



**WASHINGTON  
COURTS**

# *District and Municipal Court Judges' Association*

December 30, 2022

**President**

**COMMISSIONER RICK LEO**  
Snohomish County District Court  
415 E Burke Ave  
Arlington, WA 98223-1010  
(360) 435-7700

**President-Elect**

**JUDGE JEFFREY R. SMITH**  
Spokane County District Court  
1100 W Mallon Ave  
PO Box 2352  
Spokane, WA 99210-2352  
(509) 477-2959

**Vice-President**

**JUDGE KARL WILLIAMS**  
Pierce County District Court  
930 Tacoma Ave S Rm 239  
Tacoma, WA 98402-2115  
(253) 798-3312

**Secretary/Treasurer**

**JUDGE ANITA M. CRAWFORD-WILLIS**  
Seattle Municipal Court  
600 5<sup>th</sup> Ave  
PO Box 34987  
Seattle, WA 98124-4987  
(206) 684-8709

**Past President**

**JUDGE CHARLES D. SHORT**  
Okanogan County District Court  
149 N 3rd Ave, Rm 306  
Okanogan, WA 98840  
(509) 422-7170

**Board of Governors**

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Kent Municipal Court  
(253) 856-5730

**JUDGE JESSICA GINER**  
Renton Municipal Court  
425-430-6565

**JUDGE JEFFREY D. GOODWIN**  
Snohomish County District Court  
425-744-6803

**JUDGE CAROLYN M. JEWETT**  
San Juan County District Court  
360-378-4017

**JUDGE CATHERINE MCDOWALL**  
Seattle Municipal Court  
(206) 684-5600

**JUDGE LLOYD D. OAKS**  
Pierce County District Court  
(253) 798-7487

**JUDGE KEVIN G. RINGUS**  
Fife Municipal Court  
(253) 922-6635

**JUDGE WHITNEY RIVERA**  
Edmonds Municipal Court  
425-771-0210

**COMMISSIONER PAUL WOHL**  
Thurston County District Court  
(360) 786-5562

Honorable Steven C. González  
Washington State Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Ms. Sarah Bannister  
Secretary of the Senate  
Washington State Senate  
PO Box 40482  
Olympia, WA 98504-0482

Honorable Jay Inslee  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

Mr. Bernard Dean  
Chief Clerk of the House  
House of Representatives  
PO Box 40600  
Olympia, WA 98504-0600

RE: 2022 ANNUAL REPORT

Dear Chief Justice Steven C. González, Governor Inslee, Ms. Bannister 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 2022, the Coronavirus (COVID-19) public health emergency continued to impact court operations significantly, causing courts to adapt and administer justice through remote or socially-distanced proceedings. From January 2022 to October 2022, CLJs handled one million, one hundred eighty-nine thousand, five hundred sixty-four (1,189,564) cases. See *Administrative Office of the Courts' Caseload Report for January 2022 to October 2022*. The revenue collected from CLJs during this period was one hundred nineteen million, five hundred eighty-three thousand, two hundred thirty-three dollars (\$119,583,233), according to the caseload report, down over 17% from the prior year.

This year, the DMCJA has performed its duties<sup>1</sup> as follows:

Identifying and Eliminating Systemic Racism in our Justice System

Since 2020, the DMCJA has had as 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. The DMCJA is collaborating with the Center for Court Innovation in New York to establish the FAIR Court (“Secret Shopper”) project in Washington state, which will study and illuminate bias in 12 to 15 district and municipal courts. The DMCJA will continue to review and adopt recommendations from the Racial Justice Consortium Action Plan, and seek to improve data and utilize more effective research to better identify where systemic racism exists within our justice system and then address those inequities with best practice solutions.

#### Courthouse Security

The safety of all who work within and of those who visit our courthouses remains a top priority for the DMCJA. Recent courthouse security incidents throughout the state have highlighted the need for adequate equipment and personnel to maintain safety for members of the public, courthouse staff, and judicial officers, yet many of our district and municipal courts still lack the most basic security measures. 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 standards. In an effort to support trial courts, DMCJA leaders have educated judges, court staff, and funding bodies of GR 36 requirements. A former DMCJA President serves as co-chair of the Board of Judicial Administration (“BJA”) Court Security Task Force, which was created to ensure that all trial courts are able to comply with GR 36. The DMCJA strongly holds that the public and all court staff have an inherent right to expect a safe environment while in court, and as such the DMCJA continues to gather reports of security incidents and to educate both state and local legislative and executive branch leaders on the need to collaborate to find solutions for this important issue.

#### Access to Justice

Access to justice is critical to the citizens of Washington State. Access may include, but is not limited to: quality interpreter services, courtroom and court staff accessibility, technological related access, and the facilitation of services for self-represented litigants. The DMCJA has supported the efforts of the BJA Court System Education Funding Task Force and BJA Interpreter Services Funding Task Force. In our digitized world, members of the public should have the option of using technology to access the courts. The DMCJA continues to encourage courts to employ technology such as Zoom or other platforms to improve accessibility and attendance at proceedings. In addition, the DMCJA encourages the development and use of community resource centers in or near our courts, which enable court participants to access service providers.

