



Gender and Justice Commission
Friday, May 3, 2019
8:45 AM – 12 PM
AOC SeaTac Office
18000 International Blvd., Suite 1106, SeaTac, WA
Teleconference: 1-877-820-7831
Passcode: 904811#

MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Chair)
Judge Marilyn Paja (Vice Chair)
Ms. Sydney Bay (UW Liaison, via phone)
Judge Anita Crawford-Willis (via phone)
Ms. Josie Delvin
Ms. Macaulay Dukes (SU Student Liaison)
Ms. Laura Edmonston (Embedded Librarian)
Judge Rebecca Glasgow
Ms. Michelle Gonzalez (WSWC Liaison)
Justice Steven González
Ms. Gail Hammer (via phone)
Ms. Elizabeth Hendren
Ms. Grace Huang
Ms. Annalisa Mai (via phone)
Ms. Heather McKimmie
Judge Rich Melnick
Ms. Erin Moody
Ms. Riddhi Mukhopadhyay
Dr. Dana Raigrodski
Ms. Jennifer Ritchie
Ms. Sonia Rodriguez True (via phone)
Judge Cindy K. Smith (via phone)

Guests

Judge Joseph Campagna
Ms. Jaime Hawk
Judge Maureen McKee
Stephanie Mueller

Staff

Ms. Kelley Amburgey-Richardson
Ms. Cynthia Delostrinos (via phone)
Ms. Moriah Freed
Ms. Sierra Rotakhina

Members & Liaisons Absent

Judge Michael Evans
Judge Eric Lucas
Mr. Sal Mungia (ATJ Board Liaison)
Ms. Vicky Vreeland
Ms. Cassidy Wisley-Paul (SU Student Liaison)

CALL TO ORDER

The meeting was called to order at 8:50 AM

March 1, 2019 Meeting Minutes

The meeting minutes were approved as presented.

Welcome and Announcements

Justice Gordon McCloud welcomed the Commission and several guests. Members introduced themselves.

Justice Gordon McCloud announced that Justice Steven González has been appointed as a Commissioner. In addition, Patty Eakes has resigned as a Commissioner but will remain active with the Gender Bias Study Task Force. Judge Maureen McKee has been selected to serve the remainder of her term.

Ms. Kelley Amburgey-Richardson announced that Ms. Moriah Freed has been hired as the new Commissions Administrative Secretary.

COMMITTEE AND PROJECT UPDATES

Incarcerated Women & Girls Committee – Ms. Elizabeth Hendren & Committee

Yakima Jail Transfers

- Ms. Hendren and Ms. McKimmie provided an overview of the committee’s work on this issue.
- There are only 2 women’s prisons in Washington and they are both overcrowded. The number of women being incarcerated has continued to rise. In response, DOC has been transferring women to the Yakima Jail facility.
- This has been a concern because there is not the same access to education or programming at the jail, and no law library.
- The committee recently learned that DOC will not be transferring women to Yakima who have active legal cases. The DOC Ombuds has confirmed this through regular visits to the Yakima facility.
- This resolves the primary concern for the committee, but they will continue to monitor the situation.

Success Inside & Out Conference

- The conference has been scheduled for October 10-11th at Mission Creek Corrections Center for Women.
- The planning committee met via phone recently, and will be conducting outreach efforts to identify judicial officers from across the state to attend, speak, and facilitate roundtable discussions at the conference.

ACTION: If Judicial Officers are interested in participating, please contact Judge Paja or Ms. Amburgey-Richardson for additional information.

Children of Incarcerated Parents Conference presentation

- Ms. Hendren presented at a recent conference on children of incarcerated parents at UW Tacoma. Her presentation focused on court access for incarcerated parents.

- The conference was a one day event in Tacoma, and participants were social workers and family members without a legal background. There are plans to make it an annual event moving forward.

