform Infraction and Citation Committee (UICC) requested that the Committee present a technical amendment to CrRLJ 2.1. Ms. Benway will request a GR 9 Cover Sheet and proposed amendment from the UICC. This item will be carried over to the next meeting.

### **5. Discuss DMCJA Priorities**

Judge McDowall stated that new DMCJA President Commissioner Leo is requesting that all the DMCJA Committees (1) incorporate the official "DMCJA Priorities" into their Committee work, and (2) report on these efforts at DMCJA Board meetings; the Committee discussed the priorities. Judge McDowall will provide the Committee Report at the September 9 meeting.

### **6. Proposal to amend IRLJ 6.6**

Judge Gerl stated that the DOL Liaison Committee was interested in proposing an amendment to IRLJ 6.6. She was encouraged to put together a GR 9 Cover Sheet and proposed amendment for the Committee's review. Ms. Benway will provide her with resources. This item will be carried over to another meeting.

### **7. Other Business and Next Meeting Date**

The next Committee meeting is scheduled for Tuesday, September 27, 2022 at 12:15 p.m., via zoom video conference. Judge McDowall requested that Ms. Benway begin sending Outlook invitation for the Committee meetings.

Judge McDowall stated that long-time Committee staff J Benway would no longer staff the Committee after the September 27, 2022 Committee meeting.

The meeting was adjourned at 1:15 p.m.



**Request Status Summary**

**Request Status Awaiting Analysis**

**Request Detail**

**Requestor Name:**

Escudero, Arsenio on behalf of Enrique Kuttemplon of KCDC

**Origination Date:**

09/07/2022

**Requestor Email:**

[Enrique.Kuttemplon@kingcounty.gov](mailto:Enrique.Kuttemplon@kingcounty.gov)

**Requestor Phone:**

425-270-5753

**Recommended Endorser:**

District and Municipal Court Judges' Association

**Request Type:** New System

**Which Systems are affected?** Judicial Information System (JIS) eCitation

Data Warehouse

Judicial Access Browser System (JABS) Possible Case History (PCH)

Case and Criminal History (CACH) Other

**Business Area:** Court Case Management

**Communities Impacted:** AOC

County Clerks

Superior Court Administrators CLJ Judges

CLJ Managers State Agencies

Public and Other Users

**Impact if not Resolved:** High

**What is the Business Problem or Opportunity**

The court operations for Pacific City and Algona Municipal is being taken over by King County District Court (KCDC) and seeking to have their data uploaded into the Enterprise Data Repository (EDR) through their existing integration to EDR.

When Pacific City and Algona Muni Court cease operations from JIS, all the data pertaining to these two jurisdictions will be coming from KCDC. When the implementaion is complete, DISCIS and Odyssey systems will not have data for these jurisdictions.

**Expected Benefit:**

Case Management System processes will be streamlined. It will reduce our error rate caused by working across multiple systems in our current CMS.

**Endorsement Detail**

**Endorsing Committee**

District and Municipal Court Judges' Association

**Endorser Name:**

Escudero, Arsenio on Behalf of DMCJA

**Origination Date:**

09/16/2022

**Endorser Email:**

[arsenio.escudero@court.wa.gov](mailto:arsenio.escudero@court.wa.gov)

**Endorser Phone:**

360-704-4068

**Endorsing Action:** Endorsed



## DMCJA Bylaws Committee Report August 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 allow for ancillary Board members who meet the statutory definition for membership. To effectuate this purpose, the Bylaws Committee recommends the following amendment:

### Proposed amendments to DMCJA Bylaws Article III

#### **ARTICLE III – Membership**

### **Section 1. Eligibility for Membership:**

#### (a) Active Membership:

All duly elected or appointed and qualified judges, commissioners, and magistrates and General Rule 8 judicial officers of courts of limited jurisdiction in the state of Washington, as defined in RCW 3.02.010, shall be eligible to for active membership in the Association upon payment of regular dues and assessments.

#### (b) Associate Membership:

[Unchanged.]

#### (c) Fellow Members:

Duly elected or appointed and qualified judges of courts of limited jurisdiction, not organized as described in RCW 3.02.010, together with tribal court judges whether located within or outside the state of Washington, shall be eligible for fellow membership in the Association upon payment of regular dues and assessments, subject to approval of the Board of Directors. Fellow members shall be non-voting members and shall be ineligible to join the Board of Directors, but may attend workshops, seminars, and conventions on payment of proper registration fees.

### **Section 2. [Unchanged.]**

**Request Status Summary****Request Status****Awaiting Endorsement****Request Detail**

<b>Requestor Name:</b> Meize Bowers, Mikala	<b>Request Type:</b> New System
<b>Origination Date:</b> 05/17/2022	<b>Which Systems are affected?:</b> Superior Court Management Information System (SCOMIS) Other
<b>Requestor Email:</b> <a href="mailto:mikala.meize-bowers@courts.wa.gov">mikala.meize-bowers@courts.wa.gov</a>	<b>Other affected Systems / Business Processes:</b> Courts of Limited Jurisdiction; Local case management systems (if used)
<b>Requestor Phone:</b> 3609014146	<b>Business Area:</b> Court Case Management
<b>Recommended Endorser:</b> District and Municipal Court Judges' Association	<b>Communities Impacted:</b> AOC Superior Court Judges Superior Court Administrators CLJ Judges CLJ Managers Family and Juvenile Law Judges Juvenile Court Administrators Public and Other Users
	<b>Impact if not Resolved:</b> High

**Impact Description:**

Without consistently capturing and tracking the data, there will be continued barriers to learning from court operations, barriers to providing necessary feedback to courts, greatly reduced opportunities for improvement, and worse outcomes for clients, clients who are already disadvantaged and marginalized. In short, we will not be able to recognize or act upon opportunities for learning and improvement.

