



**DISTRICT AND MUNICIPAL  
COURT JUDGES' ASSOCIATION**

***BOARD MEETING***

**SEPTEMBER 11, 2020**

**ZOOM VIDEO  
CONFERENCE**

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

## 2020-2021

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<b><i>Friday, July 10, 2020</i></b>	12:30 – 3:30 p.m.	ZOOM Video Conference
<b><i>Friday, Aug. 14, 2020</i></b>	12:30 – 3:30 p.m.	ZOOM Video Conference
<del><b><i>Sunday, Sept. 13, 2020</i></b></del> <b><i>Friday, Sept. 11, 2020</i></b>	<del>9:00 a.m. – 12:00 p.m.</del> 12:30 p.m. – 3:30 p.m.	<del>2020 Annual Judicial Conference, Spokane, WA</del> ZOOM Video Conference
<b><i>Friday, Oct. 9, 2020</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, Nov. 13, 2020</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, Dec. 4, 2020</i></b>	12:30 – 3:30 p.m.	ZOOM Video Conference
<b><i>Friday, Jan. 8, 2021</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, Feb. 12, 2021</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, March 12, 2021</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, April 9, 2021</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, May 7, 2021 &amp; Saturday, May 8, 2021</i></b>	May 7: 12:00-5:00 p.m. May 8: 9:00-1:00 p.m.	2021 DMCJA Board Retreat, Location: TBD
<b><i>May/June 2021 – TBD</i></b>	9:00 a.m. – 12:00 p.m.	2021 DMCJA Spring Conference, Location: TBD

AOC Staff: Sharon Harvey

Updated: August 14, 2020



**DMCJA BOARD MEETING**  
**FRIDAY, SEPTEMBER 11, 2020**  
**12:30 PM – 3:30 PM**  
**ZOOM VIDEO CONFERENCE**

**PRESIDENT MICHELLE GEHLSSEN**

<b>AGENDA</b>	<b>PAGE</b>
<b>Call to Order</b>	
<b>General Business</b>	
A. Minutes for August 14, 2020	1-5
B. Treasurer's Report	6-15
C. Special Fund Report	13
D. Standing Committee Reports	
1. Rules Committee Minutes for June 24, 2020 and July 22, 2020	16-21
2. Legislative Committee – Commissioner Paul Wohl and Judge Kevin Ringus	
E. Judicial Information System ("JIS") Report – Vicky Cullinane	
<b>Liaison Reports</b>	
A. Administrative Office of the Courts ( <b>AOC</b> ) – Dawn Marie Rubio, State Court Administrator	
B. Board for Judicial Administration ( <b>BJA</b> ) – Judge Mary Logan, Judge Dan Johnson, Judge Tam Bui, and Judge Rebecca Robertson	
C. District and Municipal Court Management Association ( <b>DMCMA</b> ) – Patricia Kohler, President	
D. Misdemeanant Probation Association ( <b>MPA</b> ) – Stacie Scarpaci, Representative	
E. Superior Court Judges' Association ( <b>SCJA</b> ) – Judge David Estudillo, President-Elect	
F. Washington State Association for Justice ( <b>WSAJ</b> ) – Sean Bennet Malcolm, Esq.	
G. Washington State Bar Association ( <b>WSBA</b> ) – Kim E. Hunter, Esq.	

<p><b>Discussion</b></p> <p>A. Proposed Amendment(s) to JISC Rule (JISCR) 13, Local Court Systems</p> <ol style="list-style-type: none"> <li>DMCJA Rules Committee Memorandum re JISCR 13</li> <li>Vicky Cullinane, AOC Liaison to JISC Memorandum re JISCR 13</li> <li>Letter of Support for JISCR 13 Amendment(s) by Office of Civil Legal Aid</li> <li>Letter of Support for JISCR 13 Amendment(s) by Access to Justice Board</li> </ol> <p>B. Whether to assess Dues for 2020-2021 in light of cancellation of 2020 DMCJA Spring Conference because of the Coronavirus (COVID-19) public health emergency.</p> <ol style="list-style-type: none"> <li>Dues Considerations by Christina Huwe, Bookkeeper</li> <li>2020 DMCJA Dues Notice</li> <li>DMCJA Profit and Loss Statement (2016-2020)</li> <li>2017 DMCJA Dues Notice re 33% Increase</li> </ol> <p>C. Board Insurance Status Update</p> <p>D. Board Liaison for DMCJA Diversity Committee</p> <ol style="list-style-type: none"> <li>Meeting Schedule</li> <li>DMCJA Priority, <i>Identifying and Eliminating Systemic Racism in Our Justice System</i></li> </ol> <p>E. Farewell to Sharon Harvey, AOC Primary Support for DMCJA</p>	<p>22-25</p> <p>26-27</p> <p>28</p> <p>29-31</p> <p>32</p> <p>33</p> <p>34-35</p> <p>36</p> <p>37</p> <p>38</p>
<p><b>Information</b></p> <p>A. The 2020 Annual Judicial Conference has been cancelled because of the COVID-19 pandemic. On September 15, 2020, the DMCJA will host a mental health webinar, <i>Judicial Leadership: The Story of Miami-Dade County</i>, from 12:00 p.m. to 1:15 p.m. Speakers and panelists include our own Judge Charles Short, Okanagan District Court, Patti Tobias, National Center for State Courts, and Judge Steve Leifman, Eleventh Judicial Circuit of Florida. See flyer for more details.</p> <p>B. The Washington State Resumption of Jury Trials Workgroup has provided guidance regarding jury trials during the Coronavirus (“COVID-19”) public health emergency, which may be found <a href="#">here</a>.</p> <p>C. The Washington State Supreme Court issued an <a href="#">open letter</a> regarding systemic racism that has been disseminated to the legal community. Subsequently, the Superior Court Judges’ Association and Gender and Justice Commission issued letters of support for racial justice. See GJCOMM <a href="#">letter of support</a>. See <i>attached</i> SCJA Letter of Commitment to Racial Justice.</p> <p>D. For the latest news about the Washington State Judiciary, read the <a href="#">Full Court Press</a>.</p> <p>E. The BJA will assess dues for 2020-2021. For more information, please see flyer located in agenda packet.</p> <p>F. Education webinars, such as <i>Maintaining Judicial Independence in Tough Times</i> and <i>Meditation</i>, may be viewed on Inside Courts <a href="#">here</a>.</p>	<p>39</p> <p>40-42</p> <p>43</p>

<b>Other Business</b>	
A. The next DMCJA Board Meeting is scheduled for Friday, October 9, 2020, from 12:30 p.m. to 3:30 p.m., via Zoom video conference.	
<b>Adjourn</b>	



**DMCJA Board of Governors Meeting**  
**Friday, August 14, 2020, 12:30 p.m. – 3:30 p.m.**  
**ZOOM VIDEO CONFERENCE**

**MEETING MINUTES**

**Members Present:**

Chair, Judge Michelle Gehlsen  
Judge Anita Crawford-Willis  
Judge Thomas Cox  
Judge Robert Grim  
Judge Drew Ann Henke  
Judge Tyson Hill  
Commissioner Rick Leo  
Judge Samuel Meyer  
Judge Kevin Ringus  
Judge Rebecca Robertson  
Judge Charles Short  
Judge Jeffrey Smith  
Judge Laura Van Slyck  
Judge Karl Williams  
Commissioner Paul Wohl

**Guests:**

Judge Kristian Hedine, Bylaws Committee Chair  
Judge Tam Bui, BJA Representative  
Judge David Estudillo, SCJA  
Patricia "Patti" Kohler, DMCMA  
Judge Mary Logan, BJA Representative  
Judge Kimberly Walden, CLJ-CMS Project

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

Sharon R. Harvey, Primary DMCJA Staff  
Susan (Peterson) Goulet, Court Program Analyst  
J Benway, Legal Services  
Vicky Cullinane, Business Liaison  
Dory Nicpon, Judicial and Legislative Relations  
Dawn Marie Rubio, State Court Administrator

**Members Absent:**

Judge Aimee Maurer

**CALL TO ORDER**

Judge Michelle Gehlsen, District and Municipal Court Judges' Association ("DMCJA") President, noted a quorum and called the DMCJA Board of Governors ("Board") meeting to order at 12:33 p.m.

**GENERAL BUSINESS**

**A. District and Municipal Courts and COVID-19 (Added Agenda Item)**

Judge Gehlsen informed Board meeting participants that judicial leaders meet weekly to discuss court operations during the Coronavirus ("COVID-19") public health emergency. During these meetings, questions arise regarding the impacts of COVID-19 on courts. For this reason, Judge Gehlsen asked each Board participant to state how the pandemic has impacted the participant's court. The discussion centered on a policy not to issue failure to appear ("FTA") orders and jury trial challenges during the pandemic. Experiences differed but in criminal cases it was noted that less defendants have shown up for court upon knowing that an FTA would not be issued during the pandemic. Regarding jury trials, several judges are contracting with facilities large enough to safely allow people to serve as jurors.

**B. Minutes for July 10, 2020**

The Board moved, seconded, and passed a vote ("M/S/P") to approve Minutes for July 10, 2020.

**C. Treasurer's Report**

M/S/P to accept the Treasurer's Report. Judge Jeffrey Smith reported on the status of Board Directors and Officers ("D&O") insurance, DMCJA audit, and gift for Melanie Stewart, DMCJA Lobbyist. Judge Smith informed that a designer purse and sandals were purchased for Melanie Stewart as a token of appreciation for

her service to the association. Regarding D&O insurance, Allstate Insurance Company has informed that they do not provide coverage for judges, hence, he will speak with Propel Insurance, which insures the Superior Court Judges' Association ("SCJA"). Judge Smith is awaiting to hear from Propel Insurance. Judge Mary Logan expressed that her husband is an insurance agent and may assist the DMCJA with D&O insurance. Judge Smith expressed that the association may obtain a quote from Judge Logan's husband if there is no preclusion because Judge Logan is a Board for Judicial Administration ("BJA") representative for the DMCJA. Sharon Harvey will research the issue. Further, Judge Smith reported that he is awaiting a letter of engagement from Fruci & Associates, which will perform a five-year audit for the DMCJA.

#### D. Special Fund Report

M/S/P to accept the Special Fund Report for June 2020 and July 2020. Commissioner Rick Leo directed Board members to refer to the Special Fund report located in meeting materials. Commissioner Leo attested to the accuracy of both reports.

#### E. Standing Committee Reports

##### 1. Legislative Committee – Commissioner Paul Wohl and Judge Kevin Ringus

Commissioner Paul Wohl and Judge Kevin Ringus reported on the status of the committee. Commissioner Wohl reported that the committee had its first meeting on August 7, 2020. The committee received four legislative proposals after soliciting ideas for legislative fixes and proposals. The theme of the 2021 legislative session is to keep requests relatively modest and not to ask for anything that requires funding. The Legislature may consider different proposals regarding therapeutic courts. The committee plans to have a list of proposed DMCJA legislation for the Board's review on September 11, 2020. During the committee meeting on August 7, 2020, Judge Jeffrey Smith, Spokane District Court, expressed that he is willing to speak with Senator Mike Padden about DMCJA successes and challenges. Judge Lizanne Padula, Pierce County District Court, will speak with Representative Melanie Morgan regarding DMCJA legislative initiatives.

Judge Ringus, who also serves as the BJA Legislative Committee Chair, reported that the SCJA Legislative Committee joined the DMCJA committee during its August 7, 2020 meeting to discuss logistical challenges regarding the Clean Slate Act, [House Bill \("HB"\) 2793](#). Dory Nicpon, Associate Director for Judicial and Legislative Relations, presented on constitutional, statutory, court rule, and procedural challenges of the bill. Dory Nicpon also provided an action plan for trial court judges to follow regarding legislative outreach in order to relay judicial challenges of the Clean Slate Act. Alternatives to the bill were also provided for review. For more information regarding the BJA position on the Clean Slate Act, Board members are asked to refer to *Clean Slate Act Legislation: Analysis of Implementation Limitations for Washington's Sentencing Courts*, which was provided to the Board listserv on July 10, 2020. Judge Ringus expressed that a proposal by Judge Linda Portnoy regarding amending RCW 9.96.060 to clarify whether the New Hope Act allows for vacating convictions in DUI cases may help to address challenges with the Clean Slate Act. The BJA Legislative Committee will meet in August and discuss the Clean Slate Act and Single Judge Courts legislation. Single Judge Courts legislation refers to amending statutes to allow the pre-designation of a presiding judge ("PJ") by a judge in a single court or Chief Justice of the Supreme Court.

