
 WASHINGTON COURTS	Gender and Justice Commission November 4th, 2022 9:30 AM – 12:00 PM Zoom Videoconference	 GENDER AND JUSTICE COMMISSION <small>GENDER EQUALITY IN THE JUSTICE SYSTEM</small>
MEETING NOTES		

Members & Liaisons Present

Justice Sheryl Gordon McCloud
 Judge Marilyn Paja
 Judge Anita Crawford Willis
 Elizabeth Hendren
 Dr. Dana Raigrodski
 Jane Smith
 Madison Brown
 Zoe Saccio
 Tyler Beckham
 Laura Edmonston
 Professor Lynn Daggett
 Judge Cindy Smith
 Judge Jacqueline Shea-Brown
 Jill Bader
 Joe Campagna
 Kelly Harris
 Tammie Ownbey
 Victoria Blumhorst
 Jennifer Ritchie
 Antoinette Bonsignore
 Commissioner Jonathon Lack
 Barbara Serrano

AOC Staff

Crissy Anderson
 Laura Jones
 Kelley Amburgey-Richardson
 Avery Miller
 Dr. Carl McCurley
 Mishani Jack-Gonzalez
 Cynthia Delostrinos

Members & Liaisons Absent

Melissa Beaton
 Dua Abudiab
 Judge Rebecca Glasgow
 Lillian Hawkins
 Riddhi Mukhopadhyay
 Shannon Kilpatrick
 Quinn Dalan

Guests

Sen. Manka Dhingra
 DC Constable Lucy Chapman
 Judge David Whedbee
 Robert Lichtenberg

WELCOME AND INITIAL BUSINESS

Welcome and Introductions

- Meeting called to order at 9:30 AM and Commission Members, Liaisons and Guests introduced themselves.
- Guest Introduction: DC Constable Lucy Chapman is here from London, studying issues of different jurisdictions restraining orders comparison. Yesterday went to visit Juvenile/ Family court, interested in cohesive wraparound support from community, framework with the courts, cohesiveness in dealing with a family with the same judge, hearing multiple issues within one court, perpetrator programs include GPS tagging, targeting high risk individuals. Commission Members provided some basic information/ reference sheet with facts on GPS, jurisdiction by jurisdiction but many don't have the funding.

September 9th, 2022 Meeting Minutes

- The meeting minutes were approved as presented.

COMMITTEE AND PROJECT UPDATES

Washington Pattern Jury Instruction Updates: Gender Pronouns – Judge Marilyn Paja, Co-Chair

- Judge Paja provides an update from the Pattern Jury Instructions Committee, who started discussing swapping out he/she with they about a year and a half ago, studying nuances of word use and grammatical correctness.
- Civil instructions completed, will be working on the criminal side as well.
- Supreme Court issued orders to change gender pronouns in pattern forms, and the code of conduct was amended to include gender identity and expression in protected classes.
- For example, there were recommendations dating back to 1997 to switch standard language from fireman—firefighter etc.

Law Student Liaisons Updates

Gonzaga School of Law— Jill Bader

- The Law Caucus big project: students were asked to work on Amicus Brief for a case going before the court in early January
- Hosting a few social events, an annual speed-dating event, inviting attorneys to campus, to talk about networking, advice as women lawyers

University of Washington School of Law— Madison Brown

- Fall quarter next year, event partnering with 8 other student organizations to host a DEI panel and reception in February, will circulate invitations for attorneys to participate.

- Additionally working on Amicus brief referenced by Gonzaga Liaison
- Collecting donations for jubilee center
- Selected 8 1Ls to join the Board, will have a full meeting next week

Seattle University School of Law— Tyler Beckham

- Students are also working on the Amicus brief referenced above
- Networking event this week: guest speaker Nikki Kalily coming to the school to speak, which is open to the public, with food served afterwards
- Hosting a panel discussion on *Dobbs* decision.

Lewis and Clark School of Law— Zoe Saccio

- The Caucus is hosting events and clinics, networking events and hosting local attorneys to give advice on salary negotiations
- Working with other student groups to bring Reproductive Rights groups to the school

Access to Justice Board Liaisons, Embedded Law Librarian, WSCCR Liaison and Administrative Office of the Courts do not have any major substantive updates.

Standing Committee Updates

Incarceration, Gender and Justice— Elizabeth Hendren, Northwest Justice Project

- This committee has a lot of overlap with Implementation and Legislative Committees.
- Biggest update currently: Department of Corrections working on recommendations, still developing their plans around gender responsive programming and visitation with incarcerated parents. Agreement made to create a Workgroup on Legal Access, bringing in Defense Attorneys as well.
- Noted issues with the new phone system in prisons; only attorneys can have confidential calls, not legal assistants or screeners, which complicates access to justice as many non-profit orgs/ law offices have phone trees or other screening which makes it difficult for incarcerated callers to navigate.
- Forming an initial group to iron out the issues with DOC/ Court side of operations. Will eventually need to expand to bring in clerks, etc. but beginning with a core group.

