



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

November 3, 2023

Via Zoom Videoconference

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2023-2024

DATE	TIME	MEETING LOCATION*
Friday, July 14, 2023 ** Cancelled **	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Aug 11, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Wed., September 20, 2023	12:30 – 3:30 p.m.	Tulalip Resort, Tulalip, WA After Fall Conference Adjourns
Friday, Oct 13, 2023	12:30 – 3:30 p.m.	Zoom Video Conference
Friday, Nov 3, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Dec 1, 2023	12:30 – 3:30 p.m.	Zoom Video Conference
Friday, Jan 12, 2024	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Feb 9, 2024	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, March 8, 2024	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, April 12, 2024	12:30 – 3:30 p.m.	ZOOM Video Conference
May 2024	TBD	Board Retreat & Monthly Board Meeting Location: TBD
June 2024	TBD	Board Meeting Annual Business Meeting Location: TBD (at Spring Program)

AOC Staff: Stephanie Oyler

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

Updated: May 16, 2023

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DMCJA BOARD MEETING
FRIDAY, NOVEMBER 3, 2023
12:30 PM – 3:30 PM
VIA ZOOM VIDEOCONFERENCE

PRESIDENT JEFFREY SMITH

AGENDA		PAGE
1. Presentation		
A. Vernā Myers: How to overcome our biases? Walk boldly toward them TED Talk		
2. General Business		
A. Minutes for October 13, 2023		1
3. Liaison Reports		
A. Superior Court Judges' Association (SCJA) – Judge Kristin Ferrera, President-Elect		
B. District and Municipal Court Management Association (DMCMA) – Trish Kinlow, President		
C. Misdemeanant Probation Association (MPA) – Meagan Terlep-Boxley, Representative		
D. Washington State Association for Justice (WSAJ) – Mark O'Halloran		
E. Washington State Bar Association (WSBA) – Dan Clark		
F. Administrative Office of the Courts (AOC) – Dawn Marie Rubio, State Court Administrator		
G. Board for Judicial Administration (BJA) – Judge Tam Bui, Judge John H. Hart, Judge Mary Logan, Judge Rebecca Robertson		
H. Judicial Information System Update (JIS) – Dexter Mejia, Court Services Division Associate Director, AOC		6
4. Standing Committee Reports		
A. Bylaws Committee Report – Judge Kristian Hedine		
B. Diversity Committee Report – Judge Willie Gregory		
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D. Education Committee Report – Judge John H. Hart		25
E. Judicial Assistance Services Program (JASP) – Judge Mary Logan		
F. Legislative Committee Report – Judge Kevin G. Ringus and Judge Whitney Rivera		26
G. Public Outreach Committee Report – Judge Michelle K. Gehlsen and Judge Beth Fraser		
1. Public Outreach Committee Meeting Minutes October 10, 2023		27
H. Rules Committee Report – Judge Catherine McDowall and Judge Wade Samuelson		
1. Rules Committee Meeting Minutes July 25, 2023		30
2. Rules Committee Meeting Minutes September 19, 2023		34
I. Therapeutic Courts Committee Report – Judge Fred Gillings and Judge Jenifer Howson		

<p>5. Action Items</p> <p>A. Refer “Conference Planning Committee” Name Change to Bylaws Committee for Drafting of Language</p>	
<p>6. Discussion Items</p> <p>A. Changing bank accounts</p>	
<p>7. Information Items</p> <p>A. Tribal State Court Consortium (TSCC) Annual Meeting September 17, 2023 Summary</p> <p>B. 2024 Judicial Branch Supplemental Budget Request</p> <p>C. New Behavioral Health Team Therapeutic Courts Website</p>	38
<p>8. Other Business</p> <p>A. Attendee Information Sharing</p> <p>B. The next DMCJA Board meeting is scheduled for Friday, December 1, 2023 from 12:30 p.m. to 3:30 p.m. via Zoom Videoconference</p>	
<p>9. Adjourn</p>	



DMCJA Board of Governors Meeting
FRIDAY, OCTOBER 13, 2023
12:30 PM – 3:30 PM
VIA ZOOM VIDEO CONFERENCE

MEETING MINUTES

Members Present:

Judge Jeffrey Smith, Chair
Judge Anita Crawford-Willis
Commissioner Patrick Eason
Judge Michael Frans
Judge Michelle Gehlsen
Judge Jessica Giner
Judge Jeffrey D. Goodwin
Judge Rick Leo
Judge Catherine McDowall
Judge Lloyd Oaks
Judge Whitney Rivera
Judge Karl Williams
Judge Tam Bui, BJA Representative

Members Absent:

Judge Angelle Gerl
Judge Carolyn M. Jewett
Judge John H. Hart, BJA Representative
Judge Mary Logan, BJA Representative
Judge Rebecca Robertson, BJA Representative

Guests:

Judge Kristin Ferrera, SCJA Representative
Judge Jenifer Howson, Therapeutic Courts Committee Co-Chair
Judge Kevin Ringus, Legislative Committee Co-Chair
Judge Wade Samuelson, Rules Committee Co-Chair
Jennifer Crossen, MPA Representative
Melissa Johnson, Lobbyist
LaTricia Kinlow, DMCMA Representative

AOC Staff:

Stephanie Oyler, Primary DMCJA Staff
Antoinette Bonsignore, DMCJA Policy Analyst
Tracy Dugas, DMCJA
Brenden Higashi, PhD., DMCJA Policy Analyst
Natasha Johnson, Legal Services Senior Analyst
Dexter Mejia, Associate Dir., Court Services Div.

CALL TO ORDER

Judge Jeffrey Smith, 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.

PRESENTATION

The Board watched a TED Talk by Caprice Hollins – [What white people can do to move race conversations forward](#) and briefly discussed their impressions. Judge Bui noted that the challenge is how to react when people are saying things that are culturally insensitive. Judge Oaks remarked that he would like to see tools for how to address this issue. Judge Smith responded that the intention behind showing these TED Talks is to begin normalizing having open conversations about race and racism.

GENERAL BUSINESS

A. Minutes

The minutes from the September 20, 2023 meeting were previously distributed to the members. Judge Smith 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 September 2023

Treasurer Judge Jeffrey Goodwin presented the treasurer report.

C. Special Fund Report for September 2023

Special Fund Custodian Judge Anita Crawford-Willis presented the special funds report. Judge Williams provided details about the status of outstanding special funds dues.

LIAISON REPORTS

A. Superior Court Judges' Association (SCJA)

SCJA President-Elect Kristin Ferrera remarked that she really appreciated the TED Talk shown at the beginning of the meeting today, and that one of the tools she would find helpful is getting perspectives from litigants who felt they were well heard in court. Judge Ferrera reported that SCJA will be holding their first Legislative Committee meeting at the beginning of December, and that it would be helpful for her to receive a list of DMCJA legislative priorities so that SCJA can review them and potentially support the DMCJA initiatives. SCJA is currently discussing whether to establish an anti-harassment policy, including what the procedures might be, and a process for complaints and investigations. SCJA's top legislative priorities for 2024 will include juvenile justice, and they have been meeting with stakeholders on this issue. She expects to have more to report after the December meeting.

B. District and Municipal Court Management Association (DMCMA)

DMCMA President Trish Kinlow reported that the CLJ Summit with DMCJA, DMCMA, and MPA is coming up on October 27 and asked those in attendance to register if they have been invited. DMCMA is interested in pursuing a statewide salary survey to provide courts with tools and information for when they need to approach the executive branch for salary discussions. In addition, DMCMA hopes to implement a statewide court continuity of operations plan. Trish reported that DMCMA is currently restructuring their mentorship program, and moving away from regional trainings because most trainings are now offered online. Trish also commented that DMCMA would like for AOC to restructure the Court Staffing Needs report because it is inaccurate, as it does not take all process into account.

C. Misdemeanant Probation Association (MPA)

Representative Jennifer Crossen reported that they recently had 30 graduates from the MPA academy, and she thanked the DMCJA for their support. The national MPA winter training will be held in Seattle in February. She stated that the DMCJA was recently trying to find ways for courts to more impactfully use the funds given in the recent TC funding. She finds incentives to be very important and hopes that the DMCJA would consider incentives in the next funding package. She requested that DMCJA include MPA in their discussions regarding funding packages concerning TCs.

D. Washington State Association for Justice (WSAJ)

Representative Mark O'Halloran was not present.

E. Washington State Bar Association (WSBA)

Representative Dan Clark was not present. He will be unable to attend until the December meeting.

F. Administrative Office of the Courts (AOC)

State Court Administrator Dawn Marie Rubio was not present.

G. Board for Judicial Administration (BJA)

Representative Bui reported that the Court Education Committee will be encouraging education programs to utilize live streaming to provide access to more individuals. The live streaming that was offered for a portion of the Annual Fall Conference was successful.

