



Gender and Justice Commission (GJCOM)
SeaTac Office
18000 International Blvd
Friday, January 25th, 2019 (8:45 AM – 12:00 PM)

MEETING NOTES

Present: Judge Marilyn Paja, Vice Chair, Judge Anita Crawford-Willis, Ms. Josie Delvin, Ms. Patricia Eakes, Judge Rebecca Glasgow, Ms. Gail Hammer, Ms. Elizabeth Hendren, Ms. Grace Huang, Judge Eric Lucas, Ms. Annalisa Mai, Ms. Heather McKimmie, Judge Rich Melnick, Ms. Erin Moody, Ms. Riddhi Mukhopadhyay, Mr. Sal Mungia, Dr. Dana Raigrodski, Ms. Jennifer Ritchie, Ms. Sonia Rodriguez True, Judge Cindy K Smith

Guests: Justice González

Liaisons: Ms. Laura Edmonston (Law Library), Mr. Sal Mungia (ATJ Board), Ms. Cassidy Wisley-Paul (Seattle University School of Law)

AOC Staff: Ms. Kelley Amburgey-Richardson, Ms. Mary Lou Boles, Mr. Curtis Dunn, Ms. Jeanne Englert, Ms. Dory Nicpon, Ms. Dawn Marie Rubio

Absent: Justice Sheryl Gordon McCloud, Chair, Judge Michael Evans, Justice Susan Owens, Ms. Vicky Vreeland

CALL TO ORDER

The meeting was called to order at approximately 8:45 AM.

November 2nd Meeting Notes

Minutes approved as presented.

WELCOME & INTRODUCTIONS

- Justice Gordon McCloud was asked to judge a moot court competition out of state. Judge Marilyn Paja, Vice Chair, presided over the meeting in her absence.
- Judge Paja and members welcomed Justice González as a guest to the meeting, as well as Dawn Marie Rubio, the new State Court Administrator.
- Annalisa Mai is our new DMCMA representative, and this is her first meeting. She will be serving the remainder of Trish Kinlow's term.

COMMITTEE & PROJECT UPDATES

Gender Bias Study – Dr. Raigrodski and Ms. Kelley Amburgey-Richardson

- The Commission and the National Center for State Courts determined that the study work would be better conducted by an in-state research entity. We will continue to keep NCSC informed about the project to ensure national impact.
- The Task Force and staff have since worked with Dr. Carl McCurley (Washington State Center for Court Research) and Rob Mead (Law Library) to develop a new plan to conduct the study. SJI has informally approved this plan and we are in the process of submitting for formal approval.
- We will collaborate with various Washington State partners including the Washington State Law Library, Washington State University, University of Washington, and Washington State Center for Court Research.
- To ensure the tasks are completed efficiently and there is continuity in the final report, coordination among these entities and individuals is essential. We will be hiring a project manager with the expertise necessary to ensure successful completion.
- The goal for the next few months is evaluate changes in the law since the 1989 report and do a comprehensive literature review for Washington State and hopefully nationally. Then, the task force will select a small number of pilot projects to focus on.
- Dr. Raigrodski requested that if anyone in the Commission finds any articles or research related to the Gender Bias Study, to please forward that on to Kelley or her. She wants to gather materials that they might not have access to.

Tribal State Court Consortium - Judge Cindy K. Smith

- Judge Smith provided an update about selecting a location for the Regional Meeting. One idea is to have it at the Temple of Justice in Olympia, WA. A state court has never hosted the Regional Meeting before. This could be in conjunction with a visit to a nearby tribal court, such as Nisqually.
- The TSCC is working on a new project to figure out if tribal protection orders are enforced, and what processes are used to ensure enforcement. This is part of the STOP grant funded set aside for the purpose of helping tribal courts with domestic violence and sexual assault issues.
- Proposed Civil Rule 82.5 has been posted for comment. This would allow state court judges to coordinate with tribal court judges in certain cases when there are parties in common.
- The education proposal, "Uncovering Our Biases - Native Americans, Tribal Courts, and Understanding the Crisis of Missing and Murdered Indigenous Women in Washington State," was accepted for Fall Conference. It was proposed by the TSCC and supported by the G&J Commission and the Minority & Justice Commission. We will need to coordinate planning for the session.