Education Committee— Justice Gordon McCloud

- The Education Committee is putting on a training on firearms relinquishment issues for DMCJA and SCJA spring sessions.
- Additionally, developing a series of panels on the *Dobbs* decision coming up as CLE's, including overview of the decision, enforcement issues on out of state orders or warrants, full faith and credit issues, recognizing our role as a judicial branch commission, but providing education.

Domestic and Sexual Violence Committee— Judge Jacqueline Shea-Brown

- Judge Shea-Brown recognized the hard work of Laura Jones, providing staff support to this committee and recognized the new co-chair, Quinn Dalan
- At the October 28th meeting, welcomed new members, discussed current and future projects and areas of focus.
- Civil Protection Order Forums: Commissioner Terri Farmer out of Pierce County will facilitate monthly lunch-and-learns for Judges/ Commissioners across the state to discuss protection order issues, focused on resource sharing, service issues, compliance, relief etc.
- Audit of Committee members prioritized rewriting Bench Guides Chapter 3 (Legislation) and Chapter 8 (Protection Orders) for initial review and editing. Additionally, reviewing Chapter 9 in the Sexual Violence Bench Guide.
- Committee members asked for second round of reviews, to be due to Laura Jones by November 18th for feedback.
- Potential future projects: Updating additional bench guide chapters, firearms/weapon surrender resources, create and review existing resources to link to different jurisdiction-specific information on Protection Orders, addressing concerns that people don't know where to go to file. Discussion of issues of access and ease of use to achieve purpose of HB1320 Legislation.

Tribal State Court Consortium— Chief Judge Jane Smith

- Chief Judge Jane Smith introduced new staff person for the TSCC, Mishani Jack-Gonzalez.
- Working on getting a newsletter out and reinvigorating Workgroups that fizzled during COVID.
- Exploring some recommendations out of HB1320 regarding putting tribal orders into a statewide database, which TSCC would be interested in moving forward with.
- AOC staff are meeting next week to discuss collaborating between orders issued in state, tribal, federal (ie military) courts.
- Reviewing Chapter 13 of Bench Guide on Tribal Courts and DV, will work with the DSV committee to assist.

Legislative Committee— Justice Gordon McCloud

- This is a new committee, formed for the 2023 Legislative Session, comprising Judge Paja, Crissy Anderson, Justice Gordon McCloud, as well as chairs on current standing committees.
- Inaugural meeting with the committee chairs and a wide range of subject matter experts, but no proposed bills to review yet, will start in earnest in January.

- Opportunities to meet with Legislators to discuss general priorities and study recommendations.
 - One-on-One meeting with Representative Goodman to discuss general priorities, which the 2021 Study helped establish, but there are a broad range. Some highlights: data gathering (as a general issue, with a lot of different agencies and groups that don't talk to each other, which means we can't learn about the problem) as well as specific suggestions for certain standing agencies.
 - Senate Law and Justice Session, 5-minute presentation on Civil Legal Representation in cases involving Gender Based Violence. Will discuss: legal representation for survivors, funding courthouse navigators, funding for Family Law representation
 - Both meetings above set for December 1st.

Implementation Committee— Barbara Serrano

- The Implementation Committee is meeting each week to focus on one particular chapter of the study, inviting the authors to talk personally and informally about what the Commission should focus it's energy on.
- Common thread has been improving the data collection more uniformly, and collaborating between agencies.
- Met with the Interbranch Advisory Group, and have made progress building networks and support.
- Currently, regrouping and organizing subcommittee to focus on data collected by the caseload forecast council.
- The Committee welcomes feedback on other recommendations to make progress.

DISCUSSION ITEMS

Missing and Murdered Indigenous Women and People Task Force and 2023 Legislation— Senator Manka Dhingra

- The Commission welcomes Senator Dhingra to discuss recent findings of the Missing and Murdered Indigenous Women and People Task Force on the Data and Research Subcommittee
 - The Task Force is asking to be extending to 2025
 - Working on best practices for Law Enforcement Agencies, culturally competent responses, training and trauma informed care for law enforcement, recommendations to fund cold case investigation at the Attorney General's Office to follow up on cases
 - Created an Alert system for MMIWP, like an amber or silver alert, acts to create awareness when people go missing.
 - There will be a MMIWP Summit in the second week of December.

