



Gender and Justice Commission (GJCOM)

Friday, May 10, 2013 (8:00 a.m. – 1:00 p.m.)
Red Lion SeaTac

MEETING NOTES

Members Present: Chair, Chief Justice Barbara Madsen, Vice-Chair, Ms. Ruth Gordon Ms. Sara Ainsworth, Judge Vickie I. Churchill, Ms. Laura Contreras, Ms. Terri Cooper, Dr. Margaret Hobart, Judge Judy Jasprica, Judge Cynthia Jordan, Ms. Judith A. Lonquist, Judge Mark Pouley, Ms. Leslie Savina, Judge Ann Schindler, Ms. Gail Stone, Mr. David Ward, Judge Chris Wickham, Ms. Myra Downing, and Ms. Pam Dittman (AOC staff)

Guests: Ms. Kathy Bradley, Judge Michael Evans, Judge Marilyn Paja

Members Absent: Judge Richard Melnick, Mr. Ron Miles

The meeting was called to order at approximately 8:15 a.m. The March 8, 2013, meeting notes were approved.

INTRODUCTION OF NEW COMMISSION MEMBERS

The Commission invited and welcomed new members who are filling upcoming vacancies. Their terms will be July 1, 2013, through June 30, 2016. The new members are:

- Judge Michael Evans, Cowlitz County Superior Court
- Judge Tom Tremaine, Washington Tribal Courts Kalispel (unable to attend)
- Judge Eric Lucas, Snohomish County Superior Court (unable to attend)
- Judge Marilyn Paja, Kitsap County District Court
- Dr. Taryn Lindhorst, Professor of Social Work, UW (unable to attend)

COMMISSION OVERVIEW – Chief Justice Barbara Madsen

Review of 1989 Task Force Report

Chief Justice Barbara Madsen described the genesis of the Commission and the historical relevance of the 1989 Report of the Washington State Task Force on Gender and Justice in the Courts. The Gender and Justice Task Force "...assessed the extent and consequences of gender bias in the Washington State Courts..." and "...identified problem areas, patterns, and trends of gender bias..." to make recommendations for education and reform.

Focus areas included impact of gender bias on litigants in areas of violence which examined the court's treatment of domestic violence and adult rape victims; divorce which studied family law issues; economic consequences of certain types of civil litigation; and the courtroom environment.

The Commission was created as part of the recommendations and used the Report to undertake many of its early works and continues to address bias in these areas today.

Current Structure

Originally, the Commission took on projects as a whole with members choosing which projects to work on. Additionally, committees formed around certain areas/topics of interest such as domestic violence, immigration, gender equality, and incarcerated women and girls issues.

Members discussed:

- Who should we focus on, who is our target audience, and has that changed over time?
The audience is varied: the layperson interfacing with the courts, law students, judicial officers, court staff, etc.
- Are the areas of focus still relevant?
Yes. We continue to work with court processes and protocols in several of the topic areas. We also are asked by the Legislature to work on special projects.
- Should we focus on other areas also? If so, what are they?
There was discussion on how to enhance the link with the Minority and Justice Commission (MJC). The team approach with Myra working as the Executive Director of both commissions is a start. Moreover, the Commission Chairs will begin meeting a few times a year to collaborate and discuss projects and workplans.
- Workplans were discussed. Commission members would like to see committee work or projects outlined in a workplan with deadlines and outcomes to assist with planning and helps recognize successes and accomplishments.

COMMISSION MEMBERS – Ms. Ruth Gordon

Explanation of Roles and Expectations: Creating a Successful Tenure on the GJCOM

The Gender and Justice Commission is an active Commission. We have been successful in recruiting members who are committed to the mission and values of the Commission. Members are encouraged to speak up and join in.

Commission members discussed ways to assist incoming members. Ideas generated were:

- Mentoring – Outgoing member mentor an incoming member.
- Orientation – Before first meeting one-on-one conversations with incoming members explaining what projects are in the works, what the groups/committees are doing, finding out where new members' passions lie and how to include them in the conversations more quickly.
- Phone calls from Chair, Vice-Chair, Executive Director – Welcome phone call and follow-up calls. Remember that you all are more than welcome to call or e-mail when questions arise or ideas pop up.

