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December 12, 2019

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RE: 2019 ANNUAL REPORT

Dear Chief Justice Fairhurst, Governor Inslee, Mr. Hendrickson, and Mr. Dean:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I submit this annual report on the condition of business in the courts of limited jurisdiction (CLJs) to the Washington State Supreme Court, Governor, and Legislature, pursuant to Revised Code of Washington (RCW) 3.70.040 (3).

District and municipal courts process about eighty-seven percent of Washington State's judicial caseload. In 2019, CLJs handled approximately 1.6 million cases. *See Administrative Office of the Courts' Caseload Report for January 2019 to October 2019.* The revenue collected from CLJs during this period is two hundred one million four hundred sixty-four thousand five hundred twenty-four dollars (\$201,464,524).

The DMCJA has performed its duties<sup>1</sup> as follows:

Adequate Court Funding

The DMCJA Board of Governors (Board) has found that adequate court funding is a continual issue for courts of limited jurisdiction. In 2019, the DMCJA Board determined that its number one priority is to obtain funding

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for (a) a new statewide CLJ case management system, (b) courthouse security, and (c) access to justice initiatives. In Washington State, only 17 percent of state funds are allotted to courts, which places Washington near the bottom among the 50 states receiving state monies to fund courts<sup>ii</sup>. Despite challenges, we continue to endeavor to provide mandatory services in an environment of shrinking budgets.

a. Courts of Limited Jurisdiction Case Management System (CLJ-CMS)

Adequate court funding is needed to continue the CLJ-CMS Project. The volume of cases and transactions at our level of court is overloading our current case management system, which was developed and implemented in the 1980s. Thus, the DMCJA partnered with the Administrative Office of the Courts, District and Municipal Court Management Association, and Misdemeanant Probation Association to select a case management system that meets the needs of modern courts and efficiently administers justice for the public. The DMCJA continues to work with the Judicial Information System Committee (JISC) and the CLJ-CMS Project Steering Committee (PSC), which lead the CLJ-CMS Project. The PSC serves as the business and strategic decision-making team that speaks for the CLJs with a unified voice and vision. Another committee, the CLJ-CMS Court User Work Group (CUWG), serves as the subject matter expert on court business processes for the project. The CLJ-CMS Project experienced unforeseen obstacles with its initial attempt to find a commercial product, and, therefore, hired a consulting firm, Gartner, to perform an analysis of three possible options for the new case management system; namely, (1) Commercial Off-the-Shelf (COTS) – buying separate commercial products for the needed functions, (2) Modernize Judicial Information System and custom build the new functions needed, and (3) Hybrid of the first two, or another solution Gartner suggests.

In 2019, the PSC accepted Gartner's recommendation to select a COTS case management system. Further, Tyler Technologies improved its products to meet the needs of our courts, and, therefore, upon the recommendation of the PSC, the JISC voted to select Tyler Technologies for the new courts of limited jurisdiction case management system. The CLJ-CMS Project remains a top DMCJA priority.

b. Court Security

In December 2019, there were more mass shootings in America than days of the year.<sup>iii</sup> However, many of our district and municipal courts lack the most basic security measures. For this reason, court funding for courthouse security is crucial. In 2019, there were numerous events in our courts that may have been prevented with adequate courthouse security. For this reason, the DMCJA supports General Rule (GR) 36, *Trial Court Security*, which provides recommended minimum security standards for trial courts. In our effort to support trial courts, DMCJA leaders have educated all judges, court staff, and funding bodies of GR 36 requirements. The DMCJA immediate past president is a co-chair of the Board for Judicial Administration (BJA) Court Security Task Force, which was created in 2019 to ensure that all trial courts are able to comply with GR 36. Adequate funding, however, is needed for some courts to obtain basic security equipment for their courts. Our association strongly holds that the public and all court users have an inherent right to expect a safe environment while in court.

c. Access to Justice

Access to justice is critical to the citizens of Washington State. Thus, the DMCJA determined that adequate court funding for court education, interpreter services, and technology expansion is a major priority. In 2019, the BJA Interpreter Services Funding Task Force's funding package was fully funded. In contrast, the Court System Education Funding Task Force funding package received no state funds; therefore, the DMCJA Board of Governors continues to support the efforts of the BJA Court System Education Funding Task Force, which was created to identify training and funding needs and how resources ultimately impact the public and the courts.

Judicial Independence

Maintaining independence as the third branch of government is difficult at the CLJ level. As with all levels of court, the legislative and executive branches of government control the funding of our courts. Occasionally, in the funding process, the other branches of government attempt to exert undue control over the legal and personnel decisions of the courts. Judges should not be in jeopardy of losing their positions based on the exercise of judicial independence. Hence, in 2019, the DMCJA voted for the Council on Independent Courts (CIC) to become a standing association committee. The purpose of the CIC is to protect, promote, and maintain the respect and dignity of courts of limited jurisdiction as a co-equal branch of local government.