**What is the Business Problem or Opportunity**

Therapeutic/treatment courts in Washington have a need to consistently capture and track participant information, service needs/use, and other non-legal aspects of the program to review and measure performance indicators. Therapeutic courts need to capture and track the following data elements:

- Participant demographics (e.g., name, race, ethnicity, gender, age/DOB, disability status, sexual orientation)
- Participant situational information (e.g., case number, housing status, education status, employment status)
- Participant calendaring
- Incentive/sanction/response tracking
- Drug test results
- Dates of referral, entry, service(s) start/stop, withdrawal/dismissal/graduation/exit
- Note taking
- Case updates
- Phase progression tracking
- For cases involving child dependency:
  - Timeliness information of the dependency case (e.g., date of dependency order, date of changes in child placement, etc.)
  - Dependency information (e.g., child demographics, child placement, removal reasons, etc.)
- Follow up (post-program updates)
- Staffing report creation
- Multidisciplinary partner access (with appropriate permissions) to participant information
- Multidisciplinary partner access to provide reports
- Communication with participants
- Descriptive/statistical reports on entry/exit by race and gender
- Descriptive/statistical reports on use of responses, participants served, etc.
- Descriptive/statistical reports on the timeliness of participants moving through the program
- Descriptive/statistical reporting without date restriction (i.e., some systems restrict data pulls to one year or less)
- Both local level and state level descriptive/statistical reports and the data that goes with it
- This list is non-exhaustive.

Therapeutic courts currently do not have the capability within the statewide provided or local case management systems to capture and track the necessary data described above to measure performance. As such, this request is to provide a common and consistent system or capability to meet the data requirements above.

**Expected Benefit:**

The ability to track the data elements using a common and consistent system will allow for state and county level assessment of performance and provide opportunity for continuous quality improvement work at both the state and county level. It will also allow for a more efficient case management experience for the court coordinators and multidisciplinary team members.

**Any Additional Information:**

The current case management systems that we know of used in the state are: Connexis, DCCM (Drug Court Case Management), Connectrex, Microsoft Access, Excel, paper files, and King County uses a specially made system just for them.

**Endorsement Detail**

## GENERAL RULE 9

### RULE AMENDMENT COVER SHEET

#### PROPOSED AMENDMENT TO CRIMINAL RULE FOR COURTS OF LIMITED JURISDICTION 2.1 (CrRLJ 2.1)

1. Proponent Organization: District and Municipal Court Judges' Association
2. Spokesperson: Judge Kevin Ringus, Fife Municipal Court; [kringus@cityoffife.org](mailto:kringus@cityoffife.org)
3. Purpose of Proposed Rule Amendment: CrRLJ 2.1(a)(3)(ii) refers to a “state process control number (PCN),” which is an outdated term. The correct reference is to a “fingerprint transaction control number (TCN).” The proposed amendment reflects this change.
4. Is Expedited Consideration Requested? Yes, because this is a technical amendment reflecting a term that is already in effect.
5. Is a Public Hearing Recommended? No, because the change is not of general public interest.

**CrRLJ 2.1**  
**COMPLAINT--CITATION AND**  
**NOTICE**

**(a) Complaint.**

(1) *Initiation.* Except as otherwise provided in this rule, all criminal proceedings shall be initiated by a complaint.

(2) *Nature.* The complaint shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting authority. Allegations made in one count may be incorporated by reference in another count. It may be alleged that the means by which the defendant committed the offense are unknown or that he or she committed it by one or more specified means. The complaint shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged therein to have violated. Error in the citation or its omission shall not be ground for dismissal of the complaint or for reversal of a conviction if the error or omission did not mislead the defendant to his or her prejudice.

(3) *Contents.* The complaint shall contain or have attached to it the following information when filed with the court:

(i) the name, address, date of birth, and sex of the defendant;

(ii) all known personal identification numbers for the defendant, including the Washington driver's operating license (DOL) number, the state criminal identification (SID) number, the ~~state criminal process control number (PCN)~~ fingerprint transaction control number (TCN), the JUVIS control number, and the Washington Department of Corrections (DOC) number.

**(b) – (c)** [Unchanged.]

GENERAL RULE 9  
RULE AMENDMENT COVER SHEET  
PROPOSED AMENDMENT TO RULE IRLJ 6.6

1. Proponent Organization  
District and Municipal Court Judges' Association

2. Spokesperson & Contact Info

Judge Megan Valentine, Grays Harbor District Court  
(360) 249-3441  
Megan.valentine@graysharbor.us

3. Purpose of Proposed Rule Amendment

Allow for filing and judicial notice of public documents generated when weigh station scales are tested and calibrated for the purpose of foundation of commercial vehicle weights in traffic infractions and set forth the appropriate legal criteria for said documents.

This rule change would not remove any obligation of the WSP to ensure their scales are calibrated and maintained, but provides a more efficient manner of providing information for contested infraction hearings.

Proposed rule change promotes the purpose of the Infraction Rules for Courts of Limited Jurisdiction as stated in IRLJ 1.1(b) through a just, speedy and inexpensive mechanism for law enforcement to establish the foundation for weight measurements relied upon in determining an overweight commercial vehicle traffic infraction.

4. Is Expedited Consideration Requested? No, the regular publication cycle is fine.

5. Is a Public Hearing Recommended? No.

Proposed Rule Changes

IRLJ 6.6 SPEED AND WEIGHT MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

(a) **In General.** This rule applies only to contested hearings in traffic infraction cases.

