



"Justice" by Peg Deam, Suquamish Tribe

**WASHINGTON STATE SUPREME COURT
GENDER & JUSTICE
COMMISSION**

2015-2016 Report

Cover Art



Artwork is used with permission of the artist, Ms. Peg Deam, Suquamish Tribe. This piece was presented to then Chief Justice Barbara Madsen on the occasion of her visit to the Port Madison Reservation in 2012 and currently hangs in the Temple of Justice.

From the artist:

“Justice” was created from a single sketch.

Justice begins with the thoughts and actions of a single person. We are continuously weighing possible outcomes. Those decisions result in the justice we all live with good, bad, or in-between.

The bowed head of this piece represents the concentrated effort needed to weigh complex decisions; the cupped hands represent the continuous process of decision making, always in motion; the white hair represents the accumulated knowledge needed for eventual effective resolution.

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Many thanks to our Commission Chair, Vice Chair, Members, Student Liaisons, and Staff who are dedicated to the work of the Gender & Justice Commission. (Commission members pictured right)



Commission Members

- Justice Sheryl Gordon McCloud, Washington State Supreme Court, Chair;
- Judge Marilyn Paja, Kitsap County District Court, Vice Chair;
- Ms. Rita Bender, Skellenger Bender, P.S.;
- Ms. Emily Cordo, YWCA, Sexual Violence Legal Services Program;
- Ms. Josie Delvin, Benton County Clerk;
- Judge Michael H. Evans, Cowlitz County Superior Court;
- Ms. Gail Hammer, Gonzaga University School of Law;
- Ms. Grace Huang, Asian Pacific Institute on Gender-Based Violence;
- Judge Judy Rae Jasprica, Pierce County District Court;
- Ms. LaTricia Kinlow, Court Administrator, Tukwila Municipal Court;
- Judge Eric Z. Lucas, Snohomish County Superior Court;
- Judge Richard Melnick, Court of Appeals, Division II;
- Justice Susan Owens, Washington State Supreme Court;
- Judge Mark Pouley, Swinomish Tribal Court;
- Dr. Dana Raigrodski, University of Washington School of Law;
- Ms. Jennifer Ritchie, Washington Women Lawyers;
- Ms. Leslie Savina, Northwest Justice Project;
- Judge Cindy K. Smith, Suquamish Tribal Court;
- Ms. Gail Stone, King County Law & Justice Policy Advisor;
- Ms. Sonia M. Rodriguez True, True Law Group, P.S.;
- Ms. Victoria L. Vreeland, Vreeland Law PLLC;
- Mr. David Ward, Legal Voice;
- Judge Anita Crawford-Willis, Liaison, Access to Justice Board

Message From the Chair

On behalf of the Washington State Supreme Court Gender and Justice Commission, I am pleased to present you with the 2015-2016 Report. It highlights the Commission's key initiatives and accomplishments for that time period.

Most of that progress occurred under the leadership of Justice Madsen, who led the Commission as Chair since 1998. I was appointed as the new Chair of the Commission in March of 2017. I inherited a hardworking Commission comprised of dedicated judicial officers from across the state, court staff, attorneys, and other leaders who serve as appointed members. The report highlights some of our main areas of work.

And I do mean work. This is a working Commission, and its members have been actively addressing gender bias in Washington State Courts since 1994. The Commission's efforts over the past two years, which are detailed in the following pages, have included: coordination of the Tribal State Court Consortium; work to ensure access to legal resources for incarcerated parents; an extensive update to the Domestic Violence Manual for judges; and presentation of over 15 educational programs for judicial officers and court staff on topics related to gender equality.

One of the Commission's most exciting new initiatives is an update to the 1989 *Gender and Justice in the Courts* report. The extent of gender bias in the court system in Washington State, and the forms it currently takes, have not been studied since 1989. Much has changed since 1989: the changes range from advancements in technology and delivery systems in the courts to a vast increase in both male and female incarceration, greater awareness of the courts' role in serving populations traditionally lacking in power (people of color, immigrants, those in poverty, members of the LGBTQ community), increases in court user fees, and changes in the numbers, status, race, and ethnicity of women litigants, lawyers, judges, and court personnel. To our knowledge, no state has revisited its earlier study on women in such a comprehensive manner.



I encourage anyone who is interested in ensuring gender equality in the court system to reach out to the Commission and be involved in these efforts. Thank you for your continuing support.

Justice Sheryl Gordon McCloud, Washington State Supreme Court

Incoming Members

The Commission is comprised of twenty-one members who are first appointed for a single, three-year term and then provided an opportunity to hold a second, three-year term. In 2015 and 2016, we welcomed nine new members and liaisons including Ms. Kelley Amburgey-Richardson, Ms. Rita L. Bender, Ms. Emily Cordo, Ms. Gail Hammer, Dr. Dana Raigrodski, Ms. Sonia M. Rodriguez True, Ms. Victoria L. Vreeland, Judge Cindy K. Smith, Ms. Jennifer Ritchie, and Judge Anita Crawford-Willis as the liaison to the Access to Justice Board.

The Commission, through its diverse multidisciplinary membership, exercises a strong statewide leadership role promoting gender equity in the legal and judicial community. The Commission strives to eliminate gender bias in Washington State Courts through the development of strategies for change, educational forums, and effective communication and collaboration with organizations that share its vision.