H. Judicial Information System (JIS)

Dexter Mejia, AOC Associate Director of the Court Services Division, reported that Pierce County District Court and Fircrest/Ruston Municipal Court have requested a delay in joining the CLJ-CMS pilot project, as they still have some processes they need to finalize with local justice partners. Dexter noted

that he has heard requests for more live in-person trainings, but they've been receiving great feedback from the pilot courts about the implementation process. They will be working on a communication and outreach plan to begin sharing lessons learned and adjusting how the project team shares information with the courts, as it was a challenge for pilot courts to fully understand how the new system would work and what would need to be adjusted without seeing the actual program. In addition, Dexter reported that the integration platform project is progressing through the procurement process, with many questions submitted by vendors during the Q&A period that ended last week. The decision was made to grant an extension of the proposal submission deadline to ensure maximum participation from the vendor community, so the deadline for proposals will now be November 3. The top ranked vendors will be notified on December 4, and interviews will be scheduled for mid to late December. The team hopes to announce the apparent successful vendor on January 2. There is not currently a project start date because AOC will need to work with the successful vendor and the pilot system vendor (OCourt) to determine the timeline.

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 was not present.

D. Education Committee

Judge John H. Hart was not present.

E. Judicial Assistance Services Program (JASP)

Judge Mary Logan was not present.

F. Legislative Committee

Judge Kevin Ringus reported that many Legislative Committee members participated in the Public Outreach Committee event, You've Been Served. Melissa Johnson, DMCJA Lobbyist, has been coordinating various meetings with legislators and stakeholders, to discuss the incompetency terms proposal. Judge Ringus thanked Melissa for all of her work on behalf of DMCJA. A brief overview of the work of the committee is also available in the meeting materials today.

G. Public Outreach Committee

Judge Michelle K. Gehlsen reported that the Public Outreach Committee met last week, and that the second annual You've Been Served: A Courthouse Dialogue event was held on September 27. This year there were 13 participating courthouses, most with both district and municipal court judicial officers in attendance, and 24 legislators or their staff in attendance. Judge Gehlsen noted that this has been a very successful event, with some legislators choosing to attend both years. A survey of participants was conducted, with overall very positive comments in response, but participants did express wanting more time for discussion. Melissa Johnson remarked that You've Been Served is a great event to get many legislators together with their constituent judicial officers, and that legislators have enjoyed the in-person collaboration. Judge Gehlsen thanked the judicial officers in this meeting who hosted an event at their courthouse. In addition, the Public Outreach Committee is working on the Law Day event in May, and will be holding monthly brown bag lunches for courthouses wanting assistance with planning their events. The Committee also manages the DMCJA Facebook page, and Judge Gehlsen asked that

those who have Facebook find the DMCJA page and follow it, as all messaging on the page is very positive.

H. Rules Committee

Judge Catherine McDowall reported that the Rules Committee is currently gathering feedback from DMCJA members on any difficulties they are experiencing in implementing the new CrRLJ 7.6. The Committee will be discussing at their next meeting whether it makes more sense to host an open house to help courts interpret the rule, versus continuing to propose changes to the rule that will likely be denied by the Supreme Court Rules Committee. In addition, the Committee is waiting to see the published rules that were submitted by the Remote Proceedings Workgroup, to determine if they will submit comments.

I. Therapeutic Courts Committee

Judge Jenifer Howson reported that her courthouse participated in You've Been Served and it was a wonderful event. Judge Howson shared that Therapeutic Courts Committee recently received a presentation from Tessa Clements, Behavioral Health Supervisor at AOC, on the new therapeutic court funding and they will have an additional discussion about the WATER self-assessment at an upcoming meeting. Judge Howson reported that the Relicensing Subcommittee is currently putting together a template to help judges with their relicensing programs, plus links to resources, and they expect to have a draft prepared in the next few weeks.

ACTION

A. Legislative Committee Proposal as Submitted in Memorandum for 2024 Session

The Board moved, seconded, and passed a vote (M/S/P) to approve the proposal from the Legislative Committee.

B. Renaming the Reserves Committee, Updating Committee Charges and adding the Committee to the DMCJA Bylaws

M/S/P to refer this issue, renaming the Reserves Committee and updating its charges, and adding the Committee to the DMCJA bylaws, to the Bylaws Committee for the drafting of language for consideration at the DMCJA Annual Meeting in Spring, 2024. The memo from Judge Goodwin shall be included in the referral to Bylaws to provide additional background and recommendations.

C. Dues Policy

M/S/P to adopt the Dues Policy as written, including new dues percentage breakdowns, as available in the meeting packet.

DISCUSSION

A. Proposal from Legislative Committee re: Modernizing Competency Language

Judge Ringus provided an overview of the DMCJA legislative proposal process and shared that from all the proposals submitted this year, the Committee has narrowed down the recommendations to one – the incompetency terms proposal from Judge Finkle. The proposal requests that the term “incompetency” is replaced with “inability to proceed” and within the definition of incompetency, the terms “mental disease or defect” be changed to “mental disorder.” The Legislative Committee is now asking the DMCJA Board to officially approve this proposal so that the committee can begin working with legislators to draft a bill.

M/S/P to move this item to Action today.

B. Recommendations from Reserves Committee

Judge Goodwin shared that DMCJA will be moving to an accrual-based accounting system, and that the Reserves Committee is making several recommendations to the Board regarding changes they feel need to be implemented. A memo from Judge Karl Williams, Reserves Committee Chair, and additional documentation is available in the meeting materials today. Judge Goodwin noted that some of the recommendations can be implemented without a vote, but some will require action, including the proposed new dues policy. One item that requires additional research is changing banking institutions, so Judge Goodwin will present more information on the bank options at the next meeting of the Board. M/S/P to move this item to Action today.

INFORMATION ITEMS

Judge Smith brought the following informational items to the Board's attention:

- A. 2024 Judicial Institute Clinic Announcement and Application
- B. DMCJA Webinar – Protection Orders Made Easy
- C. Operation Safe Arrival Intro Letter

OTHER BUSINESS

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

The meeting was adjourned at 2:56 p.m.



WASHINGTON COURTS

October 24, 2023

District & Municipal Court Judges' Association Meeting

Submitted by Dexter Mejia, Court Services Division Associate Director

Administrative Office of the Courts

JIS Report

CLJ-CMS Project (ITG #102)

Time flies! The last few weeks were a blur of important go-live activities. In the final go-no-go-decision, Pierce District and Fircrest/Ruston Municipal requested a delay with their go-live implementation due to outstanding issues that include resource availabilities, process issues with local stakeholders, and needing more hands-on training on key business areas such as accounting and financials.

The request was discussed with the project steering committee and all parties agreed to the delay. No dates have been set. The outstanding issues will be documented, prioritized and scoped to determine next steps and ultimately to determine a go-live date for Pierce District and Fircrest/Ruston Municipal Court. Tacoma Municipal Court, was ready to move forward with their go-live.

The weekend of October 21 – 22, the AOC project team, Tyler Tech project team, and Tacoma Municipal court staff were on site to execute the transition from DISCIS to the new systems. There was a combined support staff of approximately 80 people interspersed at the Tacoma Municipal offices, AOC office in Olympia, and at Tyler headquarters in Plano, Texas. The teams carefully tested the systems and entered case information that was held back during the Thursday and Friday manual entry timeframe.

Tacoma Municipal court is now live with Enterprise Justice, eFile & Serve, and Enterprise Supervision. In-person support will continue until Nov 9th.

Enterprise Integration Platform Project (ITG #1345)

AOC published the solicitation to the Washington Electronic Business Solution (WEBS) system on Friday, September 22. The updated procurement and evaluation schedule are as follows:

- Publish Solicitation: September 22, 2023 - *Completed*
- Question & Answer Period: September 25 - October 6, 2023 - *Completed*
- Vendor Proposals Due: November 3, 2023
- Notification of top ranked vendors for interviews: December 4, 2023
- Vendor Interviews: December 13 thru December 19, 2023
- Notification of Apparently Successful Vendor: January 2, 2023
- Contract Execution: January 15, 2024

Person Business Rules Advisory Committee Request for Members

A committee charter has been drafted along with a committee membership solicitation letter to be sent to the court association presidents on Nov 1. The request is for the associations to identify members to appoint/participate in the Person Business Rules Advisory Committee that will start meeting in the new year.

Caseload Reporting Committee Request for Members

The Caseload Reporting Project is a multi-year effort to enable statewide reporting of data from information provided by distributed case management systems sending data into the AOC Enterprise Data Repository (EDR). The Caseload Reporting Project is being implemented through a series of phases. Each phase will provide added value to the judiciary, justice partners, other stakeholders, and private and public entities requesting data. The Caseload Reporting Project is a subproject of the Data Reporting Project to modernize caseload reporting using the EDR.

The Project is structured to be implemented in the following phases:

Phase I – Establish New Reporting Landscape (1-year Proof of Concept July 2023 – July 2024)

- Establishment of a Published Caseload Reporting Work Group which provides review and recommendations for the content and usability of published caseload reports across all court levels and display of the published reports on the Washington Courts' Public website.
- Establishment of a Caseload Report Dashboard with a set of Caseload Reports
- Implement Caseload reporting using data from EDR for case filing, case resolution, and case completion for Superior Courts
 - Implement Caseload reporting using data from EDR for case filing for Courts of limited Jurisdiction (CLJ).

