



Gender and Justice Commission (GJCOM)
SeaTac Office
18000 International Blvd
Friday, September 7, 2018 (8:45 AM – 12:00 PM)

MEETING NOTES

Members Present: Justice Sheryl Gordon McCloud, Chair, Judge Marilyn Paja, Vice Chair, Judge Anita Crawford-Willis, Ms. Josie Delvin, Judge Michael Evans, Ms. Gail Hammer, Ms. Elizabeth Hendren, Ms. Grace Huang, Judge Eric Lucas, Justice Susan Owens, Ms. Heather McKimmie, Ms. Erin Moody, Judge Rich Melnick, Ms. Jennifer Ritchie, Ms. Sonia Rodriguez True, Judge Cindy Smith

Liaisons Present: Ms. Sydney Bay (UW Law), Ms. Macaulay Dukes (SU Law), Ms. Laura Edmonston (Embedded Librarian), Mr. Sal Mungia (ATJ Board), Ms. Cassidy Wiseley-Paul (SU Law)

Guests: Mx. Jill Mullins, QLaw & Washington State Pattern Forms Committee

AOC Staff: Ms. Kelley Amburgey-Richardson, Ms. Cynthia Delostrinos, Mr. Curtis Dunn, Ms. Chanel Rhymes

Absent: Ms. Patty Eakes, Ms. Trish Kinlow, Ms. Riddhi Mukhopadhyay, Dr. Dana Raigrodski, Ms. Vicky Vreeland

CALL TO ORDER & WELCOME

- The meeting was called to order at approximately 8:45am.
- June 21, 2018 minutes approved as presented.
- Special welcome to Elizabeth Hendren, newest GJCOM member. She is a longtime member of the IWG Committee and will now serve as its Chair.
- Thank you to Nichole Kloepfer for her service to the Commission and TSCC. We will be hiring a new administrative support person as soon as possible, but in the meantime the Commissions will be a bit short staffed.
- Curtis Dunn is the newly assigned Business Liaison for the Commission to the AOC. Just stepped off of the Odyssey project, and now will be present for the Commissions. Will be helping Commissions navigate process to get to the Judicial Information Systems Committee. How to shepherd ideas through ITG process.

GUEST SPEAKER

Jill Mullins, QLAW & Pattern Forms Committee

Overview of Pattern Forms Projects

- Annual report is in the meeting packet on page 8.

- This past year has been a huge year for family law forms. There are 42 brand new forms, and 51 that require updates.
- Difficult to keep up with updating the current forms and creating new forms.

Gender Identity

- Presented on terms and concepts: gender identity, gender expression, sex assigned at birth, physical attraction, emotional attraction, LGBTQI (I is intersex).
- 1 out of 10 people are assigned outside of the male/female binary at birth.
- Take away: Understand that we are complex human beings and there is a spectrum.
- Discussed the concept of “dead naming” a term for when someone refers to a person who is transgender by the name they used before they transitioned. May come up in court.
- A related issue is how to make it easier to change captions in cases.
- New “X” marker option on birth certificates is intended to capture any identity that is not exclusively male or female. This can be chosen by parents at child’s birth, or changed later as an adult.

Connection to GJCOM

- Pronouns and sex markers
 - Many current law enforcement and courts forms ask individuals to identify their sex and only provide binary options (male or female).
 - Example of why this is an issue: 40% homeless youth identify as LGBTQ.
 - Many of these youth end up involved in the foster care or criminal justice system – thus interaction with the courts.
 - A related issue is to pattern forms is when court systems will not allow changes to be inputted (e.g., must select M or F for sex or cannot move to next screen).
- Requested that Commission create a workgroup to:
 - Identify where sex and gender need to be used in court forms. How do we change forms to allow for “X” marker, now that this is on birth certificates?
 - Where it is necessary, how do we make sure we are capturing gender correctly?
 - Need to be accurate for safety, and to avoid mis-gendering litigants and witnesses in captions and in court (respectful and fair treatment).
 - Commission can get others to the table. Need law enforcement involved at the table, clerks, commissioners, and people from LGBTQI community.
 - Identify policies, procedures, best practices. Identify certain forms changes that are needed to implement policies.
 - Present findings to pattern forms committee.
- Request is being made on behalf of the Pattern Forms Committee.
 - They are interested in a style guide.