Retiring Member Comments

Two members are leaving the Commission after their terms have expired. They were recognized for their service over the years. Judge Cynthia Jordan and Judge Chris Wickham both expressed their appreciation in working with the committed and passionate members.

Members Interests and Assets

Commission members were asked to introduce themselves and share what inspires them, what they hope to accomplish while on the Commission, resources and skills they bring to the Commission, and what they want/need from the Commission leadership, members, and staff.

Members are a diverse group with diverse backgrounds. They expressed areas of passion around children, gender issues, GLBTQ (spell out but I don't know what this acronym stands for), domestic violence (victims, perpetrators, treatment, sentencing), human trafficking, tribal (cross-jurisdictional), family law (child custody, child welfare, etc.), retaining lawyers (gender and diversity), incarceration (women, juveniles), concealed pistol license/firearms, and policy/system work and how it may impact barriers to safety.

COMMISSION WORK

Loosely Engaged Structure – Chief Justice Barbara Madsen

The Commission has worked well with projects and within committees or ad-hoc committees. The discussion needs to continue on how best we, the Commission members, want to function; whether it is in focus areas, project driven, or committees or a amalgamation of all.

Current and Upcoming Work and Projects – Myra Downing

Myra Downing provided updates for projects that are currently in place.

- **RFP: Sentencing and Monitoring Practices in Domestic Violence Cases**

The RFP is closed and the candidates are being scored. It is expected that the RFP will be awarded by close of business May 15. Eighty thousand (\$80,000) in STOP Grant funds over two years will be used for this project for sentencing and monitoring practices. This is not for research or to decide if perpetrator treatment works or doesn't work. Committee members will be asked to help the contractor with on-site visits.

- **Tribal State Court Consortium – Pilot Projects**

The project is moving forward. The Tulalip and Kalispel Tribes are two of the three pilot sites. The third is yet undetermined. A meeting has been scheduled for May 17, with the Tulalip Tribe Judges, Snohomish County Judges, representatives from the Commissions and also the Commission on Children in Foster Care. This project is collaboration between the GJC, the MJC, and the Children in Foster Care. The purpose of the project is to look at the overlap in state / tribal courts and find creative ways to share jurisdictions that will benefit everyone. Once the project has been defined, more players (prosecutors, defense, law enforcement, advocates, etc.) will be brought to the table.

- **Multiple Order Legislation**

The Commission was named in a provision of HB1383 wherein the Commission is directed to look into the concerns of multiple orders. This project will fall under the auspices of the DV Committee. Specifically, the language states:

The legislature respectfully requests . . . the Washington state supreme court gender and justice commission, to the extent it is able, in consultation with Washington coalition of sexual assault programs, Washington state coalition against domestic violence, Washington association of prosecuting attorneys, Washington association of criminal defense lawyers, and Washington association of sheriffs and police chiefs, consider other potential solutions to reduce confusion about which type of protection order a petitioner should seek and to provide any recommendations to the legislature by January 1, 2014.

- **LSAC Grant**

A grant proposal is being submitted to the Law School Advisory Council (LSAC) to assist with the Diversity Pipeline Programs for Youth. This is a joint project with the GJC, MJC, and Margaret Fisher of the Administrative Office of the Courts (AOC) who outlined the project at the January 2013, GJC Meeting.

- **Judges and Law Student Reception**

The 4th Annual Judges and Law Student Reception will be scheduled for the fall. This Reception provides a scholarship for a law student and also provides an opportunity for judicial officers and law students to mingle. Graham and Dunn have agreed to host the reception at their offices in Seattle. The Commission presents a monetary scholarship to a deserving student at this event. NAWJ has agreed to donate towards the scholarship. If you know of others who would care to donate, please have them contact Myra.

