



Gender and Justice Commission
Friday, November 1, 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
Ms. Laura Edmonston (phone)
Ms. Gail Hammer (phone)
Ms. Elizabeth Hendren
Judge Rebecca Glasgow
Justice Steven González
Ms. Heather McKimmie
Ms. Erin Moody
Judge Rich Melnick
Ms. Riddhi Mukhopadhyay (phone)
Mr. Sal Mungia
Dr. Dana Raigrodski
Judge Jackie Shea-Brown (phone)
Judge Cindy K. Smith
Ms. Stephanie Verdoia
Ms. Vicky Vreeland

Guests

Danny Waxwing

Staff

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

Members & Liaisons Absent

Ms. Josie Delvin
Ms. Grace Huang
Judge Eric Lucas
Ms. Annalisa Mai
Judge Maureen McKee
Ms. Jennifer Ritchie
Ms. Sonia Rodriguez True
Ms. Elaine Kissel
Ms. Eleanor Lyon

WELCOME AND ANNOUNCEMENTS

Welcome and Call to Order

The meeting was called to order at 8:59 AM

- Justice Sheryl Gordon McCloud welcomed attendees and members introduced themselves.

Congratulations!

- Judge Marilyn Paja received the 2019 Chief Justice Mary Fairhurst Passing the Torch Award from Washington Women Lawyers for her efforts to increase diversity in the Judiciary.
- David Ward, former Commission member, was also honored at the WWL event for his work supporting education and advocacy in the area of LGBTQ rights.

September 6, 2019 Meeting Minutes

The meeting minutes were approved as presented.

COMMITTEE AND PROJECT UPDATES

Immigration Enforcement at Courthouses – Judge Shea-Brown, Judge Paja, Ms. Mukhopadhyay

Proposed Rule Change Ad-Hoc Committee Report

- There has been a push for a court rule to expand on Chief Justice Fairhurst’s letter concerning ICE civil arrests at courthouses.
- Volunteers from the Gender and Justice and Minority and Justice Commissions held a call to discuss this issue and proposed court rules.
- The committee discussed what is considered a courthouse. In some situations, legal proceedings may be held in libraries, community centers, and multi-use office spaces.
- Concerns surrounding travel to and from courthouses were discussed.
- Those involved are looking forward to seeing the final draft of the rule. It was a community wide effort. Thanks to the Commission for quickly taking up the letter of support for expediting the court rule process.
- From a provider’s perspective, Northwest Justice Project and Defender Associations will still be clear and consistent with clients about immigration consequences and the reality of the situation.

Letter in Support of Expedited Timeline for GR9 Petitions

- The letter to support an expedited timeline was signed by the Gender & Justice Commission, Minority & Justice Commission, and the Access to Justice Board.
- Justice Gordon McCloud informed the Commission that the Rules Committee voted to recommend the rule be published in an expedited manner. A vote will be on the full Court’s agenda the week of 11/6.

ACTION: The Ad-hoc Committee will continue to monitor the issue and report back to the Commission.

Liaison & Representative Reports

Access to Justice Board – Mr. Sal Mungia

- Judge Laura Bradley will be the new Chair starting October 2020. Mr. Mungia hopes to remain our liaison but it will be up to Judge Bradley to appoint one.

- Updated technology principles have been sent to the Washington Supreme Court for review.

Washington Women Lawyers – Ms. Jennifer Ritchie

- Ms. Ritchie was unable to attend today’s meeting. Ms. Amburgey-Richardson shared upcoming WWL events from Ms. Ritchie via email.

Law Library – Ms. Laura Edmonston

- Ms. Edmonston completed a summary on a restorative justice and DV study for the GJ Study and HB 1517 work groups.
- The October news roundup was just finished. It will be distributed soon.

Education Committee – Judge Melnick, Judge Glasgow & Committee

Annual Fall Judicial Conference

- The Commission sponsored three sessions at the conference, in addition to the keynote speech by Judge Xiomara Torres from Multnomah County Circuit Court
- The Commission sponsored the following sessions at the conference, which all received positive feedback:
 - The Crisis of Missing & Murdered Indigenous Women and Girls (with TSCC)
 - Cruel and Unusual Punishment: Youth, Race, and the Law (with MJC)
 - Bail Reform: Why It’s Needed, How to Do It (with MJC)
- An issue arose with two of the sessions. Gender related content was not incorporated and the Gender and Justice Commission not properly recognized as co-sponsoring the sessions. Discussed the need to be conscious of this during planning co-sponsored sessions in the future.

