



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

February 10, 2023

**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
Friday, Nov 18, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Dec 9, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Jan 13, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Feb 10, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, March 10, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, April 14, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
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
June 4, 2023 June 6, 2023	9:00 a.m. – 12:00 p.m. 12:00 p.m. – 2:00 p.m.	Board Meeting Annual Business Meeting Location: Spokane, WA (at Spring Program)

AOC Staff: Stephanie Oyler

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

Updated: January 13, 2023

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DMCJA BOARD MEETING
FRIDAY, FEBRUARY 10, 2023
12:30 PM – 3:30 PM
ZOOM VIDEO CONFERENCE

PRESIDENT RICK LEO

AGENDA	PAGE
1. Presentation A. 2023 Chief Justice Mary Fairhurst National Leadership Grant Recipient Judge Lisa Mansfield: Experience at the American Bar Association Annual Meeting B. Minority and Justice Commission Request: Sponsorship for 2023 National Consortium on Racial & Ethnic Fairness in the Courts Annual Conference – Judge Veronica Galván and Carolyn Cole, CDE	
2. General Business A. Minutes for January 13, 2023 B. Treasurer Report for January 2023 – Judge Anita Crawford-Willis C. Special Fund Report for January 2023 – Judge Karl Williams	 1 5 17
3. Liaison Reports A. Superior Court Judges' Association (SCJA) – Judge Samuel Chung, President-Elect B. District and Municipal Court Management Association (DMCMA) – Trish Kinlow for Ellen Attebery C. Misdemeanant Probation Association (MPA) – Regina Alexander, Representative D. Washington State Association for Justice (WSAJ) – Mark O'Halloran E. Washington State Bar Association (WSBA) – Brent Williams-Ruth & Erik Kaeding F. Administrative Office of the Courts (AOC) – Dawn Marie Rubio, State Court Administrator G. Board for Judicial Administration (BJA) – Judge Tam Bui, Judge Dan Johnson, Judge Mary Logan, Judge Rebecca Robertson H. Judicial Information System Update (JIS) – Arsenio Escudero, JIS Business Liaison, AOC	21
4. Standing Committee Reports A. Bylaws Committee Report – Judge Kristian Hedine B. Conference Planning Committee Report – Judge Andrea Beall C. Diversity Committee Report – Judge Willie Gregory D. DOL Liaison Committee Report – Judge Angelle Gerl E. Education Committee Report – Judge Jeffrey R. Smith F. Judicial Assistance Services Program (JASP) – Judge Mary Logan G. Legislative Committee Report – Judge Kevin G. Ringus and Judge Whitney Rivera H. Public Outreach Committee Report – Judge Michelle K. Gehlsen I. Rules Committee Report – Judge Catherine McDowall and Judge Wade Samuelson 1. November 22, 2022 Rules Committee Meeting Minutes J. Therapeutic Courts Committee Report – Judge Fred Gillings and Judge Jenifer Howson	 22 23 24 25
5. Action Items	

<ul style="list-style-type: none"> A. Council on Independent Courts Policy and Procedures Manual Updates <ul style="list-style-type: none"> 1. Edits from Judge Larson 2. Edits from Judge Robertson 3. Combined edits – full new draft document 	<p>29 34 44</p>
<p>6. Discussion Items</p> <ul style="list-style-type: none"> A. DMCMA Request to Release Mandatory Education Funds in 2022-2023 Budget – Margaret Yetter, DMCMA Education Committee B. Diversity Committee Request for Additional Funding – Judge Charles Short C. Education Committee Speaker for Spring Program – Judge Jeffrey Smith D. Rules Committee Proposal re: GR 42 Amendment – Judge Catherine McDowall 	<p>48 64</p>
<p>7. Information Items</p> <ul style="list-style-type: none"> A. Letter to Governor Inslee regarding Commission on Judicial Conduct. B. Memo from DSHS re: Hospital Admission Triaging and SCJA Response to DSHS Memo. C. DMCJA Request for Emergency Stay of CrRLJ 7.6 with member comments. 	<p>66 85 91</p>
<p>8. Other Business</p> <ul style="list-style-type: none"> A. Attendee Information Sharing B. The next DMCJA Board meeting is scheduled for Friday, March 10, 2023 from 12:30 p.m. to 3:30 p.m. via Zoom video conference. 	
<p>9. Adjourn</p>	



DMCJA Board of Governors Meeting
Friday, January 13, 2023 12:30 p.m. to 3:30 p.m.
Zoom Video Conference <https://wacourts.zoom.us/j/82910554410>

MEETING MINUTES

Members Present:

Chair, Judge Rick Leo
Judge Anita Crawford-Willis
Judge Jessica Giner
Judge Catherine McDowall
Judge Lloyd Oaks
Judge Kevin Ringus
Judge Charles D. Short
Judge Jeffrey Smith
Commissioner Paul Wohl
Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative

Guests:

Judge Samuel Chung, SCJA
Judge Beth Fraser, Snohomish Co District Court
Judge Angelle Gerl, DOL Liaison Chair
Ellen Attebery, DMCMA Representative

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
Antoinette Bonsignore, DMCJA Policy Analyst
Tracy Dugas, Court Program Specialist
Brenden Higashi, DMCJA Policy Analyst
Sharon Swanson, Blake Implementation Manager

Members Absent:

Judge Michael Frans
Judge Jeffrey D. Goodwin
Judge Carolyn M. Jewett
Judge Whitney Rivera
Judge Karl Williams
Judge Tam Bui, BJA Representative
Judge Dan B. Johnson, BJA Representative

CALL TO ORDER

Judge 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 12:35 p.m.

PRESENTATIONS

A. Post-Conference Summary

Judge Beth Fraser shared about her experience at the National Judicial College's Anti-Racist Courtroom conference in Memphis, Tennessee.

B. Blake Update

Sharon Swanson, Blake Implementation Manager at AOC, provided an overview of the current status of standing up a refund bureau to address Blake refunds.

GENERAL BUSINESS

A. Minutes

The minutes from the November 18, 2022 meeting were previously distributed to the members. There was no December 2022 meeting. Judge Leo asked if there were any changes that needed to be made to the minutes. There being no changes, the minutes were approved by consensus.

B. Treasurer Report for December

Treasurer Judge Anita Crawford Willis presented the treasurer report.

C. Special Fund Report for December

Special Fund Custodian Judge Karl Williams was not present but the special fund report is available in the packet.

LIAISON REPORTS

A. Superior Court Judges' Association (SCJA)

SCJA President-Elect Judge Samuel Chung reported that SCJA didn't have a board meeting in January, however they have still been busy. SCJA recently wrote a letter to Department of Social and Health Services in response to a letter DSHS distributed regarding civil commitment. Judge Chung shared that SCJA members continue to participate in the Salary Commission process, and the most recent report from the Commission indicated the importance of the upcoming economic forecast that will come out in February. The SCJA Legislative Committee also continues to be very active now that the 2023 session has started. Judge Leo requested that DMCJA staff share the SCJA letter with DMCJA members.

B. District and Municipal Court Management Association (DMCMA)

DMCMA President Ellen Attebery reported that DMCMA recently held several town hall events regarding the new requirement that judges must designate a court administrator to attend mandatory education, and shared that mandatory education is a top priority for the association.

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 Gov. Brent Williams-Ruth 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)

Representative Judge Logan shared that she recently spoke to Chris Stanley regarding the branch's budget requests, and he explained that the theme this session regarding the budget will be "keeping the train on the tracks" with an emphasis from the governor on homelessness and climate. Judge Logan also reported that so far, Court security has been unpopular with certain legislators and that the issue will require additional advocates for the funding request to be successful this year.

H. Judicial Information System (JIS)

AOC JIS Business Liaison Arsenio Escudero provided updates on several JIS projects. Members inquired if the Protection Order Document Systems is available to judges in courts of limited jurisdiction, and Arsenio confirmed that the documents are available to these judicial officers. Brief discussion ensued about how to access the documents, with Judge Logan sharing that she recently tried it out for the first time and it was very helpful to have access to the information in a protection order case.

STANDING COMMITTEE REPORTS

A. Bylaws Committee

Judge Kristian Hedine was not present.

B. Diversity Committee

Judge Willie Gregory was not present.

C. DOL Liaison Committee

Judge Angelle Gerl reported that the Abstract Driving Record bill based on the Committee's suggested language has now dropped, and reminded the Board that this bill will allow probation officers to provide a full ADR to individuals seeking treatment services. In addition, the Committee has now established a small subcommittee (with Judge Gerl, Judge Howson, and Carla Weaver from DOL) to work on establishing a relicensing model. Judge Gerl noted that the rules amendment suggested by the committee, changing IRLJ 6.6 regarding overweight certificates for weigh scales, will go to the DMCJA Rules Committee next week. Finally, Judge Gerl shared that the ITG request that will allow death certificate information to be shown in JABS is currently held up at the DMCMA endorsement step. Judge Leo inquired if Ellen Attebery could take this issue up with DMCMA, and she agreed that she would.

D. Education Committee

Judge Jeffrey R. Smith reported that the Education Committee met last week to review and refine the draft schema for Spring Program, and that planning is going well, but one of the anticipated speakers will present at the fall conference instead so they will be seeking a replacement (possibly Dr. Stedham, who recently presented to DMCJA on the topic of mindfulness).

E. Judicial Assistance Services Program (JASP)

Judge Mary Logan reported that SCJA has requested that JASP provide a presentation on their work, and that the committee continues work on the anger management self-help module.

F. Legislative Committee

Judge Kevin Ringus reported that the 2023 legislative session has now started, and that the DMCJA Executive Legislative Committee meets weekly to discuss bills of interest and plan for testimony. Judge Ringus shared that he and Judge Rivera, Co-Chairs of the Committee, continue to field and respond to many questions from legislators.

G. Public Outreach Committee

Judge Michelle K. Gehlsen was not present.

H. Rules Committee

Minutes from the October 25, 2022 Rules Committee meeting are included in the packet. Judge Catherine McDowall reported that the Committee decided not to propose any amendments to GR 22 after discussing the MPA request, as the Committee views the rule as sufficient for keeping all therapeutic records private. Judge McDowall shared that the GR 19 proposal regarding video proceedings has not yet progressed with the Supreme Court Rules Committee, but this is likely because they are looking at it with the Remote Proceedings Work Group. The DMCJA Rules Committee continues to look at the 7.6 amendments that DMCJA opposed and for which they requested an emergency stay that was denied, and the Committee hopes to gather more specific feedback from courts about how the new rule is working in practice.

I. Therapeutic Courts Committee

Judge Jenifer Howson was not present.

ACTION

A. DMCJA Logo Package

The Board moved, seconded, and passed a vote (M/S/P) to approve purchasing the Classic Package for a logo design from Dayle Designs, with funds taken from the Board Expenses line item.

B. Ratification of vote to reallocate funds from the Legislative Pro Tem line item (\$1500) and from the Board Meeting Expense line item (\$3500) for a total of \$5000 to the Legislative Committee line item to ensure that the Committee can cover the travel costs for those judges attending the Legislative Day event scheduled for Tuesday, January 31, 2023 in Olympia.

M/S/P to ratify the electronic vote that was previously taken on this item.

DISCUSSION

A. Membership Survey

AOC Policy Analyst Dr. Brenden Higashi, Ph.D. reported that there have been about 53 judicial officers who have completed the survey so far, but the deadline will be extended one week to capture more responses.

B. Budget Requests and Changes

1. YMCA Request for Donation

Judge Leo introduced this item and explained that YMCA regularly requests financial assistance for their Mock Trial programming and that this year they have requested an increase, from the \$2000 amount they requested last year, to \$2500. Discussion ensued about the current status of the DMCJA budget and the Board decided to provide the funds already allocated (\$2000). No vote was held because this amount is already established in the 2022-2023 budget.

2. Education Committee – Speaker for Spring Program

Judge Smith shared that the Education Committee has received a commitment from Dr. Robert Livingston to provide the Keynote address at Spring Program for a reduced fee, however the Committee will still need to establish additional funding sources. Discussion ensued about possible alternative funding, and how the Keynote could be broadcast to a wider audience via livestreaming. Members noted that Dr. Livingston would need to agree to a livestream. Judge Smith will bring this topic back to the Education Committee for further discussion, and this item will carry over to the next Board meeting agenda.

3. Update on Potential In-Person Meetings (cost, etc.)

Judge Leo reminded the Board that at the last meeting, there was discussion about a desire from some members to begin holding meetings in-person, so he requested that staff request quotes from various venues to establish the cost for those meetings since the AOC SeaTac office continues to be closed. Judge Leo shared that at about \$2000 per meeting, he feels it is cost prohibitive while we have additional funding requests outstanding. Judge Smith responded that he recently spoke to Dawn Marie Rubio, State Court Administrator, and that his impression was that re-opening the SeaTac office does not appear to be a priority.

4. Staff at DMCJA Retreat

Staff continue to work on a proposal to present to AOC leadership about the necessity of having all four of them the DMCJA Board Retreat, as costs may be covered by AOC if all staff are needed at the event.

C. Legislative Day Update January 31, 2023

Judge Kevin Ringus provided a brief update on this upcoming event, and shared that currently 28 judicial officers are scheduled to meet with their legislators. Judge Smith noted that he recently attended the Law School for Legislators event with the new legislators and they were all welcoming and asked great questions.

D. Interbranch Advisory Committee Update

Judge Kevin Ringus reported that the most recent Interbranch Advisory Committee meeting was held via Zoom, where members received a preview of the Governor's budget and overview of the general budget process. The next meeting will likely be scheduled around cutoff and held via Zoom again.

E. Council on Independent Courts Policy and Procedure Manual

Judge Rebecca Robertson explained that the Council on Independent Courts Policy and Procedure Manual required some updates based on feedback they had received from Reiko Callner, and changes regarding the types of issues that the Council tries to address. Most of the changes are technical or simple wording changes. Since a redlined version of the original manual was not provided today, that will be provided in the packet for the next meeting agenda so that members can more easily see the changes. This item will move to Action next month.

Judge Robertson also inquired about an issue regarding person name matching, especially in cases of name changes, and Judge Leo responded that he would be discussing with staff to determine the status.

INFORMATION ITEMS

Judge Leo brought the following informational item to the Board's attention.

- A. Rules Committee letter to the Supreme Court and Supreme Court Rules Committee requesting stay of CrRLJ 7.6 and response letter from Supreme Court Chief Justice Steven C. González

OTHER BUSINESS

- A. Attendee Information Sharing
- B. The next DMCJA Board meeting is scheduled for Friday, February 10, 2023 from 12:30 p.m. to 3:30 p.m. via Zoom video conference.

The meeting was adjourned at 2:26 p.m.

Christina E Huwe
Pierce County Bookkeeping
1504 58th Way SE
Auburn, WA 98092
Phone (360) 710-5937
E-Mail: piercecountybookkeeping@outlook.com

SUMMARY OF REPORTS

**WASHINGTON STATE
DISTRICT AND MUNICIPAL COURT JUDGES'
ASSOCIATION**

For the Period Ending January 31st, 2023

Please find attached the following reports

for you to review:

- Statement of Financial Position
- Monthly Statement of Activities.
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)
- Special Fund Bank Statement
- Current Budget Balance

Please contact me if you have any questions regarding the attached.

PLEASE BE SURE TO KEEP FOR YOUR RECORDS

Washington State District And Municipal Court Judges Assoc.
Statement of Financial Position
As of January 31, 2023

	Jan 31, 23
ASSETS	
Current Assets	
Checking/Savings	
Bank of America - Checking	27,029
Bank of America - Savings	279,966
Washington Federal (Spec Fund)	37,416
Total Checking/Savings	344,411
Total Current Assets	344,411
Fixed Assets	
Accumulated Depreciation	(703)
Computer Equipment	579
Total Fixed Assets	(124)
TOTAL ASSETS	344,287
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
Credit Cards	
Bank of America C. C.	(8)
Total Credit Cards	(8)
Total Credit Cards	(8)
Total Current Liabilities	(8)
Total Liabilities	(8)
Equity	344,295
TOTAL LIABILITIES & EQUITY	344,287

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Seven Months Ending January 31, 2023

	<u>Jul 22</u>	<u>Aug 22</u>	<u>Sep 22</u>	<u>Oct 22</u>	<u>Nov 22</u>	<u>Dec 22</u>	<u>Jan 23</u>	<u>TOTAL</u>
Ordinary Income/Expense								
Income								
2023 Special Fund	0	0	0	0	0	550	675	1,225
Interest Income	13	22	22	29	32	33	33	185
Membership Revenue	0	0	0	0	0	0	18,325	18,325
Total Income	<u>13</u>	<u>22</u>	<u>22</u>	<u>29</u>	<u>32</u>	<u>583</u>	<u>19,033</u>	<u>19,735</u>
Gross Profit	13	22	22	29	32	583	19,033	19,735
Expense								
Mary Fairhurst National Leaders	0	0	0	2,500	2,319	0	0	4,819
Fraud	8	0	0	(8)	0	0	0	0
Contract Grant Writer	834	5,094	1,826	6,061	1,117	1,987	2,139	19,056
President's - Special Fund	95	0	88	95	0	0	0	278
Special Fund Expense	0	0	2,500	0	0	0	0	2,500
Prior Year Budget Expense	4,692	580	0	0	0	0	0	5,272
Board Meeting Expense	0	3,000	12	0	0	0	648	3,660
Bookkeeping Expense	318	318	318	318	318	318	318	2,226
Education Committee	0	0	0	0	0	0	625	625
Judicial Assistance Committee	102	(8,000)	0	1,200	0	0	1,200	(5,498)
Judicial College Social Support	0	0	0	0	0	0	200	200
Judicial Community Outreach	0	0	0	0	0	0	2,000	2,000
Legislative Pro-Tem	0	0	0	0	0	0	397	397
Lobbyist Contract	12,000	6,000	6,000	6,000	6,000	6,000	6,000	48,000
President Expense	0	0	0	115	0	0	0	115
Pro Tempore (Chair Approval)	0	0	0	573	0	735	735	2,043
Professional Services	0	0	0	0	0	800	0	800
Public Outreach (ad hoc workgrp	0	0	0	1,395	0	0	0	1,395
Treasurer Expense and Bonds	0	0	140	0	0	0	0	140
Total Expense	<u>18,049</u>	<u>6,992</u>	<u>10,883</u>	<u>18,249</u>	<u>9,753</u>	<u>9,839</u>	<u>14,261</u>	<u>88,027</u>
Net Ordinary Income	<u>(18,036)</u>	<u>(6,970)</u>	<u>(10,861)</u>	<u>(18,220)</u>	<u>(9,721)</u>	<u>(9,256)</u>	<u>4,773</u>	<u>(68,291)</u>
Net Income	<u>(18,036)</u>	<u>(6,970)</u>	<u>(10,861)</u>	<u>(18,220)</u>	<u>(9,721)</u>	<u>(9,256)</u>	<u>4,773</u>	<u>(68,291)</u>

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America - Checking, Period Ending 01/31/2023

Type	Date	Name	Clr	Amount	Balance
Beginning Balance					12,964.49
Cleared Transactions					
Checks and Payments - 9 items					
Check	01/04/2023	Collaborative Parner...	X	-2,138.75	-2,138.75
Check	01/09/2023	Thurston County Dis...	X	-200.00	-2,338.75
Check	01/09/2023	Pierce County Distri...	X	-196.84	-2,535.59
Check	01/13/2023	King County District ...	X	-734.70	-3,270.29
Check	01/13/2023	Yvonne Stedham	X	-625.00	-3,895.29
Check	01/15/2023	Bogard & Johnson, ...	X	-6,000.00	-9,895.29
Check	01/20/2023	Washington YMCA ...	X	-2,000.00	-11,895.29
Check	01/20/2023	Pierce County Book...	X	-318.00	-12,213.29
Check	01/27/2023	Susanna Neil Kanth...	X	-1,200.00	-13,413.29
Total Checks and Payments				-13,413.29	-13,413.29
Deposits and Credits - 1 item					
Transfer	01/13/2023		X	10,000.00	10,000.00
Total Deposits and Credits				10,000.00	10,000.00
Total Cleared Transactions				-3,413.29	-3,413.29
Cleared Balance				-3,413.29	9,551.20
Uncleared Transactions					
Checks and Payments - 2 items					
Check	01/27/2023	Tags Awards & Spe...	*	-200.17	-200.17
Check	01/31/2023	Dayle Designs	*	-647.52	-847.69
Total Checks and Payments				-847.69	-847.69
Deposits and Credits - 2 items					
Deposit	01/31/2023		*	7,925.00	7,925.00
Deposit	01/31/2023		*	10,400.00	18,325.00
Total Deposits and Credits				18,325.00	18,325.00
Total Uncleared Transactions				17,477.31	17,477.31
Register Balance as of 01/31/2023				14,064.02	27,028.51
New Transactions					
Checks and Payments - 1 item					
Check	02/02/2023	Collaborative Parner...	*	-2,465.00	-2,465.00
Total Checks and Payments				-2,465.00	-2,465.00
Deposits and Credits - 6 items					
Transfer	02/01/2023		*	10,000.00	10,000.00
Deposit	02/01/2023		*	16,550.00	26,550.00
Deposit	02/01/2023		*	34,500.00	61,050.00
Deposit	02/02/2023		*	2,525.00	63,575.00
Deposit	02/02/2023		*	13,050.00	76,625.00
Deposit	02/05/2023		*	1,000.00	77,625.00
Total Deposits and Credits				77,625.00	77,625.00
Total New Transactions				75,160.00	75,160.00
Ending Balance				89,224.02	102,188.51