- **Annual Conference**

The Commission is sponsoring three sessions at Annual Conference: Same Sex Marriage, Power and Reach of the Internet, and Lawyering and Justice – Emerging Issues of Nations in Transitions.

- **Managing Partner Event – Initiative for Diversity Governing Council (IDGC)**

IDGC will be hosting a CLE May 22. The CLE will include a panel presentation comprised of Managing Partners and national diversity partners along with providing information on how to work on building and sustaining diversity within the Managing Partner levels of corporations and firms. The Commission has been asked to provide in-kind support for this event. The Commission is providing up to a \$1,000 for an honorarium or for other related costs. The Chief and Judith Lonquist are representing the Commission.

- **Minority and Justice Commission (MJC) Meeting Report**

The MJC continues to work on areas of perceptions of courts, juvenile justice, and disproportionate minority contact. We will continue to liaise with them to ascertain where the natural lead for projects fall. Interviews for the vacant Court Analyst Position are being held the week of May 13.

Discussion, Selection, and Prioritizing of Work and Projects

Members began the discussion around areas of interests, projects, etc. It was decided to continue the discussion between now and the next Commission meeting and also devote the next meeting to formalizing the Commission's work for the next year.

Things to remember are ways we are able to leverage our resources, whether it be asking for others outside the Commission to help (students, etc.); where the Commission should take the lead, prioritize how to lay out the projects, and broaden our horizons and interests and not work completely in one area.

It was suggested that once all has been written out that we email the information to Commission members for them to prioritize and indicate areas of interest.

- **Update Original Survey**

Do we want to survey our customers who are using the justice system or part of the justice system and try to replicate on a lesser basis some of the questions from the 1989 task force report? What would this look like and what energy needs to make this happen. What have we done, what's not done, if the data collection process was done, then will it still work now or do we want new information with different methodology or the same way. Professor Lindhorst is onboard and would like to know how she can help with this.

- **Human Trafficking**

- Education Program.
- Identify other efforts and how the Commission can fit into their work.

- **Domestic Violence**

- Sentencing Monitoring Project.
- Stalking Legislation.
 - Gather names of organizations and people to be involved in the strategic planning meeting(s) in discussing the challenge of multiple protection order forms.
- Custody and Child Welfare.

Work with:

- Commission on Children in Foster Care.

- Superior Court Judges' Association (SCJA) Family Law Committee.
 - Concealed Pistol License Follow Up.
 - Follow up on the work around the effectiveness of Batterer's Intervention Programs.
Work with:
 - Washington State Institute for Public Policy.
 - Attorney General's Office.
 - Washington State Center for Court Research.
 - Talk with Anne Ganley.
 - Look at Batterer's Treatment regarding accountability – courts need a tool.
 - Follow up on Department of Social and Health Services (DSHS) responsibility to monitor BP's.
 - Address Civil context also.
- **Tribal State Court Consortium**
 - **Pipeline Project**
 - Youth.
 - Women in the Profession.
 - The grant will help to coordinate the programs, possibly create a resource center, and determine ways to sustain the programs or collaboration amongst the groups.

- **Incarcerated Girls and Women**

The Committee had a conference call recently and discussed several issues that pertain to access to justice. Below are areas and priorities the Committee discussed.

Systemic Failures

- Lack of access to talk with their counsel by phone.
- Lack of knowledge that counsel has been appointed.
- Failure of someone (counsel? guards?) to communicate to women where their children are placed.
- Papers arriving too late.
- The jail/prison failing to authorize transport to the hearing.
- The ability of some courts but not others to allow for telephone appearance by an incarcerated parent.
- The lack of advising by defense counsel in the criminal case of the potential child welfare consequences of a plea, etc.

Priority 1 – Access to Courts

- Analyze SHB 1284 and address issues in the newly passed legislation:
<http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/House%20Passed%20Legislature/1284-S.PL.pdg>
- Alternate ways to provide access to courts; i.e., electronic means (King County is already considering a workgroup on this issue to include the jail, defense, prosecution and bench).