(b) **Speed Measuring Device Certificate; Form.** In the absence of proof of a request on a separate pleading to produce an electronic or laser speed measuring device (SMD) expert served on the prosecuting authority and filed with the clerk of the court at least thirty (30) days prior to trial or such lesser time as the court deems proper, a certificate in substantially the following form is admissible in lieu of an expert witness in any court proceeding in which the design and construction of an electronic or laser speed measuring device (SMD) is an issue:

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION OF ELECTRONIC SPEED MEASURING DEVICES OR LASER SPEED MEASURING DEVICES

I, \_\_\_\_\_ do certify under penalty of perjury as follows: I am employed with \_\_\_\_\_ as a \_\_\_\_\_. I have been employed in such a capacity for \_\_\_\_\_ years. Part of my duties include supervising the maintenance and repair of all electronic and laser speed measuring devices (SMD's) used by \_\_\_\_\_ (name of agency). This agency currently uses the following SMD's: (List all SMD's used and their manufacturers and identify which SMDs use laser technology.) I have the following qualifications with respect to the above stated SMD's: (List all degrees held and any special schooling regarding the SMD's listed above.) This agency maintains manuals for all of the above stated SMD's. I am personally familiar with those manuals and how each of the SMD's are designed and operated. On \_\_\_\_\_ (date) testing of the SMD's was performed under my direction. The units were evaluated to meet or exceed existing performance standards. This agency maintains a testing and certification program. This program requires: (State the program in detail.) Based upon my education, training, and experience and my knowledge of the SMD's listed above, it is my opinion that each of these electronic pieces of equipment is so designed and constructed as to accurately employ the Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator or, in the case of the laser SMDs, each of these pieces of equipment is so designed and constructed as to accurately employ measurement techniques based on the velocity of light in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

\_\_\_\_\_ (Signature) Dated: \_\_\_\_\_

**(c) Scale Certification of Inspection and Calibration; Form.** A certificate, in substantially the following form is admissible in lieu of a witness in any court proceeding in which the calibration and accuracy of a weigh station scale weight measuring is an issue:

SCALE TEST REPORT AND CERTIFICATION OF INSPECTION

I, \_\_\_\_\_ do certify under penalty of perjury as follows:

I am employed with \_\_\_\_\_ as a \_\_\_\_\_. Part of my duties include supervising the inspection and calibration of the traffic scales used by \_\_\_\_\_. I have the following qualifications with respect to scale calibration:

(list all training or special degrees regarding scale calibration)

On \_\_\_\_\_ (date) testing of the following scale was performed under my direction and the scale was evaluated to meet or exceed existing accuracy standards.

(List all scale identification information to indicate the location type and relevant parameters of the scale.)

Using the testing procedures set forth in Handbook 44 promulgated by the National Institute of Standards and Technology and test weights certified under oath as accurate as shown on the attached "Report of Calibration" under certification number(s) \_\_\_\_\_, and herein incorporated by reference, the above device met or exceeded the standards of accuracy.

\_\_\_\_\_  
(Signature) Dated: \_\_\_\_\_

~~(e)~~ **(d) Continuance.** The court at the time of the formal hearing shall hear testimony concerning the infraction and, if necessary, may continue the proceedings for the purpose of obtaining evidence concerning an electronic speed measuring device and the certification thereof or a weigh station scale and the certification of calibration thereof. If, at the time it is supplied, the evidence is insufficient, a motion to suppress the readings of such device shall be granted.

~~(d)~~ **(e) Maintaining Certificates as Public Records.** Any certificate, affidavit or foundational evidentiary document allowed or required by this rule can be filed with the court and maintained by the court as a public record. The records will be available for inspection by the public. Copies will be provided on request. The court may charge any allowable copying fees. The records are available without a formal request for discovery. The court is entitled to take judicial notice of the fact that the document has been filed with the court. Evidence will not be suppressed merely because there is not a representative of the prosecuting authority present who actually offers the document. Evidence shall be suppressed pursuant to subsection (c) of this rule if the evidence in the certificate, affidavit or document is insufficient, or if it has not been filed as required.



# 2022-2023 District and Municipal Court Judges' Association Nominating Committee

**Listserv Address: DMCJANC@listserv.courts.wa.gov**

Members	Contact Information
<b>Judge Charles D. Short, Chair Ex Officio (NE)</b> Okanogan County District Court	509-422-7170 cshort@co.okanogan.wa.us
<b>Judge Carolyn Benzel (SE)</b> Adams County District Court	509-488-2036 or 509-431-1656 carolynb@co.adams.wa.us
<b>Judge Willie Gregory, Ex Officio (NW)</b> <b>Diversity Chair Position</b> Seattle Municipal Court	206-684-8709 willie.gregory@seattle.gov
<b>Judge Kristian E. Hedine (SE)</b> Walla Walla County District Court	509-524-2761 khedine@co.walla-walla.wa.us
<b>Judge Lisa H. Mansfield (SW)</b> Lakewood Municipal Court	253-512-2258 lmansfield@cityoflakewood.us
<b>Judge Brian K. Sanderson (Central)</b> Yakima County District Court	509-574-1804 brian.sanderson@co.yakima.wa.us
Staff	Contact Information
<b>Tracy Dugas</b> Administrative Office of the Courts	360-704-1950 tracy.dugas@courts.wa.gov

## Charges

1. Term of one year.
2. No less than six members with at least one from each of the following geographic areas: northeastern, southeastern, northwestern, southwestern and central; plus one member-at-large.
3. President appoints members of the Nominating Committee at the October Board meeting.
4. Immediate Past-President shall Chair the Nominating Committee. The chair of the Diversity Committee shall be a member of the Nominating Committee. No more than one member of the Nominating Committee may be a member of the present Board of Governors.
5. The Nominating Committee shall annually select not more than two candidates for Vice-President, Secretary/Treasurer, President-Elect, and three Board member-at-large positions. The Board member-at-large positions shall be for three-year terms.
6. The Nominating Committee shall also select not less than two (2) candidates to serve as a representative to the Board for Judicial Administration for a (4) year term.
7. The report of the Nominating Committee shall be submitted to the Board at its March meeting. The names of the nominees will be published in the written notice of the Spring Conference and in the Minutes of the Board's March meeting. Nominations for all offices except President may be made by the members at the Spring Conference.

