



WASHINGTON  
**COURTS**

ADMINISTRATIVE OFFICE OF THE COURTS

*WASHINGTON STATE SUPREME COURT*  
**GENDER AND JUSTICE  
COMMISSION**

**MEETING**

**FRIDAY, MARCH 9, 2012**

**TEMPLE OF JUSTICE  
CHIEF JUSTICE'S RECEPTION ROOM  
OLYMPIA, WASHINGTON**



**WASHINGTON STATE SUPREME COURT  
GENDER AND JUSTICE COMMISSION**

**2011-2012**

**CHAIR**

**Honorable Barbara A. Madsen**  
Washington State Supreme Court

**VICE-CHAIR**

**Honorable Alicia H. Nakata**  
Chelan County District Court

**MEMBERS**

**Honorable Stephen E. Brown**  
Grays Harbor County District Court

**Honorable Craig Matheson**  
Benton County Superior Court

**Ms. Barbara L. Carr**  
Jefferson County Juvenile Court

**Mr. Ronald E. Miles**  
Spokane County Superior Court

**Honorable Vickie I. Churchill**  
Island County Superior Court

**Ms. Leslie W. Owen**  
Northwest Justice Project

**Ms. Mirta Laura Contreras**  
Northwest Immigrant Rights Project

**Mr. Bernard Ryan**  
Retired, Attorney at Law

**Honorable Joan DuBuque**  
King County Superior Court

**Honorable Ann Schindler**  
Court of Appeals Division I

**Honorable Ruth Gordon**  
Jefferson County Clerk

**Honorable Jane M. Smith**  
Colville Tribal Court of Appeals

**Dr. Margaret Hobart**  
WSCADV

**Mr. David Ward**  
Legal Voice

**Honorable Cynthia Jordan**  
Coeur d'Alene Tribal Court

**Honorable Chris Wickham**  
Thurston County Superior Court

**Ms. Judith A. Lonquist, P.S.**  
Attorney at Law

**Ms. Myra Downing**  
Executive Director

**Professor Natasha T. Martin**  
Seattle University School of Law





# GENDER AND JUSTICE COMMISSION

TEMPLE OF JUSTICE – CHIEF JUSTICE’S ROOM  
OLYMPIA, WASHINGTON

March 9, 2012  
10:30 a.m. – 1:30 p.m.

CHIEF JUSTICE BARBARA MADSEN, CHAIR  
JUDGE ALICIA NAKATA, VICE CHAIR

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## Gender and Justice Commission (GJCOM)

Friday, January 13, 2012 (8:45 a.m. – 12:30 p.m.)

AOC - SeaTac, 18000 International Blvd, Seattle WA

### MEETING NOTES

#### Members Present

Chair, Chief Justice Barbara Madsen	Ms. Emily Henry	Ms. Leslie Owens
Vice-Chair, Judge Alicia Nakata	Dr. Margaret Hobart	Judge Ann Schindler
Judge Stephen E. Brown	Judge Cynthia Jordan	Honorable Jane Smith
Judge Vickie Churchill	Ms. Judith Lonquist	Mr. David Ward
Ms. Laura Contreras	Professor Natasha Martin	Judge Chris Wickham
Judge Joan DuBuque	Ms. Emily McClory	Myra Downing, Staff
Honorable Ruth Gordon	Mr. Ron Miles	Pam Dittman, Staff

**Members Absent:** Ms. Barbara Carr      Judge Craig Matheson  
Ms. Jennie Laird      Mr. Bernie Ryan

The meeting was called to order by Chief Justice Madsen. The November 4, 2011, meeting notes were approved with one minor change.

#### COMMISSION BUSINESS

##### • STAFF REPORT

- The 2008-2010 Commission Report was published in December. Printed versions were sent to members, State Legislators, Supreme Court members, and made available on the Commission's website.
- A report was sent to the Legislature providing the statewide guidelines for reducing the number of conflicting no contact and protection orders as required by HB 2777.
- The SJI Grant was extended to June 30, 2012. The Grant is paying for the development of two bench guides on immigration; criminal and civil. It will also pay for two webinars on the same topic.
- Proposals for annual conference are due Tuesday, January 17. Topics suggested were military in the courts and programs exploring domestic violence issues.
- STOP Grant funds for \$125,000 are pending. The funds are used to partially pay for staff support, court programs, and to assist jurisdictions with coordinating councils and implementing guidelines outlined in the Conflicting Orders Report. In addition, Thurston County will be submitting a request to pay for a regional domestic violence program.

**ACTION:** Myra will draft language explaining the requirements for accessing technical assistance from the Commission and how to develop a budget for jurisdictions requesting assistance with coordinating councils and implementing guidelines. Commission members will review prior to the next meeting.

- The seminar, Intimidating a Witness, is scheduled for February 14, 12:15 p.m. The webinar is one of three paid for by STOP Grant funds and developed as a part of the King County Superior Court program focusing on issues of DV.

- The Commission will be offering "In Her Shoes" training for the District and Municipal Court staff in six locations. This will be funded through the STOP grant program. There will be two parts: dynamics of domestic violence educational program and the simulation exercise. Dates are:
  - April 12 – Gig Harbor
  - April 13 – Thurston County
  - April 19 – Lake Forest Park
  - April 25 – Ellensburg
  - April 26 – Pasco
  - April 27 – Spokane

**ACTION:** GJCOM members who would like to facilitate "In Her Shoes," please contact Myra for information.

- **CHIEF REPORT**

- **Boards and Commissions**

- There is a proposal being considered that would provide for a team to staff both the Minority and Justice Commission (MJC) and Gender and Justice Commission (GJCOM). It is proposed that Myra Downing would be the lead staff for both Commissions. The team would be comprised of existing AOC staff and resources, including some additional assistance with media and outreach. This would provide the opportunity for crossover and collaboration efforts between the two Commissions. Two areas mentioned in the discussion were:
  - Myra's continued support of GJCOM and what it will mean for GJCOM members with her time divided between two Commissions.
  - Identification of cross-over issues between GJCOM and MJC.

**ACTION:** A proposal will be submitted for Fall Conference regarding cultural considerations in court cases.

- **Plain Language Forms**

- Washington State Bar Association (WSBA) provided a \$75,000 grant to the Access to Justice Board to work on plain language of forms. Forms need to be legally correct but also need to be understandable to the lay person. Suggestions ranging from having the plain language on the front page with all the statutory language included at the end of the forms to being on the list of reviewers were mentioned.
- The forms being developed include residential placement when domestic violence is alleged, dissolution forms, family law, and intersection of domestic violence. Commission members discussed concerns about how to ensure that plain language forms will meet the requirements of the associated statute while simplifying the language in the forms.

**ACTION:** DV Committee will discuss whether there is a role they can play in the development and/or reviewing of these forms.

- **Officer-involved DV Policies**
  - A newspaper article from Wisconsin discusses officer-involved domestic violence and the need for police department policies. A reporter contacted the Chief to discuss the policies that were put into place after the Brame murder in 2003.

**ACTION:** The Incarcerated Women and Girls Committee will follow up with law enforcement agencies to determine whether all agencies have instituted policies and if they are training on the policies.

- **Initiative for Diversity Governing Council (IDGC)**

Two events are planned. One event is a breakfast with corporate counsels in the Seattle area. Chief Justice Madsen and other members of the IDGC Executive Team will explain IDGC and seek commitments from those present in terms of diversifying their work force.
- **Court Rule on Pro Se Defendants**

There is consideration of developing a Court Rule regarding Pro Se Defendants cross examining the alleged victim in DV and sexual assault cases and what protocols should be in place to control defendant conduct.

**ACTION:** Request that managing pro-se litigants and defendants in the courtroom be addressed at Fall Conference. David Ward agreed to look into case law on the subject.

## **COMMITTEE REPORTS AND PROJECTS**

- **Mission Statement**
  - There has been discussion about the current mission statement. An article titled "How to Write a Mission Statement" was distributed followed by discussion among members. Two main points surfaced:
    - The statement should be compelling and inspiring.
    - The statement should distinguish between equality and equity.

**ACTION:** Other mission statements will be reviewed. Ron Miles will take the lead on crafting a survey that will be distributed to Commission members. The purpose of the survey will be to determine what Commission members believe is our mission.

- **Incarcerated Women and Girls**
  - This committee had its first conference call to develop a work plan for a proposal this year which was shared with the Commission. Commission members recommended that the committee design a project to assist incarcerated people in their interactions with the courts such as: consequences of convictions on housing; licenses; Medicare; employment; reunification with children (legal assistance); or how to expunge or vacate a record of conviction.

**ACTION:** The Incarcerated Women and Girls Committee will present their action plan to the Commission in March. They will also follow up to see the progress on compliance with shackling legislation and protocols.

- **Immigration**
  - The Immigration Committee shared with Commission members that they believed they had one project left. They recommend the Commission reconsider the need for this committee and whether the MJC should take over primary responsibility for this subject. The one project they would like to finish is a webinar on UVisas.

**ACTION:** Follow-up with MJC on a collaborative training and education proposal for 2013 Fall Conference on immigration.

- **Legal Equality**

The annual judicial officer/law student reception will be held on Thursday, April 12, at the O'Asian Restaurant. The National Association of Women Judges will offer a \$1,000 scholarship. Judith Lonquist indicated her association (WSAJ) would provide some financial support for the event.
- **Legislation**

Following is information on bills of interest to the Commission.