Board members also discussed concerns regarding [HB 2622](#), Firearm Orders Compliance, in which "the court shall issue a warrant...authorizing a search" for the weapons and "seizure of all firearms." The issue, however, is that there is no statutory mechanism for this to occur. Committee Co-Chairs reported that the committee discussed the issue and decided to refer it to the SCJA Protection Order workgroup, which is addressing such issues related to these orders. Judge Gehlsen has reached out to Judge Jeffrey Goodwin, who serves as a DMCJA representative on the workgroup.

#### F. Judicial Information System ("JIS") Report – Vicky Cullinane

Vicky Cullinane, AOC JIS Business Liaison, addressed an issue regarding Judicial Access Browser Service ("JABS") maintenance during the weekend that causes court systems not to provide necessary case history for defendants. Board members offered some ideas to resolve the issue, such as not performing JABS

maintenance during the weekends. There was an inquiry regarding whether courts report weekend operations. Vicky Cullinane agreed to look into the issue. Dawn Marie Rubio requested that judges send issues directly to her attention. Judge Gehlsen expressed that this is a public safety issue because misdemeanor and felony PC hearings are heard during weekend hours in some courts.

## **LIAISON REPORTS**

### **A. Administrative Office of the Courts (AOC) – Dawn Marie Rubio, State Court Administrator**

Dawn Marie Rubio reported that the AOC has received Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding for distribution throughout Washington Courts and Clerks' Offices. The AOC has awarded CARES Act funding for twenty courts of limited jurisdiction to date. Dawn Marie Rubio informed that the application process for receiving CARES Act funding is not onerous. These funds may be used for court operation needs during the COVID-19 pandemic, such as personal protective equipment ("PPE"), pro tempore coverage, staff, outfitting courtrooms and facilities for jury trials, etc. It was suggested to partner with counties to receive funding. For more information on the AOC application process for CARES Act funding, see DMCJA Board Meeting Supplemental Agenda for August 14, 2020.

### **B. Board for Judicial Administration (BJA) – Judge Mary Logan, Judge Dan Johnson, Judge Tam Bui, and Judge Rebecca Robertson**

BJA liaisons reported that the next BJA meeting is in October 2020. They further informed that a BJA Leadership Summit is scheduled for August 25, 2020.

**C. District and Municipal Court Management Association (DMCMA) – Patricia Kohler, President**  
Patricia "Patti" Kohler, DMCMA liaison, reported that the DMCMA is working on fall regional trainings for court managers with the assistance of the AOC. Ms. Kohler specifically expressed thanks to Angie Autry, AOC, and Pam Dittman, AOC. Judge Gehlsen suggested that Ms. Kohler inform managers of CARES Act funding available for court operation needs.

**D. Superior Court Judges' Association (SCJA) – Judge David Estudillo, President-Elect**  
Judge Estudillo, SCJA liaison, reported on SCJA initiatives. He informed that an SCJA workgroup regarding racial justice created a letter expressing the SCJA's commitment to racial justice. He added that the SCJA Legislative Committee joined the DMCJA Legislative Committee to discuss Clean Slate Act legislation. Judge Estudillo commended Dory Nicpon for the toolkit and action plan to communicate with legislators concerns regarding the bill. Judge Estudillo further informed that SCJA will join a Senate Law & Justice panel to convey challenges and lessons learned for court operations during the public health emergency. Trial court funding may be mentioned during the panel discussion. Judge Estudillo reported that the SCJA is preparing for an upcoming Salary Commission meeting.

**E. Washington State Bar Association (WSBA) – Kim E. Hunter, Esq.**  
It was reported that Kim Hunter, Esquire, WSBA Liaison, is unable to attend meetings because she has contracted the Coronavirus ("COVID-19"). The DMCJA plans to send a get well soon card to Kim Hunter.

## **ACTION**

### **1. Whether to meet on Sunday, September 13, 2020, from 9:00 a.m. to 12:00 p.m. since the Annual Fall Conference is cancelled.**

M/S/P to reschedule the Board meeting to Friday, September 11, 2020, 12:30 -3:30 p.m. via zoom video conference.



## **2. DMCJA Board of Governors Insurance**

M/S/P to purchase insurance with monies allotted from the DMCJA public fund.

## **DISCUSSION**

### **A. CLJ-CMS Project – Presentation by Judge Kimberly Walden, Tukwila Municipal Court**

Judge Kimberly Walden reported on the status of the Courts of Limited Jurisdiction Case Management System (“CLJ-CMS”) Project, which is an initiative to provide a modern case management system for all district and municipal courts. Judge Walden reported that a contract with Tyler Technologies has been approved. Judge Walden presented on the history, challenges, and successes of the project, and, expressed thanks to everyone who was a part of its success. She noted that the signing of this contract has involved years of work and a commitment by the Judiciary. The contract was for approximately 23.3 million dollars.

### **B. Request for DMCJA Bylaws Committee to Review Bylaws and Recommend Changes regarding the Coronavirus (“COVID-19”) public health emergency.**

Judge Gehlsen reported that COVID-19 and other modern occurrences have caused the need for the DMCJA Bylaws to be reexamined. Judge Kristian Hedine, DMCJA Bylaws Committee Chair, agreed to meet with the committee to discuss and propose bylaws changes that reflect modern times. Judge Gehlsen emphasized that language related to the Annual Conference is crucial. Sharon Harvey offered to provide a memorandum regarding Board elections during COVID-19 as a reference for the DMCJA Bylaws Committee.

### **C. Whether to assess Dues for 2020-2021 in light of cancellation of 2020 DMCJA Spring Conference because of the Coronavirus (COVID-19) public health emergency.**

This topic is deferred to the September Board meeting. The issue is whether the association should be assessed annual dues since the COVID-19 pandemic has prevented in-person conferences and meetings. Dues payments are typically used to pay incidental fees for Annual Spring Conference participants.

### **D. Whether to meet on Sunday, September 13, 2020, from 9:00 a.m. to 12:00 p.m. since the Annual Fall Conference is cancelled.**

The Board discussed whether to reschedule the Board meeting for Sunday, September 13, 2020, since COVID-19 has caused the Annual Fall Conference to be cancelled. Judge Gehlsen suggested rescheduling the meeting for Friday, September 11, 2020. There were a couple of concerns regarding the September 11th date because it is the same date of a (1) DMCJA Legislative Committee meeting, and, (2) Court Recovery Task Force meeting. M/S/P to make this discussion topic an action item.

### **E. DMCJA Board of Governors Insurance**

This topic relates to Directors and Governors (“D&O”) insurance, which the Board voted to purchase at its Board Retreat in May 2020. Sharon Harvey, DMCJA Primary Staff, prepared a memorandum regarding whether the Board should purchase this insurance from public funds or private funds. Public funds are monies collected annually by association dues. In contrast, private funds are those obtained from Special Fund assessments. The memorandum outlined certain laws related to D&O insurance and suggested that either, public funds or private funds, may be used. Public funds are acceptable because D&O insurance is considered the cost of doing business. Statutes related to such indemnification were created to rid liability for making business decisions for an organization. Further, private funds may be used because the Special Fund is to be used for litigation and related issues. The DMCJA decided to purchase the insurance after learning that the SCJA has D&O insurance. The SCJA uses public funds to purchase this insurance. Judge Charles Short stated that Sharon Harvey’s memorandum laid out the issue well and moved for a vote. M/S/P to make this topic an action item.

### **F. DMCJA Letter Expressing Commitment to Racial Justice**

#### 1. SCJA Racial Justice Commitment Letter

Judge Gehlsen reported that the SCJA has issued a letter regarding the association's commitment to racial justice, and, therefore, the DMCJA may want to send a similar letter committing to racial justice. The SCJA letter outlined efforts that SCJA members are taking to address systemic racism in the justice system. Judge Gehlsen informed that the DMCJA Diversity Committee has been tasked with creating an action plan for the DMCJA's number one priority, *Identifying and Eliminating Systemic Racism in our Justice System*, and requested that Judge Short report on the efforts. Judge Short reported that the DMCJA Diversity Committee is working on the following regarding racial justice:

- **An effort to increase Pro tempore judge diversity** - Committee will ask DMCJA for names of judges interested in being included in a letter to Minority Bar Associations ("MBAs") and past Pro Tem attendees. The letter that will go out to the MBAs and past Pro Tem attendees will say that these judges are interested in having the attorneys contact them about serving as judges pro tempore.
- **A survey looking at the cost of Electronic Home Monitoring ("EHM")** – Defendants who are unable to afford EHM are not provided it as an alternative to incarceration during pretrial release. This is one prime example of how inequity happens in the criminal justice system. This could be an opportunity for judges to talk with budget decision makers on ways to improve public safety in the community. For instance, whether it costs less money to place defendants on EHM than it does to incarcerate them.

Board members requested that the letter mention actionable items and not comment on any pending cases. Judge Charles Short, Judge Rebecca Robertson, and Judge Gehlsen will work with Sharon Harvey to draft a letter regarding the DMCJA's commitment to racial justice.

#### INFORMATION

- A. The 2020 Annual Judicial Conference is cancelled because of the ongoing COVID-19 pandemic. On September 15, 2020, the DMCJA will host a mental health webinar, *Judicial Leadership: The Story of Miami-Dade County*, from 12:00 p.m. to 1:15 p.m. Judge Steve Leifman, Eleventh Judicial Circuit of Florida will present.
- B. Education Committee Virtual Spring Conference Evaluation Summary
- C. The Washington State Resumption of Jury Trials Workgroup has provided guidance regarding jury trials during the Coronavirus ("COVID-19") public health emergency, which may be found [here](#).
- D. The Washington State Supreme Court issued an [open letter](#) regarding systemic racism that has been disseminated to the legal community. The Gender and Justice Commission issued a [letter of support](#) of this action.
- E. For the latest news about the Washington State Judiciary, read the [Full Court Press](#). (Full Court Press resources at the back are very good)
- F. The BJA will assess dues for 2020-2021. For more information, please see flyer located in agenda packet.
- G. Education webinars on *Maintaining Judicial Independence in Tough Times* and *Meditation* may be viewed on Inside Courts [here](#). (Remember the stress we are carrying); one hour long (2 meditations)

#### OTHER BUSINESS

- A. The next DMCJA Board Meeting is Friday, September 11, 2020, from 12:30 p.m. to 3:30 p.m., via zoom video conference.

**ADJOURNED** at approximately 3:00 p.m.

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

**SUMMARY OF REPORTS**

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

For the Period Ending August 30th, 2020

Please find attached the following reports for you to review:

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

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

**PLEASE BE SURE TO KEEP FOR YOUR RECORDS**

**Washington State District And Municipal Court Judges Assoc.**  
**Statement of Financial Position**  
As of August 31, 2020

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	Aug 31, 20
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Bank of America - Checking	21,038
Bank of America - Savings	194,009
Washington Federal	43,827
Total Checking/Savings	258,874
Total Current Assets	258,874
Fixed Assets	
Accumulated Depreciation	(703)
Computer Equipment	579
Total Fixed Assets	(124)
Other Assets	
Prepaid Expenses	46,667
Total Other Assets	46,667
<b>TOTAL ASSETS</b>	<b>305,417</b>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Unrestricted Earnings	17,513
Unrestricted Net Assets	305,296
Net Income	(17,392)
Total Equity	305,417
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>305,417</b>

**Washington State District And Municipal Court Judges Assoc.**  
**Statement of Activities**  
For the Two Months Ending August 31, 2020

	<u>Jul 20</u>	<u>Aug 20</u>	<u>TOTAL</u>
Ordinary Income/Expense			
Income			
Interest Income	20	2	22
Total Income	20	2	22
Gross Profit	20	2	22
Expense			
Prior Year Budget Expense	0	2,600	2,600
Bookkeeping Expense	0	536	536
Legislative Pro-Tem	245	0	245
Lobbyist Contract	8,667	4,667	13,333
Professional Services	0	700	700
Total Expense	8,912	8,503	17,414
Net Ordinary Income	(8,891)	(8,501)	(17,392)
Net Income	<u>(8,891)</u>	<u>(8,501)</u>	<u>(17,392)</u>

**Washington State District And Municipal Court Judges Assoc.**  
**Reconciliation Detail**  
**Bank of America - Checking, Period Ending 08/31/2020**