- ◇ **Kelley Amburgey-Richardson** – see Staff section.
- ◇ **Rita Bender** is a partner at Skellenger Bender, P.S. in Seattle, where she has practiced since 1990. She is a graduate of Queens College of the City University of New York, 1964, and received her Juris Doctor from Rutgers University School of Law in 1968. Ms. Bender's practice focuses mainly on family law, adoption, assisted reproduction, and ethics and professional discipline of attorneys. She has been a guest lecturer at colleges and universities throughout the country on issues of racial disparity, exploring the relationships of race, income, gender, and educational inequities.
- ◇ **Emily Cordo** serves on the Board of Directors for the Washington State Coalition Against Domestic Violence. She previously served as the Legal Director for the Sexual Violence Legal Services Program, for the YWCA of Seattle, King, and Snohomish. She received her Juris Doctor from the University of Washington School of Law and a Bachelor of Arts degree from Whitman College.
- ◇ **Judge Crawford-Willis** is a proud double alumna of Seattle University, where she received a BA in Political Science and went on to obtain her JD at SU School of Law. After graduating from law school, Judge Crawford-Willis obtained a coveted staff attorney position at the Defender Association where she worked with juvenile (misdemeanors and felony) and adult misdemeanor offenders. In 1990 she left the Defender Association to become an Administrative Law Judge with the Office of Administrative Hearings. In 2017, she was appointed as a Judge for Seattle Municipal Court. Judge Crawford-Willis serves on the Seattle University Board of Regents, the Seattle University School of Theology and Ministry Advisory board and the Washington State Access to Justice (ATJ) Board. She is the ATJ Board liaison to the Gender and Justice Commission.

- ◇ **Gail Hammer** is an Assistant Professor at Gonzaga University School of Law, and also serves as the Interim Clinic Director and Thomas More Co-Director at the Gonzaga University School of Law. Ms. Hammer supervises law students in the General Practice/Indian Law Clinic. She received her Bachelor of Arts degree from the University of Montana. Ms. Hammer has authored numerous articles and presented across the country and internationally on legal education, poverty and the law, domestic violence, family law, race, and gender. She received her Juris Doctor from University of Montana School of Law.
- ◇ **Dr. Dana Raigrodski** is a lecturer at the University of Washington School of Law, sits on the UW Women's Center Anti-Trafficking Task Force, Immigrant Families Advocacy Project (pro bono legal services), and the Global Business Center for International Business Education and Research Advisory Board. She received her Doctor of Juridical Science from Tulane Law School 2002 and received a Master of Laws degree from Tel Aviv University in 1995. Dr. Raigrodski has also authored numerous articles and studies on trafficking and feminist legal theory.
- ◇ **Jennifer Ritchie** is a Senior Deputy Prosecutor with the King County Prosecuting Attorney's Office. She has been with the PAO for 23 years, and currently serves as the Unit Chair of the Sexually Violent Predator Unit, where she manages a team of six deputy prosecutors, three paralegals, and two legal assistants. Ms. Ritchie also works closely with the Department of Corrections, the Department of Social and Health Services, the Attorney General's Office and the Defense Bar in civil commitment cases. She is responsible for setting policy, negotiating cases, evaluating case filings, and jury and bench trials of civil commitment cases. Ms. Ritchie was the recipient of the 2011 PAO Award for Outstanding Advocacy in Civil Litigation and the 2015 PAO Office-wide Leadership Award in the Criminal Division. She is an active member of Washington Women Lawyers, and currently serves as State Chapter Vice President on Gender and Justice Issues and sits on the King County and State Chapter Judicial Evaluation Committees. Ms. Ritchie is honored to be the first person to fill the new permanent Washington Women Lawyers seat on the Commission.
- ◇ **Sonia Rodriguez True**, True Law Group, P.S., resides and practices law in Yakima, Washington. She focuses on family law and personal injury matters, while also representing parents and children through the Office of Public Defense. Ms. Rodriguez True is involved in local community committees and projects and presently sits on the Board of Trustees for Memorial Hospital and Boards of Directors for Community Health of Central Washington, United Way of Central Washington, Yakima YMCA, Yakima Police Athletic League, and is a member of Rotary International. She was awarded the 2014 Volunteer of the Year Award by the Yakima County Bar Association. She received her Juris Doctor from the University of Washington School of Law in 2000, and her Bachelor of Arts from the University of Washington in 1997.

Incoming Members, continued

- ◇ **Judge Cindy K. Smith** is the Chief Judge of the Suquamish Tribal Court. She is also a Co-Chair of the Tribal State Court Consortium (TSCC). The TSCC is a joint effort between state and tribal court judicial officers and other judicial branch members in an effort to expand communication and collaboration judicial branch members in an effort to expand communication and collaboration. Additionally, the TSCC provides an open, transparent forum where state and tribal court judicial officers can come together and discuss jurisdictional issues, gaps in services, and ways to develop lasting partnerships. The TSCC is focusing its efforts on domestic violence and sexual assault issues, dependency cases involving Indian children, and the disproportionate number of Indian youth in the juvenile justice system.
- ◇ **Victoria L. Vreeland** is the principal attorney at Vreeland Law PLLC. She has an extensive background in assisting victims of sexual and domestic violence navigate the criminal legal system. Additionally, Ms. Vreeland has training as a volunteer rape relief advocate and continues to be involved in alleviating gender bias and addressing women's issues. As the current President of the Washington State Association for Justice (WSAJ), she is dedicated to providing training and education for lawyers and establishing an Interpersonal Violence Litigation Group within WSAJ. She received her Juris Doctor from Gonzaga University School of Law (1976) and her Bachelor of Arts degree from Eastern Washington University (1972).

Staff

In August 2016, **Pam Dittman** transferred to a new position within the AOC where she continues to demonstrate her important and outstanding skills in Court Education. Ms. Dittman staffed the Washington State Supreme Court Gender & Justice Commission from 2011 to 2016.

Thank you, Pam, for your years of hard work and dedication to gender equity! We are confident of your support as we continue our work with the courts at all levels.

