

BOARD FOR JUDICIAL ADMINISTRATION



WASHINGTON
COURTS

MEETING PACKET

**FRIDAY, NOVEMBER 21, 2008
9:30 A.M.**

**AOC SEATAC OFFICE
SEATAC OFFICE CENTER
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Gerry Alexander, Chair
Supreme Court

Judge Vickie Churchill, Member-Chair
Superior Court Judges' Association
Island County Superior Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Sara Derr
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Marilyn Paja, President
District and Municipal Court Judges'
Association
Kitsap County District Court

Justice Barbara Madsen
Supreme Court

Judge Richard McDermott, President
Superior Court Judges' Association
King County Superior Court

Judge Robert McSeveney
District and Municipal Court Judges'
Association
Kent Municipal Court

Judge Christine J. Quinn-Brintnall
Court of Appeals, Division II

Judge John Schultheis
Court of Appeals, Division III

NON-VOTING MEMBERS:

Judge C.C. Bridgewater, Presiding Chief
Judge
Court of Appeals, Division II

Judge Tari Eitzen, President-Elect
Superior Court Judges' Association
Spokane County Superior Court

Mr. Jeff Hall
State Court Administrator

Mr. Mark Johnson, President
Washington State Bar Association

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Salvador Mungia, President-Elect
Washington State Bar Association

Judge Glenn Phillips, President-Elect
District and Municipal Court Judges'
Association
Kent Municipal Court

Board for Judicial Administration

November 21, 2008
9:30 a.m.
AOC SeaTac Office
Suite 1106, SeaTac Office Center

Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Vickie Churchill	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Vickie Churchill	
Action Items		
3. October 17, 2008 Meeting Minutes Action: Motion to approve the minutes of the October 17 meeting	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 1
4. BJA Request Legislation Action: Motion to approve the slate of BJA request legislation	Ms. Mellani McAleenan (by phone)	Tab 2
5. 2009 BJA Meeting Schedule Action: Motion to approve the 2009 BJA meeting schedule	Ms. Mellani McAleenan (by phone)	Tab 3
6. 2009 Salary Commission Action: Motion to establish 2009 position on salaries	Chief Justice Gerry Alexander Mr. Jeff Hall	Tab 4
7. DMCJA Representative to the BJA Court Security Committee Action: Motion to appoint Judge Elizabeth Cordi-Bejarano to the BJA Court Security Committee	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 5
8. BJA Long-Range Planning Committee Taskforce Referral Action: Review and make recommendation for action	Judge Vickie Churchill Mr. Jeff Hall	Tab 6
Reports and Information		
9. Court Closures Related to County Budgets	Judge Richard McDermott Judge Vickie Churchill	
10. Access to Justice Board	M. Wayne Blair	
11. Washington State Bar Association	Mr. Mark Johnson Ms. Paula Littlewood	

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Reports and Information (cont.)		
12. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Barbara Madsen Judge C. C. Bridgewater Judge Richard McDermott Judge Marilyn Paja	Tab 7
13. Administrative Office of the Courts	Mr. Jeff Hall	
14. Other Business Next meeting: December 12 Beginning at 9:00 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Gerry Alexander Judge Vickie Churchill	

**Board for Judicial Administration
Meeting Minutes**

**October 17, 2008
AOC SeaTac Office
SeaTac, Washington**

Members Present: Chief Justice Gerry Alexander, Chair; Judge Vickie Churchill, Member-Chair; Judge Rebecca Baker; Judge C. C. Bridgewater; Judge Ronald Culpepper; Judge Deborah Fleck; Mr. Jeff Hall; Mr. Mark Johnson; Judge Michael Lambo; Ms. Paula Littlewood; Judge Richard McDermott; Judge Robert McSeveney; Judge Marilyn Paja (by phone); and Judge Christine Quinn-Brintnall

Guests Present: Judge Harold Clarke III, Ms. Marti Maxwell, Ms. Barb Miner, and Judge Ann Schindler

Staff Present: Ms. Ashley DeMoss, Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, and Mr. Chris Ruhl

Chief Justice Alexander called the meeting to order.

September 19, 2008 Meeting Minutes

Ms. Flynn noted that revisions were suggested by Ms. DeMoss to the Courts of Limited Jurisdiction report contained in the September minutes.

It was moved by Judge McSeveney and seconded by Judge Lambo to approve the minutes of the September 19, 2008 BJA meeting, with requested revisions to the Courts of Limited Jurisdiction report. The motion carried.

2009 Salary Commission

Chief Justice Alexander reported that at the September BJA meeting each court level was asked to discuss what kind of a recommendation they think should be made at the upcoming Salary Commission meetings. The first public meeting will be in January. It is important that a decision be made regarding the recommendation so the BJA can make a unified presentation to the Salary Commission.

Mr. Hall explained that every two years the BJA submits the "Washington Judiciary's Presentation to the Citizen's Commission on Salaries for Elected Officials" to the Salary Commission. The Commission reviews the document in November. The basic information included in the 2008 document has not changed from the 2006 version.

Mr. Hall encouraged everyone to read through the information and to contact Ms. Flynn with any comments within the next two weeks so changes can be made prior to forwarding the document to the Salary Commission in November.

Over the last few years, the BJA's goal has been to move toward parity with the federal courts. Judge Paja stated that federal judges were denied a salary increase this year and were also denied a cost of living adjustment (COLA).

Judge McDermott said the SCJA Board of Trustees discussed this issue at a recent meeting along with the current financial situation of the state. The SCJA did not come to any conclusions. Apparently, from what Judge McDermott has been told, the Salary Commission does not consider the state's budget when making salary adjustment recommendations. The SCJA did talk about how many members will be retiring in the next eight years—approximately 40%. Even if the BJA only asks for a COLA, that has a significant impact on the retirement benefit of judges. If the BJA looks at just asking for a COLA, at the very least, arguments could be made that the salary adjustment would attract more judges to replace the retiring judges. Judge McDermott stated that he, personally, would support asking for COLAs. A lot of the superior court judges think it would be politically unwise to ask for a COLA because of the current state of the economy but there was no consensus by the SCJA Board of Trustees.

Judge Bridgewater said the Court of Appeals will poll their judges within the next few weeks to determine how they want to approach the Salary Commission. Judge Bridgewater anticipates they will be very conservative.

Judge Paja reported that the DMCJA decided that since district court judges are paid for with state and county funds that it would not be good politically to ask for a salary increase above a COLA. Also, the DMCJA does not think it is wise to ask for a specific COLA amount.

The Supreme Court did not have a formal vote but Chief Justice Alexander feels comfortable that there is consensus on the Court that the BJA should ask for a COLA. The BJA should also request a bump toward some parity with the federal courts to stem the number of state judges going into private judging. It is important that each court level keep in contact with each other and caucus and make sure everyone is on the same page.

BJA Request Legislation

Ms. McAleenan reported that the BJA Proposed 2009 Legislative Agenda is broken up into three categories: 1) new requests, 2) requests that were previously approved, and 3) a request that will be brought to a future meeting. The first two new requests have been approved by the BJA Executive Committee.

The first request is the Washington State Center for Court Research (WSSCR) requesting access to data to complete long-term research regarding juveniles. Also included in their proposed legislation is a requirement that they be trained in sensitive records handling and retention.

Judge McSeveney moved and Judge Baker seconded to approve the WSSCR request legislation. There was no vote after the discussion.

Several BJA member stated they would like to review the legislation prior to approval. Ms. McAleenan said the draft legislation will be available at the November BJA meeting.

Judge Fleck moved and Judge McDermott seconded to table the WSSCR request legislation until the November BJA meeting. The motion carried.

The second request is for legislation to allow the use of an electronic signature in lieu of a written signature, allowing jurors the ability to complete their juror questionnaire online via a secure site. Completing the questionnaire online would not be a requirement but a convenience for jurors. This issue was discussed during the July joint meeting with the County Clerks.

It was moved by Judge McDermott and seconded by Judge Paja to approve the electronic signatures for juror questionnaires legislation. The motion carried.

The third request is for five new King County District Court judges. The total estimated need for King County District Court is 25.57 judges and they currently have 21 judges. From 2000 to 2007, their caseload increased about 30%. Three other factors also influence the request for additional judges.

1. The King County prosecutor, as of the beginning of this month, started sending drug-related cases to district court. It is estimated that will add an additional 2,000 cases per year. Drug-related cases are judge intensive and will require an additional judge which is not reflected in the court's caseload analysis.
2. Next year, the court will receive additional sales tax revenue and will put it toward their drug court so they need approval for a judge now so they are set when the additional revenue is received.
3. King County does have funds available for a commissioner but they need a judge, not a commissioner.

King County District Court definitely has a need for additional judges. The problem, however, comes down to the \$93 million deficit in King County. In that type of atmosphere, it is a little difficult to ask for additional positions. The court has fully briefed the county of their request but they are not sure how the county will react to their

request. It might be more appropriate to address this request in November after the county takes a position on the request.

It was moved by Judge McDermott and seconded by Judge Fleck to table the King County District Court additional judicial positions request until the November BJA meeting. The motion carried.

Previously approved BJA request legislation includes the Court of Appeals, Division II, additional judge request. Increased state funding of jury expenses has also been previously approved and will be discussed later during the meeting.

Another approved legislative request is increased state funding of district and qualifying municipal court judges' salaries. Judge Fleck recalls the cost of that legislation being approximately \$5.3 million and she initiated it because she wanted state funding to reach 50% so the book could be closed on one of the major items of the Justice in Jeopardy Initiative. As the economy continues to worsen, Judge Fleck doesn't think this legislation should be pursued. She thinks this should be deferred until the economy improves.