**Budget: \$100**  
**Fiscal Year: July 1 – June 30**



# District and Municipal Court Judges' Association

## MEMORANDUM

**TO:** Honorable Steven C. González  
Chief Justice of the Washington State Supreme Court

**CC:** Judge Jeffrey Goodwin, DMCJA Rules Committee Member  
Judge Catherine McDowall, DMCJA Rules Committee Co-Chair  
Judge Wade Samuelson, DMCJA Rules Committee Co-Chair  
J Benway, AOC Principal Legal Analyst  
Stephanie Oyler, DMCJA Primary Staff

**FROM:** Commissioner Rick Leo  
President of the District and Municipal Court Judges' Association

**DATE:** September 26, 2022

**RE:** Comments on Interim Emergency Order

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The District and Municipal Court Judges' Association (DMCJA) wishes to thank the Washington Supreme Court for the opportunity to comment on an interim Emergency Order. DMCJA's recommendations for Interim Emergency Order provisions are set forth below. We have also listed provisions that should lapse due to the end of the COVID-19 emergency.

DMCJA acknowledges that a transition period will be required between current Emergency Orders and modification of current court rules to implement practices and procedures that we have found to be beneficial. The DMCJA Rules Committee is prepared to assist in the evaluation, revision, and implementation of our Court Rules.

### 25700-B-658 Fifth Revised and Extended Order

#### With Respect to Civil Matters:

Section 1: Retain language that Courts may conduct all proceedings in civil matters, including jury trials and non-jury trials, remotely. Because the technology capacities of

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**Past President**  
**JUDGE CHARLES D. SHORT**  
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#### Board of Governors

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Kent Municipal Court  
(253) 856-5730

**JUDGE JESSICA GINER**  
Renton Municipal Court  
425-430-6565

**JUDGE JEFFREY D. GOODWIN**  
Snohomish County District Court  
425-744-6803

**JUDGE CAROLYN M. JEWETT**  
San Juan County District Court  
360-378-4017

**JUDGE CATHERINE MCDOWALL**  
Seattle Municipal Court  
(206) 684-5600

**JUDGE LLOYD D. OAKS**  
Pierce County District Court  
(253) 798-7487

**JUDGE KEVIN G. RINGUS**  
Fife Municipal Court  
(253) 922-6635

**JUDGE WHITNEY RIVERA**  
Edmonds Municipal Court  
425-771-0210

**COMMISSIONER PAUL WOHL**  
Thurston County District Court  
(360) 786-5562

our diverse Courts vary widely, individual courts must retain discretion regarding remote proceedings.

Section 3: This Section is no longer necessary because the emergency created by the pandemic no longer exists.

Section 4: This Section is no longer necessary because Chapter 7.105 RCW comprehensively addresses protection order issues.

Section 5: Retain language that parties may stipulate, in writing, to reasonable modifications of existing case schedules and remote methods of service, discovery, depositions, pretrial hearings, and alternative dispute resolution.

Section 6: No position.

**With Respect to Criminal Matters:**

Section 7: Retain language that Courts may conduct all hearings, including jury trials and non-jury trials, remotely. Because the technology capacities of our diverse Courts vary widely, individual courts must retain discretion regarding remote proceedings.

For all hearings that involve a critical stage of the proceedings, courts shall provide a means for defendants and respondents to have the opportunity for private and continual discussion with their attorney.

Section 8: This section is addressed in the suggested language in Section 7.

Section 9: Retain language that No-Contact Orders may be served electronically, consistent with electronic service in Chapter 7.105 RCW, including required service by a law enforcement officer.

Section 10: This section is addressed in the suggested language in Section 7.

Section 11: No position.

Section 12: Retain language that the impact of COVID-19 on the Courts and the criminal justice system as a whole constitutes good cause to continue criminal trials and that continuances are required in the administration of justice to address a backlog of criminal cases. These circumstances constitute an unavoidable circumstance under CrR 3.3(e)(8), CrRLJ 3.3(e)(8), and JuCR 7.8(e)(7). Courts may exclude time pursuant to CrR 3.3(e)(3), CrRLJ 3.3(e)(3), and JuCR 7.8(e)(3) when calculating time for trial based on individual findings of “unavoidable circumstances” due to COVID-19 or other circumstances.

Section 13: Retain the language that defense counsel is not required to obtain signatures from defendants on orders to continue criminal or juvenile offender matters. An attorney’s signature on an order to continue constitutes a representation that the client has been consulted and agrees to the continuance, and courts may allow attorneys to waive their clients’ presence unless their appearance is required by the Court. Courts shall

provide notice of new hearing dates to defense counsel and unrepresented defendants. Defense counsel shall provide notice to defendants and respondents of new court dates.

