
W ashington

State Supreme Court

Gender & Justice

Commission

2011—2013

Annual Report

To: Governor Jay Inslee
Members of the Washington State Judiciary
Members of the Washington State Legislature
Citizens of Washington State

On behalf of the Washington State Supreme Court Gender and Justice Commission (Commission), I am pleased to present you with a report showcasing our work during 2011 through 2013. Twenty years after the Commission's establishment in 1994, gender equality remains an important and vibrant focus for the courts.

The contributions of the Commission to ensure gender equality continue to be a positive and valuable force for justice. The years 2011 through 2013 saw tremendous changes in the issues presented in our courts. From new laws implementing LGBTQ rights; to legislation regarding the trafficking of women, girls, and minority workers; to new types of protection orders; to increasing numbers of nonrepresented court users; to the growing need for tribal courts and state courts to collaborate the courts look to the Commission for leadership in education and creative problem solving. The mission and membership remain strongly committed to taking actions that will support greater equality for all people who participate in our legal system.

Looking forward, the Commission will remain committed to identifying and addressing systemic issues that continue to impede access to justice. I hope you enjoy reading about the great work the Commission has accomplished over the past three years. Our continued success is possible through dedicated members and collaborations with other stakeholders who share similar goals.

The Commission welcomes your support in continuing these efforts and invites you to join us in our efforts to eradicate gender inequality.

Sincerely,

Barbara Madsen

Chief Justice Barbara A. Madsen
Chair, Gender and Justice Commission

Mission

The mission of the Gender & Justice Commission (Commission) is to promote gender equality in the system of law and justice through working collaboratively on gender issues with courts, the legal profession, law enforcement, the educational community, and the public at large. The Commission provides consultancy services and offers educational programs as a means of addressing and reducing gender bias in court practices. In addition, the Commission serves as the liaison between courts and other organizations, working on joint projects and problem solving in areas of mutual interest.

The Commission accomplishes its mission and work through standing committees in addition to project specific work. Committees are chaired by Commission members and supported by program staff.

Membership and Staffing

The Washington State Supreme Court appoints the Commission Chair and its members. The Commission is comprised of 21 representatives from the Supreme Court, Court of Appeals, trial courts, bar associations, County Clerks, attorneys, trial court administrators, tribal courts, college or university professors, and citizens. It is staffed through the Washington State Administrative Office of the Courts (AOC), Office of Court Innovation.

In a unique approach, the Commission team includes the Supreme Court Commissions Manager, a Program Coordinator, and additional administrative support provided through the AOC. The Supreme Court Commissions Manager oversees the work and program staff of

the Gender & Justice, Minority & Justice, and Interpreter Commissions. This encourages coordination and collaboration among the Commissions and ensures the needs of judicial officers, court staff, and court clients are met.



Gender & Justice Commission Members & Staff (2011)

Funding

The Commission is primarily funded by the Washington State Legislature through the AOC. In addition to these funds, program staff solicit and receive federal grants that supplement state funds and enable the Commission to undertake and oversee specific projects and work.

Since 2001 the Commission has overseen and administered the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant funds. The Violence Against Women Act (VAWA) provides a five percent set-aside for courts. The purpose of these funds is to improve court responses to domestic violence, sexual assault, teen dating violence, and stalking.

Moreover, in 2013, the Commission applied for and was awarded an Office on Violence Against Women Court Training and Improvements Program grant which will support two judicial officer and/or court staff trainings on sexual assault. The Commission also applied for and was awarded monies through the Grants to Encourage Arrest (GTEA) Policies and Enforcement of Protection Orders to support the Tribal State Court Consortium. These funds will be used to continue the work with tribal nations and state courts to identify and propose solutions to inter-jurisdictional issues in the management and disposition of domestic violence and sexual assault cases, Indian Child Welfare cases, and to address juvenile disproportionality.

Stop Grant Funded Projects

Since 2001, 64 courts have been awarded over \$1.5 million for projects associated with domestic violence, sexual assault, teen dating violence, and stalking. Additionally, funds have been used to send approximately 160 judicial officers to the National Judicial Institute on Domestic Violence. These programs are designed to develop model policies and procedures for domestic violence protection orders; improve domestic violence related court forms; support local domestic violence summits; and develop educational sessions for various judicial conferences.



2011 Awards and Supported Projects

King County Superior Court was awarded funds to develop the 3rd Annual Domestic Violence Symposium held September 8-9, 2011, at Seattle University. This grant supported the symposium, which provided domestic violence training for judicial officers, as well as provided registration fees and pro tem costs for 15 King County judicial officers to attend.

King County superior, district, and municipal court judicial officers were provided the opportunity to attend *Fatherhood in the Context of Domestic Violence* training. This training was developed to open the conversation on how to better engage batterers in their role as fathers to increase and preserve the safety and well-being of domestic violence survivors and their children.

The webinar, *Intimidation in Domestic Violence Cases: What is the Judge's Role?*, was developed by Judge Doug Miles, County Court Judge, Colorado Springs, Colorado and Mr. Jeff Griep, Director, National Witness Protection Center and Attorney Advisor, AEquitas. Twenty-one judicial officers from across the state participated in the program. This webinar was launched in February 2012 and can be found at <http://www.courts.wa.gov/programs/orgs/gjc/?fa=gjc.dv.showDVTab&tab=dvWork>.

Spokane County District Court was awarded funds in 2008, 2009, 2011, and 2012 to support a legal advocate to assist victims of domestic violence in Spokane's Mental Health and Veterans Court. The advocate was responsible for coordinating training for court personnel and collaborating with law enforcement, service providers, and other justice system partners to provide safe options for victims of domestic violence. Additionally, the advocate was an active presence in the courtroom assisting over 40 victims/survivors of domestic violence in understanding the court system and assisting them with safety planning while seeking accountability for batterers. Through this project, the important role advocates play in the courts through partnerships with community-based agencies and domestic violence advocacy services was highlighted. It is hoped that the project can be institutionalized with funding from Spokane County.



