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December 24, 2020

Honorable Debra L. Stephens
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
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Mr. Brad Hendrickson
Secretary of the Senate
Washington State Senate
PO Box 40482
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Honorable Jay Inslee
Office of the Governor
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Mr. Bernard Dean
Chief Clerk of the House
House of Representatives
PO Box 40600
Olympia, WA 98504-0600

RE: 2020 ANNUAL REPORT

Dear Chief Justice Stephens, 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).

Historically, district and municipal courts process about eighty-seven percent of Washington State's judicial caseload. In 2020, the Coronavirus (COVID-19) public health emergency impacted court operations significantly, causing courts to adapt and administer justice through remote or socially-distanced proceedings. From January 2020 to June 2020, CLJs handled six hundred sixty eight thousand two hundred twenty-nine (668,229) cases. See *Administrative Office of the Courts' Caseload Report for January 2020 to June 2020*. The revenue collected from CLJs during this period was ninety million, three hundred eighty-six thousand, seven hundred ten dollars (\$90,386,710), according to the caseload report.

The DMCJA has performed its duties¹ as follows:

Co-Hosted Weekly Friday Forums

In 2020, the DMCJA partnered with the Administrative Office of the Courts (AOC) and the Superior Court Judges' Association (SCJA) to host a series of webinars, also known as "Friday Forums," in order to assist trial courts during the COVID-19 pandemic. Topics included: (1) Telephonic and Video Hearings and Public Access, (2) Remote Hearing Logistics; (3) Protection and Emergency Orders; (4) Returning to "Normal" – Staff Morale, Self-Care, and Resuming Court Operations in a Social Distancing Environment; (5) Returning

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to “Normal” – Jury Trials & Case Backlogs; and (6) Returning to “New Normal” – Permanent Operational Changes to Washington Courts Post Pandemic.

Identifying and Eliminating Systemic Racism in our Justice System

In 2020, the DMCJA made its number one priority, *Identifying and Eliminating Systemic Racism in our Justice System*. A fair justice system relies on the public's trust and confidence in order to function properly. Therefore, district and municipal courts will work to eradicate racial injustice within the justice system, cognizant that courts of limited jurisdiction are the courts with which the most people interact. Our Diversity Committee created an action plan that includes recruiting more judges of color to better reflect communities across the state and expanding relevant judicial education. The DMCJA also seeks to improve data and research available to judges as they lead the work, which permeates all of the DMCJA's priorities.

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 2020, the DMCJA Board identified the criticality of funding for (1) a new statewide CLJ case management system, (2) courthouse security, and (3) 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.ⁱⁱ 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)

In 2020, the state signed with Tyler Technologies to provide an integrated case management system for district and municipal courts. Adequate court funding is needed to continue the CLJ-CMS Project. The volume of cases and transactions at our level of court is overloading the state's current case management system for CLJs, which was developed and implemented in the 1980s. Thus, the DMCJA has partnered with AOC, the District and Municipal Court Management Association (DMCMA), 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 and the CLJ-CMS Project Steering Committee, which governs the project and serves as the business and strategic decision-making team that speaks for the CLJs with a unified voice and vision. The CLJ-CMS Project is among the highest priorities for the DMCJA.

b. Court Security

In December 2019, there were more mass shootings in America than days in the year.ⁱⁱⁱ However, many of our district and municipal courts lack the most basic security measures. For this reason, court funding for courthouse security remains crucial. There have been numerous events in our courts that may have been prevented with adequate courthouse security. General Rule (GR) 36, *Trial Court Security*, provides recommended minimum security standards for trial courts, yet many local courts lack resources for complying with the minimum standards. In our effort to support trial courts, DMCJA leaders have educated all judges, court staff, and funding bodies of GR 36 requirements. A former DMCJA President serves as co-chair of the Board for Judicial Administration (“BJA”) Court Security Task Force, which was created 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. Our association

strongly holds that the public and all court users have an inherent right to expect a safe environment while in court.

a. 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 significant priority. The DMCJA has supported the efforts of the BJA Court System Education Funding Task Force and BJA Interpreter Services Funding Task Force. In 2020, the Legislature funded the BJA Education Task Force request for online court education. In 2019, the BJA Interpreter Task Force received monies requested for court interpreter services.

Educate Justice Partners

In 2020, the DMCJA Public Outreach Committee continues its charge (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. This Committee will continue to partner with the Council on Independent Courts to collaborate with justice partners.

Judicial Independence

Maintaining independence as the third branch of government is difficult at the CLJ level. The legislative and executive branches of government control the funding of local courts. Occasionally, in the funding process, the other branches of government attempt to exert undue control over the judicial and personnel decisions of the courts. Judges should not be penalized or in jeopardy of losing their positions based on the exercise of judicial independence. Hence, in 2020, the DMCJA Council on Independent Courts (CIC) continues to meet in order to fulfil its charge to protect, promote, and maintain the respect and dignity of courts of limited jurisdiction as a co-equal branch of local government.

Therapeutic Courts

Addressing pressing issues of mental health and drug addiction in Washington communities is a priority for the DMCJA. The DMCJA Therapeutic Courts Committee continues to address how the COVID-19 pandemic impacts therapeutic courts. Therapeutic court judges continue to attend educational programs, albeit virtually, and meet with legislators to express the accomplishments and challenges of therapeutic courts in Washington State. The DMCJA continues to seek innovative ways to address the needs of court users with mental health and drug-related issues.

Legislation

The DMCJA plans to take the following action during the 2021 Legislative Session:

1. **Support reintroduction of Senate Bill (“SB”) 2605, *Interlocal Agreements for Probation Services***, which was introduced but did not pass in 2018. The bill would allow courts to have interlocal agreements to consolidate probation services and supervision for defendants. This would enable cooperation among jurisdiction and reduce confusion and conflicts related to probation.
2. **Support legislation related to therapeutic alternatives.** The DMCJA supports expansion of, and state funding for, district and municipal therapeutic courts.

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

Department of Licensing (DOL) Court Leadership Meeting

The DMCJA, DOL, DMCMA, and AOC 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 of Governors 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,

s/Judge Michelle K. Gehlsen
DMCJA President

¹ RCW 3.70.040 prescribes the DMCJA's duties as: "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."

² 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).

³ 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).