Commission Discussion

- Discussed whether other states have already addressed this. CA has the “x” marker. Is there a way we don’t have to invent the wheel?
 - Our procedural justice presentation at Fall Conference might be relevant to this discussion.
 - Lavender Law is a national LGBTQI organization. This is a cutting edge issue. Washington might be the first state to address this.
 - Concern around the language still constantly evolving, would it be premature to develop?
- Sal Mungia suggested that this may be something the ATJ board could partner with the Commission on. This is a core access to justice issue. They may be able to have a role in this and bring some resources.
- Erin Moody inquired - what would trigger the Pattern Forms Committee to do something that is not required by the legislature? Biggest issue is bandwidth. Additionally, the committee wants to make sure it is not becoming a political arm, only doing what they are supposed to do. Do not put their own views into the forms.

ACTION: The Commission needs to determine how to best contribute to this project. Volunteers to discuss further: Erin Moody, Sal Mungia, Josie Delvin, Heather McKimmie, Elizabeth Hendren.

COMMITTEE & PROJECT UPDATES

Communications Committee - Judge Marilyn Paja

2017-2018 G&J Biennial Report

- The committee met recently to discuss potential article topics for the report and a plan for moving forward.
 - Will include at least two interviews – with Justice Gordon McCloud on the Gender Bias Study and with Gail Stone on why local government is interested in the work of GJCOM.
 - A chance to highlight work from the past two years and committees. Committee chairs may be asked to share about their work and approach.
- The committee welcomes help from other Commission members.
- After content is final, the intent is to work with a graphic designer to design print and web versions for Commission outreach.
- The tentative publication date is February 2019.

ACTION: If anyone has a connection with an artist who might be interested in submitting cover art, please let Kelley know. Might consider a small stipend for artist.

ACTION: Distribute list of potential report articles, topics, to Commission for input and volunteers.

Vice Chair Report – Judge Marilyn Paja

International Delegation Visit

- This is the second time GJCOM has participated in International Delegation visit. Group sponsored by State Department.
- Took place on August 13th at the Temple of Justice. Representatives from six countries and members of the Commission and committees participated.
- Discussion centered on issues of safety for women and children and incarcerated women. It was a successful outreach event for all. We hope to be invited to participate again.

DMCJA Diversity Committee's Pro Tem Training

- Opportunity for CLEs for people who want to be pro tem judges, as an avenue to explore whether one is interested in being a judge. Intended to encourage diversity on the bench.
- This year there was more effort to encourage minority participation. Scholarships were given by WSBA– 15 scholarships for members of Minority Bar Associations. Filled capacity of training room, plus overflow room.
- In looking at the room, it was a much more diverse audience. Questions received were reflective of diverse audience. Topics such as: LFOs, appearance of bias, what to do about issues of race that come up in courts. Questions that have not come up in the past.

HB 1163 Reports

- Reports were completed on time, and on budget. Made a number of recommendations. Hopeful that DSV Committee will look at recommendations and see whether there is anything that GJCOM can take up. Will ask trial court associations to take a look at recommendations. Looking forward to seeing new DV treatment standards implemented.
- Judge Lucas has accepted two invitations to speak about the reports – SCJA and WSBA Family Law Section. There is interest in it and people are starting to look into recommendations.
- BJA Legislative Proposal – One recommendation that came out of the risk assessment workgroup was the definition of domestic violence. It is a data collection issue more than anything else. See page 13 of the meeting packet for details.

COMMITTEE & PROJECT UPDATES, continued

Member Engagement Ad Hoc Committee – Ms. Heather McKimmie, Ms. Sonia Rodriguez True, and Judge Anita Crawford-Willis reported. Dr. Dana Raigrodski was also a member of this committee but was unable to attend this meeting.