2012 Awards and Supported Projects

Thurston County Superior Court was awarded funds for two projects. The first project developed a template for reporting domestic violence data to the Court and developed a risk assessment tool for use on the bench. Dr. Robert Barnoski developed the template and was piloted in the Thurston County Sheriff's Office as well as the Tumwater Police Department. This form is completed by officers responding to domestic violence calls in conjunction with their usual police reports. The enhanced police report provides valuable information such as the demeanor of the parties during the call.

The court and police department are now routinely using the form which captures information at the scene of the domestic violence incident. The risk assessment developed through this project was used as a basis for the Adult Static Risk Assessment which was deployed through the AOC Judicial Information System (JIS) and is being used by judicial officers statewide.

The second project replicated a training curriculum developed in 2009 with assistance from the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Commission. The program was designed to train judicial officers, court staff, attorneys, guardians ad litem, court appointed special advocates, and parenting evaluators on best practices in dissolution

cases where domestic violence has been identified. The one-day workshop, *Enhancing a Coordinated Response to Domestic Violence in a Court Setting*, was held on September 24, 2012. The NCJFCJ provided faculty for the event which drew over 200 participants from Thurston County including 31 judicial officers and 61 court staff along with attorneys and guardians ad litem.

A morning session provided an overview of domestic violence highlighting challenges faced by victims in areas such as housing, finances, health care, child care, and day-to-day safety. Afternoon sessions were group-specific for judges, pro tems, court staff, attorneys, and guardians ad litem.

In the judges, pro tem session, participants learned how to apply an understanding of domestic violence to judicial fact-finding and identify evidentiary issues that are of primary concern when drafting concise protective orders and parenting plans. Session presenters were Judge Ramona Gonzalez, State of Wisconsin Circuit Judge and Judge Chris Wickham, Thurston County Superior Court.

In the court staff session, participants were provided information on how to address security measures, defined their role in the domestic violence services continuum, and provided practical ways for court staff to work with individuals seeking services of the

2012 Awards and Supported Projects

court. Session presenters were Ms. Danielle Pugh-Markie, NCJFCJ and Mr. James Imperatrice, NY.

In the attorney-specific session, participants were provided tools and techniques to assist with accurately determining the perpetrator of the violence in a contested case and whether any immediate safety interventions are necessary. Session presenters were Ms. Robyn Mazur, Center for Court Innovation (CCI) and Ms. Kristine Lizdas, Battered Women's Justice Project (BWJP).

In the session designed for guardians ad litem, parenting evaluators, custody investigators, community-based mediators, and CASA volunteers, participants focused on how to better screen for domestic violence and articulate the impact of coercive control in evaluations which are submitted to the court. This session was facilitated by Dr. Anne Ganley and Ms. Loretta Frederick, BWJP.

Island County Superior Court was awarded funds to create and produce domestic violence informational and educational brochures and posters for display and use in the courthouse.

King County Superior Court was awarded funds to develop a judicial track and support judicial officer attendance at the 4th Annual Domestic Violence Symposium, *Intersections, Insights, and Interventions*. Approximately 400 people attended the symposium on September 6-7, 2012, at Seattle University including 32 judicial officers representing King, Benton/Franklin, Chelan, Cowlitz, Stevens/Pend Oreille/Ferry, Thurston, and Whatcom counties. The specialized judicial track included workshops on *Domestic Violence Cases: Effective Evaluations and Considerations for Parenting Plan Development; Preserving Safety and Supporting Parenting Needs of Domestic Violence Survivors and their Families; and Increasing Survivor Safety in Batterer's Interventions: Challenges and Solutions for Judicial Officers*. The specialized sessions provided judicial officers the opportunity to discuss their questions and experiences handling domestic violence cases with local and national experts.

The Snohomish County Clerk's Office was awarded funds for two projects. The first project entailed updating, translating, and printing domestic violence brochures in Spanish, Russian, Korean, Vietnamese, and Arabic. The second project was the purchase and installation of cameras in the Domestic Violence Office to enhance employee and victim safety.

2013 Awards and Supported Projects

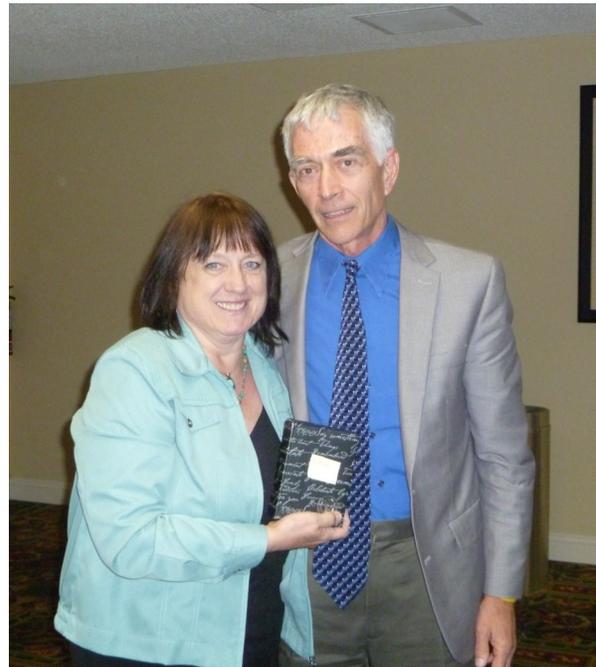
In 2013, Thurston County Superior Court was awarded funds to provide a follow-up training, *Continuing the Conversation: Enhancing a Coordinated Response to DV in a Court Setting*. The highly interactive training educated approximately 20 Thurston County judicial officers on applying a systematic, behaviorally specific method of assessing for intimate partner abuse and its effects and relation to parenting.

