



GENDER AND JUSTICE COMMISSION

AOC SEATAC FACILITY

FRIDAY, MAY 4, 2018 (8:45 AM – NOON)
 JUSTICE SHERYL GORDON MCCLOUD, CHAIR
 JUDGE MARILYN PAJA, VICE CHAIR

Agenda

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8:45AM – 9:00 AM CALL TO ORDER & WELCOME

- Approval of March 2, 2018 Meeting Notes Justice Gordon McCloud 1

9:00AM – 9:15 AM SPEAKER

- Women Trial Attorneys Research Ms. Vicky Vreeland

9:15 – 10:30 AM COMMITTEE AND PROJECT UPDATES

- **Education Committee** Committee & Staff
 - Recent Programs
 - Appellate Conference 8
 - SCJA & AWSCA Conferences 10
 - Poverty Simulation
 - Upcoming Programs
 - DMCJA Conference
 - Fall Conference
- **Gender Bias Study** Justice Gordon McCloud & Committee
 - Grant application
- **Domestic & Sexual Violence Committee** Ms. Erin Moody & Committee
 - WAC revision comments 17
 - Model sexual harassment policy development
 - Committee leadership
- **Tribal State Court Consortium** Judge Smith
 - June 1st Regional Meeting 22
- **Incarcerated Women & Girls Committee** Committee & Staff
 - Court Access Convening workgroups
 - Success Inside & Out Conference
- **Communications Committee** Committee & Staff
 - Annual Women’s History Month CLE 23



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- Public Trust & Confidence Committee PSA
- Written Reports in Packet
 - WSBA Licensing Demographics Form Meeting Report 24
 - NAWJ Midyear Conference 28

10:30 – 10:45 AM **BREAK**

10:45 – 11:15 AM **CHAIR AND STAFF REPORTS**

- **Chair Report** Justice Gordon McCloud
 - Bylaw amendment adoption 38
 - Membership updates
 - DOC kiosks
- **Staff Report** Ms. Kelley Amburgey-Richardson
 - Event sponsorships 39
 - Next meeting – June 21st (Thursday)

11:15 – 11:30 AM **ANNOUNCEMENTS**

- Upcoming events of interest All
- New project proposals

11:30 AM – 12:00 PM **SPEAKER**

- HB 1163 DV Workgroups Legislative Reports Ms. Laura Jones, AOC
Contract Staff Coordinator

APPENDIX

- GJCOM Budgets (State funds, OVW STOP grant funds) 40

No committee meetings will be held after the Commission meeting.



Gender and Justice Commission (GJCOM)
SeaTac Office
18000 International Blvd
Friday, March 2, 2018 (8:45 AM – 12:00 PM)

MEETING NOTES

Present: Justice Sheryl Gordon McCloud, Chair; Judge Marilyn Paja, Vice Chair, Ms. Gail Stone, Judge Eric Lucas, Ms. Heather McKimmie, Ms. Jennifer Ritchie, Justice Susan Owens, Ms. Sonia M. Rodriguez True, Ms. Grace Huang, Dr. Dana Raigrodski, Ms. Trish Kinlow, Ms. Gail Hammer, Ms. Vicky Vreeland, Mr. Sal Mungia (ATJ Board Liaison), Judge Richard Melnick, Ms. Leslie Savina

Guests: Ms. Laura Edmonston, Judge Anne Levinson, ret., Ms. Sandra Shanahan

AOC Staff: Ms. Kelley Amburgey-Richardson, Ms. Nichole Kloepfer, Ms. Cynthia Delostrinos, Mr. Bob Lichtenberg

Excused: Ms. Riddhi Mukhopadhyay, Judge Anita Crawford-Willis, Judge Cindy K. Smith, Ms. Josie Delvin, Judge Michael Evans, and Ms. Patty Eakes

CALL TO ORDER

The meeting was called to order at 8:45am.

January 26, 2018 Meeting Notes

Minutes approved and passed unanimously as presented.

WELCOME & INTRODUCTIONS

- Justice Gordon McCloud gave brief introductions and welcomed Bob Lichtenberg from the Interpreter Commission (IC).

COMMITTEE & PROJECT UPDATES

Communications Committee – Judge Paja, Chair

- CLE co-sponsorship
 - The Gender and Justice Commission, in partnership with Washington Women Lawyers and the Washington State Bar Association, is sponsoring a Women’s History Month CLE Program on March 13th at the WSBA Offices in Seattle.
 - Topics include: equal pay, sexual harassment in the workplace, diversity and inclusion practices.
 - The Commission can support approximately 5 members to attend in-person or via webcast.
- Local presentations
 - Some members of the Commission may choose to provide presentations in their communities for Women’s History Month.

- The Committee is considering developing/compiling a bank of presentations for use by members. These would not be available until next year.
- Justice Gordon McCloud will work on adapting her Women’s History Month presentation for use by others next year.
- The Committee discussed a potential speaker’s panel, Seattle Public Library programming, and judicial branch discussions available to the public.
- Justice Gordon McCloud asked the Committee to start planning now for next year’s events.
- If anyone else on the Commission is interested in developing and coordinating statewide events get in touch with Judge Paja or Kelley.

ACTION: Please contact Judge Paja or Kelley if you are interested in working on the development of these statewide programs and events.

Education Committee – Judge Melnick, Chair

- Recent programs
 - Judicial College reviews were positive.
 - The 2018 webinar on Domestic Violence and Firearms is available on the Gender and Justice Commissions [Education and Training page](#).
 - Judge Melnick encourages feedback on the webinar for consideration by the committee.
 - Judge Paja suggested sharing the webinar link with judicial clippings to reach a broader audience.
 - Leslie Savina suggested a future webinar on protection order basics, covering all types of POs.
 - Fall conference reviews were positive, but indicated that the participants were not sure diversity issues were covered thoroughly.
 - Leslie Savina suggests the committee review these and see about developing a part two to take this conversation to the next level.
- Appellate Conference session
 - Collateral Consequences session will take place on 3/28.
 - This is a co-sponsored session with the Minority and Justice Commission (MJC).
- SCJA & AWSCA Conference sessions
 - Immigration’s Impact on the Judiciary. Co-sponsored session with MJC and IC.
 - Administrators’ session will take place on 4/8.
 - Judges’ session will take place on 4/9.
 - Court Access for Incarcerated Parents, session will take place on 4/9.
- DMCJA Conference session
 - Technology Misuse in DV Cases, Part 2 will take place on June 4th.
- Fall Conference sessions
 - Procedural Justice: Fair Treatment Matters is scheduled for 9/23.
 - The SCJA Equality & Fairness Committee has requested to co-sponsor
 - Judge Paja suggests that if this happens, the DMCJA Diversity Committee may also want to co-sponsor
 - Immigration’s Impact on the Judiciary is scheduled for 9/24.

- DMCMA Line Staff Conference - Transgender Parties session
 - Trish Kinlow and David Ward will be working on this. The intent is to help court staff with tools to understand and treat all court customers with respect.
- Miscellaneous
 - The committee mission statement is with Justice Gordon McCloud. The committee may have additions related to co-sponsorship guidance.
 - The Joint Commissions Education Committee will be meeting next week. The Committee will be exploring criteria for co-sponsorship.
 - Justice Gordon McCloud requests that the Ed. Committee and Communications Committee increase coordination, as they both have education components and could work together to achieve overall goals.

ACTION: Kelley will distribute the firearms webinar link to the Commission, Judicial College participants, and judicial clippings.

ACTION: The Ed. Committee will review the evaluations from the Impact of DV on Children session and consider how to incorporate issues of diversity to take another program on this topic to the next level.

Reports from Liaisons

- Washington Women Lawyers, Jennifer Ritchie
 - Women’s History Month March 13 CLE, in partnership with WSBA & GJCOM
 - National Women Lawyers is encouraging state chapters to apply for funds for education programs
- Access to Justice Board, Sal Mungia
 - [Substitute House Bill 2308](#) for Civil Legal Aid passed the Senate and House and is at the Governor’s office for signature. This bill matches the state restrictions to the federal restrictions on funding, expanding civil legal aid services in WA.
 - Access to Justice Conference will take place in June 2019.

Gender Bias Study

- Update on work with National Center for State Courts
 - Met on with NCSC on 2/2 to discuss study priority topics and determine plan for moving forward. One overall goal is redefining gender bias in the courts in 2018. The approach of this committee in looking at gender bias is innovative and may impact other research.
 - During the month of February, the state law library and Commission/AOC staff worked to research and compile information requested by NCSC.
 - Reports, data, and other information provided to NCSC on 2/28.
 - The next step is for NCSC to digest it and then develop a high level statement of the possible approach, tasks, and timelines for the grant application. They will share this by 3/15.
 - Members of the working group will have a call with NCSC to provide feedback the week of March 19th.