In January 2017, the Commission welcomed **Kelley Amburgey-Richardson** as its new Court Program Analyst. Prior to joining AOC, Ms. Amburgey-Richardson was a Gender and Justice Commission member, a statewide Program Coordinator at the Washington Coalition of Sexual Assault Programs, and a legal aid attorney. She has dedicated her career to the issues of gender based violence and access to justice, and brings statewide and national expertise in these issues to her work with the Commission. Ms. Amburgey-Richardson is a graduate of Pepperdine University and received her Juris Doctor from Lewis & Clark Law School.

We look forward to working with you, Kelley!

Thanks

We thank these former members for their dedication, loyalty, and service:

Ms. Sara Ainsworth, Chair, Incarcerated Women & Girls Committee; Ms. Mirta “Laura” Contreras, Northwest Immigrant Rights Project; Professor Taryn Lindhorst, University of Washington; Ms. Judith A. Lonquist, Attorney at Law; Chair, Women in the Profession Committee; Justice Barbara A. Madsen, Washington State Supreme Court, Commission Chair; Mr. Ron Miles, Court Administrator, Spokane County Superior Court, Chair, Communications Committee; Judge Ann Schindler, Court of Appeals, Division I; Judge Tom Tremaine, Kalispel Tribal Court, Co-Chair, Tribal State Court Consortium.

Additionally, the Commission wishes to thank everyone who participated on a Gender & Justice Commission Committee during this time, as well as those who served as law student liaisons to the Commission. Your support and involvement from the broader legal community is essential to the success of the Commission’s mission.

Passing the Baton: Q&A with Justice Barbara Madsen

In February, 2017, Justice Barbara Madsen stepped down as Chair of the Gender and Justice Commission. Justice Madsen had chaired the Commission for nearly twenty years. Under her direction and guidance, the Gender and Justice Commission has remained at the forefront of the work to address gender equity issues in the system of law and justice in our state and is a model nationwide. In a recent interview, Justice Madsen shared her thoughts about the Gender and Justice Commission's past and future.



Q: What made you personally interested in and committed to the work of the Gender and Justice Commission?

Justice Madsen: I ran for the Supreme Court in response to watching the Clarence Thomas confirmation hearings. Anita Hill testified to the sexual harassment that she experienced in the workplace under Thomas as EEOC director. I had witnessed conduct by lawyers and judges similar to that experienced by Anita Hill and I believed that change could be made only if women sat at the table where decisions were being made for the legal profession. I thought the table was at the Supreme Court. While I now understand better the limitations on the power of the Supreme Court, I continue to believe that by establishing the Gender and Justice Commission, the Supreme Court can help set practices and policies that will improve gender justice in our courts.

Q: What are some of your best memories of the Commission? Are there any clear wins that stand out?

Justice Madsen: The work of ensuring gender equity requires vigilance and dedication. One of the most impressive aspects of the Commission has been the extraordinary quality of its members. My best memories are of the tireless Commissioners, men and women, who fight against gender bias. From blaming victims of domestic violence and sexual assault to discounting the value of women in tort claims, the challenges of gender bias run deep. The hard work of our commissioners had led to real, positive changes.

Q&A with Justice Madsen

While the Commission has tackled many tough issues there are a few “wins” that stand out:

- Our work to ensure that all police agencies adopt protocol for investigating police-perpetrated domestic violence following the murder of Crystal Brame by her husband the Chief of Police;
- The education program, When Bias Compounds: the Intersectionality of Race and Gender, which surfaced the challenges for women of color on the bench and in the profession and led to the Color of Justice, a pipeline project for girls of color;
- Halting the practice of shackling women prisoners during labor and delivery and supporting programming for incarcerated women;
- Exploring the obstacles to justice for same sex couples in a series of judicial trainings;
- Producing bench books for our judicial officers on domestic violence, including same-sex domestic violence; and
- Helping to create the Tribal State Court Consortium to foster communication and cooperation between tribal and state court judges.

Q: What do you think the future holds for the Gender and Justice Commission?

Justice Madsen: The last survey of justice system gender related practices and impacts was completed in 1989. That study led the Supreme Court to establish the Gender and Justice Commission. About three years ago the Commission began discussing a new study that would give us a contemporary view of gender in the justice system. In February of this year, I stepped down as Chair of the Commission and Justice Gordon McCloud was appointed Chair. She is committed to leading a new study and I am confident that it will reveal successes and new challenges that will keep the Commission busy for years to come.

Women's History Month Luncheon

In 2015, Secretary of State Kim Wyman and Chief Justice Barbara Madsen (pictured right with Velma Veloria) provided opening remarks and discussed the need to share common visions for addressing gender equity issues in our state.

In 2016, the Commission chose to mirror the national Women's History Month focus of *Working to Form a More Perfect Union: Honoring Women in Public Service and Government*.



Some presenters included Chief Justice Madsen (pictured left with Velma Veloria, Dr. Dana Raigrodksi, and event attendees), Ms. Emily Henry, an attorney and former G&J student liaison, Ms. Velma Veloria, former WA State Legislator, and retired tribal Judge Theresa Pouley.

Ms. Henry focused on how her work and the work of others will impact her daughters and the future of women.

Ms. Veloria spoke about her life, struggles, and successes as the first Filipino American as well as Asian American woman to be elected to the WA state legislature.

Judge Pouley (pictured right) focused on the unity between past, present, and future and the struggle for gender and race equity.



Recognizing Women Law Students

Annually, the Washington State Supreme Court Gender & Justice Commission collaborates with the National Association of Women Judges (NAWJ) and the Washington State Association for Justice (WSAJ) to recognize women law students from one of the three Washington State law schools. The women who are selected exhibit leadership, an interest in gender equity issues, and a commitment to improving the legal system.