**Domestic Violence, Sexual Assault, Stalking**

**HB 2325 – Requiring courts to consider evidence of domestic violence when ordering maintenance**

Provides that "when determining whether and to what extent maintenance is just, the court shall also consider any documented evidence of any history of domestic violence, as defined in RCW 26.50.010, between the parties, including whether the party seeking maintenance committed acts of domestic violence against the party from whom maintenance is sought."

**HB 2363 – Protecting victims of domestic violence and harassment**

This bill has been the topic of discussion on several conference calls and Ruth Gordon continues to attend Representative Goodman's meetings regarding this bill. This bill is the product of Rep. Goodman's DV workgroup and includes these provisions:

- Increases the confidentiality of DV victims in family law proceedings and in seeking confidential name changes;
- Makes it a gross misdemeanor to willfully violate a no-contact order for crimes involving harassment;
- Authorizes courts to extend no-contact orders for DV crimes even if defendant fails to appear at arraignment;
- Requires DV no-contact orders issued prior to charging to be entered into criminal intelligence information system;
- Requires violators of anti-harassment petitions to appear in court the next judicial day after arrest;
- Authorizes courts to reissue no-contact orders in DV cases that were terminated at the victim's request, if there has been a substantial change in circumstances;
- Protects confidentiality of communications or documents shared within or produced by domestic violence fatality review panels;

- Directs the Washington State Institute for Public Policy (WSIPP) to conduct a statewide study to assess recidivism by domestic violence offenders and assess domestic violence perpetrator treatment, subject to provision of funding.

**HB 2385 – Concerning the disclosure of information of an address confidentiality participant contained in state registered domestic partnership applications and records**

Creates procedures for Address Confidentiality Program participants to prevent their names and addresses from being disclosed as a result of registering as domestic partners.

**SB 5971 – Modifying requirements for certain mandatory reporters of child abuse and neglect**

Comment was the bill subjects more people to criminal penalties as it expands the number of people who can report thus expanding the number of people who can be charged.

The Committee will hear substitute version of this bill, which is not available online as of last night. Bill report indicates that the legislation would require mandatory reporting of child abuse and neglect by persons in an "official supervisory capacity" for most organizations and entities; define the term "sexual misconduct" under mandatory reporting statute; and make technical corrections.

**SB 5991 – Extending mandatory child abuse reporting requirements to specified employees of institutions of higher education.**

Penn State bill. Expands mandatory reporting requirements for public and private university employees, including university athletic departments; requires universities to make employees aware of reporting requirements.

**SB 6100 – Updating the administration of the sexual assault grant program**

Makes numerous changes to clarify and update the sexual assault grant program by Department of Commerce. Many changes are technical or update terms. Some other provisions:

- Requires grantees to utilize private insurance and crime victim compensation first before using grant funds for therapy services.
- Eliminates requirement that a peer review committee advise department on grants.
- Requires department to seek funding from federal or other sources and to make every effort to qualify for federal funding.
- Expands definition of sexual assault to instead sexual exploitation or commercial sex abuse of a minor promoting prostitution, and trafficking.

***Expected soon – Anti-stalking protection order bill***

The bill would establish a new civil protection order for victims of stalking, to apply in cases where stalking is not committed by a family member or intimate partner (i.e., stalking by strangers or other instances where stalking would not support a domestic violence protection order).

Concerns were raised on this bill: it would establish another protection order; training will be required; questions regarding enforcement. A suggestion was made to simply add stalking as another designation under RCW 26.50 thru expanding the definition.

**Family Law**

**HB 2193 – Concerning third-party visitation**

Seeks to establish a constitutional third-party visitation statute in Washington. Would permit persons with a substantial relationship with a child to petition for visitation, subject to many restrictions and requirements.

**HB 2279 – Implementing changes to child support based on the child support schedule work group report**

Would implement recommendations of the child support workgroup, including changes to the economic table, treatment of children not before the court, residential credits, and post-secondary support.

**HB 2392 – Regarding Shared Parenting Responsibility**

Would create a presumption that shared parenting (defined as each parent having at least 1/3 of residential time) is in the best interest of the child, unless the parties agree otherwise. Presumption could be rebutted by showing shared parenting would result in actual detriment to child.

**HB 2137 – Addressing the transportation and storage of firearms and ammunition in privately owned motor vehicles.**

This was referred to GJCOM from a former Commission member. We will continue to monitor. Would make it unlawful for employers or businesses to prohibit employees or patrons from having firearms or ammunition in a privately-owned motor vehicle on the business's property, as long the person complies with all other laws and the firearms/ammunition are locked out of sight in a trunk, glove box, or other enclosed compartment.

**HB 2196 – Adopting the Uniform Collaborative Law Act**

GJCOM expressed concern about this bill in several areas. Commission members will relay concerns to the DMCJA and SCJA Legislative Committees. In particular, concerns are that the bill adversely impacts those with less economic strength in the relationship, causes a disparate impact based on gender, and would be very expensive if the parties were unable to reach agreement because they would be required to restart the process with new lawyers.

Would establish uniform standards for practice of collaborative law in Washington. The bill includes provisions requiring collaborative law attorneys to screen for domestic violence and restricts use of collaborative law in cases involving DV survivors without a survivor's informed consent. Washington State Coalition Against DV supported the bill with a minor amendment to protect privilege. WSBA opposes adoption of many provisions of the bill because it believes that many provisions affect the practice of law and conflict with Rules of Professional Conduct (and therefore should be dealt with by court rule rather than statute). The Judiciary Committee passed the bill to keep it moving through the process, but will continue to have discussions about adopting some provisions by rule rather than statute.

**HB 2323 – Concerning the protection of young adults involved in the commercial sale of sex**

Would impose higher monetary penalties for persons convicted or plead guilty to engaging in commercial sexual activities with a person under the age of 21.

**SB 6095 – Making technical corrections to gender-based terms**

Committee: Labor and Commerce & Consumer Protection hearing scheduled January 16. Continues the multi-session process of eliminating gender-based terms in the Revised Code of Washington.

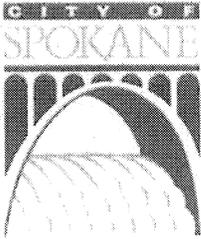
***Expected soon – Marriage Equality bill***

Would extend civil marriage to same-sex couples.

- **Proof of Concept**
  - The Proof of Concept project was funded through a Federal Grant. The project is designed to test the feasibility of a model on allowing judicial officers to see the images of orders. The Commission received \$50,000 to do this project. The original contractor has backed out of the project. Other options are now being explored.
- **Concealed Pistol License**
  - The project to expedite the transfer of information pertaining to concealed pistol licenses has made some progress. AOC figured out a technical fix that allows for a nightly transfer to DOL of information when the license is revoked. The problem still remains when the party is ordered to “surrender” the license. Transferring this information may not be the best use of time since the person may get it back. Also, some decision would have to be made regarding who would store the license and make it available to be returned.

Meeting adjourned at 12:45.





**SPOKANE MUNICIPAL COURT**  
PUBLIC SAFETY BUILDING  
1100 W. MALLON  
SPOKANE, WASHINGTON 99260  
(509) 622-5867

**MARY C. LOGAN**  
PRESIDING JUDGE

March 2, 2012

To the Members of the Gender and Justice Commission:

Thank you so much for awarding the scholarship which allowed me to attend the Enhancing Judicial Skills in Domestic Violence Cases in Ft. Lauderdale, Florida. Without this support from the Gender and Justice Commission I would not have been able to afford to attend this most worthwhile event.

The benefits of this program were many fold. On a general basis, being able to hear from and then speak individually to judges from across the nation regarding the manner in which they handle Domestic Violence cases in their respective jurisdictions was insightful, reassuring and sometimes surprising. Some jurisdictions have many services available to both the offender and the victims and others are still quite a bit behind in the services – this comparison, under these economically strained times, was insightful as to my own jurisdiction where I would say we are not exceptional, but better than most – which was reassuring.

On a specific basis, as to my take away for application on the Domestic Violence cases handled by our court, I gained insight on both the “dodge” of offenders and the rationale for why victims stay. As to the offenders “dodge,” I learned how important it is that accountability be maintained for longer than the time up to plea or case disposition – creating a treatment review where the offender must return and face the court – not just the probation officer assigned - in ensuring that conditions of sentence are met and the No Contact Order respected. Further, the reason given by many offenders regarding treatment is a lack of funding – I am working with our Probation department to engage in some financial screening to determine actual available money for treatment: thereby documenting and removing, hopefully, the excuse if it is not legitimate.

As to the components involving greater sensitivity to victims, the multiple exercises we were involved in throughout the training raised my understanding as to why a victim would stay under otherwise unimaginable circumstances. Certainly the exercise where the judges were given a small amount of credit – be it money or goodwill – and were then placed in the circumstance of a victim with limited choices and limited avenues of escape – absolutely increased my own personal awareness of just how difficult it is to leave, the potential for increased violence and the overall jeopardy a person can find themselves in when violence or threat of violence dictates the activities in the home.