Domestic & Sexual Violence Committee

- Next steps for committee projects

- The Committee is planning an in-person meeting in late March/early April to discuss the revisions to the perpetrator treatment WACs proposed by DSHS, and follow-up on prioritizing other committee projects.
- NCJFCJ and Vera Institute of Justice curriculum development on intersection of intellectual disability and domestic violence
 - Trish Kinlow attended a national meeting to develop a curriculum for judges and court personnel on the intersection of litigants with intellectual (or invisible) disabilities who are also survivors of domestic violence and reported on the curriculum.
 - Trish reported that the program uses a holistic approach that includes community, police, judges, executive branch, lawyers etc. Once curriculum is complete, she will share additional information with the Ed. Committee.
 - Judge Paja suggested that this issue may be one to incorporate into Procedural Justice Session for Fall Conference. Judge Melnick suggested that it might be a good fit for the neurobiology of trauma sessions the Ed. Committee is working on. Leslie Savina thinks the DV Symposium organizers would be interested in this topic.
- Need for Chair/Project leads
 - In order to move the projects forward, this committee needs a Chair and/or project leads for its selected projects.
 - Please consider this, and contact Judge Paja or Kelley if you are interested.

ACTION: Leslie will connect DV Symposium organizers with Trish re: potential session on the curriculum in development.

Legislative Update

- Vicky Vreeland reported on several bills that have passed that may be of interest to the Commission: Equal Pay Opportunity Bill, SB 6027 – Privileged Health Care Info, LFO bill.
- Heather McKimmie reported that the bill to establish a DOC Ombuds passed. This position will be housed in the Governor’s Office.

Relicensing Payment Pilot Program

- Trish Kinlow reported on the King County and the Court of Limited Jurisdiction collaboration on a [relicensing payment pilot program](#) that allows a person to be pulled out of collections and combined fees into one payment, related to non-criminal matters.
- It is a 6 month pilot, ending this month. Trish will report on the outcome at the next meeting.
- Justice Gordon McCloud suggested that if there is race/gender data available from this pilot, it may be helpful for the GBS Committee.

Tribal State Court Consortium

- Regional meeting updates
 - The TSCC Planning Committee decided to hold the next regional meeting at the Tulalip Tribe, and is looking at dates in mid-May to early June.
- Report back from planning committee meeting

- The Committee had a robust discussion about prioritizing projects, and decided to focus on information gathering, training, system coordination, and resource development related to cross-jurisdictional protection order enforcement this year.
- The committee would like to use California as a model for increasing the reach of the Consortium.
- The regional meeting will address this and other topics of importance to the TSCC.

HB 1163 DV Workgroups

- Report back from third in-person meeting
 - The Risk Assessment and Perpetrator Treatment groups met in-person on 2/27. Both had productive meetings and are moving toward drafting their legislative reports.
 - Documents related to the WAC revisions proposed by DSHS are on Page 7. Kelley will send out additional documents electronically.

ACTION: Kelley will distribute longer documents related to the WAC revision electronically.

Incarcerated Women & Girls Committee

- Court Access Convening Workgroups – Gail Stone
 - A report about the progress the five workgroups have made since the last meeting can be found on page 11 of the packet.
- DOC Kiosks – Leslie Savina
 - A memo from Leslie Savina about issues related to the DOC kiosk installation can be found on page 13 of the packet.
 - Leslie provided a report and led a discussion about potential next steps and options.
 - The Commission supports providing access to incarcerated women through kiosks or other options.

ACTION: After discussion, a small ad hoc committee will meet to determine next steps with kiosk project. Ad hoc volunteers include: Gail Stone, Leslie Savina, Laura Edmonston, Judge Paja, Justice Gordon McCloud, and Elizabeth Hendren. Kelley will coordinate with everyone to call a meeting.

Presentation on Domestic Violence & Firearms Surrender Projects Presentation and Q&A

Judge Anne Levinson, ret. and Ms. Sandra Shanahan - Guest Speakers

- The detailed power point will be distributed electronically once it is available.
- The presentation focused on the King County DV and Firearms Surrender project.
- Multi-stakeholder and system review, underlying PO system not effective throughout the state for securing surrender of firearms.
- Regional approach - created a model surrender policy, provided training with the police academy, and developed a risk assessment tool.
- Best Practices – provide access to as much of the available information to judicial officers as possible, understand the immediacy, and be cognizant of risk factors.
- Recommendations for GJC to support:
 - Support adoption of pattern forms improvements.
 - Update bench guide to include chapter about firearms and orders to surrender weapons.
 - Create a tip sheet for Judicial Officers on how to handle cases with firearms.

- Support enhanced Judicial Training on firearms and Orders to Surrender Weapons.
- Judge Melnick brought up firearms surrender bench cards. The Commission has been looking into this and would like to develop a standard one that could be distributed at Judicial College DV Session. The presenters can assist with this – review a draft or provide one for the Commission to review and consider adopting.

ACTION: The Commission will review the requests made by the presenters.

ACTION: Kelley will coordinate with the presenters to obtain power point, and draft firearms surrender bench card, if available.

CHAIR & STAFF REPORTS

Chair Report – Justice Gordon McCloud

- Presentation to Board for Judicial Administration
 - Justice Gordon McCloud presented to the BJA on 2/16 about the Gender Bias Study.
 - Asked for a letter of support from the BJA for our grant application. They agreed to provide this, and will review a draft letter prepared with NCSC at their March meeting.
 - At the meeting, it was suggested that a special legislative request to support the study could be made in the next biennium’s budget request. The Commission needs to determine the timing for this with AOC.
- Model sexual harassment policy for courts
 - At the BJA meeting, Judge Ann Schindler raised the need for the BJA to adopt a model sexual harassment policy for courts.
 - The Commission was asked to develop a model policy. There is no specific timeline for this request.
 - As part of the Gender Bias Study work, the Commission has already conducted outreach to trial courts about their harassment policies and is in a good position to take on this project.
 - Leslie Savina recommends that the model policy include issues such as sexual harassment by counsel in open court, not just court employees.
 - Division II has a new policy, Judge Melnick will reach out to Judge Sutton and get Kelley a copy.
 - Grace Huang mentioned that there are several national advocacy groups working on this and she can provide information.
 - The Commission supports drafting a model policy. A Commissioner is needed to work on this - Erin Moody volunteered.
- Legislative Report
 - Kelley Amburgey-Richardson has been preparing and distributing a report of legislation that may be of interest to the Commission during legislative session.
 - Justice Gordon McCloud sought feedback from the Commission about whether the report has been helpful. Yes, Commissioners stated the report has been very helpful and they would like it to continue.

ACTION: Erin Moody will work on a draft model sexual harassment policy for courts, using information gathered by Kelley and other resources.

Vice Chair Report – Judge Paja


- *Save the Date* August 24-25, 2018 DMCJA’s 5th biennial pro tem day and a half training. The training will provide a pathway for attorneys who are interested in the judiciary as a career path. Diverse participation is encouraged.
- Information will be distributed to the list when available.

Staff Report – Kelley Amburgey-Richardson

- SB 5831 (Concurrently Involved Girls) – Bill Status
 - This bill named WSIPP to conduct a study on the needs of girls who are concurrently involved in the juvenile justice and child welfare systems.
 - It named the Commission to review the study with the Department of Children, Youth, and Families and a workgroup, and report to the legislature about how the findings might be implemented.
 - The bill did not pass out of committee in the Senate. This is the second year it was brought forward, so we may see it again next year. The Commission may want to discuss whether to take further action if it is filed again.
- Travel and registration support to attend co-sponsored Women’s History Month CLE
 - The Commission has funds to support approximately 5 members’ registration costs and mileage reimbursement.
 - Kelley needs names by the end of the day on 3/5.

ACTION: Let Kelley know by 3/5 if you would like to attend the CLE.

The meeting adjourned at approximately 11:50pm.

 <p>WASHINGTON COURTS</p>	<p>2018 Appellate Spring Program Session Evaluation Collateral Consequences of Criminal Convictions and Criminal Actions Wednesday, March 28, 2018</p>
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Please check the appropriate box to indicate your evaluation of this course.

	YES	NO	NA
1. I gained important information.	20	0	0
2. Substantive written materials (if provided) assisted my learning.	11	0	9
3. The course was well organized/coordinated.	20	0	0
4. The faculty engaged/involved me in meaningful activities.	14	0	6

Please rate the faculty on a scale of 1 to 5 (1 = poor; 5 = excellent)

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Professor Kim Ambrose	4.78	4.83	4.89	4.83
Commissioner Aurora Bearse	4.53	4.72	4.67	4.64
Commissioner Masako Kanazawa	4.47	4.67	4.61	4.58
Commissioner Monica Wasson	4.37	4.67	4.67	4.57

What aspect of the course did you find most valuable and why?

Comments:

- Fabulous program.
- Good PowerPoint which was well read.
- Discussion of new LFO statute was most useful, but the late timing of statute left presenters with little time to analyze it.
- Helpful information on the new LFO legislation.
- Thanks for including the panel of affected individuals
- The panelists of LFO/Collateral consequence affected people.
- I would like to have the PowerPoint presentations as written materials from the commissioner's presentation.
- I liked all of it. Especially the panel of offenders.
- All collateral consequences by the panel was incredible.
- Collateral consequences, listening to these young adults. This is very important that we hear this information. Thanks!!
- The LFO talk was less helpful mostly because it addressed issues we already know.

- The panel at this was the most helpful and effective I've seen in 30+ years as an attorney or judge. You made a difference.
- The panel of persons who shared their experiences was extremely valuable!!! Thank you.
- Both panels were concise and 2018 updates were appreciated. Ms. Ambrose is great.