Judge Fleck moved and Judge Paja seconded to take state funding of district and qualifying municipal court judges' salaries off the slate of BJA request legislation. The motion carried.

The pending legislative request is for regional courts of limited jurisdiction. Ms. McAleenan anticipates the ad hoc committee will have draft legislation by the November or December BJA meetings. Judge Paja is on the ad hoc committee and Ms. McAleenan and other AOC staff members are working on the actual legislation. There will be some timing issues because the legislation has to go through association levels prior to review by the BJA.

Trial Court Operations Funding Committee Revised Juror Pay Legislative Proposal

Judge Clarke gave a presentation at the June BJA meeting regarding the Trial Court Operations Funding Committee's juror pay and interpreter funding proposals. The juror funding proposal that was recommended to the BJA in June was that the state would pay for all juror travel expenses and also pay for the increased daily cost of juror pay (\$65), beginning on the second day of jury service. The estimated cost of the proposal was \$26 million for the biennium.

During the September BJA meeting, Dr. Carl McCurley presented the results of the juror pay pilot project study and the BJA asked the Trial Court Operations Funding Committee to reconsider the juror pay funding proposal based on the study information and the current economic outlook.

The Committee's initial assessment was that the survey was not an overwhelming endorsement of increased juror pay. Upon closer review, there may be additional analysis to do and questions to answer. Continued work needs to be done in this area, but the survey results do take away some of the initial arguments regarding increasing juror pay. As a result, the Committee developed a new legislative proposal. The new proposal still provides for an increased juror reimbursement rate of \$65 per day, adjusted for inflation every year, starting on the second day of service; but the state funding would not begin until July 2010. The proposal also removes the state reimbursement of juror travel expenses and includes language stating the proposal is subject to funding availability. Finally, it provides for a gradual ramp-up to \$65 per day rather than a one-time increase. The economic impact is reflected on the table on page 73 of the materials.

Judge Clarke distributed a bar graph depicting the original plan and proposed plans A and B. The difference between plans A and B is that plan B implements increased state funding of juror pay more slowly than plan A by providing for a longer ramp-up period to \$65 per day.

The Committee is aware that the BJA might drop the entire funding proposal because of the budget forecast—that is plan C. The Committee did talk about plan C but felt it was important, even in light of the financial hardships facing the state, to work toward state funding of juror compensation. The Committee members believe there is a need for some financial assistance for jurors, and they thought it was important that the BJA address this issue. The Committee hopes the BJA will continue to analyze juror pay, further flesh out the pilot project numbers and seek additional follow-up.

Judge Fleck said the Committee discussed at some length whether they should be seeking the increase in juror pay given the current budget outlook. Although there appears to be consensus that increasing juror pay is simply the right thing to do, there is concern that this is the wrong time to be seeking such an increase. In light of the worsening economic forecast, the Court Operations Funding Committee recommended that any increase be phased in in terms of the amount of the increase and that the first increase in pay start in the second year of the biennium. This request would cost \$3 million in the second year of the biennium, rather than the almost \$27 million cost of the previously approved proposal. There will be another revenue forecast prior to the start of the legislative session and if members of the Supreme Court and the BJA determine that any of the budget items in the AOC or Supreme Court budgets need to be revisited, perhaps the juror pay proposal that would be presented to the Legislature needs to be revisited at that time also.

Ms. McAleenan responded that the Legislature typically doesn't like to tie up funding in the future, but this is an issue that legislators are interested in and she does not think the BJA would be wasting their time by requesting future funding. However, waiting for funding will be an issue that needs to be addressed.

Judge Churchill encouraged the BJA members to read the juror pay proposal materials included in the meeting packet and this item will be on the action calendar of the November BJA meeting.

Proposed Amendment to IRLJ 6.2 Infraction Penalties

Judge Paja stated that IRLJ 6.2 is coming before the BJA essentially in the form of a DMCJA recommendation for a rule change. The DMCJA wants input from the BJA regarding whether the BJA thinks this is a useful course to take because it requires work to implement. It is a big part of business for the DMCJA and part of the penalties come back to cities and counties.

The problem is with the separation of powers. The Supreme Court receives a request to amend the penalties and sends the request to the DMCJA for review and then the DMCJA makes a recommendation and sends it back to the Supreme Court to adopt.

The penalty amounts are large and base penalties are set without any input from the public. Citizens who come to court inquire of the judge to find out who sets the penalties. There has, in fact, been a delegation by the Legislature to set penalties to the Supreme Court because there was no logical agency to set penalties resulting in the separation of powers becoming quite blurred. The courts now set the penalties, enforce them, and collect money on behalf of our local jurisdictions and the state.

The issue has been discussed by the DMCJA over a period of time and it has the approval of the DMCJA Board. The DMCJA does not want to make a formal request without running it past the BJA.

Mr. Hall provided some background information regarding the PSEA and Infraction Penalties Subcommittee's work. The Subcommittee was established to work on the recommendations of the Court Funding Task Force including: 1) repeal RCW 46.63.110 (3) which prescribes that the Supreme Court establishes the traffic infraction penalty schedule and eliminate all legislative assessments on traffic penalties; and 2) to develop a penalty classification schedule similar to civil infractions under Title 7 RCW. The Subcommittee worked on the recommendations and concluded it would be feasible to reclassify all the penalties into 12-15 classes. Two things led to a recommendation to not undertake the project at this time. 1) Where AOC was with the Judicial Information System (JIS) system Case Management System (CMS) process. 2) The perception by judges on the Subcommittee that if the Legislature set the penalties, there would be rampant traffic penalty increases.

The DMCJA will continue to work on this issue and bring it back to the BJA at a future meeting.

GR 33 Requirements

Judge Culpepper shared that GR 33 is a relatively new rule and Pierce County Superior Court is concerned about the budget impact of the rule. It is an unfunded mandate. Pierce County has received about ten requests related to GR 33 so far and most of them are for family law cases. Pierce County is concerned that this is likely to become more and more of a funding issue as people become more aware of the rule.

Mr. Hall stated that the Court Management Council (CMC) had a discussion about this recently and this is on their radar screen. Ms. Carol Maher, AOC's ADA Coordinator, is also looking at the rule more broadly. Part of the CMC discussion was whether or not the adoption of GR 33 was the cause of the cost. It is an operation of state law that actually costs money.

Ms. Littlewood said the WSBA Impediments Committee has also been working on this issue.

Mr. Marler said he and Chris Ruhl recently discussed some of the issues that have surfaced regarding GR 33 implementation with Judge Anne Ellington. In general, Judge Ellington's observation was that the rule did not so much create new rights as bring attention to those that already existed. The CMC will have discussions over the next few months with the WSBA Impediments Committee. If there are changes to the rule that may seem appropriate, the CMC will come back to the BJA with recommendations.

Trial Court Coordination Report

The Trial Court Coordination Report was distributed in the meeting materials. Ms. McAleenan noted Skagit County's Regional Staff Training and that courts in several counties are involved and over 100 employees will attend the training.

Judge Baker asked if there is a component of evaluating the success of each project. She said it would be interesting to find out if King County's Jury Summons Response project was successful. Mr. Hall said the reporting requirements are that the counties report to the BJA and the Administrative Office of the Courts regarding their use of the funds but not on the success of the projects.

Washington State Bar Association

Mr. Johnson shared that he is grateful for the opportunity to be a member of the BJA. During the September WSBA Board of Governors (BOG) meeting they 1) voted to oppose the proposed Legal Technician Rule. 2) Unanimously endorsed a resolution supporting same-sex marriage. They knew issue would be controversial but some saw it as a civil rights issue and some saw it as a practice of law issue. 3) Voted to recommend that the WSBA increase license fees in 2010 and 2011.

Ms. Littlewood shared that the WSBA BOG adopted their fiscal year 2009 budget in September. One of their budget goals is to make the Continuing Legal Education department self-sustaining.

Reports of Courts:

Courts of Limited Jurisdiction: Judge Paja received an invitation from the Deans of the law schools at Seattle University, the University of Washington, and Gonzaga University regarding meetings on the issue of "Justice During a Budget Crisis." Judge McDermott was also invited and Ms. Joanne Moore is involved in the project. The first meeting will be held at Seattle University in the next few weeks. The second one will be held in November at the University of Washington.

During the Annual Judicial Conference Judge Tom Ellington was honored with the Washington Judges' Foundation Nevins Fund Award.

Superior Courts: Judge McDermott reported that the SCJA Board of Trustees met in Spokane during the Annual Judicial Conference and addressed a number of issues including GR 34.

The Office of Civil Legal Aid (OCLA), the WSBA and Judge Mary Yu worked and came close to reaching an agreement on a re-drafted version of GR 34.

Court of Appeals: Judge Bridgewater stated that Division II entered into a 10-year lease for the building they currently lease. The building is still under state ownership and the state is looking for the market to improve before they sell it.

Division II will ask for an additional judge but will not ask for it to be funded. Division II is currently in negotiations with Division I for assistance with their caseload.

Supreme Court: Chief Justice Alexander reported that the Supreme Court is in the middle of the fall term.

The Supreme Court recently held a ceremony in which they accepted the presentation of historic photos related to the life of Judge James M. Phillips, the first Native American to serve as a judge in the Washington court system.

The Law Library is exhibiting items related to the Doctors' Trial (U.S. Nuremberg Military Tribunal No. 1). If you are in the Olympia area stop in and look at the items Supreme Court Justice Walter Beals brought back from Nuremberg.

Administrative Office of the Courts

Mr. Hall thanked the AOC staff for pulling off another Annual Judicial Conference. The next conference is the Presiding Judges' Conference at the Great Wolf Lodge.