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America - Savings, Period Ending 01/31/2023

Type	Date	Name	Clr	Amount	Balance
Beginning Balance					289,963.62
Cleared Transactions					
Checks and Payments - 1 item					
Transfer	01/13/2023		X	-10,000.00	-10,000.00
Total Checks and Payments				-10,000.00	-10,000.00
Deposits and Credits - 1 item					
Deposit	01/31/2023		X	2.41	2.41
Total Deposits and Credits				2.41	2.41
Total Cleared Transactions				-9,997.59	-9,997.59
Cleared Balance				-9,997.59	279,966.03
Register Balance as of 01/31/2023				-9,997.59	279,966.03
New Transactions					
Checks and Payments - 1 item					
Transfer	02/01/2023			-10,000.00	-10,000.00
Total Checks and Payments				-10,000.00	-10,000.00
Total New Transactions				-10,000.00	-10,000.00
Ending Balance				-19,997.59	269,966.03

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July 2022 through January 2023

Type	Date	Name	Memo	Amount	Balance
Bank of America - Checking					
Check	07/08/2022	Collaborative Parners Initiativ...		(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)
Trans...	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 Co...		(394.63)	(4,673.59)
Check	07/25/2022	Okanogan County District Co...		(394.63)	(5,068.22)
Trans...	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 Court		(600.00)	4,155.78
Check	08/01/2022	Charles Short		(300.00)	3,855.78
Trans...	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 Initiativ...		(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
Trans...	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 Initiativ...		(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 Initiativ...		(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)
Trans...	09/30/2022		Funds Transfer	5,000.00	(1,214.38)
Trans...	10/03/2022		Funds Transfer	10,000.00	8,785.62
Check	10/03/2022	City of Lakewood		(2,500.00)	6,285.62
Check	10/03/2022	Susanna Neil Kanther-Raz		(1,200.00)	5,085.62
Trans...	10/03/2022		Funds Transfer	(87.73)	4,997.89
Check	10/03/2022	Pierce County Bookkeeping		(318.00)	4,679.89
Check	10/09/2022	City of Puyallup		(71.45)	4,608.44
Check	10/09/2022	King County District Court		(118.74)	4,489.70
Check	10/09/2022	Snohomish Co. District Court		(216.89)	4,272.81
Check	10/09/2022	City of Spokane		(142.25)	4,130.56
Check	10/09/2022	Grant County		(143.55)	3,987.01
Check	10/09/2022	Federal Way Municipal Court		(131.35)	3,855.66
Check	10/09/2022	Lisa Hardy (Court Administrat...		(134.97)	3,720.69
Check	10/09/2022	Collaborative Parners Initiativ...		(4,705.50)	(984.81)
Trans...	10/09/2022		Funds Transfer	10,000.00	9,015.19
Check	10/09/2022	Clark County District		(88.60)	8,926.59
Check	10/09/2022	Karl Williams		(106.62)	8,819.97
Check	10/09/2022	Kent Municipal Court		(240.32)	8,579.65
Check	10/14/2022	Bogard & Johnson, LLC		(6,000.00)	2,579.65
Check	10/14/2022	Pierce County District Court		(179.64)	2,400.01
Check	10/19/2022	Rick Leo		(114.50)	2,285.51
Trans...	10/23/2022		Funds Transfer	(95.36)	2,190.15
Check	10/23/2022	Pierce County District Court		(393.76)	1,796.39
Check	10/26/2022	Collaborative Parners Initiativ...		(1,355.75)	440.64
Check	11/10/2022	Airway Heights Municipal Cou...		(2,238.92)	(1,798.28)
Trans...	11/10/2022		Funds Transfer	10,000.00	8,201.72
Check	11/10/2022	Pierce County Bookkeeping		(318.00)	7,883.72
Check	11/10/2022	Action Legal Group PLLC		(79.80)	7,803.92
Check	11/14/2022	Collaborative Parners Initiativ...		(1,116.50)	6,687.42
Check	11/15/2022	Bogard & Johnson, LLC		(6,000.00)	687.42
Deposit	11/30/2022		Deposit	476.00	1,163.42
Check	12/04/2022	Dino W Traverso, PLLC		(800.00)	363.42
Check	12/05/2022	Collaborative Parners Initiativ...		(1,189.00)	(825.58)
Check	12/06/2022	King County District Court		(244.90)	(1,070.48)
Check	12/16/2022	Pierce County Bookkeeping		(318.00)	(1,388.48)
Check	12/16/2022	Bogard & Johnson, LLC		(6,000.00)	(7,388.48)
Check	12/16/2022	King County District Court		(489.80)	(7,878.28)
Trans...	12/16/2022		Funds Transfer	10,000.00	2,121.72
Check	12/28/2022	Collaborative Parners Initiativ...		(797.50)	1,324.22
Check	01/04/2023	Collaborative Parners Initiativ...		(2,138.75)	(814.53)

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
July 2022 through January 2023

Type	Date	Name	Memo	Amount	Balance
Check	01/09/2023	Pierce County District Court		(196.84)	(1,011.37)
Check	01/09/2023	Thurston County District Court		(200.00)	(1,211.37)
Check	01/13/2023	Yvonne Stedham		(625.00)	(1,836.37)
Trans...	01/13/2023		Funds Transfer	10,000.00	8,163.63
Check	01/13/2023	King County District Court		(734.70)	7,428.93
Check	01/15/2023	Bogard & Johnson, LLC		(6,000.00)	1,428.93
Check	01/20/2023	Washington YMCA Youth & ...		(2,000.00)	(571.07)
Check	01/20/2023	Pierce County Bookkeeping		(318.00)	(889.07)
Check	01/27/2023	Tags Awards & Specialties		(200.17)	(1,089.24)
Check	01/27/2023	Susanna Neil Kanther-Raz		(1,200.00)	(2,289.24)
Deposit	01/31/2023		Deposit	7,925.00	5,635.76
Deposit	01/31/2023		Deposit	10,400.00	16,035.76
Check	01/31/2023	Dayle Designs		(647.52)	15,388.24
Total Bank of America - Checking				15,388.24	15,388.24
Bank of America - Savings					
Trans...	07/11/2022		Funds Transfer	(12,000.00)	(12,000.00)
Trans...	07/25/2022		Funds Transfer	(109.71)	(12,109.71)
Trans...	07/25/2022		Funds Transfer	(10,000.00)	(22,109.71)
Deposit	07/31/2022		Interest	2.99	(22,106.72)
Trans...	08/15/2022		Funds Transfer	(5,000.00)	(27,106.72)
Deposit	08/30/2022		Interest	2.86	(27,103.86)
Trans...	09/30/2022		Funds Transfer	(5,000.00)	(32,103.86)
Deposit	09/30/2022		Interest	2.75	(32,101.11)
Trans...	10/03/2022		Funds Transfer	(10,000.00)	(42,101.11)
Trans...	10/09/2022		Funds Transfer	(10,000.00)	(52,101.11)
Deposit	10/31/2022		Interest	2.66	(52,098.45)
Trans...	11/10/2022		Funds Transfer	(10,000.00)	(62,098.45)
Deposit	11/30/2022		Interest	2.49	(62,095.96)
Trans...	12/16/2022		Funds Transfer	(10,000.00)	(72,095.96)
Deposit	12/31/2022		Interest	2.50	(72,093.46)
Trans...	01/13/2023		Funds Transfer	(10,000.00)	(82,093.46)
Deposit	01/31/2023		Interest	2.41	(82,091.05)
Total Bank of America - Savings				(82,091.05)	(82,091.05)
Washington Federal (Spec Fund)					
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, LLC		(2,512.00)	(2,482.81)
Deposit	09/30/2022		Interest	19.26	(2,463.55)
Deposit	10/31/2022		Interest	26.27	(2,437.28)
Deposit	11/30/2022		Last budget Pre...	(476.00)	(2,913.28)
Deposit	11/30/2022		Interest	29.92	(2,883.36)
Deposit	12/30/2022		Deposit	550.00	(2,333.36)
Deposit	12/31/2022		Interest	30.98	(2,302.38)
Deposit	01/20/2023		Deposit	675.00	(1,627.38)
Deposit	01/31/2023		Interest	31.08	(1,596.30)
Total Washington Federal (Spec Fund)				(1,596.30)	(1,596.30)
Credit Cards					
Bank of America C. C.					
Credi...	07/12/2022	GroupGreeting		(101.74)	(101.74)
Credi...	07/15/2022	Google *Ciara Prochask		(3.49)	(105.23)
Credi...	07/15/2022	Google *Ciara Prochask		(3.49)	(108.72)
Credi...	07/15/2022	Google *Ciara Prochask		(0.99)	(109.71)
Trans...	07/25/2022		Funds Transfer	109.71	0.00
Credi...	07/26/2022	Buds Blooms		(94.86)	(94.86)
Trans...	08/01/2022		Funds Transfer	94.86	0.00
Credi...	09/13/2022	Peters & Sons		(87.73)	(87.73)
Trans...	10/03/2022		Funds Transfer	87.73	0.00
Credi...	10/14/2022	Peters & Sons		(95.36)	(95.36)

Washington State District And Municipal Court Judges Assoc.
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Type	Date	Name	Memo	Amount	Balance
Trans...	10/23/2022		Funds Transfer	95.36	0.00
Credi...	10/31/2022			7.97	7.97
Total Bank of America C. C.				7.97	7.97
Total Credit Cards				7.97	7.97
2023 Special Fund					
Deposit	12/30/2022	Corinna Harn	Deposit	(25.00)	(25.00)
Deposit	12/30/2022	Michael Finkle	Deposit	(25.00)	(50.00)
Deposit	12/30/2022	Samuel G. Meyer	Deposit	(25.00)	(75.00)
Deposit	12/30/2022	Kelley Olwell	Deposit	(25.00)	(100.00)
Deposit	12/30/2022	Donald W. Engel	Deposit	(25.00)	(125.00)
Deposit	12/30/2022	Carolyn Jewett	Deposit	(25.00)	(150.00)
Deposit	12/30/2022	Lisa O'Toole	Deposit	(25.00)	(175.00)
Deposit	12/30/2022	Lorrie Towers	Deposit	(25.00)	(200.00)
Deposit	12/30/2022	Tam Bui	Deposit	(25.00)	(225.00)
Deposit	12/30/2022	Paul Nielsen	Deposit	(25.00)	(250.00)
Deposit	12/30/2022	Jeffrey Goodman	Deposit	(25.00)	(275.00)
Deposit	12/30/2022	Marcus W. Naylor	Deposit	(25.00)	(300.00)
Deposit	12/30/2022	Thomas M. Ellington	Deposit	(25.00)	(325.00)
Deposit	12/30/2022	Karl Williams	Deposit	(25.00)	(350.00)
Deposit	12/30/2022	Brett Buckley	Deposit	(25.00)	(375.00)
Deposit	12/30/2022	Angela Anderson	Deposit	(25.00)	(400.00)
Deposit	12/30/2022	Charles Short	Deposit	(25.00)	(425.00)
Deposit	12/30/2022	Sonya L. Langsdorf	Deposit	(25.00)	(450.00)
Deposit	12/30/2022	Wade Samuelson	Deposit	(25.00)	(475.00)
Deposit	12/30/2022	David A Larson	Deposit	(25.00)	(500.00)
Deposit	12/30/2022	Jessica A Giner	Deposit	(25.00)	(525.00)
Deposit	12/30/2022	David Ebenger	Deposit	(25.00)	(550.00)
Deposit	01/20/2023	Paul R Sander	Lower Kittitas C...	(25.00)	(575.00)
Deposit	01/20/2023	Dee A. Sonntag	Tacoma Municipi...	(25.00)	(600.00)
Deposit	01/20/2023	Kimberly Walden	Tukwila Municip...	(25.00)	(625.00)
Deposit	01/20/2023	Susan L. Solan	Aberdeen Munic...	(25.00)	(650.00)
Deposit	01/20/2023	Andrew Biviano	Spokane Count...	(25.00)	(675.00)
Deposit	01/20/2023	Melissa K. Chalarson	Grant County Di...	(25.00)	(700.00)
Deposit	01/20/2023	Trinity Orosco	Franklin county ...	(25.00)	(725.00)
Deposit	01/20/2023	Kimberly R Boggs	Columbia Count...	(25.00)	(750.00)
Deposit	01/20/2023	Patrick Johnson	Spokane Count...	(25.00)	(775.00)
Deposit	01/20/2023	Kristian E. Hedine	Walla Walla Dis...	(25.00)	(800.00)
Deposit	01/20/2023	John E Hart	Whitman Count...	(25.00)	(825.00)
Deposit	01/20/2023	Alfred G. Schweep	Yakima County ...	(25.00)	(850.00)
Deposit	01/20/2023	Brian Gwinn	Grant County Di...	(25.00)	(875.00)
Deposit	01/20/2023	Sara L. McCulloch	Bainbridge Islan...	(25.00)	(900.00)
Deposit	01/20/2023	Anthony Parise	Whatcom Count...	(25.00)	(925.00)
Deposit	01/20/2023	Megan Valentine	Grays Harbor Di...	(25.00)	(950.00)
Deposit	01/20/2023	Andrea K. Russell	Adams County ...	(25.00)	(975.00)
Deposit	01/20/2023	George Steele	Mason County ...	(25.00)	(1,000.00)
Deposit	01/20/2023	Heidi Heywood	Wahkiakum Co...	(25.00)	(1,025.00)
Deposit	01/20/2023	Dan B Johnson	Lincoln County ...	(25.00)	(1,050.00)
Deposit	01/20/2023	Virginia M. Amato	King County Dis...	(25.00)	(1,075.00)
Deposit	01/20/2023	Jenny Zappone	Spokane Count...	(25.00)	(1,100.00)
Deposit	01/20/2023	Nicholas Wallace	Grant County Di...	(25.00)	(1,125.00)
Deposit	01/20/2023	Jeffrey J. Jahns	Kitsap County D...	(25.00)	(1,150.00)
Deposit	01/20/2023	Whitney Rivera	Edmonds Munic...	(25.00)	(1,175.00)
Deposit	01/20/2023	Sandra L. Allen	Gig Harbor & Mi...	(25.00)	(1,200.00)
Deposit	01/20/2023	Amy Kaestner	Everett Municip...	(25.00)	(1,225.00)
Total 2023 Special Fund				(1,225.00)	(1,225.00)

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
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Type	Date	Name	Memo	Amount	Balance
Interest Income					
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)
Deposit	10/31/2022		Interest	(2.66)	(59.71)
Deposit	10/31/2022		Interest	(26.27)	(85.98)
Deposit	11/30/2022		Interest	(2.49)	(88.47)
Deposit	11/30/2022		Interest	(29.92)	(118.39)
Deposit	12/31/2022		Interest	(2.50)	(120.89)
Deposit	12/31/2022		Interest	(30.98)	(151.87)
Deposit	01/31/2023		Interest	(2.41)	(154.28)
Deposit	01/31/2023		Interest	(31.08)	(185.36)
Total Interest Income				(185.36)	(185.36)
Membership Revenue					
Deposit	01/31/2023	Gary H. Hintez	Yakima County ...	(1,000.00)	(1,000.00)
Deposit	01/31/2023	Donald W. Engel	Yakima County ...	(1,000.00)	(2,000.00)
Deposit	01/31/2023	Brian Sanderson	Yakima County ...	(1,000.00)	(3,000.00)
Deposit	01/31/2023	Kevin Eilmes	Yakima County ...	(800.00)	(3,800.00)
Deposit	01/31/2023	Alfred G. Schweepe	Yakima County ...	(1,000.00)	(4,800.00)
Deposit	01/31/2023	Mark A. Chmielewski	City of Kittitas D...	(25.00)	(4,825.00)
Deposit	01/31/2023	Carolyn J. Benzel	Othello Municip...	(250.00)	(5,075.00)
Deposit	01/31/2023	Terrance G. Lewis	Lynden Municip...	(250.00)	(5,325.00)
Deposit	01/31/2023	Bruce Hanify	Clallam County ...	(500.00)	(5,825.00)
Deposit	01/31/2023	Stephen Brown	Grays Harbor Di...	(25.00)	(5,850.00)
Deposit	01/31/2023	Gina Tveit	Stevens County...	(1,000.00)	(6,850.00)
Deposit	01/31/2023	Paul Treyz	Pierce County	(25.00)	(6,875.00)
Deposit	01/31/2023	Rich Fitterer	Grant County Di...	(25.00)	(6,900.00)
Deposit	01/31/2023	N. Scott Stewart	Issaquah Municipi...	(500.00)	(7,400.00)
Deposit	01/31/2023	Stephen Shelton	Puyallup Municipi...	(25.00)	(7,425.00)
Deposit	01/31/2023	Kristopher Kaino	Long Beach / Il...	(250.00)	(7,675.00)
Deposit	01/31/2023	Thomas L. Meyer	Yelm and Tenino	(250.00)	(7,925.00)
Deposit	01/31/2023	Andrea K. Russell	Adams County ...	(500.00)	(8,425.00)
Deposit	01/31/2023	Andrea Vingo	Grays Harbor C...	(1,000.00)	(9,425.00)
Deposit	01/31/2023	Megan Valentine	Grays Harbor C...	(1,000.00)	(10,425.00)
Deposit	01/31/2023	Therese Murphy	Zillah Municipal ...	(250.00)	(10,675.00)
Deposit	01/31/2023	Brian D. Barlow	Grant County Di...	(1,000.00)	(11,675.00)
Deposit	01/31/2023	Brian D. Gwinn	Grant County Di...	(1,000.00)	(12,675.00)
Deposit	01/31/2023	Nicholas L. Wallace	Grant County Di...	(1,000.00)	(13,675.00)
Deposit	01/31/2023	Melissa K. Chalarson	Grant County Di...	(800.00)	(14,475.00)
Deposit	01/31/2023	Linda S. Portnoy	Forest Lake Par...	(25.00)	(14,500.00)
Deposit	01/31/2023	Eric C. Bigger	Douglas County...	(1,000.00)	(15,500.00)
Deposit	01/31/2023	Nicholas Henery	Bellingham Mun...	(800.00)	(16,300.00)
Deposit	01/31/2023	Debra Lev	Bellingham Mun...	(1,000.00)	(17,300.00)
Deposit	01/31/2023	Jean A Cotton	Hoquiam Municipi...	(500.00)	(17,800.00)
Deposit	01/31/2023	Richard White	Spokane County	(25.00)	(17,825.00)
Deposit	01/31/2023	Jennefer Johnson	Lake Forest Park	(500.00)	(18,325.00)
Total Membership Revenue				(18,325.00)	(18,325.00)
Mary Fairhurst National Leaders					
Check	10/03/2022	City of Lakewood	American Bar A...	2,500.00	2,500.00
Check	11/10/2022	Airway Heights Municipal Cou...		2,238.92	4,738.92
Check	11/10/2022	Action Legal Group PLLC		79.80	4,818.72
Total Mary Fairhurst National Leaders				4,818.72	4,818.72
Fraud					
Credi...	07/15/2022	Google *Ciara Prochask	Google *Ciara P...	3.49	3.49
Credi...	07/15/2022	Google *Ciara Prochask		3.49	6.98
Credi...	07/15/2022	Google *Ciara Prochask	Google *Ciara P...	0.99	7.97
Credi...	10/31/2022		Fraud adjustme...	(7.97)	0.00
Total Fraud				0.00	0.00