The AOC endeavors to promote equality and impartiality in our courses. Please check the appropriate box below. Diversity issues (e.g. gender, race, culture, sexual orientation, religion, disability) were:

Not relevant to topic	Relevant to course and addressed adequately	Relevant to course but not addressed adequately
2	12	0

Comments:

- Great program.
- Not addressed directly. I'm not sure if there is data but it would be useful. Panel was great addition to program.
- Thank you commissioners – great job!
- Panel was wow! Really able to put a face on “issues” we usually see only on paper.



**2018 Superior Court Judges' Spring Program
Session Evaluation
Immigration's Impact on the Judiciary
Monday, April 9, 2018**

Please check the appropriate box to indicate your evaluation of this course.

	YES	NO	NA
1. I gained important information.	85	4	4
2. Substantive written materials (if provided) assisted my learning.	74	9	9
3. The course was well organized/coordinated.	76	8	8
4. The faculty engaged/involved me in meaningful activities.	41	36	36

Please rate the faculty on a scale of 1 to 5 (1 = poor; 5 = excellent)

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Ms. Melania Calderari-Waldron	4.40	4.52	4.57	4.50
Judge David G. Estudilo	4.08	4.41	4.38	4.29
Ms. Grace Huang	4.09	4.07	4.35	4.17

What aspect of the course did you find most valuable and why?

Comments:

- Thank you.
- Handout was helpful. Presentation would have benefited from more time for questions and less reading of powerpoint.
- ER 413-practical information and good information from audience. Overall too little time dedicated to a critical issue.
- Very much appreciated interpreter perspective.
- All relevant and important in these uncertain times as to immigration. I frequently see frightened people in court because of immigration consequences.
- GR 413.
- The interpreter perspective was valuable. Presenters did a good job of presenting materials on a subject that changes frequently.
- Very good.
- The volume of information raised the issue for me to study this area.
- The written and printed materials.
- Questions from the audience.
- Having their slides in our workbook would have been helpful.
- Interpreter section was the best. Succinct and related to everyday situations.
- Please make sure the slides are posted because they were not included in the written materials.
- The interpreter-not awarded the dilemma.

- This topic is changing so suddenly that I think it was as clear and coherent as could be expected. I especially appreciate the interpreter's perspective and considerations of their own backgrounds.
- Very helpful and specific in terms of relationship to our work.
- Useful overview of immigration law on matters that came before judges.
- I am somewhat confused about the evidence rule.
- Immigration changes our ability to protect jurors coming to courthouse without risking ICE intervention, ER 413.
- Too much stuff crammed into session, couldn't get in depth at all. Didn't really provide much useful information. Rules, just presented more problems without solutions.
- The interpreter perspective was very enlightening.
- Interesting, relevant topic.
- Good update on a rapidly changing landscape. Interpreter piece was eye opening.
- I wish all speakers' powerpoints materials had been included in the written materials. Some powerpoints were impossible to read on the large screens.
- Loved the interpreter perspective. Ms. Calderari-Waldon was wonderful.
- Excellent across the board.
- Speakers seemed rushed.
- Making it a bit more practical verses so thoughtful. I would like real life situations and how applicable law might help resolve the issue. I would put more emphasis on family law impacts.
- The first portion regarding federal policy should have been dramatically shorter. Most of it isn't directly relevant to issues we must decide. ER 413 was good and is a model of what we should see at conference. Should have been longer with hypotheticals. U Visa portion was appropriately short given that is isn't very relevant to our work in a direct way. Interpreter had good Information but felt very rushed. Overall, this course should have been better organized.
- Some materials such as Grace Huang's powerpoint slides were not included-as a retired judge, I have no access to inside courts. How do I get these materials.
- Good topic-not very forward or organized (from my perspective) speakers clearly knowledgeable.
- Review of the proposed statute, so I can be aware of changes to my standard practice. Discussion of U Visa requests good so see what other courts are doing.
- Way too much information for the limited time may want to break it down into areas of law. An introduction but needs more specifics.
- The interpreter presentation was of little value insofar as it was an exposition of opinions and experiences of the speaker. These things are of very little value to me. The other 2 were useful and informative.
- Too much time thinking about how little time the first two speakers had.
- Ms. Huang is very knowledgeable but she presented too much information too fast.
- ER 413, U Visa, practical issues. ICE. Problem: Nothing about applying ER 413 to family law, where immigration status comes up all the time.
- Too much detail on things that are not as relevant to our work. Presentation would have been much improved by having interpreter first-set the tone and call action.
-

The AOC endeavors to promote equality and impartiality in our courses. Please check the appropriate box below. Diversity issues (e.g. gender, race, culture, sexual orientation, religion, disability) were:

Not relevant to topic	Relevant to course and addressed adequately	Relevant to course but not addressed adequately
0	67	6

Comments:

- I like Grace but this was not her best presentation. She did not have enough time to cover her materials. Her slides shown were not in the printed materials. The interpreter was excellent.
- Could have used materials.
- Would have appreciated discussion about what to do when ICE tries to detain a individual in our courtroom.
- Outside of ER 413, unclear how this impacts judges on a regular basis. Interesting information but not that practical. I'm more interested in nuts and bolts issues.
- Slides shown were not included in written materials-maybe available on-line, I have to check.
- Just not very engaging for a morning session.
- ER 413 and U Visa presentation & discussion was most valuable to what we do. If speaker cannot tell me how I should change what I do in my job based upon their subject matter, I'm not very interested.
- Unexplained acronyms in slides can be confusing and distracting.
- Discussion of ER 413, U Visa (was unfamiliar with that).
- If there is to be a "diversity" aspect it must be directly addressed. It cannot be implied or get "credit" by implication. Here I think it was "implied" but not directly addressed.
- One note to Grace-don't apologize for lack of time (or anything) you are a compelling speaker.
- Too much information for time period. Try to cover less and allow more in depth discussion. Very timely and important issues.
- Ms. Huang's powerpoint was difficult to read and was of little to me. It contained long and impossible to remember links to other websites.
- Ms. Huang needed the bulk of the time allotted for all 3 speakers.
- Would like copy of all materials. Thanks.
- Excellent presentation.
- I'm not sure what this inquiry seeks to discover but I will say that to the extent diversity issues were relevant (unclear depends on your meaning, I suppose) they were clearly addressed.
- Presentation was too focused on details without activities to provide practical information.



**2018 Superior Court Administrators' Spring Program
 Session Evaluation
 Immigration's Impact on the Judiciary
 Sunday, April 8, 2018**

Please check the appropriate box to indicate your evaluation of this course.

	YES	NO	NA
1. I gained important information.	13	1	0
2. Substantive written materials (if provided) assisted my learning.	13	1	0
3. The course was well organized/coordinated.	14	0	0
4. The faculty engaged/involved me in meaningful activities.	6	4	3

Please rate the faculty on a scale of 1 to 5 (1 = poor; 5 = excellent)

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Ms. Milena Calderari-Waldron	4.50	4.43	4.57	4.50
Ms. Grace Huang	4.57	4.21	4.57	4.45
Ms. Sara Sluszka	4.36	4.00	4.43	4.26

What aspect of the course did you find most valuable and why?

Comments:

- The issues with regards to interpreter was insightful-ICE has not intruded in our county due possibly to our small size and understanding challenges for interpreters was more applicable to what our county deals with.
- Very interesting and informative.
- Information about interpreters.
- Information regarding access and interpreters. Would have been nice to hear additional feedback regarding interpreter's perspective on access.
- The discussion on interpreters. I sent an email to our interpreter coordinator to find out if our interpreter hearings were published for public review.
- Interested in hearing interpreter calendar could be rushed as an ICE tool.
- Very relevant. Very complicated topic. It would have been good to have more time on this issue.
- Wow! Very great presenters, but very sad topic.
- A good reminder that ICE doesn't dictate policy in Courts.
- ICE arresting victims.

The AOC endeavors to promote equality and impartiality in our courses. Please check the appropriate box below. Diversity issues (e.g. gender, race, culture, sexual orientation, religion, disability) were:

Not relevant to topic	Relevant to course and addressed adequately	Relevant to course but not addressed adequately
0	11	0

Comments:

- Need to work on interpreter/ICE policy with AOC.
- Thank you.



2018 Superior Court Judges' Spring Program
Session Evaluation
Court Access for Incarcerated Parents
Monday, April 9, 2018

Please check the appropriate box to indicate your evaluation of this course.

	YES	NO	NA
1. I gained important information.	45	1	6
2. Substantive written materials (if provided) assisted my learning.	39	2	11
3. The course was well organized/coordinated.	45	0	7
4. The faculty engaged/involved me in meaningful activities.	39	3	10

Please rate the faculty on a scale of 1 to 5 (1 = poor; 5 = excellent)

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Ms. Elizabeth Hendren	4.42	4.55	4.49	4.51
Commissioner Jennie Laird	4.49	4.59	4.51	4.55
Ms. Susie Leavell	4.47	4.50	4.47	4.50
Ms. Kimberly Mays	4.44	4.53	4.48	4.51

What aspect of the course did you find most valuable and why?

