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WASHINGTON STATE SUPREME COURT

Gender and Justice Commission

ANNUAL REPORT



2005

Gender and Justice Commission

http://www.courts.wa.gov/committee/?fa=committee.home&committee_id=85

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: court 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 (AOC) budget, augmented by federal grants. The Commission has .6 FTE staff and secretarial support from the AOC.



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Back row: Judge Ann Schindler, Gloria Hemmen, Lindsay Thompson, Thomas Fallquist, Eileen Concannon, Judge Sara Derr.

Middle row: Michael Killian, Sandra Matheson, Yvonne Pettus, Judge Linda Tompkins, Grace Huang.

Front row: Judie Fortier, Justice Barbara Madsen, Judge James Riehl.

Not pictured: Judge Marlin Appelwick, Margaret Chon, Jeralita Costa, Jennefer Henson, and Daniel Thieme.

Annual Report

To: Governor Christine Gregoire
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 in 2005

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. During the past year, dedicated Commission members, representing the bench, bar, higher education, and the public, have worked diligently to promote gender fairness, diversity, and equality in our courts and communities. Highlights of our work in 2005 are included in this report.

The Commission continued managing Office on Violence Against Women STOP Grants to the Courts and the Rural Domestic Violence and Child Victimization Grant in 2005. These federal grants funded court projects in 11 counties; finalization of the Washington State Coordinated Protocol Project: County Coordinated Response to Child Maltreatment and Domestic Violence; and judicial education focused on domestic violence and child dependency cases. Fifteen scholarships were provided to judicial officers to attend the two and a half-day *Enhancing Judicial Skills in Domestic Violence Cases* workshops sponsored by the National Council of Juvenile and Family Court Judges.

The Commission assisted communities with summits focusing on domestic violence and Native American communities, immigrant populations, and the elderly. We co-sponsored the continuing legal education program *The Effective Use of Expert Witnesses in Domestic Violence Cases* with the American Bar Association Commission on Domestic Violence.

We are proud of the progress we've made, but our work is not done. In 2005, we presented a three-hour model judicial education program on *Genome Justice*. We introduced the issues but hope to continue education on legal issues in genetics that impact women and vulnerable populations. We updated the *Domestic Violence Manual for Judges* and will be distributing the revised manual in early 2006. Work continues with the Washington State Bar Association on the Initiative for Diversity.

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!

"...thank you also for your excellent work on the Gender and Justice Commission, in general, and in sponsoring the DV order conference in Bremerton on Saturday in particular... I was riveted from beginning to end — the presenters were top notch and the content was engaging. I was very glad I attended."

Judge J. Robin Hunt
Court of Appeals, Division II



JUSTICE BARBARA A. MADSEN

Overview of Gender and Justice Commission Work Washington State 2005

PROGRAMS AND PROJECTS

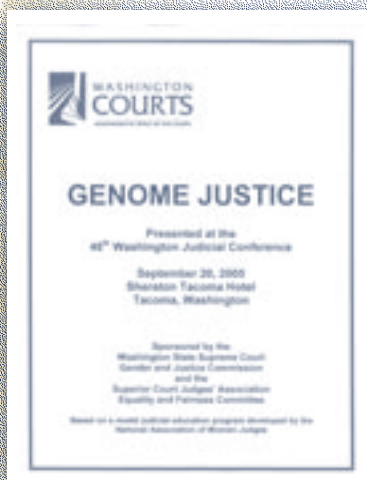
Genome Justice

The Commission worked with the Superior Court Judges' Association Equality and Fairness Committee to adapt the National Association of Women Judges' model *Genome Justice* curriculum for a three-hour presentation in Washington State. More than 125 judicial officers attended the *Genome Justice* session at the 48th Washington Judicial Conference in Tacoma on September 19, 2005. Program materials included a *Genetics Primer* and *Genetics: A Legal Overview for Washington State Judges*. An optional showing of the video *Bloodlines: Technology Hits Home* was shown at the conference. Copies are available on loan from the Commission.