Washington State District And Municipal Court Judges Assoc.
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Type	Date	Name	Memo	Amount	Balance
Contract Grant Writer					
Check	07/08/2022	Collaborative Parners Initiativ...	Invoice 1104	833.75	833.75
Check	08/02/2022	Collaborative Parners Initiativ...	Invoice 1114	2,682.50	3,516.25
Check	08/22/2022	Collaborative Parners Initiativ...	Invoice 1126	2,411.25	5,927.50
Check	09/14/2022	Collaborative Parners Initiativ...	Invoice 1134	1,825.55	7,753.05
Check	10/09/2022	Collaborative Parners Initiativ...	Invoice 1143	4,705.50	12,458.55
Check	10/26/2022	Collaborative Parners Initiativ...	Invoice 1149	1,355.75	13,814.30
Check	11/14/2022	Collaborative Parners Initiativ...	Invoice 1160	1,116.50	14,930.80
Check	12/05/2022	Collaborative Parners Initiativ...		1,189.00	16,119.80
Check	12/28/2022	Collaborative Parners Initiativ...	Invoice 1176	797.50	16,917.30
Check	01/04/2023	Collaborative Parners Initiativ...	Invoice 1178	2,138.75	19,056.05
Total Contract Grant Writer				19,056.05	19,056.05
President's - Special Fund					
Credi...	07/26/2022	Buds Blooms	Flowers sent to ...	94.86	94.86
Credi...	09/13/2022	Peters & Sons	Flowers for Jud...	87.73	182.59
Credi...	10/14/2022	Peters & Sons	Sent to Judge L...	95.36	277.95
Total President's - Special Fund				277.95	277.95
Special Fund Expense					
Check	09/14/2022	FM Public Affairs, LLC		2,500.00	2,500.00
Total Special Fund Expense				2,500.00	2,500.00
Prior Year Budget Expense					
Check	07/08/2022	Sonial R. True	JASP	117.00	117.00
Check	07/08/2022	Opal Art Glass	President Line It...	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 ...	1,520.00	3,127.21
Check	07/12/2022	Okanogan County District Co...	Spring Conferen...	394.63	3,521.84
Check	07/25/2022	Okanogan County District Co...	Judge Steiner'...	394.63	3,916.47
Check	07/26/2022	Kyle Mott	Public outreach ...	176.00	4,092.47
Check	07/26/2022	Chelan County District Court	Pro Tempore Li...	600.00	4,692.47
Check	08/01/2022	Charles Short	President's spe...	300.00	4,992.47
Check	08/01/2022	Charles Short	Judge Steiner M...	280.00	5,272.47
Total Prior Year Budget Expense				5,272.47	5,272.47
Board Meeting Expense					
Check	08/30/2022	Sun Mountain Lodge	Retreat Down P...	3,000.00	3,000.00
Check	09/14/2022	FM Public Affairs, LLC		12.00	3,012.00
Check	01/31/2023	Dayle Designs	Invoice 8176 D...	647.52	3,659.52
Total Board Meeting Expense				3,659.52	3,659.52
Bookkeeping Expense					
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
Check	10/03/2022	Pierce County Bookkeeping	Invoice 1269	318.00	1,272.00
Check	11/10/2022	Pierce County Bookkeeping	Invoice 1283	318.00	1,590.00
Check	12/16/2022	Pierce County Bookkeeping		318.00	1,908.00
Check	01/20/2023	Pierce County Bookkeeping		318.00	2,226.00
Total Bookkeeping Expense				2,226.00	2,226.00
Education Committee					
Check	01/13/2023	Yvonne Stedham	Invoice B1225	625.00	625.00
Total Education Committee				625.00	625.00
Judicial Assistance Committee					
Credi...	07/12/2022	GroupGreeting		101.74	101.74
Deposit	08/12/2022	Superior Court Judges Associ...	Jasp Contribution	(8,000.00)	(7,898.26)
Check	10/03/2022	Susanna Neil Kanther-Raz	3rd quarter, 2022	1,200.00	(6,698.26)
Check	01/27/2023	Susanna Neil Kanther-Raz	4th quarter, 2022	1,200.00	(5,498.26)
Total Judicial Assistance Committee				(5,498.26)	(5,498.26)

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Type	Date	Name	Memo	Amount	Balance
Judicial College Social Support					
Check	01/27/2023	Tags Awards & Specialties	Trophies for Jud...	200.17	200.17
Total Judicial College Social Support				200.17	200.17
Judicial Community Outreach					
Check	01/20/2023	Washington YMCA Youth & ...		2,000.00	2,000.00
Total Judicial Community Outreach				2,000.00	2,000.00
Legislative Pro-Tem					
Check	01/09/2023	Pierce County District Court	Judge Karl Willi...	196.84	196.84
Check	01/09/2023	Thurston County District Court	Judge Sam Mey...	200.00	396.84
Total Legislative Pro-Tem				396.84	396.84
Lobbyist Contract					
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 Pay...	6,000.00	24,000.00
Check	10/14/2022	Bogard & Johnson, LLC	October Payment	6,000.00	30,000.00
Check	11/15/2022	Bogard & Johnson, LLC	November Pay...	6,000.00	36,000.00
Check	12/16/2022	Bogard & Johnson, LLC	December Pay...	6,000.00	42,000.00
Check	01/15/2023	Bogard & Johnson, LLC	January Payment	6,000.00	48,000.00
Total Lobbyist Contract				48,000.00	48,000.00
President Expense					
Check	10/19/2022	Rick Leo	10-11-22 Salary...	114.50	114.50
Total President Expense				114.50	114.50
Pro Tempore (Chair Approval)					
Check	10/14/2022	Pierce County District Court	September 9th ...	179.64	179.64
Check	10/23/2022	Pierce County District Court	You've Been Se...	393.76	573.40
Check	12/06/2022	King County District Court	10/14/22 Onlin...	244.90	818.30
Check	12/16/2022	King County District Court	9/9/22	244.90	1,063.20
Check	12/16/2022	King County District Court	9/9/22	244.90	1,308.10
Check	01/13/2023	King County District Court	10/17/22 zoom ...	244.90	1,553.00
Check	01/13/2023	King County District Court	9/27/22 DMCJA...	244.90	1,797.90
Check	01/13/2023	King County District Court	12/9/22 zoom L...	244.90	2,042.80
Total Pro Tempore (Chair Approval)				2,042.80	2,042.80
Professional Services					
Check	12/04/2022	Dino W Traverso, PLLC	Corp tax return	800.00	800.00
Total Professional Services				800.00	800.00
Public Outreach (ad hoc workgrp)					
Check	10/09/2022	City of Puyallup	You've been ser...	71.45	71.45
Check	10/09/2022	King County District Court	You've been ser...	118.74	190.19
Check	10/09/2022	Snohomish Co. District Court	You've been ser...	216.89	407.08
Check	10/09/2022	City of Spokane	You've been ser...	142.25	549.33
Check	10/09/2022	Grant County	You've been ser...	143.55	692.88
Check	10/09/2022	Federal Way Municipal Court	You've been ser...	131.35	824.23
Check	10/09/2022	Lisa Hardy (Court Administrat...	You've been ser...	134.97	959.20
Check	10/09/2022	Clark County District	You've been ser...	88.60	1,047.80
Check	10/09/2022	Karl Williams	You've been ser...	106.62	1,154.42
Check	10/09/2022	Kent Municipal Court	You've been ser...	240.32	1,394.74
Total Public Outreach (ad hoc workgrp)				1,394.74	1,394.74
Treasurer Expense and Bonds					
Check	09/28/2022	Liberty Mutual Insurance	Bond Expense	140.00	140.00
Total Treasurer Expense and Bonds				140.00	140.00
TOTAL				0.00	0.00



Statement of Account

PAGE 1 OF 2

Statement End Date January 31, 2023

Statement Begin Date January 1, 2023

Account Number

To report a lost or stolen card, call 800-324-9375.

For 24-hour telephone banking, call 877-431-1876.

8

WA STATE DIST & MUNICIPAL COURT JUDGES' 12838 *
 JUDGE MICHELLE K GEHLEN
 10116 NE 183RD ST
 BOTHELL, WA 98011-3416



Annual Percentage Yield Earned for this Statement Period	1.000%
Interest Rate Effective 01/01/202	0.995%
Interest Earned/Accrued this Cycle	\$31.08
Number of Days in this Cycle	31
Date Interest Posted	01-31-2023
Year-to-Date Interest Paid	\$31.08

Beginning Balance	\$37,186.39
Interest Earned This Period	+31.08
Deposits and Credits	+675.00
Checks Paid	-476.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
Ending Balance	\$37,416.47

	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
01-31	Credit Interest	31.08
Total Interest Earned This Period		31.08

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



Statement of Account

Statement End Date
Statement Begin Date
Account Number

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

Deposits and Credits

Date	Description	Amount
01-31	Deposit	675.00
Total Deposits and Credits		675.00



Checks Paid

Number	Date	Amount	Number	Date	Amount
1070	Jan 3	476.00			
Total Checks Paid					\$476.00

* 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	\$ 25,105.23	3,660.00	21,445.23
Bookkeeping Expense	\$ 3,500.00	2,226.00	1,274.00
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 2023	\$ 40,000.00		40,000.00
Contract Grant Writer *	\$ 122,000.00	19,056.00	102,944.00
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	625.00	4,375.00
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	2,502.00	17,151.00
Insurance (every 3 years)			
Judicial College Social Support	\$ 2,000.00	200.00	1,800.00
Judicial Community Outreach	\$ 2,000.00	2,000.00	0.00
Legislative Committee	\$ 6,500.00		6,500.00
Legislative Pro-Tem	\$ 1,000.00	397.00	603.00
Lobbyist Contract	\$ 72,000.00	48,000.00	24,000.00
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	4,819.00	181.00

Nominating Committee	\$ 100.00		100.00
President Expense	\$ 3,000.00	115.00	2,885.00
President's Expense - Special Fund	\$ 1,000.00	278.00	722.00
Pro Tempore (committee chair approval)	\$ 10,000.00	2,043.00	7,957.00
Professional Services	\$ 1,500.00	800.00	700.00
Public Outreach (ad hoc workgroup)***	\$ 2,394.74	1,395.00	999.74
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	\$ 361,852.97	\$ 88,256.00	\$ 273,596.97
Special Fund		\$2,500.00	
*To include \$50,000 carryover from Board meeting expense 2021-2022 budget			
** To include \$8000,00 from the SCJA and carryover of any remaining funds from 2021-2022 budget			
***Board approved move from the Board Budget line item to the Public Outreach line item. 1394.74			

A. Ratification of vote to reallocate funds from the Legislative Pro Tem line item (\$1500) and from the Board Meeting Expense line item (\$3500) for a total of \$5000 to the Legislative Committee line item to ensure that the Committee can cover the travel costs for those judges attending the Legislative Day event scheduled for Tuesday, January 31, 2023 in Olympia. M/S/P

updated 01-31-23



WASHINGTON COURTS

February 2023

District & Municipal Court Judges' Association Meeting

Submitted by Arsenio Escudero, ISD CLJ Business Liaison

Administrative Office of the Courts

JIS Report

ITG 1351 – Enhance New DOL Feed to Include Date of Death Information

This ITG has been endorsed by the DMCMA and has moved forward to the analysis step of the ITG process.

Text and Email Notifications

The CLJ-CMS project is moving forward with plans to implement email and text notifications.

Email Notifications

Email notifications (eNotices) will be enabled in the new Enterprise Justice case management system (Enterprise Justice). Enterprise Justice can issue a variety of eNotices which include: hearing notices, document filing notices, delinquent letters, and reminder letters via email attachments or as links to a secure public access server.

Text Notifications

The project is also planning to offer text notifications through Enterprise Justice and Enterprise Supervision. We are working toward making text messaging available for the Pilot Courts. Text reminders for hearings and payments will be available for participating courts through Defendant Access at Pilot go-live.

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****

Bylaws

COMMITTEE

Kristian E. Hedine

CHAIR(S)

PRINCIPAL ACTIVITIES OVER THE PAST MONTH

No activities this past month.

WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES

No work in progress. The Bylaws Committee stands ready and willing to assist the Board with any issues regarding the Bylaws of the Association.

DMCJA

MONTHLY COMMITTEE REPORT TO THE BOARD

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Conference planning
COMMITTEE

Andrea Beall
CHAIR(S)

PRINCIPAL ACTIVITIES OVER THE PAST MONTH

Had our first meeting on January 25, 2023. Hospitality/networking suite is reserved. Discussed possible entertainment and free-time activity options. Unfortunately, we did not have a quorum. Our next meeting is February 9, 2023.

WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES

Making decisions on what activities will be offered and who will be the point person for each of them. Much work was done in preparation of the 2020 conference that was also planned for Spokane, so we hope to be able to work from those proposals as we continue to plan for the spring conference.

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 Executive
COMMITTEE

Judges Ringus & Rivera
CHAIR(S)

PRINCIPAL ACTIVITIES OVER THE PAST MONTH

The Legislative-Executive Committee has met on January 9th, 17th, 23rd, and 30th, 2023, to discuss the items moving forward in the legislative agenda and any legislation that may affect the DMCJA.

Judge Ringus and Judge Rivera also attended the BJA Legislative Committee meetings on the same dates listed above. These are Zoom meetings that focused BJA request legislation, items of branch wide significance, and the budget process for the upcoming legislative session.

Judge Ringus, Judge Rivera, Commissioner Leo, and the DMCJA lobbyist, Melissa Johnson, met over Zoom with Senator Salomon January 4th to discuss the upcoming session, anticipated legislation, and our legislative proposals. We also met with members of OPD's Blake taskforce at the request of Representative Simmons to discuss amendments to her Blake Streamline bill (HB 1492) on January 5th.

Judge Ringus had a telephone discussion with Chris Stanley on January 19th as a follow-up to the presentation from Sharon Swanson to the Board regarding Blake.

Our Legislative Day 2023 was held on Tuesday, January 31st, in Olympia. Twenty-eight judges, Stephanie, and our lobbyist, Melissa, gathered for an important opportunity to meet with lawmakers to advocate for DMCJA's legislative agenda. Thanks to all that participated from around the State.

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.



DMCJA Rules Committee Meeting
Tuesday, November 22, 2022 (12:15 PM – 1:15 PM)
Via Zoom

MEETING MINUTES

Members (Attending):

- Judge Catherine McDowall, Co-Chair
- Judge Wade Samuelson, Co-Chair
- Judge Eric Biggar
- Judge Karla Buttorff
- Commissioner Eric Dooyema
- Judge Pauline Freund
- Judge Angelle Gerl
- Judge Jeffrey Goodwin
- Commissioner Paul Nielsen
- Judge George Steele
- Judge Samuel Meyer
- Judge Lizanne Padula
- Andrea Belanger, DMCMA liaison
- Kati Dorman, DMCMA liaison, alternate

AOC Staff and Guests (Attending):

- Antoinette Bonsignore
- Judge Laurel Gibson

Judge Catherine McDowall called the meeting to order at 12:17 PM.

The Committee discussed the following items:

1. Welcome and introductions

Judge McDowall welcomed participants.

2. Approve minutes from the October 25, 2022 Committee meeting

The minutes from the October 25, 2022 Committee meeting were approved and adopted through consensus; Antoinette corrected the attendance record to reflect that Judge Freund was present at the October 25th meeting.

Next Step: Send to Tracy Dugas for December Board Meeting.

3. Inform: Guest Speaker Judge Laurel Gibson, KCDC, Discussed Amending Rules to Provide Pro Se Litigants with Greater Access to the Courts

Judge Gibson explained that civil court rules are designed for use by lawyers, and they are difficult for pro se litigants to understand. Consequently, the Rules Committee should identify civil rules that could be amended to provide more flexibility for pro se litigants. Judge Gibson noted that CRLJ 56, regarding Summary Judgement, and CRLJ 7, regarding Pleadings Allowed: Form of Motions, could be amended and simplified to allow judges to accept oral motions from pro se litigants. Judges Gibson, Goodwin, McDowall, Padula, Steele, and Meyer discussed how CRLJ 56 and CRLJ 7 could be amended. Judge McDowall suggested that CRLJ 56(e) could be redrafted to help pro se litigants. Judge Gibson wants judges to have the power to address the power imbalance affecting pro se litigants.

Next Step: Judge McDowall and Judge Gibson will work together to identify rules that could be amended and then develop specific proposals for the Rules Committee to consider for the December 27th meeting,

4. Inform: Supreme Court Rules Committee Update

Judge McDowall updated the Rules Committee regarding the Supreme Court Rules Committee's decisions to (1) reject the IRLJ proposals from the WDA/NJP, (2) reject the DMCJA GR 9 proposals, and (3) adopt the Committee's technical amendment to CrRLJ 3.4 new rule.

5. Inform: DMCJA Board Submitted Our IRLJ Proposal to the Supreme Court Rules Committee

6. Inform: DMCJA Request for an Emergency Stay of CrRLJ 7.6

Judge Goodwin is still working on the letter to the Supreme Court Rules Committee.

7. Decide: Update to GR 22 – Propose “Fix” or Not

Judge McDowall explained that GR 22 must be amended to clarify that the rule protects all behavioral health records, not just behavioral health records submitted in therapeutic courts.

Judge Goodwin agreed that GR 22 must be clarified, and the Rules Committee should propose revisions.

Next Steps: Judge Goodwin will reach out to the Misdemeanant Probation Association for their input on language for a proposal to “fix” GR 22 and clarify that all therapeutic/behavioral health records are protected from broad public disclosure regardless of whether those records are submitted in a therapeutic court or not. Judge Goodwin will also evaluate any possible pushback from the Clerks Association and input from the SCJA.

8. Discuss: Remote Hearings Workgroup

Judge Gerl is the co-chair of the Remote Proceedings Workgroup, and Judge Goodwin is also a workgroup member. The Workgroup is assessing the current state of remote proceedings and developing best practices to allow courts to use remote proceedings in the future. The Workgroup will consult with the DMCJA, the SCJA, and family court judges.

Next Steps: The Rules Committee will provide the Remote Proceedings Workgroup with a list of rules and proposed changes for their review by mid-January. The proposals will then be submitted to the Supreme Court Rules Committee. The Rules Committee will also identify a list of priority rules for the Workgroup to evaluate and submit to the Supreme Court Rules Committee to act on in an expedited manner. Judge Meyer, Judge Padula, and Judge Goodwin will identify and develop the lists of rules for the Workgroup. Judge Goodwin also suggested working on this issue as an ARLJ.

Judge Gerl and Judge Meyer will develop language to ask the DMCJA to help identify rules that need to be changed to accommodate remote proceedings. Antoinette will send out the request for input from the DMCJA via the DMCJA listserv.

9. Discuss: DMCJA Priorities

Further discussion is needed regarding rules infringing upon the independence of the CLJ. The CLJ must not become simply a ministerial body.

Status: Ongoing: We continue to implement the DMCJA Priorities.

10. Decide: Should We Amend GR 42?

Judge Freund explained that judges have no discretion under the new amendment to GR 42, which goes into effect on January 1, 2023. Do we want to propose an amendment to fix the problem?

Next step: Judge Freund and Judge Gerl will provide the Rules Committee with language for a proposed amendment for a GR 9 Sheet for the December 27th meeting.

11. Other Business and Future Projects

- **GR 19 proposal regarding standards for video hearings in court**
- **Work with Supreme Court Rules and SCJA on updates to GR 9**
- **Review court rules to identify forms to be removed from the court rules (Commissioner Nielsen)**

Status: A review is needed to identify forms to be removed from the court rules. If any member of the Rules Committee has further projects to add to this list, please forward them to the Co-Chairs.

12. The next Committee meeting is scheduled for Tuesday, December 27, 2022, at 12:15 p.m., via zoom video conference.

Antoinette will email the Rules Committee the December 27th meeting pack and the meeting reminder with an RSVP to determine whether the meeting should be held in light of the holiday season.

Judge McDowall adjourned the meeting at 1:16 p.m.

Council on Independent Courts

Policy and Procedure Manual

I. Purpose and Powers

The purpose of the Council on Independent Courts (CIC) is to protect, promote, and maintain the respect and dignity of Courts of Limited Jurisdiction as a co-equal branch of local government. The CIC:

1. Provides a knowledge base of laws and principles on the importance of independent Courts of Limited Jurisdiction;
2. Provides advice and counsel to all three branches of local government on issues affecting independent Courts of Limited Jurisdiction;
3. Responds to threats to independent Courts of Limited Jurisdiction within the bounds of its powers and responsibilities;
4. Provides recommendations to the board of the District and Municipal Court Judges Association on further actions needed to be taken in response to threats to independent Courts of Limited Jurisdiction.

II. Guiding Principles

Paragraph 1 of the Preamble to the Code of Judicial Conduct best sets forth the guiding principles of the CIC:

“An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”

In sum, judicial independence and public confidence in the judiciary are inextricably intertwined.

Judicial independence provides the equal opportunity for justice and fairness that is desired by the citizens of our communities. Judicial independence is built on a foundation of accountability directly to the people we serve.

Judicial independence is not absolute; it must be tempered with overarching principles that rely upon checks and balances among the three co-equal branches of government. Trust and confidence in the judiciary is achieved and judicial independence is preserved when the decisions reached by judges are based upon a dispassionate application of the facts to the law as well as the competent administration of the judicial branch.

Judges are required by the Code of Judicial Conduct to protect judicial independence and public confidence against external pressures intended to influence their decisions on or off the bench as well as internal threats caused by their own conduct, the conduct of other judges, and the conduct of court staff.