The Domestic Violence Benchguide for judicial officers was last updated in 2006. With many changes in laws and the work the Commission has done in other areas associated with domestic violence, funds were reserved to update the benchguide and bench cards. It is anticipated the updated benchguide will be completed by mid-2014.

STOP grant funds allowed a two-person team to attend the Language Access and DV Court Open House which was hosted by the Center for Court Innovation's Domestic Violence Court Technical Assistance Program. The event, attended by teams from across the United States, was held in Seattle where attendees viewed how King County handles its demand for interpreters in domestic violence and sexual assault cases. The event provided an opportunity for the teams to observe and

identify ways to better serve litigants with Limited English Proficiency and deaf litigants.

The Open House also allowed attendees to participate in facilitated discussions and workshops lead by faculty from the Asian Pacific Islander Institute on Domestic Violence, Casa de Esperanza, and the National Center for State Courts. The Commission's team was comprised Commission Judge Judy Rae Jasprica, Pierce County District Court; and a member of the Interpreter Commission, Ms. Alma Zuniga, Northwest Justice Project. Both attendees reported back to their respective commissions and opened the dialogue on how language access needs are being met in regards to domestic violence and sexual assault cases.



Chief Justice Barbara Madsen and Judge Chris Wickham

Committees

Domestic Violence (DV)

The charge of this Committee is to continually evaluate, recommend, and propose solutions to enhance the administration of domestic violence and sexual assault cases within the court system. The outcome of this work is increased safety of victims of domestic violence and sexual assault by ensuring a seamless response from the court system.

Work of the Committee

In 2011, working to fulfill its mandate from ESHB2227, the Committee continued its research on ways to decrease the number of duplicative and conflicting no contact and/or protection orders. A report was developed and submitted to the Legislature providing statewide model protocols for reducing the number of conflicting no contact and protection orders. The report received input from stakeholders in seven court communities, including rural and metropolitan jurisdictions across the state. The Committee also proposed model policies for rescission and modification of domestic violence protection and no contact orders.

In 2012 the Committee responded to a report released by the Washington State Institute for Public Policy (WSIPP) on recidivism and domestic violence treatment alternatives. The Commission conducted conference calls with national batterer intervention experts to discuss sentencing alternatives. Subsequently, in 2013, the Committee continued this work through contracting with the Center for Court Innovation to study the sentencing and monitoring practices



COMMISSION WORK

The Gender & Justice Commission, through its committees, projects, and educational sessions, focuses on the issues of domestic and sexual violence, gender equality in the courts and in the legal profession, and immigration concerns as related to these subjects.

Committees

in domestic violence cases in Washington State. The work continues with plans to release findings and suggestions for best practices by fall 2014.

The Committee developed a training program for lawyers, *Domestic Violence and its Impact on Your Practice, Your Clients, and Your Ethical Obligations*, and co-sponsored this Continuing Legal Education (CLE) session with the Washington State Bar Association (WSBA) in November 2012. This CLE was attended by over 60 individuals both in-person and on-line.

In 2013, the Legislature, as a result of passage of ESHB1383§22(2), which created a stalking protection order, directed the Commission to report back with recommendations on possible solutions to reduce confusion about which type of protection order a petitioner should seek. The Committee convened a group of judicial officers and court community partners to identify, define, and develop recommendations. The Commission reported back to the Legislature, in December 2013, with proposed solutions.

The Committee and program staff have been instrumental in identifying projects to fill gaps in systems. In this work, staff have been able to secure funding or provide resources for other projects such as sexual assault training and cross-collaboration

with tribes, which are elaborated on later in this report.

Immigration

The purpose of this Committee is to explore and establish protocols to address the nexus of immigration, culture, and domestic violence. The Committee also provides educational sessions at judicial conferences.

Work of the Committee

Commission member Ms. Grace Huang presented a webinar focusing on *Civil Immigration* issues in December 2012. The webinar launched the Civil Immigration Benchguide that Ms. Huang authored and provided valuable information to judicial officers.

In 2013, through the work of the Committee and with grant funds from the State Justice Institute, two immigration resource guides were developed and released: *The Overlap of Immigration Law and State Civil Matters* and the *Immigration Resource Guide*, which was a collaborative effort between the Gender & Justice and Minority & Justice Commissions. As part of the guide, a Colloquy Bench Card was developed and was sent to each judicial officer. The Committee was sunsetted in 2013, as their work is being captured through other Committee and project work.

Committees

Incarcerated Women and Girls

The purpose of this Committee is to address gender needs and responses of incarcerated girls and women. The Committee identified several projects that recognize and address issues affecting incarcerated women and girls, such as access to counsel and the courts in parental rights and family law proceedings.

Work of the Committee

In 2010, the Commission was instrumental in securing legislation on shackling of incarcerated pregnant women and girls. In follow-up to that legislation, a public disclosure request was submitted to all jails, juvenile rehabilitation centers, and the Department of Corrections requesting incidents of shackling of pregnant, incarcerated women and girls. The objective was to determine compliance with the new law. The Committee is continuing to assess the responses and will provide a report to the Commission in 2014.

Legislative

The purpose of this Committee is to stay abreast of proposed legislation that impacts areas of interest to the Commission and to work with others in

crafting legislation to ensure it best meets the needs of the courts and court community. The Committee collaborates with law and justice partners in assessing the impact of proposed legislation on the courts and the people served by the courts. This Committee was instrumental in having the Commission named as the stakeholder convening party for the work identified in stalking protection order bill, ESHB1383§22 (2).