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						25,119.17
<b>Cleared Transactions</b>						
<b>Checks and Payments - 6 items</b>						
Check	07/31/2020		King County District ...	X	-244.90	-244.90
Check	08/14/2020		Pierce County Book...	X	-318.00	-562.90
Check	08/14/2020		Pierce County Book...	X	-218.00	-780.90
Check	08/20/2020		Dino W Traverso, P...	X	-700.00	-1,480.90
Check	08/20/2020		AOC	X	-194.88	-1,675.78
Check	08/21/2020		Superior Court Judg...	X	-2,405.00	-4,080.78
Total Checks and Payments					-4,080.78	-4,080.78
Total Cleared Transactions					-4,080.78	-4,080.78
Cleared Balance					-4,080.78	21,038.39
Register Balance as of 08/31/2020					-4,080.78	21,038.39
<b>New Transactions</b>						
<b>Checks and Payments - 1 item</b>						
Check	09/01/2020		Melanie Stewart		-2,000.00	-2,000.00
Total Checks and Payments					-2,000.00	-2,000.00
Total New Transactions					-2,000.00	-2,000.00
<b>Ending Balance</b>					<b>-6,080.78</b>	<b>19,038.39</b>

**Washington State District And Municipal Court Judges Assoc.**  
**Reconciliation Detail**  
**Bank of America - Savings, Period Ending 08/31/2020**

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						194,007.75
<b>Cleared Transactions</b>						
<b>Deposits and Credits - 1 item</b>						
Deposit	08/31/2020			X	1.64	1.64
<b>Total Deposits and Credits</b>					1.64	1.64
<b>Total Cleared Transactions</b>					1.64	1.64
<b>Cleared Balance</b>					1.64	194,009.39
<b>Register Balance as of 08/31/2020</b>					1.64	194,009.39
<b>Ending Balance</b>					<b>1.64</b>	<b>194,009.39</b>

**Washington State District And Municipal Court Judges Assoc.**  
**Transaction Detail by Account**  
 July through August 2020

Type	Date	Num	Name	Memo	Amount	Balance
<b>Bank of America - Checking</b>						
Check	07/01/2020		Melanie Stewart		(2,000.00)	(2,000.00)
Check	07/31/2020		Melanie Stewart		(2,000.00)	(4,000.00)
Check	07/31/2020		King County District Court		(244.90)	(4,244.90)
Check	08/14/2020		Pierce County Bookkeeping	June invoice 1000	(318.00)	(4,562.90)
Check	08/14/2020		Pierce County Bookkeeping	July invoice 1002	(218.00)	(4,780.90)
Check	08/20/2020		Dino W Traverso, PLLC	Invoice 19729 2019 Tax return	(700.00)	(5,480.90)
Check	08/20/2020		AOC	Conference Calls for June	(194.88)	(5,675.78)
Check	08/21/2020		Superior Court Judges Association		(2,405.00)	(8,080.78)
Total Bank of America - Checking					(8,080.78)	(8,080.78)
<b>Bank of America - Savings</b>						
Deposit	07/31/2020			Interest	1.64	1.64
Deposit	08/31/2020			Interest	1.64	3.28
Total Bank of America - Savings					3.28	3.28
<b>Washington Federal</b>						
Deposit	07/31/2020			Interest	18.56	18.56
Total Washington Federal					18.56	18.56
<b>Prepaid Expenses</b>						
Genera...	07/31/2020	CEH		1/12 of Contract	(4,666.66)	(4,666.66)
Genera...	08/31/2020	CEH		1/12 of Contract	(4,666.66)	(9,333.32)
Total Prepaid Expenses					(9,333.32)	(9,333.32)
<b>Interest Income</b>						
Deposit	07/31/2020			Interest	(1.64)	(1.64)
Deposit	07/31/2020			Interest	(18.56)	(20.20)
Deposit	08/31/2020			Interest	(1.64)	(21.84)
Total Interest Income					(21.84)	(21.84)
<b>Prior Year Budget Expense</b>						
Check	08/20/2020		AOC	Conference Calls for June	194.88	194.88
Check	08/21/2020		Superior Court Judges Association	1/2 of left over balance	2,405.00	2,599.88
Total Prior Year Budget Expense					2,599.88	2,599.88
<b>Bookkeeping Expense</b>						
Check	08/14/2020		Pierce County Bookkeeping	June invoice 1000	318.00	318.00
Check	08/14/2020		Pierce County Bookkeeping	July invoice 1002	218.00	536.00
Total Bookkeeping Expense					536.00	536.00
<b>Legislative Pro-Term</b>						
Check	07/31/2020		King County District Court	Judge Michelle Gehlsen 7-10-20	244.90	244.90
Total Legislative Pro-Term					244.90	244.90
<b>Lobbyist Contract</b>						
Check	07/01/2020		Melanie Stewart	July Payment	2,000.00	2,000.00
Genera...	07/31/2020	CEH		1/12 of Contract	4,666.66	6,666.66
Check	07/31/2020		Melanie Stewart	August invoice 4818	2,000.00	8,666.66
Genera...	08/31/2020	CEH		1/12 of Contract	4,666.66	13,333.32
Total Lobbyist Contract					13,333.32	13,333.32
<b>Professional Services</b>						
Check	08/20/2020		Dino W Traverso, PLLC	Invoice 19729 2019 Tax return	700.00	700.00
Total Professional Services					700.00	700.00
<b>TOTAL</b>					<b>0.00</b>	<b>0.00</b>



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



# Statement of Account

PAGE 1 OF 1

Statement End Date August 31, 2020

Statement Begin Date August 1, 2020

Account Number

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

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

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

9313

For questions or assistance with your account(s),  
please call 800-324-9375, stop by your local branch,  
or send a written request to our Client Care Center  
at 9929 Evergreen Way, Everett WA 98204.

## Business Premium Money Market Summary - #

Annual Percentage Yield Earned for this Statement Period	0.500%
Interest Rate Effective 08/01/2020	0.500%
Interest Earned/Accrued this Cycle	\$18.56
Number of Days in this Cycle	31
Date Interest Posted	08-31-2020
Year-to-Date Interest Paid	\$208.11

<b>Beginning Balance</b>	<b>\$43,826.71</b>
Interest Earned This Period	+18.56
Deposits and Credits	+0.00
Checks Paid	-0.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
<b>Ending Balance</b>	<b>\$43,845.27</b>

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

## Interest Earned This Period

Date	Description	Amount
08-31	Credit Interest	18.56
	<b>Total Interest Earned This Period</b>	<b>18.56</b>



## Your new contactless debit card is coming!

Over the next few months all  
debit card holders will be mailed  
a new **contactless** debit card  
to replace existing cards.

Here's what you need to know to  
confidently use your new card:

### 1. Look

Find this icon without  
scanning at checkout

### 2. Tap

Simply tap your new  
contactless card on the  
payment terminal at checkout

### 3. Go

Your purchase is  
completed in seconds!

Your new card also includes standard EMV  
Chip and magnetic payment functionality.

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

## DMCJA 2020-2021 Adopted Budget

Item/Committee			
Access to Justice Liaison	\$ 100.00		\$100.00
Audit (every 3 years)	\$ 10,000.00		\$10,000.00
Bar Association Liaison	\$ 1,500.00		\$1,500.00
Board Meeting Expense	\$ 30,000.00		\$30,000.00
Bookkeeping Expense	\$ 3,500.00	\$536.00	\$2,964.00
Bylaws Committee	\$ 250.00		\$250.00
Conference Calls	\$ 750.00		\$750.00
Conference Planning Committee	\$ 4,000.00		\$4,000.00
Conference <u>Incidental</u> Fees For Members for	\$ 40,000.00		\$40,000.00
Council on Independent Courts (CIC)	\$ 1,000.00		\$1,000.00
Diversity Committee	\$ 2,000.00		\$2,000.00
DMCJA/SCJA Sentencing Alternatives aka	\$ -		
DMCMA Liaison	\$ 500.00		\$500.00
DMCMA Mandatory Education	\$ 20,000.00		\$20,000.00
DOL Liaison Committee	\$ 200.00		\$200.00
Education Committee	\$ 14,500.00		\$14,500.00
Education - Security	\$ 2,500.00		\$2,500.00
Educational Grants	\$ 5,000.00		\$5,000.00
Judicial Assistance Service Program (JASP)	\$ 16,000.00		\$16,000.00
Insurance	\$ 1,500.00		\$1,500.00
Judicial College Social Support	\$ 2,000.00		\$2,000.00
Judicial Community Outreach	\$ 4,000.00		\$4,000.00
Legislative Committee	\$ 4,000.00		\$4,000.00
Legislative Pro-Tem	\$ 2,500.00	\$245.00	\$2,255.00
Lobbyist Contract	\$ 80,000.00	\$64,000.00	\$16,000.00
Lobbyist Expenses	\$ 1,500.00		\$1,500.00
Long-Range Planning Committee	\$ 750.00		\$750.00
MPA Liaison	\$ 1,000.00		\$1,000.00
Municipal/District Court Swearing In - Every 4	\$ -		
National Leadership Grants	\$ 5,000.00		\$5,000.00
Nominating Committee	\$ 400.00		\$400.00
President Expense	\$ 5,000.00		\$5,000.00
Pro Tempore (committee chair approval)	\$ 10,000.00		\$10,000.00
Professional Services	\$ 5,000.00	\$700.00	\$4,300.00
Public Outreach (ad hoc workgroup)	\$ 2,500.00		\$2,500.00
Rules Committee	\$ 500.00		\$500.00
SCJA Board Liaison	\$ 1,000.00		\$1,000.00
Special Fund	\$ -		
Therapeutic Courts**	\$ 2,500.00		\$2,500.00
Treasurer Expense and Bonds	\$ 250.00		\$250.00

Trial Court Advocacy Board	\$	-		
Uniform Infraction Citation Committee	\$	1,000.00		\$1,000.00
Totals	\$	282,200.00	\$65,481.00	\$216,719.00
*Includes \$8,000 from the SCJA				
DMCJA\Board\Budget\2010-Present\2020-2021 Adopted	updated 08/31/20			



## DMCJA Rules Committee Annual Meeting

Wednesday, June 24, 2020 (Noon – 1:00 p.m.)

Via Zoom

### MEETING MINUTES

#### Members:

Chair, Judge Goodwin  
~~Judge Antush~~  
~~Judge Buttorff~~  
Judge Campagna  
~~Judge Eisenberg~~  
Judge Finkle  
~~Commissioner Hanlon~~  
Judge Oaks  
~~Judge Padula~~  
Judge Paja  
~~Judge Samuelson~~  
Ms. Patti Kohler, DMCMA Liaison  
~~Ms. Melanie Conn, DMCMA Liaison~~

#### AOC Staff:

Ms. J Benway  
Ms. Leslie Hummel

Judge Goodwin called the meeting to order at 12:10 p.m., allowing time for Committee members to adjust to the new technology.

The Committee discussed the following items:

#### 1. Welcome & Introductions

Judge Goodwin welcomed the Committee members in attendance, including the Committee's new and returning members. Ms. Kohler stated that she is retiring June 30, 2021 and wanted to serve on the Committee until that time. Judge Paja stated that she would like the Committee to review CrRLJ 3.2.

#### 2. Approve Minutes from the April 22, 2020 Meeting

It was motioned, seconded, and passed to approve the minutes from the April 22, 2020 Rules Committee meeting. The approved minutes will be provided to the DMCJA Board.

#### 3. Annual Meeting: New Roster, Draft Schedule, Annual Report

The Rules Committee typically holds its Annual Meeting during June at the DMCJA Spring Conference. Due to the public health crisis, the Conference was moved on-line and the Rules Committee designated the June meeting the Annual Meeting and decided to meet via zoom video conference. As part of the Annual Meeting, the Committee welcomed new and returning members, reviewed the new roster and draft meeting schedule, and were presented with the Committee's Annual Report. Judge Goodwin asked the Committee members to review the roster to confirm the information is correct, and also to provide direct contact information if not

already listed. The Committee approved the draft meeting schedule. Judge Goodwin thanked Ms. Benway for preparing the Annual Report.

#### **4. Discuss Potential Amendments to CrRLJ 3.4**

Judge Goodwin stated that the DMCJA Board has requested that the Rules Committee review CrRLJ 3.4 for potential amendment in light of the COVID-19 public health crisis, given the concern with criminal defendants appearing in person. The Committee decided to: (1) Prepare a survey for the DMCJA listserve asking whether courts of limited jurisdiction are experiencing issues regarding CrRLJ 3.4 (Ms. Benway will check on the logistics); (2) Check in with the Chief Justice regarding whether other groups are also reviewing this issue. Judge Paja agreed to contact the Chief Justice. It was suggested that perhaps Judge Pedula could serve as the point person for this issue. This item will be carried forward to the next meeting.

