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WASHINGTON STATE SUPREME COURT

Gender and Justice Commission

ANNUAL REPORT



2003-2004

Gender and Justice Commission

<http://www.courts.wa.gov/committee/?fa=committee.gj>

MISSION

The mission of the Gender and Justice Commission is to promote gender equality in the system of law and justice through:

- ◆ Education;
- ◆ Coordination and cooperation with other organizations; and
- ◆ Programs and projects designed to eliminate gender discrimination and bias.

MEMBERSHIP

The Washington State Supreme Court appoints the Commission chair and members. Maximum Commission membership is 21 representatives from among the following: courts of appeals, trial courts, bar associations, clerks of courts, attorneys, trial court administrators, college or university professors, citizens, and the Administrative Office of the Courts.

FUNDING AND STAFFING

The Commission is funded by the Washington State Legislature through the Administrative Office of the Court's (AOC) budget, augmented by federal grants. The Commission has .5 FTE staff and secretarial support from the AOC.



*Published by the Administrative
Office of the Courts
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Back row: *Thomas Fallquist, Judge Ruth Reukauf, Judge James Riehl, Judge Ann Schindler, Judge Marlin Appelwick, Gloria Hemmen.*

Middle row: *Judge Linda Tompkins, Helen Donigan, Justice Barbara Madsen, Chair, Mary Pontarolo, Jeralita Costa, Grace Huang.*

Front row: *Michael Killian, Eileen Concannon, Lourdes Fuentes, Margaret Chon, Jennefer Hensen.*

Not pictured: *Judie Fortier, Sandra Matheson, Daniel Thieme, and Lindsay Thompson.*

Annual Report

To: Governor Gary Locke
Chief Justice Gerry Alexander
Members of the Washington State Judiciary
Members of the Washington State Legislature
Citizens of Washington State

From: Barbara A. Madsen, Gender and Justice Commission Chair

RE: Report on the Work of the Gender and Justice Commission

“The Gender and Justice Commission, true to form, took a well-researched national curriculum and developed Judges’ Tools as an appropriate program for Washington State. With their usual extensive planning, excellent faculty selection, and preparation, these programs have become standard attractions.”

– Marna Murray
Judicial Education Manager



JUSTICE BARBARA A. MADSEN
*Gender and Justice
Commission Chair*

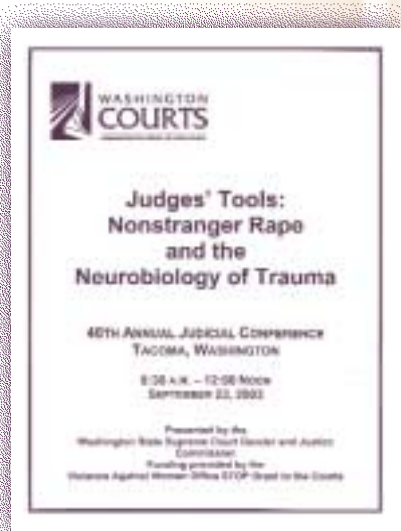
The Washington State Gender and Justice Commission is pleased to provide this report on our progress in ensuring gender fairness in our state court system. We can be proud of our state’s efforts. We are one of the few states in the country that has had a continuous gender and justice commission since the 1980s. With the support of the state Supreme Court, the state Legislature, and dedicated Commission members representing the bench, bar, higher education, and the public, we have expanded awareness of gender and cultural issues that impact the court community. Through education, coordination, and cooperation with other organizations, and programs and projects to promote gender fairness, diversity, and equality, we continue to improve our system of law and justice.

During 2003-2004, the Gender and Justice Commission undertook new Violence Against Women Office (VAWO) grant funded projects; implemented two national model judicial education programs; provided domestic violence resource materials to judicial officers, court administrators, and advocates; worked with communities to continue local domestic violence summits; and coordinated with other legal groups on research and education to promote equity in the court system. We are particularly proud of our work with the Tacoma Task Force on Law Enforcement Involved Domestic Violence and our outstanding judicial education programs. Last year we presented *Judges’ Tools: Nonstranger Rape and the Neurobiology of Trauma*; at the 46th Washington Judicial Conference and sent thirty-four (34) judicial officers to *Enhancing Judicial Skills in Domestic Violence Cases* workshops sponsored by the National Council of Juvenile and Family Court Judges. This year we implemented, *The Color of Justice*, a new program focused on getting young people from diverse backgrounds interested in careers in the law.