Communications

This Committee is tasked with highlighting the great work of the Commission. It is the voice to our partners and other interested parties regarding gender issues in the law and justice community. The Committee accomplishes this work through periodic review and updates of the website and through publishing the annual report.

Work of the Committee

In late 2011 the Committee undertook the redesign of its website. The redesigned site went “live” in June 2012. The Committee also put into place protocols to assess the design, functionality, and usability of the site every six months to ensure we are meeting our members’ and the public’s needs.

Committees

Gender Equality

The purpose of this Committee is to identify gender equality in the legal profession and leverage effective responses to address inequities. Activities include working with law students on gender specific research projects, responding to LGBTQ issues that arise in courts, examining gender and justice implications of family law reform in general, and participating in diversity and inclusions projects in partnership with the WSBA and minority bar associations.

Work of the Committee

Annually, the committee sponsors a judicial officer and law student reception. The Commission partners with the Women’s Law Caucuses of Seattle University (SU) and the University of Washington (UW), the National Association of Women Judges (NAWJ), and the Washington State Association for Justice (WSAJ) in sponsoring this event which provides an opportunity for law students to connect and



Judicial Officer & Law Student Reception (2011)

interact with judicial officers. Each year, a scholarship is awarded to a deserving law student.

Scholarships were awarded to Ms. Priyanka Prakash, UW (2011) and Ms. Stacie Naczelnik, SU (2012). In 2013, through the generosity of the NAWJ and WSAJ, scholarships were awarded to Ms. Rachel Wallace and Ms. Michele Suarez both from the UW. The Law Offices of Graham and Dunn graciously partnered with the Commission by hosting the scholarship awards reception in 2012 and 2013.

In 2013 the committee collaborated with the Washington Initiative for Diversity (WID) to present the third managing partners summit, *From diversity to inclusion: Managing legal employment in a changing profession,* which is discussed later in this report.



Judicial Officer & Law Student Reception (2013)



Judicial Officer & Law Student Reception (2013)



Judicial Officer & Law Student Reception (2012)

Tribal State Court Consortium

A Washington Tribal State Court Consortium was developed under the auspices of the Gender & Justice Commission, the Commission on Children in Foster Care, and the Minority & Justice Commission. Currently, Judge Patricia Clark, Retired, King County Superior Court and Judge Theresa Pouley, Tulalip Tribe are the Co-chairs for the consortium. The consortium seeks to involve the 29 recognized tribes in Washington State as well as state trial courts.

At the 2013 Fall Judicial Conference, the consortium hosted a meeting facilitated by Judges Pouley and Clark and moderated by Mr. Fred Fisher, Casey Foundation and Judge William Thorne, Retired, Utah Court of Appeals. Mr. Fisher and Judge Thorne are working on developing state and tribal court roundtables in different parts of the country.

The goal of the meeting was to ascertain interest in this consortium and encourage discussion on how to proceed. Approximately 25 conference attendees participated outlining next steps such as identifying project(s) that should be pursued and areas of intersect between tribal and state court judicial officers; identifying immediate short-term steps such as opening the dialogue on a regional basis for judicial officers; developing a contacts list; and developing a



*Judge Theresa Pouley, Judge Patricia Clark (Ret.),
Judge Mark Pouley*

concrete proposal on a structure for this consortium. Other suggestions included working on governance for the courts creating a culture of information sharing and a way for judicial officers to collaborate when the case crosses jurisdictions. For example, in truancy cases, there is no formal mechanism for state and tribal courts to collaborate across jurisdictions. Participants indicated there is a need to find informal processes to be able to co-convene the case. Also, tribal judges, clerks, and staff have limited training and resources for training. Opportunities to interact or include tribal court personnel in statewide training initiatives was identified as a great way to foster cross-collaboration.





OTHER WORK

Human Trafficking Summit

A *Human Trafficking Summit* was convened in Seattle in October 2012 by the Commission, the American Bar Association, and the Minority & Justice Commission. Chief Justice Barbara A. Madsen served as Co-chair and keynote speaker for the summit, which focused on domestic and international trafficking of children and adults.

Implicit Bias CLE

The Commission joined with the WSBA to develop a CLE on implicit bias. Two Commission members participated in the conversations and assisted with the development and planning of the session, which will be presented in February 2014.

Diversity Stakeholder Meeting

The challenges facing the legal profession create opportunities for the WSBA and its membership to collaborate in productive ways to improve both the experience of practicing law and the product of that practice. With this in mind, in 2013, the Commission took part in a diversity stakeholder meeting as part of its continued discussion with the minority bar associations regarding diversity in the legal profession and how best we can support and/or partner with them on issues such as recruitment and retention.

National Women’s History Month

In collaboration with AOC and as part of National Women’s History Month, the Commission hosted *The Gender Agenda: Gaining Momentum*, a brown bag presentation, on March 13, 2013. The female Supreme Court Justices were panelists and discussed their experiences, lessons learned, and shared insights. Over 100 AOC staff were present for this lively discussion.