Members of the legislative and executive branches [also have the opportunity to must also](#) support an independent judiciary because to do so increases public confidence in local government as a whole, especially in jurisdictions where government officials appoint and retain judges. Thus, members of the other branches of government [can](#) also play “...a central role in preserving the principles of justice and the rule of law” and they [can must](#) “...individually and collectively...respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”¹

Therefore, [the CICa#](#) shall [seek adhere adherence by others](#) to the following principles:

1. Courts and court services shall be established and organized in compliance with Article IV of the State Constitution, all applicable court rules, and all valid enabling laws.
2. The election, appointment, [termination](#), and/or retention of judges shall comply with Article IV of the State Constitution, all applicable court rules, and all valid enabling laws.
3. Only judges and court staff shall manage courts.

III. Guidelines for Action by the Council on Independent Courts

The CIC should consider acting if any of the following guidelines have been violated.

1. Proper Formation and Organization of Courts

Sec.	Guideline	Authority
(a)	A municipal court should not be terminated during the active term of office of a judge serving that court.	The terms of office in RCW 3.50.040 , RCW 3.50.050 , and RCW 35.20.150 should be construed in harmony with termination provisions.
(b)	A redistricting plan that reduces the salary or shortens the term of any district court judge shall not be effective until the next regular election for district judge.	RCW 3.38.040(1)
(c)	A city cannot terminate a contract for court services with a county until the end of the district court judge’s term of office.	RCW 3.50.810(2) RCW 35.20.010(3)
(d)	A county cannot terminate an agreement for court services with a city without at least one-year’s notice.	RCW 3.50.810(3) RCW 35.20.010(4)
(e)	A court should not be terminated because of the outcome of cases or decisions made by the judge.	General principles of judicial independence

2. Election, Appointment, and Retention of Judges

Sec.	Guideline	Authority
(a)	Judges must be selected for appointment in a fair, non-partisan, and open public process.	General principles of judicial independence
(b)	Local public officials from other branches of government should not attempt to influence judicial elections in the course of their official duties.	General principles of judicial independence
(c)	A district court judge’s full term of office is four years and shall not be shortened.	RCW 3.34.070 RCW 3.38.040(1)

¹ Preamble to the Code of Judicial Conduct

	Both elected and appointed municipal court judges serve a term of four years.	RCW 35.20.150 RCW 3.50.040 RCW 3.50.050
(d)	Contracts signed by appointed judges shall comply with GR 29(k) and GR 29(l) .	GR 29(k) and GR 29(l)
(e)	A municipal court judge's salary and/or other compensation shall be set by ordinance, not by contract.	RCW 3.50.080 RCW 35.20.160
(f)	A judge's salary or other compensation may not be reduced during the judge's term of office.	Wash. Const. Art. XI, Sec. 8,
(g)	The outcome of cases or decisions made by an appointed judge should not be the basis for non-renewal unless it can be shown that the decisions reached are contrary to the law or court rules.	General principles of judicial independence

3. Proper Management of Courts

Sec.	Guideline	Authority
(a)	Judges must control the proposal of the budget, the and management of the budget, and the court's budget and the management of the court.	GR 29(f)
(b)	Courts must be adequately staffed with judges, support staff, and resources.	RCW 3.58.050 RCW 35.20.120 RCW 3.50.080
(c)	Only presiding judges can appoint pro tem judges.	RCW 3.34.130 RCW 35.20.200 RCW 3.50.090
(d)	The presiding judge must have sole control of the hiring, retention, and working conditions of all court staff. This includes control of labor negotiations relating to hiring, retention, and working conditions of court staff. Nothing prevents the presiding judge from voluntarily seeking the advice and assistance of the other branches of government in personnel matters. The other branches should not interfere with the judge's duty and power to engage in collective bargaining in good faith with union staff over working conditions and other GR 29 duties and powers.	GR 29(f) RCW 3.54.020 RCW 35.20 RCW 3.50.080 RCW 49.08 Zylstra v. Piva, 85 Wn.2d 743, 539 P.2d 823 (1975) In the Matter of the Salary of the Juvenile Director, 87 Wn.2d 232 552 P.2d 163 (1976) Spokane County v State, 136 Wn.2d 663, 966 P.3d 314 (1998) WSCCCE v. Hahn, 151 Wn.2d 163, 86 P.3d 774 (2004)
(e)	The court manages the probation department.	ARLJ 11 RCW 10.64.120
(f)	The court manages the collection of fines, costs, forfeitures, and other assessments.	RCW 3.02.045 RCW 3.62.040 RCW 35.20.220 RCW 3.50.100

(g)	Only courts can supervise violation bureaus.	RCW 3.30.090 RCW 3.50.030 RCW 35.20.131
(h)	Courts will decide cases on the merits consistent with laws and court rules regarding fines, costs, and other assessments. Courts will not serve as mere revenue generators for local government.	General principles of judicial independence

IV. Initiation of Council on Independent Courts Action

If there is a violation of any CIC guideline then any person, including members of the CIC, may request that the CIC ~~take action~~ [act pursuant to Sections IV and V](#).

Upon receipt of the request for action, the CIC shall meet as soon as practicable via email. A conference call meeting may be set if email is inadequate. The CIC shall follow these protocols in determining how to respond to a request for CIC action.

1. The CIC will make an initial determination by majority vote of the CIC members participating whether there is good reason to believe that one or more guidelines have been violated;
2. The CIC shall advise the presiding judge of the affected court(s) and the complainant of the CIC's concerns and issues raised by the circumstances.
3. The CIC Chair will appoint a member of the CIC to act as the lead to ~~review~~[investigate](#) the alleged violation and/or to gather further information, if needed;
 - a. No ~~review~~[investigation](#) may take place over the objection of the affected presiding judge(s) unless the DMCJA Board approves the ~~review~~[investigation](#);
 - b. The DMCJA Board should call an emergency meeting to make the decision unless a regular meeting is scheduled for less than ten (10) days from the request for approval to proceed.
4. The CIC Lead may seek the assistance of other CIC members;
5. The CIC Lead has the authority to take any necessary action(s) that is/are within the Approved CIC Lead Actions provided below;
 - a. The CIC must approve any action that varies from the approved actions;
 - b. No action may be initiated that would result in the threat of or initiation of litigation or the filing of a complaint with any judicial or administrative body unless the DMCJA Board approves such action;
 - c. The DMCJA Board should call an emergency meeting to make the decision unless a regular meeting is scheduled for less than five (5) days from the request for approval.

V. Actions Allowed With Approval of DMCJA President

A CIC Lead is authorized to take the following actions on behalf of the CIC with further approval by the DMCJA President:

1. Interview anyone with relevant information;
2. Conduct factual and data research;
3. Make public disclosure requests;
4. Prepare position papers that may not be submitted for publication without CIC approval;
 - a. Template position papers shall be used whenever possible.
 - b. In case of an emergency requiring an expedited response, the President may approve the publication without CIC approval.
5. Communicate with public officials and members of the public;
 - a. Template correspondence shall be used whenever possible.

6. Appear and speak at public meetings before county or city legislative bodies;
7. Organize others to appear at public meetings and/or to correspond with public officials;
8. Draft Op-Eds/Letters to the Editor, but such writings may not be submitted for publication without CIC approval;
9. Recommend other actions to the CIC.

~~Workgroup on Judicial Independence Final Report~~

~~The Workgroup on Judicial Independence (the workgroup) met regularly for nine months from November of 2017 to the present with the goal of creating a system of responses to court independence issues. Suggested responses to these issues would form the basis for a “blueprint” for the Judicial Independence Fire Brigade, which was created by the DMCJA Board of Governors (Board) during the Board Retreat in May, 2017.~~

~~The following judges served consistently on the workgroup:~~

- ~~• Judge Scott Ahlf~~
- ~~• Judge James Docter~~
- ~~• Judge Michelle Gehlsen~~
- ~~• Judge David Larson~~
- ~~• Judge Linda Portnoy~~
- ~~• Judge Rebecca Robertson~~
- ~~• Judge David Steiner~~

~~The workgroup has had and continues to have the full support of the Administrative Office of the Courts (AOC). AOC representatives Dirk Marler and Sharon Harvey attended most meetings and Sharon Harvey also provided administrative and policy support.~~

~~Initially, members of the workgroup were not satisfied with the name of the committee, “The Judicial Independence Fire Brigade,” and eventually voted to rename the committee, “Council on Independent Courts (CIC).”~~

~~The workgroup also considered many options intended to further the independence of Washington’s courts of limited jurisdiction. One consistent option—a standard judicial contract for appointed municipal court judges—was finally abandoned in favor of a proposal for a court rule mandating, in the workgroup’s view, essential content for municipal court judicial services contracts. Arguably, General Rule (GR) 29 already attempts to shore up the constitutional independence of our courts. The independence of part time municipal courts is specifically addressed in GR 29 (k), which currently prohibits judicial service contracts with provisions that conflict with the rule and requires that any judicial service contract acknowledge that the court is a part of an independent branch of government and that the judicial officer and court employees are required to act in accord with the Code of Judicial Conduct and Court Rules.~~

~~Proposal to Amend General Rule (GR) 29~~

~~The CIC proposes the addition of four new provisions to GR 29 in a new subsection (l), which would also require as follows:~~

- ~~(l) Required Provisions of a Part-Time Judicial Officer Employment Contract~~
- ~~(1) Term of Office and Salary~~

~~A municipal court judge's term of office shall be four years as provided in RCW 3.50.050. The judge's salary shall be fixed by ordinance in accordance with RCW 3.50.080 and the salary shall not be diminished during the term of office.~~

~~(2) Judicial Duties~~

~~The judge shall perform all duties legally prescribed for a judicial officer according to state law, the requirements of the Code of Judicial Conduct, and Washington State court rules.~~

~~(3) Judicial Independence and Administration of the Court~~

~~The Court is an independent branch of government. The Presiding Judge shall supervise the daily operations of the court and all personnel assigned to perform court functions in accordance with the provisions of GR 29 (e), GR 29 (f), and RCW 3.50.080. Under no circumstances should judicial retention decisions be made on the basis of a judge's or a court's performance relative to generating revenue from the imposition of legal financial obligations.~~

~~(4) Termination and Discipline~~

~~The judge may be admonished, reprimanded, censured, suspended, removed, or retired during the judge's term of office only upon action of the Washington State Supreme Court as provided in Article IV, section 31 of the Washington State Constitution.~~

~~See attached Proposed GR 29 Amendment.~~

Proposal to Adopt Policy and Procedure Manual

The workgroup also developed (mainly through the work of Judge David Larson) a "blueprint" for CIC responses to court independence challenges, titled The Council on Independent Courts, Policy and Procedure Manual:

Council on Independent Courts

Policy and Procedure Manual

I. ~~Purpose and Powers~~ Mission Statement

The ~~purpose of the~~ Council on Independent Courts's (CIC) ~~is~~ mission is to protect, promote, and maintain the respect and dignity of Courts ~~of Limited Jurisdiction~~ as a co-equal branch of ~~local~~ government. ~~The CIC:~~

- ~~1. Provides a knowledge base of laws and principles on the importance of independent Courts of Limited Jurisdiction;~~
- ~~2. Provides advice and counsel to all three branches of local government on issues affecting independent Courts of Limited Jurisdiction;~~
- ~~3. Responds to threats to independent Courts of Limited Jurisdiction within the bounds of its powers and responsibilities;~~
- ~~4. Provides recommendations to the board of the District and Municipal Court Judges~~

~~Association on further actions needed to be taken in response to threats to independent Courts of Limited Jurisdiction.~~

II. Guiding Principles

Paragraph 1 of the Preamble to the Code of Judicial Conduct best sets forth the guiding principles of the CIC:

“An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”

In sum, judicial independence and public confidence in the judiciary are inextricably intertwined.

Judicial independence provides the equal opportunity for justice and fairness that is desired by the citizens of our communities. Judicial independence is built on a foundation of accountability directly to the people we serve.

Judicial independence is not absolute; it must be tempered with overarching principles that rely upon checks and balances among the three co-equal branches of government. Trust and confidence in the judiciary is achieved and judicial independence is preserved when the decisions reached by judges are based upon ~~dispassionate~~ application of the facts to the law as well as the competent administration of the judicial branch.

Judges are required by the Code of Judicial Conduct to protect judicial independence and public confidence against external pressures intended to influence their decisions on or off the bench as well as internal threats caused by their own conduct, the conduct of other judges, and the conduct of court staff.

Members of the legislative and executive branches should also support an independent judiciary ~~because to do so to~~ increases-increase public confidence in local government as a whole, especially in jurisdictions where government officials appoint and retain judges. Thus, members of the other branches of government also play “...a central role in preserving the principles of justice and the rule of law” and they must “...individually and collectively...respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”¹

Therefore, all shall adhere to the following principles:

1. Courts and court services shall be established and organized in compliance with

¹ Preamble to the Code of Judicial Conduct

Article IV of the State Constitution, all applicable court rules, and all valid enabling laws.

2. The election, appointment, and/or retention of judges shall comply with Article IV of the State Constitution, all applicable court rules, and all valid enabling laws.
3. Only judges and court staff shall manage courts.

III. Duties/Functions of CIC

(j) Council on Independent Courts (CIC):

- (1) The DMCJA President shall endeavor to appoint both district and municipal court judges to the CIC.
- (2) The CIC will provide a knowledge base of laws and principles on the importance of independent courts.
- (3) The CIC will provide advice and counsel to all three branches of local government on issues affecting independent courts.
- (4) The CIC will respond to threats to independent courts within the bounds of its powers and responsibilities.
- (5) The CIC will provide recommendations to the board of the DMCJA on further actions needed in response to threats to independent courts of limited jurisdiction.
- (6) The CIC shall maintain a Policy and Procedure Manual outlining appropriate responses to court independence challenges. The Manual and any amendments must receive Board of Governors approval.
3. (7) The DMCJA President shall be an ex officio member of the CIC.

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III. IV Guidelines for Action by the Council on Independent Courts

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The CIC should consider acting if any of the following guidelines have been violated.

1. Proper Formation and Organization of Courts

Sec.	Guideline	Authority
(a)	A municipal court should not be terminated during the active term of office of a judge serving that court.	The terms of office in RCW 3.50.040 , RCW 3.50.050 , and RCW 35.20.150 should be construed in harmony with termination provisions.
(b)	A redistricting plan that reduces the salary or shortens the term of any district court judge shall not be effective until the next regular election for district judge.	RCW 3.38.040(1)
(c)	A city cannot terminate a contract for court services with a county until the end of the district court judge's term of office.	RCW 3.50.810(2) RCW 35.20.010(3)

(d)	A county cannot terminate an agreement for court services with a city without at least one-year's notice.	RCW 3.50.810(3) RCW 35.20.010(4)
(e)	A court should not be terminated because of the outcome of cases or decisions made by the judge.	General principles of judicial independence

2. Election, Appointment, and Retention of Judges

Sec.	Guideline	Authority
(a)	Judges must be selected for appointment in a fair, non-partisan, and open public process.	General principles of judicial independence
(b)	Local public officials from other branches of government should not attempt to influence judicial elections in the course of their official duties.	General principles of judicial independence
(c)	A district court judge's full term of office is four years and shall not be shortened.	RCW 3.34.070 RCW 3.38.040(1)

	Both elected and appointed municipal court judges serve a term of four years.	RCW 35.20.150 RCW 3.50.040 RCW 3.50.050
(d)	Contracts signed by appointed judges shall comply with GR 29(k).	GR 29(k)
(e)	A municipal court judge's salary and/or other compensation shall be set by ordinance, not by contract.	RCW 3.50.080 RCW 35.20.160
(f)	A judge's salary or other compensation may not be reduced during the judge's term of office.	Wash. Const. Art. XI, Sec. 8,
(g)	The outcome of cases or decisions made by an appointed judge should not be the basis for non-renewal unless it can be shown that the decisions reached are contrary to the law or court rules.	General principles of judicial independence

3. Proper Management of Courts

Sec.	Guideline	Authority
(a)	Judges must control the proposal and management of the court's budget and management of the court.	GR 29(f)
(b)	Courts must be adequately staffed with judges, support staff, and resources.	RCW 3.58.050 RCW 35.20.120 RCW 3.50.080
(c)	Only presiding judges can appoint pro tem judges.	RCW 3.34.130 RCW 35.20.200 RCW 3.50.090
(d)	The presiding judge must have sole control of the hiring, retention, and working conditions of all court staff. This includes control of labor negotiations relating to hiring, retention, and working conditions of court staff. Nothing prevents the presiding judge from voluntarily seeking the advice and assistance of the other branches of government in personnel matters.	GR 29(f) RCW 3.54.020 RCW 35.20 RCW 3.50.080
(e)	The court manages the probation department.	ARLJ 11 RCW 10.64.120
(f)	The court manages the collection of fines, costs, forfeitures, and other assessments.	RCW 3.02.045 RCW 3.62.040 RCW 35.20.220 RCW 3.50.100
(g)	Only courts can supervise violation bureaus.	RCW 3.30.090 RCW 3.50.030 RCW 35.20.131
(h)	Courts will decide cases on the merits consistent with laws and court rules regarding fines, costs, and other assessments. Courts will not serve as mere revenue generators for local government.	General principles of judicial independence

~~IV.~~ **V. Initiation of Council on Independent Courts Action**

If there is a violation of any CIC guideline then any person, including members of the CIC, may request that the CIC take action.

Upon receipt of the request for action, the CIC shall meet as soon as practicable via email. A ~~conference call~~ Zoom meeting may be set if email is inadequate. The CIC shall follow these protocols in determining how to respond to a request for CIC action.

1. The CIC will make an initial determination by majority vote of the CIC members participating whether there is good reason to believe that one or more guidelines have been violated;
2. The CIC shall advise the presiding judge of the affected court(s) and the complainant of the CIC's concerns and issues raised by the circumstances.
3. The CIC Chair will appoint a member of the CIC to act as the lead to ~~investigate-respond to~~ the alleged violation and/or to gather further information, if needed;
 - a. No ~~investigation-response~~ may take place over the objection of the affected presiding judge(s) unless the DMCJA Board approves the ~~investigation the CIC's decision~~;
 - b. The DMCJA Board should call an emergency meeting to make the decision unless a regular meeting is scheduled for less than ten (10) days from the request for approval to proceed.
4. The CIC Lead may seek the assistance of other CIC members;
5. The CIC Lead has the authority to take any necessary action(s) that is/are within the Approved CIC Lead Actions provided below;
 - a. The CIC must approve any action that varies from the approved actions;
 - b. No action may be initiated that would result in the threat of or initiation of litigation or the filing of a complaint with any judicial or administrative body unless the DMCJA Board approves such action;
 - ~~c. The DMCJA Board should call an emergency meeting to make the decision unless a regular meeting is scheduled for less than five (5) days from the request for approval.~~

~~V.~~ **VI. Actions Allowed With Approval of DMCJA President**

A CIC Lead is authorized to take the following actions on behalf of the CIC with further approval by the DMCJA President:

1. Interview anyone with relevant information;
2. Conduct factual and data research;
3. Make public records requests;
4. Prepare position papers that may not be submitted for publication without CIC approval;
 - a. Template position papers shall be used whenever possible.
 - b. In case of an emergency requiring an expedited response, the President may approve the publication without CIC approval.
5. Communicate with public officials and members of the public;
 - a. Template correspondence shall be used whenever possible.
6. Appear and speak at public meetings before county or city legislative bodies;

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7. Organize others to appear at public meetings and/or to correspond with public officials;
8. Draft Op-Eds/Letters to the Editor, but such writings may not be submitted for publication without CIC approval;
9. Recommend other actions to the CIC.

Proposal to Amend DMCJA Bylaws

The work of standing DMCJA committees is memorialized in Article X of the DMCJA Bylaws. The DMCJA Board should determine whether the CIC should operate as a standing committee. If the Board votes to identify the CIC as a standing committee, the Bylaws should be amended as follows:

ARTICLE X – Committees

Section 1. Membership of Committees:

There shall be thirteen (13) standing committees and other such committees as may be authorized by the Association and by the President. The standing committees shall be the Nominating Committee, Bylaws Committee, Conference Committee, Legislative Committee, Court Rules Committee, Education Committee, Long Range Planning Committee, Diversity Committee, DOL Liaison Committee, Technology Committee, Therapeutic Courts Committee, Judicial Assistance Services Program, and Council on Independent Courts. Committee Chairs shall submit written annual reports to the members at the Association's Annual Meeting. In selecting members for the Association's committees, the President should make every effort to assign a member to the member's first preferred committee, even if such assignment increases the committee's size.

Section 2. Committee Functions:

...