Priority 2 – Meeting of the key players to identify and address systemic problems.

- Department of Corrections (DOC)/jails/Juvenile Rehabilitation Administration (JRA), the defender associations, the Attorney General's Office DSHS division, advocates for incarcerated mothers, and others.
 - Follow up on dependency issues.
 - Transportation to/from hearings.
 - Systemic failures.
 - Lack of access to talk with counsel.

- Follow up on family law Issues including learning more about the R.I.S.E. Project.
 - **Dependency/ Termination**
Mothers in prison frequently do not have access to the services and classes they have been mandated to take by DSHS in order to be in compliance with their dependency cases. Similarly, mothers in prison do not have access to the mandatory family law class for pro se parents in dissolution proceedings that involve children.
 - **Family Law Issues**
 - Lack of access to Mandatory Family Law Forms.
 - Lack of access to legal resources.
 - Lack of transportation to attend hearings.
 - Inability to receive and send time-sensitive legal mail.
 - Lack of communication by phone.
 - Lack of access to public defender.
 - Lack of ability to file a civil case *pro se* from prison without power of attorney.

Priority 3 – Shackling Follow Up.

- Sara Ainsworth – public disclosure request to DOC, jails, and juvenile detention centers. Sara has students who are willing to assist with gathering the information and putting together the information for dissemination. The Commission approved Sara going forward with the public disclosure request with the signatory being Myra.

“On the Radar” – Gender-Responsive Risk/Needs Assessment Tool

- Leslie Savina attended a webinar sponsored by the Justice Center, “Women Engaged in the Criminal Justice System” and shared the materials with the Commission. The report is located at :
http://www.nationalreentryresourcecenter.org/documents/0000/1523/Women_in_CJ_System_Webinar_FINAL_Slides_-_071212.pdf. The report indicates that research on women in the criminal justice system finds that existing risk/needs assessments do not tap needs most pertinent to women and that women have additional needs/factors than men. This subgroup would help develop a gender-responsive risk/needs assessment tool for use by trial judges.

Use of Psychotropic Drugs on Incarcerated Women – This is a project that isn’t under the purview of the Commission, but we can start the conversation with the American Civil Liberties Union (ACLU) on whether any follow-up is being done..

- Bette Fleishman, a former fellow at Disability Rights Washington, published a report on medication issues and prisoners with mental disabilities and traumatic brain injury in Washington prisons. She found 167 prisoners with no mental health diagnosis who were being given psychotropic medications. She also found that DOC was using unlicensed mental health professionals.

“If Project” – This is a project that isn’t under the purview of the Commission, but we can continue to track the project and see if there are ways we would want to promote the project during Commission education sessions or to other commissions or groups of interest.

- The Seattle Times had an article published August 12, 2012, about an “If Project.” Essays were written by incarcerated women on the topic, “If there was something that someone could have said or done that would have changed the path that led you here, what would it have been?” The project, now in youth-detention and related facilities in Skagit, Snohomish, and Pierce counties, has also expanded to the Monroe Correctional Complex.

It takes the prisoners' taped testimony and essays and former inmates' presentations to at-risk youths and asks them the same "if" question. The results have been amazing, not only for the at-risk youth, but for the incarcerated women who gain insight into their own lives. This subgroup would collaborate with the "If Project" promoters to expand this project to other incarcerated women and counties.

http://seattletimes.nwsourc.com/html/localnews/2018869510_ifproject13m.html

- **LGBTQ**

- Follow up on Gender Neutral Forms including same sex marriage.
- Hate crimes.
- Youth Risk Assessment - talk with Team Child and Ryan Pinto's group.

- **Restorative Justice**

Look at research or where we can discuss how to reduce incarceration numbers by developing community responses and the role courts have in the discussion.

- **Education**

Education program for schools around bullying.
Training judges on issues where juveniles come into the system.

- **Gather resources for the website.**

The Commission will prioritize their work at their July 12, 2013 meeting.

The meeting adjourned at 1:15 p.m.