Comments:

- Very important topic.
- The video was very informative.
- All presenters excellent. Just too much one-way objective information. Shocked at what appeared to be defensiveness from a few judges could have benefitted from judges learning/practicing new alternative.
- That there is changes being enacted and implemented was a fulfilling issue to learn more about.
- The comprehension list of barriers is helpful to identify when a barrier may be included. Was told should access JPAY-attorneys/courts/S.W. forms.
- I believe there actually is law library access in some jails.
- Excellent work.
- It was nice hearing from former incarcerated parent as to how we can do better. Overall, it sounds as though the options are fairly limited. It's refreshing to see DOC work so hard to assist offenders in resolving underlying problems.
- I attended the summit in 2017 and I thought this presentation to the judge's was a great follow-up.
- Learned of the Community Parenting Alternative (CPA). Never heard of it. Thank you.
- Washington State is extremely lucky to have Susie in the position she is in.
- Parent presenter, DOC presenter. Don't often hear from above.
- This certainly raised my awareness of barriers. Would be helpful to receive more ideas on what the court can do to improve access.

- Great presentations and combination of perspectives. I'm glad there was plenty of time for Q&A.
- Information directly from DOC rep.
- Very important presentation. Having Ms. Mays here was a terrific addition.
- Very helpful specific information and identification of issues and potential solutions.
- Ways to remove/address barriers to access to courtroom-telephonic video, etc. Resources at DOC, how DOC works with incarcerated parents.
- Very informative sessions.
- It created some empathy and sensitivity to the issue/problems of incarcerated parents.
- I had only vaguely heard of the programs before today. So nice to see how these things work and (could work) in the future.
- This course was very well done. A good selection of speakers. A good combination of general information with connections to the actual work judges do. This is the type of course a trial judge conference should have.
- Discussion relating to the logistical challenges and solutions involving incarcerated parents at a hearing.
- References given by DOC-very important to have given access to incarcerated parents.
- All participants very passionate about their involvement and good at what they do.

The AOC endeavors to promote equality and impartiality in our courses. Please check the appropriate box below. Diversity issues (e.g. gender, race, culture, sexual orientation, religion, disability) were:

Not relevant to topic	Relevant to course and addressed adequately	Relevant to course but not addressed adequately
7	19	7

Comments:

- I would stop the exercise and just add some bullets to the presentation which discusses common issue.
- Excellent important info we need more knowledge about conditions in jails/jurisdictions.
- Gender there is still a large gap in male prisons and child visitation in dependency cases. I have seen great improvement of female offenders.
- Didn't hear anything about how this addresses racial/ethnic disparity or how bias impacts these issues.
- P.S.A.- 8% or 9% via 35% reduction in 5 year recidivism did DOC or outside agency evaluate the program? Is it or does it use evidence based programs?

To: DSHS Rules Coordinator

From: Washington State Supreme Court Gender and Justice Commission's Domestic & Sexual Violence Committee

Re: Comments in response to proposed repeal of Chapter 388-60 WAC and creation of Chapter 388-60A WAC

Date: April 24, 2018

The Washington State Supreme Court Gender and Justice Commission was established by the Court in 1994. The purpose of the Commission is to identify concerns and make recommendations regarding the equal treatment of all parties, attorneys, and court employees in the State courts, and to promote gender equality through researching, recommending, and supporting the implementation of best practices; providing educational programs that enhance equal treatment of all parties; and serving as a liaison between the courts and other organizations in working toward communities free of bias.

The issue of domestic violence has been a priority for the Commission since its inception, and it has a robust standing Domestic and Sexual Violence Committee. The Commission is invested in the effectiveness of domestic violence perpetrator treatment, and has engaged with this issue for many years. With the passage of HB 1163 in the 2017 Legislative Session, the Commission was charged with convening two workgroups on domestic violence perpetrator treatment and risk assessment, in recognition of its expertise in this area.

The Gender and Justice Commission generally applauds the work of DSHS staff to address major and necessary changes to WAC Chapter 388-60A. The proposed approach to licensing, monitoring, assessment and treatment is long overdue. The following comments are provided on behalf of the Commission:

WAC 388-60A-0015 - Definitions

- **Forensic Counseling** – Recommend that the definition not be limited to the criminal justice system, as forensic counseling is also used in civil cases (e.g., family law, dependency).
- **Risk, Needs, and Responsivity** – Recommend that this phrase be defined in this section. It is used throughout the revised WAC and should have a clear definition to ensure providers understand what is necessary to be compliant.
- **Stalking** – a definition of stalking should be included. The following definition is proposed, based upon RCW 7.92.020:
A pattern of unwanted behavior that involves monitoring, harassing, repeatedly contacting or following another person, including through the use of technology; behavior that the stalker knows or reasonably should know threatens, frightens, or

intimidates the person; and actually causes these reactions in the person being contacted, monitored, harassed or followed.

WAC 388-60A-0025 – What is the purpose of this chapter?

- **(12)** – Recommend adding the underlined text to this section:
All programs that were certified under the chapter 388-60 WAC and have a current certification may complete treatment for current participants, and shall be considered certified as to those participants, under the rules of chapter 388-60 WAC until their discharge from treatment.

WAC 388-60A-0035 – The department’s advisory committee—Who is on the advisory committee and what is its role?

- Recommend that this section be revised as follows (revisions are underlined) to establish meaningful interaction between DSHS and the advisory committee by mandating the advisory committee, establishing a meeting schedule, and including additional participants:

The Director of the Department shall establish a group to serve as the Washington State Domestic Violence Intervention Treatment Program Standards Advisory Committee.

(1) The role of the advisory committee is to:

- a. Advise the department regarding recommended changes to the program standards; and
- b. Provide technical assistance on program standards, pilot projects, implementation, training, certification, and recertification criteria.

(2) People interested in joining the advisory committee shall submit a written application explaining why they are qualified. The advisory committee shall be multidisciplinary and include the following members:

- a. Up to two persons representing the perspective of survivors of domestic violence who must be chosen with input from the Washington State Coalition Against Domestic Violence (WSCADV);
- b. A minimum of two persons who identify as a victim or survivor of domestic violence;
- c. Up to two persons representing the perspective of state-certified domestic violence intervention programs who may be chosen with input from the Northwest Association of Domestic Violence Treatment Professionals (NWADVTP) or other currently active organization for domestic violence intervention treatment providers in Washington state;
- d. Up to three persons representing the perspective of adult misdemeanor probation, Washington state courts including courts of limited jurisdiction who may be chosen with input from the Misdemeanor Corrections Association, Superior Court Judges Association, and the Washington State District and Municipal Court Judges Association.
- e. One person representing the department of corrections;
- f. One person representing the office of the administrator for courts;

- g. One person representing an academic and research perspective;
 - h. Up to two persons representing the perspective of the defense bar; and
 - i. One person who has completed a domestic violence perpetrators treatment program.
- (3) Advisory committee members are appointed for up to a three-year term. Members can be reappointed once. The Director reserves the right to reappoint a member for service exceeding six years if it is determined that doing so is in the best interest of the committee and is mutually agreed upon by the advisory committee and member.
 - (4) Where possible, terms will be staggered to avoid multiple members leaving their positions simultaneously.
 - (5) The Director may replace committee members for good cause.
 - (6) Survivor representatives shall be reimbursed for travel and meal expenses related to service on the committee. If funds are available, the Department may also reimburse other committee members.
 - (7) The committee will meet at minimum quarterly. Additional meetings of the committee may be called by the chair of the committee throughout the year.

WAC 388-60A-0045 - Program records requirements—What records must programs keep?

- (c) – Recommend adding the underlined text to this section:
The closing program must notify the department that the program will either: (i) Continue to retain and manage all participant records; or (ii) Arrange for the continued storage and management of all participant records by another certified domestic violence treatment provider.

WAC 388-60A-0055 – Department record retention—What records must the department keep?

- (2) – Recommend that this section specify that the “current record” of programs includes details such as the reason a program has been denied certification, notified that the department is revoking or suspending its certification, had its certification revoked, or is being investigated.
- (2)(d) – The word “and” at the end of this section should be replaced with the word “or.”

WAC 388-60A-0100 - Certification requirements—Must a program be certified to provide domestic violence assessments or treatment?

- (3) – Recommend this section be revised to state that the department may only grant a specific number of consecutive up to 30-day extensions to a program (e.g., no more than three (3) 30-day extensions).

WAC 388-60A-0100 – Application process—How must a program apply for certification or recertification to provide domestic violence assessment or intervention treatment services?

- **(8)** – Recommend that this section provide a timeframe within which a program must report to the department any and all changes that occur during the initial or renewal certification.

WAC 388-60A-0110 – Required documentation for certification and recertification—What must be included in an application to provide domestic violence assessments or treatment?

- **(1)(g)** – Recommend adding the underlined text to this section:
If the staff person has been party to any civil proceedings involving domestic violence or crimes of moral turpitude, the application must also include the case identification or legal findings of each incident along with the staff person's written explanation (see WAC 388-60A-0210(2)(b)).
- **(1)(i)(i) – (ii)** As this section states, it is important for treatment providers to establish and maintain cooperative and collaborative relationships with other agencies providing services related to domestic violence. However it is also important that treatment providers maintain these relationships with agencies that provide other types of services, so they have the best knowledge of community referrals that might benefit their clients. To encourage robust community involvement and for third parties to evaluate the effectiveness of different treatment programs, it is recommend that this section add a requirement to submit documentation of the program’s relationship with any agency it may refer a participant to, itemizing “such as victim services, other DV providers, substance abuse, or mental health treatment providers”.
- **2(a)** – For third parties to be able to evaluate the effectiveness of different DV treatment program modalities, it is recommended that this section require a list of specific evidence-based programs and modalities each program uses (e.g., CB-T, MR-T, etc).