The AOC Information Services Division (ISD) is in the process of a reorganization.

Mr. Hall will be announcing the AOC Human Resources Associate Director in the next few weeks.

Other Business

BJA Financial Report: A notice will be mailed to Washington judges indicating BJA dues will not be collected this year. Mr. Hall thought it would be appropriate to send a dues notice on a regular, annual basis indicating if dues will be collected or not. The notice will be mailed by mid-November.

There being no further business, the meeting was adjourned.

**Board for Judicial Administration
Proposed 2009 Legislative Agenda**

Board for Judicial Administration Request Legislation – OUTSTANDING REQUESTS

- **Washington State Center for Court Research – Access to Case Records and Staff Training**
 1. Gain permission from the Legislature to obtain and retain case records created in the Judicial Information System regarding juvenile offenders.
 2. WSCCR staff should have training in human subjects' protection and maintain records of training currency in the Department of Social and Health Services Human Research Review Section/Washington State Institutional Review Board's Washington State Agency List of Training Participants.**Status: BJA Approval Requested**

- **New Judicial Positions in King County District Court**

King County District Court is requesting an additional five (5) judicial positions in response to an increased caseload.

Status: BJA Approval Requested

- **New Judicial Positions in Benton County District Court**

Benton County District Court is requesting authorization for two (2) additional judicial positions. With this authorization, two commissioner positions will be eliminated. Benton County Commissioners have agreed to support this proposal.

Status: BJA Approval Requested

Board for Judicial Administration Request Legislation – PREVIOUSLY APPROVED

- **Court of Appeals**

Division II is requesting authorization for an additional judge to be added to their second district, which covers Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston Counties, due to excessive caseload. Funding is not being requested at this time.

Status: Approved by BJA on June 20, 2008.

- **State Funding of District and Qualifying Municipal Court Judges' Salaries**

Move toward 50% state funding of district and qualifying municipal court judges' salaries by implementing 10% incremental increases.

Status: Approved by BJA on July 18, 2008.

- **Electronic Signatures for Juror Questionnaires**

Revise RCW 2.36.072 to allow use of an electronic signature in lieu of a written signature, allowing jurors the ability to complete their jury questionnaire online via a secure site.

Status: Approved by BJA on October 17, 2008.

- **Increased State Funding of Jury Expenses**

Jurors at all court levels would be paid not less than \$10 for the first day of service and \$65 per day thereafter, with increases tied to the consumer price index. State funding would begin on the second day of service for daily juror pay and on day one for mileage reimbursement.

Status: Approved by BJA on July 18, 2008. Currently under revision.

Board for Judicial Administration Request Legislation – PENDING

- **Regional Courts of Limited Jurisdiction**

Ad hoc committee formed based on decision at April 18, 2008 BJA meeting to develop legislation to create optional regional courts of limited jurisdiction. Committee developed outline for legislation, which is currently being drafted.

Status: Legislation being drafted for review at future BJA meeting.

September 25, 2008

Proposal for AOC to request legislation addressing access to information for the Washington State Center for Court Research (WSCCR)

Research using court records can inform decisions about public policy pertaining to prevention, enforcement, treatment, and residential placement. Especially with regard to law-violating behavior, it is important to study and understand the population of Washington residents who have either come into contact with the court or who are likely to do so in the future. For example, treatment decisions can be informed with analysis of factors that increase the odds of a youthful offender either continuing or ceasing a career of offending. In turn, court research requires access to information, and analysis of trends or of court contact across the life-course requires record retention.

Of course, retention and analysis of records must be accomplished in a manner that protects privacy rights and does not expose study subjects to risk of harm. Therefore, WSCCR also has an obligation to achieve and keep current status as researchers trained human subjects' protection.

Components of the proposed legislation:

1. WSCCR should have explicit permission from the legislature, for research purposes only, to have and retain all case records created in the Judicial Information System, including, as an exception to RCW 13.50.100, type 7, case type 8, juvenile referral, and juvenile detention records held by the Judicial Information System, with permission to retain such records indefinitely (affecting RCW 13.50.010, 13.50.050, and 13.50.100).
2. WSCCR staff should have training in human subjects' protection and maintain records of training currency in the Department of Social and Health Services Human Research Review Section/Washington State Institutional Review Board's Washington State Agency List of Training Participants.

1 **13.50.010 Definitions — Conditions when filing petition or information — Duties**
2 **to maintain accurate records and access.**

3 (1) For purposes of this chapter:

4
5 (a) "Juvenile justice or care agency" means any of the following: Police, diversion
6 units, court, prosecuting attorney, defense attorney, detention center, attorney general,
7 the legislative children's oversight committee, the office of [the] family and children's
8 ombudsman, the department of social and health services and its contracting agencies,
9 schools; persons or public or private agencies having children committed to their
10 custody; and any placement oversight committee created under RCW 72.05.415;

11
12 (b) "Official juvenile court file" means the legal file of the juvenile court containing the
13 petition or information, motions, memorandums, briefs, findings of the court, and court
14 orders;

15
16 (c) "Records" means the official juvenile court file, the social file, and records of any
17 other juvenile justice or care agency in the case;

18
19 (d) "Social file" means the juvenile court file containing the records and reports of the
20 probation counselor.

21
22 (2) Each petition or information filed with the court may include only one juvenile and
23 each petition or information shall be filed under a separate docket number. The social
24 file shall be filed separately from the official juvenile court file.

25
26 (3) It is the duty of any juvenile justice or care agency to maintain accurate records.
27 To this end:

28
29 (a) The agency may never knowingly record inaccurate information. Any information
30 in records maintained by the department of social and health services relating to a
31 petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or
32 inaccurate shall be corrected or expunged from such records by the agency;

33
34 (b) An agency shall take reasonable steps to assure the security of its records and
35 prevent tampering with them; and

36
37 (c) An agency shall make reasonable efforts to insure the completeness of its
38 records, including action taken by other agencies with respect to matters in its files.

39
40 (4) Each juvenile justice or care agency shall implement procedures consistent with
41 the provisions of this chapter to facilitate inquiries concerning records.

42
43 (5) Any person who has reasonable cause to believe information concerning that
44 person is included in the records of a juvenile justice or care agency and who has been
45 denied access to those records by the agency may make a motion to the court for an

46 order authorizing that person to inspect the juvenile justice or care agency record
47 concerning that person. The court shall grant the motion to examine records unless it
48 finds that in the interests of justice or in the best interests of the juvenile the records or
49 parts of them should remain confidential.

50
51 (6) A juvenile, or his or her parents, or any person who has reasonable cause to
52 believe information concerning that person is included in the records of a juvenile justice
53 or care agency may make a motion to the court challenging the accuracy of any
54 information concerning the moving party in the record or challenging the continued
55 possession of the record by the agency. If the court grants the motion, it shall order the
56 record or information to be corrected or destroyed.

57
58 (7) The person making a motion under subsection (5) or (6) of this section shall give
59 reasonable notice of the motion to all parties to the original action and to any agency
60 whose records will be affected by the motion.

61
62 (8) The court may permit inspection of records by, or release of information to, any
63 clinic, hospital, or agency which has the subject person under care or treatment. The
64 court may also permit inspection by or release to individuals or agencies, including
65 juvenile justice advisory committees of county law and justice councils, engaged in
66 legitimate research for educational, scientific, or public purposes. The court may also
67 permit inspection of, or release of information from, records which have been sealed
68 pursuant to *RCW 13.50.050(11). The court shall release to the sentencing guidelines
69 commission records needed for its research and data-gathering functions under RCW
70 9.94A.850 and other statutes. Access to records or information for research purposes
71 shall be permitted only if the anonymity of all persons mentioned in the records or
72 information will be preserved. Each person granted permission to inspect juvenile
73 justice or care agency records for research purposes shall present a notarized
74 statement to the court stating that the names of juveniles and parents will remain
75 confidential.

76
77 (9) Juvenile detention facilities shall release records to the sentencing guidelines
78 commission under RCW 9.94A.850 upon request. The commission shall not disclose
79 the names of any juveniles or parents mentioned in the records without the named
80 individual's written permission.

81
82 (10) Requirements in this chapter relating to the court's authority to compel
83 disclosure shall not apply to the legislative children's oversight committee or the office of
84 the family and children's ombudsman.

85 (11) For the purpose of research only the administrative office of the courts shall
86 maintain an electronic research copy of all records in the judicial information system
87 related to juveniles. Access to the research copy shall be restricted to the Washington
88 state center for court research. The Washington state center for court research shall
89 maintain the confidentiality of all confidential records and shall preserve the anonymity
90 of all persons identified in the research copy. The research copy shall not be subject to

91 any records retention schedule and shall include records destroyed or removed from the
92 judicial information system pursuant to RCW 13.50.050(17), 13.50.050(18), and
93 13.50.100(2).

94

95 **13.50.050 Records relating to commission of juvenile offenses — Maintenance of,**
96 **access to, and destruction — Release of information to schools.**

97 (1) This section governs records relating to the commission of juvenile offenses,
98 including records relating to diversions.

99

100 (2) The official juvenile court file of any alleged or proven juvenile offender shall be
101 open to public inspection, unless sealed pursuant to subsection (12) of this section.

102

103 (3) All records other than the official juvenile court file are confidential and may be
104 released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

105

106 (4) Except as otherwise provided in this section and RCW 13.50.010, records
107 retained or produced by any juvenile justice or care agency may be released to other
108 participants in the juvenile justice or care system only when an investigation or case
109 involving the juvenile in question is being pursued by the other participant or when that
110 other participant is assigned the responsibility for supervising the juvenile.