In conjunction with kick-off events for the 2016 Annual Conference of the National Association of Women Judges (NAWJ) scheduled for October 2016 in Seattle, two students from Gonzaga School of Law were recognized and awarded scholarships. Each event was attended by festive groups of local attorneys, judicial officers, several Supreme Court Justices, and Commission members.



Hosted by Perkins Coie in their downtown Seattle offices (panorama pictured above) on January 21, 2016, Ms. Angela Jones was recognized and awarded the NAWJ Equal Justice Scholarship of \$500. NAWJ President-elect Judge Lisa Walsh (Miami-Dade County Florida Circuit Court) presented the award. Ms. Jones was in her third year at Gonzaga School of Law, Spokane, Washington. She served as an extern for Washington State Supreme Court Justice Mary Yu. Ms. Jones has served and continues to volunteer on various local boards and committees including as the Diversity Chair of Gonzaga's Student Bar Association, as a member of the Multicultural Law Caucus, Asian Bar Association of Washington, and the Loren Miller Bar Association. Ms. Jones has also been a guest presenter at Gonzaga's International Day of Tolerance, the Spokane Youth and Justice Forum, and was the 2015 Diversity Week keynote speaker at Gonzaga Prep.

Recognizing Women Law Students, continued

On January 22, 2016 the law firm of Winston & Cashatt in Spokane hosted the Gender & Justice Commission, the NAWJ President and the Washington State Association of Justice to award Ms. Stephanie Faust, a second year Gonzaga student, a \$500 scholarship from the WSAJ.



Then President-elect of the Washington State Bar Association, Ms. Robin Haynes, graciously presented Ms. Faust with her scholarship (pictured left). Ms. Faust has volunteered with Domestic Violence and Sexual Assault Services, Bellingham, Washington; has clerked with the Washington State Attorney General's Office in Spokane; and volunteered with the Moderate Means Program.

During her time at Gonzaga, she was an active member of Gonzaga's Women's Law Caucus, a member of the Saul Lefkowitz National Moot Court Team, and on the editorial staff for the Gonzaga Law Review.

SAVE THE DATE

On November 1, 2017, the Commission will sponsor an event honoring women law students at the University of Washington School of Law.

[See our website for more details soon!](#)

Tribal State Court Consortium

The Tribal State Court Consortium (TSCC) is a joint effort between state and tribal court judicial officers and other judicial branch members in an effort to expand communication and collaboration. Judge Cindy K. Smith and Judge Lori Kay Smith (pictured below left) Co-Chair the TSCC.



Additionally, the TSCC provides an open, transparent forum where state and tribal court judicial officers can come together and discuss jurisdictional issues, gaps in services, and ways to develop lasting partnerships.

The TSCC began meeting in 2013 and is focusing its efforts on domestic violence and sexual assault issues, dependency cases involving Indian children, and the disproportionate number of Indian youth in the juvenile justice system.



Commission members including then Chief Justice Madsen and Justice Sheryl Gordon McCloud (pictured above with Professor Molly Cohan) attended meetings of the TSCC.

With support from the Gender and Justice Commission, the following meetings of the Tribal State Court Consortium were held in 2015 – 2016:

2/25/15 – Regional Meeting at the Suquamish Tribe

9/21/15 – Regional Meeting at the Swinomish Tribe

6/24/16 – Regional Meeting at the Quinault Tribe

2015 & 2016 Annual Meetings at Fall Judicial Conference

More information about the TSCC can be found on the [Consortium website](#).

Incarcerated Women & Girls

Grant: Access to Legal Resource Kiosks

Washington has four state prisons which are stand-alone, minimum-security facilities that do not have law libraries. When parents in these facilities are served with private family law actions, they have no way to access mandatory family law forms or free online legal resources. It is difficult, and sometimes impossible, for them to participate in their cases. This barrier, coupled with the fact that many family law actions require a response on mandatory family law forms within a short time, results in default orders entered against many incarcerated parents at minimum security facilities. These default orders often contain provisions that severely restrict or completely limit the parent's contact with their child, causing serious damage to the parent-child relationship. According to the U.S. Department of Justice, almost 62% of women incarcerated in state facilities are parents. It is estimated that this number is higher in Washington State.

In 2015, the Gender and Justice Commission supported a grant proposal by the Northwest Justice Project for funding to install legal kiosks in these facilities. By providing access to the mandatory family law forms and other legal resources, incarcerated parents will be able to quickly and more fully participate in their family law cases. This will lead to more just family law proceedings and better outcomes for Washington families impacted by incarceration. The grant was awarded.

In 2015, the Gender & Justice Commission supported the “Success Inside and Out” reentry conference for women who are incarcerated at Mission Creek Corrections Center for Women. The event focuses on issues facing women who will soon release to the community, including domestic violence and family dynamics.

Beyond Pink Conference

In 2016, the Gender & Justice Commission supported the Beyond Pink Conference. This event is put on by the Justice for Girls Coalition of Washington State and it addresses issues facing girls who are involved in the juvenile justice system. This year's event focused on how implicit bias impacts girls across the system and the special consideration that should be given to girls who are incarcerated, intersections of race, culture, gender and sexual identity, and bias.

Court Access for Incarcerated Parents

Looking ahead, in 2017 the Incarcerated Women and Girls Committee will be co-hosting a convening for attorneys, formerly incarcerated parents, judicial officers and court staff, and other state agencies involved in family law and dependency matters on the topic of “Court Access for Incarcerated Parents.” The goal of this event is to remove barriers that exist institutionally within the courts and prison systems, and to create a statewide procedure for incarcerated parents to remotely participate in their family law and dependency cases.