Liaison & Representative Reports

Washington Women Lawyers – Ms. Jennifer Ritchie

- The WWL Annual Event will be held October 11, 2019 in SeaTac. All upcoming events may be found on the Washington Women Lawyers website: <https://wwl.org/newsevents>
- WWL is considering sharing out a survey about sexual harassment that was developed by another entity. The survey is currently being vetted. If WWL shares it out, data gathered may be helpful for Gender Bias Study.
- WWL submitted an article to the National Conference of Women’s Bar Associations, which is collecting histories of women’s bar associations.

Washington State Women’s Commission – Ms. Michelle Gonzalez

- Ms. Gonzalez is a new liaison to the Commission, in her role as Executive Director of the Washington State Women’s Commission.
- The WSWC is unique because part of its charge is to conduct legislative advocacy and endorse/support bills. This year they prioritized 15 bills, which may be found on Page 13 of the meeting packet. Eleven of the bills have made it to the Governor’s desk for signature.
- The Safety Committee focused on bills related to Domestic Violence and Sexual Assault.
- The WSWC also supported HB 1713, which is focused on establishing best practices for investigating missing and murdered indigenous women. It created two liaison positions at the Washington State Patrol to open communication between WSP and tribes.
 - The WSWC is connected with the Governor’s Office of Indian Affairs about this issue.
 - This is also of interest to the G&J Commission, and an education session is planned for the Annual Fall Judicial Conference on the Crisis of Missing and Murdered Indigenous Women.
 - Judge Cindy K. Smith suggested the WSWC may want to connect with Ms. Anita Lucchesi, a PhD candidate who conducted a recent study of this issue.
- The WSWC’s outreach event with the G&J Commission in January went well, as did the event earlier this week in Tacoma. The next meeting will be in Spokane on July 29, 2019 (Gonzaga Law School) and the last meeting of 2019 will be October 8th (location TBD).

ACTION: Ms. Amburgey-Richardson will distribute the report on Missing and Murdered Indigenous Women, provided by Ms. Hendren.

Law Library – Ms. Laura Edmonston

- Ms. Edmonston highlighted topics of interest from her May News and Literature Recap, including:

- Study and reports of women in legal profession, harassment
- Study on incarcerated women and girls
- If you have topics of interest that you would like to see in the recap or reports that you come across, please share with Ms. Edmonston.
- Dr. Raigrodski proposed making these reports accessible to the public, cataloguing them in some permanent way. The Commission discussed posting them on its website.
- The law library, through Mr. Rob Mead, continues to work with the Commission on the Gender Bias Study. Ms. Sierra Rotakhina will report more on this later in the meeting.
- Library staff are in the process of adding new titles to law library currently. If there are publications of interest, please share them with Ms. Edmonston.
- Ms. Edmonston also recently compiled a timeline of the women's suffrage movement for a presentation that Justice Gordon McCloud is giving. Commission members are interested in seeing the timeline once finalized.

ACTION: Ms. Amburgey-Richardson and Ms. Freed will work on options for making monthly reports accessible to a larger audience.

Law Students – Ms. Macaulay Dukes & Ms. Sydney Bay

- The law student liaisons recently conducted a survey of their peers at all three law schools about their experiences and observations from participating in moot court.
 - Survey revealed that moot court judges continue to make comments regarding apparel, voice, ethnicity, and appearance that show explicit and implicit bias.
 - Ms. Dukes reported that while survey responses primarily highlight gender bias, issues surrounding other bias, such as ethnicity, are also very common.
 - Most people responded yes or maybe when asked if they favored implicit bias training for moot court judges.
 - Implicit bias training should include training on internalized oppression, as survey results indicated some comments were made by women moot court judges.
 - Dr. Raigrodski suggested conducting the survey on a regular basis.
- Ms. Ritchie highlighted the power dynamics between judges and law students, lack of professionalism of comments, some remarks were worse than anticipated.
- Ms. Dukes shared that moot court competitions are exclusively run by students, with volunteer judges being the only other people in the room. Creates a power dynamic where comments cannot be addressed.
- Dr. Raigrodski emphasized the importance of school administration involvement to counteract this power dynamic. It is incumbent on law schools to be involved. There needs to be someone who is in more of a position of power to be an ally, call out bias.
- Commission members discussed development of a feedback form where students could share whether a judge should be invited back or not. This is something that Seattle University has implemented.
- Commission members discussed benefits of allowing judges who made biased comments to learn from mistakes, receive education about appropriate responses.

