



GENDER AND JUSTICE COMMISSION

FRIDAY, JANUARY 6, 2023 (10:30 AM – NOON)

JUSTICE SHERYL GORDON MCCLOUD, CO-CHAIR

JUDGE JACQUELINE SHEA-BROWN, CO-CHAIR



ZOOM: <https://wacourts.zoom.us/j/89398846689>

PHONE: 253-215-8782 US (TACOMA)

MEETING ID: 869 5190 8455; PASSCODE 823365



Agenda		Page
10:30 AM – 11:00 AM WELCOME AND INITIAL BUSINESS		
➤ Welcome	Justice Sheryl Gordon McCloud	
➤ Approval of November 4th Meeting Minutes	Judge Jacqueline Shea-Brown	p.1
➤ Introductions, GJC Leadership Updates and Celebration of Judge Marilyn Paja	Justice Sheryl Gordon McCloud	p.9
11:00 AM – 11:35 AM LIAISON, COMMITTEE, AND PROJECT UPDATES		
➤ Law Student Liaison Updates		
➤ <i>Gonzaga University School of Law</i>	Jill Bader	
➤ <i>Lewis and Clark School of Law</i>	Zoe Saccio	
➤ <i>Seattle University School of Law</i>	Tyler Beckham	
➤ <i>University of Washington School of Law</i>	Julia Davis/ Rhea Bhatia	
➤ Standing Committee Updates		
➤ <i>Incarceration, Gender and Justice Committee</i>	Elizabeth Hendren	
➤ <i>Education Committee</i>	Judge Rebecca Glasgow	
➤ <i>Domestic and Sexual Violence Committee</i>	Judge Jacqueline Shea-Brown	
➤ <i>Tribal State Court Consortium</i>	Chief Judge Cindy K. Smith	
➤ <i>Legislative Committee</i>	Justice Sheryl Gordon McCloud	
➤ <i>GJ Study Implementation Committee</i>	Barbara Serrano, Dr. Dana Raigrodski	
➤ GJC Liaison Updates and Information Sharing	All	
11:35 AM – 11:50 AM DISCUSSION ITEMS		
➤ Disability Justice Study Funding Legislative Request	Justice Sheryl Gordon McCloud	p. 10
11:50 AM – 12:00 PM ANNOUNCEMENTS AND ADJOURNMENT		
➤ 2023 Meeting Structure Survey Results	Judge Jacqueline Shea-Brown	
APPENDIX		
➤ 2023 Gender and Justice Commission Meeting Schedule		p.13
NEXT MEETING: March 10, 2023		

 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.

To my friends and colleagues on the Gender and Justice Commission --

January 6, 2023 will be my last meeting as a commissioner with the GJC.

I'll be retired from Kitsap County District Court in a few days. I want to share my thanks to each of you for your active work of the Commission and for the friendship you have offered me over the years. I've been a judge since 1985, first with Gig Harbor Municipal Court and then Kitsap District Court. Over these 37 years, I often participated in education sponsored by the Gender and Justice Commission both as an avid student and educator. Throughout my career, both as a lawyer and a judge, I have been deeply involved in improvements to the judicial branch and community prevention and response to domestic violence. In 2013 I was invited to become a commissioner with the GJC and have been honored to serve beside all of you since.

Because of you and what I have learned from each of you, I know I have been a better and more effective judge. I will miss you, my friends, and our frequent collaborations as I retire from the bench.

With new generations and a more diverse judiciary dedicated to improvement of the branch, the courts have made great strides to a more equitable representation of and in our own communities. I'm very proud of the efforts that we have made together, and I look forward to seeing implementation of the many recommendations that have been made by the several legislative Domestic Violence workgroups and by the *2021 Study: How Gender and Race Affect Justice Now*.

Personally I hope to continue with some *pro tem* and other volunteer efforts once I am settled into this new retirement role. I thank all of you, and particularly Justice Gordon McCloud and Justice Barbara Madsen for all of the opportunities afforded me by the Gender and Justice Commission. And I welcome Judge Jackie Shea Brown as the new co-chair on the Commission. She has demonstrated success in our on-going work.

My court is planning an informal retirement event the morning of January 27, 2022. More information is available from Ms. Dunham.

Please stay in touch. Although my county email will be disabled on January 1, I can be reached through the Kitsap District Court Administrator, Robyn Dunham (RDunham@kitsap.gov), or my personal email or cell.

I will miss you all.

Judge Marilyn Paja (nearly retired)

**Superior Court of the State of Washington
for the County of King**

DAVID WHEDBEE
Judge

Seattle, Washington
98104-2312

December 27, 2022

To: Justice Sheryl Gordon-McCloud, Washington State Supreme Court,
Co-Chair, Gender & Justice Commission
Judge Marilyn Paja, Kitsap County District Court
Co-Chair, Gender & Justice Commission
Members, Gender & Justice Commission

From: Judge David Whedbee, King County Superior Court
Co-Chair, Disability Justice Task Force Steering Committee
Justice Helen Whitener, Washington State Supreme Court
Co-Chair, Disability Justice Task Force Steering Committee

RE: Clarification of Budget Details for Disability Justice Study Funding Legislative Request

Dear Gender & Justice Commission Co-Chairs and Members,

On behalf of the Disability Justice Task Force Steering Committee, we thank you for the opportunity to present at your November 4, 2022, meeting our Committee's proposed 2-year study of Washington courts' physical and programmatic accessibility for persons with disabilities. In some ways this project is like the recent ground-breaking study by the Gender & Justice Commission ("Commission") on gender-related barriers to access to justice and adverse impacts created by judicial system processes, policies, and attitudes. The Steering Committee seeks the Commission's support for our funding request to the Legislature this 2023 Legislative Session.