Incarcerated Women & Girls Committee – Ms. Hendren, Ms. McKimmie, Ms. Edmonston

- Yakima Jail transfers discussion
 - Ms. Hendren reported on potential actions that the Commission could take in response to this issue. She also provided a written report.
 - Both women's prisons are overcapacity, according to DOC's report released last August 2018. To address this, DOC has been transferring women to Yakima Jail.

- Yakima Jail does not have the same access to services and programming that the women's prisons have, which has raised concerns. Another concern is no capacity for in person visits with children, which are available at the prison when appropriate.
- There are also concerns regarding the mental health services at Yakima Jail. A therapeutic community was created within the jail recently to address some of these issues.
- There are some steps that GJCOM could take, but we need clarity from DOC about the screening process for how women are selected to be transferred to Yakima Jail.
- Ms. Rodriguez True volunteered to go in and speak with the women in the Yakima Jail if needed.
- Judge Glasgow raised an additional potential issue of conflicts between DOC policy and jail policy, e.g., information sharing with entities like ICE.
- The Incarcerated Women and Girls Committee will discuss further at its meeting.
- Gender responsiveness
 - A big picture issue is the rise of female incarceration in general. This population is the fastest growing prison entrance group and it's not commonly addressed in prison re-entry research.
 - We haven't examined why the female prison population is growing so fast and we don't know if their needs are being met. DOC started a gender responsiveness initiative in 2014 but it is unclear what the status is now.
 - A related issue is that DOC's classification tool is primarily created for classifying men.
 - Ms. Hendren proposed hosting a Symposium related to this topic. Dr. Raigrodski thought this would be a good fit with the Gender Bias Study and noted that we have in house expertise.
 - Ms. McKimmie and Ms. Mukhopadhyay suggested including prosecutors, law enforcement, and court staff if a symposium or future training is developed.
 - Judge Melnick asked if the rate of detention of juvenile girls is also increasing. Ms. Hendren agreed to look into this question.

ACTION: Ms. Hendren will look into the detention rate of juvenile girls.

- Beyond Pink Conference – Ms. McKimmie, Ms. Edmonston
 - The Commission sponsored this conference for professionals who work with girls in systems including schools, youth development, child welfare, juvenile justice, health, mental health, and housing. The focus was on building supportive environments, policies, and practices.
 - Ms. McKimmie shared about a presentation on the importance of research and data being used to support initiatives.
 - They also showed films, which may be of interest to the Education Committee for use in future programs. The films may be viewed on www.girljustice.com.
 - Ms. Edmonston mentioned other sessions that focused on dysfunctional families, child abuse, mental illness, trauma, and addiction.

- The conference emphasized bringing various voices to the table, making sure that people from all backgrounds, specifically youth voices, are involved in these types of discussions.