Effective Use of Expert Witnesses in Domestic Violence Cases

The American Bar Association (ABA) Commission on Domestic Violence partnered with the Commission to present *The Effective Use of Expert Witnesses in Domestic Violence Cases*, on April 8, 2005 in Seattle. This was its first effort to partner with an organization to present a continuing legal education program in the city where it held a meeting. The 80 program attendees represented 18 Washington State counties and included judges, the defense bar, prosecutors, legal aid attorneys, domestic violence advocates, and the military. The Gender and Justice Commission provided 28 attendee scholarships for travel and/or tuition.



Court Personnel Training

The Commission provided funding for two court personnel trainings on domestic violence. The workshop, *Domestic Violence: Court Evaluations of Impact on Children: Screening and Assessment Strategies*, was presented by Dr. Anne Ganley for Family Court Services and Court Appointed Special Advocates (CASA) at King County Superior Court. *Domestic Violence in the Workplace* was presented by Katherine Cooper Franklin at the District and Municipal Court Managers' Fall Conference in Yakima.

Model Domestic Violence in the Workplace Policy

The Supreme Court approved the model Workplace Domestic Violence Policy developed by the Commission. The Supreme Court Clerk's Office, Commissioner's Office, Office of the Reporter of Decisions, Washington State Law Library, and Administrative Office of the Courts adopted versions of the policy. The Court of Appeals, Division I voted to draft a policy based on the Commission's model. Spokane County Superior Court adopted a version of the model policy.

Local Domestic Violence Summits

Support was provided for three local Domestic Violence Summits in October 2005. *Breaking the Silence: Elder and Vulnerable Adult Abuse* was the theme for the Kitsap County Summit. The Goldendale Summit included sessions on domestic violence in rural counties, teen dating, and perpetrator treatment. *The Native American Summit on Gender, Family, and Community Violence* in Shelton included use of the Option Finder technology to prioritize items for action planning.

“Raising our awareness about issues that inevitably will be coming up in the future was very valuable.”

Comment from the written program evaluations.

Full Faith and Credit for 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 revised, mandatory, Domestic Violence Protection Order Form was approved and distributed to the courts in June 2005. The first page of the form was revised to include common data elements identified by *Extending Project Passport*, a project of the National Center for State Courts, to improve recognition and enforcement of orders of protection within and between states and tribes by encouraging jurisdictions to adopt a recognizable first page for orders of protection.

Justice Madsen and Tulalip Tribal Court Judge Theresa Pouley attended the *2005 National Gathering for Tribal-Federal-State Court Relations: Walking on Common Ground*. The conference in Green Bay, Wisconsin, included sessions on Full Faith and Credit and Project Passport. It also provided an opportunity to build relationships between state and tribal judges.

DVD on Sexual Assault

The Commission distributed copies of the DVD curriculum, *Understanding Sexual Violence: The Judges' Role in Stranger and Nonstranger Rape and Sexual Assault*, to Washington State superior court presiding judges. The copies were provided by the National Judicial Education Program, a project of NOW Legal Defense and Education Fund in cooperation with the National Association of Women Judges.

The Domestic Violence Manual for Judges

The Domestic Violence Manual for Judges was revised in 2005 and will be published and dis-

tributed in 2006. A new chapter, *The Hague Convention on International Child Abduction: A Child's Return and the Presence of Domestic Violence*, was prepared by students and faculty from Seattle University Law School's Access to Justice Institute, with the participation of Commission members. It features an overview of the Hague Convention on International Child Abduction and addresses some of the complex issues courts face when an abducting parent is also a victim of domestic violence seeking protection in American courts.

Fatality Review Report

The Commission distributed *Findings and Recommendations from the Washington State Domestic Violence Fatality Review: every life lost is a call for change*, to Washington State presiding judges. The report includes 20 recommendations focused on judges, legal professionals, and the courts. It recommends enhanced education, identifying and assessing lethality indicators, safety planning, and using trained evaluators for parenting plan arrangements. The Commission provided funding to the Washington State Coalition Against Domestic Violence to design and implement a new Access database for the Fatality Review Project to improve its ability to respond to requests for data.

Office on Violence Against Women (OVAW) Grant Projects STOP Formula Grant to the Courts

The Gender and Justice Commission, under the auspices of the Board for Judicial Administration (BJA), continues to administer the STOP Grant to the Courts for projects to address domestic violence, sexual assault, and stalking. Twenty-six projects have received grant funding since 2001. Six projects were completed in 2005; eight are funded through March 2006; and a Request for Proposal was issued for up to ten new projects to be funded from the FY05 STOP Grant to the Courts in 2006-2007.