Section 14: This Section is no longer necessary because the emergency created by the pandemic no longer exists. While COVID-19 may continue to impact some jail operations statewide, the emergency created by pandemic no longer exists and this section is not necessary.

Section 15: This section is no longer required and should lapse. Requiring a Motion to Shorten Time facilitates the orderly administration of justice, rather than the ad hoc process of additions to a Court's docket. Because the emergency created by the pandemic no longer exists, this section is not necessary.

Section 16: This section is addressed in the suggested language in Section 7.

**General Provisions for Court Operations:**

Section 17: Retain the language that, whenever remote proceedings are authorized, they are deemed to take place in the courthouse where the matter is pending or venue exists regardless of where the judge, parties, witnesses or others participating remotely are located. The balance of this Section is no longer necessary because the emergency created by the pandemic no longer exists.

Section 18: This Section is no longer necessary because the emergency created by the pandemic no longer exists.

Section 19: Retain the language that remote interpreting may be done through remote means at the discretion of the Court. The requirements of GR 11.3 should be suspended during the effective dates of the pending Emergency Order.

Section 20: This Section is no longer necessary because the emergency created by the pandemic no longer exists. Existing Court Rules adequately address issues of open courts and any requested court closure.

Section 21: Retain the language from Section 21 addressing electronic signatures under Section 21(a), authentication under Section 21(b), and remote weddings under Section 21(c).

Section 22: Retain the language from this Section.

Section 23: This Section is no longer necessary because the emergency created by the pandemic no longer exists.

Section 24: Retain the language from this Section.

**25700-B-669 COVID 19 Vaccinations**

DMCJA requests the inclusion of a provision granting individual jurisdictions the authority to require COVID-19 vaccinations as a condition of employment, subject to exemptions established by law.

**25700-B-610 Suspending Requirement for In-Person Oath**

DMCJA requests the inclusion of a provision permitting the remote administration of oaths/ affirmations.

**25700-B-631 Modification of Jury Trial Proceedings**

DMCJA requests that this Emergency Order lapse. Remote jury trials are addressed in 25700-B-658, Sections 1 and 7.

**25700-B-602 Emergency Local Rules and Court Closures**

DMCJA requests the Supreme Court to retain the language that The Presiding Judges of the Washington Courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address issues created by the COVID-19 pandemic. The balance of this Order is no longer necessary because the emergency created by the pandemic no longer exists.

**25700-B-640 Delayed Reporting of FTA to DOL**

This Order is no longer necessary because the emergency created by the pandemic no longer exists.

**Emergency Orders – No Position**

- 25700-B-656 Suspending Indigent Defense Standards
- 25700-B-647 Dependency and Termination Cases
- 25700-B-639 Eviction Resolution
- 25700-B-621 Closing the Temple of Justice
- 25700-B-620 Civil Commitment Proceedings
- 25700-B-617 Visitation of Certified Professional Guardians
- 25700-B-673 WSBA Health and Safety Plan
- 25700-B-628 Extending Date for MCLE Reporting
- 25700-B-609 Temporary Delegation of Authority to WSBA Disciplinary Board
- 25700-B-608 Attorney Oath Requirement
- 25700-B-674 Judicial College – This Order will lapse on 31 December 2022

October 4, 2022

**VIA EMAIL**

Honorable Charles W. Johnson, Co-Chair  
Honorable Mary I. Yu, Co-Chair  
Washington State Supreme Court Rules Committee  
c/o Clerk of the Supreme Court  
Temple of Justice  
PO Box 40929  
Olympia, WA 98504-0929

RE: Judge George Steele's Proposed Amendments to CrRLJ 7.4 and CrRLJ 7.5

Dear Justice Johnson, Justice Yu, and the Supreme Court Rules Committee,

Thank you for the opportunity to provide input regarding Judge Steele's proposal to amend CrRLJ 7.4 and CrRLJ 7.5. The DMCJA Rules Committee reviewed the proposal at our meeting on September 27, 2022.

The Rules Committee is in favor of the proposed changes. We can see no reason why courts of limited jurisdiction should not be permitted discretion to enlarge the time period for filing these motions, especially since Superior Court judges have this discretion.

We also suggest an additional change. The current Superior Court Rules allow for a 10-day period for filing of the motion for arrest of judgment or motion for new trial, but the Limited Jurisdiction Court rules only allow a 5-day period. We see no reason for the difference in the rules, and therefore we suggest changing that period from 5 to 10 days to further align the rules for both levels of courts.

Judge Steele is a member of the DMCJA Rules Committee and is in support of this suggestion.

Please contact us if you have any further questions or would like additional input.

Sincerely,

Judge Wade Samuelson  
Lewis County District Court  
DMCJA Rules Committee, Co-Chair

Judge Cat McDowall  
Seattle Municipal Court  
DMCJA Rules Committee, Co-Chair

Attachment

## CrRLJ 7.4

### ARREST OF JUDGMENT

**(a) Arrest of Judgment.** Judgment may be arrested on the motion of the defendant for the following causes: (1) lack of jurisdiction of the person or offense; (2) the complaint or citation and notice does not charge a crime; or (3) insufficiency of the proof of a material element of the crime.

**(b) Time for Motion; Contents of Motion.** A motion for arrest of judgment must be served and filed within 5 10 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time until such time as judgment is entered. The motion for arrest of judgment shall identify the specific reasons in fact and law for each ground on which the motion is based.

**(c) New Charges After Arrest of Judgment.** When judgment is arrested and there is reasonable ground to believe that the defendant can be convicted of an offense properly charged, the court may order the defendant to be recommitted or released to answer a new complaint or citation and notice. If judgment was arrested because there was no proof of a material element of the crime the defendant shall be discharged.

