

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

MARCH 12, 2010 IN SEATAC

Minutes

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

AOC Staff: Mr. Dirk Marler  
Mr. Chris Ruhl

Guests: Ms. Jeri Cusimano, DMCMA  
Ms. Mindy Breiner, MCA  
Ms. Janene Johnstone, MCA  
Judge Steve Warning, SCJA

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

**ASSOCIATION BUSINESS**

**Board Meeting Minutes of February 12, 2010:** Minutes approved.

**ACTION ITEMS**

**Nominating Committee Slate for 2010:** The Nominating Committee submitted its slate of candidates to the Board for approval. The Board thanked Judge Paja for her diligent and persistent efforts on this process. Judge Paja noted that traditionally the Committee does not nominate a candidate for Vice-President because the Treasurer advances to the Vice-President slot. This year is unusual in that Commissioner Haake's status is uncertain due to the Bonney Lake judge selection process remaining unresolved. The Committee regretted not nominating him, but he is open to seek a position later.

A motion by Judge Svaren (/s by Judge Brown) to approve the candidate slate passed unanimously.

**MCA Grant Request:** Mindy Breiner and Janene Johnstone (co-chairs of the MCA Training and Education Committee) presented the MCA's request for a \$1500 grant from the DMCJA to support the MCA's spring conference. Specific funding needs identified include speaker costs (which are triple the normal cost this year) and \$200 scholarships for six people. They are also seeking grants from DMCMA and WCIA.

A motion by Judge Ahlf (/s by Judge Tripp) to grant \$1500 to MCA to use as they see fit passed unanimously.

## **DISCUSSION**

**Federal Legislation:** This item was mostly informational based on materials provided in the Board packet. The two pieces of legislation of most interest to the Courts of Limited Jurisdiction are the Court Fee Intercept legislation and the Court Interpreter Funding legislation. Regarding the former, Judge Paja noted that if it passes, there may be issues concerning how it impacts CLJ's given Superior Court Clerk efforts to collect Legal Financial Obligations (LFO's).

**BJA Topic: Interpreter Business and Occupation Licensing (Bremerton):** The BJA (at its Feb. 19 meeting) has asked the DMCJA for input on the recent decision by the City of Bremerton to require interpreters who work in the city to obtain a city B&O license. Judges Docter and Paja will attend the April Board meeting to discuss this.

**WSBA Bylaws Process Update:** Judge Paja distributed a handout summarizing the March 5-6 WSBA Board of Governors (BOG) meeting. She noted the current proposed changes to the Bylaws contemplate active WSBA membership in order to serve as a pro tem once a judge retires. Judge Tripp raised several questions:

(1) Do judges have to file a separate CLE report with WSBA?

A: Judges can file it directly or AOC can file it on their behalf (either way).

(2) Is there a Judicial membership fee, and if so how much is it?

A: The current recommendation is that it be no higher than the existing inactive attorney fee (\$200). It will probably be in the range of \$50 - \$200.

(3) What penalty will there be for failure to notify within 10 days?

(4) How long will the character & fitness review take?

A: It can take as little as one day, but can vary – it depends.

Judge Paja noted that overall the Bar has been very responsive to judges' concerns and suggestions. Also, ALJ's will be treated as a separate class of members.

**BJA – Court Closure Issue:** The BJA (at its Feb. 19 meeting) has asked the DMCJA for input on the issue of court closures due to budget constraints. Judge Warning reported the SCJA's discussion and response to this request at its March 6 meeting, which was to request the Chief Justice update and resend the letter that Chief Justice Alexander sent to all presiding judges in October and November 2008.

There was discussion of the difference between district and municipal courts. Pursuant to statute, a city's legislative body is given the authority to regulate court hours and closures. It was also noted that the attempt to define what it means for a court to be "open" is problematic, and that courts need to have local flexibility in determining what it means to be open. It was agreed to carry this over to the April board agenda for further discussion and decision on what to report and recommend back to the BJA.

**Proposed Revision to CrRLJ 3.1(d):** The Board reviewed the March 11 memo from Judge Garrow, DMCJA Rules Committee Chair, indicating the Rules Committee's support for the Board's proposed rule revision. M/S/P to move this to an action item. M/S/P to approve and forward to the Supreme Court Rules Committee the Board's and DMCJA Rules Committee's proposed revision to CrRLJ 3.1(d)(4).

**Rules Issues: IRLJ 2.1(b)(5):** The Board reviewed the proposal to amend the rule to note 15 days to respond or 18 days if served by mail. Judge Phillips proposed and it was agreed to refer this issue to the Rules Committee.

**Pro Tem Training:** Judge Alicea-Galvan reported that the Feb. 26-27 training was very successful. 190 attorneys attended, and people actually had to be turned away. There were many positive comments and very little attrition on the second day. Also, the SCJA is interested in the training – Judge Yu attended, and has recommended King County Superior Court consider it a baseline for their commissioner pro tems. The next training will be March 18-19 in Spokane. 60 people are already signed up.

This is a joint project of the DMCJA Diversity Committee and the WSBA. 3/4 of the WSBA BOG attended—they are also very enthusiastic about it.

Judge Alicea-Galvan also noted a possible action item for the April Board meeting. Judge Kato may request an additional \$500 to support the June Webinar.