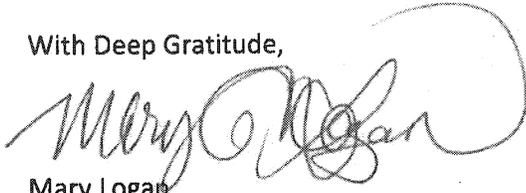
Overall, the presentation methods were varied and interesting and each brought to light many of the most frustrating aspects of these cases: continued patterns unchecked of both offenders and victims – but with open discussions regarding how the court could proactively participate and perhaps alleviate problems by, for example, the treatment/offender reviews, by having a strong joint, force of

counseling/services for both the offender and the victim – but with the strongest point being that the court can do and should do something once domestic violence has been proved and plead.

I have had several conversations with my bench mates as to ways we can strengthen our handling of these cases as a consequence of this conference – even if just the insight as to what could be happening behind the scenes in these cases – so that accountability is high by the court.

I am most appreciative for this support and hope the Commission continues to be in a financial position to assist others in attending this valuable course.

With Deep Gratitude,

A handwritten signature in black ink, appearing to read "Mary Logan". The signature is fluid and cursive, with a large loop at the end.

Mary Logan  
Spokane Municipal Court Judge



# Superior Court

Hall of Justice  
312 SW First Avenue  
Kelso, WA 98626  
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<http://www.co.cowlitz.wa.us/superiorcou>

## JUDGES

*Gary B. Bashor*  
*Michael H. Evans*  
*Marilyn K. Haan*  
*Stephen M. Warning*

## COURT ADMINISTRATOR

*Chadwick M. Connors*

## ADMINISTRATIVE DEPUTIES

*Gayle M. Engkraf*  
*Alice H. Millward*  
*Danyel M. Whipkey*

March 1, 2012

Myra Downing, Executive Director  
Gender and Justice Commission  
1206 Quince Street SE  
PO Box 41170  
Olympia, WA 98504-1170

Dear Myra:

First, I want to thank you so much for the opportunity to go to the Enhancing Judicial Skills in Domestic Violence Cases Workshop in Fort Lauderdale. I found the workshop to be extremely helpful and full of fantastic information.

Second, in regard to a report on my experience and the program:

The first afternoon was spent in small groups, circulating among different rooms, to perform a series of courtroom exercises. The purpose was for the faculty to assess the different levels of participants. It was interesting to hear the many responses of how different judges would handle diverse issues. In particular, it was interesting to find out how very different things are set up around the nation – some having a lot of support help with their domestic violence dockets, some specializing or elected to handle just domestic violence dockets, etc. Although there were a number of good ideas that I would like to implement, such as having intake people to assist individuals on Domestic Violence Protection Order requests or running background checks on all domestic violence or family law cases, our court is too strapped economically to introduce these ideas at this time; however, these are ideas I am going to keep in the back of my mind in hopes of one day having the financial ability to provide these types of services.

The second day was spent learning about victim and perpetrator behavior in the morning and then in the afternoon about fact-finding and evidentiary issues. Although I have a significant background in handling domestic violence cases as an attorney, this day was one of the most helpful to me. More specifically, although I am aware of the

1-2



victim/perpetrator behaviors, the studies on this day really gave me a good perspective of seeing such behaviors from the bench. In turn that perspective then provided a good foundation for getting the necessary information for fact finding – what was helpful, what else was needed, what is the

Judge's role. As stated this was the most beneficial day for me. I have since applied this information when I have a case on domestic violence. Ultimately I believe I am asking more informed questions and consequently getting better information.

The third day was spent learning about access to justice as well as the fairness/culture issues in domestic violence cases. This was a day where having people from around the country was a great asset to the discussions. We do not have a very diverse culture here in Cowlitz County so when faced with something new or different I do not believe we are as well-equipped with necessary information. Having people around the country that come from a court with more cultural diversity provided some good insight to the issues they may face on a daily basis. For instance, a reference was made to a person on trial for domestic violence that smiled during the entire trial. In the culture of that particular person (I believe it was Vietnamese) it was a sign of respect. The judge and jury on the case took the smiling as a sign of lack of responsibility and contempt. This is just one example of many where it is clear there is still much to be learned about cultural differences when dealing with a case of domestic violence, or any case for that matter. As such, I am going to continue studies in this area as I believe we only touched on a very small part of these issues. As to the issue of access to justice the same concerns are raised that our court may be lacking some basic information for providing such needed access. We have an active committee on furthering that area so I am confident we will continue to strive as a court to learn and improve where needed to provide for all people.

The fourth day was again a day of role playing and responding to hypothetical questions. What was so enjoyable about this day was again the diverse responses by the diverse make-up of those people in attendance. The responses really provided some good food for thought on how I may do things differently in response to a given set of circumstances. One emphasis was on identifying if there are cultural issues that should be considered and overall the response was "no." In addition we also learned the practice and laws of custody, full faith and credit, tribal court issues and similar matters. We were provided with some great updates and resources to use when faced with these and many other issues. I was able to obtain packets of this information and provide it to each of our judges, including bench cards on Full Faith and Credit. [I believe the packets, including the bench cards, were obtained from the National Council of Juvenile and Family Court Judges, [www.ncjfcj.org](http://www.ncjfcj.org).



Myra Downing  
March 1, 2012  
Page 3

They related at the time anyone can request these packets be sent to them. The name of the packet is the "Protection Orders, Custody & Firearms – Full Faith and Credit."]

Third, having this experience I have been able to return to my court armed with a new insight that I was really lacking before going to this conference. I am thinking each day of how and where I can use this information. As a new case of domestic violence comes before me I really look back to my experience and draw on it with hopes of improving the overall outcomes. I will continue to think about new ideas or ways that the court can potentially implement some of the information. One option we are looking at is to apply for grant funding so we can have more support in obtaining background information on prior cases when handling a new case of domestic violence. I am also going to be meeting with a group of local stakeholders to brainstorm possibilities of how we can improve the provision of services and incorporate some of the ideas learned at this conference. I am extremely interested in setting up a domestic violence court. Again with the economy it may not happen right away but it will be something we can plan for the future.

Overall this was just a wonderful experience and I again thank you so much for the grant funding that allowed me the opportunity to attend this workshop.

Sincerely,



Judge Marilyn K. Haan  
Cowlitz County Superior Court



### **FY09 STOP Grant**

The Grant County Clerk's Office was provided 3-months of funding for an on-site protection order clinic enabling staff to work with victim/survivors of domestic violence and sexual assault while navigating the legal system. The clinic staff provided clients with assistance in completing paperwork in a more thorough and correct way. The clinic staff has been able to build relationships with judicial and court staff that have resulted in a higher number of protection orders being granted. Clinic staff were also able to strengthen their relationships with other community agencies in providing appropriate referrals to victim/survivors.

The King County Superior Court assisted with the development and deployment of the Domestic Violence and Child Maltreatment Coordinated Response Guideline in 2007. In 2009, the Guidelines were revised based upon the on-going work of an oversight committee and best practices workgroup. The Committee coordinated the Domestic Violence and Dependency Symposium and two other trainings with the Children's Administration attended by over 100 people. The Symposium and trainings provided participants with scenarios, discussion, and practical application for implementing the guidelines. The training also covered screening for domestic violence, specialized domestic violence assessments, case decisions, and service planning.

The Snohomish County Clerk's Office received funding to staff a domestic violence legal advocate. The staff person was responsible for building community relations, assisting victim/survivors with completion of protection order paperwork, and attending court with victim/survivors. Through the one-on-one interactions with the staff person and victim/survivors, the Court was able to increase the timeliness of entering orders into the State law enforcement databases, an improved ability to provide community resource information, and an increased coordination between services and courtroom activities.

### **FY10 STOP Grant**

The King County Superior Court received funding to provide domestic violence related training opportunities for judicial and court staff such as the 3<sup>rd</sup> Annual Domestic Violence Symposium. Funding was used to conduct training on the Intimidation of Domestic Violence Survivors During Court Proceedings and two noon-hour trainings on the topic of fatherhood in the context of domestic violence. CJE and ethics credits were awarded at all sessions for participants completing the trainings.

The Spokane County District Court received funding for a legal advocate who provided assistance to victims/survivors of domestic violence in the court's two therapeutic courts; Mental Health Court and Veteran's Court. With the help of the legal advocate, victim/survivors had someone who was able to attend court proceedings with them and assist in document and case preparation and ensure linkages with the community advocate and mental health and veteran's service professionals.



## 2012 Judicial College Session Evaluation Results

January 29 - February 3, 2012

<b>Session:</b>	<b>Domestic Violence</b>
<b>Faculty:</b>	<b>Judge Joan E. DuBuque, Judge James P. Swanger</b>
<b>Number of Evaluations:</b>	<b>19</b>

Please include narrative comments, as well as numeric rating on a **5-point scale**.

(5 = Excellent; 4 = Good; 3 = Average; 2 = Below Average; 1 = Poor; N/A = Not Applicable)

EFFECTIVENESS	5	4	3	2	1	
1. The goals of the course were clear.	17	1	1	0	0	4.84
2. The goals of the course were achieved.	18	0	1	0	0	4.89
3. The faculty engaged me in meaningful activities.	18	1	0	0	0	4.95
4. I gained important information or skills.	16	3	0	0	0	4.84
5. The faculty made a clear connection between the course and the work place.	15	2	1	0	0	4.78
<b>Total</b>						<b>Average: 4.86</b>

COMMUNICATION SKILLS	5	4	3	2	1	
1. The faculty was well prepared.	18	1	0	0	0	4.95
2. The presentation was organized.	18	0	1	0	0	4.89
3. Written materials enhanced the presentation.	18	0	1	0	0	4.89
4. Audiovisual aids were used effectively.	19	0	0	0	0	5.00
5. The presentation kept my interest throughout.	19	0	0	0	0	5.00
<b>Total</b>						<b>Average: 4.95</b>

### EFFECTIVENESS COMMENTS

**The following is a compilation of all comments received in the Effectiveness section:**

I appreciated the opportunity to round table the protection order scenarios. I learned a tremendous amount from that experience.