Phase II – Build out remaining caseload reports for Superior Courts and CLJ,

Phase III – Build out caseload reports for Supreme Court and Court of Appeals.

DMCJA
MONTHLY COMMITTEE REPORT TO THE BOARD
OCTOBER 2023

****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****

DOL Liaison Committee	Judge Angelle Gerl
COMMITTEE	CHAIR(S)

PRINCIPAL ACTIVITIES OVER THE PAST MONTH

1. The DOL Liaison Committee Last met on September 11, 2023. Our committee holds meetings every other month. Our Next meeting is scheduled for November 6, 2023.
 - a. The DOL Liaison Committee’s Subcommittee for Therapeutic Court Model for Relicensing is developing a template for therapeutic courts. The Subcommittee developed a survey sent to the DMCJA listserv. The Subcommittee is also investigating funding sources that may help individuals pay for relicensing fees.

WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES

1. Our agenda for the November 6th meeting includes updates from the relicensing subcommittee, updates from the DOL, discussions of the DOL’s Reinstatement Letter, and a discussion of the inability to pay forms and requests with regard to traffic infractions.



DMCJA DOL LIAISON COMMITTEE MEETING
MONDAY, September 11, 2023
12:15 P.M. TO 1:00 P.M.
Zoom Video Conference

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Chair - Judge Angelle Gerl		
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B. Discussion		
1. 2022-2023 DMCJA Priorities Project Updates		
a. Create a model for therapeutic courts to assist individuals with relicensing		
b. Update JIS person records with death certificate information		
C. Department of Licensing (DOL) Information and Updates – Carla Weaver		
1. General Updates from DOL		
a. Implementation of SB 5347 – ADR Access for Treatment Providers from DOL		
D. Other Business		
1. Presentation - WA Driver Training Overview – National Safety Council (NSC) – Tina Miller, NSC, Melissa Johnson, and Becky Bogard, Bogard & Johnson		8
2. Discussion - Inability to Pay Forms		9
E. Information		
1. 2023-2024 DMCJA DOL Liaison Committee Roster and Charges		6
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ADJOURN		



**DMCJA DOL LIAISON COMMITTEE
MEETING MONDAY, July 3, 2023
12:15 P.M. TO 1:00 P.M.
Zoom Video Conference**

MEETING MINUTES

Members Present:

Judge Angelle Gerl, Chair
Carla Weaver
Dirk Marler
Judge David Neupert
Judge Megan Valentine
Judge Jonathan Rands
Kathy Seymour (DMCMA)

AOC Staff:

Antoinette Bonsignore
Angie Autry
Kevin Ammons

Members Absent:

Judge Jenifer Howson
Judge Thomas Lyden
Judge James Bell
Kris Thompson (DMCMA)
Patsy Robinson (DMCMA)
Commissioner Patrick Eason
Sherri Hansen (DMCMA)
Ryan Grimes (DOL)

Judge Angelle Gerl, District and Municipal Court Judges' Association (DMCJA) Department of Licensing (DOL) Liaison Committee (Committee) Chair, called the meeting to order at 12:18 p.m.

A. General Business

1. Minutes – May 15, 2023

Judge Gerl asked if any changes needed to be made to the minutes for May 15, 2023, and hearing no objections, the minutes were approved by consensus.

B. Discussion

1. 2022-2023 DMCJA Priorities Project Updates

Judge Gerl reminded the committee that they had previously decided to work on several projects. The committee discussed the status of each project in more detail:

a. Create a model for therapeutic courts to assist individuals with relicensing

The DOL Liaison Committee's Subcommittee for Therapeutic Court Model for Relicensing (Subcommittee) currently includes the following members: Judge Jenifer Howson (Chair), Carla Weaver, Judge Neupert, Judge Mary Logan, Judge Tracy Flood, Judge Joanna Daniels, and Matthew Roth (DOL). The Subcommittee is developing a

template for therapeutic courts. The Subcommittee meets regularly. Antoinette updated the Committee regarding the Subcommittee's latest developments, including the results from a judicial officer survey regarding the existing types of relicensing programs and the overall appeal for developing a statewide template. Antoinette will email the survey results to Judge Gerl. The subcommittee is also reviewing the potential for applying for grant funding for developing the template. The Subcommittee has also surveyed court administrators for their input regarding what they want to see in the statewide template. Judge Howson has invited several court administrators and probation coordinators to join the Subcommittee.

- b. Propose an amendment to IRLJ 6.6 for weigh station calibration and certification

The Board approved the IRLJ 6.6 proposal at the November 2022 Board meeting. The Washington State Supreme Court issued an order on April 6, 2023, ordering the suggested amendments to IRLJ 6.6 to be published for comment in the regular 2024 cycle, with the comment period beginning in January and continuing through April 30, 2024. Following the comment period, the Court will consider adopting the suggested amendments.

- c. Update JIS person records with death certificate information

Angie Autry and Kevin Ammons updated the Committee. They noted that the proposal is still in the internal analysis phase, and further assessment and simplification will need to be resolved with DOL. Ms. Autry pointed out that Carla Weaver mentioned we are getting a new data-sharing agreement from DOL. The new system will include the date of death with ADRs. The date of death information will be available for courts to see and act on. DOL never gives the date of death, only an indication of death. Ms. Weaver explained that court staff can go through JABS and request an ADR.

Kevin Ammons will prepare a problem summary analysis that Ms. Autry will review, and then they will send the final draft to Ms. Weaver. Ms. Autry explained that AOC wants the actual date of death to be available for courts in the new operating system, not the date of processing of indication of death. Ms. Autry will update the Committee further at the next Committee meeting. Ms. Autry will also raise this issue at the July DOL/Admin open forum.

C. Department of Licensing (DOL) Information and Updates – Carla Weaver

1. General Updates from DOL

Carla Weaver discussed the implementation of [Senate Bill 5347](#)¹ (effective July 23, 2024) – ADR access by treatment providers/probation department. Some courts want DOL to create a new form, but DOL does not want to create a form. Judge Gerl does not believe a form is needed.

¹ SB 5347 – Access to ADRs: Bill #5347: **Summary** – Provides that the Department of Licensing and probation officers and clerks may provide a full abstract driving record (ADR), including all alcohol-related offenses, to a treatment agency or for a treatment assessment. Further provides that the court may waive the fees charged for producing and copying an ADR if the individual is found to be indigent. **Court Awareness** – Bill proposed by the DMCJA/DMCMA/DOL Liaison Committee to allow probation clerks and probation officers employed by the courts to provide a copy of a driver's full ADR to a treatment agency. Also adds language that the fee for producing an ADR shall not be charged if the person is indigent. **Court Impact** – DOL is developing a new abstract for court and probation staff to utilize in DIAZ for this purpose. Additional staff may need access to DIAZ set up by the court's DIAZ Administrator to allow them access to the new ADR. DOL plans to hold trainings on how to access the new ADR in July 2023. **Effective** - July 23, 2023.

Treatment providers can request ADRs, but it is up to probation to provide ADRs. Ms. Autry will also raise this issue at the July DOL/Admin open forum.

D. Other Business

1. Inability to Pay Forms: Judge Gerl shared the form she uses in her court, which is included in the meeting packet. Judge Rands thought that a form was forthcoming from AOC. The Northwest Justice Project proposed a form, which will be included in the next Committee meeting packet for discussion by the Committee. The Committee then tabled the issue for the next meeting.
2. Update from the DMCJA Spring Program: Carla Weaver provided a DOL presentation. Judge Valentine thanked Ms. Weaver for her excellent and informative DOL presentation. Dirk Marler received an award and congratulatory recognition for his upcoming retirement. Judge Howson provided a presentation regarding the Relicensing Subcommittee and the creation of a statewide template.

Judge Valentine noted an ongoing problem with divergent approaches regarding infractions, and infractions are not given priority in the Spring Program. Judge Valentine stated that there are philosophical issues regarding how infractions are treated, and we need to consider a more unified approach.

3. Judge Gerl submitted a legislative proposal to the DMCJA Legislative Committee; Judge Gerl did not submit the proposal on behalf of the DOL Liaison Committee. The proposal would require courts to provide information to interested individuals regarding existing relicensing programs. The Legislative Committee wants to wait to decide on the proposal to see what the Relicensing Subcommittee develops.
4. Carla Weaver discussed the decision in *Pierce v. DOL*². Ms. Weaver noted that Pierce County does not like the ESSB 5226 process, and Pierce County judges are not giving people the

² ...this Court hereby ORDERS that beginning June 8 2021, DOL is enjoined from suspending driver's licenses resulting from an individual's failure to pay or failure to appear for non-criminal moving violations. Beginning on June 8 2021, if DOL receives a notice of FTA from the courts, DOL will not suspend licenses based upon the notices during the term of this injunction;

ORDERS that DOL will rescind all existing FT A suspensions, including those of the Plaintiffs, for non-criminal moving violations imposed pursuant to RCW 46.20.289; waive RCW 46.20.311 (3)(a)'s \$75 reissue fee; and reinstate drivers licenses upon rescission of the suspension if the driver is otherwise eligible for reinstatement and has paid any generally applicable DOL licensing fees, other than the reissue fee. DOL will rescind existing suspensions for Plaintiffs on May 27, 2021, and for the remaining drivers on or before June 16, 2021, and provide written notice to drivers at their address on file with DOL of the rescissions on or before August 1, 2021. DOL will publish on its website starting June 17, 2021, a notice informing drivers that had a FTA suspension for a non-criminal moving violation that those suspensions have been rescinded and information for how to contact DOL if an individual wants more information regarding their current license status.

