



**Gender and Justice Commission**  
**Friday, September 6, 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)  
Judge Anita Crawford-Willis (via phone)  
Ms. Josie Delvin (phone)  
Ms. Laura Edmonston (phone)  
Judge Rebecca Glasgow  
Justice Steven González  
Ms. Elizabeth Hendren  
Ms. Grace Huang  
Ms. Annalisa Mai (via phone)  
Judge Maureen McKee  
Ms. Heather McKimmie  
Ms. Erin Moody  
Ms. Riddhi Mukhopadhyay  
Dr. Dana Raigrodski  
Ms. Jennifer Ritchie  
Ms. Sonia Rodriguez True  
Judge Jackie Shea-Brown (phone)

### Guests

Ms. Ophelia Vidal

### Staff

Ms. Kathryn Akeah  
Ms. Kelley Amburgey-Richardson  
Ms. Cynthia Delostrinos  
Ms. Moriah Freed  
Ms. Sierra Rotakhina

### Members & Liaisons Absent

Ms. Gail Hammer  
Ms. Elaine Kissel  
Judge Eric Lucas  
Ms. Eleanor Lyon  
Mr. Sal Mungia  
Chief Judge Cindy K. Smith  
Ms. Stephanie Verdoia  
Ms. Vicky Vreeland

## WELCOME AND ANNOUNCEMENTS

### Welcome and Call to Order

The meeting was called to order at 8:50 AM

- Justice Gordon McCloud and members gave introductions

### ICE Courthouse Arrests – Ms. Grace Huang

- There has been increased civil immigration enforcement at courthouses, and this has become regular activity at some courthouses.

- Chief Justice Fairhurst wrote a letter to ICE expressing concerns regarding access to justice and interruption of routine court matters, such as ticket payments, protection orders, etc. People are scared to go to courthouses.
- There are several proposals to address courthouse arrests in Washington:
  - One proposed Court Rule would make civil enforcement without courts orders not allowed at courthouses in Washington State. They are working to get this court rule passed by October.
  - Another rule would prohibit attorneys from raising citizenship and immigration status questions.
  - A proposed protocol would require ICE to display identification badges and prevent them from making plain clothes arrests. This would ensure people know immigration enforcement activity is happening in the area.
- Groups working on these proposals include the Northwest Justice Project, Washington Defender's Association, Northwest Immigrant Rights Project, and the Access to Justice Board.

**ACTION:** The proposals are being presented to various Commissions. They are seeking support either by having members join the ATJ workgroups or for GJC to support the proposals.

**ACTION:** Ms. Mukhopadhyay, Judge Shea-Brown, Judge Paja, and Ms. Huang volunteered to convene an ad-hoc workgroup to discuss the Gender and Justice Commission's support.. They will have a tentative report by the next Commission meeting.

### **May 3, 2019 Meeting Minutes**

The meeting minutes were approved as presented.

### **Invitation to Co-Sponsor MJC Symposium**

- Justice Mary Yu has invited the Gender and Justice Commission to co-sponsor the June 3<sup>rd</sup> Supreme Court Symposium.
- Gender and Justice Commission members discussed and agreed to co-sponsor the event. The Commissions will work together to determine a topic of mutual interest.

**ACTION:** Members may send topic ideas to Ms. Amburgey-Richardson or the Chairs. A topic will be chosen by January.

### **Announcements**

Justice Gordon McCloud announced that Judge Jackie Shea-Brown has been appointed to a three-year term with the Commission. She will continue to serve as Co-Chair of the DSV Committee.

## **COMMITTEE AND PROJECT UPDATES**

**Gender Justice Task Force – Justice Gordon McCloud, Dr. Dana Raigrodski, Ms. Sierra Rotakhina, Ms. Ophelia Vidal**

**Introduction**

- Justice Gordon McCloud shared that the meeting would be different than usual Commission business meetings. Given the need for input about the Gender Justice Study, the first half will be spent on presenting research and discussion.

**Presentation: Overview of Research Briefing Documents**

- Briefing documents start on page 12 of the meeting packet.
- Commission members were asked to read the 27 one-page briefing documents ahead of the meeting.
- Ms. Rotakhina and Ms. Vidal highlighted:
  - Which topics have identified bias through preliminary research (11 topics). They noted that there is not a lot of Washington specific research
  - Which topics have a major gap in the evidence (5 topics)
  - Zero topics have found no gender disparities in preliminary research
  - Which topics still need preliminary research by study team (see slide in supplemental materials)
    - Justice González shared that Justice Yu’s winter extern, Ms. Monica Romero, has volunteered to work on the communication barriers topic.
- Dr. Raigrodski recognized that gender bias goes both ways, and some research shows disparities for men.