LIAISON AND REPRESENTATIVE REPORTS

- Washington Women Lawyers – Ms. Ritchie
 - WWL has been working with the WSWC, GJCOM, and WSBA on the 2nd Annual Women’s History Month CLE, which will take place in March.
- Access to Justice Board – Mr. Mungia
 - Every other year, there is a civil legal aid lobby day in Olympia. This year it will take place on 2/22/19. The chair of the Equal Justice Commission, Andy Saks, welcomes anyone to attend.
 - The largest source of funding for civil legal aid is state dollars. Their goal is to work with legislators to help achieve their funding goals.
 - The ATJ Conference will be held June 14-16, 2019 in Spokane, WA. They had 60 proposed programs, which is their highest number ever.
 - A proposed change to RAJ 94.3 would require a Superior Court judge who decides a criminal RALJ appeal to consider the defendant’s current or likely future ability to pay before imposing costs of appeal. The ATJ Board is hoping to propose something similar for civil appeals.
- Moot Court Judges – Ms. Cassidy Wisley-Paul, SU Law Student Liaison
 - The student liaisons have been working with Dr. Raigrodski on this since the last meeting.
 - They would like to propose a one hour implicit bias training focusing on gender, race, disabilities, etc. for all moot court judges.
 - They would like to make it mandatory, but this might create issues with the need to fill last minute judge spots. Will plan to provide CLE credits as an incentive for moot court judges to participate. Dr. Raigrodski suggested making it an ethics CLE.
 - The next step will be to seek approval from each Law School Dean, and then coordinate with moot court honor boards.
 - There isn’t a lot of information on best practices, or existing training materials. It would be helpful to have people who have been moot court judges involved in preparing training materials.
 - Justice González raised the issue that moot court boards change and there doesn’t seem to be a standard way to notify the law schools about inappropriate moot court judges. This makes it a difficult issue to address.
 - Ms. Huang suggested writing an article in the Bar News on the topic of bystanders, to help attorneys identify these microaggressions and encourage them to hold their colleagues accountable.
 - Judge Paja suggested the implicit bias training court be a part of existing orientation for moot court judges. It could be in a webinar format.

- Judge Crawford-Willis mentioned she has served as a moot court judge and received orientation materials to prepare. She also agreed that it's important to hold others accountable if one of us witnesses this type of biased behavior.
- Judge Paja asked if we should create a sub-committee under the Education Committee to address this topic, or if it should be an ad hoc committee for now.

ACTION: Ms. Ritchie and Dr. Raigrodski volunteered to participate in ongoing efforts to develop this training. Ms. Amburgey-Richardson will set up a call with those who are interested.

Education Committee – Judge Melnick and Committee

- Updates on upcoming programs
 - Judicial College: The DV session will be held on 1/30 and will cover DV 101 and protection orders. Judge Lori Kay Smith and Judge Anne Hirsch are faculty for this program.
 - SCJA Spring Program (April 2019)
 - G&J is sponsoring two sessions
 - The Role & Scope of Title 26 GALs. The goal of this to provide tools on how to objectively review GAL reports and testimony, be aware of potential bias (gender, race, LGBTQ, DV).
 - Reducing Gun Violence by Upholding Protection Order Related Firearm Laws: Practice Tips to Ensure Community Safety and Due Process.
 - AWSCA Spring Program (April 2019)
 - Transgender People and the Courts: Ensuring Respect and Fairness (April 2019)
 - This will be adapted from recent DMCMA program.
 - David Ward and colleagues who identify as transgender will serve as faculty.
 - DMCJA Spring Program (June 2019)
 - G&J is sponsoring two sessions in June 2019
 - Neurobiology of Trauma – Dr. Chris Wilson and Judge Shaun Floerke are national experts and presenters on this topic.
 - Handling a DV Trial – Judge Nevin is faculty.
 - Justice González recommended including discussion of the confrontation clause, and noted there is new case law.
 - G&J is tasked with developing a mini DV trial bench guide for this session. Judge Paja and Judge Crawford-Willis have agreed to help.
 - Annual Fall Judicial Conference – September 2019
 - Proposals
 - From Trafficked to Safety: Identifying & Effectively Responding to Sexual Exploitation was not accepted, but three others were.

- Equal Justice Overview: Youth, the Eighth Amendment and the Law will focus on issues on juveniles, specifically girls, LGBTQ youth, minorities. This program is co-sponsored with the Minority & Justice Commission (MJC).
- Pre-Trial Justice: Bail, Risk Assessments, and Reforms. This program is co-sponsored with MJC.
- Uncovering Our Biases - Native Americans, Tribal Courts, and Understanding the Crisis of Missing and Murdered Indigenous Women in Washington State. This program is cosponsored with MJC and the TSCC.
- Commissions dinner and speaker
 - There has also been discussion about planning a dinner sponsored by the Commissions. [Judge Xiomara Torres](#) has been suggested as a speaker.
 - We would invite Multnomah County judges to attend, similar to a few years ago for the Judges of Color reception.
- Judge Melnick noted that we have received feedback that sessions solely on implicit bias or domestic violence are seen as repetitive. We have incorporated that feedback, and know that there are different ways to present the information we want to get out there. This is why G&J Commission education proposals are successful, because we look broadly at gender issues and the courts.

