



Gender and Justice Commission
Friday, March 4 , 2022
9:30 AM – 12:00 PM
Zoom Videoconference



MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Co-Chair)
 Judge Marilyn Paja (Co-Chair)
 Dua Abudiab
 Honorable Melissa Beaton
 Roberta Blood (UW)
 Judge Anita-Crawford-Willis
 Laura Edmonston (Embedded Law Librarian)
 Judge Rebecca Glasgow
 Lillian Hawkins
 Lauren Jaech (UW)
 Commissioner Jonathon Lack
 Erin Moody
 Riddhi Mukhopadhyay
 Sal Mungia (ATJ Board)
 Dr. Dana Raigrodski
 Barbara Serrano
 Judge Jackie Shea-Brown

Staff

Kelley Amburgey-Richardson
 Crissy Anderson
 Moriah Freed
 Laura Jones

Members & Liaisons Absent

Judge Michelle Demmert
 Professor Gail Hammer
 Kelly Harris
 Elizabeth Hendren
 Casey Kinross (GU)
 Ivy-Rose Kramer (L&C)
 Sloan Nickel (GU)
 Chief Judge Cindy Smith
 Jennifer Ritchie
 Olivia Shangrow (SU)
 Vicky Vreeland

Guests

Ryan Barnes
 Victoria Blumhorst
 Professor Lynn Daggett
 Quinn Dalan
 Kate Francis
 Dr. Lisetta Garcia
 Dr. Arina Gertseva
 Erik Gray
 Jesse Guecha
 Shannon Kilpatrick

WELCOME AND INITIAL BUSINESS

Welcome and Introductions

- The meeting was called to order at 9:31 AM.

- Justice Gordon McCloud welcomed members, staff and guests to the meeting. Round table introductions were conducted so that potential new members in attendance could get to know the Commission members.

November 19th Meeting Minutes

The meeting minutes were approved as presented.

Staffing Updates

- Kelley Amburgey-Richardson, newly appointed Commissions manager, thanked the Commission for learning opportunities to serve the Gender and Justice Commission (GJC) the past 5 years as primary staff. She introduced Crissy Anderson, new staff to the Gender and Justice Commission. Crissy Anderson has a background as primary staff to Superior Court Judges Association (SCJA) and working in gender violence issues.
- Justice Gordon McCloud thanked Kelley Amburgey-Richardson for leadership on the Commission and welcomed Crissy Anderson into her new role.

Commission Membership Updates

- The next step in bringing on new members is for the Nominations Committee to meet. They will select 4 applicants to recommend to the Supreme Court for appointment to fill vacancies. The Commission generally has a few membership openings each year.
- Justice Gordon McCloud invited anyone not selected for appointment this cycle to please join a committee or get involved in a project as an ad hoc member. Sometimes appointments are dependent on particular positions needed (judicial, advocate, etc.)
- Commission members were asked to provide feedback on areas they think the Commission might need input from potential members. Feedback can be provided via email.

Committee and Project Updates

Education Committee – Judge Rebecca Glasgow

- All judicial conferences this year will be remote, including Fall Conference. This has increased attendance and ability to secure speakers.
- GJC is cosponsoring a session on interrupting bias with the Minority and Justice Commission (MJC) at this year's Appellate Conference.
- A Protection Order webinar will be presented to DMCJA, SCJA, and trial court administrators on 4/6. The 90 minute lunch time webinar will be presented by Judge Shea Brown and Judge Short and include an overview of HB 1320, including real-life scenarios. The webinar will be recorded.
 - At each conference in the spring, there will be court level specific training to build upon the webinar.

- Melissa Beaton asked that the County Clerks be included in these trainings. AOC staff will send the announcement widely.
- Commission members expressed support to make trainings more publicly available. Materials need to be specifically made for the public on how to navigate the protection order process. It was suggested to partner with the Access to Justice Board and other community partners to explore options for materials.
 - Washington Law Help was also suggested as a partner on these materials.
 - Individuals look at various resources for information. People besides judges use bench guides and trainings to learn about judicial perspective.
 - There is judicial pushback of recording webinars when it might limit the ability to ask honest questions.
- HB 1320 workgroups are specifically looking at providing resources, including translation in the top 5 languages. Riddhi Mukhopadhyay invited attendees interested in this area to join the HB 1320 workgroups.
- Workplace Harassment sessions – DMCJA and SCJA
 - The trainings will feature a balance of subject experts and real-life scenarios on how to handle situations of harassment and problem solving.
- Trauma-informed courts/holistic approaches – Annual Fall Conference
 - Judge Glasgow gave a shout out to Claire Carden for this proposal and her ideas for judicial education. Both examples of holistic courts are on the East side of the state – DUI court and Spokane community court.
 - This will be paired with a presentation on trauma informed courts. These were originally two separate proposals that were combined.
 - It was suggested to change the title to ‘trauma responsive’ due to an aspect that came up in conversations around the study.
- Protection order roundtable – Annual Fall Conference
 - Laura Jones will organize a 45 minute protection order update.
 - Roundtable discussion for problem solving ideas as law goes into effect.