**Leg Session Update:** It was noted there has been considerable listserv dialogue recently concerning the Domestic Violence bill (ESHB 2777). Judge Brown noted an issue concerning fees being tacked on to infractions; as well as a bill to make the temporary surcharges imposed last session permanent.

In light of the calling of a special session, it was agreed to tentatively schedule a meeting of the Executive Committee on Monday morning March 15.

**TREASURER'S REPORT:** Commissioner Haake noted that no payment has gone out yet for conference fees for the fall 2009 conference. Sondra Hahn is following up with AOC Fiscal concerning that. In addition, there is a need to move \$750 to the MCA Liaison account to cover February meeting expenses. Judge Paja noted there is sufficient surplus in the WSBA Liaison budget to cover that. M/S/P to transfer \$750 from the WSBA Liaison Account to the MCA Liaison Account.

Judge Paja raised the issue of travel reimbursement for Board members to the May Board meeting on the first day of Spring Conference in Spokane. It was agreed that as

in the past, mileage would not be reimbursed for Board members also attending the conference; but room costs for the previous night would be reimbursed.

M/S/P to accept the Treasurer's Report.

**Special Fund Report:** It was agreed to defer the Special Fund report to the April meeting.

**Dues:** It was requested that Sondra Hahn provide a report on dues payments for the April meeting.

### **LIAISON REPORTS:**

DMCMA: The DMCMA Board met March 11, and discussed the upcoming spring conference and regional trainings. There is concern that DMCMA membership is down as reflected in membership dues. The DMCMA also approved a \$1500 grant to MCA.

The Board also reviewed the March 10, 2010 letter from DMCMA President Jeri Cusimano to Judge Phillips requesting the DMCJA reimburse expenses for three court administrators' attendance at ICM. It was noted that last year the Board reimbursed out of pocket expenses and currently \$5000 is budgeted for this purpose. M/S/P to cover all requested out of pocket expenses, totaling \$4547.53.

Jeri Cusimano and Judge Svaren presented three issues that have recently arisen:

1. The first issue concerns deferred prosecutions. It has come to the attention of Judge Svaren after speaking with Carla Weaver at DOL that any error (even the slightest error) in completing the forms related to deferred prosecutions (as well as IIL and DUI) results in their being shredded and considered by DOL as never received. When this occurs, no notice is given to the court that submitted the document. This is problematic because with deferred prosecutions, the defendant's license gets suspended when it shouldn't, and courts are left with the fallout and the need to "fix" the problem.
2. The second issue concerns Abstracts of Driving Records (ADR's) and removal of the date of pending license suspension from the ADR (information which some judges use).
3. The third issue concerns CrRLJ 7.2(d) and retention requirements for CLJ Judgment & Sentence forms. 7.2(d) provides that J&S forms "shall be preserved in perpetuity, either in an electronic or hard copy format." According to Judge Svaren, the problem with this is that JIS is the official primary record per rules adopted by the State Archivist, Auditor and Attorney General. The original J&S becomes a secondary record that is to be destroyed pursuant to a stated schedule. In cases involving later crimes where the prior crime is a condition precedent to conviction for the later crime, the electronic record is inadequate to prove the prior conviction; and the original J&S as well as guilty plea or jury verdict, at a minimum, are necessary to enable the prosecutor to successfully

prosecute. The Court Rule as well as the Auditor/Archivist's destruction schedule should be reviewed and / or modified to insure statewide consistency.

It was agreed to refer the first two issues to the DOL Liaison Committee for follow up. For the third issue, AOC staff will follow up internally to determine the optimal way to address it.

MCA: Mindy Breiner reported that the MCA conference will be in Chelan in April and so far 85 people are attending. The MCA gave out \$1200 in scholarships for Probation Officers that would have been unable to attend due to budget cuts. MCA is planning joint regional training with DMCMA for the fall, and are planning ICAOS/ICOTS training for any interested parties in July. They welcome DMCJA members who want to know more about ICAOS eligibility/requirements to attend. Training will be free except for lunch. Finally, MCA now has a representative on the JISC (Larry Barker).

SCJA: Judge Warning noted the SCJA Spring Conference will be held Apr. 25-28 at Suncadia, and discussed legislative issues and specific bills of concern to the SCJA.

AOC: Dirk Marler reported on legislative matters of concern to the AOC, and on the staff transition and recruitment for the CLJ Liaison position that supports the Board.

BJA: Judge Lambo reported on legislative matters of concern to the BJA, and noted that the Municipal Judge Elections bill died and the Toll bill provides for an administrative process in DOT rather than a court process.

WSBA: Judge Paja referred members to her March 9, 2010 memo summarizing WSBA BOG activities.

**Treasurer and Special Fund Duties:** Judge Brown raised three issues:

1. The recommendation to consolidate all DMCJA accounts with one financial institution. There was discussion of possible options and the optimal timing to make this change. Judge Phillips recommended not replacing Ashley DeMoss's credit card with Bank of America for the time being, and that he would handle any needed credit card transactions in the interim.
2. The need for a written policy concerning DMCJA financial reserves.
3. The need to review the policy concerning the special fund and the responsibilities of the special fund custodian.

It was agreed to bring Issue 1 back to the Board for action in May.

## **NEXT MEETING**

Board Meeting April 9, 2010, starting at 12:15 p.m. at SeaTac.

## **ADJOURN**

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