WAC 388-60A-0315 – Group treatment—What standards must programs follow regarding the provision of group treatment?

- **(1)(h)** – Recommend that the list of potential persons that may be invited to group as guests include “victim impact panels.”

WAC 388-60A-0325 – Victim Safety—What steps must programs take in order to help increase victim safety?

- **(3)(v)** – Recommend that this section reference the statute, rule, or case that establishes a treatment program’s “duty to warn” requirement (e.g., *Volk v. DeMeerleer*, 187 Wn.2d 241 (2016), or other applicable authority).
- **(4)** – Recommend that electronic communication be added as an approved method for victim notification.
- **(4)** – Recommend that this section specify that notification must be provided in a language the victim speaks or reads, as applicable to the method of notification.

- **(4)(d)** – Recommend adding the underlined text to this section:
If on their own accord the victim provides the program with information regarding the participant or aspects of their relationship, then the program must keep the victim's information in a separate file from the participant's file, and shall not disclose it without the victim's written consent or unless required by law.

WAC 388-60A-0365 – Releases of information—What releases of information must the program require from participants before they are accepted into a program?

- **(4)** – The Commission firmly believes that treatment modalities and programs must be able to be evaluated by organizations such as WSU, WSCCR, and WSIPP. In order to do this, it is highly recommended that this section require a participant to sign a release allowing data about their treatment, including demographic information, services and referrals provided, and treatment modality, be disclosed for research and evaluation purposes. Retained data may be disclosed to approved evaluators only with HIPPA and other statutorily required privacy filters.

WAC 388-60A-0370 Participant contracts—What elements must be included in a contract between a program and participant?

- **(3)(i)** – Recommend that this section reference the statute, rule, or case that establishes a treatment program's "duty to warn" requirement. See **WAC 388-60A-0325(3)(v) above.**

WAC 388-60A-0400 – Behavioral assessment and interview criteria—Who may conduct the interview and assessment and what must it include?

- **(7)(i)(ii)** – Recommend adding the underlined text to this section:
The program must document whether there were children present during any incidents or in the immediate aftermath of an incident and what the children's direct or indirect exposure was to the abuse or the effects of the abuse, the victim's injuries, and damage to property. See *Rodriguez v. Zavala*, 398 P.3d 1071 (2017).

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SAVE THE DATE

WASHINGTON'S TRIBAL STATE COURT
CONSORTIUM

2018 REGIONAL MEETING

Hosted by the Tulalip Tribe

JUNE 1, 2018

8:30 A.M.-2:30 P.M.

TULALIP TRIBAL COURT

6332 31ST AVE NE, SUITE B , TULALIP, WA 98271



For more information please contact:
Nichole Kloepfer at (360) 705-5214 or
Nichole.Kloepfer@courts.wa.gov.

Funding support provided by the Gender and Justice Commission.



WSBA
ADVANCEMENT DEPARTMENT

Shanthi Raghu
Education Programs Lead
Advancement Department

direct line: 206 727-8271
fax: 206-727-8324
e-mail: shanthir@wsba.org

March 21, 2018

Marilyn Paja
Kitsap County District Court
614 Division St Ms 25
Port Orchard, WA 98366-4614

Re: 1st Annual Women's History Month Program: The #MeToo Movement and Employment Law

Dear Judge Paja:

Thank you very much for speaking at the 1st Annual Women's History Month Program: The #MeToo Movement and Employment Law seminar. We appreciate the time and effort you contributed to the program and your help in making it a success.

The evaluation forms filled out by the registrants are on file in our office. If you are interested in the results, please give me a call or send an email. We can forward your session summary and discuss the seminar further, including your own experience.

If you have not already, and wish to request reimbursement for seminar-related expenses, please fill out and return the enclosed WSBA expense reimbursement form to me with the original, detailed receipts (not credit card slips). Please remember that reimbursement requests are due no later than 60 (sixty) days after the seminar date. If you have any questions about reimbursement, please review the policy on the back of the enclosed form, or simply give me a call.

Again, thank you for your contribution to this important continuing legal education seminar.

On behalf of your Seminar Development Team,

Shanthi Raghu

Enclosure

*Judge Paja -
It was a pleasure to partner
with the commission on this
program and lovely to work
with you on this. Thank you
for everything you do!*

Working Together to Champion Justice

On Friday April 27, 2018 obo the Gender & Justice Commission I spoke with WSBA Diversity Staff, Joy Williams, in a multi-person conference call to “continue the dialogue about licensing and demographics”. For many months, the WSBA has been working on changes to the demographic information that is collected from WSBA members to more accurately assess the needs of membership. Copies of the previous demographic form, the DRAFT proposed demographic form, and the WSBA Explanation document are attached. At least a dozen comment sessions, both live and by telephone, have or will be conducted by the WSBA. The WSBA invited the Gender & Justice Commission and many other organizations including minority bar associations to comment, and had a more general invitation on the WSBA website and in the newsletter as well. I am aware that David Ward, a former Commission member, attended a dialogue meeting also. I believe the comment period ends approximately April 30th.

In preparation for the call I reached out to several of our Commission members and members of the Communications Committee, as well as DMCJA Diversity Committee members with whom I have worked for many years. I received excellent feedback which I passed along to WSBA Diversity Staff during the meeting I attended. Because the language of gender identity and sexual orientation is changing so rapidly, I passed along a suggestion that this demographic form be reevaluated after the 2020 US Census and perhaps again 2 years after that. In general, my detailed comments related to the expanded gender identity and sexual orientation questions, distinguishing between ethnicity of South Asia and East Asia, increased categories of disability to include chronic illness and other subcategories, and perhaps adding a question about language (What language do you speak at home?). In addition I inquired about whether judges (who are members of the WSBA) are asked these same questions, and if not, how this information might be facilitated through AOC. (I referred Ms. Williams to AOC Commission Manager Cynthia Delostrinos which whom she often partners.) Comments that related to the proposed conjunction of “Black, African American or African Descent” have been the subject of considerable discussion by other representing those constituencies, so I just mentioned the comments I received.

According to Ms. Williams, in light of comments received during the many meetings she has facilitated, the proposed New Demographic Form will most likely be amended again before final dissemination. Justice Gordon McCloud, thank you for asking me to speak to the WSBA on these important issues.

Marilyn

Judge Marilyn Paja
Kitsap District Court Judge

Explanation of Changes and Rationale

WSBA is considering several updates to the wording of the questions relating to the voluntary confidential demographics we collect from our members. We have attempted to reflect what we understand to be best practices both for diversity and the myriad of ways in which people identify balanced against best practices for data collection and analysis. WSBA has made a commitment to advancing diversity, inclusion and equity in the legal profession and in the support of this we have revised the licensing demographic questions to;

- Obtain reliable, usable, analyzable data.
 - Create questions that mirror our modern understanding of identity.
 - Create an inclusive experience for those voluntarily providing their demographics.
1. **For the question related to gender**, we are considering removing “transgender” from the sexual orientation question as it is a gender identity, not a sexual orientation and adding it as an option in the gender question. We are considering adding non-binary as an option. We also are considering allowing people to select multiple boxes in order to provide more flexibility for how people identify. Finally, we’re considering adding a “not listed” option with the ability to fill in the blank. While we recognize that every available option is not included, these proposals seek to capture the most common categories.
 2. **For the question focused on race/ethnicity**, we are considering collecting the broader racial and ethnic categories rather than trying to list all of the various sub-identities within each. This approach reflects consideration of the difficulty in identifying criteria for which identities to include and maintaining anonymity and to reduce the questions to feel non-inclusive. In terms of usefulness of the data, we find the broader categories to be more helpful in describing the make-up of our membership and discerning patterns. We also are considering adding the ability to fill in the blank for the “not listed” option and for people to check multiple boxes.
 3. **For the question focused on sexual orientation**, we are considering rewording the question and changing it from a yes or no question to a question where people may select the identity they prefer. We also recommend moving “transgender” into the gender section. As with the other questions, we are considering allowing people to check all of the boxes that apply in order to get at the more nuanced ways in which people identify and to provide a “not listed” option with a fill-in-the-blank. While we recognize that every available option is not included, these proposals seek to capture the most common categories.
 4. **For the question focused on disability and impairment**, we are considering simply adding the word “impairment” in order to clarify the breadth we mean and highlight the social issues related to the framing of disability as a social construct.



WASHINGTON STATE BAR ASSOCIATION

1325 4th Ave., Ste. 600, Seattle, WA 98101-2539 • 800-945-9722 / 206-443-9722 / questions@wsba.org

2016 Confidential Demographic Questions

VOLUNTARY CONFIDENTIAL DEMOGRAPHIC INFORMATION

Individual gender, race/ethnicity, disability, and sexual orientation information is kept strictly confidential, and is used only in the aggregate for demographic analysis. Aggregate data are available at wsba.org/Licensing-and-Lawyer-Conduct/Member-Tools-and-Information. With this information we can better understand the demographics of our membership.