- This would depend on the severity of the issue. If comments are well-intentioned but show implicit bias, this is different than more overt issues (e.g., harassment).
- “Judges” are volunteers. We need to recognize the positive nature of the unpaid and time consuming work that they are doing in helping students.
- Any steps we suggest towards correcting problems have to be done in the context of appreciating the fact that the volunteers are donating their time to help students and help the profession. Be appreciative and respectful of the donation the judges are making, and offer feedback, suggestions in that spirit.
- Discuss of training format
 - One-hour, video format
 - Dr. Raigrodski received confirmation from WSBA that the training would be eligible for CLE credit, and it would be eligible for ethics credit. This would incentivize attorneys to participate.
 - Ms. Mukhopadhyay raised the concern that a one-hour video would just be a “check box.” This is not just a problem for law students, but a larger issue of bias in our profession. How can we make implicit bias part of the ongoing learning culture for attorneys?
 - Justice Gordon McCloud suggested talking to organizations that offer CLEs about incorporating implicit bias issues into other training.
- Next steps:
 - Still in brainstorming stage, developing recommendations for training format and Commission involvement.
 - Judge Glasgow requested to be included in ongoing discussion of this project as it intersects with the Education Committee’s work.

Education Committee – Judge Rich Melnick & Committee

Announcements

- Judge Melnick recognized David Ward for his ongoing participation in the Education Committee after finishing his term with the Commission. He has been invaluable, a pleasure to work with, brought issues to our attention for judicial training. He is moving out of state but will still participate in meetings via phone when possible.

Appellate Program

- The recent program on judicial writing and bias was successful. The committee is keeping in mind faculty from this session for future programs.

SCJA Spring Program

- Role and Scope of Title 26 GALs
 - This session was presented to Superior Court Judges earlier this week.
 - It was a short session (75 minutes) at the end of the day and faculty did a good job of engaging participants in hypotheticals and dialogue.

- The focus was on the new GAL training curriculum and identifying and addressing bias in GAL reports.
- Reducing Gun Violence by Upholding Protection Order Related Firearms Laws
 - This session was presented to Judges and Administrators earlier this week.
 - Faculty presented nuts and bolts information on statutes and forms, statistics and suicide prevention, DVPOs and ERPOs.
 - There were three hypotheticals. The one that included a 5th amendment issue prompted questions and discussion. DSV Committee will discuss and consider development of resource, hypotheticals for future trainings.
 - New legislation passed this session that will change firearms surrender processes. This raised questions from participants. A follow-up session or distribution of additional resources may be helpful.
 - The Education Committee will review evaluations when they are distributed and discuss how to address feedback.

AWSCA Spring Program

- Transgender People and the Courts: Ensuring Respect and Fairness was presented to Superior Court Administrators earlier this week.
- Participants were very engaged and receptive. Information presented included practical tips for making the courthouse a welcoming and inclusive space for all court customers.

DMCJA Spring Program

- Neurobiology of Trauma, Sexual Harassment, and Evidence Issues in DV Trials presentations are in progress.
- Judge Paja and Judge Crawford-Willis are working on a resource to accompany the DV Trial session. This will be provided on a USB drive with the full DV Manual to all participants.
- Sponsorship of the Sexual Harassment session was requested by Judge Short (DMCJA Ed. Committee). He reached out to Judge Melnick, who consulted with the committee and Commission Chairs. Trainers will include Reiko Callner, Director of the WA State Commission on Judicial Conduct and attorney Sarah Hale.

