



Gender and Justice Commission
October 20th, 2023
9:30 AM – 12:00 PM
Hybrid Zoom Videoconference/
In-Person AOC SeaTac Office



MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud
Judge Rebecca Glasgow
Dave Reynolds
Lillian Hawkins
Elizabeth Hendren
Dana Raigrodski
Lynn Daggett
Victoria Blumhorst
Shannon Kilpatrick
Quinn Dalan
Judge Jacqueline Shea-Brown
Karla Carlisle
Judge Michael Finkle
Javier Ortiz
Carlyn Sampson
Allison Tjemsland
Judge Josephine Wiggs
Laura Edmonston
Dr. Arina Gertseva
Judge Bonnie Glenn
Carly Quast
Katelyn Sundstrom
Renee Larson

AOC Staff

Kelley Amburgey-Richardson
Crissy Anderson
Avery Miller
Laura Jones
Karl Jones
Mishani Jack-Gonzalez

Members & Liaisons Absent

Irene Motles
Commissioner Jonathan Lack
Jennifer Ritchie
Barbara Serrano
Judge Cindy K Smith
Brynn Felix
Rachel Sottile
Julia Davis
Rhea Bhatia

Guests

Sarah Augustine
Erin Lennon
Representative Roger Goodman
Representative Lauren Davis
Zoe Saccio
Jessica Johnson

WELCOME AND INITIAL BUSINESS

- Justice Gordon McCloud welcomes all to the first in-person/ hybrid meeting of the Gender and Justice Commission in several years.
- Members of the Commission and guests introduce themselves.
- Justice Gordon McCloud deems September minutes approved by consensus.

COMMITTEE AND PROJECT UPDATES

Law Student Liaisons

- Carly Quast, Gonzaga: Recently had the first Women in Law series about women in federal law leadership, with a panel of Judge Peterson, Judge Dimpe, Andrew George. If anyone has volunteer opportunities, please contact Carly.
- Katelyn Sundstrom, Lewis and Clark: After speaking with board members, Lewis and Clark is also interested in volunteer opportunities in Southwest Washington. Anyone willing to come speak to students about careers in law in Washington should reach out, would be happy to facilitate via Zoom.
- Renee Larson, Seattle University: First general meeting with a large turnout. Sent out a networking survey. They pivoted plans based on other events happening at the law school. Will run a panel of female attorneys in the area on November 16th, 5:30 – 7:30. If anyone is interested in being on a panel, please reach out.

Communications Committee, Laura Edmonston

- Laura Edmonston presents the new newsletter for Gender and Justice, featuring research and articles on Gender and Justice from Washington and National Media.

DSV Committee, Quinn Dalan

- Nothing new to report, next meeting Nov. 3rd.

Education Committee, Judge Glasgow

- Report out from Fall Conference where Gender and Justice had a morning full of presentations, presenting to all levels of the court with over 200 attendees. Elizabeth and Justice Gordon McCloud presented on Incarcerated Women, Dr. Warshaw and Commissioner Lindsay Goheen did a presentation on mental health and substance use coercion in domestic violence cases.

- Turning to submit proposals for Spring Conferences, which is split by court level between Superior Court Judges Association/ District and Municipal Court Judges Association and District and Municipal Court Managers Association. Three potential proposals:
 - 1. Follow up to Incarcerated Women panel, best practices on visitation for children of incarceration.
 - 2. Trauma informed practices for judges, update to model code on domestic and family violence.
 - 3. Study recommend training for judges on burnout and secondary trauma. Filings on protection order calendar has doubled, and combined forms are creating challenges, court staff and judges are feeling overwhelmed by calendars. Will bring in some expertise helping court staff and judges address and manage those issues.
- Judge Finkle asked what percentage of incarcerated women are victim-defendants. Suggests looking at contempt filings of incarceration. Elizabeth discusses women who lost custody in a family law case due to incarceration. There was a law review article on abusive litigation against women due to status as criminal defendants.
 - Justice Gordon McCloud discusses the formation of Family Law Committee. Judge Finkle is interested.

Implementation Committee, Dana Raigrodski

- Several members are following up on specific recommendations. With various subcommittees working on GBV or Incarceration, trying to follow up on some of the other recommendations to make sure we have a good understanding of who is working on them to pull in appropriate stakeholders.
- Agrees with the recommendation on creation of Family Law Subcommittee. Javier Ortiz and Commissioner Jonathan Lack have both volunteered.
- Continuing to work with Data Subgroup on issues in criminal context, ie CFC data collection and reporting, requires us to look at our sentencing forms. WSCCR is doing research on that as well.
- Testified at Senate Law and Justice Committee on issues of DV/ SA. Many emphasized increasing funding and training in civil matters broadly.
- Dr. Raigrodski serves on Center of Excellence on DV/ SA. When research center is established, working on a tight timeline to reach out to stakeholders. Will be a hub for evidence-based research for advocates. Focus on public health and prevention.