#### **5. Discuss Parts 1 and 2 of CRLJ**

As part of the CRLJ review, the Committee discussed the first two parts, Introductory & Commencement of Action. After discussion, the Committee agreed that the only potential rule amendment that seemed helpful would be an amendment to CRLJ 4(f) to add that service by email was an acceptable alternative. Because this is a rather unprecedented change, the Committee decided to ask the DMCJA Board if the Board thought that it was appropriate for the Committee to consider whether such an amendment to CRLJ 4 would be advisable. Ms. Benway and Judge Goodwin will provide a memo to the Board to that effect. The Committee will review CRLJ Parts 3 and 4 for the next meeting. Judge Goodwin asked Ms. Benway to contact the WSBA Rules Committee to tell them that this Committee is reviewing the CRLJ and would be interested in input from the WSBA Rules Committee.

#### **6. Discuss Proposal to Amend JISC 13**

The Washington State Supreme Court recently published for comment a requested to amend JISC 13 that was proposed by the Judicial Information System Committee; the deadline to comment is September 30, 2020. Upon review, the Committee consensus was that, while the rule amendment expressed the laudable goal of statewide case management system uniformity, the rule as proposed is unacceptable because the enforcement provisions of subsection (h) do not address due process concerns with regard to separation between the rule maker, rule enforcer, and rule adjudicator. The Committee requested that Judge Goodwin and Ms. Benway prepare a draft response for review at the July meeting.

#### **7. Discuss Potential Amendments to CRLJ 43**

Judge Gehlsen, DMCJA Board President, requested that the DMCJA Rules Committee consider whether CRLJ 43 should be identical to CR 43. Judge Paja stated her opinion that the trial court rules should be congruent and that the change was supported by case law. The Committee agreed. Judge Paja will provide a draft amended CRLJ 43 to the Committee for consideration at the next meeting.

#### **8. Discuss Potential Statewide Electronic Filing Rule**

Judge Oaks stated that it was his understanding that the AOC was preparing a draft statewide rule to address electronic filing in courts. He has been sent a draft rule and also has reviewed

local rules that address electronic filing. The Committee would like to stay abreast of these efforts and requested that Judge Oaks serve as point person for this issue and provide information to the Committee. Judge Oaks agreed. This item will be carried over to the next meeting.

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

Judge Goodwin stated that he would like to have future Committee meetings via zoom. Ms. Benway stated that she would look into whether the AOC zoom license would allow for monthly hour-long meetings. The next Committee meeting is scheduled for Wednesday, July 22, 2020 at noon, probably via zoom video conference.

There being no further business, the meeting was adjourned at 1:05 p.m.



## DMCJA Rules Committee Annual Meeting

Wednesday, July 22, 2020 (Noon – 1:00 p.m.)

Via Zoom

### MEETING MINUTES

#### Members:

Chair, Judge Goodwin  
~~Judge Antush~~  
Judge Buttorff  
Judge Campagna  
~~Judge Eisenberg~~  
~~Judge Finkle~~  
~~Commissioner Hanlon~~  
Judge Oaks  
Judge Padula  
~~Judge Paja~~  
Judge Samuelson  
Ms. Patti Kohler, DMCMA Liaison  
~~Ms. Melanie Conn, DMCMA Liaison~~

#### AOC Staff:

Ms. J Benway  
Ms. Leslie Hummel

Judge Goodwin called the meeting to order at 12:07 p.m., following an informal discussion of court proceedings in the time of COVID-19.

The Committee discussed the following items:

#### 1. Welcome & Introductions

Judge Goodwin welcomed the Committee members in attendance.

#### 2. Approve Minutes from the June 24, 2020 Meeting

It was motioned, seconded, and passed to approve the minutes from the June 24, 2020 Rules Committee meeting. [Note: the May 2020 Committee meeting was cancelled.] The approved minutes will be provided to the DMCJA Board.

#### 3. Discuss Potential Amendments to CrRLJ 3.4

Judge Goodwin stated that the DMCJA Board has requested that the Rules Committee review CrRLJ 3.4 for potential amendment in light of the COVID-19 public health crisis, given the concern with criminal defendants appearing in person. Judge Padula agreed to review the current rule and the WDA proposal, which was presented prior to the pandemic. Ms. Benway will provide these materials to Judge Padula. Judge Paja agreed to check in with the Chief Justice regarding whether other groups are also reviewing this issue. This item will be carried forward to the next meeting.



#### **4. Discuss Potential Amendments to CRLJ 4 and CRLJ 5**

Judge Goodwin stated that as part of the Committee's review of CRLJ Parts 1 and 2, the Committee had identified a potential amendment to CRLJ 4: to add the possibility of service by email. Because this would be a major change, the Committee requested the DMCJA Board authorize the Committee to consider this potential amendment to CRLJ 4, if the Board approved, and the Board did so. Subsequently, Judge Finkle suggested in Committee discussion that CRLJ 5 rather than CRLJ 4 should be amended, so both rules were included on today's agenda. Although Judge Finkle was unable to attend the meeting, the substance of his concern is that the subject matter of CRLJ 4, the complaint and summons, is more properly in the province of the legislature, whereas CRLJ 5, pertaining to service and filing, is more the business of the courts.

The Committee therefore bifurcated its approach: Regarding CRLJ 4, Ms. Benway and Judge Goodwin will prepare a memo for the DMCJA Board with suggestions for further actions, including suggesting that the potentially large scope of the inquiry might benefit from greater stakeholder involvement, including members of the DMCJA Legislative Committee and other judicial officers. Regarding CRLJ 5, the Committee will continue to look at email options for the exchange of documents subsequent to the initial pleadings addressed in CRLJ 4; there was consensus for a statewide rule rather than a local rule option to ensure consistency. The Committee agreed that a good approach would be to send a message to DMCJA and DMCMA membership for volunteers to assist the Rules Committee develop the parameters for an email option. Judge Finkle has agreed to take point on this aspect (CRLJ 5). These items will be carried forward to the next Committee meeting.

#### **5. Discuss Parts 3 and 4 of CRLJ**

Judge Goodwin stated that with all the Rules Committee business and other matters, there was insufficient time to review CRLJ Parts 3 and 4. The Committee agreed to postpone review of these rules until the next meeting. Ms. Benway will revise the CRLJ review schedule.

#### **6. Discuss Proposal to Amend JISC 13**

The Washington State Supreme Court recently published for comment a requested to amend JISC 13 that was proposed by the Judicial Information System Committee; the deadline to comment is September 30, 2020. The Committee had concerns regarding the enforcement provisions of subsection (h), regarding which Ms. Benway prepared a draft memo. The Committee agreed with the memo and determined that further comment should be made regarding (1) the lack of coherence and readability of the proposed rule, and (2) the lack of specificity of the dispute resolution procedures. Ms. Benway agreed to revise the draft response for subsequent Committee review.

#### **7. Discuss Potential Amendments to CRLJ 43**

Judge Gehlsen, DMCJA Board President, requested that the DMCJA Rules Committee consider whether CRLJ 43 should be identical to CR 43. Judge Paja agreed to look at this issue but was unable to attend this meeting. This item will be continued to the next Committee meeting.

#### **8. Discuss Potential Statewide Electronic Filing Rule**

Judge Oaks stated that he is part of a group of Pierce County judges that will consider whether to pursue an electronic filing rule. He will bring the results of that discussion back to this Committee. This item will be carried over to the next meeting.

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

The Committee had an informal discussion regarding the abatement of judgment interest under current Governor's Orders. The next Committee meeting is scheduled for Wednesday, August 26, 2020 at noon, via zoom video conference. There being no further business, the meeting was adjourned at 12:45 p.m.

**TO:** Judge Michelle Gehlsen, President, DMCJA Board  
**FROM:** Judge Jeffrey Goodwin, Chair, DMCJA Rules Committee  
**SUBJECT:** Proposed Amendment to JISCR 13, Local Court Systems  
**DATE:** August 31, 2020

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One of the DMCJA Rules Committee charges is to “evaluate and report on proposed rules and amendments... published for comment by the Washington State Supreme Court.” The Supreme Court recently published for comment a comprehensive rewrite of JISCR 13 that was proposed by the Judicial Information Systems Committee (JISC). The DMCJA Rules Committee discussed the proposal, which has a comment deadline of September 30, 2020, at its June, July, and August meetings.

Upon review and discussion, the Committee consensus is that, while the amendments promote the laudable goal uniformity in statewide case management, the rule as proposed is unacceptable. The Committee is principally concerned with the addition of subsection (h) that contains enforcement provisions that were not previously found in the rule. Subsection (h) reads, “Any unresolved disputes arising from this rule may be referred to the JISC for resolution, including possible sanctions.” This allowance of enforcement power to the JISC creates due process concerns because it erases any separation between rule maker, rule enforcer, and rule adjudicator. In addition, the dispute resolution mechanism are unworkably vague and fail to specify, for example, what sanctions can be imposed; by whom sanctions can be imposed; and whether a remediation process is available.

In addition to these particular matters, the Committee has an overarching concern that the rule as presented lacks sufficient readability and clarity to provide guidance to courts. The Committee appreciates the efforts that the JISC has undertaken to address the important issue of courts’ adherence to statewide standards. However, the rule itself needs further review and editing to accomplish JISC’s apparent goals. For these reasons, the DMCJA Rules Committee is opposed to the proposed amendment.

Please let me know if you have any questions. I can be reached through 425-744-6800 or [jeffrey.goodwin@snoco.org](mailto:jeffrey.goodwin@snoco.org).

Attachment: GR 9 Cover Sheet and Proposed Amendment to JISC 13

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## GR 9 COVER SHEET

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### Proposal to Amend Judicial Information System Committee Rule 13 Concerning Local Court Systems

- A. Name of Proponents: Judicial Information System Committee (JISC)
- B. Spokesperson: Chief Justice Mary Fairhurst
- C. Purpose:

The Judicial Information System Committee (JISC) proposes to modernize Judicial Information System Committee Rule (JISCR) 13, which has remained unchanged for more than 43 years, despite dramatic changes in court technology.

JISCR 13 requires counties or cities wishing to establish automated court record systems to provide 90 days' notice of the proposed development to the (JISC) and the Administrative Office of the Courts (AOC) for review and approval. Several courts have provided notice of their intent to implement or replace a local electronic court record system.

The suggested rule provides guidance to counties, cities, and the (AOC) when a local jurisdiction intends to establish or replace an alternative electronic court record system in lieu of using the statewide court record system for their case management needs. The suggested changes to JISCR 13 will facilitate statewide data sharing in support of judicial decision-making and public safety.

The suggested rule defines "electronic court record system," clarifies that JISC approval is required for new or replacement alternative electronic court record systems, provides for increased notice of proposed systems, provides a process for communication and planning between the AOC and courts planning alternative electronic court record systems, requires courts with alternative electronic court record systems to comply with the Judicial Information System Data Standards for Alternative Electronic Court Record Systems by sending court data to the statewide data repository, and provides for dispute resolution by the JISC.

This suggested rule represents a consensus developed by a stakeholder work group that met four times for three hours each to present an agreed upon proposal to the JISC. The work group proposal was approved by the JISC on a 14-1 vote.

Chief Justice Fairhurst called for volunteers to the JISC Rule 13 work group. She then appointed the following eight members: Frank Maiocco, Court Administrator for Kitsap Superior Court; Judge David Svaren of Skagit County Superior Court; Judge Donna Tucker of King County District Court; Judge Scott Ahlf of Olympia Municipal Court; Howard Delaney, Court Administrator for Spokane Municipal Court; Paulette Revoir, Chair of the CLJ-CMS Project Steering Committee; Dawn Marie Rubio, State Court Administrator; and Vonnice Diseth, AOC Information Services Director.

Preamble

The purpose of this rule is twofold: to provide guidance to the local court and the Administrative Office of the Courts (AOC) when a local court intends to establish or replace an alternative electronic court record system in lieu of using the statewide court record system and to facilitate statewide data sharing in support of judicial decision making and public safety.

