



GENDER AND JUSTICE COMMISSION

FRIDAY, JANUARY 19, 2024 (9:30 AM – NOON)

JUSTICE SHERYL GORDON MCCLOUD, CO-CHAIR

JUDGE REBECCA GLASGOW, CO-CHAIR

ZOOM: <https://wacourts.zoom.us/j/86801545755>

PHONE: 253-215-8782 US (TACOMA)

MEETING ID: 868 0154 5755



Agenda

9:30 AM – 9:45 AM: WELCOME AND INITIAL BUSINESS

- Welcome and Introductions – **Justice Sheryl Gordon McCloud, Co-Chair**
- Approval of October 20, 2023 Minutes – **Judge Rebecca Glasgow, Co-Chair** p. 1

9:45-10:30: LIAISON, COMMITTEE AND PROJECT UPDATES

- **Law Student Liaison Updates**
 - Gonzaga University School of Law – *Carly Quast*
 - Lewis and Clark School of Law – *Katelyn Sundstrom*
 - Seattle University School of Law – *Renee Larson*
 - University of Washington School of Law – *Michelle Brito & Anushka Parihar*
- **Standing Committee Updates**
 - Communications Committee – *Laura Edmonston*
 - Domestic and Sexual Violence Committee – *Quinn Dalan* p. 8
 - Education Committee – *Judge Rebecca Glasgow*
 - Family Law Committee – *Karla Carlisle*
 - GJ Study Implementation Committee – *Barbara Serrano & Dr. Dana Raigrodski*
 - Incarceration, Gender and Justice Committee – *Elizabeth Hendren*
 - Legislative Committee – *Justice Sheryl Gordon McCloud*
 - Tribal State Court Consortium – *Judge Cindy Smith* p. 9
- **Other Liaison Updates and Information Sharing**
 - Access to Justice Board – *Brynn Felix* p. 10
 - Center for Children and Youth Justice – *Rachel Sottile*
 - Minority and Justice Commission – *Judge Bonnie Glenn* p. 11
 - Washington State Center for Court Research – *Dr. Arina Gertseva*
 - Washington Women Lawyers/Child Care Work Group – *Irene Motles*
 - Crime Victim Services Work Group – *Laura Jones* p. 12

10:30 AM – 10:40 AM BREAK

10:40 AM -11:50 AM PRESENTATIONS AND DISCUSSION ITEMS

- Superior Court Judges' Association Unrepresented Litigant Work Group and Self-Help Center Pilots – *Judge Jennifer Forbes, Kitsap County Superior Court (30 minutes)* p. 13
- WashPOP Data Efforts – *Professor Jennifer Romich and Professor Geraldine Germain University of Washington (20 minutes)*
- OCourt Forms – *Trish Kinlow, Tukwila Municipal Court (10 minutes)*

11:50 AM – 12:00 PM ANNOUNCEMENTS AND ADJOURNMENT



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Agenda

APPENDIX

- 2024 Gender and Justice Commission Meeting Schedule

p. 30

**NEXT MEETING: March 1, 2024
Via Zoom**



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

GJC Domestic & Sexual Violence (DSV) Committee Report:

The DSV Committee last met on November 3, 2023, and will meet quarterly in 2024. At our upcoming meeting on February 9th, we plan to set goals and priorities for the upcoming year. Other DSV Committee meetings are scheduled for 5/31/24, 8/30/24, and 11/1/24. Please contact Laura Jones (laura.jones@courts.wa.gov) if you would like to attend an upcoming meeting.

In 2023, the DSV Committee oversaw several updates to the Domestic Violence Manual and Sexual Violence Bench Guide for Judicial Officers. Updates published in the last quarter of 2023 included Chapter 8 of the DV Manual (Protection Orders) and Chapter 9 (Protection Orders), Chapter 10 (Sexual Violence & the LGBTQ Community), and Chapter 12 (Sexual Violence & Immigration Law) of the SV Bench Guide. The DSV Committee will prioritize updates for 2024 in conjunction with new legislation and case law, with an anticipated focus on the DV Manual.

The DSV Committee compiled a [Gender-Based Violence Training & Resource Library](#) that went live in early November. It is geared primarily toward judicial officers and court personnel in Washington State, but may be useful to anyone wishing to learn more about these topics. Resources include bench guides, webinars, bench cards, reports, and more. Please contact commissions@courts.wa.gov with questions, or if you are aware of a resource that may be helpful to add to this library.

