



Gender and Justice Commission
Friday, September 10, 2021
9:30 AM – 12:00 PM
Zoom Webconference



MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Co-Chair)
 Judge Marilyn Paja (Co-Chair)
 Dua Abudiab
 Honorable Melissa Beaton
 Laura Edmonston (Embedded Law Librarian)
 Professor Gail Hammer
 Lillian Hawkins
 Elizabeth Hendren
 Commissioner Jonathon Lack
 Erin Moody
 Riddhi Mukhopadhyay
 Dr. Dana Raigrodski
 Jennifer Ritchie
 Barbara Serrano
 Olivia Shangrow (SU)
 Judge Jackie Shea-Brown
 Chief Judge Cindy Smith
 Vicky Vreeland

Members & Liaisons Absent

Roberta Blood (UW)
 Judge Anita Crawford-Willis
 Judge Michelle Demmert
 Judge Rebecca Glasgow
 Kelly Harris
 Lauren Jaech (UW)
 Casey Kinross (GU)
 Ivy-Rose Kramer (L&C)
 Sal Mungia (ATJ Board)
 Sloan Nicker (GU)

Guests

Nicole Ack
 Chief Justice Steve González
 Representative Roger Goodman
 Justice Barbara Madsen
 Lorrie Thompson

Staff

Kelley Amburgey-Richardson
 Cynthia Delostrinos
 Laura Jones
 Moriah Freed
 Sierra Rotakhina

WELCOME AND INITIAL BUSINESS

Welcome and Introductions

The meeting was called to order at 9:33 AM

May 21st Meeting Minutes

The meeting minutes were approved as presented.

Extending Gratitude and Thanks

Justice Gordon McCloud emphasized the importance of gratitude in today's meeting. She extended thanks to the following individuals for their help with the Gender Justice Study:

- Justice Barbara Madsen, former Chair of the Gender and Justice Commission
- Chief Justice Steven González, former member of the Gender and Justice Commission and former Chair of the Interpreter Commission
- Representative Roger Goodman
- Nicole Ack and Lorrie Thompson, AOC Communications
- All who worked on the Gender Justice Study Report
 - Research leads
 - Lawyers and judges who conducted research and wrote sections
 - People with lived experience who gave input
 - Pilot leads

Justice Gordon McCloud presented a special thank you plaque to the following individuals for their work and leadership on the Gender Justice Study:

- Sierra Rotakhina, Gender Justice Study Project Manager
- Dr. Dana Raigrodski, Co-Chair, Gender Justice Study
- Kelley Amburgey-Richardson, Senior Court Program Analyst, Gender and Justice Commission
- Judge Marilyn Paja, Co-Chair, Gender and Justice Commission
- Justice Barbara Madsen, former Chair of the Gender and Justice Commission

Commission members thanked Justice Gordon McCloud for her leadership on the study. Justice Gordon McCloud also recognized Lynda Zeis, her judicial assistant, for her essential ongoing administrative support throughout the multi-year project.

Welcome Representative Roger Goodman

- Judge Paja welcomed and introduced Representative Roger Goodman, D-45, longtime friend of the Gender and Justice Commission.
- Representative Goodman thanked the Commission for its work on the past legislative DV Work Groups and requested guidance on elements of a "trailer bill" that will be drafted for the 2022 session, before certain provisions E2SHB 1320 go into effect.

GENDER JUSTICE STUDY – PRIORITIES FOR IMPLEMENTATION

Legislative Priorities

- Justice Gordon McCloud share some legislative recommendations from the study with Representative Goodman ahead of the meeting:
 - Caseload Forecast Council data collection recommendations
 - Sentencing recommendations
 - Current sentencing practices harm women
 - Mitigating factors and sentencing relief
 - Good time recommendation
 - DOC Secretary Strange is supportive of the Commission's efforts and partnered with the Gender and Justice Commission through the Advisory Committee
 - Funding Courtroom Navigators
 - Studying prosecutorial discretion
- Representative Goodman noted the broad intersectional view of gender issues in the report and expressed agreement with the following recommendations:
 - Data about survivors of gender based violence
 - Victim defendants and sentencing relief / mitigating factor
 - There was a bill on this last session and it may be back in 2022. It has received pushback.

Discussion: Which two priorities from the Study should the Commission plan to work on first?

- Dr. Raigrodski shared her priorities from the commercial sexual exploitation section of the study:
 - Found that adult survivors often suffer from substance abuse and justice system engagement stems from being a survivors of commercial sexual exploitation. Drugs as a means of coercion.
 - Goal to reframe how we think about these issues.
 - Data needs to be disaggregated at a granular level. Use of binaries in data collection are not giving an accurate picture. Needs to be examined to reform laws in a meaningful way.
- Commission members expressed that the data issue should be a holistic goal for all state agencies, and could be an overriding legislative enactment. We are currently missing shared vocabulary for identification of groups.
- Justice Gordon McCloud added that the data collection piece also affects juveniles a lot. There is county by county information that is difficult to capture.
- Commission members supported funding for technology that would allow information sharing about protection orders.
 - Judicial reliance on technology in decision making.
 - Issue of conflicting orders between Tribal court and state court. State courts cannot see Tribal court orders. Chief Judge Smith shared the workaround her

court has created with Kitsap County Superior Court, but added that Judge Demmert has not had the same success in her jurisdiction. A lot of the workarounds that seem to work can disempower the tribes. They rely on the cooperation of the state closing the loop.