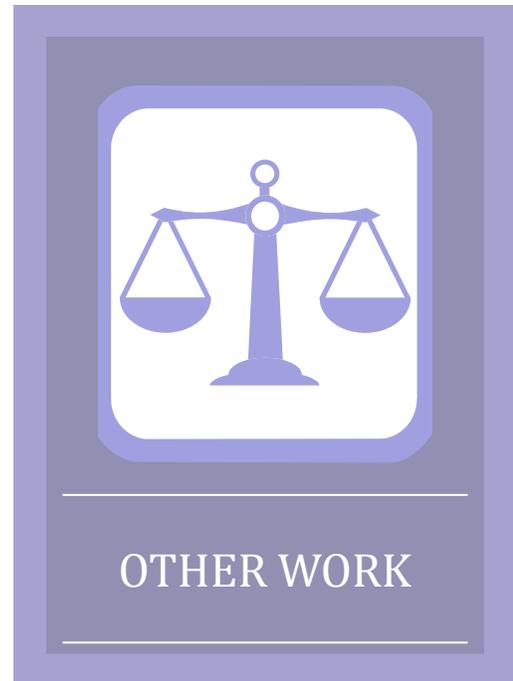
International
Women’s Day

National Criminal History Improvement Plan Grant

The Commission continued to look at ways to address duplicative and conflicting protection orders. With program staff assistance, the Thurston County Superior Court was awarded a National Criminal History Improvement Plan (NCHIP) grant in partnership with the AOC and the Washington State Patrol in 2012. The grant allowed the court to hire Vitasys, a software company, to design a web-based application that bridges dissimilar systems and databases allowing judicial officers to view scanned orders of protection from the bench, which assists judicial officers in crafting non-duplicative or conflicting orders of protection in conjunction with active criminal no contact orders.

Civil Legal Aid Study Update

The Office of Civil Legal Aid is updating the 2003 Civil Legal Aid Study which both the Gender & Justice and Minority & Justice Commissions are supportive funding partners. At that time, the Commission was particularly interested in ensuring that the civil legal problems of women and children,



including domestic violence victims, received a high level of scrutiny in the design and execution of the study methodology. The 2003 results showed the overall prevalence and substance of civil legal problems experienced by low-income Washingtonians, but also clearly documented disproportionality of civil problems experienced by women, especially victims of domestic violence.

The Commission recognizes the current need to update the study and will contribute funds to assist with the update. Vice-Chair, Ruth Gordon represents the Commission on the stakeholder workgroup. The new study is scheduled to be released in late 2014.



OTHER WORK

Initiative for Diversity Governing Council (IDGC)

The Commission continued its partnership with IDGC and co-sponsored the Managing Partners Summit on May 22, 2013. There were over 100 leaders attending from the legal community, including general counsels, managing partners, agency directors, and more.

The theme of the Summit was “From diversity to inclusion: Managing legal employment in a changing profession.” The Summit opened with a welcome from

Chief Justice Barbara A. Madsen setting the tone for the half-day program. Chief Justice Madsen shared with the audience why she values diversity and why she strongly believes legal employers need to continue to advance diversity in their respective organizations. The Chief was followed by Microsoft General Counsel Brad Smith who spoke to the benefits of having a diverse staff and programs being implemented at Microsoft law department to further diversity, “Diversity is good for business—how can you make it work.”

The Summit featured three sessions. In the first session, “Walk the talk: Explore successful diversity initiatives implemented in corporate in-house and public sectors,” U.S. District Court Judge Robert Lasnik cleverly peppered the panel members, Starbucks General Counsel Lucy Helm Lee, Boeing Senior Counsel Amy Gaffney, Microsoft Assistant General Counsel Amy Colando, Spokane City Attorney Nancy Isserlis, with questions addressing effective strategies in hiring, retaining, and promoting diverse staff, and in sustaining momentum in fostering and promoting diversity and inclusion to enhance business opportunities.

In the second session, “Strategies to build a more inclusive workforce in law firms,” Anthony Gipe with Olympic Law Group, skillfully prompted the panel members, Shahzad Qadri with Wong Fleming, Steve Koh with Perkins Coie, and Karen Russell with Davis Wright Tremaine, to share with the attendees programs that have been successful in their law firms with respect to hiring, retention, and inclusion.



In the third session, “Evolve or be left behind: What statistical data are telling us,” Justice Steven González, asked panel members, Executive Director Paula Littlewood, WSBA, Dean Jane Korn, Gonzaga University Law School, and Assistant Dean Michelle González, what trends they are observing in law schools and legal profession, what we should anticipate in the next decade or two decades, and how we should prepare for the changing environment.

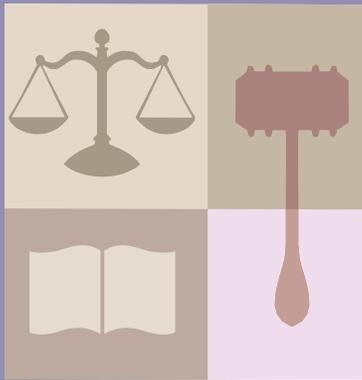


The Summit concluded with thought provoking remarks by Justice Steven González. Justice González reemphasized the importance of continuing the momentum established at the Summit and encouraged legal employers to work collaboratively with the Washington Initiative for Diversity (WID) to advance diversity in the changing environment.

The Summit was a resounding success. The speakers and program were all very well received based on anecdotal comments and evaluations.

Based on the success of the 2013 Summit, the WID with support from the Commission, will host the Legal Executives Diversity 2014 Summit focusing on “Meaningful retention strategies for an inclusive work environment.” The Summit will take place on May 14, 2014, from 8:30 a.m. to 12:00 p.m. To learn more about it, visit the WID’s website at www.initiativefordiversitywa.org.





2011-2013 EDUCATION

The Commission recognizes the importance of educating judicial officers and court staff.

Yearly, the Commission sponsors sessions at Judicial College, which is a week-long orientation for new judicial officers. The sessions cover the dynamics of domestic violence and how to create correct and useful protective and no contact orders. Moreover, Commission members facilitate the interactive simulation *In Her Shoes*, an exercise designed for participants to move, do, think, and experience the lives of abused women.