Ideas for enhancing engagement and participation

- Exchange information without as many reports during meeting, leave time for discussion of key topics, pressing issues.
 - One suggestion was written reports. Commission members expressed interest in keeping verbal reports. It helps keep connection to what other committees are doing.

- Suggestion to stagger when committee reports are given, not have all committees report during one meeting.
- Enhanced new member orientation
 - When you come in as new member, it is hard to assess what type of work the Commission does and how to get integrated.
 - Suggestions to have individual meetings with Chair and have staff provide an orientation meeting/Q&A in addition to packet.
 - ATJ board has a mentorship program that pairs longer term board members with new ones and a formal orientation after the regular board meeting.
 - Mixed response to mentor suggestion.
 - Positive response to enhanced orientation.
 - Can we build time to actually get to know people?
 - Getting to know each other helps with networking.
 - Chairs, committee chairs, and staff getting to know new members would help with knowing who to ask to work on future projects.
- Additional Chair and staff outreach
 - Staff is critical to how organization operates. Staff have the connections and information to move the work forward day to day. Staff should get to know what members can and cannot do, and utilize commission members as resources.
 - Gloria and Myra, former Executive Directors of the Commission, were really good at pulling people in.
 - When you get a request from staff or the Chair you don't say no. It's ok to specifically ask an individual to work on a project. Should be expected when you join the Commission. Extra personal reach out helps.

Meeting Location

- SeaTac is not convenient for everyone but the majority prefer it.
- SeaTac is most accessible for those traveling by plane from the east side so they don't have to also rent a car and drive to another location.

Judicial Officer & Law Student Reception – Ms. Cassidy Wisely-Paul & Ms. Macaulay Dukes

- Will be held at Seattle University School of Law in the 2nd floor gallery, on October 29th at 5:30pm.
- Working on getting program put together. Dean Clark will be speaking.
- Scholarship notice went out to students. Applications due on October 15th.
- Working on arranging food and drinks with the school. Judge Crawford-Willis is willing to assist as alumnus of the law school.

DSV Committee – Ms. Erin Moody

- Judge Jackie Shea-Brown is co-chairing with Erin Moody. First in person meeting is scheduled for Nov. 8.

Model Sexual Harassment Policy

- Workgroup is circulating redlines.
- Hope to have a nearly finished product to share by next time we meet.

DV & Firearms Surrender Projects

- The DSV committee met via phone in July to discuss projects related to firearms surrender. Immediate projects include two requests from Judge Levinson and Sandra Shanahan from March GJCOM meeting.
- Bench card – Judge Shea-Brown is the lead.
 - She is working with Judge Levinson’s group to develop a draft firearms surrender flow chart and bench card.
 - Draft was long, contained a lot of information. Judge Shea-Brown would like something more like a flow chart that can be easily referenced on the bench. Maybe WSCADV’s flow chart can be used as a model.
 - Keep in contact with Judge Lori Smith and Ann Hirsch. They present DV session at Judicial College, bench cards are distributed. Want to make sure information is consistent.
- Pattern Forms - Erin Moody is the lead.
 - The committee is reviewing Judge Levinson’s recommended changes to the pattern forms that would make it easier for law enforcement and courts to implement laws around firearm surrender. Having an easy to use form can be very good tool to make sure public safety measures are put into place.
 - Understand any action will have to be approved by Commission. Reviewing request to determine what to recommend.
 - Questions/discussion:
 - Are they considering updating the instructions on how to fill forms out? Yes, some of the recommendations are about these.
 - NJP creates packets on how to fill out forms which are a helpful tool. Would be great to get the word out.
 - Is forms revision necessary or could some change be made through professional training? This is something the committee is discussing.
 - There is not a uniform approach across the state. Spokane has a specific firearms surrender process that they use – one of the most thoughtful processes that is used in the state. It is done at bail hearings, they have a form and process that goes with the form. They have law enforcement buy-in. Judge Lucas will let Erin know which Judge in Spokane would be a good contact for more information.