111

112 (5) Except as provided in RCW 4.24.550, information not in an official juvenile court
113 file concerning a juvenile or a juvenile's family may be released to the public only when
114 that information could not reasonably be expected to identify the juvenile or the
115 juvenile's family.

116

117 (6) Notwithstanding any other provision of this chapter, the release, to the juvenile or
118 his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to
119 investigation, diversion, and prosecution of juvenile offenses shall be governed by the
120 rules of discovery and other rules of law applicable in adult criminal investigations and
121 prosecutions.

122

123 (7) Upon the decision to arrest or the arrest, law enforcement and prosecuting
124 attorneys may cooperate with schools in releasing information to a school pertaining to
125 the investigation, diversion, and prosecution of a juvenile attending the school. Upon the
126 decision to arrest or the arrest, incident reports may be released unless releasing the
127 records would jeopardize the investigation or prosecution or endanger witnesses. If
128 release of incident reports would jeopardize the investigation or prosecution or
129 endanger witnesses, law enforcement and prosecuting attorneys may release
130 information to the maximum extent possible to assist schools in protecting other
131 students, staff, and school property.

132

133 (8) The juvenile court and the prosecutor may set up and maintain a central record-

134 keeping system which may receive information on all alleged juvenile offenders against
135 whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their
136 cases are currently pending before the court. The central record-keeping system may
137 be computerized. If a complaint has been referred to a diversion unit, the diversion unit
138 shall promptly report to the juvenile court or the prosecuting attorney when the juvenile
139 has agreed to diversion. An offense shall not be reported as criminal history in any
140 central record-keeping system without notification by the diversion unit of the date on
141 which the offender agreed to diversion.
142

143 (9) Upon request of the victim of a crime or the victim's immediate family, the identity
144 of an alleged or proven juvenile offender alleged or found to have committed a crime
145 against the victim and the identity of the alleged or proven juvenile offender's parent,
146 guardian, or custodian and the circumstance of the alleged or proven crime shall be
147 released to the victim of the crime or the victim's immediate family.
148

149 (10) Subject to the rules of discovery applicable in adult criminal prosecutions, the
150 juvenile offense records of an adult criminal defendant or witness in an adult criminal
151 proceeding shall be released upon request to prosecution and defense counsel after a
152 charge has actually been filed. The juvenile offense records of any adult convicted of a
153 crime and placed under the supervision of the adult corrections system shall be
154 released upon request to the adult corrections system.
155

156 (11) In any case in which an information has been filed pursuant to RCW 13.40.100
157 or a complaint has been filed with the prosecutor and referred for diversion pursuant to
158 RCW 13.40.070, the person the subject of the information or complaint may file a
159 motion with the court to have the court vacate its order and findings, if any, and, subject
160 to subsection (23) of this section, order the sealing of the official juvenile court file, the
161 social file, and records of the court and of any other agency in the case.
162

163 (12) The court shall not grant any motion to seal records made pursuant to
164 subsection (11) of this section that is filed on or after July 1, 1997, unless it finds that:
165

166 (a) For class B offenses other than sex offenses, since the last date of release from
167 confinement, including full-time residential treatment, if any, or entry of disposition, the
168 person has spent five consecutive years in the community without committing any
169 offense or crime that subsequently results in conviction. For class C offenses other than
170 sex offenses, since the last date of release from confinement, including full-time
171 residential treatment, if any, or entry of disposition, the person has spent two
172 consecutive years in the community without committing any offense or crime that
173 subsequently results in conviction. For gross misdemeanors and misdemeanors, since
174 the last date of release from confinement, including full-time residential treatment, if any,
175 or entry of disposition, the person has spent two consecutive years in the community
176 without committing any offense or crime that subsequently results in conviction. For
177 diversions, since completion of the diversion agreement, the person has spent two
178 consecutive years in the community without committing any offense or crime that
179 subsequently results in conviction or diversion;

180
181 (b) No proceeding is pending against the moving party seeking the conviction of a
182 juvenile offense or a criminal offense;

183
184 (c) No proceeding is pending seeking the formation of a diversion agreement with
185 that person;

186
187 (d) The person has not been convicted of a class A or sex offense; and

188
189 (e) Full restitution has been paid.

190
191 (13) The person making a motion pursuant to subsection (11) of this section shall
192 give reasonable notice of the motion to the prosecution and to any person or agency
193 whose files are sought to be sealed.

194
195 (14) If the court grants the motion to seal made pursuant to subsection (11) of this
196 section, it shall, subject to subsection (23) of this section, order sealed the official
197 juvenile court file, the social file, and other records relating to the case as are named in
198 the order. Thereafter, the proceedings in the case shall be treated as if they never
199 occurred, and the subject of the records may reply accordingly to any inquiry about the
200 events, records of which are sealed. Any agency shall reply to any inquiry concerning
201 confidential or sealed records that records are confidential, and no information can be
202 given about the existence or nonexistence of records concerning an individual.

203
204 (15) Inspection of the files and records included in the order to seal may thereafter
205 be permitted only by order of the court upon motion made by the person who is the
206 subject of the information or complaint, except as otherwise provided in RCW
207 13.50.010(8) and subsection (23) of this section.

208
209 (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the
210 effect of nullifying the sealing order. Any charging of an adult felony subsequent to the
211 sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A
212 RCW. The administrative office of the courts shall ensure that the superior court judicial
213 information system provides prosecutors access to information on the existence of
214 sealed juvenile records.

215
216 (17)(a)(i) Subject to subsection (23) of this section, all records maintained by any
217 court or law enforcement agency, including the juvenile court, local law enforcement,
218 the Washington state patrol, and the prosecutor's office, shall be automatically
219 destroyed within ninety days of becoming eligible for destruction. Juvenile records are
220 eligible for destruction when:

221
222 (A) The person who is the subject of the information or complaint is at least eighteen
223 years of age;

224
225 (B) His or her criminal history consists entirely of one diversion agreement or counsel

226 and release entered on or after June 12, 2008;

227
228 (C) Two years have elapsed since completion of the agreement or counsel and
229 release;

230
231 (D) No proceeding is pending against the person seeking the conviction of a criminal
232 offense; and

233
234 (E) There is no restitution owing in the case.

235
236 (ii) No less than quarterly, the administrative office of the courts shall provide a report
237 to the juvenile courts of those individuals whose records may be eligible for destruction.
238 The juvenile court shall verify eligibility and notify the Washington state patrol and the
239 appropriate local law enforcement agency and prosecutor's office of the records to be
240 destroyed. The requirement to destroy records under this subsection is not dependent
241 on a court hearing or the issuance of a court order to destroy records.

242
243 (iii) The state and local governments and their officers and employees are not liable
244 for civil damages for the failure to destroy records pursuant to this section.

245
246 (b) A person eighteen years of age or older whose criminal history consists entirely
247 of one diversion agreement or counsel and release entered prior to June 12, 2008, may
248 request that the court order the records in his or her case destroyed. The request shall
249 be granted, subject to subsection (23) of this section, if the court finds that two years
250 have elapsed since completion of the agreement or counsel and release.

251
252 (c) A person twenty-three years of age or older whose criminal history consists of
253 only referrals for diversion may request that the court order the records in those cases
254 destroyed. The request shall be granted, subject to subsection (23) of this section, if the
255 court finds that all diversion agreements have been successfully completed and no
256 proceeding is pending against the person seeking the conviction of a criminal offense.

257
258 (18) If the court grants the motion to destroy records made pursuant to subsection
259 (17)(b) or (c) of this section, it shall, subject to subsection (23) of this section, order the
260 official juvenile court file, the social file, and any other records named in the order to be
261 destroyed.

262
263 (19) The person making the motion pursuant to subsection (17)(b) or (c) of this
264 section shall give reasonable notice of the motion to the prosecuting attorney and to any
265 agency whose records are sought to be destroyed.

266
267 (20) Any juvenile to whom the provisions of this section may apply shall be given
268 written notice of his or her rights under this section at the time of his or her disposition
269 hearing or during the diversion process.

270
271 (21) Nothing in this section may be construed to prevent a crime victim or a member

272 of the victim's family from divulging the identity of the alleged or proven juvenile offender
273 or his or her family when necessary in a civil proceeding.

274
275 (22) Any juvenile justice or care agency may, subject to the limitations in subsection
276 (23) of this section and (a) and (b) of this subsection, develop procedures for the routine
277 destruction of records relating to juvenile offenses and diversions.

278
279 (a) Records may be routinely destroyed only when the person the subject of the
280 information or complaint has attained twenty-three years of age or older or pursuant to
281 subsection (17)(a) of this section.

282
283 (b) The court may not routinely destroy the official juvenile court file or recordings or
284 transcripts of any proceedings.

285
286 (23) No identifying information held by the Washington state patrol in accordance
287 with chapter 43.43 RCW is subject to destruction or sealing under this section. For the
288 purposes of this subsection, identifying information includes photographs, fingerprints,
289 palmprints, soleprints, toeprints and any other data that identifies a person by physical
290 characteristics, name, birthdate or address, but does not include information regarding
291 criminal activity, arrest, charging, diversion, conviction or other information about a
292 person's treatment by the criminal justice system or about the person's behavior.

293
294 (24) Information identifying child victims under age eighteen who are victims of
295 sexual assaults by juvenile offenders is confidential and not subject to release to the
296 press or public without the permission of the child victim or the child's legal guardian.
297 Identifying information includes the child victim's name, addresses, location,
298 photographs, and in cases in which the child victim is a relative of the alleged
299 perpetrator, identification of the relationship between the child and the alleged
300 perpetrator. Information identifying a child victim of sexual assault may be released to
301 law enforcement, prosecutors, judges, defense attorneys, or private or governmental
302 agencies that provide services to the child victim of sexual assault.