2015 Reentry Event for Incarcerated Women: Success Inside & Out

At the request of local members of the National Association of Women Judges (NAWJ), the Gender & Justice Commission once again assisted in the presentation of the reentry conference at the Mission Creek Corrections Center for Women (MCCCW) on October 22 and 23, 2015. This third annual NAWJ Success Inside and Out Conference continues to improve in content and participation. The event hosted 175 women being held at MCCCW, a minimum security facility, where the offenders are within 4 years of release back to our communities. The women participated enthusiastically in programs including recovery from trauma, drivers' license restoration, as well as opportunities for chemical dependency treatment, education (and finding funding for it), housing and probation guidelines after release.

Welcomed by Washington State Court of Appeals Judge Jill Johanson, other NAWJ member judges from Washington were excited to participate in various workshops. Judge Janet Garrow, Judge Michelle Gehlson, Judge Karen Donohue, Judge G. Helen Whitener and Judge Marilyn Paja attended much of the conference, and were supported by Gender & Justice staff, including Ms. Pam Dittman and Ms. Danielle Pugh-Markie. Members of the Commission's Incarcerated Women and Girls Committee members, including Ms. Elizabeth Hendren, were also valued for their organizational assistance. Law students from Seattle University School of Law helped tremendously during the event. The Commission staff provided excellent suggestions to improve and strengthen the educational offerings. The Commission contributed \$1,000 to help facilitate the Success Inside and Out Conference.

King 5 News attended the two-day event. Photos and a video-story were produced and shown on local television and picked up by USA Today as well. <https://www.usatoday.com/story/news/local/2015/10/24/mission-creek-conference-prison-inmates-women-training-whitlock-fields/74492298/>

2017 Event Planning is Well Underway

The Gender & Justice Commission has committed time and assistance for the September 28—29 Success Inside and Out Conference at Mission Creek Corrections Center for Women.

New Washington State Gender Bias Study

BACKGROUND

In 1987 the Washington State Legislature mandated the Administrative Office of the Courts to initiate measures to prevent gender bias in the state court system. After two years of research, public hearings, and surveys, the Gender and Justice Task Force concluded gender bias existed in the Washington State court system and described the extent of that bias in its final report, *Gender and Justice in the Courts, Washington State, 1989*. The Washington State Supreme Court Gender and Justice Commission was created as a result of the report, and was tasked with monitoring and implementing the recommendations from the report.

ISSUE

The extent of gender bias in the court system in Washington State, and the forms it currently takes, have not been studied since 1989. Much has changed since, such as advancements in technology and delivery systems in the courts, mass incarceration, immigration, increases in user fees, and the current status of women litigants, lawyers, judges, and court personnel. To our knowledge, no state has revisited such a study.

PROPOSED SCOPE

An Update on the Original Report

The original report focused on the status of litigants in three areas:

- Domestic violence and rape
- Consequences of divorce
- Economic consequences in wrongful death cases and attorney fee awards in discrimination cases

The report's other major focus was on the treatment of lawyers, litigants, judges, and court personnel including:

- Courtroom treatment of litigants and legal professionals
- Credibility of women in the courtroom
- Acceptance of women in the legal and judicial communities
- Court personnel practices and procedures

New Washington State Gender Bias Study

New Areas of Gender Bias in the Courts

The Gender and Justice Commission recognizes that much has changed since 1989, and proposes to focus the new report on the justice system's impact on women, particularly on women in poverty.

In addition to revisiting the original study's focus areas, this would include taking into consideration the many changes that affect our legal system such as:

- Developments in technology
- How legal services are provided
- Delivery systems
- User fees
- Incarceration rates
- Immigration

From an access to justice perspective, the new study would look particularly at how one's gender impacts opportunities, barriers, and outcomes, as well as at the intersection of gender bias and race, immigration status, language, age, and sexual orientation.

We understand that this will require looking at:

- What happens inside the courtroom
- Circumstances that force individuals into court or compel them to seek the courts as a forum
- Consequences after a court case, with special attention to legal financial obligations and mass incarceration

CONCLUSION

Revisiting the *Gender and Justice in the Courts* study is an undertaking which will require considerable resources and the support of state and national stakeholders. We believe that Washington State's efforts would lead the way for other states to revisit their gender bias studies, and that our model could serve as a template for replicating these efforts across the nation.

Gender & Justice Commission Welcomes Women Judges from Around the Country – and the World

In October 2016 the National Association of Women Judges (NAWJ) held its Annual Conference in Seattle. The Conference hosted over 300 women judges from around the country NAWJ President Lisa Walsh of Miami-Dade Circuit Court and Washington State Supreme Court Justice Mary Fairhurst also welcomed about 25 international judges who attended the Conference (attendees pictured right).



In 2016 all of the women members of the Washington State Supreme Court celebrated membership in the NAWJ. Lead by Justice Susan Owens all served on the planning committee for the NAWJ Annual Conference. Education was foremost in the minds of the planning committee who appointed NAWJ members Judge Karen Donohue and Judge Maggie Ross to lead that effort.

The planning committee was individually involved and also reached out to the Gender & Justice Commission and AOC Court Education Services Coordinator Ms. Judith Anderson to strengthen the offerings and conference organization. Justice Barbara Madsen kept the Commission involved throughout the organizational process. She showcased our nationally recognized Tribal State Consortium whose hardworking members spoke to communication and cross-involvement of tribal and state courts.

Justice Stephen Gonzalez (pictured right), Chair of the Interpreter Commission, spearheaded an interactive presentation of Implicit Bias and Cultural Awareness that impacted all who attended.





Commission member Mr. David Ward (pictured left) worked extensively to present a ground-breaking and well-received presentation on transgender justice, respect, and fairness. That program is scheduled to be replicated at the 2017 Washington State Fall Conference.