(j) ~~Council on Independent Courts (CIC):~~

- ~~(1) The DMCJA President shall endeavor to appoint both district and municipal court judges to the CIC.~~
- ~~(2) The CIC will provide a knowledge base of laws and principles on the importance of independent courts of limited jurisdiction.~~
- ~~(3) The CIC will provide advice and counsel to all three branches of local government on issues affecting independent courts of limited jurisdiction.~~
- ~~(4) The CIC will respond to threats to independent courts of limited jurisdiction within the bounds of its powers and responsibilities.~~
- ~~(5) The CIC will provide recommendations to the board of the DMCJA on further actions needed in response to threats to independent courts of limited jurisdiction.~~
- ~~(6) The CIC shall maintain a Policy and Procedure Manual outlining appropriate responses to court independence challenges. The Manual and any amendments must receive Board of Governors approval.~~
- ~~(7) The DMCJA President shall be an ex officio member of the CIC.~~

It is anticipated that, upon Board approval of the workgroup proposals, the workgroup will sunset and the CIC will begin its work. Please contact me if you have any questions about the work of the workgroup or the proposals for the CIC.

Final Proposed Recommendations for Board Action

In conclusion, the workgroup recommends that the Board:

1. Approve the final report of the workgroup;
2. Approve the name change of the Committee from the Judicial Independence Fire Brigade to the Council on Independent Courts;
3. Approve the proposed GR 29 amendments or forward the proposed amendments to the Rules Committee for approval and their eventual return to the Board for later approval;
4. Approve the CIC Policy and Procedure Manual;
5. Approve the proposed Bylaw amendments or forward the proposed amendments to the Bylaws Committee for approval and their eventual return to the Board for later approval and possible consideration at the spring conference pursuant to Article XI of the DMCJA Bylaws;
6. Disband the Workgroup on Judicial Independence and approve the Council on Independent Courts as a new committee (pending the Bylaws change, which would designate the CIC as a standing committee).

David A. Steiner, Chair, Judicial Independence Workgroup

[Subsections (a)-(j) remain unchanged.]

(*) (j) Employment
Contracts. A part-time judicial officer may contract with a municipal or county authority for salary and benefits. The employment contract shall not contain provisions which conflict with this rule, the Code of Judicial Conduct or statutory judicial authority, or which would create an impropriety or the appearance of impropriety concerning the judge's activities.
The employment contract should acknowledge the court is a part of an independent branch of government and that the judicial officer or court employees are bound to act in accordance with the provisions of the Code of Judicial Conduct and Washington State Court rules. A contract for judicial services shall include the provisions set forth in section (1) of this rule.

NEW SECTION. (1) Required Provisions of a Part-Time Judicial Officer Employment Contract

(1) Term of Office and Salary

A municipal court judge's term of office shall be four years as provided in RCW 3.50.050. The judge's salary shall be fixed by ordinance in accordance with RCW 3.50.080 and the salary shall not be diminished during the term of office.

(2) Judicial Duties

The judge shall perform all duties legally prescribed for a judicial officer according to state law, the requirements of the Code of Judicial Conduct, and Washington State court rules.

(3) Judicial Independence and Administration of the Court

The Court is an independent branch of government. The Presiding Judge shall supervise the daily operations of the court and all personnel assigned to perform court functions in accordance with the provisions of GR 29 (e), GR 29 (f), and RCW 3.50.080. Under no circumstances should judicial retention decisions be made on the basis of a judge's or a court's performance relative to generating revenue from the imposition of legal financial obligations.

(4) Termination and Discipline The judge may only be admonished, reprimanded, censured, suspended, removed, or retired during the judge's term of office as provided in Article IV, section 31 of the Washington State Constitution.

Council on Independent Courts

Policy and Procedure Manual

I. Purpose and Powers

The purpose of the Council on Independent Courts (CIC) is to protect, promote, and maintain the respect and dignity of Courts of Limited Jurisdiction as a co-equal branch of local government. The CIC:

1. Provides a knowledge base of laws and principles on the importance of independent Courts of Limited Jurisdiction;
2. Provides advice and counsel to all three branches of local government on issues affecting independent Courts of Limited Jurisdiction;
3. Responds to threats to independent Courts of Limited Jurisdiction within the bounds of its powers and responsibilities;
4. Provides recommendations to the board of the District and Municipal Court Judges' Association on further actions needed to be taken in response to threats to independent Courts of Limited Jurisdiction.

II. Guiding Principles

Paragraph 1 of the Preamble to the Code of Judicial Conduct best sets forth the guiding principles of the CIC:

“An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”

In sum, judicial independence and public confidence in the judiciary are inextricably intertwined.

Judicial independence provides the equal opportunity for justice and fairness that is desired by the citizens of our communities. Judicial independence is built on a foundation of accountability directly to the people we serve.

Judicial independence is not absolute; it must be tempered with overarching principles that rely upon checks and balances among the three co-equal branches of government. Trust and confidence in the judiciary is achieved and judicial independence is preserved when the decisions reached by judges are based upon application of the facts to the law as well as the competent administration of the judicial branch.

Judges are required by the Code of Judicial Conduct to protect judicial independence and public confidence against external pressures intended to influence their decisions on or off the bench as well as internal threats caused by their own conduct, the conduct of other judges, and the conduct of court staff.

Members of the legislative and executive branches should support an independent judiciary because to do so increases public confidence in local government as a whole, especially in jurisdictions where government officials appoint and retain judges. Thus, members of the other branches of government can also play *“...a central role in preserving the principles of justice and the rule of law”* and they can *“...individually and collectively...respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”*¹

¹ Preamble to the Code of Judicial Conduct

Therefore, the CIC shall seek adherence by others to the following principles:

1. Courts and court services shall be established and organized in compliance with Article IV of the State Constitution, all applicable court rules, and all valid enabling laws.
2. The election, appointment, termination, and/or retention of judges shall comply with Article IV of the State Constitution, all applicable court rules, and all valid enabling laws.
3. Only judges and court staff shall manage courts.

III. Guidelines for Action by the Council on Independent Courts

The CIC should consider acting if any of the following guidelines have been violated.

1. Proper Formation and Organization of Courts

Sec.	Guideline	Authority
(a)	A municipal court should not be terminated during the active term of office of a judge serving that court.	The terms of office in RCW 3.50.040 , RCW 3.50.050 , and RCW 35.20.150 should be construed in harmony with termination provisions.
(b)	A redistricting plan that reduces the salary or shortens the term of any district court judge shall not be effective until the next regular election for district judge.	RCW 3.38.040(1)
(c)	A city cannot terminate a contract for court services with a county until the end of the district court judge's term of office.	RCW 3.50.810(2) RCW 35.20.010(3)
(d)	A county cannot terminate an agreement for court services with a city without at least one-year's notice.	RCW 3.50.810(3) RCW 35.20.010(4)
(e)	A court should not be terminated because of the outcome of cases or decisions made by the judge.	General principles of judicial independence

2. Election, Appointment, and Retention of Judges

Sec.	Guideline	Authority
(a)	Judges must be selected for appointment in a fair, non-partisan, and open public process.	General principles of judicial independence
(b)	Local public officials from other branches of government should not attempt to influence judicial elections in the course of their official duties.	General principles of judicial independence
(c)	A district court judge's full term of office is four years and shall not be shortened.	RCW 3.34.070 RCW 3.38.040(1)
(d)	Both elected and appointed municipal court judges serve a term of four years	RCW 35.20.150 RCW 3.50.040 RCW 3.50.050
(e)	Contracts signed by appointed judges shall comply with GR 29(k) and GR 29(l).	GR 29(k) and GR 29(l)
(f)	A municipal court judge's salary and/or other compensation shall be set by ordinance, not by contract.	RCW 3.50.080 RCW 35.20.160
(g)	A judge's salary or other compensation may not be reduced during the judge's term of office.	Wash. Const. Art. XI, Sec. 8

(h)	The outcome of cases or decisions made by an appointed judge should not be the basis for non-renewal unless it can be shown that the decisions reached are contrary to the law or court rules.	General principles of judicial independence
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3. Proper Management of Courts

Sec.	Guideline	Authority
(a)	Judges must control proposal of the budget, the management of the budget, and the management of the court.	GR 29(f)
(b)	Courts must be adequately staffed with judges, support staff, and resources.	RCW 3.58.050 RCW 35.20.120 RCW 3.50.080
(c)	Only presiding judges can appoint pro tem judges.	RCW 3.34.130 RCW 35.20.200 RCW 3.50.090
(d)	The presiding judge must have sole control of the hiring, retention, and working conditions of all court staff. This includes control of labor negotiations relating to hiring, retention, and working conditions of court staff. Nothing prevents the presiding judge from voluntarily seeking the advice and assistance of the other branches of government in personnel matters. The other branches should not interfere with the judge's duty and power to engage in collective bargaining in good faith with union staff over working conditions and other GR 29 duties and powers.	GR 29(f) RCW 3.54.020 RCW 35.20 RCW 3.50.080 RCW 49.08 <i>Zylstra v. Piva</i> , 85 Wn.2d 743, 539 P.2d 823 (1975) <i>In the Matter of the Salary of the Juvenile Director</i> , 87 Wn.2d 232 552 P.2d 163 (1976) <i>Spokane County v State</i> , 136 Wn.2d 663, 966 P.3d 314 (1998) <i>WSCCCE v. Hahn</i> , 151 Wn.2d 163, 86 P.3d 774 (2004)
(e)	The court manages the probation department.	ARLJ 11 RCW 10.64.120
(f)	The court manages the collection of fines, costs, forfeitures, and other assessments.	RCW 3.02.045 RCW 3.62.040 RCW 35.20.220 RCW 3.50.100
(g)	Only courts can supervise violation bureaus.	RCW 3.30.090 RCW 3.50.030 RCW 35.20.131
(h)	Courts will decide cases on the merits consistent with laws and court rules regarding fines, costs, and other assessments. Courts will not serve as mere revenue generators for local government.	General principles of judicial independence

IV. Initiation of Council on Independent Courts Action

If there is a violation of any CIC guideline then any person, including members of the CIC, may request that the CIC act pursuant to Sections IV and V. Upon receipt of the request for action, the CIC shall meet as soon as practicable via email. A conference call or virtual meeting may be set if email is inadequate. The CIC shall follow these protocols in determining how to respond to a request for CIC action.

1. The CIC will make an initial determination by majority vote of the CIC members participating whether there is good reason to believe that one or more guidelines have been violated;
2. The CIC shall advise the presiding judge of the affected court(s) and the complainant of the CIC's concerns and issues raised by the circumstances.
3. The CIC Chair will appoint a member of the CIC to act as the lead to review and respond to the alleged violation and/or to gather further information, if needed;
 - a. No review may take place over the objection of the affected presiding judge(s) unless the DMCJA Board approves the review;
 - b. The DMCJA Board should call an emergency meeting to make the decision unless a regular meeting is scheduled for less than ten (10) days from the request for approval to proceed.
4. The CIC Lead may seek the assistance of other CIC members;
5. The CIC Lead has the authority to take any necessary action(s) that is/are within the Approved CIC Lead Actions provided below;
 - a. The CIC must approve any action that varies from the approved actions;
 - b. No action may be initiated that would result in the threat of or initiation of litigation or the filing of a complaint with any judicial or administrative body unless the DMCJA Board approves such action;
 - c. The DMCJA Board should call an emergency meeting to make the decision unless a regular meeting is scheduled for less than five (5) days from the request for approval.

V. Actions Allowed with Approval of DMCJA President

A CIC Lead is authorized to take the following actions on behalf of the CIC with further approval by the DMCJA President:

1. Interview anyone with relevant information;
2. Conduct factual and data research;
3. Make public disclosure requests;
4. Prepare position papers that may not be submitted for publication without CIC approval;
 - a. Template position papers shall be used whenever possible.
 - b. In case of an emergency requiring an expedited response, the President may approve the publication without CIC approval.
5. Communicate with public officials and members of the public;
 - a. Template correspondence shall be used whenever possible.
6. Appear and speak at public meetings before county or city legislative bodies;
7. Organize others to appear at public meetings and/or to correspond with public officials;
8. Draft Op-Eds/Letters to the Editor, but such writings may not be submitted for publication without CIC approval;
9. Recommend other actions to the CIC.

Dugas, Tracy

From: Yetter, Margaret <MYetter@kentwa.gov>
Sent: Thursday, January 19, 2023 1:54 PM
To: Dugas, Tracy
Cc: Ellen Attebery; Trish Kinlow; Hawkins, Lillian
Subject: DMCMA Request
Attachments: ARLJ 14 Rule.pdf; ARLJ 14 Standards Final Approved January 2023.pdf

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Greetings DMCJA,

Thank you for your support of ARLJ 14, Mandatory Continuing Court Administrator Education. The DMCMA is holding its first Court Administrator Academy in May 2023 *during the DMCMA Spring Conference*. We will be using our annual CEC funds and have received additional funds from the CEC to assist with this education. Any additional funds will be used to assist all required attendees with their lodging expenses but we would also like to cover the registration cost for required attendees.

In 2019 the DMCJA board approved \$20,000 for the DMCMA to use toward the academy and these funds have yet to be used. Per our understanding these monies have been earmarked for DMCMA thus, we would like to request to use these funds for our first academy in May 2023. The funds would be used towards speaker/presenter costs and to cover registration costs for all required attendees.

Our goal is to ensure all new court administrators receive formal foundational training in the basics of court administration and also provide an opportunity for experienced court administrators to ensure they possess the fundamental skills required for their position. Since this rule went into effect January 1, 2023 we believe it is imperative to get as many court administrators through the academy this May of 2023. We hope by offering financial assistance to all required attendees we can remove possible financial barriers to attend.

Attached is a copy of ARLJ 14 and the Mandatory Continuing Education Standards.

Thank you for your consideration, collaboration, and investment in your court administrators.

Margaret Yetter,

DMCMA Education Co-Chair

Court Administrator, Kent Municipal Court
1220 Central Avenue South, Kent, WA 98032

FILED
SUPREME COURT
STATE OF WASHINGTON
June 9, 2022
BY ERIN L. LENNON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED NEW
RULE FOR COURTS OF LIMITED JURISDICTION
(ARLJ) [14]—MANDATORY CONTINUING
COURT ADMINISTRATOR EDUCATION

ORDER

NO. 25700-A-1450

The District and Municipal Court Management Association and the District and Municipal Courts Judges’ Association, having recommended the adoption of the proposed new rule for Courts of Limited Jurisdiction (ARLJ) [14]—Mandatory Continuing Court Administrator Education, and the Court having considered the proposed new rule, and having determined that the proposed new rule will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed new rule as attached hereto is adopted.
- (b) That the proposed new rule will be published in the Washington Reports and will become effective January 1, 2023.

ORDER

IN THE MATTER OF THE PROPOSED NEW RULE FOR COURTS OF LIMITED JURISDICTION (ARLJ) [14]—MANDATORY CONTINUING COURT ADMINISTRATOR EDUCATION

DATED at Olympia, Washington this 9th day of June, 2022.


González, C.J.

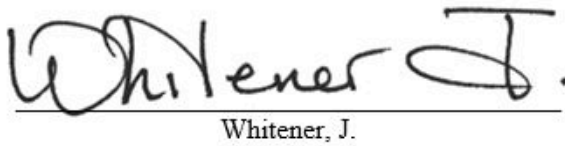

Johnson, J.

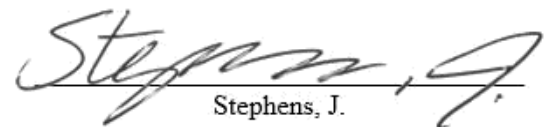

Gordon McCloud, J.


Madsen, J.


Yu, J.


Owens, J.


Whitener, J.


Stephens, J.

ARLJ 14

MANDATORY CONTINUING COURT ADMINISTRATOR EDUCATION

[NEW]

(a) Purpose. The protection of the rights of free citizens depends on the existence of an independent and competent judiciary. Courts require skilled court administrators to ensure an open, fair, and efficient justice system. This is particularly true in courts of limited jurisdiction—the court level the public most often turns to for services. This rule establishes minimum requirements for education and training of court administrators and equivalent employees in courts of limited jurisdiction.

(b) Definitions.

(1) “Court administrator,” as used in this rule, means the court administrator or equivalent employee in a court of limited jurisdiction to whom the presiding judge may delegate administrative functions described in GR 29(f). The presiding judge of each district and municipal court shall designate a minimum of one court administrator or equivalent employee per court to comply with this rule.

(2) “Designee,” as used in this rule, means the court administrator or equivalent employee as designated by the presiding judge.

(3) “CEC” means the Board for Judicial Administration’s Court Education Committee.

(4) “Academy” means the Washington Court Administrator Academy.

(5) “DMCMA” means the District and Municipal Court Management Association.

(6) “AOC” means the Administrative Office of the Courts described in chapter 2.56 RCW.

(c) Minimum requirement. Each designee shall complete a minimum of 15 credit hours of continuing education approved by the CEC every 3 years.

(d) Court Administrator Academy Attendance.

(1) Each designee shall attend and complete the Academy within 12 months of initial appointment.

(2) Each designee holding this position for fewer than 4 years at the time this rule becomes effective shall attend and complete the Academy within 24 months.

(3) The Academy shall consist of no fewer than 15 hours of education and shall include instruction about roles and responsibilities of court administration, ethics, GR 29, executive branch collaboration, court finances, human resources, and AOC resources and requirements.

(4) The Academy will be offered in conjunction with the annual DMCMA program that receives funding allocated by the CEC. Subject to the availability of CEC and AOC resources, the Academy may also be offered remotely.

(5) In the event of extreme hardship, a presiding judge may request on behalf of their designee a delay of not more than one year to complete the Academy.

(6) The local court jurisdiction's lack of adequate budgeting for the designee to attend the Academy shall not constitute an extreme hardship.

(e) Accreditation. The CEC shall, in consultation with the DMCMA and subject to the approval of the Washington Supreme Court, establish and publish the required curriculum and accreditation standards for the Mandatory Continuing Court Administrator Education.

(f) Compliance. Each designee shall confirm with the AOC on or before January 31 each year, in such form as the AOC shall prescribe, the designee's progress toward the minimum education requirements of section (c) of this rule during the previous calendar year. If the designee does not respond by January 31, their credits will be confirmed by default. A designee who does not have the requisite number of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period.

(g) Noncompliance. Notification of noncompliance shall be reported to the chair(s) of the CEC and the presiding judge of the appropriate court.

(h) Effective date. This rule becomes effective January 1, 2023.

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED
MANDATORY CONTINUING EDUCATION
STANDARDS [NEW ARLJ 14]

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)

ORDER

NO. 25700-A-1484

The Board of Judicial Administration’s Court Education Committee, having recommended the adoption of the suggested Mandatory Continuing Education Standards [New ARLJ 14], and the Court having considered the suggested standards, and having determined that the suggested standards will aid in the prompt and orderly administration of justice;

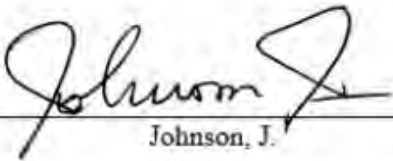
Now, therefore, it is hereby

ORDERED:

- (a) That the proposed standards as attached hereto are adopted.
- (b) That the proposed standards will be published in the Washington Reports and will become effective January 1, 2023.

Page 2
ORDER
IN THE MATTER OF THE SUGGESTED MANDATORY CONTINUING EDUCATION
STANDARDS [NEW ARLJ 14]

DATED at Olympia, Washington this 5th day of January, 2023.



Johnson, J.



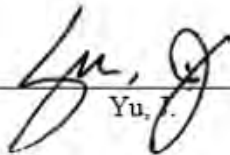
González, C.J.



Gordon McCloud, J.




Madsen, J.



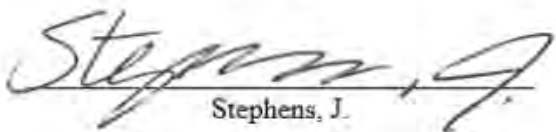
Yu, J.



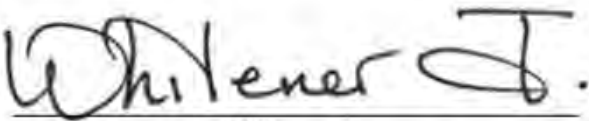
Owens, J.



Montoya-Lewis, J.



Stephens, J.



Whitener, J.