**(d) Rulings on Alternative Motions in Arrest of Judgment or for a New Trial.** Whenever a motion in arrest of a judgment and, in the alternative, for a new trial is filed and submitted in any criminal cause tried before a jury, and the court enters an order granting the motion in arrest of judgment, the court shall, at the same time, in the alternative, pass upon and decide in the same order the motion for a new trial. The ruling upon the motion for a new trial shall not become effective unless and until the order granting the motion in arrest of judgment is reversed, vacated, or set aside in the manner provided by law. [Adopted effective September 1, 1987; Amended effective September 1, 1991.]

## CrRLJ 7.5

### NEW TRIAL

**(a) Grounds for New Trial.** The court may, on its own motion or on motion of the defendant, grant a new trial for any one of the following causes when it affirmatively appears that a substantial right of the defendant was materially affected: (1) Receipt by the jury of any evidence, paper, document or book not allowed by the court; (2) Misconduct of the prosecution or jury; (3) Newly discovered evidence material for the defendant, which the defendant could not have discovered with reasonable diligence and produced at the trial; (4) Accident or surprise; (5) Irregularity in the proceedings of the court, jury or prosecution, or any order of court, or abuse of discretion, by which the defendant was prevented from having a fair trial; (6) Error of law occurring at the trial and objected to at the time by the defendant; (7) That the verdict or decision is contrary to law and the evidence; (8) That substantial justice has not been done. When the motion is based on matters outside the record, the facts shall be shown by affidavit.

**(b) Time for Motion; Contents of Motion.** A motion for new trial must be served and filed within 5 10 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time until such time as judgment is entered. The motion for a new trial shall identify the specific reasons in fact and law for each ground on which the motion is based.

**(c) Time for Affidavits.** When a motion for a new trial is based upon affidavits they shall be served with the motion. The prosecuting authority has 5 days after such service within which to serve opposing affidavits. The court may extend the period for submitting affidavits to a time certain for good cause shown or upon stipulation.

**(d) Statement of Reasons.** In all cases where the court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record which cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and fact for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied. [Adopted effective September 1, 1987; Amended effective September 1, 1991.]





## MASON COUNTY DISTRICT COURT

June 30, 2022

RE: Suggested rule

I recently find myself dealing with an issue which concerns CrRLJ 7.4 and CrRLJ 7.5. The State is objecting to hearing a motion to arrest judgment because it was untimely filed, needing to be filed within five days.

In comparing CrRLJ 7.4 and CrRLJ 7.5 with their Superior Court counterparts, I note a major difference in the rules because CrR 7.4 and CrR 7.5 have a mechanism for the court to extend the filing deadline; whereas, CrRLJ 7.4 and CrRLJ 7.5 do not. At best this makes it confusing as to whether this is a hard set deadline that cannot be waived. There is not any valid reason, I can see, justifying the difference. For that matter, I do not see why ten days to file such a motion should not be allowed as it is in Superior Court.

I am suggesting that the Supreme Court consider changing the rule to give Courts of Limited Jurisdiction the same flexibility to make exceptions for the normal deadlines.

I am attaching my suggested rule with this communication. I have shared it with the DMCJA Rules Committee and I would ask that it be considered. Assuming these current rules mean that the deadlines are not flexible at all, it causes unfairness in that meritorious motions cannot be brought, due to the very tight and non-flexible filing deadlines that these rules impose.

Sincerely,

George A. Steele

Judge, Mason County District Court

419 N. 4th St  
PO Box "O"  
Shelton, WA. 98584  
Phone: 360-427-9670 ext. 339  
Fax: 360-427-7776  
Email: districtcourt@co.mason.wa.us

George A. Steele  
Judge

Patricia Robinson  
Administrator

GENERAL RULE 9  
RULE AMENDMENT COVER SHEET  
PROPOSED AMENDMENT TO CrRLJ 7.4 and CrRLJ 7.5

1. Mason County District Court
2. George A. Steele (360)427-9670 Ex. 339 GSteele@masoncountywa.gov
3. To give Courts of Limited Jurisdiction have the same flexibility as Superior Courts, when motions under CrRLJ 7.4 and CrRLJ 7.5 are brought.
4. The Superior Court has the ability to waive the deadlines to file motions under CrR 7.4 and CrR 7.5; Courts of Limited Jurisdiction do not. This can be unfair to defendants who might have meritorious motions for the relief sought under CrRLJ 7.4 and CrRLJ 7.5. I view this suggested rule as a fairly minor adjustment to the current rules.
5. Is Expedited Consideration Requested? No.
6. Is a Public Hearing Recommended? Probably.

## CrRLJ 7.4

### ARREST OF JUDGMENT

**(a) Arrest of Judgment.** Judgment may be arrested on the motion of the defendant for the following causes: (1) lack of jurisdiction of the person or offense; (2) the complaint or citation and notice does not charge a crime; or (3) insufficiency of the proof of a material element of the crime.

**(b) Time for Motion; Contents of Motion.** A motion for arrest of judgment must be served and filed within 5 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time until such time as judgment is entered. The motion for arrest of judgment shall identify the specific reasons in fact and law for each ground on which the motion is based.

**(c) New Charges After Arrest of Judgment.** When judgment is arrested and there is reasonable ground to believe that the defendant can be convicted of an offense properly charged, the court may order the defendant to be recommitted or released to answer a new complaint or citation and notice. If judgment was arrested because there was no proof of a material element of the crime the defendant shall be discharged.

