

**DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION (DMCJA)  
BOARD MEETING**

FEBRUARY 12, 2010 IN SEATAC

MINUTES

Judge Glenn Phillips, President	Judge Darrel Ellis
Judge Scott Ahlf	Commissioner Douglas Haake
Judge Veronica Alicea-Galvan	Judge Frank La Salata
Judge Stephen Brown	Judge Marilyn Paja
Judge Patrick Burns	<del>Judge Linda Portney</del>
Judge R.W. Buzzard	Judge David Svaren
Commissioner Adam Eisenberg	Judge Gregory Tripp

AOC Staff: Ms. Ashley DeMoss  
Mr. Chris Ruhl

Guests: Ms. Jeri Cusimano, DMCMA  
Ms. Regina Mack, MCA

President-Judge Phillips called the meeting to order and noted a quorum existed.

**ASSOCIATION BUSINESS**

**Board Meeting Minutes of January 8, 2010:** Minutes approved.

**Treasurer's Report:** Report approved. Treasurer reported that the dues checks were delivered from AOC safekeeping to him today, so they will begin showing up on next month's report. The check to Judge Melnick was noted, since he has recently been appointed to a superior court bench.

The budget line item for liaison to the Misdemeanant Corrections Association (MCA) has a shortfall due to the travel needed for this service. The board approved moving funds from the WSBA liaison budget line to the MCA line to fund its needs.

**Special Fund Report:** Reported that Bank of America recently communicated that federal withholding would occur unless the Association's tax identification number was provided. The number was provided, and then the bank withdrew twenty-two cents from the account anyway. The Special Fund custodian will be following up with the bank. The January report (the month prior to the bank's withdrawal) was approved.

The Reserves Committee will meet today after the Board meeting to consider a change of financial institutions, possibly to a credit union. The Association has had various

difficulties with Bank of America for some time. A news article was shared that listed Bank of America as low in customer satisfaction. The credit union exchange system would allow deposits in a local credit union to be credited to the separate credit union with the actual account. This exchange system would prevent the changing geographic locations of the Association's treasurer or Special Fund custodian from being an obstacle to fulfilling their duties. A recommendation will come back to the Board for its decision.

## **ACTION ITEMS**

**Proposed Rules GR 35:** The Rules Committee report recommended the Board support the proposed rule with a minor modification. A minority report opposing the proposed rule was also received and reviewed. The Board approved supporting the rule with the suggested modification that the sentence start with the words "Courts and". The rule would then read, "Courts and court clerks shall neither charge nor collect any fee or charge, except as authorized by statute or by the Supreme Court." The Board recognized that most courts know that there is no authority to charge fees unless so authorized, but supported appropriate guidance to courts.

**Other Published Court Rules:** The Rules Committee also reviewed proposed amendments CrRLJ 3.1(d)(4) Assignment of Lawyer. The Board had opposed previous proposals that would have made courts responsible for enforcing the defense bar's compliance with standards for indigent defense. A new and similar proposal was reviewed and supported by the Rules Committee. The Board recognized that the constitution requires appointment of qualified attorneys, but maintained that the WSBA, the city or county that contracts for defense counsel, or the individual attorney would be more appropriate to bear the responsibility for enforcement of attorney qualifications. A revision that would place the responsibility with the attorney to certify that they are compliant was referred back to the Rules Committee for review and comment to the Board in time for the April 9<sup>th</sup> rulemaking deadline.

The Rules Committee also reported on DMCJA proposed rule for IRLJ 3.1(b) Discovery. Our proposed rule was modified by the Supreme Court Rules Committee before being published. Because the deletion of language could create confusion in the distinction between investigation and discovery, the Committee recommended the Board submit comment requesting the restoration of the omitted language. The Board agreed.

**Consider Public Funding Approaches to Supreme Court Campaigns:** Legislators who were introducing legislation to create a public financing program for supreme court campaigns attended the last Board for Judicial Administration meeting. The associations were asked to consider their position on the legislation and thoughts about potential funding sources for such a program. After discussion, the Board voted to take no position on the legislation, consistent with its general approach to policy matters. They also voted to oppose the concept of funding any such program with court user fees.

## **DISCUSSION**

**Legislative Session Update:** Judge Brett Buckley, Co-Chair of the Legislative Committee, provided an update to the Board on the status of various bills of interest to courts of limited jurisdiction (CLJ), the DMCJA's proposed bills, and the BJA sponsored bills that concern CLJ (including election of all judges, tolls, and interpreter oaths).

**Justice System Review Recommendations:** Noted.

**Report from CLJ Budget Reduction Survey:** The report was reviewed and its distribution to the BJA, CLJ, and placement on the Inside Courts website approved.

**WSBA Bylaws Process Update:** Judge Paja reported on her continuing outreach to the WSBA on this project. Among the issues discovered by the WSBA during their review is that Administrative Law Judges (ALJ) have been claiming judicial status with the Bar, and thus not been subject to either the CLE or CJE requirements, nor subject to discipline by the Commission on Judicial Conduct. There was concern that the resolution of the ALJ's Bar status could adversely affect resolution of the status of part-time judges. The anticipated future judicial status Bar dues are meant to pay for WSBA staff work to track changes in status (i.e. from active, to judicial, to active or retired). The WSBA Bylaws Committee recommended amount of those judicial status dues is that it be no more than inactive member dues and probably less.

**Misdemeanant Corrections Association (MCA):** The Board received a letter requesting a grant to support the MCA conference this year. The Board would consider using existing funds in a way that would benefit the courts and court staff. Questions about this request will be forwarded to MCA, in addition to an invitation to attend the next Board meeting when the issue will be scheduled for action.

## **INFORMATION**

DMCJA offered special recognition of Chief Justice Madsen as the new Chief Justice and as a former DMCJA member at the January NAWJ reception. Judge Paja made the presentation to the Chief Justice on behalf of the Board.

Other information was noted.

## **OTHER BUSINESS**

**Pro Tem Training:** Judge Alicea-Galvan and Commissioner Eisenberg reported that the pro tem training developed and sponsored by the DMCJA and WSBA has been finalized and the brochures released. There has been a strong registration response. The first of the two trainings will be February 26 – 27 in Seattle. The second will be March 19-20 in Spokane. Chief Justice Madsen will be faculty in both trainings.

**Conference Incidental Fee Program:** The Board clarified and approved administration of the conference incidental fee benefit to DMCJA members for the 2010 Spring Conference who have paid their 2010 general association dues and have not used the conference fee benefit at the Fall Conference in 2009. DMCJA judges new to the bench in 2010 would be eligible once they pay their 2010 dues.

**Judge Phillips' Appointments:** Rules Committee Leadership – In response to the Governor's appointment of Rules Committee Chair Judge Rich Melnick to the superior court, Vice-Chair Judge Janet Garrow agreed to be appointed as the Committee chair. Judge Frank Dacca has agreed to serve as the vice-chair.

Judicial College Trustee – Judge Margaret Ross was nominated to serve as trustee.

Justice in Jeopardy Implementation Committee – Judge Sara Derr and Judge Eileen Kato were nominated to continue to serve this Committee.

## **NEXT MEETING**

Board Meeting March 12, 2010, starting at 12:15 p.m. at SeaTac.

## **ADJOURN**

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