Projects completed in 2005 include:

(1) **Douglas County District Court** estab-

Overview of Gender and Justice Commission Work, cont.

lished a court-based domestic violence advocate project to increase services to victims in three rural locations; improved outreach to the Spanish-speaking victims; produced new informational brochures for victims; and increased court staff education and coordination between stakeholders. (2) **Lincoln County District Court** improved court security in victim waiting areas. (3) **Pierce County Superior Court** produced the *How to Get a Protection Order* video in both English and Spanish; provided training for judicial staff; and distributed 150 copies of the video and DVD versions to law enforcement, the courts, public libraries, and domestic violence programs/shelters, advocate groups, and local colleges. (4) **Stevens County Superior Court** improved court security and victim privacy while waiting for cases to be called. (5) **Walla Walla County Superior Court** established the Domestic Violence Protection Order Clinic and served more than 200 petitioners. Bilingual, bicultural advocates from the YWCA assisted monolingual Spanish-speaking clients. (6) Grant funding provided consultant time to work on

The Washington State

Coordinated Response Protocol Project: Template for County Coordinated Response to Child Maltreatment and Domestic Violence (DV/CPS Protocol).

This is a coordinated project involving a state leadership network including the Washington State Supreme Court, Department of Children's Administration, Attorney General, Office of Public Defense, Court Appointed Special Advocates, and Washington State Coalition Against Domestic Violence.

Seven new projects were awarded funding: (1) **Asotin County District Court** is improving court-based services to victims and providing enhanced training for court personnel. (2) **Clark County Superior Court** is

providing regional training on domestic violence, sexual assault, and stalking for judges in Clark, Cowlitz, Skamania, Klickitat, Pacific, and Wahkiakum counties along with adapting the Pierce County Protection Order video and translating it into Russian. (3) **King County Superior Court** will hold a two-day domestic violence training for 50 judges at the Regional Justice Center in Kent in spring 2006. The training will include the DV/CPS protocol. (4) **Kitsap County District Court** presented an all-day workshop, *The Importance of Effective Domestic Violence Court Orders*, to judicial officers and pro-tem judges from Clallam, Jefferson, Kitsap, and Mason counties on October 15, 2005 in Bremerton. The training included sessions on the new protec-

"The Enhancing Judicial Skills Domestic Violence training in Santa Fe was invaluable. It was helpful to learn about the most recent research and approach. After the United States Supreme Court's decision in Crawford, we are grappling with many issues concerning domestic violence cases and the defendant's right to confrontation which requires a current understanding of the dynamics of domestic violence..."

Judge Ann Schindler

Court of Appeals, Division I

tion order forms, firearms and prosecution, law enforcement's role, and resolving the problem of conflicting orders. (5) **Walla Walla County Superior Court** established the Parenting Plan Clinic to coordinate with the Domestic Violence Protection Order Clinic initiated with grant funds last year. The clinic provides help to victims needing civil legal assistance. (6) **The Washington State Coordinated Response Protocol Project: Template for County Coordinated Response to Child Maltreatment and Domestic Violence.** The grant funded a consultant to work with state leaders to finalize and sign the Protocol Project; support the statewide coordinating network; and

convene regional meetings to design and implement local coordinated response protocols. (7) **Whatcom County Superior Court**, working with the Whatcom County Domestic Violence and Sexual Assault Services, implemented a Court Based Domestic Violence Advocate Program to provide “on-call” assistance with the protection order process, court hearings, and follow-up civil legal needs in dissolution and child custody cases. (8) **Yakima County Superior Court** is implementing the Domestic Violence Consolidation of Services project to build a strong foundation for the establishment of a “one-stop shop” for a countywide jurisdictional system that will improve the handling of domestic violence orders of protection.

In 2005, grant funds also provided scholarships for 15 judicial officers to attend the two and a half-day National Judicial Institute on Domestic Violence workshop *Enhancing Judicial Skills in Domestic Violence Cases*. In the past four years, scholarships have enabled 101 judicial officers to attend these intensive workshops. Attendees continue to praise the quality of the training and the Commission has a waiting list of judges interested in attending future programs.