**(d) Rulings on Alternative Motions in Arrest of Judgment or for a New Trial.** Whenever a motion in arrest of a judgment and, in the alternative, for a new trial is filed and submitted in any criminal cause tried before a jury, and the court enters an order granting the motion in arrest of judgment, the court shall, at the same time, in the alternative, pass upon and decide in the same order the motion for a new trial. The ruling upon the motion for a new trial shall not become effective unless and until the order granting the motion in arrest of judgment is reversed, vacated, or set aside in the manner provided by law. [Adopted effective September 1, 1987; Amended effective September 1, 1991.]

## CrRLJ 7.5

### NEW TRIAL

**(a) Grounds for New Trial.** The court may, on its own motion or on motion of the defendant, grant a new trial for any one of the following causes when it affirmatively appears that a substantial right of the defendant was materially affected: (1) Receipt by the jury of any evidence, paper, document or book not allowed by the court; (2) Misconduct of the prosecution or jury; (3) Newly discovered evidence material for the defendant, which the defendant could not have discovered with reasonable diligence and produced at the trial; (4) Accident or surprise; (5) Irregularity in the proceedings of the court, jury or prosecution, or any order of court, or abuse of discretion, by which the defendant was prevented from having a fair trial; (6) Error of law occurring at the trial and objected to at the time by the defendant; (7) That the verdict or decision is contrary to law and the evidence; (8) That substantial justice has not been done. When the motion is based on matters outside the record, the facts shall be shown by affidavit.

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# Washington Courts: Press Release Detail

## **Gender and Justice Commission Research Finds Domestic Violence MRT Treatment is Effective, Low Cost**

**September 12, 2022**

Washington courts and communities are struggling to respond to domestic violence – which surged in many locations during COVID isolation. The Washington Supreme Court Gender and Justice Commission (GJC) has worked to provide guidance and resources that can improve the effectiveness of those responses.

In October, 2020 the GJC submitted [two comprehensive reports](#) to state lawmakers with detailed recommendations addressing Domestic Violence Intervention Treatment and Domestic Violence Risk Assessment. In June 2022, the GJC launched a [comprehensive interactive web resource](#) with recommendations and best practices for courts working to modernize protective order processes to provide better access and safety for filers, consistent with Washington’s new protection order statute.

Now the GJC is working to raise awareness of its [unique research](#) into a promising, low-cost treatment program for domestic violence offenders. This treatment program can give courts and communities another important response tool.

The study of Domestic Violence Moral Reconciliation Therapy (DV-MRT), a specific form of treatment that a small number of district and municipal courts in Washington are offering, is one of the first of its kind in the nation. It evaluated the effectiveness of that therapy in the context of domestic violence. “Moral reconciliation” refers to moral reasoning and conscious decision-making that lead to better choices and behaviors.

The evaluation was conducted by researchers at Washington State University. It is a pilot project of the [GJC’s ground-breaking, 3-year study](#) released in 2021 on how gender impacts justice in Washington, particularly how gender effects are linked with race and ethnicity. GJC chose to evaluate DV-MRT with a pilot project because there was a lack of rigorous research into the treatment’s effectiveness, and it is important information for courts and judicial officers.

The GJC’s research found that, in the year following treatment, DV-MRT participants had a significantly lower rate of reconviction for a domestic



violence offense than the comparison group (8.4% vs. 12.5%). The research showed that DV-MRT became less effective in the second year, though the treatment group still showed better outcomes than the comparison group. The study authors recommend (among other steps) further long-term evaluations.

DV-MRT can be conducted at a fraction of the cost of other domestic violence treatment programs, which can be \$50-\$100 per session. The cost of the full six-month DV-MRT program is \$100 - \$200. As a result, DV-MRT can significantly improve sentencing options for judicial officers and improve access for individuals who might otherwise be unable to afford treatment.

The research included numerous interviews with program participants, and many comments from participants are included in the final report.

“The Gender and Justice Commission is excited to share information about DV-MRT with the legal community,” said Washington Supreme Court Justice Sheryl Gordon McCloud, who serves as co-chair of the GJC. “Relying on primary research, our pilot project findings indicate that DV-MRT may be a successful, low-cost, therapeutic strategy to help reduce misdemeanor domestic violence offenders from reoffending.”

Researchers collected data and information from six courts using DV-MRT for the evaluation – Des Moines Municipal Court, Edmonds Municipal Court, Everett Municipal Court, Snohomish District Court, Tukwila Municipal Court and Bellevue Municipal Court. DV-MRT is used by 51 Washington courts in 12 counties.

“As a program, DV-MRT holds a lot of promise,” the study authors concluded. “It provides treatment based on therapeutic principles aimed at increasing moral reasoning and quality of decision making and ultimately at changing behavior in the context of domestic conflict. Secondly, it addresses a critical practical matter...the lack of affordable DV treatment.”

Study authors recommend updating the program’s workbook; offering extended times and modes of participation, including remote participation, and evaluating those outcomes; increasing administrative support to courts offering the program; and continuing to study DV-MRT with larger samples and longer follow-up periods.

“The GJC is grateful to the district and municipal courts who chose to initiate these programs and who participated in our pilot project,” said Kitsap County District Court Judge Marilyn Paja, co-chair of the Commission. “We

are hopeful more courts will consider DV-MRT, and this will prompt additional study.”