In 2012, the Commission worked with the District and Municipal Court Managers' Association and delivered training to court staff across the state. Commission members and program staff members traveled to six regions across the state presenting on the dynamics of domestic violence and facilitating the *In Her Shoes* exercise. Over 100 court staff from district and municipal court levels in Gig Harbor, Thurston County, Lake Forest Park, Ellensburg, Pasco, and Spokane were in attendance at these trainings, many of whom had never received training on the dynamics of domestic violence before. Attendees expressed that the training provided "great insight," was "very powerful material," the speakers were "engaging, passionate, and knowledgeable" about the subject matter, and the training was "eye opening" and the "simulation really made me put myself in the victim's shoes."



The Commission further promotes its mission through developing and offering relevant and thought provoking educational programs at the District and Municipal Court Managers' Conference, the Superior Court Judges' Conference, the District Court Judges' Conference, and the annual Fall Conference sponsored by the Supreme Court .

Walking a Mile – An Elder Abuse Scenario provided an interactive simulation, offering participants insight into the unique experiences elderly people have when extricating themselves from the cycle of violence. This session was facilitated by Ms. Myra Downing, former Executive Director, Gender & Justice Commission.

Civil Hard Times focused on the new foreclosure laws. Attendees learned about foreclosure issues, the new law, and related cases, through the inventive and interactive game, “Who Wants to Be a Foreclosure-naire” led by Mr. Fred Corbit and Ms. Lili Sotelo, both of the Northwest Justice Project, with Court Commissioner Jacalyn Brudvik and Judge Eric Lucas, Snohomish County Superior Court assisting. *The SCJA Equity and Fairness Committee co-sponsored this session with the Commission.*

Immigration Law and Consequences to Decision Making posed ethical questions and explored answers based on information from immigration experts and opinions offered by experienced judicial officers. Panelists were Mr. Matt Adams and Mr. Jorge Barón, Northwest Immigrant Rights Project, Judge John Erlick, King County Juvenile Court, Judge Tammy Fitting, Tacoma Immigration Court, Judge Steven González, King County Superior Court, Ms. Grace Huang, Washington State Coalition Against Domestic Violence, Ms. Pramila Jayapal, One America, Chief Counsel Dorothy Stefan, Office of Homeland Security, and Judge Mary Yu, King County Superior Court. *The Minority & Justice Commission co-sponsored this session with the Commission.*

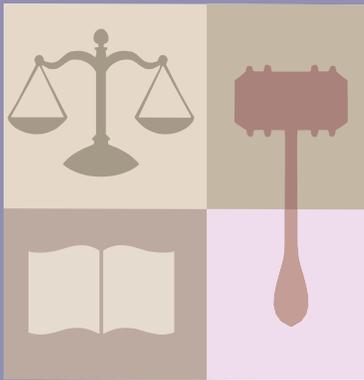


Judge Marilyn Paja and Judge Michael Evans

Colorblind Justice? The Role of Judges in Addressing Ethnic Disparity and Racial Disproportionality in the Criminal and Civil Justice System, the opening day plenary session, engaged participants in understanding how judicial officers unintentionally contribute to the disproportionality and disparate treatment in the criminal justice system.

The session provided an overview of how Washington State counties are affected by ethnic disparity and racial disproportionality and how institutional oppression unconsciously influences judicial roles in the court environment. Judicial officers were able to leave the session with an understanding of why a continued conversation is needed regarding disproportionality and disparate treatment, why they as judicial officers need to be concerned, and what they can do in their judicial capacity.

The session was facilitated through a panel comprised of Dean Rachel Moran, UCLA School of Law, Dr. Alexes Harris, University of Washington, Dr. Katherine Beckett, University of



2011-2013 EDUCATION

Washington, and Dr. Johnny Lake, University of Oregon and facilitated by Judge Eric Lucas, Snohomish County Superior Court and Judge Mary Yu, King County Superior Court. *The Superior Court Judges' Association Equality and Fairness Committee, the Minority & Justice Commission, and the District and Municipal Court Judges' Association Diversity Committee co-sponsored this session with the Commission.*

Vulnerability, Capacity and Undue Influence: Elders in the Court discussed the growing number of people aged 65 and older who are entering our

courts as victims of abuse, neglect, or exploitation. The session addressed how elders can be victimized by spouses, family members, professionals, and opportunistic strangers and provided judicial officers with statistics and other information on why and when elders may enter the legal system. Finally, participants were provided techniques for judicial officers to ascertain how dementia and other conditions contribute to the vulnerability of elders, how loss of decision-making capacity affects them, and how to identify undue influence, other risk factors, and signs of victimization.

Dr. Bonnie Olsen from the University of California, Irvine, was the key presenter for this session. *The AOC Guardian Program – Office of Public Guardianship, and the Certified Public Guardian Board co-sponsored this session with the Commission.*

Domestic Violence Lethality Risk Assessment examined the research that shows the most dangerous time for a victim of domestic violence is after the person has made a report to the police or other authority. Participants in this session were provided statistical information, research-based best practices, and scenarios using the various risk assessment tools available. This activity gave participants a better understanding of how to look at the case holistically and how to more adequately gauge the level of risk to a victim by a perpetrator. Additionally, participants received guidance in identifying specific factors to consider in assessing the potential danger that a person in their court poses when a no-contact order is enacted and/or when that person is released.

Dr. Jacquelyn Campbell, a researcher and national expert in this field and developer of the Danger Assessment, was the key presenter for this session.

