



**DMCJA Board of Governors Meeting**  
**Sunday, June 3, 2018, 9:00 a.m. – 12:00 p.m.**  
**Campbell's Resort**  
**Chelan, WA**

**MEETING MINUTES**

**Members Present:**

Chair, Judge Scott Ahlf  
Judge Linda Coburn  
Judge Douglas Fair  
Judge Michael Finkle  
Judge Michelle Gehlsen  
Judge Drew Ann Henke  
Judge Judy Jasprica (BJA non-voting)  
Judge Dan B. Johnson (BJA non-voting)  
Commissioner Rick Leo  
Judge Samuel Meyer  
Judge Kevin Ringus (BJA non-voting)  
Judge Rebecca Robertson  
Judge Douglas Robinson  
Judge Damon Shadid  
Judge Charles Short

**AOC Staff:**

Ms. Vicky Cullinane (via phone)  
Ms. Merrie Gough (via phone)  
Ms. Sharon R. Harvey

**Members Absent:**

Judge Mary Logan (BJA non-voting)  
Judge G. Scott Marinella

**CALL TO ORDER**

Judge Ahlf, 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 9:00 a.m. He then asked attendees to introduce themselves.

**GENERAL BUSINESS**

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Minutes for May 12, 2018.

**\*\*\*Added Agenda Item\*\*\***

Draft Amendments to CrRLJ 4.2(g) Guilty Plea, Attachments, Washington State Misdemeanor DUI Sentencing Attachment and DUI Sentencing Grid

Judge Ahlf informed the Board that the Courts of Limited Jurisdiction (CLJ) Forms Subcommittee (Subcommittee) requests review and comments regarding draft changes to forms related to Engrossed Second Substitute House Bill (E2SHB) 1783, Legal Financial Obligations (LFO). On May 31, 2018, the Subcommittee prepared a memorandum regarding Draft Amendments to CrRLJ 4.2(g) Guilty Plea, Attachments, and Washington State Misdemeanor DUI Sentencing that was sent to the Board listserv on June 1, 2018. Ms. Gough attended the Board meeting via telephone and discussed the following forms changes related to the new LFO bill:

1. **CrRLJ 4.2(g), Statement of Defendant on Plea of Guilty** – Amendment to delete the sentence, “The law does not allow any reduction of this sentence” in paragraph 6(h) of the form because the new law allows such reduction.
2. **CrRLJ 4.2(g) DUI1, “DUI” Attachment** – Effective dates changed from July 23, 2017 to June 7, 2018; changed first sentence of Mandatory Monetary Penalty section on page 3 to read, “Criminal Conviction Fee, RCW 3.62.085, shall not be imposed if defendant is indigent as defined in RCW 10.101.010(3)(a)-(c).”
3. **CrRLJ 4.2(g) DUI2, Washington State Misdemeanor DUI Sentencing Attachment (sample page)** – change to delete the sample page that was developed to inform judicial and legal communities of the automated Washington State Misdemeanor DUI Sentencing Attachment because it did not fulfill its purpose; proposal to delete the sample page and make the automated version of Washington State Misdemeanor DUI Sentencing Attachment available at [www.courts.wa.gov](http://www.courts.wa.gov), Court Forms page.
4. **Washington State Misdemeanor DUI Sentencing Attachment** – change for municipal and district court version of this automated form to allow the user to delete the \$43.00 criminal conviction fee.
5. **DUI Sentencing Grid** – change to Mandatory Monetary Penalty section, first sentence, on page 3 to read, “Criminal Conviction Fee, RCW 3.62.085, shall not be imposed if defendant is indigent as defined in RCW 10.101.010(3)(a)-(c).”

Judge Coburn reported that she has worked with members of the LFO Stakeholder Consortium to develop an optional LFO calculator for judges. She expressed that she wants to incorporate the historical DUI Grid and requested Ms. Gough’s assistance with this endeavor. Ms. Gough agreed to assist Judge Coburn and requested that Board members submit any comments regarding the Subcommittee’s proposed changes by June 7, 2018.

#### B. Treasurer's Report

M/S/P to approve the Treasurer’s Report located in the meeting materials. Judge Gehlsen reported that all DMCJA members paid their dues in 2018. She then thanked AOC Staff and Ms. Christina Huwe, DMCJA Bookkeeper, for all of their assistance with recordkeeping. Judge Gehlsen informed Board members to request two copies of their lodging receipt in order to get reimbursed for Saturday night lodging, which for most Board members was necessary to attend the Sunday morning meeting.

#### C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Meyer reported the account gained \$4.16 in interest in April 2018.

#### D. Standing Committee Reports

##### 1. *Conference Planning Committee*

Judge Ahlf informed that Conference Planning Committee Minutes for May 4, 2018 are located in the agenda packet.