GUEST SPEAKER

Legislative Proposal: Refining DV Definition – Ms. Dory Nicpon, Associate Director of Judicial & Legislative Relations, AOC

- Ms. Nicpon presented about the proposal that the Commission submitted to the BJA, which is part of the BJA's legislative agenda.
- The HB 1163 DV Workgroups produced very detailed reports. One issue identified is that RCWs that define domestic violence do not distinguish between intimate partner violence and other family or household member violence. The purpose of the proposal is to allow courts to discretely track and analyze data, not to make substantive changes.
- Ms. Nicpon drafted a bill with the help of other AOC staff to ensure it will have the effect intended with AOC systems. She also recognized the bill will only work if prosecutors are willing to use this specific charging avenue to allow us to capture the data, and reached out to WAPA.
- Representative Goodman is seen as a leader in the legislature on domestic violence issues. He has proposed HB 1517 to implement many of the work groups' recommendations.
 - This bill currently provides that the refinement of the definition of DV should be studied further.
 - It also charges the Commission with reconvening the workgroups for further study.
 - Judge Paja noted that researchers that were a huge part of the workgroups were unanimous that further study is not possible unless we refine the definition so data may be captured.
 - Judge Lucas agreed that this is fundamental for judges to have confidence in the DV treatment regime and to drive it toward a structure that is more evidence based. In order

- to do that, we need the research to confirm what works and doesn't work. No research is possible unless we have data and currently the researchers say our data is unsuitable.
- Ms. Nicpon will approach Representative Goodman about incorporating the DV definition proposal into his bill.
 - The Commission, as a judicial branch entity, will not be taking a position on other aspects of the bill.
 - The Commission is not resourced to support what it is being asked to do in the bill. Funding to support the Commission's work in this bill is imperative. It seems that everyone agrees about this. Ms. Nicpon is working with Commission staff to determine funds necessary.
 - Ms. Huang mentioned that there are other groups interested in making substantive changes to these statutes, to address issues such as teens only being able to petition for a protection order on their own if the respondent is over a certain age.

GUEST SPEAKER

Court Education & Interpreter Funding Task Forces - Ms. Jeanne Englert, BJA Administrative Manager, AOC

- Ms. Englert presented on the work of two BJA task forces.
 - Extensive research has been conducted, surveys out to courts and to legal system partners to inquire about funding needs.
 - They have heard from courts that that Court Managers and Judges do not currently have access to timely and relevant training opportunities.
 - They found that 65% of cases experience delays in providing adequate court interpreters.
- These proposals are both funding requests that are included in the judicial branch budget request package. Funds will support a better online learning management system, scholarships for smaller/rural courthouses, and training for various court personnel.
- Justice González shared that limited access to interpreters results in travel costs that often exceeds a court's planned budget.
- Representatives from the task force, including Justice González, have been visiting with lawmakers and things look more hopeful than in the past, as these funding proposals contain better research.
- There was discussion of remote video or phone interpreting.
 - Ms. Huang mentioned that organizations experience issues with competent electronic interpreting, specifically for issues related to trauma and sexual violence.
 - Justice González shared that it is difficult to vet the competency of the interpreters that these services provide.
- Additional detailed information about the task forces and related budget requests may be found in the reports in the meeting packet.

COMMITTEE & PROJECT UPDATES, continued

Domestic & Sexual Violence Committee – Ms. Erin Moody

- Pattern forms changes (DV & Firearms)
 - Ms. Moody and Claire Carden have drafted mock forms for review by volunteer Judges before presenting to GJCOM.
 - The DSV committee has had productive input from stakeholders and is finalizing side-by-side comparisons of the three forms changes it intends to ask the Commission to advocate for the Pattern Forms Committee.
 - Once final, a letter/memo with the official ask will be submitted to the Commission.