Educate Justice Partners

In 2019, the DMCJA Public Outreach Committee determined that its charges will be (1) to educate justice partners on the accomplishments and challenges of district and municipal courts, and (2) to provide resource materials to assist DMCJA members when communicating with local governmental entities and stakeholders. A challenge that remains for district and municipal courts is the concept that our courts should be funded by legal financial obligations (LFOs). For this reason, the DMCJA will consider *State v. Blazina*, 182 Wash.2d 827, 344 P.3d 680 (2015), legislative proposals, and court funding issues to address the courts' involvement in the collection of LFOs. Further, the DMCJA continues to support a statewide relicensing program that is funded and mandatory. Thus, in 2019, the DMCJA supported House Bill 1489, *Creating a program for the consolidation of traffic-based financial obligations to facilitate reinstatement of driving privileges that are suspended because of failure to pay*.

Therapeutic Courts

Addressing pressing issues of mental health and drug addiction in our community is a priority for the DMCJA. In 2019, the DMCJA Therapeutic Courts Committee sponsored a session at our annual DMCJA Spring Conference in which committee members provided tools for developing and maintaining an effective and efficient therapeutic court. This event was well attended. Further, our therapeutic court judges have attended national conferences, presented before the Legislature, and met with legislators to express the accomplishments and challenges of therapeutic courts in Washington State. The DMCJA will continue to seek innovative ways to address the needs of court users with mental health and drug-related issues.

### Court Rules

In 2019, the DMCJA Rules Committee was active, and, greatly assisted the DMCJA Board with promulgating suggested rules for the administration of our courts. The following are suggested rule amendments submitted in 2019 to the Washington State Supreme Court Rules Committee:

1. **General Rule 29, *Presiding Judge in Superior Court District and Limited Jurisdiction Court District*** – to preserve judicial independence for municipal court judges regarding (a) term of office and salary, (b) judicial duties, (c) judicial independence, and (d) termination and discipline.
2. **General Rule 31, *Access to Court Records*** – to add new paragraph (l) to address therapeutic court records.
3. **Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 1.3, *Effect*** – to clarify the effect of the rule and be consistent with case law.

The DMCJA Rules Committee continues to assist the DMCJA in its statutory duty to promulgate suggested rules for the administration of the courts of limited jurisdiction.<sup>iv</sup>

### Legislation

The DMCJA Board, upon request from the DMCJA Legislative Committee, voted to propose the following bills for the 2020 Legislative Session:

1. **Affidavit of Prejudice Request (Notice of Disqualification)** – This bill changes “affidavit of prejudice” language to “Notice of Disqualification” for consistency with the Superior Court statute.
2. **Discover Pass** – This bill seeks to keep monies collected from Discover Pass violations local; initially, all money stayed local from discover pass violations; however, the state receives all revenue now.
3. **Interlocal Agreements for Probation Services** – This bill will allow courts to enter interlocal agreements for probation services.
4. **Small Claims** – This bill amends RCW 12.40.105 to allow a 30-day appeal window before a judgment issued to the defendant.
5. **Competency Statutes** – (a) Amends RCW 10.77.068 to align statutory timelines and render bases for continuances in statute with those set forth in *Trueblood v. Washington State Department of Social and Health Services*, 73 F. Supp.3d 1311 (2014); (b) amends RCW 10.77.010 to define history of violent actions to include non-exclusive list of types of evidence a court may consider; and (c) amends RCW 10.77.088 to eliminate renumbering confusion related to RCW 10.77.088 (3), pursuant to Second Engrossed Substitute Senate Bill 5444 and Senate Bill 5205.

Members of the DMCJA will participate in the legislative process by speaking with legislators about bills related to district and municipal courts.

### Department of Licensing (DOL) Court Leadership Meeting

On October 30, 2019, DMCJA leaders met for an annual meeting with the Administrative Office of the Courts (AOC), District and Municipal Court Management Association (DMCMA), and the

DOL to identify and resolve administrative issues that impact the courts. The group discussed DOL's Gender X Project that allows an additional gender option on identification documents. The DOL, AOC, and court leaders will continue to monitor the logistics related to the Gender X Project. All parties are committed to continued communication and efforts to improve business and technical processes regarding driver's license issues. The DMCJA, DMCMA, AOC, and DOL will continue to meet annually and work together to resolve administrative issues that may arise from the high volume of cases administered.

Thank you for the opportunity to report on the business of the DMCJA. On behalf of the DMCJA Board and officers, I thank the Washington State Supreme Court and the Board for Judicial Administration for its continued support of all district and municipal courts.

Sincerely,



Judge Samuel G. Meyer  
DMCJA President

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<sup>i</sup> Wash. Rev. Code §3.70.040 (2019) states:

The Washington state district and municipal court judges' association shall:

- (1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;
- (2) Promulgate suggested rules for the administration of the courts of limited jurisdiction not inconsistent with the law or rules of the supreme court relating to such courts;
- (3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.

<sup>ii</sup> Jennifer Bronson, Ph.D., *Justice Expenditure and Employment Extracts 2015, Preliminary NCJ 251780*, U.S. Dep't of Justice Bureau of Justice Statistics, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6310> (2018).

<sup>iii</sup> Jason Silverstein, *There have been more mass shootings than days in 2019*, CBS NEWS, <https://www.msn.com/en-us/news/breakingnews/there-have-been-more-mass-shootings-than-days-in-2019/ar-AAF8L02> (2019).

<sup>iv</sup> See RCW 3.70.040 (2019).