*The Washington State Gender and Justice Commission was established by the state Supreme Court in 1994 to identify measures for preventing gender bias in the courts. The Commission followed the work of the Gender and Justice Task Force, created by the Supreme Court in 1988 to thoroughly research and identify specific gender bias in the judicial system, and to develop recommendations for addressing it.*

**CONTACT:** Washington Supreme Court Justice Sheryl Gordon McCloud, GJC Co-Chair, (360) 357-2046; Kitsap County District Court Judge Marilyn Paja, GJC Co-Chair, [mpaja@kitsap.gov](mailto:mpaja@kitsap.gov), 360-337-4972; Dr. Dana Raigrodski, UW School of Law, [draigrod@uw.edu](mailto:draigrod@uw.edu); Crissy Anderson, [Crissy.Anderson@courts.wa.gov](mailto:Crissy.Anderson@courts.wa.gov).

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**Washington Courts Media Contacts:**

Wendy K. Ferrell	Lorrie Thompson
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**NEW  
SERVICE**

# TRIAL COURT LEGAL SERVICES

**TRIAL COURT LEGAL SERVICES** is a brand-new program that will provide legal research and analysis support to trial court judges and their staff who do not have law clerks or staff attorneys.

## Learn More About the Service

- Request help with any case, regardless of subject matter including, civil, criminal, and domestic cases. (Not available for questions about court operations (unless the question pertains to a case) or ethics.)
- Free-of-charge and does not require any financial contribution by courts or counties.
- The Code of Judicial Conduct permits judges to “consult with court staff and court officials” in the course of “carrying out the judge’s adjudicative responsibilities.” CJC Rule 2.9(A)(3).
- The program presumes communications between Trial Court Legal Services and the judges and their staff are “chambers records” under GR 31.1 based on a good-faith determination by the Administrative Office of the Courts (AOC) legal services.

## The Legal Team

AOC’s **TRIAL COURT LEGAL SERVICES TEAM** will consist of three attorneys and one administrative assistant. The team will make its best efforts to respond to each request as soon as possible, but requests related to ongoing trials or urgent questions will be prioritized.

## Questions?

[trialcourtlegal@courts.wa.gov](mailto:trialcourtlegal@courts.wa.gov)

## Request Support

- 1 Send a request for support to [trialcourtlegal@courts.wa.gov](mailto:trialcourtlegal@courts.wa.gov).
- 2 Provide additional information about the request using a [fillable Word document](#).
- 3 Transfer large or voluminous attachments through our Secure File Transfer system. Details will be provided upon request.





## Lee Muller, Allison

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**From:** Superior Court Judges – subject to public disclosure <[PUBLICSUPERIORJUDGES@LISTSERV.COURTS.WA.GOV](mailto:PUBLICSUPERIORJUDGES@LISTSERV.COURTS.WA.GOV)> **On Behalf Of** Lindberg, Lilly  
**Sent:** Tuesday, July 5, 2022 12:22 PM  
**To:** [PUBLICSUPERIORJUDGES@LISTSERV.COURTS.WA.GOV](mailto:PUBLICSUPERIORJUDGES@LISTSERV.COURTS.WA.GOV)  
**Subject:** [PUBLICSUPERIORJUDGES] NEW Trial Court Legal Services Available  
**Importance:** High

[EXTERNAL Email Notice! ] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

***On behalf of the Administrative Office of the Courts please see the following message:***

Good afternoon,

The AOC is excited to announce a new team within the Court Services Division/Office of Legal Services that will provide legal services directly to trial court judges, similar to a law clerk. John Safarli ([john.safarli@courts.wa.gov](mailto:john.safarli@courts.wa.gov)) is the Principal Legal Analyst leading this effort and we are in the process of recruiting two Sr. Legal Analysts and an Administrative Assistant to add depth to the team. Requests for assistance may be submitted to [trialcourtlegal@courts.wa.gov](mailto:trialcourtlegal@courts.wa.gov). While this service is officially available for judges and court staff, we appreciate your understanding that some requests may need to be prioritized as we continue to add resources to this team.

Please find the attached fact sheet and visit the new page on inside courts: [Trial Court Legal Services](#) for more details.

We are thrilled to offer an enhanced level of support to trial judges across the state.

### Tom Creekpau

Manager | Office of Legal Services and Appellate Court Support

**Administrative Office of the Courts**

**P:** 360.357.2157

[Tom.Creekpau@courts.wa.gov](mailto:Tom.Creekpau@courts.wa.gov)

[www.courts.wa.gov](http://www.courts.wa.gov)



This e-mail has been sent to everyone in the [PUBLICSUPERIORJUDGES@LISTSERV.COURTS.WA.GOV](mailto:PUBLICSUPERIORJUDGES@LISTSERV.COURTS.WA.GOV) mailing list. To reply to the sender, click Reply. To reply to the sender and the mailing list, click Reply All.

You can remove yourself from this mailing list at any time by sending a "SIGNOFF PUBLICSUPERIORJUDGES" command to [LISTSERV@LISTSERV.COURTS.WA.GOV](mailto:LISTSERV@LISTSERV.COURTS.WA.GOV).

**UPDATE ON SEARCH AND SEIZURE LAW FOR 2021 THROUGH THE PRESENT DAY**  
**December 13, 2022, from 12:05 p.m. – 1:05 p.m.**

**Description:**

Please join retired Judge Robert McBeth as he takes you through the newest case law affecting search and seizure. The period covered will be August 2021 through present day.

**Faculty:**

Judge Robert McBeth, Retired

**CJE Credits:** 1.0 approved

**CLE Credits:** 1.0 approved (Activity ID 1216886)

**Register:**

Please register for the webinar by [clicking here](#). After registering, you will receive a confirmation email (from Zoom). Ensure you add the information to your calendar.

For information or questions, please contact Pam Dittman at [pam.dittman@courts.wa.gov](mailto:pam.dittman@courts.wa.gov).

***The session will be recorded.***