Incarceration Committee, Elizabeth Hendren

- The Committee is working on court access issues for incarcerated litigants. Default orders are being entered in cases where one part is incarcerated. Not all of the WA prisons have law library and priority for Family Law is low. Response deadline for incarcerated women is 20 days, which causes many to not be able to respond in time.
- The focus is on state prisons. DOC went through a lot of turnover. The GIPA report overlaps a lot with the recommendations from our study and have had meetings with them on alignment.

- Issues with phone access, limits their ability to contact their attorneys. Tablets are distributed to purdy women, hoping to get Washingtonlawhelp.org on the tablets. Out of SCJA, many judicial officers asked for bench card/ checklist on things to keep in mind for incarcerated litigants.
- Mission Creek Legacy Conference, and Purdy recently had a reentry fair, first time back in the prisons since pre-covid. 30 service providers, seeking legal services and information on Protection orders, legal financial obligations. Looking like we could plan an all-day event in spring.

Legislative Committee Report, Justice Gordon McCloud

- Legislative Committee will become more active during session, had thought about proposing legislation regarding data collection issues with CFC. Not submitting that, but will be delving into how to solve that problem.

Tribal State Court Consortium, Mishani Jack-Gonzalez

- Current focus is on planning and workgroup kick off. Expanding Court rule 82.5 to Courts of Limited Jurisdiction.
- TSCC submitted SCJA proposal on resolution through communication.
- Working with TLPI (Tribal Law and Policy Institute) on developing a webinar series first week in November, focused on sex trafficking and judicial response, aligns with GJC Study recommendations focus on multi-disciplinary approach/ public health analysis on the issue.
- Two tribal judges are attending National Indian Court Judges Conference through a GJC scholarship, October 23-26, in Tulsa Oklahoma.
- Finished updating the tribal directory to facilitate communication between state and tribal courts.
- Under Equity and Access Program at AOC, developing a court user survey on equity, access and fairness, targeted towards tribal pro se litigants on ease of access and on future court improvement projects.

Karl Jones, WSCCR

- Dr. Karl Jones presents findings on mandatory arrest and women's risk of DV charges as a defendant, separated out by race, ethnicity, time period and jurisdiction.
- Judge Wiggs asked about disparate impacts. Karl says without a baseline going back before mandatory arrest, it's a question of utility of a metric, researchers don't know if it's responsive to some local policy change. Ask people with on the ground experience what's driving that disparity.
- Dana Raigrodski discusses whether mandatory arrest does not necessarily mean mandatory charging. Data on recidivism: is it because prosecutors are not going after the second arrest? If you were to design next research and talk to the locales, ie Law enforcement/ Prosecutor, what kind of questions would we ask?

- Limitation of the CCRD, we are blind to what is going on with that encounter, between LE and prosecutor choices. Qualitatively talking to people in prosecutor's office making these decisions and people with lived experience would be a good source of information.
- Prof. Daggett, on a technical level when we're talking about Native Americans in a specific county or recidivism rates, are you confident these are real differences and the population sample size/ significance tests done. Karl confirms any data presented met a criterion test for certainty.
- Judge Finkle suggests comparing filing statistics on identifiable groups. Would probably want to look at that by gender. Is this a problem with law enforcement and/or prosecutor? DV cases are difficult to prosecute. Prosecutors can decline to prosecute, if they're going forward with charges often, looking at the why.
 - The mechanics that generate disparity can change from location to location and over time. Many cities with municipal courts contract with prosecutors. District court can be county prosecutors, felony prosecutors may be more experienced. In-house vs. contracted.
- Elizabeth Hendren discusses law enforcement training on primary aggressor determination, ie when someone's being strangled the victim will have fewer physical marks than the aggressor.

2024 Legislative Session

- Rep. Goodman thanks Justice Gordon McCloud and Dr. Jones for the presentation. Was planning a public work session during 2024 legislative session. Police are not trained to assess lethality on the scene. If they're not going to arrest or if they will remove someone from the scene where would they take them?
- Need the Commissions help in responding to issues, if possible before Legislative session. Pending proposals put on hold because we want to take a more critical look at it.
 - Sponsor HB 1320/1901, which reformed our protection orders and added definition of coercive control into statute. Is the caseload exploding because of coercive control?
 - Is there anything to fix with the statute?
 - Domestic violence/ Family Law. Women who have said abusers were able to manipulate legal process to gain custody of children and feel unheard by courts, ie judicial bias against women. Influence of money, where usually the man has more money to manipulate courts. Recommend consulting with Family Law Appellate Project.
 - HB 1121 re child abduction prevention. People from all over the world in tech industry are located in Washington. Too often, men will get a divorce and leave the country with their child. Have tried to legislate on this, but concerned from survivors about laws preventing them from escaping DV with their children.
 - HB 1439, expands authority of children's advocacy centers, skilled at forensic interviewing. Don't have a clear mandate to help children witnessing violence. Bill would authorize CAC to help children who witness domestic violence, want pilot project to dispatch police and CAC advocates to assist those children.
 - New sentencing grid: Not changing much at the top of the grid for people killed/ grievously injured, not willing to shorten sentences. Difficult process with justice/

accountability vs threat to the community framework. Hoping to create a release valve for people incarcerated for a long time to petition for release. Lower end of the grid, ie, no damage and Judges can sentence people to the community, held accountable in a research-based way; i.e. ankle bracelets, EHM, or community custody. Money wasted on incarceration of low-level offenses could be redistributed.

