



DMCJA Board of Governors Meeting
Friday, July 12, 2019, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge Samuel Meyer
Judge Thomas Cox (by phone)
Judge Linda Coburn
Judge Michelle Gehlsen
Judge Robert Grim
Judge Drew Ann Henke
Judge Tyson Hill
Judge Aimee Maurer
Judge Rebecca Robertson
Judge Charles Short
Judge Jeffrey Smith
Judge Laura Van Slyck

Members Absent:

Commissioner Rick Leo
Commissioner Paul Wohl

Guests:

Judge Jennifer Fassbender, former Treasurer
(by phone)
Judge Mary Logan, BJA (by phone)
Judge Kevin Ringus, BJA
Judge Kimberly Walden
Kim E. Hunter, Esq., WSBA
Ms. Trish Kinlow, DMCMA

AOC Staff:

Ms. J Benway (by phone)
Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Ms. Dory Nicpon
Ms. Sondra Hahn

CALL TO ORDER

Judge Meyer, 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 12:34 p.m. Judge Meyer asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for June 3, 2019.

B. Treasurer's Report

On behalf of Commissioner Leo, Judge Fassbender provided the Treasurer's Report on pages 1-25 in the supplement materials. A motion on the report was deferred to the next meeting.

C. Special Fund Report

Judge Gehlsen assisted Judge Short in presenting the Special Fund Report provided on page 26 in the supplemental materials. M/S/P to accept the Special Fund Report.

D. Standing Committee Reports

1. Rules Committee

The April 25, 2019 Rules Committee Minutes were provided in the materials starting on page 6.

2. Legislative Committee

Judge Meyer reported that the Legislative Committee will meet on August 9, 2019 to review legislative proposals suggested by DMCJA members. He noted that Commissioner Wohl is excited to serve as Chair. Judge Gehlsen shared that at a recent City of Bothell/City of Kenmore meeting, local legislators noted that they will offer 15-minute meetings to constituent groups, and she suggested that the Legislative Committee consider

this type of venue as an outreach strategy. Judge Meyer noted that inviting legislators to visit the court is also a good approach, and Judge Meyer will share these ideas with Commissioner Wohl.

E. Judicial Information Systems (JIS) Report

Ms. Cullinane shared that the CLJ-CMS Project Steering Committee accepted Gartner's recommendation to select a commercial off-the-shelf (COTS) case management system. The Steering Committee reached out to Journal Technologies, Inc. (Journal) to see if they were willing to be flexible on the contract terms that were sticking points during negotiations. Journal said that they were not willing to revisit those terms. Next, the Steering Committee reached out to Tyler Technologies (Tyler) to determine if their system had changed in ways that would bring it closer to the CLJ needs. Tyler reported a number of improvements, including a probation module that will be fully integrated by the end of 2019. The Steering Committee was satisfied enough with Tyler's response to recommend to the JISC that AOC open contract negotiations with Tyler. The JISC will consider this recommendation on July 16, 2019. If contract negotiations are successful, the CLJs would implement a newer version of Odyssey than the one currently used by superior courts. Contracting with Tyler should provide implementation efficiencies based on existing AOC staff knowledge of Odyssey's structure and operation.

Ms. Cullinane presented a PowerPoint overview on the King County Clerk's Office (KCCO) integration with the Enterprise Data Repository (EDR) set for the weekend of July 13, 2019. Starting on July 15, 2019, KCCO will stop manually entering data into JIS, and their data will be uploaded to the EDR once every 24-hours. Court users will need to run Defendant Case History (DCH) searches in JABS. Judicial officers should be aware that the Journal system that KCCO implemented is case-based rather than person-based, which means that when users do a person search in JABS, the results will show each King County Superior Court (KCSC) case with that name as though it were a separate person. The Plea and Sentence (PLS) tab will have a different view for KCSC cases. There are unmapped codes that will show in green in JABS. If users want to know that information, they will need to contact the KCCO. Case balance and collection status will not show, and future proceedings on KCSC cases will not list the hearing type, status, or reason. KCSC denied and terminated order information, including domestic violence and no-contact orders, entered prior to November 13, 2018, will not show. Denied and terminated orders will not all disappear immediately, but as the KCSC cases are deleted from the JIS database over time, they will all disappear. KCSC docket notes and actions will not show in JABS, and information entered on the same day will not necessarily be listed in sequential order.