New Session Proposals Submitted

- SCJA Spring Program
 - The SCJA Education Committee did not select any of the session proposals we submitted. Their feedback was that they had heard two of the topics recently, and that the third would be better for the Administrators or Fall Conference.
 - They are interested in the Weapons Surrender session for 2021.
 - There might be an opportunity to sponsor an accepted session that was submitted by someone else on Tribal Court Jurisdiction. Ms. Amburgey-Richardson will work with AOC Educators on this and coordinate with the Education Committee.
 - Commissioners disagreed with the SCJA’s decision not to accept the proposals, particularly the Sexual Harassment session, which is a relevant topic for all courts.
 - Discussed the SCJA’s topic rotation – which topics are considered core and which are every other year.
 - Discussed following up with SCJA Ed. Committee Chairs to find out more about why sessions weren’t accepted. Judges Melnick and Glasgow will follow-up.

- AWSCA Spring Program
 - We submitted a session on Sex Harassment and Liability. The Committee has not made its selections yet.
- DMCJA Spring Program
 - Two of the three submitted proposals were selected
 - Implementing Changes in Weapons Surrender Laws in Your Jurisdiction was selected.
 - Poverty Simulation (with MJC) was selected.
 - Sexual Exploitation and Trauma Informed Courts was not selected. No feedback has been received.
- Appellate Program
 - G&J and M&J Commissions have discussed sponsoring a session on a book, which the Appellate Judges would all read.
 - *All the Real Indians Have Died Off...and 20 Other Myths About Native Americans* author would present a session. Working on logistics of sponsorship and travel.
- Traveling Court Proposal
 - Justice González proposed holding a discussion forum during traveling court at the University of Washington. It would give students entering the field of law an opportunity to speak to the Justices about their concerns and questions surrounding gender and the legal community. There would be time during the 1:30-3:30 time slot on February 19th.
 - Ms. Veroida, UW Liaison, is willing to work on this. Education Committee will discuss at its upcoming phone meeting.

Communications Committee – Judge Paja & Committee

One Pager

- Staff worked with the AOC Communications Section to develop a new one-pager for outreach. Copies can be provided to anyone attending an event where they would like to do outreach about the Commission.
- Justice Gordon McCloud thinks this is a great resource.
- Staff will bring copies to the next meeting for members.

3rd Annual Women’s History Month CLE

- This will be another partnership with WSBA, WWL, NAWJ, and the Washington State Women’s Commission.
- In order to attract and accommodate a bigger audience, WSBA is looking at holding the event at UW Tacoma.
- The planning committee is considering March 3rd as the event date.

Incarceration, Gender & Justice Committee – Ms. Hendren & Committee

Success Inside & Out Conference

- Success Inside & Out was held on October 10th and 11th at Mission Creek Corrections Center for Women.
- Commission members participated in a reentry resources tabling event and, along with NAWJ members, facilitated roundtable discussions with incarcerated women about legal issues of interest to them.
- The Commission supported the event by providing travel reimbursement to a group of formerly incarcerated women who spoke on a panel, and to judicial officers.

Legal Resource Computer

- Ms. Hendren provided the Commission with a written memo on the status of the Mission Creek legal resource computer.
- Ms. Hendren wants to circle back with DOC to get the computer working, clarify rules of use, and bring a legal resource computer to minimum security men’s facilities.
- Discussed possibility of requesting audit every few months and/or requesting meeting with Superintendent.

New Committee Name

- The Committee’s name has been changed from Incarcerated Women & Girls to Incarceration, Gender & Justice after thoughtful consideration. The change is to be inclusive of incarcerated transgender individuals and other gender-related justice issues, such as reentry.

ACTION: IG&J Committee discuss at its meeting how to follow up with Mission Creek and other entities to find a solution to get the legal resource computer working.