Justice Sheryl Gordon McCloud (pictured right with panelists) organized a fascinating and troubling discussion of issues of sexual assault on college campuses.



Introduced by Justice Debra Stephens, Professor Stephanie Coontz (pictured left) from Evergreen State University was a keynote speaker on marriage and gender equality.

Justice Bobbe Bridge (pictured right) and other speakers and presentations included a conversation with law school deans about diversity in the profession, community supervision of female offenders, labor trafficking, interpreters, and incarcerated voices were recognized in the “IF” Project.



The Gender & Justice Commission hosted the welcome reception for all of the NAWJ Annual Conference attendees at the Seattle conference hotel. Also in attendance were local and regional sponsors, lawyers and justice partners and friends.



The event was joyous and celebratory. Then Gender & Justice Commission Chair Justice Barbara Madsen (pictured left with attendees) made opening remarks including the history of women in the profession in our state.

To eager applause, Justice Sheryl Gordon McCloud (pictured right) introduced the NAWJ members and other attendees to the newest project of the Gender and Justice Commission, the Gender Bias Study, asking for support and friendship in the project anticipated to take several years.



It should be noted that at its Midyear Board meeting in June 2017, the NAWJ Board voted unanimously to support the Washington State Gender Bias Study.

Domestic Violence

Prevention of gender based violence has been a priority issue for the Commission since its inception. In 2015 - 2016, work in this area focused on firearms forfeiture best practices, domestic violence interventions, judicial education, and updating the Domestic Violence Manual for Judges.

In 2016, the Commission released an extensively updated Domestic Violence Manual for use by Washington judicial officers presiding over cases involving domestic violence. More than two dozen state and tribal court judicial officers, attorneys, professors of law, experts, and student researchers contributed to the update, which was funded through a federal grant program. The last edition of the bench guide was published in 2006.

The 2016 Domestic Violence Manual for Judges provides updated information on laws, policies, procedures, and social science research involving pre-trial issues, civil and criminal cases, evidentiary issues, protection orders, parenting plans, child abuse and neglect, tribal courts, DV assessments, mandated treatment and more. In addition to serving as a bench guide, the Domestic Violence Manual will also serve as an education textbook for judicial officers new to domestic violence cases.

The Commission wishes to thank Ms. Grace Huang, Commission member and the Editor of this outstanding judicial resource.

The 2016 Domestic Violence Manual for Judges can be found [online](#).

Domestic violence is an issue that impacts legal matters before all levels of court and in all jurisdictions, and affects our families and communities in many ways. Interacting with the public and our colleagues, and adjudicating cases effectively with the best information at hand is of critical importance,” said Grace Huang, Policy Director at the Asian Pacific Institute on Gender Based Violence, who served as Editor of the updated DV Manual for Judges.

“The Gender and Justice Commission would like to thank all those who contributed so much effort to creating a thorough, helpful tool for judges and courts.”

Funding

Commission staff seek funding from a variety of sources to respond to emerging issues related to gender bias, rights for incarcerated women and girls, domestic violence, sexual assault, stalking, collaboration between tribal and state courts, and other gender equity issues.

These funding sources are essential to the work of the Commission.

We thank our state and federal funding sources and our legislative partners for their dedication to the prevention of gender based violence.

In 2015 and 2016, pass through funds were secured from the Washington State Department of Commerce and by the Washington State Legislature through the Administrative Office of the Courts. Additionally, from 2013—2015, funding was gratefully received from a direct grant from the Office on Violence Against Women (OVW), Department of Justice.

Funding is utilized to address educational programs for judicial officers, court staff and managers, other justice partners, and the public, as well as to develop resources such as bench guides, and to conduct research projects related to the mission of the Commission. From time-to-time, and within available budgeted and grant funding the Commission is able to respond to requests from third parties to fund or partner in other efforts that are consistent with the mission of the Gender & Justice Commission and within the limitations which may have been set by the funders.

For example, in the 2015-2016 reporting period, the Commission was able to partner with several different national education organizations to send approximately 21 Washington state judicial officers to Domestic Violence courtroom training (see *Page 26*) A local judge's critical decision-making skills are enhanced, she or he is also able to return to our own state better able to do her or his own job, and also able to communicate best practices and national trends to the Commission. In the past, several of these "scholarship" judges also have become leaders in education within their own state trial court associations and members of the Gender & Justice Commission. During this same 2015-2016 reporting period, changes in DV Firearms Surrender laws and practices resulted in considerable time planning future regional community trainings on these complex issues. All regional and special expenditures are reviewed by the Commission and balanced against other projects in stages of budget, planning and execution.

Department of Commerce

The funding sources from Commerce included:

- 1) The five-percent court set-aside allocation from the federal STOP Violence Against Women Formula Grant Program (Office on Violence Against Women - OVW), which supports the Commission's work to enhance the court's response to domestic and sexual violence, stalking, and teen dating violence statewide; and
- 2) The OVW Grants to Encourage Arrest (GTEA) program, which supported the Commission's continued efforts to foster communication and collaborative measures between state and tribal courts on domestic and sexual violence cases.

OVW Sexual Assault Grant

The Commission received a \$50,000, 2-year grant (September 2013-October 2015) from the Department of Justice – Office of Violence Against Women (DOJ-OVW) to work with and train judicial officers on addressing sexual assault cases. To help determine the curricula and the needs of judicial officers, a one-day stakeholders meeting was held which included representatives from the courts, judicial officers, local sexual assault service providers, and the national technical assistance providers.