- (a) An “electronic court record system” is any electronic court records technology system that is a source of statewide court data identified in the Judicial Information System (JIS) Data Standards for Alternative Electronic Court Record Systems JIS Data Standards.
- (b) Counties or cities may establish or replace local alternative electronic court record systems with the approval of the Judicial Information System Committee (JISC). Counties or cities wishing to establish or replace a local alternative electronic automated court record systems shall provide advance notice of the proposed development to the Judicial Information System Committee JISC and the AOC Office of the Administrator for the Courts at least 90 days prior to the start of the procurement process commencement of such projects for the purpose of review and approval.
- (c) Upon receipt of notice, the AOC, on behalf of the JISC, will transmit to the local jurisdiction an information packet including, but not limited to, the JIS Data Standards, corresponding Implementation Plan, information on the Information Technology (IT) Governance process, and the statewide data repository onboarding process. The local court and the AOC will meet to discuss the information packet and ongoing obligations.
- (d) After meeting with the AOC to discuss the information packet, the presiding judge will certify that they accept the obligation to comply with the JIS Data Standards and the corresponding Implementation Plan, to provide a system that will send the data to the statewide data repository, and to maintain and support the court’s local system and the integration with the statewide data repository.
- (e) Individual courts are responsible for arranging resources for implementing and maintaining locally procured electronic court record systems and for programming and testing local systems that interface with the statewide data repository.
- (f) The court will supply data to the statewide data repository in accordance with the JIS Data Standards. Any exchange with the statewide data repository will contain the full and complete set of data in accordance with the JIS Data Standards. If state and local timelines do not align, the JISC may approve a temporary reduced set of data that the court must provide and method of transmission until the data exchange with the local electronic court record system is fully tested and operational. Any reduced set of data approved by the JISC prior to the effective date of this rule will remain in effect until the data exchange with the local electronic court record system is operational.
- (g) As soon as practicable after selection of an electronic court record system, the court will provide a project schedule and a detailed plan for integration to the statewide data repository and will also provide ongoing updates and changes to the schedule and plan.
- (h) Any unresolved disputes arising from this rule may be referred to the JISC for resolution, including possible sanctions.

Comments

This rule recognizes that early and frequent communication and collaboration between the local court and the AOC is essential for success. This rule also acknowledges that the Judicial

Information System Committee (JISC) and the AOC set statewide information technology (IT) priorities through a JISC-adopted IT governance process.



September 4, 2020

**TO:** Judge Michelle Gehlsen, DMCJA President  
**FROM:** Vicky Cullinane, AOC Liaison to the JISC  
**RE:** 2020 Proposed Amendments to Judicial Information System Rule 13

The Judicial Information System (JIS) is the computer system used by thousands of judicial officers, attorneys, the media and the public every day to administer justice for Washington's citizens and ensure that justice is transparent to them. JIS is also the central statewide repository for criminal and domestic violence case histories. Public safety and access to justice for all Washingtonians requires complete and accurate court records.

The Administrative Office of the Courts (AOC) designed and operates the JIS systems pursuant to JISC Rules (JISCR) and Chapters 2.56 and 2.68 RCW, to serve the courts of Washington under the direction of the Judicial Information System Committee (JISC) and with the approval of the Supreme Court. RCW 2.68.010 provides for the JISC to "determine all matters pertaining to the delivery of services available from the judicial information system."

JISCR 13 governs JISC review and approval of local city or county automated court records systems. The rule was adopted in 1976, and has not been amended since. It does not reflect the current realities of technology system development.

Before 2012, there were only two local automated record systems: Pierce County Superior Court and Seattle Municipal Court. For many years, Pierce County Superior Court staff entered some data into JIS manually or through some automated processes. Seattle Municipal Court shares limited data with JIS systems through a nightly process. For many years, practitioners and judicial officers in King County have complained that the lack of data makes it difficult for them to do their jobs.

In 2013, the JISC learned that a number of courts were considering independent computer systems and at the time there was no way for them to share their system data with the rest of the state in an automated way. It did not appear those courts in question would agree to manually enter their data into JIS systems so it would be accessible without logging onto multiple systems. Alarmed at this prospect, JISC members and other stakeholders spent over a year developing the JIS Data Standards and Implementation Plan, which delineate the minimum data that must be entered into the statewide judicial information system. However, the JIS Data Standards do not give the JISC the authority to require courts to share their data.

In 2014, the JISC overwhelmingly approved proposed amendments to JISC Rule 13 that required courts with independent systems to share their data through manual data entry until AOC had the resources to work with them to create an electronic data exchange. The proposed amendments also authorized the JISC to withhold state JIS Account funds from courts chose not share their data. Because of the legislative action, the JISC withdrew the proposed JISCR 13 amendments during the comment period.

Since that time, AOC has developed the Enterprise Data Repository (EDR) for electronic data sharing between courts with independent case management systems and the statewide systems. In the six years since the project started, only the King County Clerk's Office is connected to the EDR. King County District Court is expected to connect their independent system to the EDR in late 2020. Through this experience and an earlier experience building data exchanges with Pierce County, AOC has learned that creating electronic data exchanges is more complex and time-consuming than anyone ever imagined.

In 2019, when JISC members learned of other courts considering independent local systems, they once again suggested amendments to JISCR 13. After considerable discussion, the JISC voted to create a workgroup to develop a compromise proposal to bring back to the JISC. After four lengthy, arduous meetings, the workgroup unanimously agreed to the current proposal, which was passed by the JISC 13-1.

Chief Justice Mary Fairhurst appointed the following people to the workgroup, representing the diverse perspectives and viewpoints: Judge David Svaren of Skagit County Superior Court; Judge Donna Tucker of King County District Court; Judge Scott Ahlf of Olympia Municipal Court; Frank Maiocco, Court Administrator for Kitsap Superior Court; Howard Delaney, Court Administrator for Spokane Municipal Court; Paulette Revoir, Chair of the CLJ-CMS Project Steering Committee; Dawn Marie Rubio, State Court Administrator; and Vonnie Diseth, AOC Information Services Director.

The proposed rule clarifies that JISC approval is required for new or replacement alternative electronic court record systems, provides for increased notice of proposed systems, provides a process for communication and planning between AOC and courts planning alternative electronic court record systems, requires courts with alternative electronic court record systems to comply with the JIS Data Standards for Alternative Electronic Court Record Systems by sending court data to the EDR, and provides for dispute resolution by the JISC. The proposal promotes a collaborative approach to technology resource planning and prioritization by local and state authorities.

The amendments to JISCR 13 are supported by the Access to Justice Board and the Office of Civil Legal Aid, as well as a broad coalition of state court community representatives

cc: Dawn Marie Rubio, State Court Administrator  
Dirk Marler, AOC Court Service Division Director  
Vonnice Diseth, AOC Information Services Director  
Ramsey Radwan, AOC Management Services Director



September 4, 2020

Hon. Debra Stephens, Chief Justice  
Hon. Barbara Madsen, JISC Chair  
Washington State Supreme Court  
415 12th Ave SW  
PO Box 40929  
Olympia, WA 98504-0929

Dear Chief Justice Stephens and Justice Madsen:

On behalf of the Office of Civil Legal Aid (OCLA), legal aid programs, and unrepresented litigants, I recommend that the Supreme Court favorably consider and adopt the proposed amendments to JISC Rule 13 relating to the availability of court information statewide. To effectively assist the representation of low-income people in Washington State, it is critical that legal aid providers – and unrepresented litigants -- have access to complete, accurate court records.

Every day low-income people and legal aid providers in Washington depend on access to information from courts all around the state. We know that some courts already have their own case management systems, and still more are planning separate systems. Without a mechanism for those courts to reliably share information, we lose critical information that we and the people we serve need to ensure equal access to justice.

The proposed amendments to JISC Rule 13 provide a clear path for courts and AOC to plan for minimum disruption to statewide data sharing. They also make it clear that the JISC will settle any disagreements between courts and AOC on any temporary measures required to ensure that legal aid programs and unrepresented litigants continue to have information that is critical to fair and just outcomes. That is why the proposed amendments to JISC Rule 13 are so important.

We look forward to the Court's favorable consideration of the proposed amendments.

Sincerely,

OFFICE OF CIVIL LEGAL AID

James A. Bamberger  
Director

The Honorable Debra Stephens  
The Honorable Charles Johnson  
415 12th Ave SW  
PO Box 40929  
Olympia, WA 98504-0929  
Sent via email: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Re: Proposed JISC Rule 13 Amendments

Dear Chief Justice Stephens and Justice Johnson:

The Access to Justice Board supports the proposed amendments to JISC Rule 13. Following the guidance of the Access to Justice Board Technology Committee, we urge you to consider the importance of the proposed amendments to the availability of court information statewide. To effectively represent/assist low-income individuals it is critical that legal professionals and the public have access to complete, accurate court records through modern technology.

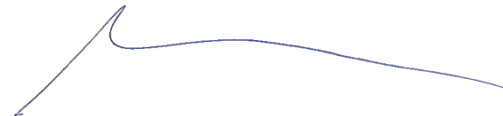
It is crucial to public safety and access to justice for all Washington residents that they continue to have access to statewide judicial information. Every day the public depends on access to information from courts all around the state. We know that some courts already have their own case management systems, and still more are planning separate systems. Without a mechanism for those courts to reliably share information the public does not have access to critical information needed to ensure access to the legal system.

The proposed amendments to JISC Rule 13 provide a clear path for courts and AOC to plan for minimum disruption to statewide data sharing. They also make it clear that the JISC will settle any disagreements between courts and AOC on any temporary measures required to ensure that we and our clients continue to have information that is critical to fair and just outcomes.

The ATJ Board urges the Court to pass the proposed amendments to protect the integrity of the information the public depends on for the administration of justice.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Salvador Mungia', with a stylized, sweeping flourish extending to the right.

Salvador Mungia, Chair  
Access to Justice Board

Cc: Terra Nevitt, Interim Executive Director, Washington State Bar Association

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy, Mary](#); [Linford, Tera](#)  
**Subject:** FW: Proposed amendments to JISC Rule 13  
**Date:** Tuesday, August 18, 2020 4:15:06 PM  
**Attachments:** [image001.png](#)  
[2020.8.17.JISC Rule 13 Amendments.ATJ board comments.pdf](#)

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**From:** Bonnie Sterken [mailto:[bonnies@wsba.org](mailto:bonnies@wsba.org)]  
**Sent:** Tuesday, August 18, 2020 4:03 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Cc:** Mungia, Sal <[SMungia@gth-law.com](mailto:SMungia@gth-law.com)>; Bradley, Laura (OAH) <[laura.bradley@oah.wa.gov](mailto:laura.bradley@oah.wa.gov)>; Jordan Couch <[Jordan@palacelaw.com](mailto:Jordan@palacelaw.com)>; Diana Singleton <[dianas@wsba.org](mailto:dianas@wsba.org)>; Terra Nevitt <[terran@wsba.org](mailto:terran@wsba.org)>  
**Subject:** Proposed amendments to JISC Rule 13

Good afternoon,

Attached, please find a letter from the ATJ Board regarding the proposed amendments to JISC Rule 13.

Thank you



**Bonnie Middleton Sterken | Equity and Justice Specialist**

**Washington State Bar Association** | 206.727.8293 | [bonnies@wsba.org](mailto:bonnies@wsba.org)  
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://www.wsba.org)  
Pronouns: She/Her

*The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact [bonnies@wsba.org](mailto:bonnies@wsba.org).*



*Most WSBA employees are working remotely.  
Thank you for your patience and understanding.*

TO: DMCJA Board of Governors  
FROM: Christina Huwe, Bookkeeper  
RE: 2020-2021 Dues Considerations  
DATE: September 8, 2020

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The following are items to consider when thinking about dues for this year:

1. The Conference Incidental Fees line item makes up a little over 14% of the budget.
2. We had a cash flow of two hundred seventy-nine thousand dollars (\$279,000), which does not include the Special Fund account.
3. I must assume DMCJA will spend all the money that is in the budget, even though DMCJA typically does not and will likely not spend all of its money this year.
4. DMCJA needs to have cash flow in the account at the start of the budget year to hold the association over until the dues is received. The amount we spend until dues come in can reach close to one hundred thousand dollars (\$100,000).
5. Dues last year came in at a little over one hundred eighty-three thousand dollars (\$183,000).

I would think a 30% reduction in fees would work out well. That would give DMCJA a nice cash flow going into the next budget year. Please let me know if I can be of more help.