ORDERS that Defendants shall: 1) make written reports in August 2021, November 2021, May 2022, and November 2022, to the Court regarding DOL's compliance with the deadlines and other provisions of this Order, as well as all efforts to plan and prepare for the implementation of SB 5226 regarding ability to pay determinations; 2) upon request, confer with Plaintiffs in good faith regarding any comments, concerns, questions, and suggestions Plaintiffs present based on any of these reports; and 3) make a report to the Court three months after the effective date of SB 5226 regarding how ability to pay determinations have been implemented and the type, number, and originating jurisdiction of license suspensions pursuant to that statute; and further

ORDERS that enforcement of this injunction shall terminate and be lifted as of the effective date of SB 5226, except that the Court retains jurisdiction to accept the implementation report referenced in the previous paragraph. Nothing in this order represents a ruling by this Court or a concession by Plaintiffs that SB 5226 as written or as implemented complies with procedural due process or any other protections afforded by the federal or Washington Constitutions. Each party reserves its right to seek modification of this order as appropriate should future circumstances change.

opportunity for payment plans regarding outstanding licensing fines and fees. The ACLU of WA does not want the DOL to suspend licenses for any reason unless it is a criminal sanction. Mr. Marler noted that the ACLU of WA wants courts to prove they are following the law, which is an issue he struggles with. AOC will be engaging further with the litigants. However, there is no other oversight regarding how courts implement these laws. Ms. Weaver has not heard any further developments in the case. Ms. Weaver also noted that the litigants waited five months after the enactment and implementation of ESSB 5226 to raise their objections. Judge Gerl asked if we know which courts are incorrectly implementing ESSB 5226. Ms. Weaver stated that DOL cannot educate courts about these laws if DOL does not know which courts are enforcing the laws incorrectly. Judge Valentine noted that there may be court clerks that are not up to speed on these laws, and if we do not know which courts are incorrectly implementing these laws, then we cannot solve the problem. Ms. Weaver will keep the Committee posted regarding any further developments.

Judge Neupert asked if there were any developments in the [Washington v. Keller](#) case (2022) involving Dräger test results. In *Washington v. Keller*, the Kitsap County District Court ruled there is a blanket prohibition on the admissibility of Dräger results within all Kitsap County District Court proceedings because the Washington State Patrol knew for years that the software used for breath tests was not in accordance with state law.

5. Antoinette updated the Committee regarding information from The Way to Justice. Virla Spencer, founder, and CEO of The Way to Justice, explained every county operates differently with respect to relicensing. Some counties will require clients to deal directly with the collection agency. Other counties will sign an agreed order to recall fines from collections. However, those courts willing to sign those orders are Airway Heights, Grant, Cheney, Pend Oreille, and Spokane Municipal and District. The Way to Justice negotiates with all the collection agencies and has succeeded. By contrast, Benton County uses a collection agency called Washington Collectors. To be eligible to enter their program, the client must owe more than \$500 in collections, and you must send in \$75 before you are given any information. These are harmful practices that keep punishing poor people.

E. Information

1. 2023-2024 DMCJA DOL Liaison Committee Roster and Charges
2. 2023-2024 DMCJA DOL Liaison Committee Meeting Schedule

Adjourn

The next meeting is scheduled for Monday, September 11th from 12:15 to 1 pm.

Judge Gerl adjourned the meeting at 1 p.m.



**DMCJA DOL Liaison Committee’s Subcommittee for
Therapeutic Court Model for Relicensing Meeting**

Monday, July 31, 2023 (4 PM – 5 PM)

Via Zoom

MEETING MINUTES

Members (Attending):

- Judge Jenifer Howson
- Carla Weaver (DOL)
- Judge Mary Logan
- Judge David Neupert
- Judge Tracy Flood
- Matthew Roth (DOL)
- Judge Joanna Daniels
- Administrative Commissioner Howard Delaney (Spokane Municipal Court)
- James Malcolm, Jr.
- Jennifer Crossen
- Julia Furfaro

AOC Staff and Guests (Attending):

- Antoinette Bonsignore
- Karl Jones

Judge Jenifer Howson called the meeting to order at 4:01 PM.

The Subcommittee discussed the following items:

1. Welcome and introductions

Judge Howson welcomed the Subcommittee members to the meeting. Judge Howson welcomed the new Subcommittee members, including Judge Joanna Daniels, Howard Delaney, James Malcolm, Jr., and Jennifer Crossen. Subcommittee guest speaker Karl Jones, the Equity Senior Research Associate at the Washington State Center for Court Research, also introduced himself.

2. Approve the minutes from the May 8th Subcommittee meeting.

The May 8th meeting minutes were approved and adopted by consensus.

3. Discuss: Presentation from Karl Jones, Equity Senior Research Associate, Washington State Center for Court Research: Neighborhood Socioeconomic Disadvantage, Tri-Cities and Whatcom County and Criminal Traffic Violations in Courts of Limited Jurisdiction, 2020-2022

The presentation was tabled for the next meeting.

4. Inform and Discuss: Funding Sources from Grants and Community/Non-profit Organizations That May Help Individuals Pay for Relicensing Fees

The discussion was tabled for the next meeting.

5. Inform and Discuss: Proposal for a Standardized Form for Submission to the Pattern Forms Committee; Extend an Invitation to a Judge on the Pattern Forms Committee to Join/Consult with the Subcommittee

The discussion was tabled for the next meeting.

6. Inform and Discuss: Statewide Template Feedback from DMCJA Judicial Officers and Court Administrators

James Malcolm, Jr. discussed the probation program he administers within Judge Howson's therapeutic court and how the relicensing program works within Judge Howson's therapeutic court. The relicensing program helps persons within rural counties. Jennifer Crossen has been a probation manager for a successful RAP program in Snohomish County since 2019. Both relicensing programs help people looking for support, but the programs also demand accountability from persons seeking relicensing assistance. Fines are waived, but there is also a requirement for successfully completing a treatment program. The relicensing program participants are monitored through the probation department.

Judge Howson asked what components the DOL wants to see in a statewide relicensing program template.

Mr. Delaney developed a successful relicensing program in 1998 that continued for 15 years. Mr. Delaney wants to see this relicensing program reinstated and take a closer look at what worked in the program and what did not work.

Judge Daniels stated that within the jurisdiction of her municipal court in Bonney Lake, there is no public transportation, and this deficit represents a tremendous hardship for many people with suspended licenses.

Judge Neupert noted that within his court's jurisdiction, there is some public transportation available. Judge Neupert's deferred prosecution program is also a valuable venue for a relicensing program.

In Judge Howson's relicensing program, individuals are referred by law enforcement, and the court clerks provide a copy of the ADRs for probation officers.

Mr. Delaney noted that it is imperative to establish a simple payment plan to get individuals back to driving. However, without accompanying behavioral assistance programs, individuals will not be successful. Programs that provide licensees with limited life skills training and personal finances/budgeting education are critical to successful relicensing programs. Some people have no idea how to manage their finances. Some local driving schools have custom education programs to teach individuals basic life skills for owning and operating a motor vehicle. Issues such as regular car repairs, obtaining the proper level of insurance, and other behavioral change classes are critical components of successful relicensing programs. Some jurisdictions may not have these resources. These programs can be implemented internally via probation programs or externally with assistance from nonprofits. These programs provide licensees with the tools for long-term success.

Mr. Delaney explained the importance of determining which and how many different jurisdictions have a hold on a particular individual's license. The template must have a defined process for referring people to other courts with holds on their licenses.

How can we work with other courts within the state to prevent one court from holding a person's license hostage? Holdout courts are very problematic and hinder the effort to streamline the relicensing process.

Some therapeutic courts use the potential for relicensing as an incentive to navigate the therapeutic court's requirements successfully,

Ms. Weaver noted that DOL has a reinstatement letter that will be unique for each driving record. The reinstatement letter will allow the court to proceed with relicensing without requiring a DOL representative to testify during the court proceedings. DOL is working to get the letter in the DIAS system.

Ms. Crossen noted that it will be critical to have the reinstatement letters available to the courts via DIAS.

Mr. Delaney stated that some individuals have holds on their licenses based on car accidents or failure to pay child support. The court holding the license must have a

way to provide individuals with reasonable payment plans in circumstances with arrears.

A more significant challenge exists when the hold is based on a 1st-degree suspension. Persons with 1st-degree suspensions often require the assistance of legal aid attorneys.