- Gender based violence and race/ ethnicity disparities. Desire to lower sentence/ charges for race/ethnic disparities but sentiments in GBV to increase sentence length where we don't give adequate attention to violence against women.
- Rep Lauren Davis talks about interim work, implementing work passed last session on HB 1715 and some other upcoming bills and legislative priorities
 - HB 1715 has 2 provisions relating to EHM for victim notifications because tech has been wildly underutilized. They have eliminated DV homicide in other jurisdictions using this. In regards to ankle monitors in a civil case, the only remedy is civil contempt.
 - Language on judicial officer education on DV cases. Funding for judicial education, working with AOC on this.
 - Firearm provisions; the *Flannery Fix*, issues with 4th and 5th amendment, with continuing Order to Surrender Weapons when petitions are denied when there's a revision/ reconsideration underway. Henderson's Law re victim notification re firearm confiscation. Individuals who have 5 days to pick up firearms after release, trying to change that prior to release or with a Law Enforcement escort
 - Issues with service changed to 24 hours rather than 5 days.
 - The creation of DV high lethality teams through the Dept. of Commerce, 6 grantees awarded. Prosecution, Law Enforcement, victim support, amplify monitoring and coordination for high risk lethality victims. Bill includes provisions for law enforcement training on primary aggressor in basic LE academy, advanced training and DV detectives.
 - Bill launches Center of Excellence on Policy and Practice, to develop research and have a statewide center to do this work.
 - Rewrote stalking statute, which is a far more dangerous form of IPV. Rewrote re physical harm and the SCOTUS decision re mens rea.
 - DV housing bill which includes vouchers for short term housing and a DV shelter bill.
 - Stakeholder work on DV ombuds, have a single portal to hear about issues for victims in the system
 - Significant increase in DV filings, working on how to pay for court functioning, potentially behavioral health sales tax funding. County commission level, also in housing HB 1590. Would pay for courts/victim services/civil legal aid.
 - *Rahimi* decision coming up, looking at what legislature can do preemptively.
 - Insurance reimbursement for DV treatment.

Clerk Erin Lennon, Barriers to Appellate Access

- Sarah Augustine on workgroup, formerly chair of OCLA oversight board. WA State Supreme Court public letter Jun 4 2020 supported rules to increase justice. Francis Adelwale received a memo from Chief Justice Gonzalez to form a workgroup. Memo quoted a case of the importance of people's right to access the courts, *Putnam v. Wenatchee Medical Center*.

- Our mandate: identify barriers to indigent residents accessing appellate system. Commitment to access to justice for all, to racial justice, lived experience.
- Recommended a staged response. Systemic responses guided by lived experience grounded in collaboration.
 - Stage 1: discovery, research, planning phase. Reviewing the appellate system for those without counsel to get a sense of the barriers. Nov 2022, workgroup analysis of RAP 15.2 recommended removing requirements. Oct 23, workgroup preparing for leg session.
 - Approach is to engage in a research phase to query the system and engage in qualitative research in those denied access to justice and using a pathways to action model.
 - Request to the commission for a letter of support, will provide memo on basic facts. Attempted to be included in last leg cycle in the data for justice package. They are actively working to make sure this is a priority for this leg session and asked for Supreme Court prioritize it.
 - By 2025 will be able to bring those results and have grounded recommendations for improving the system.
 - Springs out of 2021 GJC study. 1st section related to how inaccessible courts are for those that don't have money. Focus is on how to break down barriers for appellate access. Going to the community to understand their perspectives on barriers.
- Judge Glasgow discusses Judicial Institute, a program for people thinking of applying to the bench, with the focus on people of color/ women/ LGBTQ and rural applicants. Deadline is Nov. 3rd, it will be in-person in March. Look for people with 8 years or more of practice experience.

Laura Jones, Crime Victim Services Workgroup

- GJC charged to convene a crime victim services workgroup to look at holistic responses for crime victims and allowing choice in how to engage with systems. First meeting was on October 11th. 40 stakeholders around the state on community-based advocacy organizations, legal aid, children's advocacy organization, appointing liaisons, ensuring we have representation from culturally specific organization.
- Surveying what the need is for victims among legal response and community response and looking at how that would be funded.
- Recommendations due to the legislature by Oct 1st 2024. Meetings via Zoom. Group will be chaired by Judge Jacqueline High-Edward.

Judge Bonnie Glenn, MJC Liaison

- Thanks for GJC support of diversity reception, great event. Judges of color directory coming out soon. Minority and Justice had an executive retreat among leadership team to redefine our goals and our commitment for outreach to have commission meetings dovetail with traveling court and have community input.

ADJORNMENT