Very informative

Ending exercise is very powerful.

### COMMUNICATION SKILLS COMMENTS

**The following is a compilation of all comments received in the Communication Skills section:**

The card exercise was great, thanks

I really thought the simulation was well designed and powerful presentation.

One comment on the activity at the end. I was one of the people who died. I didn't go through the exercise a second time because my card said to wait there. I didn't see that any of us who died went through a second time, so I think that's one thing that needs to be changed.

Walking a mile in her shoes - very powerful



GJCOM – Webinar Evaluation  
 Witness Intimidation  
 February 14, 2012

**Question 1: Please rate the educational aspects of the webinar**

Answer Options	Poor	Fair	Neutral	Good	Excellent	Response Count
The webinar achieved its learning objective.	0	0	1	9	12	22
Voting in polls during the webinar engaged me in the learning process.	0	1	0	6	15	22
Typing answers in "chat" engaged me in the learning process.	0	0	3	8	11	22
The faculty effectively taught the webinar.	0	0	1	6	15	22
I gained important information for my court.	0	0	1	9	12	22
<i>answered question</i>						22
<i>skipped question</i>						0

**Question 2: What did you learn today that you plan to implement in your court? (If nothing, please write "nothing.")**

Answer Options	Response Count
<i>answered question</i>	18
<i>skipped question</i>	4

**Response Text**

**Take-aways**

- Importance of reducing time from event to conclusion of the case
- To learn more about forfeiting confrontation rights
- better use of risk assessments
- Prevalence of witness intimidation in DV cases.
- Correlation between delay of cases and lack of witness participation.
- Forfeiture by wrong-doing - had not heard of the concept, but will do some research.

**Dynamics:**

- The importance of court intervention when there is intimidation. Also, that keeping defendants in custody is likely to produce more tampering/intimidation/DVNCO charges, because this type of manipulation is very, very common.
- Pay closer attention to "relationship dynamics" in the courtroom, and in police reports.
- Awareness and implementing a plan.
- Being more proactive regarding a defendant using the "look".
- scheduling DV matters earlier in docket; place a security officer between counsel tables to block direct line-of-sight., plus other things

**Prosecution:**

- To ask the PA what security arrangements have been made to accommodate victims in the courthouse for a trial or other hearing where the victim may appear.
- Asking the prosecution to view this webinar and the discussion about forfeiting the right to confrontation.

Partnerships:

- Implement discussions with sheriff/police re: who shall be responsible to address alleged crimes occurring on County Courthouse property.
- better planning and communication with the participating agencies
- I will talk to our victim/witness advocates to ensure the processes we have in place meet the needs of the dv victims.

Technological:

- Excellent use of the 'hands up', quick vote and other methods of using the webinar

General:

- This was a great refresher but nothing we do not already do (as judges), there were certainly things the prosecution can do.
- At this time I am not the Domestic Violence Court judge, but in July I will be accessing if adequate steps are being taken to address this problem area.
- We are drafting a protocol about use of cameras, cell phones and recording devices in the courtroom and I will use the information from the webinar to ensure we implement the proper protocol
- Great content thank you
- good to see what others are utilizing
- Nothing. We already have security set up where defendant does not come in contact with victim.

**Question 3: Please rate the technical aspects of the webinar.**

Answer Options	Poor	Fair	Neutral	Good	Excellent	Response Count
The webinar directions were clear.	0	0	0	9	13	22
The webinar was easy to view.	0	0	0	6	15	21
The webinar was easy to hear.	0	0	0	6	16	22
				<i>answered question</i>		22
				<i>skipped question</i>		0

**Question 4: Do you have comments/suggestions you would like to share? (If you have no comments, please write "none.")**

Answer Options	Response Count
	18
<i>answered question</i>	18
<i>skipped question</i>	4

**Response Text**

Overall:

- My first webinar--I will sign up for more.
- Publicize that this training is available on Inside Courts.
- Nice job!! Thank you! Very Good Training. Great work on providing trainings like this.

Content:

- The first 10 -15 minutes of the webinar could be tightened up a bit.
- I would have liked more analysis on what to do if these situations occur in your court.

Technological:

- Took a minute to figure out there were more tools from the raised hand pull down.
- I was unable to figure out marking x or check
- I was in court until 12:20; signed into the webinar without difficulty; followed along for twenty minutes, and then the webinar went off line/terminated (I have no clue why). Then I had court again at 1:00, so I didn't bother trying to reconnect.

**Question 5: What is your role in the courts?**

Answer Options	Response Percent	Response Count	
Judicial Officer	95.5%	21	
Court Administrator/Manager	4.5%	1	
Other Staff	0.0%	0	
			<i>answered question</i> 22
			<i>skipped question</i> 0

**Question 6: How much experience do you have in your current position?**

Answer Options	Response Percent	Response Count	
Less than one year.	13.6%	3	
One to two years.	9.1%	2	
Two to five years.	4.5%	1	
More than five years.	72.7%	16	
			<i>answered question</i> 22
			<i>skipped question</i> 0

**Question 7: Approximately how many webinars have you participated in?**

Answer Options	Response Percent	Response Count	
This is my first webinar.	22.7%	5	
Two to five webinars.	77.3%	17	
Six or more webinars.	0.0%	0	
			<i>answered question</i> 22
			<i>skipped question</i> 0



## **Description of Procedural Fairness Blended Learning Series**

**Start date:** December 2, 2011

**End date:** September 30, 2012

### **Description of Blended Learning**

Blended learning refers to a mixing of different learning delivery methods. It combines traditional face-to-face classroom methods with online delivery methods.

### **Description of learning modules**

#### **1. Online court assessment**

The assessment will be sent out prior to the spring conferences. Judicial officers will be asked to fill out the online assessment prior to attending the Burke conference session.

The assessment was developed in California as part of a study conducted on procedural fairness.

1. Filming of judicial officers. Four or five judicial officers have agreed to be videotaped prior to the conferences. They will be asked to view the tapes and be willing to share what they have learned from this viewing.

#### **2. Conference sessions**

Judge Kevin Burke will present for two hours at the SCJA and three hours at the DMCJA on procedural fairness. The sessions will be a combination of his research on procedural fairness, feedback from the judicial officers who were videotaped, discussion of issues and possible approaches to ensuring the perception of procedural fairness by those being served by our courts.

#### **3. Post assessment**

Participating judges complete the series by doing the online assessment of their courts/themselves once again, looking for improved results and change in attitude.

#### **4. Follow up webinars**

The program will conclude with follow up webinars during which judicial officers will share what they have learned about their own practice of procedural fairness, and how other judicial officers can apply what they have learned. Videotape and interviews will be included.

### **Budget**

SJI pays for travel, lodging, per diem for Judge Burke, the HRDQ listening evaluation instrument, videotaping expenses including staff travel, phone expenses for webinar and planning meetings, printing. The estimated cost, not including staff time, is about \$7,500 including HRDQ for both conferences, \$5,300 with HRDQ for DMCJA only.





WASHINGTON  
**COURTS**  
ADMINISTRATIVE OFFICE OF THE COURTS

54<sup>th</sup> Annual Judicial Conference  
September 30 – October 3, 2012

**EDUCATION SESSION PROPOSAL**

<b>Proposed by:</b>		Topic/Title:	
Gender and Justice Commission		What Makes it Cultural and How Would You Respond?	
<b>Type:</b>		<b>Time:</b>	<b>Size Limit?</b>
<input checked="" type="checkbox"/> Plenary but can do a choice		3 Hours – could be 2 hours	none
<b>Target Audience:</b> All judges			
<b>Has any preparatory work been completed?</b>		<b>Recommended persons to be involved in planning:</b>	<b>Potential Faculty:</b>
Yes. This session was offered at the National Association of Women Judges Conference		Gender and Justice Commission, and Myra Downing, staff	Our intention is to use some of the same faculty from the National Conference and Washington State Judicial Officers
<b>Description of session articulating key issues to be presented:</b>			
<p>Washington State receives a relatively high percentage of immigrants directly from countries all over the world, making it a place where the dominant culture is in stark contrast to unassimilated communities with traditions and norms that are far removed from the personal experience of court personnel. As second and third generations blend with the mainstream culture, traditional attitudes and roles can remain strong, but be invisible to an outsider. It can be difficult for judicial officers to identify the cultural issues that may be relevant to cases before them. After resolution, it's not unusual for a judge to be criticized for not giving enough consideration to the cultural issues in decision making. Couple that with the fact that when allegations are made, concerns are usually not specifically articulated. The path to improvement is not clear.</p> <p>This session will use past cases around the United States to surface cultural considerations and provide the opportunity for participants to make their own decisions and compare and contrast their decisions with those of their colleagues. This session will be highly interactive, focusing on the gray areas, allowing judicial officers to weigh in using responder units, and will feature an accomplished facilitator who will create an atmosphere conducive to discussion.</p>			
<b>Objectives for the Course.</b>			
Judicial officers will:			
<ul style="list-style-type: none"> <li>• Assess and make a decision based on actual cases that have a cultural component.</li> <li>• Analyze and discuss the dilemma's that arise in these cases that make the decisions more complex.</li> </ul>			
<b>Materials: Are there obvious materials for the session – case law, rules, seminal law review articles, etc.?</b>			
Case materials.			
<b>Anticipated Cost?</b>		<b>What costs are you sponsoring?</b>	
		This will be funded by the Gender and Justice Commission, except for the standard AV equipment.	