Some legal aid attorneys want all fines/fees to be expunged for licensees. Eliminating all fines/fees presents an accountability problem for the courts. The Subcommittee should consider enlisting the services of pro bono attorneys instead of legal aid attorneys.

Mr. Delaney explained how court administrators within his relicensing program worked with an accounts receivable company to manage outstanding payments. Each jurisdiction with a hold on a particular license would agree to proportional disbursements of payments based on a sliding scale. The licensee gets one bill to pay, and that one payment is distributed accordingly – a unique and simultaneous payment program. This payment program keeps all affected courts happy, and the defendant gets to make one simple payment. Additionally, preserving the defendant's privacy vis-à-vis the accounts receivable company is an important factor to consider. Collection agencies should not be able to gain access to information about the defendant that the collection agency can then use against the defendant – consider a data-sharing agreement with the accounts receivable company. Mr. Delaney will provide the Subcommittee with follow-up information regarding the accounts receivable company.

7. Inform and Discuss: Recommendations from DMCMA, Court Administrators, and Probation Directors

The review of the recommendations from DMCMA members, court administrators, and probation directors was tabled for the next meeting.

8. Discuss: Next Steps for Developing the Statewide Relicensing Program Template and New Tasks for Subcommittee Members

Judge Howson stated that she would meet with Tracy Dugas, Judge Mary Logan, and Antoinette Bonsignore to develop a timeline and structure for creating the template with AOC's input.

Next Steps: Establish the template components and then present the template to the DOL Liaison Committee, the Therapeutic Courts Committee, DOL, DMCMA, and

DMCJA for review. After the review, the template will be placed on Inside Courts, where interested courts can gain access to the template.

Judge Howson and Ms. Crossen emphasized the need to establish a payment program for the template. Judge Howson noted that her jurisdiction does not trust outside vendors. The Subcommittee needs to research and evaluate all of the available options for the template payment program. Ms. Weaver stated that DOL is not involved in the collections process. The Subcommittee will consider setting up a structure for a unified payment program similar to the existing King County Unified Payment Program., Judge Gerl uses the same agency as many courts to allow individuals to make a single payment using a single form in her court. The payment is then distributed to several courts where the individual has outstanding holds on their license.

What options exist for creating a unified payment program for the template? Advocates and court staff will need to be trained to guide people through the repayment process. Can we get a significant number of courts to agree to a reasonable and proportional-based repayment program? Should we use outside agencies/provider networks to help licensees pay their outstanding fines/fees? The Way to Justice is one such provider. Getting courts on board with the proportional payment program that gives defendants a single point of contact will be critical to a successful relicensing program template.

Some Subcommittee members questioned whether the Subcommittee can meet the proposed six-month timeline without having at least monthly meetings.

9. Schedule Next Meeting Date

The next Subcommittee meeting is scheduled for Monday, September 11th from 4 to 5 pm via Zoom video conference.

Antoinette Bonsignore adjourned the meeting at 5:15 pm. [Judge Howson lost internet access towards the end of the meeting.]



**DMCJA DOL Liaison Committee’s Subcommittee for
Therapeutic Court Model for Relicensing Meeting**

Monday, September 11, 2023 (4 PM – 5 PM)

Via Zoom

MEETING MINUTES

Members (Attending):

- Judge Jenifer Howson
- Carla Weaver (DOL)
- Judge Mary Logan
- Judge David Neupert
- Judge Tracy Flood
- Matthew Roth (DOL)
- Judge Joanna Daniels
- Administrative Commissioner Howard Delaney
- James Malcolm, Jr.
- Jennifer Crossen
- Julia Furfaro
- April Bassen
- Trish Kinlow
- Rajyanessa Valoaga

AOC Staff and Guests (Attending):

- Antoinette Bonsignore
- Judge Angelle Gerl
- Karl Jones
- Judge Kimberly Walden

Judge Jenifer Howson called the meeting to order at 4:01 p.m.

The Subcommittee discussed the following items:

1. Welcome and introductions

Judge Howson welcomed the Subcommittee members to the meeting. Judge Howson welcomed the new Subcommittee members, including Judge Kimberly Walden, Julia Furfaro, April Bassen, Trish Kinlow, and Rajyanessa Valoaga.

2. Approve the minutes from the July 31st Subcommittee meeting.

The July 31st meeting minutes were approved and adopted by consensus.

3. Discuss: Presentation from Karl Jones, Equity Senior Research Associate, Washington State Center for Court Research: Neighborhood Socioeconomic Disadvantage, Tri-Cities and Whatcom County and Criminal Traffic Violations in Courts of Limited Jurisdiction, 2020-2022

Subcommittee guest speaker Karl Jones, the Equity Senior Research Associate at the Washington State Center for Court Research, introduced himself and his background regarding studying representative and responsive government. The presentation focused on intersecting annual traffic infraction case filings in CLJs with corresponding demographic data. The 2022 data compared socio-economic disadvantage data from the Tri-Cities (Benton and Franklin counties) and Whatcom County. Mr. Jones began by looking at income segregation in the Tri-Cities and examining measures of household poverty and educational attainment. Mr. Jones then discussed the correlation between income disadvantage and annual traffic infraction case filings. With an increase in economic disadvantage comes an increase in case filings in both the Tri-Cities and Whatcom County. Mr. Jones then compared the measures of racial/ethnic disparities. Are certain racial/ethnic groups overrepresented in annual traffic infraction case filings? Black adults represent 1.2% of the population in Whatcom County but 5% of the annual traffic infraction case filings. Statewide, Black, Indigenous/Native, and Latinx/Hispanic persons are overrepresented in traffic (infraction) case filings. Evidence of an association between economic disadvantage and marginalized racial/ethnic groups and increased case filings. This same pattern occurs throughout the state.

Judge Howson asked how this data could help us with the template. Mr. Jones suggested developing a community outreach plan targeted to specific populations.

Skagit County has a significant Latinx population. The Latinx community in Skagit County does not like to come to court, and they have the highest traffic fines and multiple citations. A Latinx community outreach plan may begin addressing these disparities.

Community outreach plans should improve trust and confidence to address these statewide disparities. Specific marginalized populations are targeted for policing and ticketing, and a community outreach plan can address these issues with the help of community partners. Community partners should understand why this relicensing program template will benefit marginalized populations. Mr. Jones stated that not all judges look at these issues and this type of community engagement.

How would judges get this type of data for their jurisdictions? The Subcommittee could include this type of data in the template. Then, that data can be used to empower community partners to work with the courts.

Next Step: The Subcommittee will include this data in the template. This type of data will establish a good foundation for the workability of the template.

4. Discuss: Presentation from Trish Kinlow and Rajyanessa Valoaga: King County Unified Payment Program

Trish Kinlow and Rajyanessa Valoaga discussed the King County Unified Payment Program (KCUPP). Ms. Kinlow explained that the idea for the KCUPP started in 2012 when one of her team members was working on her master's degree regarding a statewide relicensing program. Then, in 2015, the DMCMA started discussing relicensing programs. So, why are we waiting for the legislature to act when we should be able to do this ourselves? How can we take the KCUPP and make it available statewide?

In 2016, KCUPP was launched only for tickets that could lead to the suppression of licenses. A memorandum of understanding was developed, and the KCUPP was set up. The KCUPP established a means to process money through one agency and distribute that money among courts holding outstanding fines/fees. The KCUPP works with the JIS system. Individuals can easily access the payment system online. There is no application fee or penalty for not meeting a monthly payment. The payment agency is Linebarger Goggan Blair & Sampson (LGBS), LLP. In 2020, the KCUPP was moved to N court. The KCUPP was then updated to be more user-friendly. The online system accommodates people who do not want to go to court. The affected courts must be participants in the program for the defendant to enroll in the KCUPP. Once the application is completed, the application is uploaded to JIS and then to N court. The affected courts have three business days to get their accounts signed up. Then, the defendant can go back four days later to see which courts have signed up to their account.

Once the payment agency notifies the court about the first payment, the court in charge will have a few responsibilities. They will use electronic means to handle any outstanding Failure to Appear (FTA) cases. They will temporarily stop all collection activities for the cases enrolled in the program. They will update the court's case management system with the payment agency's information, like JIS.

The payment agency will provide a report of the cases included in the program daily and will make payments to the courts every day or every week. If a court declines a defendant's request to include the amount owed in the program, they will note the reason in the court records.

The minimum monthly payment required is \$25, including a \$7 processing fee that the payment agency keeps. All participating courts agree that payments received through the payment agency will be equally divided. Once the \$25 payment is made, the holds on the defendant's license are removed, and the account is taken out of collections. Defendants can see how their payments are distributed and to which courts. The reasons for KCUPP's success include (1) defendants do not have to go to court and face a judge, (2) KCUPP is user-friendly, (3) the system and application process are all online, and (4) the \$25 minimum monthly payment is affordable. These are cases that would have otherwise been written off. KCUPP sets up people to succeed. People no longer feel hopeless, and they do not have to deal with collections agencies. KCUPP is a relicensing/relifing system.