Gender

- Male Female

Race/Ethnicity – Mark only one category that best describes you.

<input type="checkbox"/> Black/African descent <ul style="list-style-type: none"> <input type="radio"/> African <input type="radio"/> African-American <input type="radio"/> European-African <input type="radio"/> South American-African <input type="radio"/> West Indian <input type="radio"/> Other African <input type="checkbox"/> American Indian/ Native American/Alaskan Native <ul style="list-style-type: none"> Tribal Affiliation <input type="radio"/> Enrolled <input type="radio"/> Not Enrolled <input type="checkbox"/> Caucasian/ White	<input type="checkbox"/> Asian <ul style="list-style-type: none"> <input type="radio"/> Chinese <input type="radio"/> Filipino <input type="radio"/> Japanese <input type="radio"/> Korean <input type="radio"/> South Asian <input type="radio"/> Vietnamese <input type="radio"/> Other Asian <input type="checkbox"/> Pacific Islander <ul style="list-style-type: none"> <input type="radio"/> Native Hawaiian <input type="radio"/> Samoan <input type="radio"/> Guamanian or Chamorro <input type="radio"/> Other Pacific Islander <input type="checkbox"/> Multi-racial
<input type="checkbox"/> Spanish/Hispanic/Latina/o <ul style="list-style-type: none"> <input type="radio"/> Cuban <input type="radio"/> Mexican, Mexican/American, Chicano <input type="radio"/> Puerto Rican <input type="radio"/> Other Spanish/Hispanic/Latina/o 	<input type="checkbox"/> Not listed

Disability

Do you have a disability?

- Yes No

Sexual Orientation

Do you openly identify as a sexual minority, to include the following: gay, lesbian, bisexual, transgender?

- Yes No

DRAFT New Form Questions

VOLUNTARY CONFIDENTIAL DEMOGRAPHIC INFORMATION

Individual gender, race/ethnicity, sexual orientation, and disability information is kept strictly confidential, and is used only in the aggregate for demographic analysis. Aggregate data are available at wsba.org/Licensing-and-Lawyer-Conduct/Member-Tools-and-Information. Voluntarily providing this information allows WSBA to understand the demographic makeup of our membership.

Please check the box(es) that most closely represents your identity. **Please check all that apply.**

Female Male Non-Binary Transgender Not Listed _____

Please check the box(es) that most closely represents your identity. **Please check all that apply.** If you wish to supply a more specific identity, please check "not listed" and fill in the blank. Please also check the box for the most applicable race/ethnicity from the list provided, if any.

- American Indian, Native American, or Alaskan Native
- Asian
- Black, African American, or African Descent
- Hispanic/Latinx
- Middle Eastern
- Pacific Islander
- White or European Descent
- Multi-Racial or Bi-Racial
- Not listed _____

Please check the box(es) that most closely represents your identity. Please check all that apply.

- Asexual
- Bisexual
- Gay or Lesbian
- Heterosexual
- Queer
- Two-Spirit
- Not listed _____

Do you have a disability or impairment (physical, mental, or otherwise)?

No Yes

Kitsap County District Court
State of Washington



CLAIRE A. BRADLEY
JUDGE, DEPARTMENT 1

JEFFREY J. JAHNS
PRESIDING JUDGE, DEPARTMENT 2

614 DIVISION STREET
PORT ORCHARD, WA 98366
360-337-7109

MARILYN G. PAJA
JUDGE, DEPARTMENT 3

kitsapgov.com/dc KCDC@co.kitsap.wa.us

STEPHEN J. HOLMAN
JUDGE, DEPARTMENT 4

CLINT L. CASEBOLT
COURT ADMINISTRATOR

To: Chair, Justice Gordon McCloud and
Gender & Justice Commission

From: Judge Marilyn Paja

Regarding: Report to Commission of NAWJ 2018 Midyear Conference

Date: 28 April 2018

I write to express my thanks to the Gender & Justice Commission for its continuing support of membership and judicial participation in national organizations. The Commission has, in the past supported a portion of costs for attendance at conferences of the National Association of Women Judges (NAWJ). For that I am grateful. Having previously served as a regional Director and member of the NAWJ Board, Vice President for Districts, and now ADA Policy Committee Chair, I understand participation in national organizations such as the NAWJ and the National Council on Family and Juvenile Court Judges (NCFJC) enables attendees to bring back information about issues facing judges from around the country. And in the case of the NAWJ, that includes issues from around the world – NAWJ membership automatically includes membership in the International Association of Women Judges (IAWJ).

The Midyear Conference of the NAWJ was held earlier this month in Brooklyn New York. The Conference Education Chairs included Professor Judith Resnik of Yale Law School and former NAWJ President Judge Lisa Walsh of Florida. The education was top-notch this year. Primarily presented in panel discussion format, the choice of participants was outstanding, and without exception, the moderators obviously were prepared for interactive and very lively discussions. Friday topics included Artificial Intelligence (from algorithms that affect pre-trial release decisions to the ethics surrounding self-driving cars); Cybersecurity and Privacy (how corporate and personal E-Systems are hacked now, and future expectations); Bail Reform (empirical studies as to utility of bail and race/ poverty bias, as well as best practices and alternatives such as cash bail, community bail, PR and electronic monitoring of many types); the Opioid Crisis explored judicial and community responses to the crisis); Nonconsensual

Pornography (theory and practice were discussed). On Saturday the topics included Mental Well-Being of Judges and Lawyers; How to Outreach (attracting the next generation of women lawyers and judges); and Perceptions of Women (improved branding and self-marketing).

This year Judge G. Helen Whitener was also able to attend the Conference. As a speaker at the upcoming Gender & Justice Commission meeting, she too may have comments to share about the education offered.

As some of you may remember in prior years, other NAWJ attendees (Justice Madsen among them) and I have referred our Washington State Judiciary several cutting-edge educational sessions that originated with the NAWJ (among these, immigration consequences on DV survivors, firearms consequences of DV, and judicial understanding of transgender issues which was presented at our Washington State Fall 2017 conference). All of these topics were substantially supported by the Gender & Justice Commission.

Among the many interesting offerings, three sessions were outstanding. The session titled Bail Reform – Underway was moderated by Professor Judith Resnik of Yale Law, and included a thorough overview of bail and reforms being considered throughout the country. Because of the setting, NY law and custom were discussed. There is no presumption of release in NY, and therefore Washington state is somewhat ahead of the curve. The bottom line, to eliminate bail in all but the most violence of offenses, was tested by many work-arounds to the current culture in NY – including a non-profit established (like a micro funder) to provide bail for first-time, non-violent offenders. During the session, the Brooklyn District Attorney announced newsworthy recommendations concerning expanded release on promise to appear for some misdemeanors. (Although routine here in WA State, from the response of the audience, this appears to be unique in the NY system.)

I recommend two of the sessions for possible replication here in Washington:

Nonconsensual Pornography (“Revenge Porn”): Theory and Practice: Professor Ari Waldman, a law professor from NYU who is Director of the Innovation Center for Law & Technology, moderated a panel of lawyers who provide direct legal services to victims of this civil or criminal offense. (Along with other states WA adopted a statute making this a crime in 2015. Our Gender & Justice Commission provided important opportunities for community and legislative education about the topic in the years prior to the adoption of RCW 9A.86. Recently a high-profile case here in WA was tried and sentenced by Judge Kirkendoll in Pierce County. *State v. Michael Andrew Hart*.) Notably one of the NAWJ panelists was a lawyer from K&L Gates who has established a section within the firm specifically to help victims (mostly but not all women) who have been targeted by this kind of crime (a former partner sending nude images widely on the internet and to work and family of the victim). Although Elisa D’Arnico is based in Florida, she worked with a Seattle K&L lawyer to assist the victim in the Pierce County case mentioned above. Another panelist spoke realistically of her small firm practice specialty in addressing the needs of the victim and methods of removing photos from the internet. She referred to challenges

posed by judges not educated on the issues, and the effort needed to copyright photos and take other steps to protect the victim's future. Another panelist runs a very busy clinic on the campus of NYU to help victims (students and public) address this issue. The discussion was fascinating. There was a suggestion that some improvement to the laws prohibiting the disclosure of intimate images might need to be updated. (The use and language of technology changes so rapidly.) NYC recently passed an ordinance on the issue.

Artificial Intelligence – the Coming Industrial Revolution: Outstanding panelists included the CEO of Vaporstream (an information security company), Lead Surveillance & Cybersecurity Counsel for the ACLU in San Francisco, MetLife General Counsel, Karen Johnson—McKewan, NAWJ Resource Board member and San Francisco attorney with ORRICK who leads their e-discovery tort section, as well as the Lead Information Security Analyst for Target. Historically referring to AI as the new Industrial Revolution started off the discussion about how AI will change the world and the practice of law. How algorithms are selected impacts pretrial release and sentencing decisions, Huge ethical problems are faced and need to be raised early and at every stage of 'choice' of algorithm. For example, should the self-driving car avoid the pedestrian and instead hit the on-coming car? And then, whose insurance company is responsible for that 'decision'? (A 'fact' provided: there are as many lawyers and ethicists at some large computer or other AI companies as code writers.) The discussion also included e-discovery and the challenges, time and cost involved. Privacy considerations of on-line medical records, data collection and storage practices were included in the presentation. It was mind-boggling and deserving of further discussion.