The JISC is considering proposed revisions to JISC Rule 13 that address the responsibilities of local courts implementing their own case management systems with regard to data that needs to be shared with other courts. CLJ Judges Scott Ahlf and Donna Tucker serve on an ad hoc committee tasked with reviewing the rule proposals and will present their recommendations to the JISC later this year.

LIAISON REPORTS

A. Administrative Office of the Courts AOC

Ms. Nicpon reported that branch-wide legislative interest initiatives and methods for branch collaboration are being discussed. *Trueblood* settlement activities begin in September 2019, and the DMCJA has been invited to participate in the General Advisory Committee (GAC), which will provide recommendations to the oversight committee. Judge Meyer noted that DMCJA representatives for the GAC are as follows: Judge Aimee Maurer, Judge Laura Van Slyck, and Judge Michael Finkle. There is engagement on judgment and sentencing at the superior court level and collaboration on the relicensing initiative. It was noted that Judge Henke has replaced Judge David Steiner on the Statewide Relicensing Workgroup.

B. Board for Judicial Administration (BJA)

Judge Ringus reported that BJA met in June 2019, and the May 2019 minutes were provided in the meeting materials. Invitations for the August 12, 2019 Judicial Leadership Summit were distributed, and he encouraged members to participate. Judge Tam Bui is a new BJA representative, and Judge Johnson was elected to a

second term. Judge Bui replaced Judge Judy Jasprica on the BJA Court Education Committee, and all other BJA committee assignments remain the same.

C. District and Municipal Court Management Association (DMCMA)

Ms. Kinlow reported that the DMCMA Fall Regional Programs begin in October 2019 and will be held in six locations. Programs will focus on bias, social justice, and decision-making. The DMCMA is also working on a 50th Anniversary celebration held in conjunction with their 2020 Spring Program in Spokane. All judicial officers will be invited to the celebration.

D. Misdemeanant Probation Association (MPA)

Judge Logan expressed that she will attend the MPA meeting on July 22, 2019 in Burien, and she encouraged members to participate in the newly formed Domestic Violence Taskforce.

E. Superior Court Judges' Association (SCJA)

No report.

F. Washington State Association for Justice (WSAJ)

No report.

G. Washington State Bar Association (WSBA)

Ms. Hunter talked about House Bill (HB) 1788, which would have turned over the regulatory and disciplinary functions of the Washington State Bar to the Washington Supreme Court. This change would lead to the Bar bifurcating so that licensing would remain and all other membership functions would become voluntary. Ms. Hunter provided a summary of the WSBA's legislative efforts to oppose the bill. Chief Justice Mary Fairhurst convened a WSBA Structures Workgroup to evaluate the Bar's structure as it is now and to suggest changes to ensure the Bar is responsive to member needs and outside the crosshairs of the *Janus* decision.

The WSBA Board of Governors (BOG) is working to ensure the organization's commitment to its members. Ms. Terra Nevitt, previously Director of Communications, is currently serving as the Interim Executive Director, and new BOG terms begin in September 2019. Ms. Hunter noted that three lawsuits against the Bar have been successfully dismissed, and she noted that the BOG is looking to address changes to 'retired' and 'inactive' license status in addition to the evaluating the relevancy of the refresher course retired judges are subject to when moving from judicial to active status. She provided Board members with her business card and requested that DMCJA Board members with questions contact her or another BOG member.

ACTION

A. *DMCJA Reserves Committee Recommendations to the Board*

M/S/P to adopt the Reserves Committee recommendations as follows:

- a. Place \$657.73 unclaimed bank funds from Bank of America in the Conference Incidental Fees for 2020 Spring Program line item.
- b. Create a "Special Fund" DMCJA budget line item to better determine which expenses are paid from the Special Fund account.
- c. Maintain the Special Fund account at Washington Federal Bank. Note: the Board decided in May 2019 that Special Fund dues will not be assessed in 2020.
- d. Judge Short, as Special Fund Custodian, will monitor the adequacy of the fund balance, work to best maximize returns, and make recommendations on its status and use to the Board.