Rural Domestic Violence and Child Victimization Grant

This grant provided funding for faculty consultants to develop new judicial education curriculum focused on *Promising Judicial Practices in Domestic Violence and Child Dependency Cases* and present three training programs. More than 100 court professionals participated in the two regional trainings. Judicial officers led multi-disciplinary depen-

dency court/domestic violence teams from Grays Harbor, Jefferson, Kitsap, and Mason counties and the Chehalis Tribal Court at the all-day workshop in Shelton on February 25, 2005. Judicial officers from Chelan, Douglas, Grant, and Kittitas counties and the Colville Tribal Court led teams at the training in Wenatchee on October 7, 2005. One hundred judges and court commissioners participated in the three-hour session at the Superior Court Judges’ Association Conference in April 2005.

Key lessons for judicial officers and dependency team members included: (1) Identify if domestic violence is present in each dependency case. (2) Assess the risk posed by the domestic violence to the child and the adult victim. (3) Determine if reasonable efforts have been made that increase the safety of the child and adult victim and hold the domestic violence perpetrator accountable. (4) Create court orders that increase safety of both adult victim and child and hold the domestic violence perpetrator accountable.

“I appreciate how Judges/Commissioners are more involved at the line level, joining in and leading discussions.”

Comment from the Shelton training evaluations.



Participants at the Wenatchee training, funded by the Rural Domestic Violence and Child Victimization Grant, read the case study before beginning a team exercise.

H HONORS

Justice Barbara Madsen received awards from the American Bar Association Commission on Domestic Violence and the Washington State Judicial College Board of Trustees recognizing the Gender and Justice Commission for its support of judicial and legal education. **Judge Marlin Appelwick** was elected a Life Member of the National Conference of Commissioners on Uniform State Laws; elected to the Board for Judicial Administration; and serves as Acting Chief Judge of Division I of the Court of Appeals. **Professor Margaret Chon** was named Dean's Distinguished Scholar at Seattle University School of Law and was elected to the Executive Committee of the Section on Minority Groups of the Association of American Law Schools. **Eileen Concannon** was elected Second Vice President of the King County Bar Association (President 2007-08) and received the "Woman of Distinction" award from Girl Scouts - Totem Council. **Jeralita "Jeri" Costa** was appointed by Governor Christine Gregoire to serve as Chair of the Indeterminate Sentence Review Board. **Judie Fortier** received a Certificate of Appreciation from the Washington State Judicial Conduct Commission for eight years of service; received an award from the Tacoma Area Coalition of People with Individual Disabilities for educational efforts on Domestic Violence Prevention; and was appointed Regional Director for the National Organization for Women Board of Directors. **Grace Huang** was awarded "Professional" of the year by the WSBA Family Law Section. **Michael Killian** was appointed Chairperson of the Washington State Archives Oversight Committee. Governor Gregoire appointed **Sandra Matheson** the Director of the Washington State Office of Retirement Systems. **Judge James Riehl** continues work with the American Bar Association as chair-elect of the National Conference of Specialized Court Judges; chair of the Editorial Board of the *Judges' Journal*; and Judicial Division liaison to the Commission on Domestic Violence.



Washington State Supreme Court Gender and Justice Commission

MEMBERS 2005

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
Indeterminate Sentencing Review Board

Honorable Sara Derr**
Spokane County District Court

Professor Helen Donigan*
Gonzaga University School of Law

Honorable Thomas R. Fallquist

Spokane County Clerk

Ms. Judie E. Fortier
Citizen

Ms. Lourdes Fuentes*
MacDonald, Hoague, and Bayless

Ms. Jennefer Henson
Des Moines Municipal Court

Ms. Grace Huang
Washington State Coalition Against Domestic Violence

Honorable Michael Killian
Franklin County Clerk

Ms. Sandra J. Matheson
Washington State Office of Retirement Systems

Ms. Yvonne Pettus**
Tacoma Municipal Court

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
Thompson Gipe PC

Honorable Linda G. Tompkins
Spokane County Superior Court

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

* Retired June 2005

** Appointed June 2005