Sincerely,

/s/

Christina Huwe  
DMCJA Bookkeeper



# District and Municipal Court Judges' Association

## President

**JUDGE SAMUEL G. MEYER**  
Thurston County District Court  
2000 Lakeridge Dr SW, Bldg 3  
PO Box 40947  
Olympia, WA 98504-0947  
(360) 786-5562

## President-Elect

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## Vice-President

**JUDGE CHARLES D. SHORT**  
Okanogan County District Court  
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Okanogan, WA 98840  
(509) 422-7170

## Secretary/Treasurer

**COMMISSIONER RICK LEO**  
Snohomish County District Court  
415 E Burke Ave  
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(360) 435-7700

## Past President

**JUDGE REBECCA C. ROBERTSON**  
Federal Way Municipal Court  
33325 8th Ave S  
Federal Way, WA 98003-6325  
(253) 835-3000

## Board of Governors

**JUDGE LINDA COBURN**  
Edmonds Municipal Court  
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**JUDGE THOMAS W. COX**  
Garfield County District Court  
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**JUDGE ROBERT W. GRIM**  
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**JUDGE DREW ANN HENKE**  
Tacoma Municipal Court  
(253) 591-5357

**JUDGE TYSON R. HILL**  
Grant County District Court  
(509) 754-2011

**JUDGE AIMEE MAURER**  
Spokane County District Court  
(509) 477-2961

**JUDGE JEFFREY R. SMITH**  
Spokane County District Court  
(509) 477-2959

**JUDGE LAURA VAN SLYCK**  
Everett Municipal Court  
(425) 257-8778

**COMMISSIONER PAUL WOHL**  
Thurston County District

**TO:** District and Municipal Court Judges, Commissioners, and Magistrates  
DMCJA Associate Members

**FROM:** Judge Samuel G. Meyer, President  
Commissioner Rick Leo, Secretary-Treasurer

**RE:** 2020 DMCJA DUES

According to the Bylaws of the District and Municipal Court Judges' Association (DMCJA), annual dues will be assessed for members.

**Payment of dues is prerequisite to participation in DMCJA governance and receipt of benefits associated with membership in good standing.**

## CHECK ONE

### Judge

- |   |        |
|---|--------|
| <input type="checkbox"/> ¾ to Full-time District or Municipal Court Judge   | \$1000 |
| <input type="checkbox"/> ¼ to ¾ Time District or Municipal Court Judge      | \$500  |
| <input type="checkbox"/> Less than ¼ Time District or Municipal Court Judge | \$250  |

### Commissioner/Magistrate (80 percent of the judge rate, based on FTE)

- |  |       |
|--|-------|
| <input type="checkbox"/> ¾ to Full-time District or Municipal Court Comm./Magistrate   | \$800 |
| <input type="checkbox"/> ¼ to ¾ Time District or Municipal Court Comm./Magistrate      | \$400 |
| <input type="checkbox"/> Less than ¼ Time District or Municipal Court Comm./Magistrate | \$200 |

### Associate Member

- |   |      |
|---|------|
| <input type="checkbox"/> Associate Member (retired or former member only) | \$25 |
|---|------|

Please provide the following information to ensure proper posting:

Name \_\_\_\_\_

Court \_\_\_\_\_

Address \_\_\_\_\_

To maintain your membership in good standing, please remit this form and your payment by February 18, 2020.

## **MAKE CHECK PAYABLE TO: "DMCJA"**

**Send to:** Commissioner Rick Leo  
Snohomish County District Court  
Cascade Division  
415 E Burke Ave  
Arlington, WA 98223-1010

# Washington State District And Municipal Court Judges Association

## Profit & Loss

July 2016 through June 2020

Accrual Basis

	Jul '16 - Jun 17	Jul '17 - Jun 18	Jul '18 - Jun 19	Jul '19 - Jun 20
Ordinary Income/Expense				
Income				
2017 Special Fund	5,425.00	100.00	0.00	0.00
Interest Income	128.09	133.83	533.33	542.70
Membership Revenue	179,550.00	177,950.00	181,775.00	183,425.00
Other Revenue	0.00	0.00	369.81	0.00
Total Income	185,103.09	178,183.83	182,678.14	183,967.70
Gross Profit	185,103.09	178,183.83	182,678.14	183,967.70
Expense				
Conference Incidental Fees 2020	0.00	0.00	0.00	-657.73
Council on Independent Courts	0.00	0.00	0.00	416.28
MPA Liaison	0.00	0.00	0.00	228.60
Special Fund Expense	0.00	0.00	451.25	7,252.77
Spring Conference 2019	0.00	0.00	35,400.00	0.00
Judicial College Program Support	1,500.00	1,500.00	0.00	0.00
Pro-Tem	11,910.18	0.00	0.00	0.00
Prior Year Budget Expense	5,848.85	6,606.21	8,712.83	14,292.52
Board Meeting Expense	33,164.39	20,991.30	21,088.52	8,109.32
Bookkeeping Expense	4,005.00	3,559.75	4,154.50	3,816.00
Conference Calls	125.87	605.78	750.04	664.12
Conference Planning Committee	2,474.15	3,589.01	2,508.61	0.00
Spring Conference 2018	38,025.00	34,800.00	0.00	0.00
Diversity Committee	1,781.46	86.34	1,500.00	82.66
DMCJA/SCJA Sentencing Alt.	1,020.45	290.60	933.20	0.00
DMCMA Liaison Committee	339.20	0.00	63.00	0.00
Education Committee	1,912.93	1,199.68	2,138.34	4,323.98
Educational Grants	1,398.31	1,000.00	3,382.77	1,830.58
16 - Education - PJ Conference	11,278.36	0.00	0.00	0.00
Education Security	287.20	0.00	1,900.80	0.00
Judicial Assistance Committee	4,821.03	6,101.03	6,029.74	-5,810.18
Judicial College Social Support	0.00	0.00	0.00	2,000.00
Judicial Community Outreach	341.20	1,600.00	1,600.00	1,600.00
Judicial Indep Fire Brigade	0.00	0.00	103.33	0.00
Legislative Committee	1,526.27	940.89	335.20	305.37
Legislative Pro-Tem	259.33	2,174.20	1,216.44	1,910.80
Lobbyist Contract	60,999.96	64,999.92	70,000.12	75,000.00
Long-Range Planning Committee	122.05	-100.55	469.03	1,084.39
MCA Liaison	443.20	220.44	0.00	0.00
Municipal/Dist. Ct Swearing-in	0.00	431.11	0.00	0.00
National Leadership Grants	2,635.00	5,777.89	2,099.00	0.00
President Expense	1,722.75	2,415.82	1,725.34	276.21
Pro Tempore (Chair Approval)	136.25	0.00	162.50	0.00
Professional Services	0.00	0.00	600.00	700.00
Public Outreach (ad hoc workgrp)	0.00	0.00	143.72	0.00
Rules Committee	270.50	0.00	0.00	0.00
SCJA Board Liaison	171.70	0.00	351.90	64.10
Therapeutic Courts Committee	0.00	0.00	199.94	0.00
Treasurer Expense and Bonds	54.00	161.85	72.06	70.45
Trial Court Advocacy Board	416.81	0.00	0.00	0.00
99 - Depreciation Expense	114.96	124.54	0.00	0.00
Bank Service Charges	46.00	-0.50	0.00	0.00
Interest Expense	0.00	18.23	0.00	0.00
Regional Courts	0.00	-84.00	0.00	0.00
Total Expense	189,152.36	159,009.54	168,092.18	117,560.24
Net Ordinary Income	-4,049.27	19,174.29	14,585.96	66,407.46
Net Income	-4,049.27	19,174.29	14,585.96	66,407.46

# Washington State District And Municipal Court Judges Association

## Profit & Loss

Accrual Basis

July 2016 through June 2020

	TOTAL
Ordinary Income/Expense	
Income	
2017 Special Fund	5,525.00
Interest Income	1,337.95
Membership Revenue	722,700.00
Other Revenue	369.81
Total Income	729,932.76
Gross Profit	729,932.76
Expense	
Conference Incidental Fees 2020	-657.73
Council on Independent Courts	416.28
MPA Liaison	228.60
Special Fund Expense	7,704.02
Spring Conference 2019	35,400.00
Judicial College Program Support	3,000.00
Pro-Tem	11,910.18
Prior Year Budget Expense	35,460.41
Board Meeting Expense	83,353.53
Bookkeeping Expense	15,535.25
Conference Calls	2,145.81
Conference Planning Committee	8,571.77
Spring Conference 2018	72,825.00
Diversity Committee	3,450.46
DMCJA/SCJA Sentencing Alt.	2,244.25
DMCMA Liaison Committee	402.20
Education Committee	9,574.93
Educational Grants	7,611.66
16 - Education - PJ Conference	11,278.36
Education Security	2,188.00
Judicial Assistance Committee	11,141.62
Judicial College Social Support	2,000.00
Judicial Community Outreach	5,141.20
Judicial Indep Fire Brigade	103.33
Legislative Committee	3,107.73
Legislative Pro-Tem	5,560.77
Lobbyist Contract	271,000.00
Long-Range Planning Committee	1,574.92
MCA Liaison	663.64
Municipal/Dist. Ct Swearing-in	431.11
National Leadership Grants	10,511.89
President Expense	6,140.12
Pro Tempore (Chair Approval)	298.75
Professional Services	1,300.00
Public Outreach (ad hoc work grp)	143.72
Rules Committee	270.50
SCJA Board Liaison	587.70
Therapeutic Courts Committee	199.94
Treasurer Expense and Bonds	358.36
Trial Court Advocacy Board	416.81
99 - Depreciation Expense	239.50
Bank Service Charges	45.50
Interest Expense	18.23
Regional Courts	-84.00
Total Expense	633,814.32
Net Ordinary Income	96,118.44
Net Income	96,118.44





WASHINGTON  
COURTS

# District and Municipal Court Judges' Association

## **President**

**JUDGE G. SCOTT MARINELLA**  
Columbia County District Court  
535 Cameron St  
Dayton, WA 99328-1279  
(509) 382-4812

## **President-Elect**

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## **Past President**

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**JUDGE MICHAEL FINKLE**  
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**JUDGE MICHELLE K. GEHLEN**  
Bothell Municipal Court  
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**JUDGE MICHAEL J. LAMBO**  
Kirkland Municipal Court  
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**COMMISSIONER RICK LEO**  
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**JUDGE SAMUEL G. MEYER**  
Thurston County District Court  
(360) 786-5562

**JUDGE DOUGLAS B. ROBINSON**  
Whitman County Dist. Court  
(509) 397-5297

**JUDGE CHARLES D. SHORT**  
Okanogan County District Court  
(509) 422-7170

**JUDGE TRACY A. STAAB**  
Spokane Municipal Court  
(509) 625-4400

January 17, 2017

**TO:** DMCJA Membership

**FROM:** Judge G. Scott Marinella, President  
Judge Rebecca C. Robertson, Secretary-Treasurer

**RE:** ASSOCIATION DUES AND SPECIAL ASSESSMENT

The 2017 District and Municipal Court Judges' Association (DMCJA) dues and Special Fund notices are enclosed. Dues are payable by **February 15, 2017**. Please remember that, to be a member in good standing, all DMCJA dues and assessments must be paid.

DMCJA General Dues will increase by 33% in 2017. This will be the first dues membership increase in eight years. The increase will provide the Association with the funds necessary to operate. The DMCJA is a statutorily-created, professional association of Washington State's limited jurisdiction court judicial officers. The Association is charged at RCW 3.70.040 with duties related to the operation and administration of limited jurisdiction courts.

The Association relies on dues and special fund assessments to carry out its statutory duties. Most activities are paid for out of Association dues. The special fund is used for expenses that cannot be paid out of government funds. In recent legislative sessions, Special Fund and BJA assessments were used to:

- Support a constitutional amendment to allow municipal court judges to be members of the Commission on Judicial Conduct;
- Support successful passage of E2SSB 5454, which has resulted in projected revenue to local government of \$11,600 per full-time elected judge per year; and
- Support passage of legislation to increase judicial retirement benefits.

Membership in good standing will be certified prior to the 2017 Spring Conference business meeting. As of May 1, 2017, any member who has not paid the Association dues and special fund assessment is not entitled to "any rights and privileges of active membership." (DMCJA Bylaws, Article IV, Section 3). Only those members who have paid dues will be allowed to run for Association office and/or vote. Standing will also be considered in making committee assignments and appointing representatives to outside groups. Annual Spring Conference incidental fees will also be paid for all DMCJA members in good standing.

The DMCJA encourages all its members to support the justice system by donating to the Campaign for Equal Justice/Law Fund and the Washington Judges Foundation. An information form is enclosed for your convenience.

## **Enclosures:**

DMCJA Dues Notice  
Special Fund Assessment Notice  
Charitable Organizations Notice

N:\Programs & Organizations\DMCJA\Dues Notices\Dues Cover 2017.docx

## DMCJA Diversity Committee Meeting Schedule 2020-2021

Date	Time	Location
Tuesday, June 30, 2020	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, July 28, 2020	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, August 25, 2020	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, September 29, 2020	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, October 27, 2020	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, November 24, 2020	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, December 29, 2020	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, January 26, 2021	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, February 23, 2021	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, March 30, 2021	12:15 p.m. – 1:00 p.m	Via Teleconference
Tuesday, April 27, 2021	12:15 p.m. – 1:00 p.m	Via Teleconference
DMCJA Spring Conference Date TBD, 2021	TBD	In-Person

Please contact Cynthia Delostrinos at [Cynthia.Delostrinos@courts.wa.gov](mailto:Cynthia.Delostrinos@courts.wa.gov) or 360-705-5327 if you have any questions.