- Updates to Sexual Violence Bench Guide
 - The DSV committee finalized updates to the guide at the end of 2018 with the assistance of a contracted project manager.
 - This was the final step of a comprehensive process that involved content development, revision, and editing by law students, attorneys, and judicial officers.
 - Six new chapters were drafted, and all of the original chapters were updated with new statutes and case law. A law student or attorney initially drafted content, then attorney experts and judicial officers reviewed. The DSV Committee conducted a final review with a focus on tone to ensure content is neutral and unbiased.
 - The committee voted to move forward with five of the six chapters. The Family Law chapter was not ready to be published at this time. The committee will continue work and hopes to publish it in the future.
 - The guide must be submitted to the federal Office on Violence Against Women (OVW) for approval at least 20 days before printing and distribution. The in-state funding agency also requires that any grant-related printing take place before the end of March.
 - We are on a tight timeline to meet these requirements. Ms. Moody offered that if anyone else would like to review before publication, staff can provide the final draft. Comments are needed by mid-February. Judge Paja volunteered to review.
 - Judge Melnick suggested that the final draft be distributed to any past contributors who were not involved in this revision and are still practicing. He also suggested distributing to Chairs of relevant DMCJA and SCJA committees (sexual assault or domestic violence) to get buy-in for future use of the guide. Committee Co-Chairs will work with staff to identify these individuals and distribute the guide for review.
 - The guide has not been updated since 2013 and the committee is excited about publishing an updated resource.

- Formalizing Future Bench Guide Update Process
 - Ms. Moody shared that the committee has been discussing the need to formalize a process for future bench guide updates.
 - A process needs to be established to ensure consistency and timely updates.
 - Ms. Huang mentioned that managing law students to work on updates can be very time consuming.
 - Dr. Raigrodski recommended looking into utilizing graduate students from the UW Law Librarian program, who have all graduated from law school before entering this program.

- Miscellaneous Updates
 - DV Symposium in King County on September 5-6, 2019
 - Ms. Huang has been recruited to work on the planning committee.
 - Commissioner Jonathon Lack will also be participating as a liaison from the G&J Education Committee.
 - Ms. Huang presented information about the reauthorization of the Violence of Women Act and the government shutdown.
 - Office of Violence Against Women is still operating. Funding for new projects has been stalled but there shouldn't be an issue with existing grants.
 - Her organization will be working with Senator Feinstein (CA) to introduce a bill with expansions to VAWA.
 - There is a new workgroup committee within the Office of Victims Advocacy that is focusing on Implementing HB 1022 from 2018 regarding U-Visa certification. This may be of interest to Commission members.

ACTION: Judge Paja will review the final draft bench guide.

ACTION: Ms. Amburgey-Richardson will work with Ms. Moody and Judge Shea-Brown to identify additional recipients suggested by Judge Melnick and distribute for review.

Communications Committee – Judge Paja

- 2nd Annual Women's History Month CLE
 - This year's partners include WWL, WSBA, WSWC and NAWJ.
 - The planning committee has finalized a date of March 13, 2019.
 - Topics will include the equal rights amendment, implicit bias, and Justice Ruth Bader Ginsburg.
- Washington State Women's Commission Outreach Event
 - The G&J Commission is sponsoring this event, and hosting it at the Temple of Justice.
 - It will take place on Monday 1/28/19 from 5:30 – 8:00 PM and all are welcome.

DISCUSSION ITEMS

- Judge Glasgow mentioned that the Commission has been asked to sponsor the Judicial Institute and wondered if a decision had been made. Judge Paja and Justice Gordon McCloud are reviewing the request.

CHAIR AND STAFF REPORTS

Vice Chair Report – Judge Marilyn Paja

- Judge Paja shared about scholarship awards available through the DMCJA to attend training. She recently received a National Leadership Grant award and encouraged others to utilize the monies to attend national educational events

Staff Report – Ms. Kelley Amburgey-Richardson

- Last year, the Chairs asked Kelley to prepare a regular report on bills of interest to the Commission. She will provide periodic reports again this year during session. If you know of a bill of interest that is not in the report, please let her know so it may be included.

The meeting was adjourned at approximately 11:50 AM.