- There is currently no access to tribal, military or federal orders from the state side. E2SHB 1320 workgroups will be working at precisely this technology issue.
- Not all courts are adopting Odyssey. If all used the same program, information sharing would be much simpler.
- Riddhi Mukhopadhyay emphasized the recommendation about using technology to make courts more accessible. Need litigants to be able to have better access. Funding and court culture issue.
 - Waiving fees – LFOs, and work with indigent clients. Criminal system has exceptions built in, but the civil side does not. Identify ways that our courts can be funded and not reliant on user fees. Income based fee structure.
 - Name change filing fees and inability to waive the auditor’s fee in cases of indigence. There have been some workarounds by jurisdiction.
- Representative Goodman thanked the Commission, and will discuss study recommendations with colleagues.

Media Inquiries

- The 2021 Study will be published next Thursday (9/16/21)
- AOC Communications will be handling the media rollout
- Seeking volunteers to provide commentary on specific study topics to media inquiries.
 - Judge Shea-Brown, Vicky Vreeland, Judge Paja, Riddhi Mukhopadhyay, and Elizabeth Hendren volunteered.
- Vicky suggested developing talking points for those who speak to the media.
- Lorrie discussed the types of media inquiries these reports typically receive.
 - The report is a living document. There will be ongoing rollout efforts timed to specific events, such as legislative session.
 - Will develop guidelines on responding to inquiries if individuals are contacted directly.

Next Steps for the Study – Implementation Committee

- Convene implementation committee to ensure recommendations move forward.
- Establishing GJC priorities, and working with other groups to determine priorities they are best equipped to handle.
- Seeking volunteers for implementation:
 - Judge Shea-Brown, Elizabeth Hendren, Dr. Dana Raigrodski, Laura Edmonston

E2SHB 1320 WORKING GROUPS

Project Updates

- Laura Jones, Project Coordinator for the E2SHB 1320 working groups, shared a PowerPoint to provide an overview of the work plan. Judge Jackie Shea-Brown introduced the workgroups, including staff and workgroup leads.
- The project consists of 3 workgroups with set deliverables:
 - Research and Information Sharing
 - Technology
 - Litigant Rights & Access

Subcommittee Updates

- Erin Moody provided background on the passage of E2SHB 1320. The legislature enacted directives to the Gender and Justice Commission to produce two reports, one to the legislature and one to the courts.
- BOX is being used to facilitate information gathering and sharing. Examples of documents shared include drafts of the report, bill language from other states, and data requests from AOC.
- A number of surveys have been drafted and will be distributed to AOC listservs. These surveys include:
 - State courts and Tribal courts survey on technology
- Litigants Rights & Access survey distributed to advocates via Washington Coalition Against DV, Washington Coalition of Sexual Assault Program, Washington State Women's Commission.
- Groups have begun meeting on a regular schedule. Some have deliverables due in December. The December deadline is approaching quickly. It is possible that not all information will be received by that time, and the report might not be encompassing all the data that the group would like to include.
- Some of the pending questions in E2SHB 1320 were not able to be adequately addressed in the bill given the time constraints in getting it passed. The workgroups will be answering these questions and providing recommendations on legislative follow-up.

ANNOUNCEMENTS

LFO Convening - October 6

- The Minority and Justice Commission is hosting an LFO convening in partnership with Civil Survival on October 6 from 9-12. The Gender and Justice Commission is seeking a representative to attend. Judge Paja and Elizabeth Hendren volunteered to attend.

ACTION: Judge Paja and Elizabeth Hendren will attend the LFO Convening on behalf of the Gender and Justice Commission.

BJA Court Recovery Task Force

- Judge Paja and Judge Shea-Brown have been non-voting members on the BJA court recovery task force. The Court Recovery Task Force is looking at a variety of issues, including remote court proceedings, and is assessing benefits and shortcomings to provide best practices.
- All BJA reports are available on: https://www.courts.wa.gov/programs_orgs/pos_bja/

Gender Justice Study Dissemination

- The Gender and Justice Commission Co-Chairs encouraged members and guests to share the Gender Justice Study report widely once it released, and to ask if any groups are interested in a presentation.
- Judge Paja suggested a one hour lunch presentation to WSBA legal lunchbox.

ADJOURNMENT

The meeting was adjourned at 12:01 PM.