303

304 **13.50.100 Records not relating to commission of juvenile offenses —**
305 **Maintenance and access — Release of information for child custody hearings —**
306 **Disclosure of unfounded allegations prohibited.**

307 (1) This section governs records not covered by RCW 13.50.050.

308
309 (2) Records covered by this section shall be confidential and shall be released only
310 pursuant to this section and RCW 13.50.010.

311
312 (3) Records retained or produced by any juvenile justice or care agency may be
313 released to other participants in the juvenile justice or care system only when an
314 investigation or case involving the juvenile in question is being pursued by the other

315 participant or when that other participant is assigned the responsibility of supervising the
316 juvenile. Records covered under this section and maintained by the juvenile courts
317 which relate to the official actions of the agency may be entered in the statewide judicial
318 information system. However, truancy records associated with a juvenile who has no
319 other case history, and records of a juvenile's parents who have no other case history,
320 shall be removed from the judicial information system when the juvenile is no longer
321 subject to the compulsory attendance laws in chapter 28A.225 RCW. A county clerk is
322 not liable for unauthorized release of this data by persons or agencies not in his or her
323 employ or otherwise subject to his or her control, nor is the county clerk liable for
324 inaccurate or incomplete information collected from litigants or other persons required to
325 provide identifying data pursuant to this section.

326
327 (4) Subject to (a) of this subsection, the department of social and health services
328 may release information retained in the course of conducting child protective services
329 investigations to a family or juvenile court hearing a petition for custody under chapter
330 26.10 RCW.

331
332 (a) Information that may be released shall be limited to information regarding
333 investigations in which: (i) The juvenile was an alleged victim of abandonment or abuse
334 or neglect; or (ii) the petitioner for custody of the juvenile, or any individual aged sixteen
335 or older residing in the petitioner's household, is the subject of a founded or currently
336 pending child protective services investigation made by the department subsequent to
337 October 1, 1998.

338
339 (b) Additional information may only be released with the written consent of the
340 subject of the investigation and the juvenile alleged to be the victim of abandonment or
341 abuse and neglect, or the parent, custodian, guardian, or personal representative of the
342 juvenile, or by court order obtained with notice to all interested parties.

343
344 (5) Any disclosure of records or information by the department of social and health
345 services pursuant to this section shall not be deemed a waiver of any confidentiality or
346 privilege attached to the records or information by operation of any state or federal
347 statute or regulation, and any recipient of such records or information shall maintain it in
348 such a manner as to comply with such state and federal statutes and regulations and to
349 protect against unauthorized disclosure.

350
351 (6) A contracting agency or service provider of the department of social and health
352 services that provides counseling, psychological, psychiatric, or medical services may
353 release to the office of the family and children's ombudsman information or records
354 relating to services provided to a juvenile who is dependent under chapter 13.34 RCW
355 without the consent of the parent or guardian of the juvenile, or of the juvenile if the
356 juvenile is under the age of thirteen years, unless such release is otherwise specifically
357 prohibited by law.

358
359 (7) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's
360 attorney, shall, upon request, be given access to all records and information collected or

361 retained by a juvenile justice or care agency which pertain to the juvenile except:

362

363 (a) If it is determined by the agency that release of this information is likely to cause
364 severe psychological or physical harm to the juvenile or his or her parents the agency
365 may withhold the information subject to other order of the court: PROVIDED, That if the
366 court determines that limited release of the information is appropriate, the court may
367 specify terms and conditions for the release of the information; or

368

369 (b) If the information or record has been obtained by a juvenile justice or care agency
370 in connection with the provision of counseling, psychological, psychiatric, or medical
371 services to the juvenile, when the services have been sought voluntarily by the juvenile,
372 and the juvenile has a legal right to receive those services without the consent of any
373 person or agency, then the information or record may not be disclosed to the juvenile's
374 parents without the informed consent of the juvenile unless otherwise authorized by law;
375 or

376

377 (c) That the department of social and health services may delete the name and
378 identifying information regarding persons or organizations who have reported alleged
379 child abuse or neglect.

380

381 (8) A juvenile or his or her parent denied access to any records following an agency
382 determination under subsection (7) of this section may file a motion in juvenile court
383 requesting access to the records. The court shall grant the motion unless it finds access
384 may not be permitted according to the standards found in subsection (7)(a) and (b) of
385 this section.

386

387 (9) The person making a motion under subsection (8) of this section shall give
388 reasonable notice of the motion to all parties to the original action and to any agency
389 whose records will be affected by the motion.

390

391 (10) Subject to the rules of discovery in civil cases, any party to a proceeding
392 seeking a declaration of dependency or a termination of the parent-child relationship
393 and any party's counsel and the guardian ad litem of any party, shall have access to the
394 records of any natural or adoptive child of the parent, subject to the limitations in
395 subsection (7) of this section. A party denied access to records may request judicial
396 review of the denial. If the party prevails, he or she shall be awarded attorneys' fees,
397 costs, and an amount not less than five dollars and not more than one hundred dollars
398 for each day the records were wrongfully denied.

399

400 (11) No unfounded allegation of child abuse or neglect as defined in *RCW
401 26.44.020(12) may be disclosed to a child-placing agency, private adoption agency, or
402 any other licensed provider.

403

404



**King County
District Court
Office of the Chief Presiding Judge**

W1034 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
Telephone: (206) 205-2820
Fax: (206) 296-0596

**The Honorable Barbara Linde
Chief Presiding Judge**

**Tricia Crozier
Chief Administrative Officer**

September 26, 2008

Jeff Hall
State Court Administrator
Administrative Office of the Court
1206 Quince Street
P.O. Box 41170
Olympia, WA 98504-1170

Dear Mr. Hall:

This letter is in response to your September 4th letter that provides the 2008 objective workload analysis for the District and Municipal Courts Judicial Need. This analysis presented an estimated judicial need for the King County District Court of 25.57 judges.

In your letter you ask that we provide you with the number of additional District Court judicial positions King County District Court would like the 2009 Legislature to consider, so that you can inform the Board for Judicial Administration. Based on our current judicial need, District Court is requesting five additional judicial positions for 2009, which would bring us to 26 judicial positions.

Thank you for your assistance and we look forward to speaking with you in the near future regarding this matter.

Sincerely,

Barbara Linde
Chief Presiding Judge
King County District Court

Cc: King County District Court Judges
Judge Marilyn G. Paja, President District and Municipal Court Judges Association
Tricia Crozier, Chief Administrative Officer

Benton County District Court

7122 W. Okanogan Place, Building A
Kennewick, WA 99336
509-735-8476

October 28, 2008

Chief Justice Gerry Alexander
Washington State Supreme Court
415 12th Street W
P.O. Box 41174
Olympia, WA 98504-1174

Dear Chief Alexander,

Current legislation provides for three elected judicial positions in Benton County. Our judicial needs, according to the most recent Judicial need estimates, are 5.41. With only three judges the county has approved two court commissioners to satisfy our need. With the limiting of commissioners authority together with the unsettling fact that 40% of our bench is not elected, our County Commissioners have unanimously agreed to support five elected judges and eliminate the commissioner positions.

Enclosed you will find a letter of support from our board of County Commissioners. We are asking the Board of Judicial Administration to sponsor legislation to implement the change for the two new judicial positions. Our total judicial needs still exceed the number of judicial positions but that would be a matter for our local government. This impacts our local budget, which our County Commissioners are prepared to assume, but does not impact a state budget, nor does it create a position that may not be filled since we are eliminating the court commissioner positions.

We would appreciate your support and assistance in this matter. If there are additional steps we need to take please advise us and we will act promptly. Thank you in advance.

Sincerely,



Holly A. Hollenbeck
Presiding Judge

cc: Judge Marilyn Paja
Judge Brett Buckley
Jeff Hall

Leo Bowman
District 1
Max Benitz, Jr.
District 2
Claude Oliver
District 3

Board of County Commissioners
BENTON COUNTY

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator

July 22, 2008

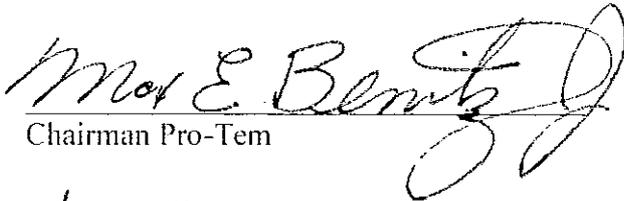
Rep. Patricia Lantz, Judiciary Chair
Rep. Roger Goodman, Judiciary Vice Chair
Rep. Jay Rodne
Rep. Judy Warnick
Rep. John Ahern
Rep. Dennis Flannigan
Rep. Steve Kirby
Rep. Jim Moeller
Rep. Jamie Pedersen
Rep. Charles Ross
Rep. Brendan Williams

John L. O'Brien Building
2nd Floor Room JLOB 208-A
P.O. Box 40600
Olympia, WA 98504-0600

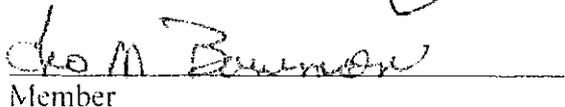
The Commissioners of Benton County are in support of a Legislative Bill granting two additional judicial positions for Benton County District Court. These additional judicial positions would replace the two current county court commissioner positions and not be an increase of the current judicial staff.