ACTION: The Co-Chairs and Staff will follow-up on the suggestion to make trainings and materials accessible to the public.

Gender Justice Study Implementation Committee – Barbara Serrano, Chair

- Have been waiting for the new GJC staff to be on boarded to begin work. Tentatively wanting to schedule a meeting for the last week of March.
- The group will review 5 main goals of the report and discuss the best ways to begin implementation.

- Successful presentation yesterday to west coast poverty center to stakeholder group round table. Elizabeth Hendren and Marla Zink presented on their work with the study. Dr. Raigrodski assisted in organizing beforehand. The presentation was well received, with a good discussion afterwards.
 - Dr. Raigrodski and Barb Serrano extended a specific ask of the groups to join the work. There was particular interest in the civil legal needs of incarcerated women.
 - There is a restriction on legal aid money that it cannot be used for incarcerated individuals.
 - Jesse Guecha, prospective Commission member, volunteered to assist.
- Gender Justice Study follow-up in 3 main groups of influence: Policy, practice, programming.
- Emphasis was placed on the importance of meeting with policy makers during the interim to advocate for these issues.
 - A meeting is currently being planned with Secretary Strange from DOC.
 - Connect with Brittany Gregory, AOC legislative relations.
- Judge Paja suggested partnering with the Women’s Commission as an executive branch agency with area of interest overlap.
 - Grace Huang, former GJC member, and Quinn Dalan, prospective GJC member, currently sit on the Women’s Commission

Legislative Updates

Thank You to HB 1320 Stakeholder Work Groups - Justice Sheryl Gordon McCloud and Kelley Amburgey-Richardson

- The Commission extended a thank you to Judge Shea-Brown, Erin Moody, Elizabeth Hendren, Riddhi Mukhopadhyay, and Chief Judge Cindy Smith for their ongoing work leading the HB 1320 stakeholder work groups on protection orders.
- This has been an intensive process involving many stakeholders.
- Their final report is due to the courts at the end of June and they will present findings and recommendations at the May GJC meeting.

2022 Legislative Session

- Thank you to Laura Jones for weekly legislative bill reports.
- Justice Gordon McCloud spoke to when GJC can support bills, particularly in regards to gender and the administration of justice. The Gender Justice Study helped clarify priority

areas of weighing in on legislation. The goal was to produce a report that the public could read to learn about the position or status on certain issues.

- During the 2022 legislative session, the Commission supported the following bills, all of which relate to recommendations from the Gender Justice Study:
 - HB 1637 – Would have explicitly allowed judges to consider mental health as a mitigating factor at sentencing. Dr. Raigrodski testified at the hearing and GJC also sent letter of support. The bill died in Rules committee.
 - HB 1961 – Would authorize courts to waive auditor's fees related to name change orders upon affidavit that the person is unable to pay the fees due to financial hardship. Fees are a significant barrier to court access for indigent people. With regard to name change petitions specifically, such fees may have a disparate impact on indigent transgender and non-binary individuals. Judge Paja sent email, and GJC submitted written testimony. The bill is on the floor calendar as of 3/3. QLaw was recognized for their advocacy on this issue.
 - HB 1169 – Would give courts discretion to unstack sentencing enhancements to run concurrently instead of consecutively. Marla Zink, who authored this section of the Gender Justice Study, submitted a letter and provided testimony in support. The bill is on floor calendar as of 3/3.
 - This bill ran into strong opposition from the prosecutors association (WAPA), which was surprising. Prior to session, WAPA supported increased judicial discretion. Additional pushback from SCJA due to cost of resentencing. Legislature needs to fund these changes. Senator Dhingra has a floor amendment as of today to eliminate retroactivity to get the bill passed, which significantly waters it down.
 - SB 5772 – Would have provided counsel for indigent clients in post-conviction proceedings. At this moment, it is discretionary of the courts to submit counsel in post-conviction proceedings. The courts regularly deny counsel. GJC supported this bill due to disproportionality of increased sentencing for women of color, which is documented in the Study. This bill did not move forward.
- The Commission was asked, but declined to take a position on:
 - SB 5561 – Revises requirements for restoration of firearm rights lost based on a criminal conviction or finding of not guilty by reason of insanity. Reasons the Commission did not take a position include overstepping our role as a judicial branch commission and differing viewpoints of Commission membership on the substantive issue. This bill is on the floor calendar as of 3/3.
- Judge Paja shared a NCSC study about remote hearings:
https://www.courts.wa.gov/content/publicupload/eclips/2022_03_04_Remote_Hearings_Take_Longer_But_Can_Be_Improved.pdf