**ACTION:** If any Commission members have expertise in topics needing preliminary research, or know anyone with expertise in these areas, please volunteer by emailing Ms. Rotakhina at [CNTR-Sierra.Rotakhina@courts.wa.gov](mailto:CNTR-Sierra.Rotakhina@courts.wa.gov).

**ACTION:** Ms. Huang will distribute studies to Ms. Rotakhina on certain topics mentioned. If other Commission members have relevant existing research, please email Ms. Rotakhina.

**ACTION:** Ms. Ritchie will talk to Washington Women Lawyers about the women in the legal profession topic and try to find people who can assist in research.

**Research Topics Feedback & Recommendations**

- Domestic Violence and Sexual Assault Topics
  - In new legislation (SHB 1786) AOC tasked with tracking and reporting firearms surrender data.
    - There are codes in place for tracking this information – more information will be available soon about how it will be reported.
  - There is a need for survivors to be taken seriously. The focus may need to be shifted away from criminal justice system response and more on survivor needs.
  - Mr. Mead has expressed interest in having attorneys with family law expertise review his drafts.

- Family Law Task Force –Ms. Hendren and Ms. Mukhopadhyay are on the task force and could assist in a reach-out.
- Ms. Mukhopadhyay noted that it is very difficult for sexual assault victims to go through criminal proceedings. Outcomes are pretty bad. Gender bias shows in credibility determinations.
  - Credibility cuts across all topics. Could it be addressed within reach rather than being its own topic (currently Topic 2.13)?

**ACTION:** Judge Shea-Brown, Ms. Rodriguez True, Ms. Huang, Ms. Mukhopadhyay, and Ms. Hendren volunteered to review the full draft.

- Topic 1.2 - Communication barriers in relation to child custody proceedings outcomes
  - Ms. Hendren has a colleague who works specifically on this issue and may be able to provide assistance (Ms. Leticia Camacho)
  - There was previously a pot of money through OCLA for representative of immigration women in family law cases, but it is no longer available.
  - Ms. Naoko Inoue Shatz, a lawyer in Seattle and new Interpreter Commission member, may be able to assist in this area.
  - Has Mr. Jim Bamberger’s data been included in research?
    - Not yet. Arina (AOC) was the researcher for this study and may be able to help analyze research. Ms. Delostrinos will look into this.
- Economic and Child Custody Gender Bias in Divorce Since 1989 (page 15)
  - There is an issue with courthouse facilitators being hesitant to capture DV information.
  - Judges need to be better educated on immediate surrender of firearms and other weapons. There is hesitation to exercise immediate surrender when it is needed for someone’s safety.
  - This topic, and other topics, need to address the importance of Indigenous women’s perspectives. There are jurisdictional issues between state, local, and federal law enforcement.
    - Ms. Kathryn Akeah, staff to Tribal State Court Consortium - This topic will be addressed partially at the Missing and Murdered Indigenous Women session at Fall Conference. MMIW is the end result – the issues that lead to this need to be addressed, such as foster care, enforcement, of protection orders, etc., in order to see change.
      - When talking about Indigenous women, we have to acknowledge the history of oppression and colonialism.
      - Ms. Hendren suggested that MMIW become its own research area. Seattle has one of the highest incidents in the country.
    - During recent legislative sessions, bills have passed on this issue. Could legislative testimony captures at hearings fill some of the research gaps?

- Dr. Raigrodski – Currently, this topic is incorporated, but not its own separate topic. Ms. Cynthia Jones conducted the underlying research.
- Focus on women of color, women in poverty
  - Judge Paja noted that the intersectionality of issues of gender, race, etc. should be addressed in the study introduction. How do we recognize the overlap in research areas while maintaining separate research questions?
  - Dr. Raigrodski noted that topics have been artificially separated for research purposes. Welcomes the Commission’s input into how combine topics in pilot projects and the report.
  - Ms. Mukhopadhyay asked whether we could ground the study in the experiences of women of color. Issues are not isolated for people with intersectional identities.
  - Yes, studies are often race neutral but we aren’t doing that. The study is focused on women of color and women in poverty.
  - Justice Gordon McCloud acknowledged that a major issue with 1989 study is that it generalizes the experience of white women as the experience of all women. This needs to be broken down to examine how gender bias manifests for different groups of women.