B. *GR 29 Proposed Amendment by the Council on Independent Courts (CIC)*

The CIC recommends referring the GR 29 Amendment to the DMCJA Rules Committee for review and recommendation. M/S/P to refer the GR 29 Proposed Amendment to the DMCJA Rules Committee.

C. GR 7 Proposed Amendment by Superior Court Clerks

M/S/P to refer the Superior Court Clerks Proposed Amendment to GR 7 to the DMCJA Rules Committee.

D. King County Superior Court (KCSC) Charging Courts to Access Portal to Reach Dockets and Vital Data

M/S/P for Judge Meyer to write a memo to the SCJA, the KCSC Executive Committee, Ms. Miner, the JISC, and the BJA outlining concerns relating to the KCSC Clerk's Office practice of charging courts for access to court records. Judge Robertson and Judge Walden will assist Judge Meyer in drafting the memo.

E. Unsworn Declaration Act

M/S/P to refer this issue to the Rules Committee for consideration and recommendation. Judge Ringus will provide a written outline of the issue to Ms. Harvey and Ms. Benway. Ms. Benway noted that the Rules Committee can review the material at their July 24, 2019 meeting.

DISCUSSION

A. Board of Governors Orientation

Judge Meyer noted the distribution of DMCJA Board reference binders to members. Meeting will be conducted following the DMCJA Operational Rules and the DMCJA Board Rules of Conduct based on the Modern Rules of Order. Copies of both rules were provided in the meeting materials.

B. Information Technology Governance Request for DMCJA Endorsement: Snohomish County District Court

This topic is deferred to the October Board meeting.

C. Tribal Court Judge's Request to Join DMCJA Listserv(s)

Judge Robertson explained that this request stems from an informal conversation she had with Judge Joel Penoyar, retired from the Court of Appeals but active with the tribal court. Judge Penoyar referenced an email received by his spouse, District Court Judge Elizabeth Penoyar, sent on the DMCJA Legal listserv, and noted to Judge Robertson that tribal court judges would benefit from seeing the DMCJA listserv communications. Judge Meyer explained that the DMCJA Legal listserv is limited to DMCJA members, does not include any AOC staff, and email exchanges are not disclosable chamber records under GR 31.1. The DMCJA Public listserv is limited to DMCJA members, includes the AOC Court Association Coordinator and Assistant Coordinator, and email exchanges are disclosable under GR 31.1. Judge Meyer noted that AOC does not maintain a tribal court judge listserv and is not positioned to track tribal court judicial officers in the same way AOC tracks state court judicial officers. Ms. Harvey provided in the supplemental material a memo explaining factors the Board should consider in relation to this topic. Judge Robertson asked if tribal court judicial officers have their own version of GR 31.1 providing exemption from public disclosure. Judge Coburn noted that tribal court judges serve sovereign nations, and adding them to the Legal listserv would remove DMCJA's chamber records exclusion. GR 31.1 defines a judicial officer as subject to the Commission on Judicial Conduct (CJC) rules, and tribal court judicial officers are not subject to the CJC. Judge Ringus highlighted the fact that once an email from the DMCJA Legal listserv is shared outside of the DMCJA membership, it becomes subject to public disclosure and noted other legal groups may seek the same accommodation—administrative law judges, defense bar members, etc. Management of additional listserv members would be added to Ms. Harvey's workload, potentially reducing her capacity for other DMCJA priorities, and such a significant decision should potentially involve input from the full DMCJA. Judge Coburn suggested that rather than with the DMCJA Board, discussion of what type and exchange of information could be helpful might be more appropriate discussion for the Tribal State Court Consortium (TSCC), which meets in September. This is something the TSCC should talk about and it should not be a decision made in relation to an informal hallway discussion. She agrees with Judge Ringus on the importance for the DMCJA members to be able to communicate amongst themselves and stressed that the TSCC is a forum for greater discussion between tribal and state court judges. Judge Robertson speculated that potentially the DMCJA liaison to the TSCC could serve in the role of reviewing Public DMCJA listserv communications and sharing appropriate

messages with tribal court judicial officers. Ms. Harvey will inform Ms. Cynthia Delostrinos, AOC's TSCC liaison, about the DMCJA Board's discussion.