##### 2. *Legislative Committee*

Judge Meyer reported that Representative Roger Goodman was scheduled to attend the DMCJA Spring Conference Legislative Update session but cancelled at the last minute because of a scheduling conflict. Representative Goodman was to speak about DMCJA bills such as commissioners solemnizing marriages.

### *3. Therapeutic Courts*

Judge Ahlf informed that Therapeutic Courts Committee Minutes for March 7, 2018 are located in the agenda packet. Judge Finkle reported that the Committee is preparing a presentation related to implementing a Therapeutic Court at the Annual Fall Conference in Yakima, WA. Judge Finkle, former Committee Chair, added that Committee Co-Chairs Judge Fred Gillings and Judge Laura Van Slyck are doing a fantastic job with the Committee.

#### E. Trial Court Advocacy Board (TCAB) Update

Judge Ahlf reported that TCAB did not meet in May because DMCJA judges were in La Conner for the Board Retreat.

#### F. Judicial Information Systems (JIS) Report

Ms. Cullinane reported that the courts of limited jurisdiction case management system (CLJ-CMS) Project Steering Committee met and discussed next steps for the Project. They identified the high-level guiding principles and essential business functions that will guide the future of the project, and the project team is gathering lessons learned from the first procurement process. Ms. Cullinane also reported that the Judicial Information Systems Committee (JISC) met and prioritized ten (10) information technology projects. During this meeting, the JISC determined that the CLJ-CMS Project is the JISC's number one priority.

## **LIAISON REPORTS**

### *Board for Judicial Administration (BJA)*

Judge Jasprica, BJA Co-Chair, reported that the BJA meets regularly and is discussing the judicial budget process. Judge Ringus reported that a BJA request for association proposed legislation has been sent to the association listservs. Judge Robertson, BJA Policy and Planning Committee Chair, then reported that the BJA is currently working on the following projects:

- Court Education Funding Task Force
- Interpreter Services Task Force
- Court Funding for Trial Court Security
- Comprehensive Communication Plan (managing disagreements and coordination instead of working separately, which is also known as "working in silos")
- Reviewing BJA Bylaws and Resolutions
- Revising Vision and Purpose Statements
- Discussing what entities encompass the Judicial Branch

Judge Jasprica informed that the BJA is seeking a new Manager because Ms. Misty Butler Robison is now the Pierce County Court Administrator. Ms. Jeanne Englert is temporarily serving in the position until a manager is hired.

## **ACTION**

1. Information Technology Governance (ITG) Request 61, Pretrial Adult Risk Assessment Tool for Courts of Limited Jurisdiction

M/S/P to close ITG Request 61, Pretrial Adult Risk Assessment Tool for Courts of Limited Jurisdiction, with the understanding that risk assessment tool capabilities will be included in the new CLJ case management system.

## DISCUSSION

### A. Information Technology Governance (ITG) Request 61, Pretrial Adult Risk Assessment Tool for Courts of Limited Jurisdiction

Ms. Cullinane reported on the outstanding ITG Request 61, Pretrial Adult Risk Assessment Tool for Courts of Limited Jurisdiction. In 2010, the DMCJA requested an automated risk assessment tool in JIS for courts of limited jurisdiction. The DMCJA originally joined a Superior Court request for a risk assessment tool for all trial courts, but later determined that the superior court tool would not meet limited jurisdiction needs. The AOC provided the Board with an analysis of the cost for automating the tool, but noted that the DMCJA would need to select the statistical tool itself. The Board was to form a workgroup to determine which risk assessment tool would be best for district and municipal courts. However, this workgroup was never formed and this ITG 61 Request has lingered since 2010. Ms. Cullinane proposed on behalf of the CLJ-CMS Project that the request be closed because the new CLJ-CMS will contain a risk assessment tool function, thus, eliminating the need for a separate risk assessment tool function in JIS.

M/S/P to move this discussion topic to an action item.

Prior to reporting on ITG 61, Ms. Cullinane provided a thorough background on the ITG Process in Washington State. She informed that the process was created to promote transparency regarding the prioritization of information technology projects. For more information on ITG requests, please visit: <https://www.courts.wa.gov/jis/?fa=jis.itGovernance>.

### B. Salary Commission Report

Mr. Brady Horenstein, AOC Associate Director of Legislative Affairs, discussed the Salary Commission and its process for determining judicial salaries. The Salary Commission is a randomly selected group of Washington State citizens who review and determine state judicial salaries. The term of a Salary Commissioner is four years. He informed the Board that his office prepares a Salary Commission Report and meets with the Salary Commission in October of each year. He then informed that state judges received a 2% salary increase instead of the expected 4% raise, which is problematic for district and municipal court judges who pay a greater amount for their retirement plan. He noted that there is no mention of retirement benefits in the judicial compensation packages for courts of limited jurisdiction. Mr. Horenstein prepared documents that highlighted the following judicial compensation data:

- Salaries by Year (each court level) – Mr. Horenstein recommends each court level join together and present a uniform request for increased judicial compensation
- Salaries of Federal Judges – Mr. Horenstein's goal is to provide more information to call attention to the discrepancy between state and federal judicial salaries; He reported that federal judges salaries were flat until 2014 when their salaries increased by 15%; he informed that a federal court ruled that the stagnation of federal judges salaries is unconstitutional; federal judge salaries have increased by 1% annually since 2014.
- Salary Comparison Between State and Federal Judges (page 3 of handout documents)

Mr. Horenstein now recommends the judiciary decide what the compensation benchmark is and move toward that target. Board members suggested appointing DMCJA Representatives to speak with the Commission on behalf of courts of limited jurisdiction. Mr. Horenstein further reported that the Judicial Multiplier is 1-2% and the state employment PERS rate is 8%, thus, judges may want to request that the local government lower the rate. In response to Board questions regarding how Washington compares with other states, Mr. Horenstein informed that the AOC will provide such comparisons. There was mention that living in King County is becoming cost prohibitive on current judicial salaries. Municipal Court judges in cities with a population over 400,000 are required to live in the city in which they work, pursuant to RCW 35.20.170. It was noted, however, that an increase in state judicial salaries is not a sympathetic issue for most Washington citizens.

### C. Workgroup on Judicial Independence Report

Judge Robertson reported that the Workgroup on Judicial Independence, which is a subcommittee of the DMCJA Judicial Independence Fire Brigade, has addressed the potential court closings of Ruston Municipal Court and SeaTac Municipal Court. In response to the Mayor's pursuit to close SeaTac Municipal Court, with Board approval, the Workgroup sent a letter to the SeaTac Mayor and Councilmembers expressing DMCJA opposition to the court closing. The letter was effective and Judge Robert Hamilton, SeaTac Municipal Court, may now call off a potential lawsuit against the City of SeaTac. Judge Robertson further reported that Ruston Municipal Court may close and the City has not provided Judge Sandra Allen any staff to wind down the court. The Workgroup on Judicial Independence endeavors to assist Judge Allen by drafting a DMCJA opposition letter regarding the court closing. Judge Ahlf reported that the Workgroup will now transition from a task force to a standing committee. Thus, a bylaw change may be required.

Here, the Workgroup requests Board approval for the following:

1. Proposed Guidelines for Council on Independent Courts (CIC), which is the new name for DMCJA Judicial Independence Fire Brigade
2. General Rule (GR) 29 Amendments

The Board decided by general consensus not to move the issue to an action item because there were concerns regarding Proposed Guidelines, Section V. Actions Allowed Without Board Approval. The Board reviewed each prong of Section V. and determined the following requires the DMCJA President's approval:

#### V. Actions Allowed Without Board Approval

1. Interview anyone with relevant information (Pres. Approval? Yes)
2. Conduct factual and data research (Pres. Approval? No)
3. Conduct legal research (Pres. Approval? No)
4. Make public disclosure requests (Pres. Approval? Yes)
5. Prepare and submit position papers (Pres. Approval? Yes)
6. Communicate with public officials and members of the public (Pres. Approval? Yes)
7. Appear and speak at public meetings (Pres. Approval? Yes)
8. Organize others to appear at public meetings and/or to correspond with public officials (Pres. Approval? Yes)
9. Draft Op-Eds/Letters to Editor, but such writings may not be submitted for publication without CIC approval (Pres. Approval? Yes)
10. Recommend other actions to the CIC (Pres. Approval? Yes)

Board members also inquired about CIC membership and whether the DMCJA President should be required to serve on the Committee. Further, whether there should be term limits and how many judges should participate on the Committee. In light of these questions, Judge Robertson stated that she would work with Ms. Harvey regarding the Board changes and present them to the Workgroup on Judicial Independence. The Board did not address the GR 29 Amendments during this meeting.

M/S/P to table (1) whether to make the CIC a standing committee, which may require a DMCJA Bylaws change, (2) whether to adopt the CIC Proposed Guidelines, and (3) whether to adopt the CIC proposed GR 29 Amendments.

### INFORMATION

Judge Ahlf expressed appreciation for the following judges, whose Board terms have expired:

1. Judge G. Scott Marinella, Immediate Past President
2. Judge Karen Donohue

3. Judge Douglas Fair
4. Judge Douglas Robinson

This is also Judge Ahlf's last meeting as Board Chair. He then informed of open DMCJA Representative positions on various committees and encouraged Board members to apply or encourage other DMCJA members to apply for these vacancies. He expressed that 2018-2019 DMCJA Priorities are included in DMCJA Spring Conference Business Meeting materials.

## **OTHER BUSINESS**

Judge Ahlf informed that the next DMCJA Board meeting is Friday, July 13, 2018, from 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office.

The meeting adjourned at approximately 11:30 a.m.