In 2024, Civil Protection Order (CPO) Forums for judicial officers will continue on a quarterly basis. These forums provide an opportunity for judicial officers statewide to collaborate, ask questions, and share resources related to Chapter 7.105 RCW. The forums are staffed by the GJC and Commissioner Terri Farmer, one of the DSV Committee Co-Chairs, facilitates the CPO Forums.

Jen Mogren from AOC's Education Services Team attended our last DSV Committee meeting on November 3, 2023, and gave a presentation on judicial education related to protection orders. DSV Committee members were given the opportunity to assist with review of the Chapter 7.105 RCW training modules being developed by Education Services related to gender-based violence and coercive control.

Tribal State Court Consortium Report

Supreme Court Commissions

- TSCC distributed a November quarterly newsletter, this can be located [here](#). This newsletter provided a brief overview, highlighted Native American Heritage Month, shared resources, and highlighted upcoming conferences including Judicial College.

- TSCC Scholarships:
 - NAICJA- The TSCC with support from GJC, has sent two tribal judges to the Native American Indian Court Judges Association Conference in Tulsa, Oklahoma.
 - Topics included: A1: Strengthening Equity and Inclusion of Two Spirit/Native LGBTQ+ Relatives in the Courtroom; Addressing Family Violence and Abuse; Violence Against Women Act of 2022 and Tribal Protection Orders; Restorative Justice; ICWA and so much more.
 - Judicial College: The TSCC, with assistance from Gender and Justice Commission and Equity and Access Program will be providing five scholarships to assist tribal judges in attending 2024 Judicial College. There has been positive outreach -- all tribal judges are from different regions.

- The TSCC hosted their first webinar titled “*A Multidisciplinary Response to Sex Trafficking in Indigenous Communities*” this webinar was more targeted in audience to include Washington State Tribal Court Judges, State Court Judges, Court System Employees, Youth Justice Programs, DV/SA Advocates, Health Advocates, and Law Enforcement Officers. The next webinars will be more open in audience. You can find the recorded webinar and resource materials [here](#).

Access to Justice Board
Brynn Felix

- Terry Price, will be stepping down as ATJ Board Chair (but will remain on the ATJ Board), and Esperanza Borboa will serve as the next ATJ Board Chair as of April 2, 2024.
- The ATJ Board will be visiting Port Angeles on April 25-26th and meeting with members of the Alliance for Equal Justice and other community-based organizations whose clients utilize legal aid services.
- We are seeking nominations for the 2024 Promoter of Justice Award, which will be presented during our trip to Port Angeles.

Minority and Justice Commission
Judge Bonnie Glenn

Currently activities relating to the Minority and Justice Commission are:

- A. Solicitating Artwork in January
- B. Directory - Judges of Color sent out
- C. New Law School Liaisons beginning
- D. YALFs successful (Seattle, Pierce, Kitsap, Tri Cities). Discussion for Guide to help starting forums
- E. Leg. Committee at work
- F. Transitioning Jury Diversity Survey to AOC
- G. In discussion with the legislature about this year's juror pay pilot in Pierce County

Crime Victim's Services Work Group
Judge Jackie High-Edward/Laura Jones

Pursuant to ESSB 5187 Sec. 918, the GJC was directed to convene a Crime Victim Services (CVS) Work Group. Judge Jacquelyn High-Edward of Spokane County Superior Court is leading this work on behalf of the GJC. The CVS Work Group has met four times since October, and will continue to meet on a monthly basis until its recommendations are due to the Legislature on October 1, 2024. The statute directs the CVS Work Group to:

- a. Survey the need in the legal (protection orders, family law, abusive litigation) and community based systems including the need for evidence based training for all participants;
- b. Develop a plan to standardize and expand access to legal and community based assistance while utilizing and leveraging both public and private funding sources;
- c. Assess the different financial accounts which can be utilized for victim services including but not limited to those that exist in: (i) The United States department of treasury (ii) The department of commerce; (iii) The department of children, youth, and families; (iv) The department of labor and industries; (v) The department of social and health services; and
- d. Develop a sustainable funding formula and criteria for future state funding.

Ensuring Fairness and the Right for Unrepresented Litigants (URLs) to Be Heard

Judicial Bench Card

Washington State Administrative Office of the Courts

Updated December 2023

Washington State Judicial Code of Conduct [Canon 2, Rule 2.2, Comment 4](#) clarifies that judicial officers are not violating the concepts of impartiality and fairness by providing URLs with reasonable accommodations to be heard as long as they do not give the URL an unfair advantage. Use this bench card for examples of reasonable accommodations, tips, and general guidelines to impartially and fairly facilitate the right of URLs to be heard.