Chairman of the Board



Chairman Pro-Tem



Member

Jury Pay Legislative Proposal
Based on Current Washington State Minimum Wage With CPI Inflation Escalator,
Three-Year Ramp Up Starting in 2011, and Policy Compliance Requirements

1 **RCW 2.36.150 Juror compensation and expense payments — Reimbursement by**
2 **state — ~~Pilot projects.~~**

3
4 ~~(1) Grand, petit, coroner's, and district court jurors shall receive for each day's~~
5 ~~attendance; besides expense payments for mileage at the rate determined under RCW~~
6 ~~43.03.060, the following expense payments the following compensation:~~

7 ~~(a) For jury service before July 1, 2010, up to twenty-five dollars but in no case less~~
8 ~~than ten dollars for each day's attendance.~~

9
10 ~~(b) For jury service beginning July 1, 2010 and until July 1, 2011, up to sixty-five~~
11 ~~dollars but in no case less than ten dollars for the first day of attendance and up to sixty-~~
12 ~~five dollars but in no case less than twenty dollars for each day thereafter.~~

13
14 ~~(c) For jury service beginning July 1, 2011 and until July 1, 2012, up to sixty-five~~
15 ~~dollars but in no case less than ten dollars for the first day of attendance and up to sixty-~~
16 ~~five dollars but in no case less than forty dollars for each day thereafter.~~

17
18 ~~(d) For jury service beginning July 1, 2012, up to sixty-five dollars but in no case less~~
19 ~~than ten dollars for the first day of attendance and sixty-five dollars for each day~~
20 ~~thereafter. Beginning on July 1, 2012, the administrative office of the courts shall~~
21 ~~annually adjust the maximum amount for the first day of attendance and the amount for~~
22 ~~subsequent days attendance for inflation based on changes in the consumer price index~~
23 ~~during the previous calendar year. "Consumer price index" means, for any calendar~~
24 ~~year, that year's annual average consumer price index for urban wage earners and~~
25 ~~clerical workers, all items, compiled by the bureau of labor and statistics, United States~~
26 ~~department of labor.~~

27
28 ~~(1) Grand jurors may receive up to twenty-five dollars but in no case less than ten~~
29 ~~dollars;~~

30
31 ~~(2) Petit jurors may receive up to twenty-five dollars but in no case less than ten~~
32 ~~dollars;~~

33
34 ~~—(3) Coroner's jurors may receive up to twenty-five dollars but in no case less than ten~~
35 ~~dollars;~~

36
37 ~~—(4) District court jurors may receive up to twenty-five dollars but in no case less than~~
38 ~~ten dollars;~~

39
40 ~~(2) The juror compensation rates in subsection 1 are subject to the availability of~~
41 ~~funds specifically appropriated for reimbursement by the state as provided in subsection~~

1 4. If such funds are not appropriated, grand, petit, coroner's, and district court jurors
2 shall receive, besides expense payments for mileage at the rate determined under
3 RCW 43.03.060, up to twenty-five dollars but in no case less than ten dollars for each
4 day's attendance.

5
6 (3) The county is solely responsible for juror compensation for the first day of
7 attendance and for any juror expense payments including mileage. The compensation
8 paid to jurors for the first day of attendance shall be determined by the county legislative
9 authority and shall be uniformly applied within the county.

10
11 (4) Subject to the availability of funds specifically appropriated therefor, the state shall
12 reimburse the county quarterly for juror compensation required under this section for
13 jury attendance after the first day beginning July 1, 2010. The reimbursement shall be
14 based on a rate of twenty dollars per day beginning July 1, 2010 until July 1, 2011, forty
15 dollars per day beginning July 1, 2011 until July 1, 2012, and sixty-five dollars per day
16 as adjusted for inflation under RCW 2.36.150(1)(d) beginning July 1, 2012. To receive
17 reimbursement the county must:

18 (a) Certify to the administrative office of the courts by January 1st of each year for
19 which reimbursement is requested that the county has:

20 (i) Implemented a policy on juror service in which the period of time a juror is
21 required to be present at the court facility may not exceed two days during any
22 jury term, except to complete a trial to which the juror was assigned; and

23 (ii) Complied with any requirements adopted by the board for judicial
24 administration for the management of juries and jurors;

25 (b) Have provided to the administrative office of the courts data, for the most recent
26 calendar year, specified by the board for judicial administration for the calculation of
27 juror yield and juror utilization statistics; and

28 (c) Use forms prescribed by the administrative office of the courts to request
29 reimbursement.

30
31 ~~(5) PROVIDED, That a~~ A person excused from jury service at his or her own request
32 shall be allowed not more than a per diem and such mileage, if any, as to the court shall
33 seem just and equitable under all circumstances.

34
35 ~~(6) : PROVIDED FURTHER, That t~~The state shall fully reimburse the county in which
36 trial is held for all jury fees and witness fees related to criminal cases which result from
37 incidents occurring within an adult or juvenile correctional institution.

38
39 ~~: PROVIDED FURTHER, That the expense payments compensation paid to jurors for~~
40 ~~the first day of attendance shall be determined by the county legislative authority and~~
41 ~~shall be uniformly applied within the county.~~

42
43 For the fiscal year ending June 30, 2007, jurors participating in pilot projects in
44 superior, district, and municipal courts may receive juror fees of up to sixty two dollars

1 for each day of attendance in addition to mileage reimbursement at the rate determined
2 under RCW 43.03.060.

3
4
5 **RCW 3.50.135 Request for jury trial in civil cases — Exception — Fee — Juror**
6 **compensation and expense payments — Jury trials in criminal cases.**

7
8 (1) In all civil cases, the plaintiff or defendant may demand a jury, which shall consist
9 of six citizens of the state who shall be impaneled and sworn as in cases before district
10 courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury
11 trial may be held on a proceeding involving a traffic infraction.

12
13 (2) A party requesting a jury shall pay to the court a fee which shall be the same as
14 that for a jury in district court. If more than one party requests a jury, only one jury fee
15 shall be collected by the court. The fee shall be apportioned among the requesting
16 parties.

17
18 (3) Each juror may receive up to twenty-five dollars but in no case less than ten
19 dollars for each day in attendance upon the municipal court shall be compensated as
20 provided in RCW 2.36.150(1), and in addition thereto shall receive mileage at the rate
21 determined under RCW 43.03.060.:

22
23 (4) The juror compensation rates in subsection 3 are subject to the availability of
24 funds specifically appropriated for reimbursement by the state as provided in subsection
25 4. If such funds are not appropriated, jurors shall receive, besides expense payments
26 for mileage at the rate determined under RCW 43.03.060, up to twenty-five dollars but
27 in no case less than ten dollars for each day's attendance.

28
29 (5) PROVIDED, That the city is solely responsible for juror compensation for the first
30 day of attendance and for any juror expense payments including mileage. Subject to
31 the availability of funds specifically appropriated therefor, the state shall reimburse the
32 city quarterly for any additional juror compensation required under this section for jury
33 attendance after June 30, 2010. Such reimbursement shall be based on the same
34 schedule of rates and the city shall be subject to the same requirements imposed on
35 counties in RCW 2.36.150(4). The compensation paid jurors for the first day of
36 attendance shall be determined by the legislative authority of the city and shall be
37 uniformly applied.:

38
39 (6) Jury trials shall be allowed in all criminal cases unless waived by the defendant.
40
41
42

1 **RCW 35.20.090 Trial by jury — Juror compensation and expense payments's**
2 **fees.**

3
4 (1) In all civil cases and criminal cases where jurisdiction is concurrent with district
5 courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the
6 plaintiff or defendant may demand a jury, which shall consist of six citizens of the state
7 who shall be impaneled and sworn as in cases before district courts, or the trial may be
8 by a judge of the municipal court: PROVIDED, That no jury trial may be held on a
9 proceeding involving a traffic infraction.

10
11 (2) A defendant requesting a jury shall pay to the court a fee which shall be the same
12 as that for a jury in district court. Where there is more than one defendant in an action
13 and one or more of them requests a jury, only one jury fee shall be collected by the
14 court.

15
16 (3) ~~Each juror may receive up to twenty-five dollars but in no case less than ten~~
17 ~~dollars for each day in attendance upon the municipal court shall be compensated as~~
18 ~~provided in RCW 2.36.150(1), and in addition thereto shall receive mileage at the rate~~
19 ~~determined under RCW 43.03.060.:~~

20
21 (4) The juror compensation rates in subsection 3 are subject to the availability of
22 funds specifically appropriated for reimbursement by the state as provided in subsection
23 4. If such funds are not appropriated, grand, petit, coroner's, and district court jurors
24 shall receive, besides expense payments for mileage at the rate determined under
25 RCW 43.03.060, up to twenty-five dollars but in no case less than ten dollars for each
26 day's attendance.

27
28 (5) PROVIDED, That: ~~The city is solely responsible for juror compensation for the~~
29 first day of attendance and for any juror expense payments including mileage. Subject
30 to the availability of funds specifically appropriated therefor, the state shall reimburse
31 the city quarterly for any additional juror compensation required under this section for
32 jury attendance after June 30, 2010. Such reimbursement shall be based on the same
33 schedule of rates and the city shall be subject to the same requirements imposed on
34 counties in RCW 2.36.150(4). The compensation paid jurors for the first day of
35 attendance shall be determined by the legislative authority of the city and shall be
36 uniformly applied;

37
38 (6) Trial by jury shall be allowed in criminal cases involving violations of city
39 ordinances commencing January 1, 1972, unless such incorporated city affected by this
40 chapter has made provision therefor prior to January 1, 1972.