Dr. Alexis Harris (University of Washington) researches the impact of legal financial obligations (LFOs). Dr. Harris has analyzed the effectiveness of KCUPP. Dr. Harris and graduate student Tyler Smith wrote a September 2023 white paper on KCUPP titled, [The Unified Payment \(UP\) Program and Washington State Drivers' License Suspension Law](#). Dr. Harris and Mr. Smith conducted a series of participant interviews, and participants really liked the program and found it to be customer-friendly. Interviewees stated that they wished the program was available statewide. Once people get out of collections, have their collections fees eliminated, and get their licenses back, they feel very positive about going forward with their lives. The program allows people to get their lives back, and they can then get a job, housing, etc.

Ms. Weaver noted that defendants still have to appear in court for failure to appear. Ms. Kinlow stated that many courts have remote access, which can alleviate fears of going to court and the fear of being jailed. Ms. Kinlow also noted that for anything is holding up a license, individuals still need to deal with DOL to get their license back. Ms. Kinlow explained that even though having a relicensing program is beneficial, paying multiple courts can be cost-prohibitive. But if you only need to make one small payment, then restoring your license is affordable and easy to accomplish, and it is easy to comply with outstanding LFOs. Ms. Kinlow recommended that any statewide relicensing program needs to be customer-friendly in order to be successful. Under KCUPP, if you cannot afford the minimum payment, defendants can ask the affected courts to reconsider fees/fines, and community service in lieu of fines can also be an option. The Subcommittee will need to assess the degree of hurdles that may exist in some jurisdictions for courts to agree to participate in a unified payment program.

5. Inform and Discuss: Proposal for a Standardized Form for Submission to the Pattern Forms Committee; Extend an Invitation to a Judge on the Pattern Forms Committee to Join/Consult with the Subcommittee

The discussion was tabled for the next meeting.

6. Inform and Discuss: Statewide Template Feedback from DMCJA Judicial Officers and Court Administrators

The discussion was tabled for the next meeting.

7. Inform and Discuss: Recommendations from DMCMA, Court Administrators, and Probation Directors

The review of the recommendations from DMCMA members, court administrators, and probation directors was tabled for the next meeting.

8. Discuss: Components to Be Included in the Relicensing Program Statewide Template

Next Steps: Establish the template components and then present the template to the DOL Liaison Committee, the Therapeutic Courts Committee, DOL, DMCMA, and DMCJA for review. After the review, the template will be placed on Inside Courts, where interested courts can gain access to the template.

The Subcommittee will work to develop and finalize the template by the end of the year.

9. Schedule Next Meeting Date

The next Subcommittee meeting is scheduled for Monday, October 9th from 4 to 5 p.m. via Zoom video conference.

Judge Howson adjourned the meeting at 5:07 p.m.

DMCJA

MONTHLY COMMITTEE REPORT TO THE BOARD

Education Committee
COMMITTEE

Judge John Hart
CHAIR(S)

PRINCIPAL ACTIVITIES OVER THE PAST MONTH

October –

- Educational planning retreat (Oct. 24)
 - Focused on planning an educational program (Spring) that incorporated topics that were previously identified by a recent association wide survey
- CPO training with Judge Michael Finkle (Oct. 19)

WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES

Identifying and developing a year-long curriculum-based education program. This will include both in-person and virtual offerings.

DMCJA

MONTHLY COMMITTEE REPORT TO THE BOARD

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

Legislative
COMMITTEE

Judges Ringus & Rivera
CHAIR(S)

PRINCIPAL ACTIVITIES OVER THE PAST MONTH

The Legislative Committee met on October 13th, 2023, to discuss the items moving forward in the legislative agenda for 2024 as well as the potential legislative agenda for the BJA that may affect the DMCJA. The 2024 Legislative agenda was voted on and presented to the Board for consideration later that same day.

Judge Ringus, Judge Rivera, and Melissa Johnson (lobbyist) met over Zoom with Senator Torres (Oct 3rd), Senator Salomon (Oct 9th), Senator Trudeau (Oct 20th), Representative Simmons (Oct 25th), Senator Dhingra (Oct 26th), Representative Ramos (Oct 26th), and Representative Taylor (Oct 26th). These are Zoom meetings that focus on potential DMCJA request legislation, gratitude for therapeutic court funding as a recurring budget item, and items of interest for the legislator.

WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES

Judge Rivera, Judge Ringus, Melissa Johnson, and AOC staff will continue to seek out the opinions of potential stakeholders regarding our 2024 Legislative Agenda item and report to the Board. We will be transitioning from the Legislative Committee to the Legislative Executive Committee over the next 45 days. The Legislative Executive Committee is responsible for meeting each Monday of the legislative session to discuss potential legislation that may affect the DMCJA. Stephanie Oyler is formulating with our lobbyist, Melissa Johnson, the next Legislative Day agenda and our approach to potential work sessions proposed for November and December.



**DMCJA PUBLIC OUTREACH COMMITTEE MEETING
TUESDAY, OCTOBER 10, 2023
4:15 P.M. – 5:00 P.M.
ZOOM VIDEO CONFERENCE**

MEETING MINUTES

Members Present:

Co-Chair, Judge Michelle Gehlsen
Judge Pauline Freund
Judge Stephen Greer
Judge Carolyn Jewett
Judge Kara Murphy Richards
Judge Kevin Ringus
Judge Dee Sonntag
Magistrate Noah Weil
Melissa Johnson, Lobbyist

Members Absent:

Co-Chair, Judge Beth Fraser
Judge Jennifer Azure
Commissioner Pedro Chou
Judge Anthony Gipe
Judge Raul Martinez
Judge Gloria Ochoa-Bruck
Judge Whitney Rivera
Judge Shane Seaman
Judge James Smith
Judge Jon Volyn
Judge Jenny Zappone

Administrative Office of the Courts (AOC) Staff:
Stephanie Oyler, DMCJA Primary Staff

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

Judge Michelle Gehlsen, Public Outreach Committee (Committee) Co-Chair, called the meeting to order at 4:17 p.m.

General Business

A. Minutes Approval – September 12, 2023

The minutes from September 12, 2023 were previously distributed to members. The Committee approved the minutes by consensus.

Discussion

B. Project Updates and Discussion

1. You've Been Served

Judge Gehlsen reported that the second annual "You've Been Served: A Courthouse Dialogue" event was held on September 27 and it was again very successful. There were 13 host courthouses this year, but unlike last year, most courthouses had judicial officers from

both municipal and district courts participating. A total of 25 legislators or their staff attended, including a few that had not initially submitted an RSVP. Judge Gehlsen inquired if those attending the meeting today who also hosted at their courthouse felt there was enough time with the legislators, or if other changes should be made for next year, such as having the presentations at the beginning of the event. Judge Sonntag responded that her courthouse (Tacoma Municipal) hosted this year along with Judge Williams from Pierce County District Court. She felt that the informal conversation that occurred while everyone was eating lunch was both pleasant and valuable, allowing everyone to get to know one another on a more personal level. She does agree that the discussion time could potentially be longer, or perhaps start a little earlier, especially when one of the discussion topics is therapeutic courts where both participating courts would like to be able to give an update on their programs.

Additional ideas from the Committee for consideration when planning the next You've Been Served event included: having a presentation on the differences between municipal and district courts, limiting the presentation time to only one topic, or utilizing a regional approach to choosing participating courts and legislators.

The Committee also discussed that having a toolkit available for courts who want to host their own event would be helpful. Judge Jewett volunteered to assist with compiling the toolkit. Staff will add this item to the next meeting agenda for further discussion.

ACTION: *Staff* will add an agenda item for the next meeting relating to preparation of a toolkit for courts to host their own You've Been Served type of event.

ACTION: *Judge Jewett* will assist with compiling the toolkit.

2. Law Day

Judge Freund reported that the Law Day Subcommittee continues to meet. Judge Sonntag added that Tracy Dugas recently sent out a link to the Law Day Toolkit, which includes a lot of helpful information for courts wanting to plan their own event. Judge Gehlsen mentioned that King County Bar Association has put together a resource package that would be a helpful addition to the toolkit, as it is very comprehensive.

ACTION: *Judge Freund and Judge Sonntag* will continue to update the Committee on the status of the Law Day Subcommittee's work.

ACTION: *Judge Gehlsen* will inquire with the King County Bar Association to see if they are comfortable with DMCJA sharing their resource package as part of the Law Day Toolkit.

3. Social Media

Judge Gehlsen reported that she received a written update from Commissioner Chou regarding social media, and that he has started a new Facebook account for himself to utilize as administrator of the DMCJA page. Once he has been made an administrator by Judge Gerl, he plans to begin messaging members for outreach events in their communities. He recently reached out to Judge Howson and Commissioner Costeck regarding the You've

Been Served event held at their courthouse.

ACTION: *Commissioner Chou* will work with Judge Gerl to finalize the transition of the DMCJA Facebook page administration, at which point he will reach out to member courts to solicit ideas for postings.