Examples of Reasonable Accommodations for URLs and Tips

(See [Canon 2, Rule 2.6, Comment 4, 1-23](#) for more examples)

Judges should endeavor to ensure URLs have a fair opportunity to participate in proceedings. While not required, judges may find the following non-exhaustive list of steps consistent with these principles and helpful in facilitating the right of URLs to be heard:

1. Informing litigants with limited-English-proficiency of available interpreter services. **Tip:** Use the [Spoken and Signed Language Interpreter Bench Card](#) and identify the need for certified interpreters for court users who are limited English proficient, Deaf, or hard of hearing as soon as possible. The court is obligated to provide language access services through court-appointed spoken and signed language interpreters and to provide “vital” documents in a foreign language. Judges must assess whether communication between the court and litigants is effective and if not, they must identify the language need and appoint interpreters at NO cost to the parties for court hearings. If the person needs a sign language interpreter, the court must appoint an interpreter for interactions with counsel in criminal cases.
2. Providing brief information about the proceeding and evidentiary and foundational requirements. **Tip:** Provide URLs with an explanation of relevant court rules, procedures, and processes. Offer resources, such as [Self-Represented Persons in Superior Court Civil Proceedings](#) and [Self-Represented Persons in District Court](#).
3. Using available courtroom technology to assist unrepresented individuals to access and understand the proceedings (e.g., remote appearances, use of video displays to share court rules, statutes, and exhibits).
4. Attempting to make legal concepts understandable by minimizing use of legal jargon.
5. Starting the hearing with a quick summary of the case history of the issues that will be addressed.
6. Inviting questions about what has occurred or is to occur.
7. Permitting narrative testimony.
8. Allowing parties to adopt their written statements and pleadings as their sworn testimony. This provision would not limit opportunities for cross-examination or be permitted in a manner that would prejudice the other party in the presentation of their case.

Ensuring Fairness and the Right for Unrepresented Litigants (URLs) to Be Heard - Judicial Bench Card

9. If unable to do what a litigant asks because of neutrality concerns, explaining the reasons in those terms. **Tip:** It is important that we respond in a way that lets the litigant know that we would like to be more helpful, but we have an ethical obligation to avoid even the appearance that we are giving legal advice to one side of the dispute.
10. Announcing the decision, if possible, from the bench, taking the opportunity to encourage litigants to explain any problems they might have complying. **Tip:** Rule from the bench rather than exclusively by written order. After ruling, encourage litigants to explain any problems they might have in complying with your order. This might be especially applicable in protection order cases, civil motions, or small claims.
11. Making sure, by questioning, that the litigants understand the decision and what is expected of them, while making sure that they know you expect compliance with the ultimate decision. **Tip:** Ask questions of the litigants after you rule to make sure they understand your expectations. Also, make clear that you expect compliance and inform them of potential consequences for violating your order.
12. Where relevant, informing the litigants of what will be happening next in the case and what is expected of them. **Tip:** Clearly explain what happens next procedurally. For example, after a temporary protection order hearing, explain the process going forward. Where does the petitioner go from the courtroom, what paperwork do they need to obtain, who is responsible for service, when is the next court date?
13. Making sure, if practicable, that the decision is given in written or printed form to the litigants. **Tip:** In addition to your oral ruling, whenever practical, issue a written order and inform the parties, particularly if appearing remotely, how to obtain paperwork from the court.
14. Informing the parties of resources that are available to assist with drafting documents, as well as compliance or enforcement of the order. Examples include but are not limited to courthouse facilitator programs, advocates, lists of treatment providers, and child support enforcement. **Tip:** Share the accompanying resource page with URLs. Inform the URL of available resources in your community or refer them to staff who are prepared to make those referrals.

Is it Legal Information? Or Legal Advice?

General Guidelines

Legal Information

Facts about the law
Information that is on your court's website
Explanations about the process
Referring to resources (e.g., volunteer legal services, self-help centers, court facilitators)
Copies of forms, statutes, and regulations
Explanations about next steps

Legal Advice

Strategy
Counseling
Predicting outcome
Interpreting the law based on case facts
Referring to a specific lawyer

For questions about this bench card, request an alternative format, or request other resource materials for your court, please email Washington State Administrative Office of the Courts, Office of Court Innovation, Equity & Access Program at equityandaccess@courts.wa.gov.

Resource Page for Unrepresented Litigants

Courthouse Facilitators are non-attorneys who assist self-represented persons with family law or guardianship cases. They can provide resources, explain terms and procedure, calculate child support, and assist with preparing paperwork. Check to see if your court has a Courthouse Facilitator Program, schedule a visit, learn more about the scope of resources available, and fees for clients. You can view a [list of all counties that have a program here](#).