**ACTION:** Members may email any relevant studies, field research, or anecdotal research that may be relevant to study areas to Ms. Rotakhina.

### **Pilot Projects Discussion**

- In addition to the research presented, part of the study grant is to choose 2-3 pilot projects for implementation and evaluation.
- Dr. Raigrodski clarified the scope of pilot projects. The Commission has chosen to use a loose working definition, to include both practice pilots and research pilots. The Commission will not take on all pilot projects, but will highlight those not chosen in the final report for future study.
- The WPI Committee may be able to assist with funding for jury-related research or pilots.
- A pilot project needs to be chosen and launched soon to satisfy grant requirements. Several promising proposals have been submitted to choose from now. Over the course of the study, several pilots will be implemented.
- Pilot Project Proposal: Harassment Survey/Model Anti-Harassment Policy – Ms. Erin Moody
  - Pilot proposal specifically focuses on court workplace harassment
  - Proposal references Women on Guard survey tool, which focuses on sexual harassment.
  - Pilot survey would be broadened/adapted
  - Proposal breaks down steps of creating, distributing, crunching numbers, writing report

- Could Supreme Court require court employee to respond? (Like all JIS users).
  - Would not be able to require this as non-unified court system. Could encourage it.
  - Anonymity would need to be ensured
  - Would need to get buy-in from associations.
- If pilot is selected, we would work with survey design experts on issues such as how to obtain a good response rate.
- Pilot Project Proposal: Women in Prison - Ms. Elizabeth Hendren
  - No state specific data on why female prison population is growing.
  - Working with UW professor, PhD candidate, Jennifer Bright (prison classes) to develop and oversee project. Budget request was for a statistician to crunch numbers.
  - Proposes looking at existing court records from specific time periods to identify trends
  - Black Prisoners Caucus at Purdy (WCCW)
    - Looking at the impact of prison infractions on time spent in prison
    - Example: if a PREA report is found unsubstantiated, it is an infraction, and could result in a longer sentence
  - Could the scope further be narrowed to look at specific crimes?
    - Sentencing disparity between similar crimes for men vs women, including racial disparity
  - Identifying long term systemic changes to benefit affected populations.
  - Justice Gordon McCloud noted that the Sentencing Guidelines Commission should have some of the data available.
  - Potential for DOC collaboration – Secretary Sinclair is on the Study Advisory Committee
  - Discussed whether to include data from jails. Focusing just on prison populations at this time.
- What resources would be helpful for outreach regarding the Gender Justice Study?
  - A tool needs to be developed to easily introduce the Gender Justice Study to prospective interested parties.
  - Ms. Rotakhina’s communications tool-kit could be adapted and re-shared to address the needs of the Commission.

**Tribal State Court Consortium – Ms. Kathryn Akeah, Court Program Analyst**

**Annual Meeting**

- September 22, 2019 at 12:00 p.m.
- Sheldon Spotted Elk, Casey Family Programs, and Annita Luchesi, Sovereign Bodies Institute, will serve as guest speakers for the meeting

- The meeting will focus on the crisis of missing and murdered indigenous women (MMIW) and girls, and the connections between Indian Child Welfare cases, foster care, and MMIW, and what leads up to MMIW.

**ACTION:** TSCC Workgroups are starting up again – come to the meeting or reach out to Ms. Kathryn Akeah ([kathryn.akeah@courts.wa.gov](mailto:kathryn.akeah@courts.wa.gov)) if you are interested in participating.

### **Fall Conference Session**

- Topic is Missing and Murdered Indigenous Women
- The Gender and Justice Commission and the TSCC are co-sponsoring this choice session.
- Speakers include Ms. Annita Lucchesi, Sovereign Bodies Institute, Chief Judge Cindy K. Smith, Suquamish Tribe, and Ms. Sharon Jones Hayden, Tulalip Tribes Prosecutor.

### **Education Committee – Ms. Kelley Amburgey-Richardson**

#### **Annual Fall Judicial Conference**

- In addition to the MMIW session, the Gender and Justice Commission is co-sponsoring the following sessions with the Minority & Justice Commission:
  - Cruel or Unusual Punishment: Youth, Race, and the Law
  - Bail Reform: Why it's needed and how to do it

#### **New Session Proposals for 2020**

- The Education Committee decided on three proposals for SCJA, three for DMCJA, and one for the Superior Court Administrators Conference. These are in progress and will be submitted in the next few weeks.