GR 9 COVER SHEET

WASHINGTON STATE DISTRICT AND MUNICIPAL COURT ADMINISTRATOR
MANDATORY CONTINUING EDUCATION STANDARDS
Supreme Court Order [NO. 25700-A-1450](#)

Submitted by the Board of Judicial Administration's
Court Education Committee

A. Name of Proponent: The Board of Judicial Administration (BJA),
Court Education Committee (CEC).

B. Spokespersons:

- ❑ The Honorable Tam Bui, Chair, CEC, Snohomish County District Court,
3000 Rockefeller Ave, MS 508, Everett, WA 98201
(telephone (425) 388-3331)
- ❑ The Honorable Douglas J. Fair, Vice-Chair, CEC, Snohomish District
Court, 20520 68th Ave W, Lynnwood, WA 98036-7406
(telephone (425) 774-8803)

C. Purpose: The Board for Judicial Administration's Court Education Committee

(CEC) shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of the Washington State District and Municipal Court Administrator mandatory continuing education. The CEC and members of the District and Municipal Court Management Association (DMCMA) drafted the attached standards to provide guidance to District and Municipal Court Presiding Judges and Administrators and the Administrative Office of the Courts (AOC) on the implementation of this new rule and the roles and responsibilities of the CEC, AOC, Presiding Judges and Administrators. The Court Education Committee approved the standards on October 14, 2022, and submitted them to the BJA who approved them on November 18, 2022.

D. Hearing: A public hearing is not requested for the review and approval of these ARLJ 14 standards.

E. Expedited Consideration: An expedited process is requested since the rule goes into effect January 1, 2023.

If you need further information on the ARLJ 14 standards, please contact Ms.

Judith M. Anderson at Judith.anderson@courts.wa.gov or (360) 705-5231.

**WASHINGTON STATE DISTRICT AND MUNICIPAL COURT ADMINISTRATOR
MANDATORY CONTINUING EDUCATION STANDARDS
Supreme Court Order [NO. 25700-A-1450](#)**

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for Washington's integrated judicial branch of government.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration (BJA) provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve our state's judicial branch of government.

3. Court Education Committee (CEC)

The Court Education Committee (CEC) is a standing committee of the BJA and assists the Supreme Court and the BJA in developing educational policies and standards for the court system. The CEC provides budget and appropriation support, monitors educational programs' quality, coordinates in-state and out-of-state educational programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Designee

The Designee is the Court Administrator or equivalent employee designated by the presiding judge.

5. Court Education Committee

The responsibilities of the CEC will be to:

- a) Administer the Administrative Rule for Limited Jurisdiction (ARLJ) 14;
- b) Obtain the name of the "designee" from the presiding judge of each court of limited jurisdiction annually;
- c) Establish operating procedures consistent with this rule; and,
- d) Report and release names of the "designees" who have not complied with the rule to their presiding judge.

6. Administrative Office of the Courts (AOC)

- a) Under the direction of the Supreme Court and CEC, the Administrative Office of the Courts (AOC) shall develop guidelines for implementing the standards and develop, administer, and coordinate education programs throughout the state.
- b) The AOC shall coordinate all CEC education programs and provide support, guidance, and assistance. AOC shall provide support, guidance,

and assistance to DMCMA education committees in planning, developing, implementing, and evaluating education programs consistent with established continuing education standards and requirements.

- c) The AOC shall maintain the official transcript for each Designee based on:
 - (i) attendance records at CEC accredited education programs;
 - (ii) approved non-CEC authorized or sponsor-accredited education programs submitted by the individual.
- d) Based on the official record, the AOC will report noncompliance annually to the CEC and the presiding judge of the appropriate court of limited jurisdiction.

Section 2: General Standards for Continuing District and Municipal Court Administrator Education

1. Continuing District and Municipal Court Administrator Education (CAE)

During their three (3)-year reporting cycle, each Designee must complete fifteen (15) hours of CAE credits, two (2) of which are in the area of ethics, and one and a half (1.5) are in the area of diversity, equity, and inclusion (DEI).

- a) At least nine (9) hours, of which at least one and a half (1.5) hours are in the area of ethics and (1) hour in the area of DEI, must be completed by attending accredited courses. "Attending" is defined as (1) presenting for, or being present in the audience at, an accredited CAE course; (2) presenting for, or participating through an electronic medium in, an accredited CAE course; or (3) participating through an electronic medium in an accredited CAE course pre-recorded where faculty are available to answer questions.
- b) Up to five (5) hours, of which up to one (1) hour are in the area of ethics and one (1) hour in the area of DEI, may be completed through self-study by listening to, or watching, pre-recorded accredited CAE courses. Designees completing credits by self-study must report them to the AOC.
- c) Up to five (5) hours, of which up to one (1) hour are in the area of ethics, and one (1) hour in the area of DEI, may be completed through teaching at accredited CAE courses and/or publishing administrative writing. A designee may complete up to three (3) hours of teaching credits for each hour of presentation. The CEC must approve credits for published administrative writing. Designees completing credits by teaching or writing must report them to the AOC.
- d) Designees may attend a combination of approved local, state, or national programs.
- e) A designee may complete credits through other courses that directly aid the Designee in performing their specific administrative duties and are approved by the CEC.

2. Carry-Over

- a) If a designee completes more than 15 such credit hours in a three-year reporting period, up to 5 hours of excess credits may be carried forward and applied to the Designee's education requirement for the following three-year reporting period. Carry-over credits do not apply to ethics or DEI requirements.

3. Court Administrator Academy Attendance

- a) Each Designee shall attend and complete the Court Administrator Academy program within 12 months of initial appointment.

- b) Each Designee holding this position for fewer than four years at the time this rule becomes effective shall attend and complete the Academy within 24 months.

4. Credit Calculation

Credit is calculated based on one credit for every 60 minutes of actual subject presentation/participation, not including introductions, overviews, and closing remarks.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) District and Municipal Court Management Association ([DMCMA](#))
- b) District and Municipal Court Judges Association ([DMCJA](#))
- c) Administrative Office of the Courts ([AOC](#))
- d) Association of Washington Superior Court Administrators ([AWSCA](#))
- e) Court Education Committee ([CEC](#))
- f) Court of Appeals ([COA](#))
- g) Misdemeanor Probation Association ([MPA](#))
- h) Superior Court Judges' Association ([SCJA](#))
- i) Washington Association of Juvenile Court Administrators ([WAJCA](#))
- j) Washington State Association of County Clerks ([WSACC](#))
- k) Washington State Bar Association ([WSBA](#))
- l) Washington State Supreme Court ([WSSC](#))
- m) Washington State Supreme Court Commissions

2. Other Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) National Association for Court Management ([NACM](#))
- b) Conference of State Court Administrators ([COSCA](#))
- c) Hispanic National Bar Association. ([HNBA](#))
- d) International Association for Court Administration ([IACA](#))
- e) National Asian Pacific Bar Association ([NAPBA](#))
- f) National Association of Women Lawyers ([NAWL](#))
- g) National Association for Presiding Judges and Court Executive Officers ([NAPCO](#))
- h) National Bar Association ([NBA](#))
- i) National Conference of Women's Bar Associations ([NCWBA](#))
- j) National Consortium on Racial and Ethnic Fairness in the Courts ([NCREF](#))
- k) National Lesbian and Gay Lawyer Association ([LGBTQ+BAR](#))
- l) National Native American Bar Association ([NABA](#))
- m) North American South Asian Bar Association ([NASABA](#))
- n) Programs approved for Scholarships by CEC
- o) The Judicial Division of the American Bar Association ([ABA](#))
- p) The Judicial Divisions of all National Bar Associations
- q) The National Judicial College in Reno ([NJC](#))
- r) The National Center for State Courts ([NCSC](#))
- s) [Tribal Courts in Washington State](#) and [Washington Cities Insurance Authority](#)
- t) Washington State Association of Municipal Attorneys ([WSAMA](#))
- u) Washington State Risk Pool ([WCRP](#))

3. Other Continuing Professional Education Programs

For all other Continuing Professional Education Programs, please submit form Judith M. Anderson to judith.anderson@courts.wa.gov for possible credit.

4. Basis for Accreditation of Courses

Courses will be approved based on their content. An approved course shall have significant intellectual or practical content relating to the duties of the Designee.

- a) **Factors in Evaluating.** Factors to consider in evaluating a course include:
 - 1) The topic, depth, and skill level of the material;
 - 2) The level of practical and/or academic experience or expertise of the presenters or faculty;
 - 3) The intended audience; and
 - 4) The written, electronic, or presentation materials should be high quality, readable, carefully prepared, and distributed to all attendees before the course.

5. Programs That Do Not Qualify

The following activities will not qualify for CAE credit:

- a) Presenting to an internal organization. (cities, counties);
- b) Jury duty;
- c) Judging or participating in law school or mock trial competitions; and
- d) Serving on professional committees/associations.

6. Appeals

A designee may appeal to the CEC's denial of program/course accreditation. The appeal should be in the form of a letter addressed to the Chair of the BJA that outlines the basis for the Designee's request. The BJA Chair shall notify the Designee in writing of its decision to sustain or overrule the decision of the CEC.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a district and municipal court administrator's education program to report designee attendance and credits for all approved CAE courses to the AOC.

2. Individuals

- a) Individual Designee's responsibility is to file a report of their attendance, whether total or partial, for programs sponsored by Washington State Judicial Branch entities or other administrative and educational sponsors, as noted in Section 3 (1)(2).
- b) The individual Designee must submit requests for accreditation for other continuing professional education programs, credit for teaching, published administrative, legal writing, or self-study to the AOC.

3. Deadline

Absent exigent circumstances, sponsors and individual designees must report attendance within 30 days after completion of a CAE activity.

Section 5: Certification

1. Compliance

In August each year, the AOC will send out a reminder of the end-of-the-year reporting requirement via district and municipal court administrator listservs. By December 31, the AOC will provide a progress report to every Designee of the programs they have attended during the previous calendar year. After reviewing that progress report, designees must either:

- a) Confirm it as an accurate record of their progress toward compliance with the rule; or
- b) Provide additional information on programs attended with accompanying documentation; and,
- c) File the report with the AOC on or before January 31 each year. If a designee does not respond by January 31, defaults will determine credits.

Based on the official record, the AOC will report the non-compliant to the CEC and the presiding judge of the appropriate court of limited jurisdiction.

2. Three-Year Reporting Periods

Three-year reporting periods are as follows:

- a) Group 1 are those designees present as of January 1, 2023, and those who begin service every subsequent third year: 2026, 2029, 2032, 2035, 2038, 2041, 2044, 2047, 2050, etc.;
- b) Group 2 are those designees who begin service in 2024, 2027, 2030, 2033, 2036, 2039, 2042, 2045, 2048, 2051, etc.;
- c) Group 3 are those designees who begin service in 2025 and every subsequent third year: 2028, 2031, 2034, 2037, 2040, 2043, 2046, 2049, 2052, etc.

The three-year reporting period for each new Designee begins on January 1 or is closest to their appointment.

3. Delinquency

Failure to comply with this rule's requirements may violate the Code of Judicial Conduct.

Section 6: Approval

The Court Education Committee on October 14, 2022 approved these standards by Washington Supreme Court in Court Order [NO. 25700-A-1450](#).

Comments or suggestions regarding the standards or revisions can be sent to the Court Education Services unit supervisor at the AOC or the Chair of the CEC.

Approved by the CEC 10/14/2022

Approved by the BJA 11/18/22

[Adopted effective;]

GENERAL RULE 9
RULE AMENDMENT COVERSHEET
PROPOSED AMENDMENT TO GENERAL RULE 42

1. **Name of Proponent:** Judge Angelle Gerl; Judge Pauline Freund and the Office of Public Defense.
2. **Spokespersons:** Judge Angelle Gerl; Judge Pauline Freund; Katrin Johnson, OPD Lead Managing Attorney
3. **Purpose:** As currently written, the rule requires judicial officers to appoint defense counsel on a rotating list in jurisdictions where there is no public defense administrator. This will result in individuals with multiple cases potentially being represented by multiple attorneys. Individuals generally benefit from having one attorney on multiple cases for continuity of representation.

We believe that this was an unintended consequence of the rule. An amendment to the rule which would add subsection (e)(2) would allow for judicial officers who appoint counsel on a rotating basis to divert from the rotation in order to maintain continuity of representation for persons with multiple cases or returning on show cause. This would benefit both individuals appearing before the court and attorneys.

4. **Hearing:** No public hearing is requested.
5. **Expedited consideration:** Yes, we would request expedited consideration as soon as possible.

PROPOSED RULE CHANGES

GR 42

INDEPENDENCE OF PUBLIC DEFENSE SERVICES

(a)-(d) No Changes

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

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

(2) If there is no public defense agency or administrator, a judicial officer should appoint a qualified attorney, on a rotating basis, from an independently established list of assigned counsel or contractors. To ensure continuity of representation, a judicial officer may deviate from the rotation to avoid the appointment of multiple attorneys to one individual within the same court.

(e)(3)-(g) No Changes.

A Letter to Governor Jay Inslee Requesting a Governor's Task Force to Consider Reforms to the Washington State Commission on Judicial Conduct

January 16, 2023

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, Washington 98504-0002

Dear Governor Inslee,

We write as concerned members of our Washington State legal community to request that you convene a broadly representative task force to consider reforms to the Commission on Judicial Conduct.

Our request follows a more than six month effort to encourage the Commission to engage in self-reform. However, it is clear to us that after thirty years as an independent agency within the judicial branch of state government, much more is required if the Commission is to meet its full constitutional mission.

As you may be aware, our Supreme Court recently unanimously reversed the CJC's admonishment of King County Superior Court Judge David Keenan.¹ The Supreme Court found that Judge Keenan's likeness and extraordinary personal background could be used to encourage diversity applicants to North Seattle College. However, the CJC forced Judge Keenan to defend his integrity in a long, contested hearing, incurring substantial outside counsel fees and required Judge Keenan to retain counsel for his trial and successful appeal. We write, in part, because we believe the CJC's actions were harmful to our shared goal of promoting diversity and erasing the scourge of racism in our legal system.²

Following the Supreme Court's decision, former Supreme Court justices, bar leaders, law professors, legal aid lawyers, prosecutors and defense attorneys called on the CJC to examine its evident errors in the *Keenan* matter. We urged the CJC to consider changes to its procedures that may have led them to its improvident decision, including its lack of transparency, failure to provide due process and its reliance on outmoded rules of judicial conduct. In failing to address these issues, the CJC has demonstrated disregard for the chilling effect of the *Keenan* matter on judges in Washington State who seek to address issues of race, equity, diversity and inclusion (a copy of the May 31, 2022 letter is attached).

¹ *In re Keenan*, 199 Wash.2d 87, 502 P.3d 1271 (2022)

² *Open Letter of Washington Supreme Court to Members of the Judiciary and the Legal Community*, June 4, 2020

After waiting more than three months, the CJC issued a written response acknowledging the need to be more transparent, but largely ignoring our recommendations for reform. It invited no dialogue with the signers, leaving us with the firm belief that the present CJC does not believe it is accountable as a state agency to anyone, including the public. While the Supreme Court reviews its decisions, including in the *Keenan* matter, no oversight body assures the CJC understands and acts on its role in eradicating racism, or is able to question the structure and procedures which clearly failed in that case. For example, the CJC has rejected our suggestion that it engage in DEI training and issue its own statement of commitment to our Supreme Court's call to action, instead implying that its relatively diverse make-up renders such basic steps unnecessary (a copy of the CJC's letter of September 12, 2022 is attached).

Accordingly, we the undersigned, join with the King County Bar Association in recommending that the Governor, as the preeminent appointing authority for the CJC, convene a task force:

...to review the structure, processes, and procedures of the CJC and make recommendations to appropriate entities to improve the functioning of the CJC so that it promotes public confidence in the judiciary. These include: (a) the CJC's role in addressing the issues raised by the Supreme Court's *Open Letter*, and (b) procedural reforms to the CJC via court rule, legislation or constitutional amendment if required to guarantee the judiciary of Washington is treated fairly and with the customary due process rights, and promotes ethical judicial conduct and public confidence in our system of laws.³

We are confident, that with the Governor's leadership, a broadly based Task Force led by non-lawyer citizens will be welcomed by sitting judges and by all who understand the important role of the CJC in assuring our judiciary is ethical, competent and diverse. We hope that the CJC itself will actively support the work of such a task force, welcoming the opportunity to engage in a much-needed review of its mission, structure and procedures to assure its fidelity and accountability to the citizens of Washington State.

³ Resolution of the King County Bar Association, December 2, 2022 (copy attached)

Gov. Jay Inslee
January 16, 2023
Page 3

Thank you for the evident care you have demonstrated toward the justice system in Washington State throughout your tenure as Governor. We would welcome the opportunity to meet with you or your Counsel to discuss these important issues.



Thomas M. Fitzpatrick



John McKay



Salvador A. Mungia



Ada Shen-Jaffe



Tahmina Watson

cc: Kathryn Leathers, General Counsel
Washington State Bar Association
Presiding Judge, Washington State Court of Appeals
Superior Court Judges' Association
District and Municipal Court Judges' Association
Commission on Judicial Conduct

Attachments (3)

Attachment 1

May 31, 2022

Commission on Judicial Conduct
State of Washington
P.O. Box 1817
Olympia, WA 98507

Dear Commission Members:

We write as members of the bar and public concerning the recent Supreme Court decision overturning the Commission on Judicial Conduct's findings and admonishment of Judge David Keenan, Superior Court Judge for King County (*In re the Matter of The Honorable David S. Keenan*, CJC No. 96-08-F-189; *In re Keenan*, No. 201,996-0 filed 2/10/22).

As bar leaders, retired judges and concerned members of the public, we respectfully submit that considering the Supreme Court's unanimous reversal in the *Keenan* matter, the Commission should take this opportunity to reexamine its role in enforcing judicial conduct cases, and to take steps to remedy the injustice of its decision.

We wish to observe at the outset that we have great respect for the body of work undertaken by the Commission in the exercise of its independent Constitutional function of assuring ethical judicial conduct in the State of Washington. We commend you and all previously serving commissioners for volunteering your time in service of the public good and we recognize the countless hours you have spent in pursuit of this important goal. However, we are confident that you also recognize that while acting as an independent agency within the judicial branch, the Commission is not immune from constructive criticism and is accountable to the public it serves. It is in this spirit that we write to urge you to undertake a public review of your methods and procedures and that you seek to avoid repeating the serious errors evident to us in *Keenan* by undertaking training and a review of decisional procedures.

While it may be too late for the Commission to remedy the injustice caused by the improvident prosecution of Judge Keenan, the Commission should publicly acknowledge the errors in that case and renew its commitment to a fair and balanced enforcement of the Code of Judicial Conduct.

1. The Commission should Publicly Acknowledge its Erroneous Decision

It is not necessary for us to set forth the core legal issues raised in the Commission's prosecution of Judge Keenan as these were fully set forth in the briefing¹ and even more clearly established in the Supreme Court's unanimous reversal of the Commission's decision, its imposed discipline and its positions on appeal.

¹ These include the briefs filed on behalf of the Commission, by counsel for Judge Keenan and various amici curiae. We note that none of the signers of this letter served as counsel for Judge Keenan, although several participated in the Supreme Court appeal as amici. Neither Judge Keenan nor his lawyers approved or participated in the preparation of this letter.

While the incorrect legal theories embraced by the Commission in the *Keenan* case have been addressed by the Supreme Court, we believe the Commission has further work to do.

First, we note the Commission made little effort to publicly disclose on its website or to the media that the Supreme Court had overruled its decision and order in the *Keenan* case. In fact, for many weeks following the decision, the Commission website included only a link to the opinion but failed to update its summary of the matter to point out that its public admonishment of Judge Keenan had been reversed and vacated by the Court. Second, although the Commission issued a press release at the time it admonished Judge Keenan, it failed to issue a commensurate statement when this action was reversed by the Supreme Court. Third, while it conducted a public hearing and engaged lawyers to publicly advance its incorrect claims against Judge Keenan, the Commission has remained silent following the Supreme Court reversal.

We believe the Commission has a responsibility as an independent agency to conduct itself with transparency and fairness. Whether these acts constitute a failure in Commission oversight, procedural shortcomings, or simple negligence, we urge you to correct them to whatever extent may be possible for Judge Keenan and for the benefit of future cases. Unlike a private litigant before the Supreme Court, the Commission has a responsibility to inform the bench, bar and public of important matters under its consideration. Unlike other agencies with oversight by one of the three branches of our State government, the Commission on Judicial Conduct is self-regulating and therefore bears a special responsibility to assure the public of its integrity and faithfulness to its Constitutional mission. It should do so publicly, including acknowledging the errors in the *Keenan* case and demonstrating to the public its plans for improvement and renewed commitment to statutory and Constitutional duties.

2. The Commission's Prosecution of Judge Keenan Harms the Goal of Promoting Diversity, Equity and Inclusion in the Bench and Bar

The Commission prosecuted Judge Keenan for agreeing to allow a college to encourage enrollment of students who might advocate for marginalized communities. This demonstrated a lack of understanding of the Commission's role in eradicating all forms of racism and discrimination in the judiciary and will chill future efforts by judges to ethically promote diversity, equity, and inclusion.