ACTION: *All* will continue to submit positive stories to DMCJAPublicOutreach@gmail.com for posting on the DMCJA Facebook page.

C. Other Discussion

1. Participation in Community Events

Judge Gehlsen reminded the Committee that Judge Greer had recently expressed an interest in having an additional toolkit for courts to be able to participate in community events such as having a booth at a community fair. A toolkit could include items such as materials, instructions, and ideas for the booth, and the Committee could host a brown bag to showcase the idea to courts. Judge Greer volunteered to assist with gathering the toolkit materials.

ACTION: *Staff* will add this item to next month's agenda.

ACTION: *Judge Greer* will begin to gather ideas and materials for the Community Events toolkit.

The Committee briefly discussed the meeting schedule and whether to cancel or add any upcoming meetings. No changes to the schedule will be made at this time, but an April meeting may be considered again later.

Next Meeting: The next meeting is scheduled for December 12, 2023 at 4:15 p.m.

Adjourn

There being no further business, the meeting adjourned at approximately 4:50 p.m.



DMCJA Rules Committee Meeting

Tuesday, July 25, 2023 (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
- Judge Carolyn Jewett
- Commissioner Paul Nielsen
- Judge George Steele
- Judge Samuel Meyer
- Judge Lizanne Padula
- Judge Jared N. Hawkins
- Commissioner Paul Wohl

AOC Staff and Guests (Attending):

- Antoinette Bonsignore
- Andrea Belanger, DMCMA liaison
- Kati Dorman, DMCMA liaison, alternate

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

The Rules Committee discussed the following items:

1. Welcome and introductions

Judge McDowall welcomed participants and new Rules Committee member Commissioner Paul Wohl.

2. Approve minutes from the June 27, 2023 Rules Committee meeting

The minutes from the June 27, 2023 Rules Committee meeting were approved and adopted through consensus.

Next Step: Send to Tracy Dugas for the August 2023 Board Meeting.

3. Discuss and Decide: GR 9 Cover Sheet for Proposed Changes to CRLJ 56 – Judge Samuel Meyer

Judge McDowall asked the Committee if anyone had any problems with the proposed amendment to CRLJ 56 (c). Judge Steele noted that people get confused by the information provided to them in pleadings, and even when they have specific information provided to them explaining rules, people still do not respond. However, Judge Steele had no objections to serving a copy of the rule.

Judge McDowall stated that the proposed amendment incorporates the local King County rule to be consistent statewide, and there is no sanction for not complying with the proposed amendment. Judge McDowall asked if anyone within the DMCJA would object to the proposed amendment. Judge McDowall also noted that Judge Gibson could not offer any statistics from King County regarding the rule's effectiveness.

Judge Buttorff stated that all of the attorneys in Pierce County use this practice for providing notice of summary judgment. Judge Goodwin remarked that he did not think the proposed amendment would make much of an impact, and he agreed with Judge Steele. Judge Jewett also noted that she did not see the harm in adopting the amendment, and it could prove helpful to some litigants.

Judge McDowall called for a vote, and the amendment was approved unanimously. Judge McDowall also requested GR 9 sheets be completed in the same format with the same font.

Next Step: Send to Stephanie Oyler for the August 2023 Board Meeting.

4. Discuss: Poll Results - Potential Meeting Days and Times for the Upcoming Year and Proposed Rules Committee Meeting Schedule 2023-2024

At the May 30th Rules Committee meeting, Judge McDowall noted that there are Rules Committee members that do not attend Rules Committee meetings regularly, and we should therefore consider the possibility of changing the regular meeting time to get more people involved.

Antoinette sent the Rules Committee members a poll to determine the optimal meeting time for the upcoming year. The poll revealed that the third Tuesday of the month from 12:15 pm to 1:15 pm is the optimal meeting time. The 2023-2024 meeting schedule is included in the July 25th meeting packet and was approved by consensus.

5. Reminder: New Rules/Amendments for the Upcoming Year

Judge McDowall and Judge Samuelson asked the Rules Committee to email proposals and suggestions to the Rules Committee for review. However, please check with the ongoing and future projects listed in agenda item nine. The Rules Committee will place those proposals on the agenda for future meetings.

Judge Goodwin wanted to know if the WSSC had taken any action regarding the list of proposed rules submitted by the Remote Proceedings Workgroup approximately 60 days ago. He also wanted to know if the WSSC plans to submit the proposed rules for comment. Antoinette will follow up with J Benway regarding the status of the proposed rules. The Rules Committee will need to review the proposed rules if they are published for comment. Judge Goodwin hopes the proposed rules will not be published for comment since the Remote Proceedings Workgroup served as the commenting group. [The co-chairs for the Remote Proceedings Workgroup will meet with the WSSC (Justice Johnson and Justice Yu) on Tuesday, August 15th.]

Judge Jewett raised a CrRLJ 7.6 issue concerning probation practices. Specifically, she questioned the use of bench warrants for post-conviction probation violations and is seeking procedural clarification for post-conviction bench warrants. She noted that the new probation rule assumes people are taken into custody for probation violations. The Rules Committee will discuss Judge Jewett's concerns regarding probation practices at the next Rules Committee meeting.

Judge McDowall stated that potential issues regarding the changes made to CrRLJ 7.6, which the DMCJA objected to and requested a stay, have been in effect for eight months. CrRLJ 7.6 will stay on the Rules Committee's radar in the coming months to address any problems from the CLJs.

Antoinette will place CrRLJ 7.6 on the upcoming agenda for further discussion. Judge McDowall stated that members of the Committee should take the time to speak with other judicial officers about implementation problems regarding the changes to CrRLJ 7.6.

6. 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**
- **Maintaining Consistent Definitions in Rules**

Status: Ongoing: The Rules Committee will continue evaluating other business and future projects. Currently, there are no urgent issues for the Rules Committee to address. Any member of the Rules Committee is welcome to submit any other suggestions for new business to the Rules Committee co-chairs.

Commissioner Nielsen reminded the Committee about the ongoing efforts to remove forms from court rules. Natasha Johnson is continuing to work on the issue. Judge McDowall noted that the Rules Committee would be willing to support and/or sponsor any forthcoming proposal

- 7. The next Rules Committee meeting is scheduled for Tuesday, August 15, 2023, at 12:15 p.m., via Zoom video conference.**

Judge McDowall adjourned the meeting at 12:37 p.m.



DMCJA Rules Committee Meeting

Tuesday, September 19, 2023 (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
- Judge Pauline Freund
- Judge Angelle Gerl
- Judge Jeffrey Goodwin
- Judge Carolyn Jewett
- Commissioner Paul Nielsen
- Judge George Steele
- Judge Samuel Meyer
- Judge Lizanne Padula
- Judge Jared N. Hawkins
- Commissioner Paul Wohl

AOC Staff and Guests (Attending):

- Antoinette Bonsignore
- Andrea Belanger, DMCMA liaison
- Kati Dorman, DMCMA liaison, alternate

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

The Rules Committee discussed the following items:

1. Welcome and introductions

Judge McDowall welcomed participants.

2. Approve minutes from the July 25, 2023 Rules Committee meeting

The minutes from the July 25, 2023 Rules Committee meeting were approved and adopted through consensus.

Next Step: Send to Tracy Dugas for the October 2023 Board Meeting.

3. Inform: Remote Proceedings Workgroup Update – Judge Angelle Gerl

Judge Gerl updated the Rules Committee regarding a recent meeting with the Washington State Supreme Court Rules Committee and Judge Gerl (co-chair, Remote Proceedings Workgroup), Judge Jim Rogers (co-chair, Remote Proceedings Workgroup), and Penny Larsen from the Remote Proceedings Workgroup (RPW).

Judge Gerl explained that the Superior Court Remote Proceedings Workgroup had identified proposed changes to GR 41, GR 11.3, and CR 30. The Supreme Court Rules Committee wanted the RPW to review and respond to those proposals by September 11th, which was not possible. The RPW will get materials regarding these three proposals to the Supreme Court Rules Committee by October 2nd. Regarding GR 11.3, if the Washington State Supreme Court Interpreter and Language Access Commission (ILAC) does not support the proposal, then the Supreme Court will not adopt the proposal. The RPW voted to oppose the GR 41 proposal. The Rules Committee can still submit comments to the Supreme Court Rules Committee regarding any of these proposals.

The Supreme Court Rules Committee is considering publishing all of the remote proceedings rules proposals for comment in the regular comment period or for an expedited comment period. They have tabled the decision until their October 16th meeting. The Committee noted that the DMCJA needs to be prepared to monitor and respond to comments that could result from the large number of proposals under review.

Judge Gerl noted that most of the proposals are technical amendments. She suggested to the Supreme Court Rules Committee that only the substantive amendments should be published for comment. The Supreme Court Rules Committee will let the DMCJA know how they will proceed after the November 8th En banc review of the proposals.