Tribal State Court Consortium – Judge Cindy K. Smith & Justice Susan Owens

Annual Meeting

- This meeting will take place on 9/24 from 5:30-7:30 during the Annual Fall Judicial Conference.

- Approximately 25 people are registered.
- Dinner will be provided, and the focus of the meeting is updates from the Regional Meeting at Tulalip and recruiting new members for the committee and its workgroups.

Attorney General Opinion

- We got an Attorney General Opinion on enforcement of tribal and out of state court orders and whether registration is required.
- It brought no surprises. Recites the law as we expected it to be. We will be deciding what we are going to do with it, probably some sort of distribution to law enforcement.

Workgroups

- There is a work group on a proposed court rule to allow state court judges to talk to tribal court judges. There is a request to DMCJA to have input.
- There were additional workgroups that came from the regional meeting. We will be convening those and continuing the work.

News

- Congratulations to Co-Chair Judge Lori Kay Smith, who has been appointed to the Court of Appeals.

Incarcerated Women and Girls Committee – Elizabeth Hendren & Committee

Success Inside and Out Conference

- October 11-12th at Mission Creek Corrections Center for Women. Minimum security facility (“Camp”). Women are close to release.
- Workshops, speakers, and exhibitors to help to women with reentry, connect with resources. Justice Gordon McCloud will be a keynote speaker. Heather McKimmie and Elizabeth Hendren are exhibitors.
- NAWJ liaison is Judge Karen Donohue, she has asked several judges to speak or facilitate roundtables at the event. The women have expressed in their evaluations in years past that they are thankful for the judges being involved in the conference.

DOC Legal Resource Kiosks

- Mission Creek does not have a law library. Women who are served with family law actions don’t have a meaningful way to respond. Elizabeth holds a monthly clinic at Mission Creek, noticed lack of legal assistance or access. Starting in 2015, Commission partnered with NJP and DOC, to have legal kiosks in minimum security facilities, starting with Mission Creek.
- There were a lot of issues, security concerns with trying to get kiosks implemented at facility. Justice Gordon McCloud got involved as things were stalling. Justice Gordon McCloud, Elizabeth, and Kelley met with Secretary Sinclair, DOC IT staff, and the Superintendent of Mission Creek on 8/31.

- DOC has determined a plan for increasing legal access in minimum security facilities, starting with Mission Creek. They have purchased a PC to install in the education building, which will have access to the same LexisNexis research tools as WCCW/Purdy. There are staff at the facility who have volunteered to be trained on free legal resources available, to assist the incarcerated women.
- NJP family law packets and statewide court forms will be available at the facility and NJP will be working directly with the Superintendent at Mission Creek to arrange training and provide resources.
- They have a 30 day implementation timeline. Hopefully by Success Inside and Out, we will be able to announce the new resource.
- Thanks go to Secretary of DOC Sinclair and the Superintendent of Mission Creek. When DOC has recognition ceremony, will arrange for GJCOM to thank the counselors who volunteered to be trained to help prisoners with the computer.

Yakima Jail Transfers

- Due to overcrowding at WCCW/Purdy, women are being transferred to Yakima jail. This has created issues, including lack of access to programming.
 - Over capacity by hundreds of people at Purdy.
 - DRW was at WCCW a few weeks ago expressing concerns about overcrowding. DRW also has concerns about the transfer of women to Yakima County Jail.
 - Outside stakeholder group is convening a meeting to discuss the issue, potential responses. Lead by Columbia Legal Services (Hillary Madsen), Family Council (Laurie Dawson). Might want to include WACDL and WDA, defender organizations.
 - Collateral consequences of transfer are devastating.

ACTION: The IWG Committee plan to discuss in depth at its committee meeting and make recommendations to the full Commission about potential involvement.