Annual Fall Judicial Conference

- The committee, along with partners from the Minority & Justice Commission and the Tribal State Court Consortium, are in the process of confirming faculty for all three sessions and scheduling initial calls.

Future Programs

- The committee is planning ahead and welcomes suggestions for session topics to propose for next year's judicial conferences.

ACTION: Commission members should share ideas for 2020 education sessions with Judge Melnick, Judge Glasgow, or Ms. Amburgey-Richardson.

Communications Committee – Judge Marilyn Paja & Ms. Kelley Amburgey-Richardson

2nd Annual Women’s History Month CLE

- The CLE was held on March 13th. Topics included implicit bias, the jurisprudence of Justice Ruth Bader Ginsburg, and the Equal Rights Amendment.
- Justice Gordon McCloud, Justice Gonzalez, Justice Stephens, and Judge Montoya-Lewis served as judicial faculty.
- Judge Montoya-Lewis’s section on implicit bias was a great introductory program, excellent written materials. This could be a resource for resource for the moot court judge training discussed earlier.
- The full CLE is accessible online for purchase as a recorded webinar.

Biennial Report

- The report is in progress. The Committee will be reaching out to Commission members for assistance with writing/compiling information for certain articles.

GUEST SPEAKER

Stephanie Mueller, Lavender Rights Project

- Commission members were asked to think about what it means to be a transgender woman. There are not many resources for transgender women, or opportunities for transgender women to be in the position of speaking to a group like this.
- Lavender Rights Project is a small organization that provides legal services for trans/queer community.
 - Sliding scale fees, self-help resources and advocacy, community organizing, events.
 - Areas of the law: employment, healthcare, housing, criminal defense, family law, and juvenile court/dependencies.
- Issues for the Commission to consider:
 - Name and gender marker changes
 - A 2016 study found that if trans individuals can get a name change, the risk of suicide decreases by 50%.
 - Each county and court have a different process for this, which creates confusion and barriers. There needs to be a uniform process.
 - Transgender prisoners cannot appear in court to petition for a name change. Where transgender women are placed within DOC is also an issue.
 - Ms. Ritchie raised the issue of transgender prisoners at MacNeil Island who may need assistance.
 - Prison Rape Elimination Act (PREA)

- National Survey – 35% of trans prisoners subjected to sexual abuse (likely underestimated).
- DOC 2017 PREA Report – found 1 instance of sexual assault against a transgender person (reported).
 - Inconsistent with knowledge of violence against trans individuals, likely underreported. PREA reports consistently underreport sexual assaults.
 - Ms. McKimmie reported that Danny Waxwing (Disability Rights WA) is gathering data from transgender prisoners in WA, broader than PREA but may be helpful.
- Several issues:
 - Those who report are sent to solitary confinement for their own protection.
 - PREA reporting options do not encourage prisoners to come forward, so we don't have accurate statistics.
- Washington Law Against Discrimination
 - Gender identity and sexual orientation are two different things.
 - The law places gender identity under the sexual orientation section. Protections are good, but placement creates confusion and could use clarification.
 - Within LGBTQ organizations, the "T" is often not addressed or represented, despite different needs.
- Representation of transgender individuals in professional community
 - Stephanie reported that she has been treated well by clients and professionals as a transgender woman, but does not see trans women represented in law firms, bar associations.
 - Why is this? Is there truly acceptance?

COMMITTEE AND PROJECT UPDATES, CONTINUED

Domestic & Sexual Violence Committee – Ms. Erin Moody & Committee

Committee Project Updates

- Ms. Moody provided an update about the committee's work on DV and firearms surrender projects.
 - Pattern forms changes - waiting for final expert to review draft letter and forms mock-ups before sharing request with the Commission.
 - Judge Shea-Brown has been working on a firearms surrender bench card.
 - The committee needs to review SHB 1786, which passed this session, to see how changes to the law intersect with these projects.