4. Discuss: Probation Issues and Other Changes Made to CrRLJ 7.6

Judge Steele submitted a proposal to amend CrRLJ 7.6, but he was absent from the Committee meeting. Judge Padula noted that adhering to the 14-day timeframe has become cumbersome because every contested matter requires three to four hearings to resolve. The Committee discussed how some public defenders in certain

jurisdictions are holding the courts' feet to the fire regarding adherence to the timeframe. Therefore, the 14-day timeframe can become a logistical nightmare. The Committee noted that the DMCJA warned the Supreme Court about this logistical nightmare, particularly when courts have an RCW 10.77 hearing pending because it affects the ability to comply with contested hearings. Contested hearings can require a minimum of three hearings. Should the Committee consider allowing for local discovery rules?

The Committee noted that Judge Steele's proposal allowing for a continuance "in the administration of Justice" is insufficient to prevent unnecessary delays for persons in custody just because the court is congested.

The Committee also discussed having more uniform rules across jurisdictions regarding post-conviction warrants.

The Committee considered whether it could address these issues via email or if a smaller workgroup was needed to address compelling situations where courts cannot meet the 14-day timeframe and need the discretion to go beyond 14 days even when the defendant is in custody. Judge Padula and Judge Jewett volunteered to outline the issues and draft the necessary language. Judge Gerl will share the RPW's proposed amendment for CrRLJ 7.6 with the Committee for review. The Committee also decided to survey the DMCJA for additional feedback.

Next Steps: Antoinette will email the DMCJA for additional feedback. The Committee will discuss the feedback at the next meeting. Antoinette will also forward the RPW's CrRLJ 7.6 proposal to the Committee for review at the next meeting.

5. Discuss: Proposed Rule GR 41 - Jury Selection by Using Remote Technology

The concern with this proposal is the loss of judicial discretion with "may" language regarding conducting remote jury selection. Some parameters are a good idea if judges want to conduct remote jury selection. The Committee discussed privacy concerns for potential jurors being unable to alter or blur Zoom backgrounds during the selection process. The "shall" language seems to prohibit any obscuring of backgrounds. The proposal emanated from the Superior Court Remote Proceedings Workgroup. The concern is that some backgrounds make it seem as though a person is paying attention to the proceedings when, in fact, they are not. Essentially, the court would be unable to detect if a potential juror had fallen asleep during the proceedings.

Should the Committee add language to allow judges to adopt local rules? Judge Gerl noted that the RPW is developing a list of best practices for remote proceedings, which could include the ability to adopt local rules as long as those local rules do not conflict with the rule. The Supreme Court Rules Committee wants to know what the

CLJs think about this proposal. If the Committee objects or wants to add additional commentary, the Committee can add that commentary to the GR 9 cover sheet. The Committee discussed adding language to give judges the authority to allow potential jurors to obscure their background for “good cause” and allowing people to blur their background as long as their presence and physical appearance are not altered. Even though most people are familiar with Zoom etiquette, more instructions regarding how to behave may be needed for potential jurors. Potential jurors should conduct themselves as if they are physically present in the courtroom. The Committee questioned whether other jurisdictions are using this rule for remote jury selection. King County Superior Court is the most prolific user of remote jury selection. More people respond to jury summonses if the jury selection is conducted remotely. With any new issues/technology, it is difficult to anticipate and tackle every potential problem that may arise.

The Committee discussed whether the “shall” language allows for judicial discretion to grant a good cause exception.

Judge McDowall suggested submitting a neutral comment to the Supreme Court Rules Committee, such as the DMCJA supports the proposals but discussed whether there are privacy concerns regarding the obscuring of backgrounds.

Next Step: Judge Goodwin will draft language for the DMCJA commentary and email Judge Gerl.

6. Reminder: New Rules/Amendments for the Upcoming Year

Status: Ongoing

7. Other Business and Future Projects

- **GR 19 Proposal Regarding Standards for Video Hearings in Court**
- **Work with the Supreme Court Rules Committee and SCJA on GR 9 Updates**
- **Maintaining Consistent Definitions in Rules**

Status: Ongoing: The Rules Committee will continue evaluating other business and future projects. Currently, there are no urgent issues for the Rules Committee to address. Any member of the Rules Committee is welcome to submit any other suggestions for new business to the Rules Committee co-chairs.

8. The next Rules Committee meeting is scheduled for Tuesday, October 17, 2023, at 12:15 p.m. via Zoom video conference.

Judge McDowall adjourned the meeting at 1 p.m.

Tribal State Court Consortium Annual Meeting

64th Annual Washington Judicial Conference
September 17, 2023
Tulalip, WA.

This year the 64th annual Washington Judicial Conference was held at the Tulalip Casino Resort. The TSCC's annual meeting took place on September 17, 2023 from 12:00 p.m. to 1:30 p.m. There were 40 attendees present at the meeting, including: (16) Tribal Court Judges, (2) Supreme Court Justices, (9) Superior Court Judges, (7) Court of Appeals Judges, (1) U.S. District Court Judge and (5) AOC staff members. Each participant briefly introduced themselves, their designations, their background, and what they hoped to learn from the TSCC.

In the meeting, TSCC co-chairs Chief Judge Cindy Smith and Chief Judge Lori K. Smith presented 2023 highlights, structure of the TSCC, and proposed 2023-2024 work-groups (slides below). The consortium has a strong focus on restarting key workgroups to help further collaborative efforts between state and tribal courts. We value diversity and inclusion from our judicial participants. We want to know your unique concepts and approaches in tribal and state collaborative work to achieve equal justice. If you are interested in participating as a member of the TSCC, please sign up [here](#) or scan the QR code below. We appreciate your time and dedication to these ongoing efforts.

[tig^wicid](#) – Thank you!

Tribal State Court Consortium



 **WASHINGTON COURTS**
ADMINISTRATIVE OFFICE OF THE COURTS

Tribal State Court Consortium

*Sunday, September 17, 2023 – Washington Judicial Conference
Tulalip, WA.*

2023 Brief Highlights

- Four Scholarship Recipients to Judicial College
- Two Scholarship Recipients to a National Conference (NAICJA)
- A Plenary Session at NCREFC: TSCC Tribal Judge Panel
- 2016 DV Bench Guide update. (revised 5/2023)
- 2023 TSCC Spring Meeting- Suquamish Tribe
- 2023 Annual Meeting at Washington Judges Conference



Structure

The TSCC lives under the Gender & Justice Commission and is supported by the **STOP** Violence Against Women Formula Grant.

Two Co-chairs:

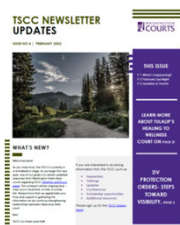
Chief Judge Lori K. Smith, WA State Court of Appeals
and
 Chief Judge Cindy Smith, Suquamish Tribal Court

One Staff Person

Workgroup members are volunteers



Preceding TSCC Workgroups



Protection Order Document Sharing (PODS) allows protection order document images filed in Superior Court to be viewable via Judicial Access Server (JABS).



Tribal Court Judges may access JABS via authorization from the AOC.
 New Tribal Judges may initiate that request [here](#).



If a tribal issued protection order is filed in superior court and docketed with one of the codes found on the ["Protection Order Docket Code List"](#), then it will be available to view.

- Domestic Violence Protection Order Enforcement
- Branding & Messaging
- ICWA Courts
 - Joint Jurisdiction Pilot Workgroup
 - ICWA Courts Workgroup
 - ICWA Bench Card Workgroup
- Spring Meeting Planning



2023-2024 Workgroups

- **Domestic Violence Protection Order Enforcement Workgroup**
 - Key work in DVPO visibility (HB1320 recommendation re; PODS)
 - G&J Study recommendation development
- **ICWA Collaborative Workgroup**
 - Collaborative efforts workgroup with Family Youth and Justice Program. Furthering communications between courts.
- **Educational Development and Outreach Workgroup**
 - Grouping of former *Branding & Messaging* and *Spring Meeting Planning* workgroups. Incorporates planning for educational events.
- **[Seasonal] Legislative Workgroup**
 - May be formed from November-June. Review language and impact of house bills and potential supportive efforts (letters of support with G&J Commission.)

What might a workgroup look like?

Workgroups are on a volunteer basis, we kindly request an annual commitment (September 2023-September 2024) to the workgroup.

Members must be current judiciary in their respective court.

One meeting per month is suggested unless you are in a seasonal group. The TSCC respects your time and willingness; meetings will be based on your availability and scheduled via [Doodle](#) and [Zoom](#).

Cross-collaboration is encouraged. The TSCC workgroups are encouraged to work with various AOC entities and additional stakeholders toward the yearly goal.

Quarterly Co-Chair meetings will allow each group to communicate it's progress or recess, questions/concerns, promote evolving goals, and allow safe discussion.

TSCC Interested Workgroup Survey



<https://www.surveymonkey.com/r/KG5M662>

Links

- TSCC Webpage: <https://www.courts.wa.gov/?fa=home.sub&org=tsc&page=main>
- Join the TSCC Listserv at Commissions@courts.wa.gov
- TVW Link: [Tribal State Court Consortium – TVW](#)
- Ch. 13: Domestic Violence and Tribal Courts [Bench Guide](#)
- TSCC Spring Regional Meeting [Minutes](#)