Sexual Orientation: Developments in the Law and Issues for the Courts continued the conversation that started at the 2008 judicial conference as societal norms and state laws had shifted and changed. The session explored expressions of wariness and misunderstandings being exhibited in the legal community. The presenters used scenarios stemming from current legal realities such as meeting the needs of LGBTQ youth in the foster care system and same sex marriage to invite judicial officers to recognize and overcome their inherent biases. The session was well received and provided a safe environment for dialogue and the exchange of ideas. *The District and Municipal Court Judges' Association Diversity Committee co-sponsored this session with the Commission.*

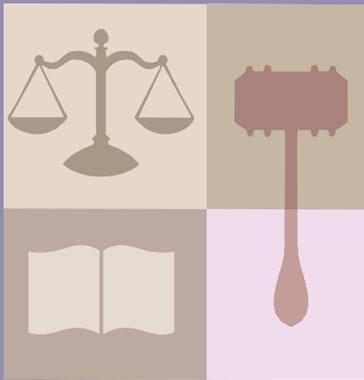
Girls in Trouble was a dynamic session beginning with the powerful movie *Girls in Trouble*, a documentary style film following three young women in the California penal system, the obstacles they faced, and the assistance provided to them. An energetic question and answer session followed the film led by a panel of experts. The discussion centered on how and why girls enter the legal system and ways to provide a continuum of care to keep them from re-entering the system.

Ms. Julie Posadas Guzman, JPG Consulting, CA, Judge Richard Vlavlamos, San Joaquin County Superior Court, CA, and Ms. Barbara Carr, Jefferson County Juvenile Court Administrator, WA, along with judicial officers and representatives from other advocacy agencies were presenters.

Procedural Fairness explored the key components of procedural fairness, voice, neutrality, respect, and trustworthiness. Judicial officers are concerned with fair legal outcomes, while the public is concerned with fair treatment and being heard. This session provided judicial officers with techniques to facilitate positive interaction with court customers, assessed listening skills and developed a plan for improvement. Participants evaluated how procedural fairness concepts may improve the public's perception of the courts and the court's response to budgetary pressures.



Judge Chris Wickham and Mr. David Ward



2011-2013 EDUCATION

Judge Kevin S. Burke, Hennepin County District Court, President of the American Judges Association was the presenter of this session. *The Gender & Justice Commission assisted AOC's Court Education Program in this session. It was made possible through a State Justice Institute grant.*

Beyond Inclusion, Beyond Empowerment, the Judicial Colloquium for the fall conference, introduced frameworks for analyzing and understanding the various dynamics that underlie bias, oppression, and privilege. The session introduced interpersonal skills that can be developed to promote justice and offered skill building through scenarios derived from incidents that arise in our courts and our court community. Participants learned by applying models of social rank, status, and power to incidents of social oppression.

Dr. Leticia Nieto, author of *Beyond Inclusion, Beyond Empowerment*, Associate Professor, St. Martin's University, Lacey, WA, led the Judicial Colloquium for this conference. *The Minority & Justice Commission and the SCJA Equality & Fairness co-sponsored this session with the Commission.*

I Served My Country, Now How Can You Serve Me? focused on soldiers who appear in court. Washington State has a large military population including active duty, retired, National Guard, and reservists with many soldiers returning from combat. Washington courts have seen a steady increase in the numbers of soldiers returning from combat who are displaying behaviors that are commonplace during deployment in war zones. More and more combat veterans have been deployed multiple times, have been assaulted during one or more of these experiences, and find it difficult to separate the military experience from civilian life. They may have trouble concentrating, may be edgy or jumpy, hyper alert, overly concerned about safety and security, may drink too much, use drugs, drive aggressively, and sometimes behave aggressively.

Participants examined how their military experience may or may not have influenced the criminal or inappropriate behaviors that resulted in their court appearance, and

assisted judicial officers in determining appropriate responses. Panelists were Judge Brett Buckley, Thurston County District Court; Major Matthew W. Cooper, Washington Army National Guard; Mr. Kevin Devine, VA Puget Sound Health Care System – Seattle; Ms. Patricia Murphy, KUOW Public Radio; and Mr. G. Travis Sayers, Washington State Department of Veterans Affairs.

A Benchguide for Washington Criminal Courts on Immigration introduced the benchguide and provided an overview of the concepts and issues addressed in it. The session also examined judicial implications of *Padilla v. Kentucky* and *State v. Sandoval*, U-Visas, recommended best practices, and led a discussion on the experiences, challenges, and insights of Washington State judicial officers.

Judge Veronica Alicea-Galvan, Des Moines Municipal Court; Ms. Ann Benson, Washington Defender Association’s Immigration Project; King County Superior Court Judges Susan J. Craighead, John P. Erlick, and Mary Yu, King; and Ms. Gail Pendleton, ASISTA Immigration Assistance comprised the panel of presenters. *The*

Gender & Justice Commission and the Minority & Justice Commission co-sponsored this session, which was made possible through funding by a State Justice Institute Grant.

What Makes It Cultural and How Would You Respond? addressed the meaning of “the rule of law” in today’s multicultural society. Increasingly, parties in both civil and criminal cases are introducing “cultural evidence,” invoking customs and traditions

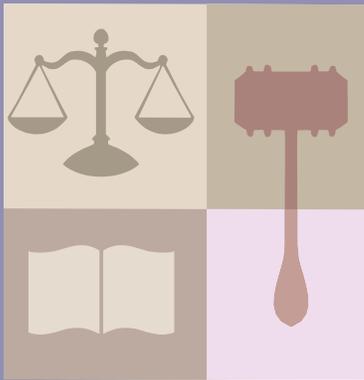
to support their claims or explain their actions. The presentation was highly interactive, allowing audience members to use technology to “vote” on the outcome of vignettes drawn from fascinating real-life cases. The program

was led by an inter-disciplinary panel of nationally renowned cross-cultural experts.