Formation of a GJC Legislative Committee – Justice Gordon McCloud

- Currently when the Commission is asked to take a position on legislation, the co-chairs make a determination. This creates a short timeline, but the process has worked thus far. However, in recent years, the Commission has been more involved in the legislative process – legislative work groups, being asked to comment on legislation, proactively sharing findings from GJ Study with legislative committees.
- The Co-Chairs would like to have input from additional commission members during session.
- Staff have observed MJC’s legislative committee as a model, which is in its second year. The Committee has its own chair who is able to make decisions on behalf of the Commission. Judge Paja added that this is not abnormal for the judicial branch associations – most have a separate legislative committee.
 - GJC attempted to coordinate more effectively with MJC last year on mutual support for legislation.
- A new committee would include judges from all court levels; court administrators; and attorney experts on key issues for the Commission.
- The group would need to meet regularly and be available to analyze and respond to legislation, with support from staff. Open up to Commission for input.

ACTION: Justice Gordon McCloud asked for volunteers for the legislative workgroup of different backgrounds. Lillian Hawkins volunteered.

Discussion Items

Kitsap County Girls Court – Toolkit Development – Dr. Arina Gertseva

- See PowerPoint in supplemental materials.
- Questions were raised by members and guests about why the eligibility criteria excludes male and LGBTQ+ trafficking survivors. The Commission discussed inclusion (or lack thereof) of other gender identities in the program.
 - <https://www.state.gov/wp-content/uploads/2019/02/Assisting-Male-Survivors-of-Human-Trafficking.pdf>
 - <https://ccyj.org/wp-content/uploads/2019/01/CCYJ.GirlsCourt.LitReview.6-30-18.pdf>
- May benefit from connecting with GJC Implementation Committee and Education Committee.
- Dr. Gertseva asked the Commission for assistance on the following:
 - Would like input on program blueprint. Dr. Gertseva can be contacted at Arina.Gertseva@courts.wa.gov.
 - May need funding for sustainability of the program.

ACTION: Connect Erik Gray with Arina Gertseva re: girls court criteria, LGBTQIA+ and male youth needs.

Proposal to Amend Code of Judicial Conduct – Commissioner Jonathon Lack

- The Washington Code of Judicial Conduct (CJC) has a definition of harassment, including which groups are protected from judicial bias or prejudice. It does not currently include the terms ‘gender identity’ or ‘gender expression’.
- This year, the New York CJC counterpart released an opinion that it is a violation to not consider these factors. In the meeting materials, there is a proposal to revise the Washington CJC to be in line with the New York opinion.
- Commissioner Lack shared the harm that dead naming and mis-gendering youth and individuals in the justice system context can cause. By adding this language, it would provide judicial officers with the trainings to treat individuals with respect, both people attending court and other court staff.
- The SCJA Equality and Fairness Committee has endorsed the proposal. QLaw has a similar proposal for the code of ethics for lawyers. Will GJC endorse this to the Supreme Court?
 - The rule is currently posted for comment in Washington. Proponents are asking for a letter in support from GJC. The comment period closes in April 30.
 - Commission members discussed the importance of GJC going on record with a formal letter of support for this rule change.
- Jesse Guecha, prospective GJC member, shared that legislative changes are now being inclusive of more gender affirming terms, such as two spirit. SB 5313 – gender affirming medical treatment act.
- The rule will not apply to the duty of judicial officers in intervening in the mis-gendering practices of other judges. This would be a separate rule change.
- Members and guests explained the difference between gender identity and gender expression, and why covering both are important in the rule change.
- A procedural question was asked about who will sign the GJC letter of support because Justice Gordon McCloud is on the Rules Committee. This will need clarification.

VOTE: The Commission unanimously voted to write a letter of support for the proposed Code of Judicial Conduct rule change to include gender identity and gender expression as protected identities. A letter will be drafted in support by Kelley Amburgey-Richardson and Crissy Anderson.

The meeting was adjourned at 12:05 PM.