Self-Help Centers: Centers are currently active in Grays Harbor and Spokane Counties, providing support to litigants with Superior Court cases. Contact for more information:

[Grays Harbor Legal Self-Help Center](#)

[Spokane Family Law Self-Help Center - Spokane Fatherhood Initiative](#)

[The Carl Maxey Center – Sandy Williams Justice Center](#)

[Latinos en Spokane](#)

[Spokane Regional Domestic Violence Coalition](#)

Other Resources:

[WashingtonLawHelp.org](#) – A guide to free civil legal services for low-income persons and seniors in Washington. The site also includes legal education materials and tools, detailed instructions and forms, and a directory of free legal aid programs in Washington, including basic eligibility and contact information.

[Self-Help Resources](#) and [Court Forms](#) – Washington State Administrative Office of the Courts

[State Law Library Legal Resources](#). Also check to see if your county has a law library.

[Find Legal Help](#) – Washington State Bar Association

[Cowlitz County Superior Court Resources](#)

SCJA Unrepresented Litigant Ad-Hoc Workgroup

Judge Jennifer Forbes

Kitsap County Superior Court

Cases with unrepresented litigants are here to stay:

- The Civil Justice Gap
- 75% or more of civil cases have at least one unrepresented litigant
- Litigants can't meet the courts halfway



How Did We Get Here?

- Anecdotal evidence that the number of litigants without legal representation was increasing
- Limited resources and supports for Superior Courts to address the needs of this population
- SCJA Long Range Planning Meeting in June 2019
 - Selected unrepresented litigants as a top Association priority

Workgroup Overview

- Launched workgroup in February 2020
- Members from a variety of stakeholder groups
 - DMCJA, Commissions, OCLA, AOC, Law Library
 - County Clerks, Court Administrators, Courthouse Facilitators, Limited License Legal Technicians (LLLTs)
 - Northwest Justice Project, Access to Justice Board, Washington State Coalition Against Domestic Violence (WSCADV)
- Goal: assess and develop resources for Washington's courts to improve processes, advance access to justice and ensure unrepresented litigants are heard fairly in court
- Work collaboratively, focus on a litigant/user-first orientation, apply an equity lens
- Three subgroups: Judicial education, website/technology "portal", and self-help centers

Judicial Education Subgroup

- Developed suggested changes to the comments of CJC Canon 2, Rule 2.2 and 2.6. The rules were adopted by the Supreme Court and became effective September 1, 2022.
 - Rule 2.2, Comment 4 – provided greater detail about a judge’s obligation to accommodate unrepresented litigants
 - Rule 2.6, Comment 4 – expanded list of steps to ensure unrepresented litigants have a fair opportunity to participate in proceedings. Includes minimizing use of legal jargon, permitting narrative testimony, providing written or printed decisions when practicable, and informing litigants of resources available to them.
 - Based on ABA model Code of Judicial Conduct, Conference of Chief Justices/Conference of State Court Administrators, and policies and legal opinions from other states

Judicial Education Subgroup

- Related to CJC Canon 2, Rule 2.2 and 2.6, the subgroup developed an educational session entitled, “Improving Judicial Response to Litigants Without Legal Representation.”
 - Presentations at SCJA and DMCJA Spring Conference; Network of Adjudicative Agencies
 - Several hundred judicial officers have received training
 - Recordings and resources available on Inside Courts
- Conducted a survey of over 400 court staff statewide on the training needed to better serve unrepresented litigants.
 - Shared results with staff to various levels of court
 - Hoping to develop future trainings for court staff of highest-priority issues (awareness of available resources, understanding reasonable accommodations for unrepresented litigants, understanding the difference between legal advice and legal information, etc.)
- Developed a judicial benchcard

Portal Subgroup

- Hoping to partner with AOC to develop a landing page for all unrepresented litigant resources, while also working around existing technology offerings (washingtonlawhelp.org, King County website, etc.).

Self Help Pilot Subgroup

- Subgroup assisted in development of a pilot program concept
- Initial funding request through legislative request in 2022 for the 2022 Supplemental Budget for five pilot sites
 - Awarded \$520,000 for one year for two pilot sites, one on east side and one on west side of the state
 - Contract with Grays Harbor Superior Court in Fall 2022, contract with Spokane County awardees in late Spring 2023
- Secured funding through the end of FY 2024
- Submitted a funding request through the AOC/BJA budget development process for expansion on funding through FY 2025

What is a Self-Help Center?