## 2020-2021 DMCJA Priorities

The DMCJA faces unprecedented challenges that compel us to rethink how we operate. New issues such as the Coronavirus (COVID-19) public health emergency compounded with the longstanding, chronic issue of systemic racism require us to respond with creativity and cooperation to meet these challenges. The DMCJA has demonstrated that it can be nimble and responsive to a pandemic. We must apply this rigor to dismantling systemic racism in our justice system. Given these challenging circumstances, our 2020-2021 DMCJA Priorities have become even more essential to create a fairer justice system.

### 1. Identifying & Eliminating Systemic Racism in our Justice System

Direct and systemic racism has created individual and community trauma. A fair justice system must earn people's trust and confidence in order to properly function. We must do better, especially since we are the courts in which most people interact. Action is required. Empty platitudes will solve nothing. This crisis will not be fixed overnight but will require a recommitment by each judge every day. To that end, DMCJA is committed to recruiting more judges of color that will better reflect our communities across the State. DMCJA will also seek to improve data and utilize more effective research to better identify where systemic racism exists within our justice system and then address those inequities with best practice solutions. This commitment guides and permeates all of the following priorities.

### 2. Adequate Court Funding

The Courts of Limited Jurisdiction (CLJ) cannot provide services or justice without appropriate funding. We need to educate the public, from the voters to the legislators, regarding the effect that funding has on our ability to serve the constitutionally protected interests of the public. We should assess the mandated services the court provides and question how we are expected to provide these services in an environment of shrinking budgets. Major projects that need adequate funding are listed below:

#### a. JIS/Case Management

The Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project is moving forward. The Project ran into some unforeseen obstacles on our first try to find a commercial product that meets Washington's district and municipal court needs. In 2019, the Project Steering Committee (PSC) selected a commercial off the shelf (COTS) product based on the recommendation of Gartner, an industry leading consulting firm. The PSC also recommended selecting Tyler Technologies as its vendor after failed state contract negotiations with Journal Technologies. The DMCJA is committed to the full and complete sharing of information among courts, therefore, our association continues to support the CLJ-CMS Project and considers it a top priority.

#### b. Courthouse Security

The safety of all who visit our courthouses remains a top priority for the DMCJA. Without adequate security, the safety of all patrons is in needless jeopardy, including:

- Members of the public summonsed for jury duty, traffic infractions, civil cases, and criminal cases
- Every party involved in domestic violence cases, including alleged victims and witnesses, who appear to deal with domestic violence criminal cases, protection order cases, stalking and anti-harassment cases
- Courthouse staff who are required to work every day in a building where disputes are resolved and where some of those involved in those disputes will present a risk for violence

General Rule (GR) 36, *Trial Court Security Rule*, as well as Minimum Court Standards, became effective on September 1, 2017. Judge Rebecca Robertson, Federal Way Municipal Court, and

**LIVE WEBINAR**

# **Judicial Leadership: The Story of Miami-Dade County**

**September 15, 2020**

**12:00 — 1:15 PM (75 minutes)**

## **Description:**

This is the third and final piece of the three-part presentation on the topic of mental health courts in Washington. Judge Steve Leifman will provide an inspiring address of what judicial leadership can accomplish to improve the community and court response to those with mental illness. Miami-Dade County with a population of 2.8 million is the seventh largest county in the nation and is a leader in addressing the complex community challenges involving law enforcement, behavioral health and the justice system, and in devising evidence-based, cost effective solutions for those with mental illness.

## **Speakers/Moderators/Panelists include:**

*Judge Steve Leifman, Eleventh Judicial Circuit of Florida*

*Ms. Patti Tobias, National Center for State Courts*

*Judge Charles Short, Okanogan County District Court*

## **CJE Credits:**

This course has been approved for 1.25 Continuing Judicial Education Credits.

## **Register:**

Please register in advance for the webinar by clicking below. After registering, you will receive a confirmation email containing information about joining the webinar.



**Register**







# Superior Court Judges' Association

**Judith H. Ramseyer**  
**President**

King County Superior Court  
1211 E Alder St  
Seattle, WA 98122-5553  
206-477-1605

**David G. Estudillo**  
**President Elect**

Grant County Superior Court  
35 C St NW, Fl 2  
Ephrata, WA 98823-1685  
509-754-2011 Ext. 4144

**Kitty-Ann van Doorninck**  
**Immediate Past President**

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425-388-3075

**Jackie Shea-Brown**  
**Secretary**

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**Rachelle Anderson**

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509-477-5702

**Karen Donohue**

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516 3<sup>rd</sup> Ave, Rm C-203  
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206-477-3720

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253-798-3655

**Joely A. O'Rourke**

Lewis County Superior Court  
345 W Main St, Fl 4  
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360-740-1333

**Laura M. Riquelme**

Skagit County Superior Court  
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Mount Vernon, WA 98273-4225  
360-416-1200

**Samuel P. Swanberg**

Benton/Franklin Co Superior Courts  
7122 W Okanogan Pl, Bldg A  
Kennewick, WA 99336-2359  
509-736-3071

August 11, 2020

Dear Colleagues,

I write on behalf of the Superior Court Judges' Association (SCJA) to join our Supreme Court, professional partners, and others across the justice system who have come forward to forcefully denounce structural racism embedded in our society. As judicial officers, we have sworn an oath to uphold the liberties and protections guaranteed by our state and federal constitutions, to enforce "equal justice under law." On a case-by-case, decision-by-decision basis, we strive to do so. Yet we know that laws, practices, and customs designed to oppress people of color have been adopted and compounded over decades to create a society that is structurally unjust. Doors swing open or close tightly, based only on the color of one's skin. There can be no equal justice under law if there is no equal opportunity under law.

The inequities in our society have come into painful focus in the past few months: a global pandemic has ravaged our country, especially in communities of color where it is exacerbated by generational poverty and limited health care resources. And the graphic, shocking, and unjustifiable killing of George Floyd over \$20 has become a tipping point in what we as a nation are willing to tolerate by devaluing the lives of people of color. Now is a rare opportunity to take bold action to educate ourselves about the implicit effects of racism and to dismantle the explicit mechanisms that perpetuate it.

The justice system, courts, and judges must take affirmative action to reimagine and reconstruct our laws, practices, and customs in the wake of a pandemic that requires innovation to protect the health and safety of all who access the courts. At the same time, our creativity and commitment must change the attitudes, procedures, and leadership that has allowed systemic racism to embed itself in our society since the country's founding. Tinkering around the edges will not suffice. We have both the opportunity and the responsibility to think big.

SCJA held its annual long-range planning meeting the weekend protests raged after George Floyd's death. The officers and trustees affirmed our long-range plan, and voted its top priority to identify concrete actions it can take to promote racial justice within SCJA and throughout our courts.

Accordingly, an ad hoc group, chaired by Judge Veronica Alicea-Galván and myself, has met several times to generate a list of tangible, achievable activities SCJA can accomplish to deconstruct structural racism and reconstruct a more just court system. Some of the activities are internally focused on SCJA; others are externally focused on Washington's justice system. All activities require the involvement and collaboration of many, including you.

Currently, the following activities are being pursued for implementation:

Internally Focused:

- Each SCJA committee will identify and complete at least one activity per year that addresses structural racism within the scope of its responsibility.
- The SCJA Education Committee will solicit/develop educational programs on structural racism within the judicial system and the impact on the public we serve. A program on these topics will be included in each SCJA Spring Conference. Additional opportunities for educational programs also may be offered.
- SCJA will host a panel discussion that includes members of Washington's Supreme Court, Executive Director of the Commission on Judicial Conduct, and others to explore the relationships and boundaries between judicial ethics, the Code of Judicial Conduct, and a judge's responsibility to ensure "equal justice under law." It will explore the "policy" vs. "administration of justice" divide.
- Recruit judges of color to the bench and to leadership roles within our courts and SCJA.

Externally Focused:

- Work in collaboration with the Supreme Court, AOC, Commissions, and court stakeholders to convene a Statewide Commission to review court policies and procedures through a racial justice lens and to recommend systemic changes. This effort would include roundtable discussions with professional stakeholders and colleagues, such as Minority Bar Associations, Tribal Courts, Trial Lawyers, PAO, DPD, Court Clerks, and so on. It also would require engaging in listening sessions with community members and court users to understand their experience with racism within the courts and to generate ideas for systemic change.
- Produce podcasts, "Judging Justice," in which each episode identifies and discusses Washington law and legal precedent that has perpetuated institutional racism over the years.

This is not a finite list; it is a starting point to ensure that concrete actions are taken. As former Chief Justice Mary Fairhurst might say, some of these projects are Big Hairy Audacious Goals. Large or small, each task requires independent thinking and hard work. If you would like to help in any capacity, please contact Crissy Anderson at [crissy.anderson@wa.courts.gov](mailto:crissy.anderson@wa.courts.gov). Let her know if there is a specific activity in which you

are interested, if you are willing to take a leadership role, and if you have additional ideas for the Board's consideration.

We will keep you apprised of progress, which we hope will be apparent over time. Whether you are able or willing to participate in these activities, your dedication to our courts and equal justice under law is much appreciated. While difficult, it is, indeed, an honor to be on the front lines of justice. Thank you for your service.

Sincerely,



Judge Judith H. Ramseyer, President  
On behalf of the Officers and Trustees of the SCJA

cc: Chief Justice Debra Stephens, Supreme Court  
Justice Charles W. Johnson  
Justice Barbara Madsen, Commission on Children in Foster Care Co-Chair  
Justice Susan Owens  
Justice Steven C. González, Interpreter Commission Co-Chair  
Justice Sheryl Gordon McCloud, Gender and Justice Commission Co-Chair  
Justice Mary Yu, Minority and Justice Commission Co-Chair  
Justice Raquel Montoya-Lewis  
Justice G. Helen Whitener, Minority and Justice Commission Co-Chair  
Judge Bradley Maxa, Court of Appeals Presiding Chief  
Judge Lori K. Smith, Tribal State Court Consortium Co-Chair  
Judge Cindy K. Smith, Tribal State Court Consortium Co-Chair  
Judge Gregory Gonzales, Board for Judicial Administration Co-Chair  
Judge Michelle Gehlsen, DMCJA President  
Ms. Dawn Marie Rubio, AOC  
Ms. Crissy Anderson, AOC

July 24, 2020

Dear Colleagues,

In 1987, the Board for Judicial Administration (BJA) established a business account funded with dues paid by judges from their personal funds. The account was established to pay expenses for which the use of public funds was not appropriate. Your contributions support the legislative efforts of the BJA which benefits the judiciary as a whole and seeks improvements that affect all court levels.

These funds primarily support 1) Salary Commission travel expenses for representative staff and judges; and 2) lobbying expenses such as refreshments, materials, and travel to support BJA-sponsored lobbying activities and legislative meetings and dues/registrations for lobbying events (staff time and travel are not paid from this account).

The dues are collected every two years; the most recent collection occurred in 2018.

BJA dues by court level and position are as follows:

- Supreme Court Justice \$55.00
- Court of Appeals Judge \$55.00
- Superior Court Judge \$55.00
- Court of Limited Jurisdiction Judge (full-time) \$55.00
- Courts of Limited Jurisdiction Judge (part-time) \$30.00

On behalf of the Board for Judicial Administration, we hope you will continue to support the Board's efforts. You will receive an emailed PayPal request for dues that can be paid through an existing PayPal account or as a guest. The request will be called BJA Business Account money request.

Please direct any questions to your BJA representative or Jeanne Englert at 360.705.5207.