### **Domestic & Sexual Violence Committee – Ms. Erin Moody & Judge Jackie Shea-Brown, Co-Chairs**

- One of the proposals the Education Committee is submitting for SCJA and DMCJA was proposed by the DSV Committee. The topic is weapons/firearms surrender laws. Panel of judges from jurisdictions that have been conducting compliance review hearings ahead of the passage of SHB 1786 (2019) to show models for implementing the law. Ideally from different parts of the state, mix of legal overview and moderated panel. Proposal also includes small group discussion.
- Working to get bench cards finalized and circulated, along with invitation to attend if conference proposals are accepted. Hoping to get finalized by the end of September. Thank you to Judge Melnick for this suggestion.
- Want to encourage people to submit questions ahead of time about areas of confusion to help shape the session content.

### **New Project Leads/Workgroups**

- At its May meeting, the DSV Committee selected projects to work on, and the Co-Chairs have invited committee members to lead them. Many of these also focus on weapons surrender.

### **Order to Surrender Weapons Bench Card**

- The longer version is in the packet on page 57 of the packet. The one-pager was distributed as a separate handout.
- Judge Shea-Brown, with input from Committee members, has drafted an Order to Surrender Weapons Bench Card and is looking for feedback from the Commission before moving forward.
- Judge Paja thinks this looks really good. Suggested adding that these rules apply in Courts of Limited Jurisdiction as well.

### **Model Anti-Harassment Policy – Ms. Erin Moody**

#### **Request for Review**

- The workgroup has a draft policy ready for review, and is looking for reviewers.
- Need it vetted from plaintiff and defense side. In the process of connecting with Carolyn Ladd from Boeing as a potential employer-side reviewer.
- Women’s Commission having public meeting on development of its model sexual harassment policy on October 15<sup>th</sup>.

### **HB 1517 Domestic Violence Work Groups – Judge Marilyn Paja**

#### **Background and Convening**

- With the passage of HB 1517, the DV Perpetrator Treatment and DV Risk Assessment Work Groups are reconvening and must report to the legislature by June 2020.
- Judge Lucas and Judge Mary Logan, Spokane Municipal Court, are Co-Chairing the work groups.
- Laura Jones has been brought on to serve as contracted staff Coordinator again.
- The work groups will meet September 17th from 9am – 12pm at the AOC SeaTac office for their initial meeting. In-person and phone meetings are planned over the course of the project.

#### **Events & Announcements**

- Washington Women Lawyers Women’s Law Update CLE and Annual Event will be held on October 11th.
- Vietnamese Bar Association banquet will be held on October 3rd.
- Success Inside and Out – October 10th and 11th. Looking for additional volunteers for some discussion tables. Email Judge Paja or Ms. Amburgey-Richardson if you would like to help.



## CHAIR AND STAFF REPORTS

### Vice Chair Report – Judge Marilyn Paja

- WWL Judicial Appreciation Luncheon was held recently. Judge Paja attended on behalf of the Commission.
- Judge Paja and Judge Crawford-Willis developed a new DV Trial Mini-Bench Guide as part of an education session at the DMCJA Spring Program. Judge Jack Nevin presented on evidence issues, including Crawford, and shared that the guide is the best resource he has seen nationally on this topic. Ms. Huang noted that it should be added to the DV Manual.

### **NAWJ Updates**

- There will be a reception on the opening night of Fall Conference sponsored by NAWJ
- The NAWJ Conference will be on October 15th – 19th in Los Angeles
  - Justice Madsen purchased a registration at the early bird price and cannot attend. This discounted price is not available anymore. Is anyone looking to attend, but not registered yet? No one else is planning to attend.
  - Discussed possibility of reporting to NAWJ about the Gender Justice Study at the upcoming meeting.
- President-Elect Nominated
  - Judge Karen Donohue, King County Superior Court, has been nominated as President-Elect of NAWJ. If elected, she will be president in 2021.
- The Gender Justice Study was first announced at the 2016 NAWJ conference in Seattle. NAWJ also wrote a letter in support of our grant. Discussed possibility of 2021 conference being held in Seattle. Would be a good opportunity for “unveiling” the report.

The meeting was adjourned at 11:58 am