- Sexual Assault Task Forces and Recommendations:
 - Senator Dhingra discussed some priorities and strategic initiatives for 2023. Passionate about improving best practices for hospitals, law enforcement, prosecuting attorney's office, lawfully collected DNA, ensuring follow up when ordered.
 - Interested in review of jury instructions, see if we can update on language around survivors. Recently, New York and California have done work on this. Judge Paja is on the Pattern Instructions Committee, will follow up.
 - Many incarcerated women are survivors of Gender Based Violence, there was a bill a few years ago that created a more expedited system to vacate their criminal history, citing trauma impacts on survivors reactions.
 - Criminal Sentencing Task Force: victims advocates have been talking about how to redo the sentencing grid to look at Gender Based Violence and see how they're handled. Victims tend to be women of color, it's important to be deliberate and thoughtful on how to reclassify crimes, understanding how this impacts both defendants and victims.
- Domestic Violence Issues
 - Center for Court Innovation had an article on connection between gun violence and gender-based violence. Currently working on a bill to take a look at access to weapons and history of DV, how and when those weapons are returned to perpetrators.
 - Domestic Violence within Asian Communities. Some issues we've seen: companies will offer representation as a benefit of employment, men get access to an attorney right away and gets the survivor to sign away rights, especially if she's on her spouses visa, not working or otherwise unfamiliar with the law. Considering a bill to require company benefits to provide legal representation equally to both spouses.
- Additionally, there is interest in providing robust resources for survivors of Gender Based Violence so survivors are able to deal with their trauma. Frequently, if they are not getting the help they need, they can continue to suffer impacts of victimization.
- Data gathering and analysis is a crucial component, data sharing agreements and strategies on how best to utilize data from many different fields. For example, in Department of Health data, being able to show a spike in suicides in an area, then allows government to analyze whether something can be done. Some questions: Who is responsible for holding this data? University of WA, potentially, must address concerns around security for data privacy. Vital statistics from Department of Health. Comprehensive data could be a game changer in providing intervention services. Start with the data that already exists.

Disability Justice Commission Formation Decision Package— Judge David Whedbee and Robert Lichtenberg

- Judge Whidbee and Robert Lichtenberg present to the Commission from the steering committee for the Disability Justice Task Force, which is asking for an endorsement for the creation of a Commission for a two-year study to determine the impacts of disability on access to the court system.
 - Seeking to collect data through surveys, site visits, analysis of online presence, existing studies with the disability community, ID areas where WA courts and AOC can create greater access to justice.
 - In February of this year, the Supreme Court Disability Task Force was recognized as a Workgroup, with Justice Whitener. Will provide the justices with updates moving forward.
 - The Steering Committee formed to guide initial work, may merge with the Commission. The majority of the eight members are disabled themselves. Final report due to the Supreme Court within 6 months.
 - AOC staff typically assigned to Interpreter and Language Access Commission is assisting the Disability Justice Task Force thus far.
 - The budget request package is seeking:
 - The creation of the task force and the two-year study, beginning in 2024, using experts familiar with ADA and DEI principles to study the experiences of disabled litigants access to courts and what barriers they face. Compliance with the ADA and GR33 necessary in all WA courts, and the task force intends to replace an ad hoc, non-uniform approach to GR33 with an evidence based model that's less burdensome on Court Administrators.
 - Intending to focus on intersectionality of disability, race, gender. For example, the greater barriers a deaf woman may face seeking courts assistance with domestic violence.
 - Currently, court users may request accommodation, but the process varies, often leads to confusion, particularly where the court is not equipped to communicate with folks who are Deaf or Hard of Hearing. A substantial proportion of WA population is affected by a disability.
 - The proposed Commission would employ researchers to gather data, look at courts, consider socio-economic studies and look at the impacts. Will need to develop bylaws, a steering process, ID stakeholders and partners.
 - Seeking a letter of endorsement for the budget proposal for the initial study. During the study, the commission will determine if future action is needed, much the same way the Gender and Justice Commission formed in the 1980s.
 - During discussion, Commission members expressed support for the study and welcomed the intersections with gender/ access to courts, but had some additional questions about the monetary amount suggested. Budget is going to the Legislative Session by May, will provide more written detail about financial

amounts. Crissy will discuss with BJA lobbyist to give a better idea about when a response would be due.

ADJORNMENT

Announcements

- The Supreme Court, in partnership with the Superior Court Judges Association, modified ER1101 to reflect statutory changes on civil protection orders.
- Included in the meeting packet are the 2023 Commission dates, of which some may be in person.
- Gender and Justice Commission honored with the Washington Women's Lawyers Presidents award for it's work on 2021 Study. The award was presented at the WA Women's Lawyers meeting in Yakima.

The meeting was adjourned at 12:00 PM.