A one and one-half day workshop “Enhancing Courts' Response to Adult Victim Sexual Violence” was developed and presented with the assistance Claudia Bayliff and Lynn Hecht Schafran of National Judicial Education Program (NJEP); Washington State Judicial Officers: Judge Elizabeth Berns, King County Superior Court; Judge Patti Connolly Walker, Spokane County District Court; and Judge Mark Pouley, Swinomish Tribal Court; and Laura Jones, CourtWatch Program Manager at the King County Sexual Assault Resource Center. Additionally, NJEP recruited experts, Dr. Christmas Covell and Dr. Chris Wilson, to develop and facilitate sections on perpetrators of sexual violence, impact of trauma, and vicarious trauma. (See *Enhancing Courts' Response to Sexual Violence*, Page 30).

Education—Scholarships

Rigorous training is provided at judicial college (required for all new judicial officers at all levels), at annual statewide judicial conferences, as well as at regional training for judicial officers. Court probation and support staff were offered training at their statewide conference and regionally. In addition, recognizing the value of engagement at a national level, through various funding sources, scholarships have been provided to support individuals and teams to attend state and national conferences which focus on domestic violence or sexual assault.

The Commission continues to provide significant resources to the judicial branch, including judges, commissioners, and court staff.

Judicial Officers and Court Staff received funding to attend these programs in 2015 – 2016:

National Council of Juvenile and Family Court Judges

Annual Conference

- 2015— Eight (8) judicial officers received support to attend
- 2016—Nine (9) judicial officers received support to attend

Enhancing Judicial Skills in Domestic Violence Cases Program

- 2015—Four (4) judicial officers received support to attend

Children’s Justice Task Force, Washington State Dept. of Social and Health Services

Children’s Justice Conference

- 2015—Eight (8) courthouse facilitators received support to attend

King County

Domestic Violence Symposium

- 2015— Funding supported:
 - Eleven (11) judicial officers’ DV Symposium registration fees;
 - Three (3) judicial officers’ travel-related costs including lodging, transportation, and per diem expenditures; and,
 - Five (5) judicial officers’ pro tem costs.
- 2016—Funding supported:
 - Nineteen (19) judicial officers’ DV Symposium registration fees;
 - Four (4) judicial officers’ travel-related costs including lodging, transportation, and per diem expenditures; and
 - Four (4) judicial officers’ pro tem costs.

Education—Conference Sponsored Sessions

In Washington State, the Commission develops and conducts stand-alone workshops and training sessions at in-state conferences for judicial officers, court managers, and court staff. Staff and Commission members also develop stand-alone workshops and webinars when legislation is enacted or innovative approaches to relevant topics are identified.

The Commission sponsored the following educational programs in 2015 – 2016:

Judicial College—January 2015 & 2016

Domestic Violence: Applying Context to Orders: This session explored the dynamics and considerations of domestic violence and the role and responsibility the judicial officer has in court and in the community related to domestic violence issues.

Faculty: Judge Judy Jasprica, Judge Chris Wickham

Superior Court Judges Spring Program

Domestic Violence Benchguide and Firearms Surrender Update (April 2015): In 2014, the Domestic Violence Bench Guide for Judicial Officers was substantially updated to reflect new case law and changes in legislation. One significant change was the 2014 passage of HB 1840, which prohibits firearm possession by domestic violence protection order respondents. This session provided updates to the domestic violence statutes and procedures as well as specific issues such as tribes' authority to exercise "special domestic violence criminal jurisdiction" over non-Indians. Participants discussed strategies for effective implementation of HB 1840 with particular emphasis on the courts' role.

Faculty: Judge Chris Wickham, Ms. Grace Huang

Children of Incarcerated Parents: Keeping Families Connected (April 2016): Incarcerated parents in dependency and family law proceedings face unique barriers to successfully participating in their cases. The consequences can impact their families long after the proceedings and incarceration have ended. Common challenges such as lack of transportation, no availability of court-ordered classes or services in some facilities, slow mail, and no access to mandatory family law forms can be misunderstood as a lack of interest. Participants gained a better understanding of the challenges incarcerated parents face in participating in court cases, and how to address these challenges and enter orders that help families navigate this difficult time in the best way possible.

Faculty: Commissioner Jennie Laird, Ms. Elizabeth Hendren, Ms. Belinda Stewart, Ms. Kimberly Mays

Education—Conference Sponsored Sessions, continued

Appellate Judges Spring Program

Developing a Multi-Perspective Jurisprudence (March 2015): Participants learned to: (1) Recognize the partiality of any perspective and the implicit white male norms embodied in a reasonable person standard and other objective legal standards; (2) Explore their own categories for organizing the world, their own implicit biases towards 'different' people, and seek out and appreciate perspectives other than their own; (3) Use multi-perspective consciousness to inform their decision-making and judicial practice.

Faculty: Dr. Dana Raigrodski

Emerging Constitutional Issues Involving Same Sex Marriage and the Impact of Obergefell v. Hodges (April 2016): Faculty presented on the many different sources of law that could be implicated in disputes involving claims to equal treatment by same-sex couples. Participants learned to analyze how the U.S. Supreme Court's decision in *Obergefell v. Hodges*, 576 U.S. ____, 135 S. Ct. 2584 (2015) impacts disputes between same-sex couples and individuals/entities that oppose same-sex marriage. Participants worked through hypothetical scenarios involving such disputes to identify and understand the issues and arguments implicated.

Faculty: Professor Jim Oleske, Professor Steve Kanter

Annual Fall Conference—October 2016

Emerging Constitutional Issues Involving Same Sex Marriage and the Impact of Obergefell v. Hodges: See above.

Domestic Violence Symposium— September 2015 & 2016

Judicial Officer Workshop Track 2015: Firearm Forfeiture in Domestic Violence Cases, Considerations in the Courtroom when Working with Children Exposed to Violence.