Sincerely,



Chief Justice Debra Stephens, Chair  
Board for Judicial Administration



Judge Greg Gonzales, Member Chair  
Board for Judicial Administration





**DMCJA BOARD MEETING**  
**FRIDAY, SEPTEMBER 11, 2020**  
**12:30 PM – 3:30 PM**  
**ZOOM VIDEO CONFERENCE**

**PRESIDENT MICHELLE GEHLSSEN**

**SUPPLEMENTAL AGENDA**

**PAGE**

**Call to Order**

**General Business**

- |  |       |
|--|-------|
| A. Minutes for August 14, 2020   | 1-5   |
| B. Treasurer's Report  | 6-15  |
| C. Special Fund Report   | 13    |
| D. Standing Committee Reports  |       |
| 1. Rules Committee Minutes for June 24, 2020 and July 22, 2020           | 16-21 |
| 2. Legislative Committee – Commissioner Paul Wohl and Judge Kevin Ringus |       |
| E. Judicial Information System ("JIS") Report – Vicky Cullinane          |       |

**Liaison Reports**

- |   |  |
|---|--|
| A. Administrative Office of the Courts ( <b>AOC</b> ) – Dawn Marie Rubio, State Court Administrator                                   |  |
| B. Board for Judicial Administration ( <b>BJA</b> ) – Judge Mary Logan, Judge Dan Johnson, Judge Tam Bui, and Judge Rebecca Robertson |  |
| C. District and Municipal Court Management Association ( <b>DMCMA</b> ) – Patricia Kohler, President                                  |  |
| D. Misdemeanant Probation Association ( <b>MPA</b> ) – Stacie Scarpaci, Representative  |  |
| E. Superior Court Judges' Association ( <b>SCJA</b> ) – Judge David Estudillo, President-Elect  |  |
| F. Washington State Association for Justice ( <b>WSAJ</b> ) – Sean Bennet Malcolm, Esq.   |  |
| G. Washington State Bar Association ( <b>WSBA</b> ) – Kim E. Hunter, Esq.   |  |

<p><b>Discussion</b></p> <p>A. Proposed Amendment(s) to JISC Rule (JISCR) 13, Local Court Systems</p> <ol style="list-style-type: none"> <li>DMCJA Rules Committee Memorandum re JISCR 13</li> <li>Vicky Cullinane, AOC Liaison to JISC Memorandum re JISCR 13</li> <li>Letter of Support for JISCR 13 Amendment(s) by Office of Civil Legal Aid</li> <li>Letter of Support for JISCR 13 Amendment(s) by Access to Justice Board</li> </ol> <p>B. Whether to assess Dues for 2020-2021 in light of cancellation of 2020 DMCJA Spring Conference because of the Coronavirus (COVID-19) public health emergency.</p> <ol style="list-style-type: none"> <li>Dues Considerations by Christina Huwe, Bookkeeper</li> <li>2020 DMCJA Dues Notice</li> <li>DMCJA Profit and Loss Statement (2016-2020)</li> <li>2017 DMCJA Dues Notice re 33% Increase</li> </ol> <p>C. Board Insurance Status Update</p> <ol style="list-style-type: none"> <li><b>Considerations for Purchasing D&amp;O Insurance from DMCJA Member Spouse – Memorandum by Sharon Harvey</b></li> </ol> <p>D. Board Liaison for DMCJA Diversity Committee</p> <ol style="list-style-type: none"> <li>Meeting Schedule</li> <li>DMCJA Priority, <i>Identifying and Eliminating Systemic Racism in Our Justice System</i></li> </ol> <p>E. Farewell to Sharon Harvey, AOC Primary Support for DMCJA</p> <ol style="list-style-type: none"> <li><b>Message to DMCJA from Sharon Harvey</b></li> </ol>	<p>22-25</p> <p>26-27</p> <p>28</p> <p>29-31</p> <p></p> <p>32</p> <p>33</p> <p>34-35</p> <p>36</p> <p></p> <p><b>X1-X3</b></p> <p></p> <p>37</p> <p>38</p> <p></p> <p><b>X4</b></p>
<p><b>Information</b></p> <p>A. The 2020 Annual Judicial Conference has been cancelled because of the COVID-19 pandemic. On September 15, 2020, the DMCJA will host a mental health webinar, <i>Judicial Leadership: The Story of Miami-Dade County</i>, from 12:00 p.m. to 1:15 p.m. Speakers and panelists include our own Judge Charles Short, Okanagan District Court, Patti Tobias, National Center for State Courts, and Judge Steve Leifman, Eleventh Judicial Circuit of Florida. See flyer for more details.</p> <p>B. The Washington State Resumption of Jury Trials Workgroup has provided guidance regarding jury trials during the Coronavirus (“COVID-19”) public health emergency, which may be found <a href="#">here</a>.</p> <p>C. The Washington State Supreme Court issued an <a href="#">open letter</a> regarding systemic racism that has been disseminated to the legal community. Subsequently, the Superior Court Judges’ Association and Gender and Justice Commission issued letters of support for racial justice. See GJCOMM <a href="#">letter of support</a>. See <i>attached</i> SCJA Letter of Commitment to Racial Justice.</p> <p>D. For the latest news about the Washington State Judiciary, read the <a href="#">Full Court Press</a>.</p> <p>E. The BJA will assess dues for 2020-2021. For more information, please see attached flyer.</p> <p>F. Education webinars, such as <i>Maintaining Judicial Independence in Tough Times</i> and <i>Meditation</i>, may be viewed on Inside Courts <a href="#">here</a>.</p>	<p>39</p> <p></p> <p></p> <p>40-42</p> <p></p> <p>43</p>

<b>Other Business</b>	
A. The next DMCJA Board Meeting is scheduled for Friday, October 9, 2020, from 12:30 p.m. to 3:30 p.m., via Zoom video conference.	
<b>Adjourn</b>	

- A. The next DMCJA Board Meeting is scheduled for Friday, October 9, 2020, from 12:30 p.m. to 3:30 p.m., via Zoom video conference.

**Adjourn**

## MEMORANDUM

**TO:** DMCJA President and Board of Governors  
**FROM:** Sharon R. Harvey  
**RE:** Purchasing D&O Insurance from Spouse of DMCJA Member  
**DATE:** September 10, 2020

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### ISSUE

Whether there are any issues with the District and Municipal Court Judges' Association ("DMCJA") Board of Governors ("Board") purchasing insurance from the spouse of a DMCJA member.

### BRIEF ANSWER

The Board may want to consider the Code of Judicial Conduct ("CJC") and other ethical issues, namely, conflict of interest, when deciding whether to purchase insurance from the spouse of a DMCJA member.

### FACTS

The Board voted to purchase Directors and Officers ("D&O") insurance during its annual Board Retreat in May 2020. In August 2020, the Board voted to pattern the Superior Court Judges' Association ("SCJA") and purchase the insurance using its public account instead of its Special Fund account, which is comprised of private funds. The DMCJA Treasurer contacted both Allstate Insurance Company and Propel Insurance Company, which provides D&O insurance for the SCJA. Propel Insurance Company has yet to return the DMCJA Treasurer's telephone message and Allstate Insurance Company has informed that they do not insure judges. A DMCJA member, therefore, offered the Board the option to purchase D&O insurance from her spouse's insurance company. Sharon Harvey, AOC Court Association Coordinator, researched the issue to determine whether there is any issue with the DMCJA purchasing D&O insurance from the spouse of a DMCJA member.

### ANALYSIS

The DMCJA is a nonprofit corporation formed for a professional purpose.<sup>1</sup> The association may purchase D&O insurance because a nonprofit corporation has the authority "to indemnify any director or officer or former director or officer or other person in the manner to the extent provided in RCW 23B.08.050 through 23B.08.600," pursuant to RCW 24.03.035 (14). The Washington Nonprofit Corporation Act, chapter 24.03 RCW, "imposes upon directors an obligation to act in good faith and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances." *Waltz v. Tanager Estates Homeowner's Assn.*, 183 Wn.App. 85, 88 (2014). Thus, the Board may want to consider the CJC and other ethical issues when contemplating whether to purchase insurance from the spouse of a DMCJA member.

<sup>1</sup> See RCW 24.03.015. Nonprofit corporations in Washington State are governed by the Washington Nonprofit Corporation Act, chapter 24.03 RCW.

## Code of Judicial Conduct

The DMCJA is a nonprofit corporation comprised of judges, magistrates, and commissioners. Therefore, the Board may want to consider the CJC when determining whether to purchase D&O insurance from the spouse of a DMCJA member. The CJC is comprised of four canons.<sup>2</sup> CJC Rule 1.2 states, “A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” The official comment for Rule 1.2 states, in relevant part:

Actual improprieties include violations of law, court rules, or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

Further, CJC Rule 1.3 states, “A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.” Canon 3 provides that a judge shall conduct the judge’s personal and extrajudicial activities to minimize risk of conflict with the obligations of judicial office. Judges are encouraged “to view the Canons of Judicial Conduct in a broad fashion and to err, if at all, on the side of caution.” See *State v. Graham*, 91 Wn.App. 663, 670 (1998). In *Graham*, a pro tempore judge recused himself from a trial because he thought his impartiality may be questioned in violation of CJC Rule 3(d)(1). *Id.* at 666.

It is noteworthy that the CJC specifically addresses judicial proceedings. Also, Ethics Advisory Committee opinions that address a spouse or other family member involve court proceedings. Here, D&O insurance protects the Board from liability when making business decisions. No court proceeding is involved. The Board purchasing this insurance from the spouse of a DMCJA member does not appear to reflect adversely on the DMCJA member’s honesty, impartiality, temperament or fitness to serve as a judge. Additionally, there does not appear to be a conflict with the obligations of judicial office, even if the DMCJA member receives a financial benefit from the Board purchasing the insurance from the DMCJA member’s spouse. In fact, RCW 24.03.030 (4) states that a nonprofit corporation “[m]ay pay compensation in a reasonable amount to its members, directors or officers for services rendered.”

## Ethical Considerations (Conflict of Interest)

The Board may want to also consider chapter 42.52 RCW, Ethics in Public Service, when determining whether to purchase insurance from an association member’s spouse. Here, an insurance agent who sells D&O insurance to the Board will receive financial gain. Thus, it is reasonable to think the DMCJA member would indirectly receive compensation if the spouse receives compensation for the transaction. RCW 42.52.030, Financial interests in transactions, states:

- 1) No state officer or state employee, except as provided in subsection (2) of this section, may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in

<sup>2</sup> The four CJC Canons are as follows: (1) CANON 1. A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY; (2) CANON 2. A JUDGE SHOULD PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY; (3) CANON 3. A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE; (4) CANON 4. A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.

whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

- 2) No state officer or state employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a beneficial interest, except that an officer or employee of an institution of higher education or the \*Spokane intercollegiate research and technology institute may serve as an officer, agent, employee, or member, or on the board of directors, board of trustees, advisory board, or committee or review panel for any nonprofit institute, foundation, or fund-raising entity; and may serve as a member of an advisory board, committee, or review panel for a governmental or other nonprofit entity.

Case law discussing this statute is scant. In *Barry v. Johns*, 82 Wn.App. 865 (1996), the Court of Appeals addressed whether municipal officers violated RCW 42.23.03, which prohibits a municipal officer from making contracts on the municipality's behalf that give the officer a beneficial interest in the contract. RCW 42.23.03 is the statutory counterpart to RCW 42.52.030. Both statutes address conflict of interest concerns. Hence, the Board may want to consider ethical laws when deciding whether to purchase insurance from a DMCJA member's spouse.

### **CONCLUSION**

Public officers, such as judges, magistrates, and commissioners, are held to a higher standard than others in our society, and, therefore, their actions are more scrutinized. For this reason, the Board may want to consider the CJC and ethical issues, such as conflict of interest, when deciding whether to purchase D&O insurance from the spouse of a DMCJA member.

Dear DMCJA Members,

I am writing to bid you farewell. I have accepted a position at the Office of Minority and Women's Business Enterprises ("OMWBE") as a Certification Compliance and Training Analyst. It has been my absolute honor and pleasure to serve your association for the past 6.5 years. Assisting the DMCJA has been the best job that I have ever had in my life. This is a high compliment, as I have worked at the White House, Embassy of Japan, and as a Maryland State attorney for fifteen years. I have admired your courage to speak up for what is just in your communities. And, I have been in awe at the commitment of committee chairs and members who often work tirelessly, without compensation, to identify ways to make the Judiciary better for all court users.

This year, the DMCJA took a stand against racial injustice by making its number one priority, *Identifying and Eliminating Systemic Racism in our Justice System*. This is not just a sound bite for the DMCJA, which has always had provisions in its bylaws to encourage racial and other diversity in its membership, committees, and Board of Governors. I am encouraged to see that the Board of Governors is now more diverse with two African-American judges serving as voting Board members. I have felt the impacts of systemic racism directly as an African-American female professional. For this reason, I encourage each of you to continue the good work that you do every day to treat everyone that appears before your court with respect.

As I leave my position as primary support for the DMCJA, I encourage each of you to get involved with the various DMCJA committees. I have learned so much from each committee. I thank you for your service, your kindness towards me, and your commitment to justice. Please feel free to stay in touch. My contact information is [sharonrharvey@yahoo.com](mailto:sharonrharvey@yahoo.com) until I get my official OMWBE email address. Thank you.

Sincerely,

/s/

Sharon R. Harvey