Panelists included Dr. Mark J. Mills, Forensic Psychiatry, Washington DC; Judge Delissa A. Ridgeway, U.S. Court of International Trade, NY; and Mr. Rene L. Valladares, Federal Public Defender for the District of Nevada. *The Minority & Justice Commission co-sponsored this session with the Commission.*



Ms. Leslie Savina and Ms. Terri Cooper



2011-2013 EDUCATION

Sexual Assault & Protection Orders focused on procedural challenges in sexual assault cases and specific areas where biases may surface. Additionally, the session provided an overview of the newly released Sexual Assault benchguide. The expert panel also addressed concerns and provided guidance on the issuance of sexual assault protection orders.

Judge Carol Schapira moderated the session with panelists Ms. Laura Jones, King County Sexual Assault Resource Center; Ms. Emily Cordo, Sexual Assault Law Center; and Mr. Brad Meryhew representing the defense bar.

Fairness and Cultural Considerations in Domestic Violence Cases examined how cultural identity may affect, limit, or enhance work as a judicial officer. The session defined the terms “culture” and “cultural

competence;” identified ways in which culture is relevant in the courtroom; recognized cultural misinformation to enable judicial officers to avoid assumptions; assessed implicit and explicit biases that might influence courtroom demeanor or the interpretation of facts and decision making in domestic violence cases; evaluated the impact of cultural misinformation on perceptions of different cultures; assessed whether cultural misinformation informed dangerousness assessments; and analyzed perceptions of power and privilege and how these perceptions operate in our interactions with others.

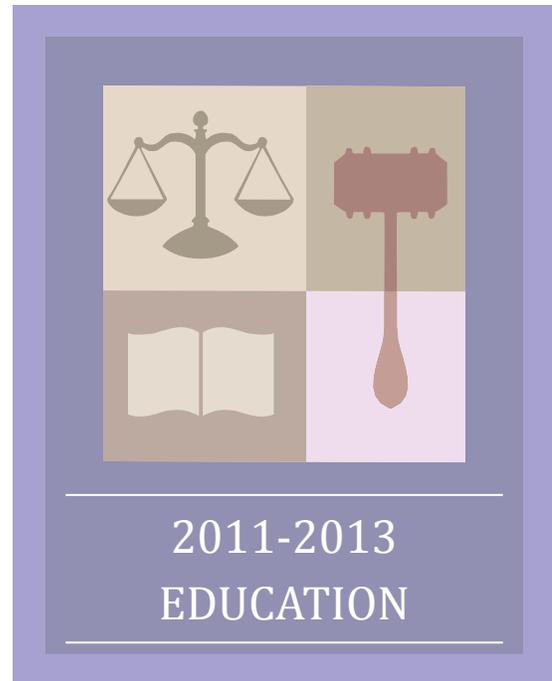
Dr. Sujata Warriar, Office for the Prevention of Domestic Violence, New York, was the presenter for this session.

How Far Will You Go? provided an interactive and discussion-based session premised on the belief that courts and judicial officers make decisions without regard to extraneous pressures or influences of any kind. The session, through interactive scenarios, provided judicial officers tools to assess events occurring in their courtroom, their responses to these occurrences, how to mitigate future problems, and addressed the canons and ethical issues around courtroom etiquette and behavior.

Panelists were Ms. J. Reiko Callner, Commission on Judicial Conduct;

Commissioner Steven Grovdahl, Spokane County Superior Court; Judge Richard Melnick, Clark County Superior Court; and Judge Margaret Vail Ross, Pierce County District Court.

Complicated and Conflicting Protection Orders: All in a Day's Work was a hands-on session providing judicial officers real world cases and scenarios exploring the various types of protection orders. The session was designed to discuss and recognize where orders of protection can conflict and how to apply best practice tools to write clear, concise, and valid orders of protection.



Presenters were Judge Judy Rae Jasprica, Pierce County District Court; Judge Richard Melnick, Clark County Superior Court; and Judge Joseph Burrowes, Benton County District Court.

Same Sex Marriage: What it means for Couples and the Courts discussed the provisions of Referendum 74 and the U.S. Supreme Court's June 2013, decision in *United States v. Windsor*, which struck down part of the Defense of Marriage Act (DOMA). The session also addressed cases involving same-sex couples in a variety of contexts, with an emphasis on family law.

This session was presented by Judge Johanna Bender, King County Superior Court; Ms. Jennie Laird, Attorney, Law Offices of Michael W. Bugni & Associates; and Mr. David Ward, Attorney, Legal Voice and Commission member.

Power and Reach of the Internet discussed judicial ethics related to the use of social media, civil liberties, and sentencing issues for those charged with Internet-based crimes. The session included proposals for law reform that better capture cyberstalking and Internet-based sexual harassment, as well as addressed First and Fourteenth Amendment and privacy concerns in the context of Internet regulation.

Presenters were Professor Mary Anne Franks, University of Miami School of Law and Mr. Paul J. Lawrence, Pacifica Law Group, LLP.



LOOKING AHEAD

The Commission and its membership are looking strategically at the workload and priorities for the next few years. The mission remains unchanged since 1995—the eradication of gender bias in the courts. To meet this mission, the Commission will continue to address issues of domestic violence, stalking, and sexual assault; collaborate with the Washington State Bar Association to update the Glass Ceiling Judicial Survey from 2001, and address the use of judicial evaluations by WSBA members; update the 1989

Gender and Justice in the Courts report; and support the Tribal State Court Consortium to better understand the intersection of tribal and state courts and how the 2013 Reauthorization of the Violence Against Women Act impacts tribal court. Additionally, the Commission recognizes the challenges that human trafficking raises for our courts and will begin the dialogue on how to address these challenges. The Commission continues to be a strong voice for equality in the justice system and is looking forward to partnering with others in the community to meet its mission.



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Washington State Supreme Court Gender & Justice Commission

2011—2013 Report

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