Washington Women Lawyers – Ms. Jennifer Ritchie

- On 9/11, 4:30-6:30 – Event at Columbia Tower Club. Looking for new members in King County. If you know of anyone who might be interested, please suggest they come.
- On 9/20, 4:30-7:30 – Plugging the Leaky Pipeline Series. Will be a panel discussion at Davis Wright Tremaine in Seattle.
- On 10/12, 2:00- 4:00 PM - Fourth Annual Women’s Law Update and CLE – by WWL and Legal Voice.
- On 10/12, 6:00-9:00 PM - WWL Annual Event, theme for this year is “Our Time is Now.” Keynote Speaker is Judge Faye Chess. Panel on empowering and promoting women as professionals –

Judge Chess will lead, Cassie Franklin, Christina Larry, and Sangeeta Gupta. There are a number of awards that will be given at the event. Registration is open.

- Renewed efforts to collaborate with Minority Bar Associations – one project is to require CLEs on Diversity and Inclusion.

ACTION: Jennifer will send information about events to Kelley for distribution to the Commission.

Education – Judge Rich Melnick & Committee

- Held an in-person meeting last week. Invite to all Commission members to join the in person meetings if interested. Even if you can't come to meetings, share ideas on programming.

Upcoming Programs

- Annual Fall Judicial Conference
 - Procedural Justice plenary session - Emily Gold LaGratta from the Center for Court Innovation. How courts can be more procedurally fair. Principles of procedural justice, breakout exercises, practical tools. Will probably need to bring her back.
 - Immigration's Impact on the Judiciary choice session – panel presentation focused on ER 413, which provides that immigration status is largely inadmissible in civil and criminal cases.
- DMCMA Line Staff – David Ward working with Trish Kinlow on Transgender People and the Courts plenary session.
- Judicial College – Judge Lori K. Smith and Judge Ann Hirsch will present DV program.
 - Need ideas for faculty shadows because it is Judge Smith's last year.
 - If you have any recommendations – please let Judge Melnick know, and copy Kelley. Will need to ask them very soon.
- Appellate Program – Jonathan Schapiro will present on legal writing, opinion writing, incorporating gender and race bias issues.
- Superior Court Judges Association - two proposals have been submitted on:
 - Title 26 GALs - Educate judges on role of GAL and how to recognize and address implicit and explicit bias that GALs might have.
 - Access to Justice in Complex DV Cases - DV is a specific issue that SCJA has asked for proposals on this year. Have heard feedback that judges don't want just another DV program, need to be more advanced, be more creative with the title. Positive feedback on this approach from Commission.
- DMCJA Spring Program
 - Judge Charles Short was able to attend in person meeting, very helpful as he is Chair of DMCJA Education Committee.

- Working on two proposals:
 - Neurobiology of Trauma, with Judge Crawford-Willis as liaison.
 - Handling DV Jury Trial, with Judge Paja as liaison.
 - Judge Short suggested would be a good session because DMCJA likes practical, things they can take back to the bench.
 - Help DMCJA judges understand common motions, practical tips.
 - Suggestion to try to integrate ER 413 into this program.

Gender Bias Study – Justice Gordon McCloud

- We received the grant from the State Justice Institute. We contracted with the National Center for State Courts to assist us with the first phase of the project.
- We've been able to meet with researchers on the phone and have discussion about what their tasks are. Based on that meeting, we determined that we will do regular phone check-ins.

Announcements or Events of General Interest

VAWA Reauthorization

- Level funding with same federal grant programs, regulations has been extended to early December.
- Working on bipartisan support for full reauthorization bill. This would be a basic reauthorization with a few enhancements, sexual assault prevention, tribal court issues, housing, and technology abuse issues.
- Two other bills have been introduced to reauthorize VAWA. Grace Huang is in the process of reviewing.

STAFF REPORT

- Kelley will be reaching out about sharing thanks and favorite memories for Leslie and Gail's exit letters.
- For meetings, Kelley will be sending outlook calendar invites to hold 2019 dates. Will still be requesting RSVPs via email in advance of each meeting to plan for refreshments and packets.
- Next meeting is November 2nd at AOC SeaTac.