Judicial Officer Workshop Track 2016: Trauma-Informed Justice Includes Self-Care for Judges, Culturally-Specific Services and Improving Access to Justice, Developing a Comprehensive Court Approach to Domestic Violence.

District and Municipal Court Judges Spring Program

Strangulation: All Things Medical and All Things Legal for Judges (June 2015): This session covered the history of strangulation cases, lethality of strangulation, and the medical perspective. Faculty presented on what can be learned from fatal strangulation, advocacy tips, and promising practices for responding to strangulation cases.

Faculty: Ms. Gael Strack

Beyond Recidivism: A Safer Family, A Safer Community (June 2016): This session explored the challenges of addressing batterer accountability. Convicted batterers have learned to normalize their conduct; as such, batterer intervention programs (BIPs) were instituted to address these behaviors and hold offenders accountable for their actions. Yet, research questions the efficacy of these programs and it indicates mixed results on recidivism, while questioning program models. During this plenary session, participants shared their court's practices, heard about the historical and social context regarding intervention efforts, and learned to identify the types of evaluations and assessments and the role of the local batterer intervention provider in relation to the courts.

Faculty: Dr. Marna Miller, Dr. Etiony Aldarondo, Mr. Mark Adams

Children's Justice Conference—May 2016

How Language Impacts Perceptions of Sexual Violence : When we discuss sexual assault, we use the language of consensual sex to describe assaultive acts. We use euphemisms, erotic or affectionate terms to portray violent acts, and language that objectifies or blames sexual assault victims. This language implies consent and romance, rather than criminal acts. In addition, we describe violence against women in passive terms, which allows perpetrators to remain unaccountable. This session prepared participants to identify and modify this language.

Faculty: Ms. Claudia Bayliff

National Association of Women Judges Conference—October 2016

Sexual Assault on College Campuses: A survivor of a campus rape turned advocate, a defense attorney, an attorney general for a college and a Professor from Yale discussed their different perceptions on sexual assault on college campuses and what judges need to know and what they can do.

Faculty: Ms. Tricia Boerger, Professor Judith Resnick, Ms. Brenda Tracy, Ms. Lisa Wayne

Read more about the NAWJ Conference on Page 20.

Education—Stand-Alone Workshops

We Are in this Together: Addressing Sexual Violence Cases (2015 & 2016): This half day workshop for attorneys and interpreters was led by a team of experienced national experts who have pioneered work on interpreters and sexual violence issues in the courtroom and beyond. It provided attendees with the tools they need to develop or enhance their knowledge and ability to work together in these complex and challenging cases. *Co-sponsored by the Interpreter Commission.*

Faculty: Ms. Chic Dabby and Ms. Isabel Framer

Enhancing Courts' Response to Sexual Violence (2015): This workshop provided new and experienced judicial officers with the tools they need to develop or enhance their ability to handle these complex and challenging cases. Judicial officers returned to their communities with a greater understanding of: victim and offender behaviors and the implications for the courts; vicarious trauma for judicial officers, court staff, and jurors; the role of language in shaping perceptions of sexual violence; the challenges of evidentiary rulings related to the rape shield law, privilege, and the Washington Sexual Assault Protective Order; and how, within the Washington Code of Judicial Conduct, judicial officers can take a leadership role in the community response to sexual violence.

Faculty: Dr. Christopher Wilson, Dr. Christmas Covell, Ms. Claudia Bayliff, Ms. Lynn Hecht Schafran, Ms. Laura Jones, Judge Elizabeth Berns, Judge Patti Walker, Judge Mark Pouley

Roundtable on Domestic Violence Interventions (2015): The Gender & Justice Commission convened this judicial roundtable to examine complex and often controversial issues that impact the administration of justice and provision of services in domestic violence cases. This roundtable created a safe, open space inclusive of all opinions, where judicial officers delved deeper into some of the reasons for tension around domestic violence interventions.

Faculty: Dr. Etiony Aldarondo, Mr. Scott Miller, Mr. Steven Pepping, Mr. Mark Adams, Judge Kathryn Tennyson (Oregon)

Mr. Steven Pepping, President of the Northwest Association of Domestic Violence Treatment Professionals, and a devoted advocate for effective domestic violence treatment and interventions, passed away in 2016. He was a member of the Domestic Violence Committee and a friend to the Commission. Mr. Pepping's work made a significant impact in Washington State and he will be missed.

Creating Safe Spaces: Working with Families in Crisis (2016): This interactive workshop provided new and experienced courthouse facilitators with an in-depth view of how domestic violence impacts family law and dependency issues. The workshop was designed to assist courthouse facilitators in recognizing how domestic violence affects their interactions with court users, co-workers, and other court staff. It provided an increased understanding of: domestic violence, parenting plans, debunking myths, neurobiology, vicarious trauma, self-care, and working with interpreters. *Co-sponsored by the Courthouse Facilitators.*

Faculty: Ms. Janet Skreen, Ms. Tracee Parker, Mr. David Ward, Dr. Christopher Wilson, Ms. Laura Jones, Ms. Megan Allen

Looking Forward

In the coming years, the Gender and Justice Commission will continue its work to address gender bias in Washington State Courts. We look forward to understanding more about the current status and forms of gender bias as work on the new gender bias study (Page 16) progresses.



Justice Gordon McCloud speaks to a group at the Temple of Justice about the new study.

In addition to continuing many of the significant projects detailed in these pages, the Commission will convene two domestic violence workgroups as a result of the passage of E2SHB 1163 during the 2017 legislative session. This bill names the Commission to review existing frameworks, work with key stakeholders, and report back to the legislature to inform the future of domestic violence treatment and risk assessment in Washington State.

We look forward to continuing our role as a driving force for gender justice in Washington State Courts.



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