Jury Pay Legislative Proposal
 Based on Current Washington State Minimum Wage With CPI Inflation Escalator
 and Three-Year Ramp Up Starting in 2011

	State		Local		Total
	Jury Pay	Travel	Jury Pay	Travel	
Current					
Year 1	\$0	\$0	\$2,935,473	\$3,112,187	\$6,047,660
Year 2	\$0	\$0	\$2,935,473	\$3,112,187	\$6,047,660
Biennium	\$0	\$0	\$5,870,946	\$6,224,374	\$12,095,320
Proposed:					
State pays \$65 per day starting on the second day of service. Local governments pay \$10 (or other current rate) for first day.					
The \$65 rate is adjusted for inflation every year based on the increase in CPI.					
Local courts pay all travel.					
Pay increase and state funding start on July 1, 2010.					
Three year ramp-up (with annual increases in pay and state budget requirement) to full funding in FY 2013.					
FY 2010	\$0	\$0	\$2,935,473	\$3,112,187	\$6,047,660
FY 2011	\$3,049,420	\$0	\$1,330,110	\$3,112,187	\$4,442,297
2009-2011 Biennium	\$3,049,420	\$0	\$4,265,583	\$6,224,374	\$13,539,377
FY 2012	\$6,098,840	\$0	\$1,330,110	\$3,112,187	\$4,442,297
FY 2013	\$10,514,171	\$0	\$1,330,110	\$3,112,187	\$4,442,297
2011-2013 Biennium	\$16,613,011	\$0	\$2,660,220	\$6,224,374	\$8,884,594

Schedule with ramp up to full funding in 2011-2013 biennium:

- \$20.00 Starting 7/1/2010
- \$40.00 Starting 7/1/2011
- \$68.96 Starting 7/1/2012

State minimum wage with CPI escalation: assumes \$65 state minimum wage in 2009 plus adjustments based on assumed increases in 2010 and 2011 CPI.
 Assumes 3 % annual increase in CPI.

**Board for Judicial Administration
Proposed 2009 Meeting Schedule**

Date	Location
January 16	Olympia (9:30 a.m.) (This meeting will coincide with the State of the Judiciary Address so the date and time might change)
February 20	Olympia (9:30 a.m.)
March 20	Olympia (9:30 a.m.)
April 17	Olympia (9:30 a.m.)
May 15	SeaTac (9:30 a.m.)
June 19	SeaTac (9:30 a.m.)
July 17	SeaTac (Joint meeting with County Clerks) (9:30 a.m.)
August 21	SeaTac (9:30 a.m.)
September 18	SeaTac (9:30 a.m.)
October 16	SeaTac (9:30 a.m.)
November 20	SeaTac (9:30 a.m.)
December 11	SeaTac (Joint meeting with Court Management Council) (9:00 a.m.)

SeaTac Location: AOC SeaTac Facility
 Kilroy Airport Center SeaTac-South Tower
 18000 International Blvd., Suite 1106
 SeaTac WA 98188-4251

Olympia Location: Chief Justice's Reception Room
 Temple of Justice
 415 12th Ave SW
 Olympia, WA 98501

Proposed 2009 BJA Position on Judicial Salaries

Historically, judiciary has maintained a consistent position on salaries:

- In order to attract and retain experienced and highly qualified attorneys to the bench, salaries must **keep pace with inflation** - at a minimum. Ongoing, regular increases which reflect the cost of living are preferable to irregular "catch-up" increases.
- To reflect the unique and important role of judges at each level of court, the difference in salary between the four levels should be equal and small. We support maintaining the **5% differential**. It reinforces the important collaboration and collegiality among judges throughout the system
- Salaries of the **federal bench** are the most realistic standard to use in establishing salaries for Washington State judges because the duties of federal judges are directly comparable. Salaries of federal judges establish the "market" for the state judiciary as evidenced by judges leaving state positions for better paid federal jobs.
- Normalized salaries of **judges in other states** provide another point of reference, though oftentimes jurisdiction over case types vary considerably among general and limited jurisdiction court judges across the states.



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October 23, 2008

Honorable Gerry Alexander
Chief Justice of the Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Alexander:

RE: DMCJA REPRESENTATIVE TO THE BJA COURT SECURITY
COMMITTEE

It is my pleasure to nominate Judge Elizabeth Cordi-Bejarano, SeaTac Municipal Court, to serve as a District and Municipal Court Judges' Association representative to the BJA Court Security Committee. Judge Cordi-Bejarano will replace Judge Brett Buckley and complete his unexpired term ending June 30, 2009.

Thank you for the opportunity to make this nomination.

Sincerely,

Marilyn Paja
President-Judge

cc: Judge Brett Buckley
Judge Elizabeth Cordi-Bejarano
Judge Steven Gonzalez
Judge Janis Whitener-Moberg
Mr. Rick Coplen
Ms. Ashley DeMoss

STATE OF WASHINGTON

1206 Quince Street SE • P.O. Box 41170 • Olympia, WA 98504-1170
360-753-3365 • 360-586-8869 Fax • www.courts.wa.gov



WASHINGTON
COURTS

July 15, 2008

Honorable Gerry L. Alexander, Chair
Board for Judicial Administration
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Alexander,

Thank you for your recent response to the Board for Judicial Administration's Long-Range Planning Committee (LRPC) on the recommendations made by a variety of commissions, task forces, and committees over the past 20 years. The goal of the LRPC in seeking your assistance was to determine whether the recommendations warrant continued inclusion in the BJA's long-range plan.

Some of the responses we received from you and other organizations indicated that the recommendations were either completed or no longer applicable; and some of the responses indicated that certain recommendations should be referred back to you or to another entity for either review or action.

Therefore, please find attached the recommendation that has been referred to your association for further action. The LRPC would like to hear back from you in six months with the action you have taken or will be taking.

If you have any questions or concerns, please contact Colleen Clark at 360-704-4143 or colleen.clark@courts.wa.gov. On behalf of the Long-Range Planning Committee, I thank you in advance for your time and effort. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Vickie I. Churchill".

Judge Vickie I. Churchill, Chair
Board for Judicial Administration
Long-Range Planning Committee

Attachment

cc: ✓ Ms. Beth Flynn (AOC)

Board for Judicial Administration
Long-Range Planning Committee

TASKFORCE REFERRALS FOR ACTION
July 2008

Referral To: ~~BOARD FOR JUDICIAL ADMINISTRATION~~
SUPERIOR COURT JUDGES' ASSOCIATION
DISTRICT & MUNICIPAL COURT JUDGES' ASSOCIATION

Reason for Referral: Per the Court Management Council, May 2008: This recommendation is more appropriately addressed by the following groups and should be re-referred for review, BJA, SCJA and DMCJA. The CMC will review the issue to determine where it fits as a CMC priority at the next meeting.

Recommendation:

DMCJA should propose legislation that would require public defense costs to be placed outside the budget of the courts.

Source: Wilson Report, 1997 (pages 74-76, # D-3 3. (LRP 255))

Wilson Report Analysis:

Out of 102 courts where the judge/staff screen for public defender eligibility, 74 courts have public defense services included in their annual court budget. This creates a conflict of interest due to the fact that each time a public defender is appointed, the court resources are reduced. The inclusion of the public defender expenditures in the court budget is inappropriate and the practice should be discontinued.

*DMCJA Commentary (November 1999):
Referred to DMCJA Legislative Committee to draft legislation.*

*BJA LRPC comment:
Is this currently being addressed by CMC for a proposal to the BJA?*

*BJA LRPC comment:
Should there be discretionary review of certain issues?*



WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE

(360) 586-3164
FAX (360) 586-8165

Internet Email: opd@opd.wa.gov

November 17, 2008

The Honorable Gerry Alexander, Chair
Board for Judicial Administration
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Review of Referral from Long Range Planning Committee

Dear Chief Justice Alexander:

This letter is in response to a referral from the Board for Judicial Administration's Long Range Planning Committee. The referral originated several years ago as a task force recommendation to remove trial-level indigent defense from court budgets. The task force based its recommendation on the 1997 Wilson Report, which expressed concern that the inclusion of indigent defense expenditures in local court budgets could present a conflict of interest.

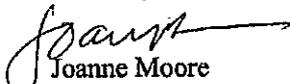
In the eleven years since the Wilson Report, changes in law and practice appear to have diminished the need for formal action on this issue. Among the changes:

- At most nine counties, and possibly as few as four counties, identify indigent defense as part of a court budget in 2008. Even in these situations indigent defense appears as a discrete line item within the court budget, which guards against the Wilson Report concern that usage of aggregate court funds for indigent defense could reduce resources for other court needs and lead to a conflict of interest.
- In the few small counties where indigent defense remains part of a court budget the courts often offer the only viable administrative structure capable of overseeing indigent defense. After several years' experience administering state grant funding for trial-level indigent defense, the Office of Public Defense (OPD) has observed that professional oversight plays a significant role in achieving and maintaining a high-quality public defense program. To simply remove indigent defense from a court budget, without establishing an alternative administrative structure, likely would not improve the administration of indigent defense services. OPD is aware of two counties that are in the process of restructuring indigent defense for their 2009 budgets, moving it from a court function to a stand-alone executive function.
- Since 2006 the State Auditor has allocated specific budget and accounting codes for indigent defense expenditures, which are to be used to identify indigent defense services regardless of where they appear in the county budget. OPD records show that most counties are using these codes, which provide for a clear audit trail.

Given these developments and what appears to be an ongoing trend away from including indigent defense within the courts, OPD recommends that the BJA take no further action on this matter at this time.

Thank you very much for seeking the advice of the Office of Public Defense.

Sincerely,


Joanne Moore
Director





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November 7, 2008

Honorable Gerry L. Alexander
Chief Justice of the Supreme Court of
Washington State
Post Office Box 40929
Olympia, WA 98504-0929

RE: Annual Report

Dear Chief Justice Alexander:

Pursuant to R.C.W. 3.70.040(3), I submit the following Annual Report on behalf of the District and Municipal Court Judges Association (DMCJA).