Among the errors in the *Keenan* case, the Commission's focus on alleged harm to judicial prestige stands out as particularly egregious. That judicial prestige did not suffer in the slightest is evident in the Supreme Court's ruling and should have been evident to the Commission before it charged Judge Keenan. What is truly shocking to us, however, is the Commission's apparent failure to consider how a decision to admonish Judge Keenan ignored our Supreme Court's call to end racism in the justice system² and, instead, punished the judge for acting in accordance with it.

The Commission claimed Judge Keenan's pursuit of the laudable goal of enhancing the pipeline of non-traditional and diverse entrants to the legal profession was beneath the dignity of a judge in this State. The Commission declared in its briefing to the Supreme Court, "Judge Keenan abused the prestige of judicial office by permitting it to be used in a commercial

² *Open Letter of Washington Supreme Court to Members of the Judiciary and the Legal Community*, June 4, 2020

advertisement for the benefit of another, in violation of Rule 1.3.” The Commission went on to argue that such “public advocacy” by judges leaves the public to “wonder if the judge is trying to sell them something,” belittling the “*buses* rolling through the largest county in the State, advertising a specific *community college* not directly related to the law.”³ The civic life we expect of judges has evolved as reflected in amendments to the rules and growing calls for greater inclusion of judges who reflect the diversity of the public they serve. The Commission’s action in this case seems oblivious to these concerns and evinces an outdated view of judicial conduct. For example, the Commission in its order expressed concern that allowing judges to work with community colleges to enhance the pipeline of non-traditional students into the legal profession, “would open the floodgates to allow judges to promote any activity that could possibly encourage students to attend law school.”⁴ We should be so lucky as to have committed judges, such as Judge Keenan, working to promote diversity in the bench and bar at the earliest possible point in education. And, certainly, the judicial disciplinary system in our state should not work against such activities as it has in this case.

We believe the judges of Washington State are aware of the burden imposed on Judge Keenan in defending these charges and will seek to avoid conduct that might be remotely similar. Notwithstanding the Supreme Court’s reversal, this case will have (and probably already has had) a chilling effect on those judges willing to speak out publicly on these critical issues of race and equity.

We contend that the Commission has failed to heed its duty in this case by wrongfully punishing Judge Keenan and signaling to other judges that similar efforts will be scrutinized and possibly sanctioned. The Commission should immediately take steps to rectify these errors, beginning with requiring that every member of the Commission (including alternate members) read the Court’s *Open Letter* and that the entire Commission undertake a thorough program of implicit bias training.⁵

3. The Commission Forced Judge Keenan to Contest these Charges and to Appeal its Decision and Order to the Supreme Court

Superior Court Judges in our State must either stand for election or seek reelection in contested political campaigns. The Commission took actions that required Judge Keenan, at great personal expense, to contest these charges and to successfully appeal the discipline to the Supreme Court. Much of this could and should have been avoided.

We first note that, for the reasons discussed above and in the Supreme Court opinion, the decision to proceed with charges against Judge Keenan was clearly erroneous. We believe this should have been apparent from the beginning. We also question why the Commission found it necessary to enter a finding attacking Judge Keenan’s credibility.⁶ The entire structure of

³ Brief Replying to Amici p. 9 (emphasis added)

⁴ *In re Keenan*, CJC Order and Decision, p. 9

⁵ While we note that the Commission frequently imposes this requirement on judges as part of judicial discipline, Commission records indicate no training in diversity, equity and inclusion for the Commission itself. This is a startling oversight for a body charged with promoting judicial ethics.

⁶ “Judge Keenan argues that his actions were permitted because the ad would encourage people to go to law school after attending the college. *We specifically find that this argument and the accompanying testimony from Judge Keenan lacks credibility.*” *In re Keenan*, Commission Decision and Order (2/2/21)(emphasis added)

confidentiality of complaints to the Commission until public proceedings are announced is premised upon the proposition that a judge's reputation is important and should be protected. The denigration of a judge's character should be avoided unless required by the disciplinary process. The issue of credibility of witnesses is paramount in our system of justice, and rulings based on credibility are made by judges every day. It should not need to be said that unnecessary credibility findings about a judge should be avoided. Commissioners, particularly the judges on the Commission, are surely aware that such gratuitous language, if allowed to stand, would likely be used in future political campaigns for Judge Keenan's position on the bench. For the Commission to make this finding a part of its decision and Order likely left Judge Keenan no choice but to appeal the Commission's Decision and Order to the Supreme Court. Similarly, when the Commission imposed the formal discipline of admonishment where the applicable legal standards were in dispute, any reasonable judge would recognize the political risk facing them in the next election and feel compelled to appeal.

We expect that the Commission considers the personal cost to judges in bringing charges to enforce the Rules. Among these are personal embarrassment, public humiliation, loss of esteem by fellow judges, court staff and the public. In the rare cases for which the Commission conducts public hearings on charges brought against individual judges, a fully contested hearing may require the judge to retain counsel at his or her own expense. We believe this to have been the case for Judge Keenan, who was represented by counsel at the hearing stage and before the Supreme Court. Although we don't know what his out-of-pocket costs were for defending himself against these charges, we do know that the Commission itself expended approximately \$85,000 in outside legal fees to prosecute Judge Keenan and to defend the Commission very aggressively on appeal.⁷ We feel we can safely assume that Judge Keenan was forced to pay for his own attorney fees in a roughly commensurate amount.

In sum, the Commission worked an extremely costly injustice upon Judge Keenan and it should undertake a review of its actions and take such steps as are necessary to remedy its errors, including any restorative justice allowable under law.

4. The Commission Should Adopt Procedural Reforms and Recommend Statutory Amendments to Promote Due Process and More Fair Outcomes

We had hoped that following the Supreme Court's unanimous decision, the Commission would itself engage in a public discussion of what went wrong in the *Keenan* case. This has not occurred. In our opinion, there are three areas in need of procedural reform.

First, the Commission appears to have confused the standard required by Rule 1.3 ("lend" prestige of office vs. "abuse"). As fully developed in the briefing before the Supreme Court, this change in the Rule established that only occurrences of clear cut abuse of office are subject to disciplinary action. Going forward the Commission should recognize the ethical standard changed with the adoption of the revised Code of Judicial Conduct and actions governed by it.

Second, the Commission continues to prosecute judges in the State of Washington for violations of Canons, rather than the Rules. The Code is clear that only a Rule violation is the

⁷ In its response dated April 20, 2022, to a Public Records Request, the Commission Public Records Officer provided redacted fee statements from attorneys Hugh D. Spitzer and Steven A. Reisler totaling \$85,912.87

basis for discipline. Yet the Commission in its charging documents and public statements continually references Canon as well as Rule violations, unnecessarily raising the opprobrium of the alleged violation.

Third the Commission continues to proceed as a unitary commission, presiding over both the sufficiency of charges at the complaint stage, and sitting as the ultimate trier of fact and law. This stands in contrast to many other states and the Model Rules, and calls into question whether judges contesting a finding that a violation has occurred are afforded due process during the hearing stage. Judges protect the due process rights of the citizenry. Surely, they should be entitled to ordinary due process in which the prosecution function is separate from adjudication. The Commission should not cling to defending the one tier system, whether constitutional or not, but adopt internal processes so that one set of Commissioners decides on whether a case should be charged and those members do not sit in the adjudicatory phase. To the extent the Commission believes statutory or Constitutional amendments are necessary to effectuate this approach, it should seek those.

We also note that in the *Keenan* case, in whatever internal procedures were followed, the majority signing the Commission Decision and Order failed to recognize the extreme reluctance to discipline Judge Keenan expressed in the four separate opinions filed by Commission members in the case. As all four were non-judges, we question whether the majority properly considered their views, and whether, as a procedural matter, the Commission should have convened for further consideration of the proposed decision and discipline. It strikes us that these Commissioners were trying to tell their colleagues something and they were not given proper weight. Were their views given consideration before the decision and order issued? We do not know. Perhaps additional time and review of the concurrence and partial dissents in this case might have helped to avoid a 9-0 reversal by the Supreme Court.

5. Recommendations

We respectfully request that the Commission undertake a public examination of the errors made in the *Keenan* case and adopt the following measures:

- Update the Commission website including all summaries to fairly and prominently reflect the reversal of the Commission and the discipline imposed on Judge Keenan
- Issue a press release with the same circulation as any release made at the time charges were made against Judge Keenan by the Commission and commit to do so in all instances in which its decisions are modified or reversed by the Supreme Court
- Publicly acknowledge the role of the Commission in combating racism and promoting diversity, equity and inclusion in the bench and bar as outlined by the Supreme Court in its *Open Letter to the Judiciary and Legal Community*
- Require all Commission members read the Supreme Court's *Open Letter* and all Commission members undertake a thorough program of implicit bias training
- If legally permissible, reimburse Judge Keenan's legal fees

- Conduct a review and hearings on the question of procedural and statutory reforms to promote and assure due process is provided to judges in all Commission proceedings

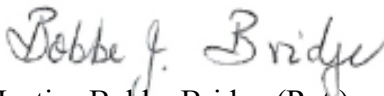
We know you share the goal of promoting an independent, fair and impartial judiciary deserving of the public confidence. Thank you for the serious consideration we trust you will give these comments and recommendations.



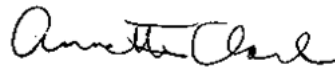
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KING COUNTY BAR ASSOCIATION



Kaustuv M. Das
President, 2021-2022



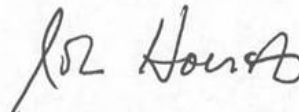
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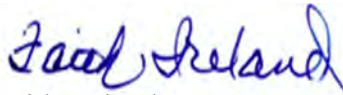
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J. Richard Manning
Former President
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GORDON THOMAS HONEYWELL

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General Counsel for Seattle Mariners

Steven R. Rovig
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Ada Shen-Jaffe

Hon. Tarra Simmons
Washington State Representative

Justice Philip A. Talmadge (Ret.)

John Strait
Emeritus Professor of Law
SEATTLE UNIVERSITY SCHOOL OF LAW

Michael D. McKay
Former U.S. Attorney, Western District of
Washington, 1989-93

César E. Torres
Executive Director
NORTHWEST JUSTICE PROJECT

cc:

- The Honorable Jay Inslee, Governor of Washington
- Washington State Bar Association
- Presiding Judge, Washington Court of Appeals
- Superior Court Judges' Association
- District and Municipal Court Judges' Association

Attachment 2



STATE OF WASHINGTON
COMMISSION ON JUDICIAL CONDUCT
PO BOX 1817, Olympia WA 98507
(360) 753-4585 Fax (360)586-2918

September 12, 2022

SENT VIA E-MAIL AND US MAIL

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Justice Bobbe J. Bridge (ret.)
Annette E. Clark
Joanna P. Boisen
Kaustuv M. Das
Merf E. Ehman
Thomas M. Fitzpatrick
Gabriel S. Galanda
John K. Hoerster
Mark A. Hutcheson
Justice Faith Ireland (ret.)
J. Richard Manning

Cesar E. Torres
John McKay
Salvador A. Mungia
Fred B. Rivera
Steven R. Rovig
Sharon A. Sakamoto
Ada Shen-Jaffe
Hon. Tara Simmons
Justice Philip A. Talmadge (ret.)
John A. Strait
Michael D. McKay
Patrick H. McIntyre

RE: Your letter of May 31, 2022

Dear Concerned Members of the Bar, Retired Judicial Officers, and Members of the Public:

On behalf of the Commission on Judicial Conduct, we write to thank you for your letter of May 31, 2022. We appreciate all of the issues you have raised and wish to take this opportunity to respond to a few of your comments.

Committee Membership, Backgrounds, and Experience

Your letter suggests some of you may be unfamiliar with the CJC's current membership, their backgrounds, and their professional and personal experiences.

The Commission is comprised of eleven members and eleven alternate members. The eleven members consist of three judges, two attorneys, and six non-attorney citizens. The judicial members and their alternates are selected by the Court of Appeals (appellate court representatives), the Superior Court Judges Association (the superior court representatives), and the District & Municipal Court Judges Association (courts of limited jurisdiction representatives). The attorney members and their alternates are selected by the Washington State Bar Association. The public members and their alternates are selected by Governor Inslee.

We take great pride in the fact that the individuals, organizations, and entities that have appointing authority have taken the effort to ensure that the membership of this quasi-judicial body is so diverse, with members from the Black, Latino, Native American, people living with disabilities, LGBTQ, Muslim and Jewish communities. We have members from all corners of this state—urban and rural—and from all walks of life. Our diversity and members' lived experiences are our strength.

The CJC members support the values laid out by the Washington Supreme Court in its Open Letter to Members of the Judiciary and the Legal Community of June 4, 2020. Not only do they support the eradication of racism and discrimination, but many of our members have spent their professional careers or dedicated their personal pro bono activities in this endeavor, seeking to advance diversity, equity and inclusion in the judiciary, the legal community, government employment at all levels, and the courts. Other members have worked for decades in advancing the civil liberties and civil rights of individuals or groups who have historically lacked a voice in our criminal and civil justice systems.

Our members have received and reviewed the Supreme Court's Open Letter on many occasions. And as a group, we are committed not only to ongoing training for ourselves in the areas of bias—both explicit and implicit—but many in our group and on our staff have actually been the professionals doing this training.

The Commission's Work

The CJC has a constitutional mandate to investigate complaints against any judicial officer, at whatever level of court, and to determine whether probable cause exists to conclude that a judicial officer has violated the Code of Judicial Conduct. See Wash. Const., art. IV, §31.

Every member of this Commission takes seriously their duties to enforce the Code of Judicial Conduct and are cognizant of their impact on a subject judge, as well as the consequences for the public who come before the courts. As a result, the members are extremely careful when they make any prosecutorial decision or when they deliberate about alleged violations. Neither the judicial nor the attorney representatives dominate these discussions. The opinions of our public members are crucial to any decision that we make as a body.

Our decisions are subject to appellate review by the Washington Supreme Court. If the Supreme Court informs us that we have misinterpreted a Code provision, or disagrees with our assessment of the evidence, we (of course) abide by that decision. The Supreme Court is the judicial entity responsible for promulgating the Code and is the final arbiter of its meaning.

The Code of Judicial Conduct explicitly prohibits any judge from manifesting bias or prejudice. See Rule 2.3(B). The CJC has played an active role in educating judicial officers across this state on their ethical obligations under this provision of the Code. The effort to eliminate judicial bias and discrimination has been and will continue to be a top priority for this Commission.

The Commission Website and Press Releases

In your May 31, 2022, letter you raised reasonable questions about the Commission's website and press releases. We agree with many of the suggestions you made in your letter.

For example, you recommended that the CJC update its website to reflect any Supreme Court reversal of a Commission decision at every place a judge's name appears. We agree with this recommendation and the CJC staff has already modified the website to include this information for any and all Commission cases that the Supreme Court has reviewed.

You also recommended that the CJC issue a press release whenever a Commission decision has been modified or reversed by the Supreme Court. While we had not previously considered issuing a press release regarding an action taken by another body, we agree with this recommendation and have directed the CJC staff to prepare and circulate a press release whenever the Supreme Court rules on a Commission case, regardless of its outcome.

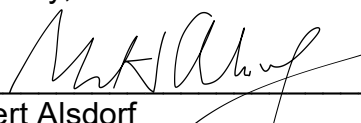
Other Considerations

Because the Commission's deliberations on any individual case are confidential, we cannot publicly comment on any specific case. But we assure each of you that every member of the Commission has received and reviewed your letter and discussed it publicly at our June 2022 Commission business meeting. If you were unable to attend that meeting, we invite you to watch the recording, available on our website at: <https://www.cjc.state.wa.us/materials/publications/other/June2022Meeting.mp4>.

We thank you for your letter and the recommendations you have advanced for improving our processes.

Our goal is and will remain to maintain confidence and integrity in the judicial system, to provide the public with a fair and reasonable process to address judicial misconduct and disability, to preserve judicial independence, to provide public accountability, and to protect the rights of the public while safeguarding the reputations of judges from unfounded accusations.

Sincerely,



Robert Alsdorf
Chair, Commission on Judicial Conduct

on behalf of the CJC membership:

Ramon Alvarez
Beth Andrus
Ryan Archer
Terrie Ashby-Scott
Frances Bessermin
Claire Bradley
Wanda Briggs

Michael Evans
Kristian Hedine
Steven James
Tara Miller
Mustafa Mohamedali
Marsha Moody
Lin-Marie Nacht

Elizabeth Rene
Ruth Reukauf
Gerald Schley
LaWonda Smith-Marshall
Judie Stanton
Michael Tate
Lisa Worswick

Attachment 3

RESOLUTION

WHEREAS, an independent judiciary is the cornerstone of our constitutional system and protection of the liberty of the people, and independent judges protect the due process rights of the people; and

WHEREAS, the judiciary and its officers of the legal profession can only succeed if the judicial process has public confidence; and

WHEREAS, public confidence can only be achieved if most people believe the judicial system is fair. This requires the judiciary and the legal profession to reflect the diversity of state and the nation. And, this is the reason why bar associations and other groups have initiated and supported diversity, equity and inclusion initiatives relating to the profession, access to justice and due process rights for all; and

WHEREAS, the Washington Supreme Court has confronted the issue of systemic racism in the legal system in its *Open Letter to the Judiciary and Legal Community*, wherein the Supreme Court called upon all components of the legal system to address the issue:

The legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if we only have the courage and the will.

This call to action includes the Commission on Judicial Conduct (“CJC”), a component of the judicial branch of government and legal community; and

WHEREAS, public confidence in the judiciary also requires that judges act ethically and that there is enforcement of the ethical standards promulgated by the Washington Supreme Court, which is why we support the role and the work of the CJC; and

WHEREAS, in the aftermath of the CJC’s disciplinary prosecution of Judge David Keenan (unanimously reversed by the Washington Supreme Court upon *de novo* review) serious issues have been raised by leading members of the legal profession and minority communities (former Supreme Court justices, former presidents of the Washington State Bar Association and the King County Bar Association, judicial ethics experts and law professors, legal services leaders and providers, and a legislator) concerning the structure of the CJC which does not separate prosecution from adjudication, its charging practices, and its apparent resistance to judicial efforts to promote diversity in the legal profession as outlined in a letter of May 31, 2022 to the CJC;

NOW, THEREFORE, IT IS RESOLVED:

1. The King County Bar Association shares the concerns raised in the letter of May 31, 2022, and supports its recommendations; and
2. Requests the Governor, the person with responsibility to appoint the majority of the CJC members who are public members, to convene a Task Force of relevant

stakeholders to review the structure, processes, and procedures of the CJC and make recommendations to appropriate entities to improve the functioning of the CJC so that it promotes public confidence in the judiciary. These include: (a) the CJC's role in addressing the issues raised by the Supreme Court's *Open Letter*, and (b) procedural reforms to the CJC via court rule, legislation or constitutional amendment if required to guarantee the judiciary of Washington is treated fairly and with customary due process rights, and promotes ethical judicial conduct and public confidence in our system of laws.



12.02.22

Tahmina Watson, President

Date



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Behavioral Health Division
P.O. Box 45090, Olympia, Washington 98504-5090

December 14, 2022

TO: Washington State Partners

FROM: Kevin Bovenkamp,
Assistant Secretary

RE: Hospital Admission Triaging

Dear Washington State Partners,

We are informing our system partners that the Department of Social and Health Services' ability to admit new patients to Eastern State Hospital and Western State Hospital has reached a critical point. The short-term impacts of this critical situation, and the efforts to address it, are discussed below.

A New Challenge: Civil Felony Conversion Patients Are Limiting New Admissions to State Hospitals

The population of civil conversion patients at the state hospitals has reached such a critical mass that all admissions to the hospitals are greatly impacted. This is due to several factors: 1) a sharp increase in competency restoration referrals (nearly 40% in just the last fiscal year), 2) COVID-19 impacts to admissions (pausing and starting admissions due to outbreaks which created large backlogs, and a recent increase in cases), and 3) the increase in wait times for inpatient beds which leads to more dismissals and an increase in civil conversion patients. The civil conversion patients court-ordered into the state hospitals then occupy beds that were previously used to provide inpatient competency services, like competency restoration. Because civil conversion patients stay at the hospitals much longer than most competency patients (approximately one year and at times more), each civil conversion patient admitted to the state hospital has resulted in fewer beds available for competency patients, and those beds being unavailable for longer periods of time. When a treatment bed is occupied by a civil conversion patient during a year, it serves only that patient, instead of it being able to serve at least 4-5 competency patients in that bed, during that same time period. Over the last year, this has increased wait times for competency restoration and is severely impacting admissions of all types.

In addition to the ongoing difficulties in admitting patients for competency services, DSHS's ability to admit all forensic patients has become extremely limited, to include not guilty by reason of insanity (NGRI) patients, patients transferred from other DSHS facilities, restoration admissions designated as priority admissions under the triage consultation and expedited admission process, outpatient competency program removals, and other types of admissions.