- Provide free assistance to litigants without legal representation across a variety of case types
- Provide in-person and online services (including LiveChat and Zoom/Teams assistance)
- Provide assistance with forms completion and filing, host workshops on common case types, manage status of existing cases, follow-up after hearings re: court orders and next steps
- Connect litigants with community resources, including volunteer attorneys (for limited legal advice) and social services (housing, WIC/SNAP, etc.)
- Have been shown to increase litigants' understanding of the process and satisfaction with the outcome, and improve the court's management of cases (forms are correct and completed, reduce continuances, etc.)

Grays Harbor Superior Court

- One full-time facilitator and one contract attorney (100 hours a month).
- Serving approx. 150 clients per month over the phone, with walk in services, and via appointment.
- Able to offer court forms and instructions at no charge.
- High-volume case types include parenting plans, dissolutions, protections orders, unlawful detainer actions, and vacation of their State v. Blake convictions.
- Working with the court and their own data to proactively address emerging issues (failure to pay rent packet, assisting clients with Pretrial Statements in domestic matters).
- Also providing assistance to unrepresented litigants from our neighboring counties.

Spokane community

- Contracts were awarded to a consortium of community-based organizations in the Spokane area:
 - The Carl Maxey Center's [Sandy Williams Justice Center](#) operates a Legal Self Help Center staffed with a contract attorney and legal volunteers. Offering regular legal clinics and services at community events. Hosting mobile/pop-up legal clinics in coordination with Spokane County Regional Domestic Violence Coalition to assist survivors with PO filing, safety planning and court navigation.
 - [Spokane Fatherhood Initiative](#) operates a Family Law Self-help Center, staffed with two Limited License Legal technicians and a paralegal. Offer two workshops a month on nights/weekends, and are available for walk-in services and appointments.
 - Latinos en Spokane are also hosting legal clinics, and have staff on-site at their Community Center to assist in navigation of WashingtonLawHelp and print court forms for free.



HERE ARE SOME OF THE WAYS WE CAN HELP

FREE SELF-HELP CENTER

Free copies for court filings, assistance with forms, procedures, obtaining non-sealed court records, court-e-filing, prepare for your Status Conference, hearings, trial, mediation, and referrals to other existing resources.

FREE LEGAL CLINICS

Free consultation with volunteer attorneys and legal paraprofessionals for limited legal advice, referrals, homework and available follow-up to help you prepare to represent yourself in Court.

Domestic Violence and Protection Orders
Family Law: Divorce, Paternity, Child Support, Contempt and more
Education/Juvenile
Housing/Landlord/Tenant/Eviction Referrals
SSI/SSDI
Post Conviction Relief Referral to The Way to Justice
Driver Relicensing/Expungements/Blake
And many more areas.

RACIAL JUSTICE & CIVIL RIGHTS

Free consultation and advice with Sandy Williams Justice Clinic attorneys, including referrals to existing resources as applicable.

END THE VIOLENCE COALITION

Free consultations with professional advocates trained to assist with Protection Order matters, advocacy, and much more!

FOR MORE INFORMATION, CONTACT US!

END THE VIOLENCE COALITION INFO:

ADVOCACY LINE: (509) 481-0794

EMAIL: ADVOCACY@SRDVC.ORG

CARL MAXEY CENTER SANDY WILLIAMS JUSTICE CENTER

TEXT "SELF HELP LEGAL " TO : (509) 395-3107 /// EMAIL: SELFHELPLEGAL@CARLMAXEYCENTER.ORG

Future Plans

- Ongoing coordination with AOC's Equity and Access Team
 - AOC's focus will include access to justice improvements for unrepresented litigants
 - Transition long-term activities that require sustainability
- Support for Self-Help Center Pilot Programs
 - 2025 supplemental budget request
 - Evaluation and programmatic support
- Judicial officer and court staff educational opportunities
 - Judicial College 2024
 - SCJA Spring Program 2024
 - Working with AOC on additional staff training opportunities

Questions?

Judge Jennifer Forbes, SCJA President

jforbes@kitsap.gov

Gender and Justice Commission

2024 Meeting Dates

Virtual Meetings held via Zoom Videoconference

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

Date	Time	Location
January 19th	9:30 AM – 12:00 PM	Zoom Videoconference
March 1st	9:30 AM – 12:00 PM	Zoom Videoconference
May 10th	9:30 AM – 12:00 PM	In-Person AOC SeaTac Office
September 13 st	9:30 AM – 12:00 PM	In-Person AOC SeaTac Office
November 8th	9:30 AM – 12:00 PM	Zoom Videoconference

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