#### Sustainability of Therapeutic Courts

Addressing the pressing issues of mental health and drug addiction in Washington communities is a priority for the DMCJA. The DMCJA Therapeutic Courts Committee, in collaboration with the Administrative Office of the Courts Behavioral Health team, provides best practice training and information, along with myriad resources for new and long-standing therapeutic courts and their judicial officers. Over the course of the 2021-2023 biennium, funding provided by the legislature led to the creation of 22 new therapeutic court programs in 28 jurisdictions, bringing the total number of therapeutic programs in CLJs to approximately 68, across 40 jurisdictions.

Funding was utilized to establish or enhance the following therapeutic court types:

Court Type	New Programs	Enhanced Programs	TOTAL
Substance Use Disorder	5	1	6
Behavioral Health	3	6	9
Combination SUD/BH	3	0	3
Community	11	5	16
DUI	0	3	3
Domestic Violence	0	1	1
<b>TOTAL</b>	<b>22</b>	<b>16</b>	<b>38</b>

This brings the total number of therapeutic courts in CLJs to approximately 68:

Court Type	Municipal	District	TOTAL
Substance Use Disorder	3	3	6
Behavioral Health	4	10	14
Combination SUD/BH	3	1	4
Community	21	3	24
Veterans	3	6	9
DUI	3	3	6
Domestic Violence	2	1	3
Moral Reconciliation	1	0	1
Youth	1	0	1
<b>TOTAL</b>	<b>41</b>	<b>27</b>	<b>68</b>

The DMCJA continues to seek innovative ways to address the needs of court users with mental health and drug-related issues, particularly in regard to the impacts of the COVID-19 pandemic on therapeutic court programs, along with the *State v. Blake* decision.

Educate Justice Partners

To accomplish the goals of the DMCJA, we must educate and collaborate with the executive and legislative branches of local and state government. The DMCJA Public Outreach Committee is tasked with developing materials that will assist urban and rural court judges in educating local government and the public, including reference materials, planning events, and providing information on local programs, funding opportunities, and community partnerships.

Preserving the Independence of Courts of Limited Jurisdiction

Maintaining independence as the third branch of government can be challenging at the CLJ level due to the legislative and executive branches of government controlling 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 2022, the DMCJA Council on Independent Courts (CIC) continues to meet regularly to fulfill its charge to protect, promote, and maintain the respect and dignity of courts of limited jurisdiction as a co-equal branch of local government.

#### Legal Financial Obligations: Education and Outreach

The DMCJA recognizes the impact of court imposed financial obligations on indigent individuals, and encourages its members to utilize innovative methods to address these disparate impacts. Electronic home monitoring, alcohol monitoring, and abusive partner intervention programs are examples of pretrial and post-conviction services that indigent defendants are often required to pay for without assistance, and the DMCJA has prioritized researching and educating members on best practices and potential funding sources so that each judicial officer can better address the court's responsibility to indigent defendants in the imposition and collection of financial obligations ordered by the court.

#### Member Engagement

The DMCJA fulfills its statutory obligations primarily through its committees and participation in the workgroups created by other bodies. This year, the legislature provided funding to AOC to hire two Senior Court Program Analysts to work with the DMCJA, staff its committees, and provide research, project management and legislative analysis on behalf of the association. In addition to beginning their work with reviewing legislative proposals and learning about committee projects, the newly hired analysts are currently designing a member engagement survey to gather information about how the association can best meet the needs of its members, and encourage more participation on committees and workgroups.

#### Continuity of Operations

Access to justice exists only when courts are operational, and each court, regardless of size and location, must plan for continuity of operations in response to a spectrum of contingencies including pandemic, personnel, technology, or logistical distributions or threats. The DMCJA is working with the AOC and individual district and municipal courts to ensure that all court leaders have the education and ability to identify resources to help their courts prepare robust and complete plans to help them continue operations through potential threats and disruptions.

#### Legislation

The DMCJA plans to take the following action during the 2023 Legislative Session:

1. Support funding requests from the Administrative Office of the Courts for ongoing therapeutic court funding in courts of limited jurisdiction, FAIR Court ("Secret Shopper"), courthouse security, and a third-party software integration platform for the new CLJ case management system.
2. Support legislation related to therapeutic alternatives, and request the introduction of legislation that will:
  - a. Create explicit authority to hold someone without bail until their first appearance on a domestic violence assault or protection order case
  - b. Increase access to Abstract Driver Records (ADR) for individuals pursuing relicensing by removing references to five and ten years for ADRs furnished to alcohol and drug assessment or treatment agencies, which will allow for courts

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to more easily provide a no-cost ADR to those seeking access to treatment services

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

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,



Commissioner Rick Leo  
DMCJA President

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<sup>1</sup> 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."