In my opinion, these were the most interesting two sessions that I attended that might be able to be presented here in Washington by our own education committees. As always, here in our state we are substantially benefited by our AOC Education staff and the "Train-the-Trainer" Adult Education models that are utilized by most of our speakers. With help from our Commission state, when imported to Washington, we only make these educational programs stronger.)

Cc: Judge Rich Melnick, Chair G&J Education Committee

One year after bail reform DA tells National Association of Women Judges that Brooklyn can end cash bail



From left: Skylar Albertson, Martha Rayner, Bronx District Attorney Darcel Clark, Hon. Tanya Kennedy, Brooklyn DA Eric Gonzalez, Crystal S. Yang and Judith Resnik. Eagle photo by Edward King

By Rob Abruzzese, Legal Editor

Brooklyn Daily Eagle

It's been a year since District Attorney Eric Gonzalez officially reformed his bail policy and the results have been so positive that he thinks Brooklyn can do away with the cash bail system entirely, if he can get some help from the state Legislature.

“The governor has proposed in NYS ending cash bail on misdemeanors on certain categories of felonies and I'm in the minority of DAs who have been somewhat supportive of it,” Gonzalez said. “I support ending cash bail and developing pretrial services that we can send people to. We've made tremendous progress here with an over 90 percent release rate on cases coming to courts. It's a good start.”

Gonzalez was speaking to dozens of judges from Brooklyn and around the country at the National Association of Women Judges (NAWJ) 2018 Midyear Meeting, which was held at the Marriott in Downtown Brooklyn on Thursday to Saturday. It was the first time since November 2001 that the meeting has been held in Brooklyn.

Gonzalez officially announced changes to his bail policy on April 13, 2017. He explained on Friday that policy changes meant that assistant DAs would no longer ask for bail unless they

were seeking more than 30 days in jail for a defendant, or if they planned on diverting the case out of the courts.

“The results of the new bail policy that has been in effect for about 12 months, is that 92 percent of all people who come through the criminal court in Brooklyn on a misdemeanor are ROR'd [released on own recognizance],” Gonzalez said. “That's a tremendous amount. The remaining amount of cases where bail is being set are cases involved with violence, domestic violence in particular.”

The DA then announced that he was taking his bail reform a step further this week and ADAs will no longer seek bail just because someone has a bench or summons warrant.

“If someone has a bench warrants or summons warrants, we're telling the ADAs that not paying a fine or not answering a summons is reason to ask for bail,” Gonzalez said. “I'm not trying to take discretion away from ADAs, but I'm trying to give them the tools to make better decisions.”

The biggest thing holding Gonzalez back from eliminating cash bail immediately is that, he says, changes in the law are necessary. Currently, NYS law says that bail should be set only to ensure a defendant returns to court. However, he has advocated during the past year for the ability for judges and prosecutors to evaluate people based on their public safety risk.

“As I've been instructing my ADAs is that I'm less concerned with risk of return to court on some of these low-level cases,” Gonzalez said. “We know we will eventually get someone who has a long criminal record and was arrested for fare evasion or some low-level drug case. We don't need to ask for bail in that case even if they're not a good risk to return to court because we'll get them.”

NAWJ's Midyear Meeting featured a welcome reception on Friday with remarks by Hon. Lawrence Knipel, administrative judge of the Kings County Supreme Court, Civil Term, and Hon. Alan Scheinkman, presiding justice of the Appellate Division, Second Judicial Department. Friday's luncheon was hosted by Errol Louis, political anchor at Spectrum News NY1, and Mayor Bill de Blasio's wife Chirlane McCray.

There were eight panels throughout the weekend, including the panel on bail reform during which Gonzalez served as a panelist alongside Bronx DA Hon. Darcel D. Clark, Martha Rayner, Crystal S. Yang and Judith Resnik. The panels gave experts an opportunity to discuss issues directly with judges from across the country.

The panel on nonconsensual pornography featured Brooklyn attorney Carrie Goldberg. She explained to the Brooklyn Eagle that she and other panelists were advocating for changes in the law.

“This group that is presenting has been really effective in combating nonconsensual porn through working with tech companies and advocating changes to the law,” Goldberg said. “We had a law passed recently in NYC, but we're focusing on state and federal law changes too. But it's important for judges, especially family and criminal court judges, to recognize it and the damage that it causes.”



Errol Lewis, Robert Kaufman, Hon. Betty Weinberg Ellerin, NAWJ President Hon. Tanya R. Kennedy, Hon. Kathy J. King and Alicia Bannon. Eagle photo by Edward King

Hon. Judith C. Chirlin,



Tanya R. Kennedy and Borough President Eric Adams. Eagle photo by Rob Abruzzese

NAWJ President Hon.



Panelists on nonconsensual pornography (pictured from left): Andrew Sta. Ana, Maura R. Grossman, Carrie Goldberg, Elisa J. D'Amico and moderator Ari Ezra Waldman. Eagle photo by Rob Abruzzese

Gonzalez officially announced changes to his bail policy on April 13, 2017. He explained on Friday that policy changes meant that assistant DAs would no longer ask for bail unless they were seeking more than 30 days in jail for a defendant, or if they planned on diverting the case out of the courts.

"The results of the new bail policy that has been in effect for about 12 months, is that 92 percent of all people who come through the criminal court in Brooklyn on a misdemeanor are ROR'd [released on own recognizance]," Gonzalez said. "That's a tremendous amount. The remaining amount of cases where bail is being set are cases involved with violence, domestic violence in particular."

The DA then announced that he was taking his bail reform a step further this week and ADAs will no longer seek bail just because someone has a bench or summons warrant.

"If someone has a bench warrants or summons warrants, we're telling the ADAs that not paying a fine or not answering a summons is reason to ask for bail," Gonzalez said. "I'm not trying to take discretion away from ADAs, but I'm trying to give them the tools to make better decisions."

The biggest thing holding Gonzalez back from eliminating cash bail immediately is that, he says, changes in the law are necessary. Currently, NYS law says that bail should be set only to ensure a defendant returns to court. However, he has advocated during the past year for the ability for judges and prosecutors to evaluate people based on their public safety risk.

"As I've been instructing my ADAs is that I'm less concerned with risk of return to court on some of these low-level cases," Gonzalez said. "We know we will eventually get someone who has a long criminal record and was arrested for fare evasion or some low-level drug case. We don't need to ask for bail in that case even if they're not a good risk to return to court because we'll get them."



Judges from Brooklyn are heavily involved with the NAWJ. Eagle photo by Rob Abruzzese



From left: Hon. George Silver, deputy chief administrative judge for the New York City Courts; Hon. Debra Silber; Hon. Frank Seddio; Hon. Anthony Cannataro; and Hon. Ingrid Joseph, supervising judge of the Civil Court. Eagle photo by Rob Abruzzese



Pictured from left: Hon. Tanya Kennedy, Hon. Matthew J. D'Emic, Hon. Cheryl Gonzales, Hon. Lawrence Knipel, Hon. Alan Scheinkman, and Nigel Roberts

NAWI's Midyear Meeting featured a welcome reception on Friday with remarks by Hon. Lawrence Knipel, administrative judge of the Kings County Supreme Court, Civil Term, and Hon. Alan Scheinkman, presiding justice of the Appellate Division, Second Judicial Department. Friday's luncheon was hosted by Errol Louis, political anchor at Spectrum News NY1, and Mayor Bill de Blasio's wife Chirlane McCray.

There were eight panels throughout the weekend, including the panel on bail reform during which Gonzalez served as a panelist alongside Bronx DA Hon. Darcel D. Clark, Martha Rayner, Crystal S. Yang and Judith Resnik. The panels gave experts an opportunity to discuss issues directly with judges from across the country.

The panel on nonconsensual pornography featured Brooklyn attorney Carrie Goldberg. She explained to the Brooklyn Eagle that she and other panelists were advocating for changes in the law.

"This group that is presenting has been really effective in combating nonconsensual porn through working with tech companies and advocating changes to the law," Goldberg said. "We had a law passed recently in NYC, but we're focusing on state and federal law changes too. But it's important for judges, especially family and criminal court judges, to recognize it and the damage that it causes."

April 17, 2018 - 3:28pm

He's been sentenced for 'revenge porn,' which makes him the first in Pierce County

April 06, 2018 06:28 PM

Judge Karena Kirkendoll told Michael Andrew Hart on Friday that she doesn't doubt he's mentally ill. She also thinks he's a threat.

"I believe that you are dangerous," the Pierce County Superior Court judge said before she sentenced him for being a stalker.

Hart, 44, spread sexual images of his ex-girlfriend, her sister and her friend across Facebook without their permission.

In December, he pleaded guilty to stalking, cyberstalking, four counts of violating a domestic violence protection order and six counts of disclosing intimate images.

Kirkendoll sentenced Hart to seven years in prison as part of a drug offender special sentencing alternative. That means he'll serve half of the time in prison and be eligible to spend the other half getting treatment in the community.