We are proud of the progress we’ve made, however, our work is not done. We are currently working on planning for one judicial education program focused on genetics and legal issues affecting women and vulnerable populations, and another that addresses the courts’ handling of dependency cases where there is also domestic violence in the home. In the upcoming year we will be updating the *Domestic Violence Manual for Judges*.

With the support of the Washington State Legislature and Judiciary, we will further our efforts to promote gender equality in the system of law and justice. With continued state funding and federal grants, the Commission will provide quality education programs and support innovative projects to promote equality and equal access to justice.

Thank you for your continuing support!



Overview of Gender and Justice Commission Work

Washington State 2003-2004

PROGRAMS AND RESOURCES

Judges' Tools: Nonstranger Rape and the Neurobiology of Trauma

The Commission presented *Judges' Tools: Nonstranger Rape and the Neurobiology of Trauma* at the 46th Washington Judicial Conference, in Tacoma, September 2003. This three-hour judicial education program was based on the national model curriculum *Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases*. The participant's manual included key statutes on sexual assault and case law and the half-day training was so well received by the ninety (90) attendees that the Commission purchased and sent a copy of the full, self-directed video curriculum to each county law library. The presiding judge of each court was notified that this resource was available locally.



Enhancing Judicial Skills in Domestic Violence Cases

The Commission used Violence Against Women Office (VAWO) grants to provide scholarships for thirty-four (34) judicial officers to attend a 2.5 day National Judicial Institute on Domestic Violence workshop

Enhancing Judicial Skills in Domestic Violence Cases, sponsored by the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund. Six of the judicial officers participated in advanced training. Several judicial officers have been invited by the national group to serve as faculty/facilitators for the out-of-state workshops. In the past three years, the Commission has provided scholarships for eighty-

five (85) judicial officers to attend these workshops. Attendees continue to praise the quality of the training. The Commission used VAWO grants for the majority of the scholarships.

Glass Ceiling Survey Project

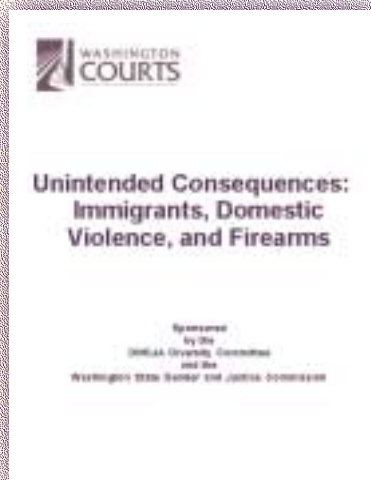
The Commission supported two continuing Legal Education (CLE) programs in 2003 focused on glass ceiling issues identified in the *Final Report: 2001 Self-Audit for Gender and Racial Equity – A Survey of Washington Law Firms*. In April, seventy-five (75) people attended the CLE at Gonzaga University Law School and rated it highly. The program focused on traditional law, "what the client wants," and communication differences. Sponsors of the program and the reception highlighting women in the law included the Commission, Gonzaga University, the Washington State Bar Association (WSBA), Spokane Bar Association, and Washington Women Lawyers Foundation. The Gonzaga Women's Law Caucus sponsored a follow-up *Symposium on How to Succeed in the Legal World*.

"I will suggest to each attorney representing immigrants to call an immigrations expert before entering a guilty plea. I will give greater attention to how I draft the probation orders for DV and give greater sensitivity to immigration cases."

Comment from a program participant.

Unintended Consequences: Immigrants, Domestic Violence, and Firearms

The Commission worked with the District and Municipal Court Judges' Association (DMCJA) Diversity Committee to present a half-day plenary session titled *Unintended Consequences: Immigrants, Domestic Violence, and Firearms* at the DMCJA Conference in Chelan, WA, in June 2004. The program included presentations by state and federal legal professionals on immigration, domestic violence, and firearms issues.