May 22nd Meeting

- The meeting is from 10am – 1pm at the AOC SeaTac office. The Co-Chairs are planning a working meeting and anyone is welcome to attend.
- One thing the committee will be working on is developing hypotheticals for future judicial training.

Model Harassment Policy

- A new workgroup has been formed to continue development of a model policy. This includes Justice González and Judge Beth Andrus. The group has a call scheduled in a few weeks.

Gender & Justice Study Task Force – Justice Gordon McCloud & Task Force

Project Manager

- Ms. Sierra Rotakhina has been selected as the new Project Manager for the study. She brings expertise in public health research and is excited to join the Commission's work.

Study Progress Update

- Ms. Rotakhina has been working with the Task One and Two leads to move the study work forward. She and Dr. Raigrodski have drafted roughly 50 research questions for the empirical and legal researchers. Commission members expressed interest in reviewing these.
- Field research (i.e., information available that may not be a part of a published study) will be gathered to fill in the gaps. Ms. Rotakhina and the Task Force want to leverage the expertise of people already involved with the Commission and will be reaching out for assistance this summer.
- Justice Gordon McCloud is compiling a list of stakeholders to serve on an Advisory Committee for the study.
- Ms. Huang suggested that the Commission identify resources for translating the final report.

ACTION: Ms. Amburgey-Richardson will distribute Ms. Rotakhina's contact information and the research questions to the full Commission.

Tribal State Court Consortium – Judge Cindy K. Smith

Court Rule

- The TSCC proposed a court rule that would allow state and tribal court judges to communicate about cases in certain circumstances. It was posted for comment and a few comments were received. The rule is now with the Supreme Court's Rules Committee and then will go to en banc.

Fall Conference

- Working on session on Missing and Murdered Indigenous Women. Call scheduled next week to determine faculty.

Staffing

- Kathryn Akeah has been hired as the TSCC Court Program Analyst. She has extensive experience working with tribes will be working halftime on grant-related projects, including protection order enforcement.

CHAIR AND STAFF REPORTS

Vice Chair Report – Judge Marilyn Paja

- The Commission’s legislative request to refine the definition of domestic violence for better data collection was incorporated into a larger bill (E2SHB 1517) which passed the legislature. The bill is on the Governor’s desk for signature.
 - The bill also reconvenes the DV Workgroups Co-Chaired by Judge Paja and Judge Lucas for another year of study. The legislature appropriated funding for staff and research support for the workgroups.
 - Commission members suggested that the workgroups include people with expertise on LGBTQ issues.
- Judge Paja also highlighted SHB 1786 which relates to firearms surrender and the formation of an LGBTQ Commission under the Office of the Governor.

Staff Report – Ms. Kelley Amburgey-Richardson

Legislative Update – Ms. Kelley Amburgey-Richardson

- Ms. Amburgey-Richardson has been providing a legislative report each week of session, with bills that may be of interest to the Commission. Fifty-five bills have been tracked this session.
- Session ended on time and the final legislative report has been distributed. Commission members indicated these reports have been helpful.

Public Trust & Confidence Committee PSA

- Cynthia provided an update about this PSA which was supported by all three Commissions.
- The purpose of the PSA is to encourage the public to think of the court as a safe and welcoming place. The script is being developed and it will be presented in English and Spanish.
- Justice Gordon McCloud, Ms. Huang, and others shared concerns about the focus on court safety, given immigration enforcement issues raised by individuals who work with immigrant communities.

- The Commissions all provided funding to support the PSA before the specific topic was selected. The Commission should have final review of project – script and video – to determine if its name will be associated with the PSA.

ACTION: Ms. Delostrinos will distribute PSA script for Commission to review.

The meeting was adjourned at approximately 12:00 PM.