**EDUCATION SESSION PROPOSAL**

<b>Proposed by:</b> Gender and Justice Commission		<b>Topic/Title:</b> I Served My Country, Now How Can You Serve Me	
<b>Type:</b> <input checked="" type="checkbox"/> Plenary but can do a choice		<b>Time:</b> 3 Hours – can be flexible	<b>Size Limit?:</b> none
<b>Target Audience:</b> All judges			
<b>Has any preparatory work been completed?</b> The Commission presented an educational program a few years ago for the DMCJA and have been monitoring the work in this area since then.		<b>Recommended persons to be involved in planning:</b> Gender and Justice Commission, and Myra Downing, staff	<b>Potential Faculty:</b> <ul style="list-style-type: none"> <li>• Expert on PTSD, Traumatic Brain Injury, and Military Sexual Assault</li> <li>• A judicial officer overseeing a Veteran's Court</li> <li>• A soldier</li> </ul>
<b>Description of session articulating key issues to be presented:</b>  More and more individuals are returning from combat who have been deployed multiple times, assaulted during one or more of these experiences, and finding it difficult to separate the military experience from civilian life. Most judicial officers have not received additional training in managing these cases. This session is intended to do this.  Soldiers that return from combat often display similar behaviors because of that experience. They may have trouble concentrating, be edgy or jumpy, be on guard – always alert – overly concerned about safety and security, drink too much, use drugs, drive aggressively, and sometimes behave aggressively. The point at which these behaviors become habitual or have a negative effect on others, or put others in harm's way, is the point at which our courts learn about these soldiers.  This session will focus on those soldiers who appear before you, examine how the military experience may have influenced the criminal or inappropriate behavior, or not, and determine about how to respond.			
<b>Objectives for the Course.</b>  Judicial officers will: <ul style="list-style-type: none"> <li>• Judicial officers will:</li> <li>• Identify what wrongful behaviors may be as of result of combat experience or redeployment</li> <li>• Identify when military sexual trauma for women and men is effecting the behavior of people in family and criminal court.</li> <li>• Assess and recommend sentencing or parenting plans that address the military trauma and ensure the safety of those involved.</li> </ul>			
<b>Materials: Are there obvious materials for the session – case law, rules, seminal law review articles, etc.?</b> Material and resources relevant to the topic, relevant court case information, and faculty materials.			
<b>Anticipated Cost?</b>		<b>What costs are you sponsoring?</b>  This will be funded by the Gender and Justice Commission, except for the standard AV equipment.	

## PROPOSED EDUCATION SESSION PROPOSAL

<b>Proposed by: Washington State Minority and Justice Commission</b>			
<b>Topic/Title: A Benchguide for Washington Criminal Courts on Immigration Law</b>			
<b>53<sup>rd</sup> Annual Judicial Conference</b> September 30 – October 3, 2012	<b>TYPE:</b>	<b>TIME:</b>	<b>SIZE LIMIT?</b>
	<input checked="" type="checkbox"/> Plenary <input checked="" type="checkbox"/> Choice	<input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	Open
<b>TARGET AUDIENCE:</b>			
<input checked="" type="checkbox"/> All Court Levels <input type="checkbox"/> Appellate Court Level <input type="checkbox"/> CLJ Court Level <input type="checkbox"/> General <input type="checkbox"/> Part-time <input type="checkbox"/> Other: <input type="checkbox"/> New Judges <input type="checkbox"/> Mid-career Judges <input type="checkbox"/> Senior Judges			
<b>Has any preparatory work been completed?</b>			
Preparatory work has been completed by the Gender and Justice and Minority and Justice Commissions.			
<b>Recommended persons to be involved in planning:</b>			
Judge Mary I. Yu; Judge Linda Lee; Judge Susan Craighead; Judge Veronica Alicea-Galvan; Ann Benson; and Myra Downing.			
<b>Potential Faculty:</b>			
Judge Mary I. Yu; Judge Linda Lee; Judge Susan Craighead; and Judge Veronica Alicea-Galvan.			
<b>Description of session articulating key issues to be presented.</b>			
The Gender and Justice and Minority and Justice Commissions collaborated to produce <i>A Benchguide for Washington Criminal Courts on Immigration Law</i> (2012). The benchguide is designed to provide Washington criminal court judges with analysis of relevant concepts in immigration law and procedure, as well as recommendations for best practices for handling cases involving noncitizen defendants.			
<b>Objectives for the Course (participants will be able to)?</b>			
<ul style="list-style-type: none"> <li>• Provided with an introduction to the benchguide and an overview of the concepts and issues addressed in it, including:                             <ul style="list-style-type: none"> <li>○ Judicial implications of <i>Padilla v. Kentucky</i> and <i>State v. Sandoval</i> and recommended best practices;</li> <li>○ The impacts of ICE detainers on criminal proceedings;</li> <li>○ The impact of the record of conviction on removal proceedings;</li> <li>○ Judicial considerations at sentencing;</li> <li>○ Issues regarding article 36(b) of the Vienna Convention on Consular Affairs;</li> </ul> </li> <li>• Exposed to best practices for addressing current, relevant issues;</li> <li>• Encouraged to engage in discussion of the issues and share insights, challenges and experiences related to the impact of immigration issues in their work.</li> </ul>			
<b>Materials: Are there obvious materials for the session, i.e., case law, rules, seminal law review articles, etc. –</b>			
<ul style="list-style-type: none"> <li>• Benchguide on Washington Criminal Courts &amp; Immigration Law;</li> <li>• PowerPoint developed by planning group and presenters.</li> </ul>			
<b>ANTICIPATED COST?</b>	<b>Do you have funding available, please describe:</b>		
\$2,400 Honorarium: \$0 Travel: \$1200 Lodging: \$1200 Other: \$0	Funding will be provided by the Gender and Justice and Minority and Justice Commissions.		



**GENDER AND JUSTICE COMMISSION**  
**Sexual Assault Bench Guide Proposed Outline**

**TERMS:**

WCSAP – Washington Coalition of Sexual Assault Programs

KCSARC – King County Sexual Assault Resource Center

**PROPOSED OUTLINE**

**Preface:** (GJCOM Staff)

- Acknowledgements
- Purpose (this is a book that governs practice and procedure)
- Additional Copies, Reproduction, Update Info, Contact Info

**Chapter 1: Understanding Sexual Violence** (WCSAP staff)

- Introduction
- Terms & definitions
- Statutes
- Challenges
- Understanding Dynamics of Perpetrator
- Understanding Dynamics of Victim
- Effects of SA on victim – both from the psychological and legal/criminal justice standpoint
- Cross Cultural Communication

**Chapter 2: SA Crimes** (law students overseen by judicial officers)

- Introduction
- Types of SA Crimes
- Definitions (per Statute)
  - Provide statute reference. NOT duplication of the statute in the bench guide.
- Related Offenses
- Other: Considerations of victim privacy, juveniles, safety concerns, public records

**Chapter 3: SAPOs** (law students overseen by judicial officers with feedback from KCSARC)

- Introduction
- SAPOs (Judicial Officer considerations)
- Other: Suggestion was to incorporate areas outlined in KCSARC Court Watch, April 2011 report that may provide insight

Chapter 4: Pre-Trial Release Orders, Bond, and Discovery (law students overseen by judicial officers)

- Introduction
- Procedures: including setting conditions of release, bond, and appointing counsel for the defendants (discuss pro se)
- Factors in determining conditions of release, contents of release orders, modifications
- Victim/survivor role
- Enforcement proceedings
- Bond
- Discovery

Chapter 5: General Evidence (law students overseen by judicial officers)

- Introduction
- Prior cases
- Evidence, Hearsay, Witnesses
- Victim/Survivor Testimony
- Privileges

Chapter 6: Various In-Court Procedures (law students overseen by judicial officers)

- Court room demeanor and setting the “tone” of the court room was also suggested to be discussed

Chapter 7: Sentencing (law students overseen by judicial officers)

- Practice Pointer – discrepancies on following SOSA, SODA
- Remanding to custody
- Registering as sex offender
- Homeless sex offender
- Sexually aggressive youth
- Trauma induced behavior

Others areas of interest after initial chapters are composed:

- Community-based services
- Trafficking
- Juvenile SA and intersection with trafficking and prostitution
- Hate crimes
- GLBT
- Tribal
- Military

**Mission Statement Survey**  
**February 17, 2012**

**1. What comes to mind when you think of the Gender and Justice Commission. For example, gender equality, fairness, advocacy, leadership, problem solving, collaboration.**

- Gender equality, leadership & problem solving.
- Leadership, innovation, partnership, thoughtfulness, study, education.
- Gender equality and awareness.
- Pursuing gender equality by providing leadership and education to the judiciary and a means for the judiciary to collaborate with the users of the state and local courts to resolve legal issues and problems that have a disparate impact based upon gender.
- Gender Equality, Advocacy.
- I think about gender equality – identifying it and ways to create it.
- Collaboration, a legal system that takes into account the gender related realities of people's lives and comes up with procedures that are fair given that people are different.