There are currently two hundred ten (210) hard-working members of the District and Municipal Court Judges Association serving in all of the counties and many cities throughout Washington. Limited jurisdiction courts are diverse in the size of their city or county, their political geography, whether judicial officers are elected or appointed, and whether serving full or part-time court operations. As vast as our differences are, however, we share the effective and fair administration and resolution of hundreds of disputes that, unrelentingly, come before us every day. We are proudly 'The Peoples Court'. Our judges and commissioners volunteer to participate in a vast array of committees, boards, and task forces as asked of us by the Supreme Court, Board for Judicial Administration (BJA), the Washington State Bar Association, our Washington State Legislature, and many other judicial branch partners. We are proud to collaborate to resolve common and sometimes tangled issues.

In preparing this Report, I had the opportunity to review the Reports of the Past DMCJA Presidents written over six years, and found that many common issues continue to demand attention from our membership and our judicial branch partners. And, we have made some progress as well. For example, I am pleased to report that in both 2007 and 2008 I was requested to speak at the Annual Conference of the Association of Washington Cities (AOC) on issues relating to effective communication between city managers/mayors and judges in ways that demonstrate recognition and respect for the independence of the judiciary.

Legislation. In the 2008 legislative session, in partnership with many others, and after many hours of discussion under the leadership of Representative Roger Goodman, the State Legislature passed the Courts of Limited Jurisdiction Court Operations Bill (HB 2557) that increased District Court jurisdiction of civil matters to \$75,000 and small claims matters to \$5,000. Among other provisions, HB 2557 generally limited the allowed duties of commissioners, who can no longer hear jury trials.¹ This bill was largely in accord with recommendations made long ago by the BJA Justice in Jeopardy initiatives and the Courts of Limited Jurisdiction Work Group. In response to this legislation, and in the run up to the 2009 legislative session, we note several court jurisdictions will be requesting a change of court commissioner positions to elected judicial positions.

In the 2009 session, the DMCJA will propose legislation on several issues. Similar to SB 6217 (proposed in 2008), we propose a bill to allow limited jurisdiction courts to charge fees for clerk services similar to those already allowed by the Superior Court Clerk's Offices. To follow up on policy legislation previously passed by the legislature in 2005, DMCJA will propose legislation that elections for District Court judges be decided at the primary election by majority vote in the same manner as Superior Court judge elections. (Municipal Court judicial elections will be considered for a future legislative session.) We propose a change to the law that requires that a municipal court judge who sends a defendant to jail for contempt must order sentence to the county jail even if the city has its own jail.

More than 40% of the limited jurisdiction court criminal caseload involves Driving While Suspended 1, 2, or 3rd degree. The DMCJA will propose that the state legislature allow the court, in its discretion, to provide a defendant with a copy of his Department of Licensing abstract of driving record. Many courts have a direct link with the DOL and it is difficult and seemingly unnecessary, for many defendants to travel to the local DOL office to obtain a copy of the same document already in the courts possession. Finally, as recommended by The Wilson Report in 1995, the DMCJA will recommend that the state law be changed to eliminate the requirement that the court physically segregate deferred prosecution case files from others, as privacy concerns are otherwise accomplished by GR 15 and other legislation.

Court Rules. The DMCJA has proposed a rule concerning public defenders at arraignment that would modify CrRLJ 4.1. We have carefully commented on related parallel proposals for change to CrRLJ 4.1 and 3.1(d)(4). We are hopeful that the Supreme Court will consider our comments among the many others it has received as it considers the important public policy issues and the Constitutionally required due process obligations to defendants.

The DMCJA has proposed that CrRLJ 3.2 be revised to remove from the Supreme Court the penalty-setting provisions for infractions. This rule change will likely require legislative change and certainly coordination with executive agencies such as the Department of Licensing, Fish and Wildlife and Parks. We expect that this will be a multi-year endeavor of some complexity.

¹ The restriction on Commissioner duties is generally phased in for municipal courts. RCW 3.50.075 places the limitation on municipal court commissioners effective July 1, 2010. RCW 35.20.155 was not amended, therefore the change does not effect Seattle Municipal Court commissioners.

The DMCJA has proposed a change to GR 29(k) to reflect that appointed part-time judges are county and city employees, and that agreements signed should be titled "Employment" contracts. This rule change is a response to on-going stresses to judicial independence within small part-time courts.

The DMCJA Board has long discussed and has recently started a broader discussion among its membership about the reference in CrRLJ 3.2 to bail forfeitures. Bail forfeiture as the final resolution of a case is not readily defined by statute, case law, or court rule. While often used for cases such as DWLS3 and minor fish and wildlife offenses, it has been used to resolve domestic violence assault, communication with a minor, and DUI. The DMCJA Board plans to continue the discussion, and may bring the broader issues forward for discussion within the BJA and/or the legislature.

The DMCJA is participating along with judges from other branches in a periodic review of the Code for Judicial Conduct. This is appropriate and timely because of recent changes to the national model Judicial Code. On-going discussions between judicial officers at all levels and the Washington State Judicial Conduct Commission Executive Director about issues of mutual concern have been positive. We are pleased to participate in this discussion.

Administrative Office of the Courts Support of the DMCJA. The Administrative Office of the Courts provides essential support to the DMCJA, its Board and members. AOC provides essential staffing for our Board and its efforts to provide coordinated education at our conferences. As I have learned at other national association meetings, our AOC educators are wonderful at 'training the trainers' so that we use the best adult education models to provide high quality education to our judges. The AOC staff and attorneys support the DMCJA Board and its work coordinating the efforts of all of the volunteer judges who participate in task forces, committees and liaison with other judicial branch partners. The DMCJA was honored to be asked to participate, along with representatives from other court levels, in the selection of the new AOC Executive Director, Mr. Jeff Hall. We welcome Mr. Hall to his new duties and look forward to a long association.

Future Judicial and Staff Retirements. The retirement of the 'baby boomers' will dramatically change the face of our courts over the next 5-15 years. We expect retirements of current judicial officers in large numbers. Perhaps more starkly, we expect substantial retirements of our current Court Administrators. These professionals manage our budget, daily financial reporting, court statistics, human resources, court calendar management, and all of the daily surprises such as when the media unexpectedly arrives for high-profile arraignment. We are attempting to address these retirement issues in ways that will allow for this inevitable change.

The DMCJA Diversity Committee has been charged to appropriately collaborate with the WSBA Committee that is providing introductory information to lawyers of all background who have expressed an interest in future judicial office.

In 2008 the DMCJA Board authorized a \$10,000 matching grant to the District and Municipal Court Managers Association (DMCMA) to provide education and training to mid-level

Honorable Gerry L. Alexander
November 7, 2008
Page 4

staff who are interested in moving up to senior court management. We also authorized \$5000 for application-based scholarships to those mid-level staff members who have nearly completed training through the ICM Program, which is nationally recognized for excellent systemic leadership training to court managers. We need new leadership, and, in partnership with the Board for Court Education (BCE) hope to provide incentives for our current court staff to undertake this type of rigorous program.

Challenges. Courts still must operate even in these difficult budget times. In the nature of things, with increasing population, we face increasing caseloads. Due to budget concerns, some prosecutors have decided to 'drop down' charges from felony courts to our courts. We must accommodate the increasing pressure for appropriate due process to the defendant, including public defenders and interpreters, at the same time that our budget office directs us not to buy paper. We continue to have responsibility to the victim and to the public to provide access to the courts and probation for our most important cases of Driving Under the Influence and Domestic Violence.

Statewide forty percent (40%) of our caseload is Driving While License Suspended 3rd degree (DWLS3). These charges comprise a large percentage of bench warrants also. While a perspective exists that DWLS3 is predominantly an economic crime, there is no consensus that DWLS3 should not be treated criminally. Some courts have been creative in implementing programs that attempt to address the problems underlying DWLS3; however these programs are frequently under-funded and the first to be cut when court budgets decline. The DMCJA has recently cooperated with the Office of Public Defense (OPD) to conduct a survey of courts statewide in the area of DWLS3. We are hopeful that we may be able to identify a consistent way to handle this large class of cases that offers a better solution for the defendant and the public, perhaps at the same time freeing up needed court time for more serious cases. This same issue is being discussed by an ad hoc group formed at the request of the Washington State Bar Association entitled "Justice in a Fiscal Crisis".

The District Courts² also must afford access to justice for small claims and certain civil cases between private litigants. Beyond the filing fee itself, these cases do not generate fines and fees in favor of the courts, but provide an increasing service to our population. In difficult financial times, we expect to see a rise in collection cases and landlord recovery cases among others. Justice in the District Court is intended to be quickly responsive to the public, and our court administrators assist us in providing this access, balancing our civil and criminal caseloads within available court calendars.

² District Courts have original jurisdiction over Small Claims cases up to \$5000, and concurrent jurisdiction with the Superior Court over other civil matters up to \$75,000. RCW 12.40.010; 3.66.020. Municipal Courts do not have jurisdiction in these areas.

Honorable Gerry L. Alexander
November 7, 2008
Page 5

Summary. I am proud to report on behalf of the District and Municipal Court Judges Association. On behalf of the DMCJA Board and Officers, I sincerely thank the Supreme Court and its leadership, and the Board for Judicial Administration for all of its support in the past years. We look forward to the future of the courts in providing access to justice to all residents of Washington State.

Sincerely,

Marilyn G. Paja
Kitsap County District Court Judge and
2008/09 DMCJA President