GUEST SPEAKERS - DISABILITY RIGHTS WASHINGTON

Disability Rights Washington – Heather McKimmie

- DRW is a private non-profit organization that protects the rights of people with disabilities statewide. Their mission is to advance the dignity, equality, and self-determination of people with disabilities. They work to pursue justice on matters related to human and legal rights.
- The AVID (Amplifying Voices of Inmates with Disabilities) Program focuses on improving conditions, treatment, services, and reentry for people with disabilities who are incarcerated in our state’s jails and prisons, as well as those who reside at the Special Commitment Center. AVID works to ensure that those who are reentering the community have their voices heard and their rights protected.
- They are able to tour/monitor facilities in person and access needed records to facilitate this work.

Trans in Prison Justice Project - Danny Waxwing

- Danny Waxwing’s work at Disability Rights Washington focuses on transgender prisoners. His presentation provided an overview of his research.

- Some of the main issues facing transgender prisoners are housing and lack of medical and mental health care.
 - Trans women being housed in men’s facilities
 - Ex. Trans women unable to get proper undergarments in men’s facilities
 - Difficult to access to hormone replacement therapy, gender affirming surgery, even though it is covered by Medicaid in Washington.
- Has developed an extensive interview process with trans prisoners willing to talk about their experiences.
 - 33 interviews so far, more scheduled before the end of the year.
- Prison Rape Elimination Act (PREA) issues
 - PREA requires case-by-case determination about housing, but this does not happen in practice.
 - PREA prohibits cross-gender strip searches.
 - WA requires gender affirming surgery for a trans woman to be placed in a women’s facility. This means trans women in men’s facilities are subject to cross-gender strip searches.
- The new Washington Transgender Prisoner Policy/Program is not under Gender Responsive Programming
 - It seems to be the norm that transgender programs are left out of general gender programs and are stand-alone.
- Pro se petitioners cannot access the courts in certain counties
 - There is no statewide court rule – this is jurisdiction specific.
 - Certain counties require documents to be filed in-person. Without a lawyer to appear on their behalf, an incarcerated person cannot access the courts, such as for a name change.
 - The Attorney General’s Office has shown interest in the name change issue, partly because some counties also ask about citizenship status.
 - GR 34 (fee waiver) issue – some counties are applying certain fees, such as an auditor’s recording fee, even when court filing fees are waived. This further increases barriers to court access.

ACTION: The Gender Justice Study Task Force would like to include the data gathered in transgender prisoner interviews in its report. DRW will share when it is compiled.

COMMITTEE AND PROJECT UPDATES, continued

Domestic & Sexual Violence Committee – Judge Shea-Brown, Ms. Moody, & Committee

Update on Weapons Surrender Projects

- The DSV Committee worked with the Education Committee to develop the Weapons Surrender proposals for the spring judicial conferences. They will continue to help develop the program that was selected by DMCJA.
- The Committee is also working to finalize the weapons surrender bench card.

- They are seeking to expedite the bench card for inclusion at 2020 programs. The plan is to have a card for the ex parte hearing, one for full hearing, one for compliance hearing.
- The ex-parte bench card is close to ready for distribution and the others should be in the next few weeks.
- The Committee Co-Chairs are discussing other ways to distribute information about implementing the new laws to judicial officers outside of education sessions.
- A weapons surrender resources clearinghouse was proposed.
 - A possible newsletter that could provide information and model answers to common questions.
 - The goal is to provide guidance not mandates.
 - Work with judicial experts on these issues statewide.

ACTION: Continue to develop clearinghouse idea to propose to the Gender and Justice Commission once it is more clearly defined.

Model Anti-Harassment Policy Committee – Ms. Moody

- The Committee has developed a draft policy, with input from attorney experts. Input is needed from the Commission.
- Received and incorporated feedback from an employer side attorney and an employee side attorney.
 - There was a big difference in types of feedback received from the two perspectives. Tried to balance this in incorporating it.
- Justice González asked that members use different lenses while reviewing the policy: liability protection, due process, worker protection.
- Discussed scope of policy and language used. A few members expressed disagreement about some language used, but supported moving the policy forward.
- The final draft will be need to be delivered to the Board for Judicial Administration (BJA), which charged the Commission with drafting it, for approval.
- Commission members voted to approve the following plan:
 - Commission members review and send any final feedback to Ms. Moody by 11/8.
 - Ms. Moody and Committee review and incorporate feedback, at their discretion.
 - Committee provides final draft policy to Commission Chairs, for final approval to deliver to the BJA.