While timely admissions for competency services have long been delayed, the current situation represents a distinct new phase of limitations on admissions to WSH and ESH. Longer delays in admissions for competency services also results in more dismissals of criminal charges as a result of motions brought in the criminal proceedings, which could then lead to more releases back to the community.

Because the hospitals have now hit the point where not all civil conversion patients can be timely admitted, it is expected that some civil conversion patients referred to DSHS will not be able to be admitted, which could lead to these individuals then being released from jail into the community.

At this time, DSHS is adjusting admitting procedures to evaluate and admit patients who present the highest levels of risk to the community and to themselves. DSHS will triage patients using the information it has and identify those who present the highest levels of risk based on their criminal charges, clinical acuity, and criminal history, and prioritize those patients for admission. As much as possible, admissions will still happen in accordance with existing processes, including the existing prioritization algorithm. When DSHS identifies a felony conversion patient who cannot be admitted to the state hospital, DSHS will attempt to provide timely notice that the admission cannot be completed.

DSHS is Taking Numerous Steps to Address Admission Limitations

DSHS is taking numerous steps to admit as many patients as possible to the state hospitals and the residential treatment facilities, and to complete current projects that will expand bed capacity. This includes a blend of near-term efforts, and long-term projects.

Although we are making every effort to treat and discharge patients back to the community from our civil programs, most of these patients have involvement in the criminal justice system. The state hospitals are now serving populations with increasingly complex clinical and serious criminal histories, and for these reasons finding safe and effective discharges for these patients has become increasingly difficult.

DSHS has a number of projects that have been in development for years. In the coming months and years, DSHS will open new inpatient psychiatric beds, including: two new forensic wards opening in early 2023 at WSH (58 beds total); a new NGRI unit opening at the Maple Lane campus in fall 2023 (30 beds total); and a new forensic hospital opening on the WSH campus in 2027 (350 beds total). In addition, DSHS is opening a new civil residential treatment facility at the Maple Lane campus in February 2023 (16 beds total) and is projecting to open new civil residential treatment facilities in Clark County in late 2024 (48 beds total). These new civil beds will allow DSHS to open up additional forensic beds at WSH by moving and treating civil conversion patients outside of the state hospitals.

DSHS is also in the process of identifying other treatment opportunities in community hospitals for civil conversion patients. This work could result in the identification of additional beds in existing psychiatric facilities that can be used to provide treatment to the civil conversion population. Currently, competency admissions to the residential treatment facilities are continuing, and are not directly impacted by this current situation.

Inside of the state hospitals, DSHS is remodeling existing space to create more treatment beds and identifying any opportunity to safely increase treatment beds and efficiencies. These efforts are critical in the context of the necessary closure of old treatment wards to make space for the new 350-bed forensic facility.

Opportunities to help

The increase in behavioral health needs impacts people and systems throughout Washington state. We recognize that as the system has been inundated with demand, other facilities and systems are also facing increasing challenges.

For those counties where prosecutorial diversion or other diversion programs exist, we strongly encourage prosecutors to use their counties' prosecutorial diversion programs to offer people in need wraparound services, especially for any misdemeanor cases. Additionally, for the eleven counties with outpatient competency restoration, we encourage continued and on-going use of this program whenever possible.

We encourage all of our partners, including law enforcement and other first responders to partner with diversion programs in their communities to provide people with needed behavioral health resources before they encounter the criminal court system.

In addition, we would like to remind jail partners of the new 21-day competency check program; more information can be found [here](#). Any patient who can have competency resolved before being admitted to an inpatient bed will help the system, and any patient who is stabilized before arriving at a state hospital helps to shorten the lengths of stay and admit more patients.

Please contact Behavioral Health Administration Assistant Secretary, Kevin Bovenkamp, at kevin.bovenkamp@dshs.wa.gov, with any questions.

KB:tk:so

cc: Dr. Brian Waiblinger, DSHS/BHA Medical Director
Dr. Thomas Kinlen, OFMHS Director
Amber Leaders, GOV Senior Policy Advisor
Nicholas Williamson, Assistant Attorney General
Charles Southerland, Western State Hospital – Civil Center CEO
Mark Thompson, Western State Hospital – Gage Center CEO
Eric Carpenter, Eastern State Hospital CEO
Aura MacArthur, Director of Project Management



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January 12, 2023

Kevin Bovenkamp, Behavioral Health Administration Assistant Secretary
Department of Social and Health Services
Behavioral Health Division
P.O. Box 45090
Olympia, Washington 98504-5090
Sent by email

Dear Mr. Bovenkamp:

On behalf of the Superior Court Judges' Association of Washington ("SCJA"), we are writing in response to the Department of Social and Health Services' ("the Department") memorandum dated December 14, 2022. The SCJA appreciates the opportunity to fully convey its concerns about the significant and potentially harmful changes to your service delivery model.

The Department's Statutory Responsibility

Per your memorandum of December 14, the Department will no longer consistently honor its statutory responsibility to admit civil conversion patients referred to the Department under lawful court order, pursuant to RCW 10.77.084(1)(d). By not following language and intent of the law, the Department may worsen Washington State's public safety crisis.

As you are aware, the court must refer patients for a civil commitment evaluation whenever the court determines that a person facing felony charges "is not likely to regain competency." See RCW 10.77.084(1)(d). As the wait times for admission to competency restoration facilities have expanded to unprecedented lengths, superior courts across the state have dismissed charges against accused felons and referred them for civil commitment evaluations. Where the court cannot lawfully detain a defendant further in violation of their constitutional rights, and where release to the community is wholly unsafe, this 'dismiss and refer' mechanism is often the only outcome available to the court that will protect the rights of the accused and the safety of the community. This step is mandatory under Washington law, and the Legislature has not created a statutory mechanism to depart from this process. By not admitting these patients, the Department contributes substantially to a scenario in which individuals requiring clinical treatment are released with no accountability for criminal, often violent, behavior. The SCJA urges the Department to rescind the memorandum released on December 14, 2022 and meet its obligations as specified in statute.

Recommendations for Coordination with the Court and Counsel

If the Department is unwilling to meet its statutory responsibilities in this regard, the SCJA provides the following recommendations to mitigate the potential for harm caused by this change.

First, the parties should have the best possible information available regarding whether a criminal defendant will be transported to the hospital for a civil commitment evaluation. Inmates across the state are now waiting months for transport to state restoration facilities. Faced with extraordinary wait times and the possible attendant impact on the accused's rights, judicial officers are weighing whether to continue to detain inmates pending restoration services, to release them into the community pending restoration services, or to dismiss charges and refer the person to the Department for evaluation in the hopes that the Department will provide necessary mental health care. Knowing whether a person will at least be *evaluated* for involuntary care is crucial to the Court's evaluation of the safety risk they pose. In light of this concern, we recommend:

- That the Department clarify what information it is relying on in deciding whether to transport an inmate for an involuntary treatment evaluation;
- That the Department create an electronic portal that identifies the number of "felony flip" beds that are available on any given day; and
- That the Department develop a mechanism for evaluating and disclosing, in advance of the Court's ruling on any motion to dismiss or release, whether a patient will be transported and evaluated pursuant to RCW 10.77.084(1)(d).

Second, the Department's suggestion that the court or the parties rely on Designated Crisis Responders ("DCRs") in lieu of the process set forth in RCW 10.77.084(1)(d) is unworkable. As you are aware, the criteria for an ITA petition following a "felony flip" is different than the criteria for an ITA petition filed under other circumstances. Compare RCW 71.05.150 (petition for involuntary hospitalization of a community member); 71.05.153 (emergency detention of a community member); and 71.05.280(3) (standard for ITA petition after a dismissal on competency grounds). Unless the DCRs in each community are trained to assess individuals under the standard set forth in RCW 71.05.280(3), this solution will not work. The SCJA recommends that any procedure that the Department outlines in future memos remove references to crisis responder referrals.

We also ask that the Department develop a protocol for notification when declining to transport the patient for a civil commitment evaluation to all relevant parties, including: the prosecuting attorney from the originating county, the defense attorney, the court, as well as the alleged victims of any crime against persons. This notice should be at least two full business days prior to expiration of the time limit set forth in RCW 10.77.068(1)(b).

The SCJA welcomes the opportunity to discuss these issues with you further and to work together to develop actionable solutions to the challenges described in your memorandum. As the Washington State Legislature advances into the 2023 legislative session, we stand ready to support any requests for additional funding the Department may need to hire additional staff or expand bed capacity. Finally, if there are proactive efforts to address RCW 10.77.084 legislatively, the SCJA would also be prepared to review proposed language and to provide constructive feedback.

Mr. Bovenkamp
January 12, 2023
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Thank you for your attention to these matters of urgent importance. The SCJA looks forward to hearing your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Forbes". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Forbes".

Judge Jennifer Forbes, President
Superior Court Judges' Association

cc: Secretary Jilma Meneses, Department of Social and Health Services
Commissioner Rick Leo, District and Municipal Court Judges' Association
Russ Brown, Washington Association of Prosecuting Attorneys
Larry Jefferson, Office of Public Defense
Steven Strachan, Washington Association of Sheriffs & Police Chiefs
Dawn Marie Rubio, Administrative Office of the Courts
SCJA Board of Trustees
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Ms. Stephanie Oyler



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January 30, 2023

VIA EMAIL

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

Honorable Charles W. Johnson
Honorable Mary I. Yu
Washington Supreme Court Rules Committee Co-Chairs

Re: Request for Emergency Stay of CrRLJ 7.6

Dear Chief Justice González, Justice Johnson and Justice Yu,

The DMCJA Board of Governors voted unanimously to request a stay of the amendments to CrRLJ 7.6 for the reasons outlined in our November 28, 2022 letter to the Supreme Court Rules Committee.

The DMCJA membership continues to believe the amended rule is unworkable, and we renew our request for an emergency stay of the rule.

The DMCJA Rules Committee has solicited comments from the DMCJA to highlight the concerns and confusion our members have with this amended rule. We have included relevant portions of the comments we have received. We expect to have more specific examples as courts continue to interpret and apply the impracticable requirements of the new rule.

Please let us know if we may provide additional information as you consider commentary from all relevant stakeholders.

In conclusion, we respectfully reaffirm our request for an emergency stay of the amended CrRLJ 7.6.

Sincerely,

Judge Catherine McDowell
DMCJA Rules Committee Co-Chair

Judge Wade Samuelson
DMCJA Rules Committee Co-Chair

Chief Justice Steven C. González
Honorable Charles W. Johnson
Honorable Mary I. Yu
Page 2 of 2
January 30, 2023

Attachment

cc: Judge Rick Leo, DMCJA President
Antoinette Bonsignore, DMCJA Rules Committee Staff
Stephanie Oylar, DMCJA Primary Staff

Comments from DMCJA Member Courts re: new CrRLJ 7.6

- Stephen Rochon (King County Municipal Court): Implementing amended CrRLJ 7.6 will be difficult enough for full-time courts. Part-time courts will be unable to meet the time requirements in many/most cases. Accountability for sentence noncompliance will be severely compromised.
- Judge Anneke Berry (Buckley Municipal Court): Here in Buckley, the time constraints of the rule are very challenging. We have two and a half court days scheduled each month (with alternating months for jury trial), and we fit as much into those days as possible. Twenty-four hours/next judicial day can be quite a difference in our court, especially where it is left undefined. As is, it would suggest that the court shall not modify or revoke probation except when a defendant is present and the parties stipulate. The rule does not allow revocation without the parties' stipulation or only allows revocation by stipulation when the defendant isn't present.
- Judge Angelle Gerl (Spokane County Municipal Court: Airway Heights): This rule creates a right to a probation hearing within 14 days for someone in custody. The rule fails to provide a provision to stay this timeframe when a 10.77 Competency evaluation is ordered. In contrast, CrRLJ 3.3 provides for a stay of speedy trial. RCW 10.77 will not stay the 14-day time frame. The rule must address this, as a hearing cannot always be held within 14 if a competency evaluation is pending.
 - CrRLJ 7.6(c) provides that the defendant has a right to be physically present at “any hearing where the prosecution seeks to detain the defendant.” It is unclear whether this provides a right to be physically present on an initial bail hearing under section (d) of the rule. If the prosecutor requests that the bond be maintained, is this what the rule means in stating “prosecution seeks to detain the defendant”? Or does this only apply when the prosecution seeks

to detain a defendant who is not in custody? Is the court required to transport all persons from the jail the next judicial day for a bail hearing *just in case* the prosecution wants to maintain the bond? The court does not know whether a prosecutor will ask to detain a defendant. How is the court to know when to order transport? For many courts, the jail is not connected to the court. In some smaller jurisdictions, the City contracts with the county jail. A police officer must drive from the City to the jail to pick up a transport, bring it to court, and then drive them back for the hearing. There are limits on the number of people transported at one time. The result is that transporting persons in custody for an initial bail hearing would take an officer away from their duties for a minimum of 2 hours in our court. Our law enforcement agencies are already drastically understaffed. If the rule intends to impose a right to be physically present only at a contested show cause but not for the initial bail hearing, it would be helpful to clarify that.

- The rule has confused many courts concerning the phrase “before a probation hearing, the probationer shall be advised of the nature of the alleged violation and provided discovery...” in section (f). Courts are confused as to who is obligated to provide this information. Probation is an arm of the court under the Administrative Rules for Courts of Limited Jurisdiction. Discovery is typically a function of the prosecution. The rule is unclear.
- Judge Andrea L. Beall (Puyallup Municipal Court): My impression from the original proposal was concern amongst defense lawyers that persons could be held without bail for extended periods or held on bail; they cannot post for an excessive period of time. The current version, while trying to address those concerns, has caused a lot of confusion for courts
- It seems to have been the drafters' intent to codify due process protections of notice and an opportunity to be heard in Section (f). However, the final

version of the rule has created confusion. It should be clarified the evidence is required before the revocation or modification of probation and not necessarily required where there is a stipulation to a violation. While defendants should have an opportunity to be heard and the right to challenge the evidence of a violation, the 3-day time frame for demanding cross-examination is an unrealistic time frame for the issuance of subpoenas. Additionally, the rule makes scheduling difficult in many courts, as additional time would be required for any testimonial hearing.

- Judge Kara Murphy Richards (Renton Municipal Court): The rule uses the words “physically present.” At many meetings over recent months, there has been much discussion about “presence” being satisfied if the individual is present via zoom or another virtual platform. The use of the words “physically present” suggests we are now expected to transport every defendant who contests their revocation physically. This will significantly burden each jurisdiction regarding transport costs and calendar management. The presence requirement must be satisfied when the defendant is present in person or virtually.
 - There was a lot of discussion about the fact that presumed innocent people can be held for 48 hours for a bail hearing, but someone who has to plead guilty is entitled to a bail hearing within 24 hours. How is that fair?
 - How does 10.77 impact prescribed times? There is no mention in the rule to suggest that the defined timelines are extended or stayed when there is a 10.77 evaluation pending. Who is responsible for providing the discovery to the defendant, the court, or the prosecutor?
 - The three-day rule. When does the defendant’s three-day entitlement to call witnesses to commence, the day their bail hearing is set? The day they announce they are contesting the allegations? Three days doesn’t allow the

City/State to subpoena witnesses properly. Does the defendant only get to cross-examine the witnesses that the prosecution has called, or does the defendant have the right to demand that the officer also be present in every case. . . .

- Does the rule apply to warrant bookings for a failure to appear revocation hearing? When a defendant is booked on a warrant for failing to appear for a revocation hearing, do these tight turnarounds apply?
- Judge Aimee N. Maurer (Spokane County District Court): Under CrRLJ 7.6 (f) Rights of Defendant Unless Waived: it states, “Before a probation hearing, the probationer shall be advised of the nature of the alleged violation *and provided discovery of evidence supporting the allegations including names and contact information of the witnesses.*” In discussions with my Bench the consensus is that “discovery” is a legal term that applies to the “parties.” Thus, some judges have argued that the probation department/officers are not obligated to provide any discovery, but rather the State must provide the discovery.
 - However, the prosecutor assigned to the District Court is arguing that it is the Probation Department’s responsibility. I think the concern is that the State does not possess/control/maintain “discovery” such as treatment records, urinalysis results, etc.
 - Likewise, there have been concerns about how treatment records and urinalysis results (i.e., medical record results) should be provided. If it is the State’s burden of production, then how does the State get those medical/treatment records? Should probation officers give those records to the State, which then provides them to the defendant? This seems problematic not only because it isn’t very efficient but also because that would require the Probation Department to give to the adverse party (i.e., the State)

the defendant's medical/treatment records which that adverse party will now use as evidence against the defendant.

- Or should probation officers be giving those records directly to the defendant? While I support the proposition of the probation officers providing those records directly to the defendant (they are the defendant's own medical/treatment records, and like any medical record, they should have full access to those records). However, as written, the rule creates tension for probation officers to determine what is "evidence" and provide "discovery," which is traditionally and legally provided or disclosed by the parties.

- In addition, there are concerns about the Probation Department being directed to provide "evidence or discovery" of unredacted police reports and/or National Crime Information Center (NCIC) histories (as it was a review of a defendant's NCIC that showed a new criminal charge from out of State and that is what formed the basis of a violation) there is no limiting language as to the requirement to disclose evidence or discovery of information that is otherwise not allowed to be disclosed.

- It might be advisable to rewrite the rule to state something like, "*Before a probation hearing, the probationer shall be advised of the nature of the alleged violation and provided, by the Probation Department, copies of any documentation or information, unless their disclosure is prohibited under State or Federal Law, which supports and/or establishes the alleged probation violation, including names and contact information of witnesses.*" Or something along those lines. This does not create an undue hardship because the introduction to Section (f) states, "Rights of the Defendant *Unless Waived*," so it would only apply to those probationers who do not want to waive.

- I know there have been some other challenges to this rule by smaller jurisdictions, but for Spokane County, this is the extent of the concerns from our Bench, as I understand them. Thank you in advance for your consideration and willingness to hear from the Courts of the DMCJA.

- Judge Megan Valentine (Grays Harbor District Court): In Grays Harbor District Court, we have two full-time judges allowing us to have one judge for criminal matters and one judge for civil matters, and one courtroom for each; this is not the situation for smaller municipal courts in our county. Our County public defenders are contracted with the county and are not full-time employees available to appear every day of every week. Thus, our criminal court alternates weeks between hearings and trials. Our current practice is, when a person appears after an arrest for an alleged probation violation, to provide them with an attorney if they qualify and schedule a hearing to determine if they admit or deny the allegation and if they need a hearing on the allegation. The new CrRLJ 7.6 will require we forgo an admit/deny hearing and that the matter be immediately set for a testimonial hearing within two weeks. The attorney will have a maximum of two weeks and likely far less time to be notified they have been assigned to the case and defendant, to obtain discovery and review it with their client, and to provide three days prior notice to the State and Court if they demand to have witnesses present.

- The new CrRLJ 7.6 will make it essentially impossible for the court to set bail on any person accused of a probation violation. Our public defenders only appear in our court one day in a two-week period. In all likelihood, the attorney will not have time to schedule with the jail to meet with their client three days before the hearing. Thus, all defendants will be forced to request a continuance or proceed without the opportunity to discuss the matter with their attorney and consider it before the hearing. If the allegation is a currently pending criminal charge, this puts an even more significant burden

on the defendant to make a decision of constitutional magnitude - whether to have a hearing within the two weeks or request a continuance so that they may preserve their Fifth Amendment rights.

- I am concerned about how our court can comply with this rule for any in-custody defendant. The time frame the rule establishes appears to be far shorter than any of our attorneys will likely be prepared to conduct a hearing, much less to facilitate the exchange of discovery between the prosecutor, the probation department, and the defense.
- We also act as the municipal court for the City of McCleary. The City has a contracted attorney appear once a month. With a once-a-month calendar, any defendant brought into custody on an allegation they have violated probation will always have to be released or held if the next court date is less than two weeks away. If they do not voluntarily appear at the next court hearing, the court can issue a warrant, but if they are arrested on the warrant, unless it is within two weeks of the next court date, they will again have to be released. We will increase warrants and arrests if we cannot set bail for longer than two weeks without a hearing. Setting bail is a last resort. It is the most restrictive condition, but our judges do not decide to set bail or issue a warrant lightly. Shortening the time for the parties to do their work will not improve justice, and it will increase court hearings. I do not believe this was the intended effect of this rule, but I think its application will have these unintended consequences.
- Judge Krista White Swain (King County Municipal Court, Black Diamond): As a municipal judge, this rule is highly confusing and inconsistent with the current practice of most district and municipal courts. We are scratching our heads about the various ways of interpreting it.

- George A. Steele (Mason County District Court): . . . In one way, this prejudices defendants. If you are charged with a new crime, do you want a speedy resolution of the probation matter where the new crime is the allegation within two weeks? Most of the time, the State can get ready faster than the defense. There is no Constitutional prohibition to no bail holds after conviction. Does this rule impose such a prohibition or merely require a similar analysis?