In May, the Glass Ceiling CLE at Seattle University included national speakers and distribution of the new *Law Firm Hiring, Retention and Productivity: New Tools for Success Resource Manual for Legal Employers*. The King County Bar Association Gender Equality in the Legal Profession Committee videotaped the program and developed a proposal to distribute the Resource Manual on a statewide basis.

In April 2004, a Diversity Commitments Summit was held at the Washington State Bar Association. The eight (8) commitments for law firms were presented and discussed. The next steps include establishing a governing board, hiring a diversity administrator who will work at the WSBA offices; going out to law firms; and securing funding. Chairs of the Gender and Justice Commission and the Minority and Justice Commission have been invited to serve on the Governing Board.

The Color of Justice

The Commission and Seattle University School of Law presented *The Color of Justice*, an educational program for minority youth, in April 2004. With a goal of encouraging minority students in sixth through twelfth grades to consider law and judgeships as career goals, twenty-one (21) students from the Chief Leschi School in Puyallup were chosen to participate in this project. State, tribal, and administrative law judges, attorneys, and law school professors discussed career preparation for law school through panel discussions and a luncheon with the students. The program is based on a model developed by the National Association of Women Judges. The Commission plans to present the program in Eastern Washington in 2005.

*Color of Justice
Program faculty,
Chief Leschi
School faculty,
and students.*



Civil Legal Needs Study

The Commission reviewed the findings of the *Civil Legal Needs Study*, partially funded by the Commission in 2001-2002. The study focused on determining the nature and scope of the civil legal needs of low-income and vulnerable populations in Washington State. The study found that women and children have more legal problems than the general population, especially on matters relating to family law and domestic violence. Twenty-five percent (25%) of the survey respondents identified discrimination as a component in legal problems. The Commission will coordinate with the Access to Justice Board on projects to implement the recommendations.

Law School Liaisons/Projects

Work continued with representatives of the three Washington State law schools regarding challenges women are facing in each law school; the intersectionality issues of women of color; and researching the experience of young women in job interviews, and later in the “real” world.

Model Domestic Violence in the Workplace Policy

The Commission is adapting the National Center for State Courts’ (NCSC) Policy on Family Violence in the Workplace for distribution to Washington State Courts. A draft was presented at the 2004 Conference of Presiding Judges and Court Administrators for comment.

Overview of Gender and Justice Commission Work, cont.

Domestic Violence Forms, Federal Firearms Laws, and Family Law Orders.

A new committee is working on the proposed changes to the domestic violence and family law pattern forms. Work is continuing to close some gaps on the firearms restrictions and produce better forms for actions under RCW 26.09 and 26.26.

Local Domestic Violence Summits

Continuing Domestic Violence Summits in Kitsap, Mason, and Thurston counties were supported by Commission funds and planning for a summit in Goldendale, Kittitas County began in 2003-2004. In Thurston County, subcommittees reported on actions accomplished in the year following their first summit. Highlights include new domestic violence workshops sponsored by the faith community and the development and approval of law enforcement protocols for consistent handling of domestic violence cases by all Thurston County local police departments and the sheriff's department. The video, *A Community Problem that Needs a Community Solution* and the manual, *Planning for a Local Domestic Violence Summit* are available to communities working on a coordinated community response.

Full Faith and Credit for Foreign Domestic Violence Protection Orders

The Commission continued to monitor Full Faith and Credit projects including: pilot programs to facilitate entry of tribal court orders into the Washington State Judicial Information System (JIS); efforts to provide JIS access to tribal courts; improving pattern forms to ensure the federal

firearms restrictions are included; and providing domestic violence training/education for judicial officers, including pro tem judges.

The Domestic Violence Manual for Judges

The Domestic Violence Manual for Judges was posted on the Washington Courts' Extranet in 2003, along with other judicial bench books. An update is in progress for publication in 2005.