D. Audit Update

Deferred to the October Board meeting.

E. DMCJA Reserves Committee Recommendations to the Board

The DMCJA Reserves Committee June 4, 2019 Minutes were included in the meeting materials and provided the following recommendations.

- a. Place \$657.73 unclaimed bank funds from Bank of America in the Conference Incidental Fees for 2020 Spring Program line item.
- b. Create a "Special Fund" DMCJA budget line item to better determine which expenses are paid from the Special Fund account.
- c. Maintain the Special Fund account at Washington Federal Bank. Note: the Board decided in May 2019 that Special Fund dues will not be assessed in 2020.
- d. Judge Short, as Special Fund Custodian, will monitor the adequacy of the fund balance, work to best maximize returns, and make recommendations on its status and use to the Board.

M/S/P to move the four Reserves Committee recommendations to the Action Calendar.

F. GR 29 Proposed Amendment by the Council on Independent Courts (CIC)

The CIC recommends referring the GR 29 Amendment to the DMCJA Rules Committee for review and recommendation. M/S/P to move this topic to the Action Calendar.

G. GR 7 Proposed Amendment by Superior Court Clerks

M/S/P to move this topic to the Action Calendar.

H. King County Superior Court (KCSC) Charging Courts to Access Portal to Reach Dockets and Vital Data

Judge Kimberly Walden provided an overview of issues relating to KCSC Clerk's Office practice of charging justice partners, including judges, 25 cents per page for access to their records. In addition to the per page fee, there is an account setup fee, a user ID and password setup, and an 'I am not a robot' screening page to navigate. She asked the DMCJA Board to request an end to King County charging courts for record access. Ms. Kinlow shared that she talked to Barbara Miner, KCSC Clerk, and they discussed whether there is a statutory exemption requiring free access to the records; they determined that there is not an exemption. Judge Meyer noted that the rule does state that the clerk's office must provide free access to in-person customers.

Judge Smith asked, and reportedly Ms. Vonnie Diseth, AOC, verified, that the King County Clerk's Office (KCCO) is the only office currently charging other courts to view records. Judge Robertson thinks that many KCSC judges may not be aware of the charging practice and noted that Ms. Miner has stated that she is sorry the judges are inconvenienced. Judge Robertson believes Chief Justice Mary Fairhurst and the JISC may be interested in this issue. It was noted that public defenders and prosecuting attorneys need to consider their own position and their ability to budget for representing their clients. M/S/P to move this topic to the Action Calendar.

Ms. Cullinane noted that the meeting materials include a 2017 letter from former DMCJA President Scott Ahlf to then County Clerk Association President Barbara Christiansen outlining a need for access to statewide superior court records through an Odyssey portal. About half of the superior courts do not use Odyssey's document management system.

I. Unsworn Declaration Act

Judge Ringus shared that the Uniform Infractions and Citations Committee plans to identify a workaround relating to the Legislature's passing of the Unsworn Declaration Act that relates to GR 30, Section 3, re Electronic Documents, that impacts eTickets and how signatures are to be handled. RCW 9A.72.085 has been repealed. They have until July 2021 to identify a solution. M/S/P to move this topic to the Action Calendar.

INFORMATION

- A. Judge Meyer welcomed new Board of Governors and BJA Members.
- B. The 2019-2020 DMCJA Priorities we set by the Long Range Planning Committee in May and were included in the meeting materials.
- C. Judge Brett Buckley received the 2019 WSBA APEX Outstanding Judge Award.
- D. At their June 28, 2019, meeting, the JISC discussed proposed changes to JISC Rule 13.

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for September 22, 2019, from 9:00 a.m. to 12:00 p.m., at the Heathman Lodge in Vancouver, Washington. Judge Smith asked about lodging arrangements for Saturday, September 21, 2019. Ms. Harvey noted that members will be reimbursed for Saturday night and should book their reservation using their personal credit card.

The meeting was adjourned at 2:58 p.m.