**2. What do you believe should be the top three priorities of the Commission?**

- *Exercise leadership to establish and maintain gender equality in all areas of the justice system. Identify gender-related issues within the justice system and develop programs to address them. Respond to public concerns and perceptions of gender bias, prejudice, and preferences within the justice system.*
- Judicial education, improving the response to domestic violence, advancing women's opportunities in the legal professions.
- Recognition of an issue, education about the issue and potential ways to solve it, and making partnerships to continue the recognition and education.
- Eliminating gender bias by promoting positive systemic change through

(1) judicial education and training, (2) affirmative outreach with the users of the court system, and (3) advancing court procedural rules and implementing legislation that promotes fair and equal application of the law.

- Training/Advocacy/Education.
- Gender equality in judiciary. Gender equality in treatment of litigants before the court. Gender equality in hiring staff, etc., for judiciary.
- Good communication among all the stakeholders, prioritization and collaboration to solve problems, education to translate our good ideas into generally adopted practice in the field.

**3. What words are “compelling” to you and would indicate to others that the Commission is meeting an important need within our community? For example, exercise leadership, eliminate gender bias, correct injustices, etc.**

- Words that indicate taking action, not just studying and talking about gender-related issues.
- All those words are good! I'd add pioneer, advance, collaborate, innovate.
- I like exercise leadership, but think that the other two may be lofty goals but not realistically attainable. “Partnering to combine resources” is a good ideal. “Promote gender equality” is good. I think the first paragraph of our existing statement is really all-encompassing, with a few word changes: The Mission of the Gender and Justice Commission is to promote gender equality in the system of law and justice through education and by coordinating and partnering with other organizations through programs and projects designed to target and eliminate negative actions and reinforcing positive ones.
- All of the examples are good. Verbs that evoke positive action, such as promoting, advancing.
- Leadership, Eliminate gender bias, Outreach.
- Identify and eliminate gender bias in the legal profession and judiciary.
- Insight, change for the better, fairness, advocacy, leadership.

## Strategies

Exercise leadership by partnering with other organizations in addressing gender equality, gender bias and gender discrimination issues in the law and justice community. (Article II 2.4)

Cooperate, coordinate and collaborate with:

- other organizations and programs and projects designed to eliminate gender discrimination and bias in the courts (Article II 2.1)
- national regional gender and justice programs, networks, committees, task forces and commissions for purposes of developing effective judicial education programs and research projects and for the purpose of sharing ideas (Article II 2.5)

Communicate

- information about its activities and projects with all levels of state courts, the legal profession, law enforcement, the education community and the public at large. (Article II 2.2.)
- collective implementation about gender equity issues with all levels of state courts, the legal profession, law enforcement, the educational community and the public at large (website)
- mission, goals, and developing project of the Commission and the courts to the legal and judicial community and to the public at large. (Website)
- to the governor, Legislature and Chief Justice with respect to the work, findings and recommendations of the Commission. (Article II Sec. 2.6)

Offer educational programs and examining court practices to ensure that gender bias plays no part in the treatment of parties attorneys and court employees, and that gender bias plays no part in the judicial decision-making process. (Website)

Recommend and assist with educational programs, institutionalizing record-keeping systems, research projects and other relevant means by which our system of justice may be continuously examined to ensure that gender bias plays no part in the treatment of parties, attorneys and court employees and plays no part in the judicial decision-making process. (Article II 2.3)



## Mission State Options

### Option One

The Washington Gender and Justice Commission, established in 1994 as an arm of the Washington State Supreme Court, has assumed a leadership role in its dedication to the elimination of all gender discrimination and bias in our system of law and justice. The Commission fulfills its mission through effective communication, goal-centered activities, educational programs and research projects. The Commission is assisted by those organizations which share our goal of gender equality in the justice system.

### Option Two

The Washington Gender and Justice Commission assumes a leadership role in its dedication to the elimination of all gender discrimination and bias in our system of law and justice. The Commission fulfills its mission through effective communication, goal-centered activities, educational programs and research projects. The Commission is assisted by those organizations which share our goal of gender equality in the justice system.

### Option Three

#### Vision

The Gender and Justice Commission is dedicated to the elimination of gender discrimination and bias in our system of law and justice.

#### Mission

The G & J C exercises a strong statewide leadership role in its promotion of gender equality in the legal and judicial community. The Commission strives to eliminate all gender discrimination and bias in our justice system through effective communication, education and collaboration with organizations having a shared vision.

## OTHER STATES

### **Indiana Supreme Court Commission on Race and Gender Fairness**

To study the status of race and gender fairness in Indiana's justice system and investigate ways to improve race and gender fairness in the courts, legal system, and state and local government, as well as among legal service providers and public organizations.

## **The Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness Mission Statement**

The purpose of this Commission is to promote the equal application of the law for all citizens of the Commonwealth of Pennsylvania. Toward that end, the Commission will evaluate and select for implementation recommendations proposed by the Pennsylvania Supreme Court Committee on Racial, and Gender Bias in the Justice System; raise both public and professional awareness of the impact of race, ethnic origin, gender, sexual orientation or disability on the fair delivery of justice in the Commonwealth of Pennsylvania; suggest ways to reduce or eliminate such bias or invidious discrimination within all branches of government and within the legal profession; and increase public confidence in the fairness of all three branches of government in the Commonwealth of Pennsylvania.

# How to Write a Mission Statement

*By Janel M. Radtke*

Every organization has a mission, a purpose, a reason for being. Often the mission is why the organization was first created — to meet a need identified years ago. Sometimes, the same problems that the organization initially tried to address continue to haunt generation after generation. In that case, the organization's purpose doesn't change — although how it does business has probably evolved. Other times, even 10 or 20 years can change the landscape so markedly that the original mission must be updated, altered, or changed dramatically in order to address those new realities.

That your organization's mission is current, alive, and well, however, doesn't necessarily mean that the organization has translated that purpose into a clear, concise mission statement. A good mission statement should accurately explain why your organization exists and what it hopes to achieve in the future. It articulates the organization's essential nature, its values, and its work.

This should be accomplished in a brief paragraph that is free of jargon and "terms of art." In other words, it should avoid the kind of shorthand that you may be in the habit of swapping with others who work in the field, but is unfamiliar to anyone who is outside the organization or the field in which it works.

Another important consideration is how recently your mission statement was reviewed by board or staff members. If it has been more than five years, now is probably a good time to review and, if necessary, fine-tune or even rewrite your mission statement. All too often an organization's mission statement, which has been handed down over the years, loses relevance and ceases to speak to staff, board members, or supporters.

An effective mission statement must resonate with the people working in and for the organization, as well as with the different constituencies that the organization hopes to affect. It must express the organization's purpose in a way that inspires commitment, innovation, and courage -- not an easy task!

At the very least, your organization's mission statement should answer three key questions:

— Page 1 of 3 —

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1. What are the opportunities or needs that we exist to address? (the purpose of the organization)
2. What are we doing to address these needs? (the business of the organization)
3. What principles or beliefs guide our work? (the values of the organization)

You can begin the process of drafting a mission statement by creating a worksheet based on these questions. Ask staff, volunteers, and constituents to list any words, phrases, or ideas that come to mind with respect to the organization and these various categories. Do not edit at this point. Give everyone a chance to be heard. Look for language and concepts that enjoy broad consensus.

Here are three mission statements that do attempt to answer these questions. Let's see what they have in common.

1. The mission of Big Brothers/Big Sisters of America is to make a positive difference in the lives of children and youth, primarily through a professionally-supported, one-to-one relationship with a caring adult, and to assist them in achieving their highest potential as they grow to become confident, competent, and caring individuals, by providing committed volunteers, national leadership and standards of excellence.

**The purpose:** to make a positive difference in the lives of children and youth so that they'll achieve their highest potential

**The business:** providing and supporting committed volunteers who have one-to-one relationships with children and youth

**The values:** individuals who are confident, competent, and caring; leadership and standards of excellence

2. The National Conference, founded in 1927 as the National Conference of Christians and Jews, is a human relations organization dedicated to fighting bias, bigotry, and racism in America. The National Conference promotes understanding and respect among all races, religions and cultures through advocacy, conflict resolution, and education.

**The purpose:** to fight bias, bigotry, and racism in America

**The business:** advocacy, conflict resolution, and education

**The values:** understanding and respect among all races, religions, and cultures

3. Planet 3000 is committed to healing the earth. Using research into natural ecosystems, Planet 3000 develops policy recommendations and pilot projects that apply these underlying principles to human ecosystems that are in harmony with other life on the planet. By bringing the human social order into balance with ecological principles, diversity of all living things can be sustained and the evolutionary process that has guided and nurtured life on this planet for millions of years can continue unabated.