Tacoma Task Force on Law Enforcement Involved Domestic Violence

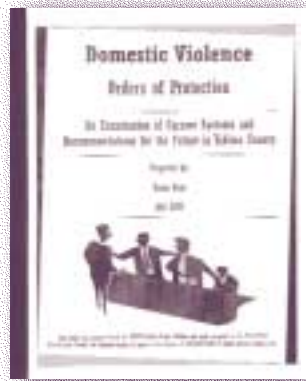
Justice Barbara Madsen represented the Commission on the Tacoma Task Force on Law Enforcement Involved Domestic Violence, created following the domestic violence tragedy involving the Tacoma Chief of Police. The Task Force successfully drafted legislation requiring law enforcement agencies to collaborate with a local domestic violence group to develop a policy or adopt the Washington Association of Sheriffs and Police Chiefs' model policy on law enforcement related domestic violence.



Gov. Gary Locke congratulates State Supreme Court Justice Barbara Madsen and others at the Broadway YWCA in Tacoma after signing a Crystal Brame-inspired bill requiring all police departments to establish policies for handling domestic violence issues involving law enforcement officers.

(Drew Perine/The News Tribune, 3/16/04)

VIOLENCE AGAINST WOMEN OFFICE (VAWO) GRANT PROJECTS



“Our study identified our most significant needs – communication among agencies serving domestic violence victims. This grant helped us bring necessary agencies, law enforcement, and tribal/county/city courts together to plan and produce a new model for our county.” Yakima County

The Gender and Justice Commission, under the auspices of the Board for Judicial Administration (BJA), is administering the Federal Violence Against Women Office (VAWO) STOP (Services-Training-Officers-Prosecutors) Formula Grant to the Courts for court-related projects to address domestic violence, sexual assault, and stalking. In 2003-2004, the Commission managed more than \$375,000 in VAWO grant funds.

Subcontracts to the courts were awarded on a competitive basis using the Request for Proposal (RFP) process. A total of seventeen (17) subgrants have been awarded to the courts in the past three years. These projects were completed in 2003-2004.

1. Tacoma Municipal Court and Pierce County District Court coordinated on domestic violence training for forty-four (44) judicial officers and attorneys who serve as pro tem judges on the domestic violence calendar. *The Domestic Violence Manual for Judges* and a local procedures manual was provided to all attendees. The project expanded coordination between the courts and trained a wide base of attorneys who serve as pro tem judges both for city and county courts.

2. King County Superior Court conducted a two-day advanced DV training, modeled after the Judicial Institutes' *Enhancing Judicial Skills in Domestic Violence Cases* for fifty (50) judicial officers. The Commission provided travel scholarships for ten (10) judicial officers from outside King County to attend the training.

3. Yakima County designed a coordinated and collaborative domestic violence justice system. A significant product was the Memorandum of Understanding signed by thirty-four (34) community leaders representing all levels of court, tribal court, law enforcement, and service providers. The Trial Court Coordinating Council is now seeking funding to implement the recommendations.

4. Toward Commonality of Understanding: Statewide Domestic Violence Symposiums – May 30, 2003 and March 26, 2004. Leaders from the Washington State Supreme Court, Office of Public Defense, and Department of Social and Health Services coordinated a multidisciplinary team to implement two statewide summits focused on domestic violence and dependency cases. The result was development of a systems approach and a protocol to work with the victim and children in families where there is domestic violence and child abuse or neglect. Regional workgroups were formed to implement the protocols.

5. Douglas County District Court funding allowed advocates to make contact with victims as soon as possible to provide safety plans, education, safety kits, and advocacy. In civil cases, where in the past victims may never have had contact with an advocate, contact was made. In the past, no court-based advocate was available to victims locally.

6. In Lincoln County District Court, security equipment was purchased, and coordination with the local domestic violence agency improved services to victims. The agency has been able to track offenders through the court system and keep victims better informed through the use of the Judicial Information System.