This letter is in response to the Commission's query about additional justifications for the requested monies referenced in our Budget Decision Package that were raised at the close of our presentation, in particular as to why our funding request is higher than the costs associated with the Commission's Gender Bias Study Report. In our view the salient distinct reasons for the need for greater funding for the Disability Justice Study are as follows:

- 1) Project Lead Costs: There is a need for a full-time Senior Court Program Analyst to provide primary staff coordination for the Task Force, whereas the other Commissions already have full-time assigned AOC staff persons to assist coordination of the Gender Justice Study which was paid out of the general fund. Currently the primary staff person for the Interpreter and Language Access Commission provides only limited temporary support while the Steering Committee

requests funding for staff and the proposed study. The need to close this funding gap corresponds to the added \$266,000 in our budget package for the primary staff position to support the 2-year study period.

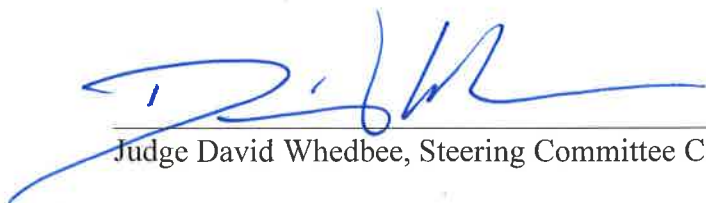
The duties of this staff person would be similar to those of the Gender & Justice Commission AOC staff who managed its Study: managing the project budget and research progress; performing research and staff supervisory duties; developing progress reports; coordinating Task Force meetings and soliciting new members; outreach to impacted communities and coordination with external stakeholders; ensuring compliance with state agency contracting and external communications rules and procedures; internal coordination with other program offices at the AOC; and providing expert knowledge about Washington courts and the justice system to facilitate the work of the study contributors.

- 2) Unique Ancillary Costs: Cost of ADA accommodations, language interpreters, and stipends for meetings, focus groups, interviews with impacted individuals (\$150,000).
- Since the proposed study is focused on disability justice, the Steering Committee intends to have individuals with disabilities as subject matter experts participating as members of the larger Task Force. This necessarily entails additional funding for that participation, including for any legally mandated accommodations necessary to that participation. One example may be ASL interpreters for a deaf individual, for which other groups have set aside a budget of up to \$40,000/year depending on the number of meetings. This is a two-year endeavor.
 - The study will also address the intersectionality of race/gender and the presence of disability, which compounds barriers to court access. An added feature of this intersectionality is that ideally the study will identify not only barriers to physical and programmatic access to courts, but also solutions. Viewed from a disability perspective, this approach has a unique advantage that solutions will often be couched in terms of anticipated reasonable accommodations that are legally mandated and will have coinciding ameliorative effects for marginalized communities of color and women that might not be available when seeking to redress exclusion from a perspective of race and gender alone.
 - Another added feature of this intersectionality between race/gender and disability is specific language access needs, such as interpreters and translated materials as well as associated costs of those for outreach and information gathering that will be unknown until the affected participants are identified. The study scope contemplates having interviews and surveys in other languages that can identify the precise nature of those characteristic interrelationships.
 - Like the project personnel needed for the Gender Bias Study, the funding will cover the costs of a contract research project manager and research analysts/assistants (\$300,000 total over two years). The research project

manager would coordinate all aspects of the comprehensive research project with the support of part-time research analysts/assistants and selected Task Force members. This work likely will include literature review, gap analysis, focus groups, interviews, and coordinating pilot projects on discrete issues in individual courts where needed to identify workable solutions to disability-related barriers. Finally, a distinct feature of the Disability Justice Study will be the necessity of court site inspections, to assess physical accessibility, which should result in significant costs that were not present in the Gender Bias Study.

- 3) The remainder of the budget package is AOC's standard costs per program for items such as travel, IT equipment, indirect costs, etc.

On behalf of Co-Chair Justice Whitener and the Steering Committee, I thank you again for your interest in our endeavor and for considering the request for your letter of support.



Judge David Whedbee, Steering Committee Co-Chair

Gender and Justice Commission

2023 Meeting Dates

Virtual Meetings held via Zoom Videoconference

Contact Avery Miller (Avery.Miller@courts.wa.gov) for Zoom access information.

Date	Time	Location
January 6 th	9:30 AM – 12:00 PM	Zoom Videoconference
March 10 th	9:30 AM – 12:00 PM	TBD
May 5 th	9:30 AM – 12:00 PM	TBD
September 1 st	9:30 AM – 12:00 PM	TBD
November 3 rd	9:30 AM – 12:00 PM	TBD

Please contact Crissy Anderson with any questions at (360) 764-3198 or
Crissy.Anderson@courts.wa.gov.