**The purpose:** to "heal" the planet

**The business:** advocacy, research, and demonstration projects

**The values:** ecological principles; protecting balance, diversity, the evolutionary process, and harmony with life on the planet

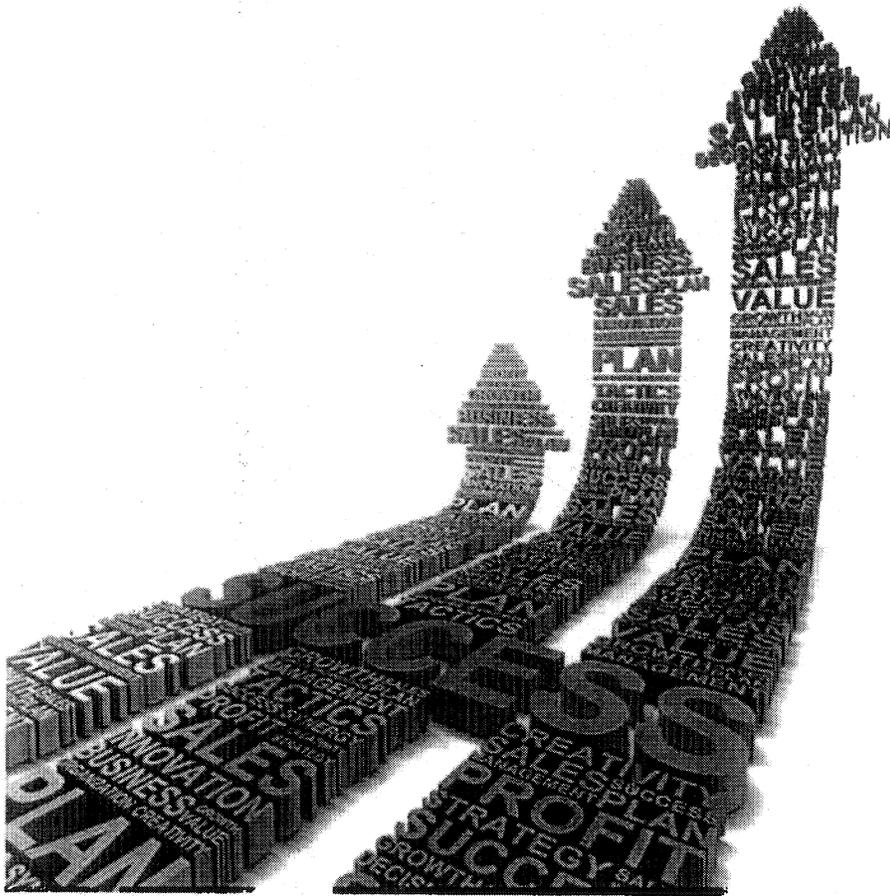
#### **Your Mission Statement Should . . .**

- express your organization's purpose in a way that inspires support and ongoing commitment
- motivate those who are connected to the organization
- be articulated in a way that is convincing and easy to grasp
- use proactive verbs to describe what you do
- be free of jargon
- be short enough so that anyone connected to the organization can readily repeat it

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The High Performance Court project is an effort by the National Center for State Courts to design a conceptual framework for administrative improvement in all courts.

# Becoming a High Performance Court

By Brian Ostrom, Roger Hanson, and Judge Kevin Burke

## Preamble

The High Performance Court project is an effort by the National Center for State Courts to design a conceptual framework for administrative improvement in all courts. The High Performance Court Framework is grounded in the sensible belief that all courts are candidates for doing better than they are currently. Because no

court is excellent in all respects, every court is capable of making positive headway.

Court leaders want to improve their court's performance, but finding the starting point can be daunting. There is certainly no shortage of available "management solutions," including new leadership models, new technological applications, new human resource plans, and so forth. One problem,

though, is that most suggested schemes will not simply plug-and-play in the court environment.

The High Performance Court Framework suggests a series of flexible steps a court can take to improve its performance. The steps form a functional system that courts can follow in enhancing the quality of the administration of justice.

*Achieving High Performance: A Framework for Courts* is available at: [www.ncsc.org/hpc](http://www.ncsc.org/hpc).

## Introduction

Let's start with a simple point: courts are both different from and similar to other organizations. Courts exist to resolve disputes, interpret statutes and constitutional provisions, and maintain the rule of law. These functions are performed according to rules and procedures that are quite different from the policy-making process followed by the other branches of government. Yet courts are similar to other organizations in that they depend on a group of people working jointly to achieve common goals. A judge may be the most familiar face of justice, but the path to the final outcome reflects the contributions of many individuals throughout the courthouse.

The current decade is proving a brutal challenge for court leaders. Budgets are collapsing, making it hard to keep morale high for those in public employment. The nation is increasingly politically polarized. Unpopular judicial decisions are attacked as being illegitimate. Organizations emerge whose business model is to fund raise off the mantra that activist judges are destroying our nation. To effectively counter propaganda, courts need a structure and administrative process that fully integrates the people, information, and technology to succeed — if not just to survive. Although it may seem a bit grandiose, having a vibrant effective court system is a key to maintaining a healthy democracy.

Courts shouldn't look automatically to borrow the same basic arrangement of control, supervision, and incentives used by other organizations. The idea behind the High Performance

Framework is to find leadership strategies that bring the special aspects of courts together with a focus on encouraging the collective efforts of all judges and staff members. The idea is to tailor the management of court business to fit the professional, often elected status of the judges working there.

In the past, both businesses and governmental agencies were designed as a hierarchy, where authority was centralized and people were expected to carry out orders without necessarily having input. Today the most successful businesses focus on creating a vision, empowering employees, and being dynamic. Unfortunately, many court leaders still assume some form of functional hierarchy is what courts need — even when the internal dynamics among judges and other professional staff put the lie to it. The problem with trying to impose a hierarchical structure on a court is that it is neither the best way to achieve a court's desired goals nor a style likely to be embraced by other judges.

A court is a mixture of people with quite different positions and viewpoints. Judges are individualistic for good reasons. Whereas law firms pick their partners and hire associates, courts get judges from external sources with little or no input as to what type of person or what type of interest — such as family law — a new judge may have. As a result, judges identify more frequently with their profession (“I’m a judge”) than with the court as an organization (“I work for the Fourth Judicial District”).

Court staff is as diffuse as the judges. Some fit the executive mold and might have professional degrees in law or court administration, professional memberships in the National Association for Court Management,

or similar state associations. However, most court staff members are not part of the management elite. They do data entry, work counters, or process paperwork. They took their jobs because the hours were good and the location was convenient, and they will stay and do a good job, but they can be afraid of or intimidated by the judges or their supervisors. There is with all three groups — i.e., judges, management, and line employees — the potential for a clash of culture.

The choice of an appropriate way to organize a court is intellectually challenging and no more obvious than correct rulings in complex cases. Organizational design is more than making process upgrades, such as adopting performance standards, using electronic filing, or establishing problem-solving calendars. Rather, leadership strategies offer a set of decision guidelines geared to helping judges and administrative staff members choose appropriate actions. Courts need to be clear about what the court — as an organization — wants to accomplish, how it will be governed, and how it will measure success. As simplistic as it may seem, courts need a concise statement of purpose and vision.

The objective of this essay is to discuss how selected ideas from *Achieving High Performance: A Framework for Courts* can be set in motion. The actions are called leadership strategies in the basic sense that they are ways of organizing and mobilizing members of the court to the advantage of reform. The bottom line is court leaders need to work at organizational change. High performance does not happen on its own.

## High Performance Flows From Skillful Administrative Leadership

Developing shared, court-wide agreement among judges on how court personnel can best work together requires acknowledging two primary responsibilities: the role each individual judge has in making decisions and the administrative role judges have in making the system work. Judges must make decisions every day that affect people in all manner of ways. Being a fair, impartial, and independent arbiter is the judge's primary responsibility. Not surprisingly, judges may chafe at the notion that some other person or organization is going to tell them how to best decide a specific case.

On the other hand, judges must do more than decide cases; they must also interact with a range of people and activities throughout the life of those cases. In busy courtrooms, creating the possibility of "justice for all" is a team effort; it requires conscious effort to organize the workflow through clear relationships between a judge and court staff members. Because this is true for every judge in the courthouse, the responsibility of court administration is to make the system as a whole work. Court administration either supports the adjudicatory process by enhancing procedural due process or it is an impediment. How a court is organized and conducts business directly affects legal procedures and processes. Because the amount of available work time is limited even for the most conscientious judge, allocation of administrative tasks to non-judicial personnel promotes the goal of effective and substantively fair adjudication of disputes.

The benefits of an appropriate division of labor are not based solely on sheer time savings for judges. Administrative practices contribute to a judge's access to information, control over the courtroom, and communication with all participants in the legal process. Administrative practices set a tone for the consumers of court services. Good practices in these areas are valuable aids to effective adjudication of disputes. Attorneys and self-represented parties can take their best shot when the purpose of court proceedings is clear, definite, and carried out as stated. Conversely, in a court with poor management, administrative practices will likely impinge on the quality of a judge's decisions, contributing to substandard justice and the real possibility of less justice for fewer people (B. Ostrom and R. Hanson, 1999).

## Seven Leadership Strategies for Achieving High Performance

Courts are under ever-increasing pressure to be more transparent and accountable. Regardless of whether this is driven by fiscal crises, policy makers' concerns, or simple public outcry, a common question is "what are courts doing to be efficient and effective?" The best answer is to have a clear strategy of how to best allocate resources, respond to changing realities in funding, and energize employees.

Regrettably, there are some judges and managers who believe things are going about as well as can be expected. They certainly don't see themselves as inordinately slow, technologically backward, or out of touch with what is happening in the community. Given that outlook, they might ask, why pay

much attention to a "High Performance Framework" and devote resources to it when we don't have serious problems? Worse yet, some say the situation is so bleak in their court that positive change is nearly impossible. There are a lot of fad initiatives that consume time and money but prove to be wasteful. But the times do not permit courts to be on the defensive and regard improving performance as a prescription they don't need and a distraction they should avoid.