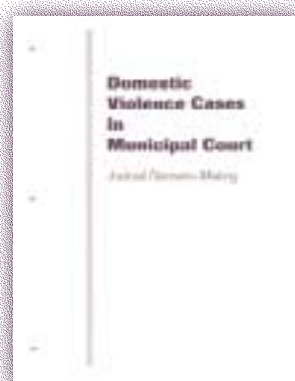
STOP Grant and Rural Domestic Violence and Child Victimization Grant

These grants provided for one-day education workshops *Domestic Violence Impact on Children: State and Tribal Responses* in Whatcom and Walla Walla counties. In addition, the workgroup produced an eight (8) paged laminated bench resource,

Domestic Violence Cases in Municipal Court: Judicial Decision-Making. The bench card was distributed to municipal courts and posted on the Courts Intranet under Judges' Resources.

In 2004, the Commission will

develop new training on best practices for the courts when handling dependency cases where there is also domestic violence. In 2005, two trainings will be presented in rural counties and one at the Superior Court Judges' Association Spring Conference. The planners are including the protocols developed during the domestic violence summit project funded by last year's STOP Grant.



H HONORS

Justice Barbara Madsen received a leadership award from the Board of Governors of the Washington State Bar Association (WSBA) for work on behalf of the Washington State Gender and Justice Commission. She

has been nominated to serve on the new Governing Council of the Initiative for Diversity. **Eileen Concannon** received the WSBA's *2003 Excellence in Diversity Award* as Chair of the Glass Ceiling Task Force, King County

Bar Association Gender Equality in the Legal Profession Committee. **Thomas Fallquist** was elected President-Elect of the Washington Association of County Officials and became president in 2004. **Judie Fortier** was elected to the National Organization of Women (NOW) National Board of Directors and also received the *Unsung Heroine Award* from the Korean Women's Association for exemplary and dedicated service to the Asian Pacific Community.

Lourdes Fuentes received the *Outstanding Lawyer Award* from the Washington State Hispanic Bar Association and was named a *Super Lawyer* by *Law and Politics*. **Sandy Matheson** made history when she was named *2003 Tri-Citizen of the Year*, the first time a woman has been honored individually with the award. Governor Gary Locke appointed **Judge Ruth Reukauf** to the Yakima County Superior Court Bench. **Judge James Riehl** was elected Vice-chair of the national conference of Specialized Court Judges and reappointed to the American Bar Association Commission on Domestic Violence. The WSBA Board of Governors named **Lindsay Thompson** editor of Washington State Bar News. He previously served in the post from 1988 to 1995. Chief Justice Gerry Alexander appointed **Michael Killian** to the Board for Court Education.



Washington State Supreme Court Gender and Justice Commission

MEMBERS 2003-2004

Honorable Barbara A. Madsen,
Chair
Washington State Supreme Court

MEMBERS:

Honorable Marlin J. Appelwick
Court of Appeals, Division I

Professor Margaret Chon
Seattle University School of Law

Ms. Eileen M. Concannon
Riddell Williams P. S.

Ms. Jeralita "Jeri" Costa*
*Community Victim Liaison
NW Region*

Professor Helen Donigan
*Gonzaga University
School of Law*

Honorable Mary E. Fairhurst**
Washington State Supreme Court

**Honorable Thomas
R. Fallquist**
Spokane County Clerk

Ms. Judie E. Fortier
Tacoma Women's Rights Office

Ms. Lourdes Fuentes
MacDonald, Hoague, and Bayless

Ms. Jennefer Henson
Des Moines Municipal Court

Ms. Grace Huang*
*Washington State Coalition
Against Domestic Violence*

Hon. Michael Killian
Franklin County Clerk

Ms. Sandra J. Matheson
*Management Advisory and
Consulting Services*

Ms. Mary Pontarolo
Safeplace

Honorable Ruth Reukauf
Yakima County Superior Court

Honorable James M. Riehl
Kitsap County District Court

Honorable Ann Schindler
Court of Appeals, Division I

Mr. Daniel L. Thieme
Little Mendelson

Mr. Lindsay T. Thompson
Lindsay Gipe, P.C.

Honorable Linda G. Tompkins
Spokane County Superior Court

Ms. Gloria Hemmen,
Executive Director
*Administrative Office
of the Courts*

* Appointed 6/04

** Resigned 3/04