She also ordered him to get mental health, drug and domestic violence treatment.

Hart apparently is the first person in Pierce County to be charged with disclosing intimate images, so-called "revenge porn," since state lawmakers made it a gross misdemeanor in 2015.

Kirkendoll gave him an additional 364 days suspended for each of those six counts. That means he won't have to serve that time if he avoids further trouble with the law.

The ex-girlfriend, identified in court by the initials S.C., told the judge she suffered for six years as she dated Hart. He physically, sexually and emotionally abused her, she said.

She didn't leave because she feared for her life, and of what Hart would do to her family, the woman told the court.

She said he would tell her, "This is your torture," as he hurt her, and would make her beg for him to stop the abuse.

"The only way we can protect ourselves from him is to keep him locked up," S.C. told Kirkendoll.

Defense attorney Wayne Fricke wrote in his sentencing memorandum that Hart has a substance abuse problem, and suffers from various mental health troubles.

"Everyone here thinks he needs help," Fricke told the judge.

Kirkendoll agreed, and said she wanted Hart to get the treatment offered by the special sentencing alternative that Fricke recommended .

Deputy prosecutor Dru Swaim asked for more time. She wanted a sentence of nine years in prison, above Hart's standard range.

Swaim told the court Hart was calculated in his approach, by using fake Facebook accounts and a virtual private network that made it look as if he was in Eastern Europe.

He was so successful, she said, that investigators might not have caught him, except for two times he forgot to log in through the VPN, before accessing the fake social media accounts.

"He was that good at hiding his tracks," she said.

Swaim characterized Hart's behavior against the ex-girlfriend as a "coordinated campaign to basically try to destroy her life."

Some of the worst images Hart saved until the end, Swaim said, causing fear and uncertainty about whether he was going to release them.

"This wasn't just a one-and-done angry thing," the prosecutor said, calling the files "very graphic and very demeaning."

When it was Hart's turn to speak, he told the court: "I've been in a bad place mentally for a very long time."

He said he couldn't control his actions, and that he was "extremely sorry," for them.

And he asked for forgiveness.

"I need to change, and I want to change, and I will change," he said.

Court records show Hart led police on a high-speed chase down Interstate 5 in 2014 as they were investigating allegations that he'd beaten S.C., who was his then-girlfriend.

Then he violated a restraining order by contacting her family almost as soon as he got out of prison on Dec. 4, 2015. Between Feb. 11 and March 7, 2016, he sent the explicit photos, video and audio of the woman, her friend and her sister to their Facebook contacts.

Some of the images that reached the women's family, friends and coworkers were taken without consent, prosecutors said.

Court records also show that at least seven women Hart has dated have asked for restraining orders against him since 2000.

He also was accused of making threatening and profane calls to 911 dispatchers in December 2016, after police visited his home.

Those felony harassment charges were dismissed as part of negotiations with prosecutors in the stalking case.

"... the defendant is pleading guilty to twelve crimes and facing the potential of substantial prison time," Swaim wrote in her motion to dismiss those charges.

Alexis Krell: 253-597-8268, @amkrell

Gender & Justice Commission Bylaw Amendment – Section 3.3

Summary of Adopted Amendment

Previously, members could only serve two consecutive full three year terms. The amendment provides that the Chair and Vice Chair have the discretion to invite a member to be appointed to additional full or partial terms, without a break in service. The Chair and Vice Chair proposed this amendment because they believe that it supports the mission and goals of the Gender and Justice Commission. It continues to encourage appointing new members, who bring with them new strategies and partnerships, while preserving the strength of the Commission - its membership - in cases where a member is integrally involved in the Commission's current projects and enforcing their term limit would be detrimental to the work of the Commission.

Amendment Language

Section 3.3 (adopted change in bold)

Terms of membership on the Commission shall be three years. Terms shall be staggered so that approximately one-third of the terms expire in any given calendar year. Members appointed to a full term may be reappointed only once to another full term without a break in service. Members appointed initially to a partial term may be reappointed only twice to full terms without a break in service. **At the discretion of the Chair and Vice Chair, a member may be appointed to additional full or partial terms beyond these term limits.** The Washington State Supreme Court representative may exceed the two-term limit.

WASHINGTON INITIATIVE FOR DIVERSITY

SAVE THE DATE

LEGAL EXECUTIVES DIVERSITY SUMMIT

The Next Level: Moving Forward on Diversity and Inclusion

Join the Washington Initiative for Diversity and the host committee at the annual Legal Executives Diversity Summit. This year's Summit—"The Next Level: Moving Forward on Diversity and Inclusion"—will be held on May 23, 2018. The Summit will discuss microaggressions in the workplace, how to identify them and how to address them. The Summit will also feature a panel discussion on best practices and challenges on retaining and promoting a diverse legal workforce, as well as a presentation on moving from bystander to upstander. CLE approval pending.

Location: Davis Wright Tremaine, 1201 3rd Ave., Ste. 2200, Seattle

Date: May 23, 2018, from 1:00PM - 5:00PM, Reception @ 5:00PM - 6:00PM

Seating is limited. To reserve your spot, register here: <https://2018leds.bpt.me>

Thank you to our early sponsors:

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To learn about sponsorship opportunities, contact Angela Ballasiotes, Executive Director, at (206) 727 - 8311 or director@initiativefordiversitywa.org

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Gender & Justice Commission
Budget July 1, 2017 - June 30, 2018

Commission Expenses	Proposed Budget	FY16-17
Commission Meetings	Travel-related costs for members (lodging, per diem, mileage, airfare, etc.) (<i>July, Sept, Nov, Jan, March, May</i>)	\$11,500
General Operating Expenses	Printing, conference calls, supplies, etc.	\$3,000
Staff Travel & Training	Registration Fees, Travel-related costs workshops, tuition reimbursement	\$3,000
Communications	Annual Report	\$700
Education Programs		
	<i>Appellate Conference</i>	\$1,000
	<i>DMCJA Conference</i>	\$3,000
	<i>Fall Conference (Sept. 2017)</i>	\$8,000
	<i>Poverty simulation</i>	\$1,000
	<i>Judicial College (STOP Sponsored)</i>	
	<i>SCJA Conference (STOP sponsored)</i>	
Sponsorships/Events	Judicial Officer & Law Student Reception	\$1,000
	Women's History/Legislative Reception	\$1,500
	Tribal State Court Consortium	\$7,500
	<i>Tribal Judges to Judicial College</i>	
	<i>TSCC Regional Meetings / Fall Mtg</i>	
	<i>Tribal Judges to SCJA Conference</i>	
	<i>Tribal Judges to Fall Conference</i>	
	Color of Justice	\$500
	IWGC Committee Mtg Support	\$300
	Tech Law Summit for Girls	\$1,000
	Mission Creek - Success Inside & Out	\$1,000
Special Allocation	HB 1163 Funding from Legislature	\$53,000
Requests	Gender Bias Report - <i>Undetermined</i>	

Starting Budget	\$50,000
Special Allocation	\$53,000
All Allocated Commission Expenses	\$97,000
<i>Unallocated</i>	\$6,000

Updated 10.26.2017

STOP BUDGET FFY17

January 1, 2018 - December 31, 2018

Total = \$143,825		\$100,677 <small>(max amt)</small>	\$43,148 <small>(min amt)</small>
		Statewide	Tribal Courts
Salaries & Benefits	Staff	\$31,107	\$14,862
Office Supplies, Copies, Printing	Supplies, Copies, etc. <i>Benchguides (printed, flash drive, DVD/CD)</i>	\$6,750	\$1,286
Staff Training & Education	Staff to attend local and national conferences & training events	\$2,500	\$2,000
Committee Meetings	Support travel-related & pro tem costs for in-person Committee mtgs <i>Gender Bias Study - DV/SA Related Meetings; DSV Committee;</i> <i>TSCC - DV/SA Related Meetings</i>	\$5,000	\$5,000
Scholarship Support	Scholarships for judicial officers & court staff to attend trainings. <i>Enhancing Judicial Skills in DV (All Judicial Officers)</i> <i>Continuing Judicial Skills in DV (All Judicial Officers)</i> <i>NCJFCJ National Conference (All Judicial Officers)</i> <i>Women are Sacred Conference (Tribal Courts)</i> <i>National Indian Nations Conference (Tribal Courts)</i>	\$10,000	\$10,000
Education Programs	Monies for support of educational sessions <i>Judicial College (January 2018)</i> <i>SCJA Spring Conference - Immigration Session (April 2018)</i> <i>DMCJA Conference (June 2018)</i> <i>TSCC Regional Meeting (June 2018)</i> <i>Fall Conference (September 2018)</i> <i>Neurobiology of Trauma Webinar</i>	\$2,500 \$2,500 \$2,500 \$8,000 \$1,000	\$10,000
Projects	SA Benchguide - Editor for New Chapters	\$5,000	
Requests	Requests from others for support <i>DV Symposium (Judicial Officers & Court Personnel)</i>	\$10,000	
Legislative Requests	HB 1163 - Convene workgroups, write legislative reports	\$6,500	
SUB-Totals per portion of grant		\$93,357	\$43,148
		Total	\$136,505
		Non-dedicated Funds	\$7,320

Updated 3.26.18