ACTION: Review and send any feedback on the draft model policy to Ms. Moody by 11/8.

E2SHB 1517 DV Workgroups – Judge Lucas and Judge Paja

- A written report from the work groups is included in the meeting packet.

Gender Justice Study Task Force – Justice Gordon McCloud, Dr. Raigrodski, Ms. Rotakhina

Advisory Committee and Task Force Meetings

- The Advisory Committee convened for its first meeting on September 18th. Committee members heard presentations on the research to date and pilot project proposals. They made recommendations about which pilot projects to move forward with at this time.
- The Task Force met on September 26th and also heard pilot project proposal presentations. They, too, made recommendations about which pilot projects to move forward with at this time.

Update on Pilot Project Selection

- After these meetings, the Task Force Co-Chairs worked with staff to answer the remaining questions about scope and cost of the pilots proposed.
- Justice Gordon McCloud and Dr. Raigrodski decided to move forward with the following pilot projects:
 - Mass Incarceration of Women
 - DV Perpetrator Treatment – DV MRT Evaluation
 - Harassment Survey
 - Evaluation of Courthouse Childcare Centers
 - UW School of Public Health will be doing this pilot as part of their master’s program.
- The Co-Chairs decided to move forward with an analysis of existing jury summons data by gender as a research component rather than its own pilot project.
- Research on the 27 priority areas is moving forward. Still seeking leads for some research areas.

Tribal State Court Consortium – Chief Judge Smith and Ms. Cynthia Delostrinos

Annual Meeting

- The Annual Meeting was held on September 23rd, the first day of Fall Conference. There was record attendance, with 34 people at the meeting!
- Speakers Annita Lucchesi and Sheldon Spotted Elk were well received.
- The Court Rule 82.5 workgroup's amendments to increase communication between tribal and state court judges passed and is now effective.
- New workgroups are forming and first dates for workgroup meetings are being set.
- The meeting had two guest speakers, Annita Lucchesi from Sovereign Bodies Institute and Sheldon Spotted Elk from Casey Family Programs. They focused on the large numbers of Native children in foster care, ICWA Courts, and missing and murdered indigenous women and girls.
- It was moving to see how the Consortium’s work ripples out to other states and communities.
 - A tribal-state-federal consortium could be a future step.

Other Updates

- The 2020 Regional Meeting will be held on March 30th or May 15th.
- Chief Judge Smith and Ms. Delostrinos expressed how helpful it is to have Ms. Kathryn Akeah on board to staff the TSCC.

- We are really able to move the work forward in a different way.
- Ms. Akeah was able to bring information about Tribal Courts to the New Employee Orientation discussion at AOC.
- Congress passed a law that Federal District Courts should be training attorneys about tribal courts. There is funding. Chief Judge Smith and Justice Gordon McCloud had a call with Cynthia Jones who is the 9th Circuit attorney representative about opportunities for collaboration.

Judicial Officer & Law Student Reception – Ms. Vreeland and Ms. Amburgey-Richardson

- This year's event will take place on November 15th from 5pm – 7pm at Gonzaga School of Law.
- Additional information and a link to RSVP was sent out to the Commission via email.

CHAIR AND STAFF REPORTS

Chair Report – Justice Gordon McCloud

- The Commission is co-hosting an appreciation event for Chief Justice Fairhurst on December 18th. It will be from 3 – 8pm at the Temple of Justice. The event is open to anyone who has served on a committee with the Chief.

Vice Chair Report – Judge Paja

- The Commission sent a letter to NAWJ to update them about our progress on the study. This letter is on page 41 of the packet.

Staff Report – Ms. Amburgey-Richardson

- Ms. Amburgey-Richardson thanked the Commission for their understanding and support while she was on leave.
- The next Commission meeting is on January 31, 2020.

The meeting was adjourned at 12:00 pm