The premise of the High Performance Framework is that in today's economic environment no court can afford to be complacent. With belt tightening now the rule in courts across the county, courts need to face the reality of dwindling financial resources—being asked to do more with less. The High Performance Framework asks court leaders to think boldly and entertain the idea that it is possible to maintain or even improve quality in the face of budget and staff cuts. Taking up such a challenge is not painless. How to reach consensus on administrative goals, how to get staff members to work together, how to gather and use data, and how to adapt to an ever-changing world is not easy, but the stakes courts face make it worth trying to meet the challenge. President Ronald Reagan put it succinctly, "If not us, who? If not now, when?"

There is a craft of performance management for every court. Because management practices and court workflow processes can always be improved, courts should continually seek to do better than they are doing already. This approach doesn't necessarily require seeking out the best practice, just fashioning a better practice that is an improvement over the current situation.



There are seven strategies court leaders should consider to build and sustain high performance.

1. Share the Vision
2. Explore the Court's Cultural Landscape
3. Abandon the Myth of the Lone Ranger
4. Remember to Focus on Court Customers
5. Get Court Administrative Staff Members Involved
6. Promote Collegial Discussion
7. Share the Results

At West Point, Army cadets study tactical thrusts and strategic plans, the small scale movements and the big picture. Court leaders face something similar: a balance between tactics and strategy. Tactics are the how, while strategy is the where, when, and why. Taking time to focus on strategy is essential to choosing a good path

through what can be a confusing labyrinth.

## STRATEGY 1: Share the Vision

Setting and communicating a leadership vision statement is a critically important and deeply strategic activity that many court leaders fail to adequately do. While it may seem like a simple activity for the court executive team to share a strategic vision of where they would like their court to go and the obstacles that must be overcome to get there, many do not take the time needed to share this vision with all members of the court.

Important steps to create and effectively benefit from a shared vision include the ability:

- Of the chief judge and court administrator to create or elicit the initial vision

- To translate that vision into administrative activities that make the vision real.
- To articulate and sell this vision to other judges, managers, and staff members as either the right or best way to reach the goal

Someone once said the difference between a vision and a hallucination is simply how many people see it. Thus, court leaders need to provide a comprehensive vision for their court that a significant number of judges and other court staff will embrace and buy into. The odds of connecting vision to daily work improve if the tasks of court administration are stated and clearly tied to a core set of guiding principles. The High Performance Framework rests on four principles that define effective court administration and are widely shared by judges and court managers: (1) give every case individual attention, (2) treat cases proportionately,

Courts have differences, and as a result each court must build its own path to high performance by taking into account its own particular circumstances.

(3) demonstrate court procedures are fair and understandable, and (4) exercise judicial control over the legal process. A high-performing court embraces each principle. How these principles might be expressed is represented by an Arizona chief judge who combined them when he said, “The most important case always is the one before me.”

These four principles orient judges and court managers in the same way, but they are not necessarily determinative of how their court performs. Actual application of the principles will vary from court to court. There are master calendar courts that are effective, and there are individual calendar courts that work. There are courts with a variety of specialty courts and some that have none. How the principles affect court performance depends on the general organizational nature of courts and how the particular managerial culture shapes the “way things get done.”

## STRATEGY 2: Explore the Court’s Cultural Landscape

Courts have differences, and as a result each court must build its own path to high performance by taking into account its own particular circumstances. Deciding what

strategies to employ, what course of action to take, and how to structure a court’s management requires a deep understanding of the court’s internal dynamics. As a consequence, it is not surprising that no single, specific approach to managing and coordinating a court has emerged as the best way. What works in a given court is highly dependent on the personalities, skills, and interests of the sitting judges and executive court administration.

Beyond the explicit concept of shared vision discussed above, all organizations — including courts — have an implicitly shared vision, which manifests itself as what is most often referred to as the organization culture. The strongly local character of how decisions get made in each court is another way of saying local court culture matters. What giving individual attention to every case in a proportional manner, demonstrating procedural justice, and controlling the legal process mean is shaped by the intervening role of court culture. Culture is an important element enabling court performance because it encompasses and makes coherent taken-for-granted values, expectations, and assumptions about how work gets done in a particular court. The unspoken folkways on how to get along and interact are arguably the most important things every judge or court executive needs to know. Indeed, they are taught to new members

as the way court business gets done. The centrality of culture is highlighted by the words of Louis Gerstner, the former CEO of IBM, who stated: “I came to see ... that culture isn’t just one aspect of the game — it is the game.”

Understanding what different cultures can do is a key to averting road blocks to implementing high-quality administrative practices. The NCSC approach to court culture is designed to encourage and facilitate a conversation among judges and managers on culture, how current ways of conducting business are viewed, and how they might be improved (B. Ostrom, C. Ostrom, Hanson, and Kleiman, 2007).

The components of court culture fall along two distinct “dimensions.” The first dimension, called *solidarity*, is the spectrum of beliefs on the extent to which it is important for judges and managers to work toward common ends; that is the degree to which a court has clearly understood shared goals, mutual interests, and common tasks. The second dimension, called *sociability*, is the range of beliefs on how important it is for judges and managers to work cooperatively with one another. Therefore, *sociability* refers to the degree to which court personnel acknowledge, communicate, and interact with one another in a cordial fashion.

An essential lesson from field research is that a high degree of

# Reaching collective agreement on court-wide administrative practices need not necessarily be an onerous activity, but it does require time and attention.

solidarity is necessary to support performance initiatives. Hence, a challenge for court leaders is to encourage and facilitate collective decision making among individual judges on what is best for the court as a whole. What good court leaders need to know about their court culture is not just where the court is presently, but how open the court is to change. Too often the group-think of courts begins with the false premise that there is no appetite for change in “the way things are done around here.” An analysis of the court culture can bring that attitude out for discussion.

## STRATEGY 3: Abandon the Myth of the Lone Ranger

Reaching collective agreement on court-wide administrative practices need not necessarily be an onerous activity, but it does require time and attention. The first step is recognizing that the quirks and idiosyncrasies of court organizational structure put a premium on approaching this as a group enterprise. Few courts are organized in a way that simply allows a presiding judge to command compliance with particular practices or procedures. And no court allows the court administrator to fill that role.

Judges are often best described as a group of equals, where everyone has about the same amount of influence as everyone else. At best, presiding judges are then a first among equals (or an equal among firsts). The challenge is to persuade each judge to see that making the best use of his or her individual time is strengthened when administrative routines and processes support the work of every judge in a coherent fashion. The organizational development expert, Warren Bennis, stated this question bluntly: “How do you get talented, self-absorbed, often arrogant, incredibly bright people to work together?”

There are those who argue that superior achievement is possible if and only if a true visionary charismatically convinces others to change their practices and effortlessly adopt new and better ways of doing things. It is hard to argue that inspirational leadership is not a helpful ingredient in achieving high performance. But making improvements in a court is not dependent on the single-handed leadership of one person. In fact, waiting for a charismatic presiding judge or court administrator to lead the move to high performance overlooks the formidable hurdles in creating and maintaining strong executives even in the private sector, where lines of authority are frequently clearer. The loosely coupled nature of courts means leadership is a matter of

persuasion, bringing people together, and setting a tone. “He or she cares about us, listens to us, and deeply cares about the court as an institution” is far more important than charisma. For this reason, the High Performance Framework focuses on how court-wide agreement can be encouraged, drawing on a shared cause and culture that binds strong personalities together. Building a culture based on mutual trust, collaboration, and commitment to solid administrative practices can serve to restrain strong egos. Arriving at a culture conducive to high performance is a challenge involving consensus of the entire bench, not something that can be forced on judges even by an inspirational leader.

## STRATEGY 4: Remember to Focus on Court Customers

A high performance court strives to give attention to the interests and rights of all individuals involved in the legal process. Customer satisfaction is a priority for high performance courts. While the term “customer” is not used in many courts, good court leaders and managers recognize and accept the idea that courts have customers, feel more comfortable with the term “customer” itself, and acknowledge that a key part

A high performance court strives to give attention to the interests and rights of all individuals involved in the legal process. Customer satisfaction is a priority for high performance courts.

of court administration is to determine how to satisfy them.

With the exception of repeat players (i.e., attorneys and parties with regular court experience), court customers often have considerable uncertainty about the legal process. This is particularly true of self-represented parties. As a result, a high performance court tries to reduce confusion by being readily accessible, providing clear information, and adhering to predictable, orderly, and timely proceedings.

Positive perceptions of a court are shaped more by how people feel they were treated than by the outcome of their case. Satisfaction with the process is mostly shaped by whether customers believe their rights and interests are taken into account in the resolution of disputes. If a court can increase the sense of procedural fairness, all of the social science research suggests that a byproduct is increased compliance with court orders. Court leaders should give explicit attention to the concept of procedural fairness, the mantra being, "Every litigant has a right to be listened to, to be treated with respect, and to understand why the decision was made. We want that 100 percent of the time." In short, it is ensuring individuals receive their day in court. While the volume in many state courts

can make achieving procedural fairness a difficult challenge, it is not an excuse for substandard performance.

But it is more than litigants who deserve fair treatment — so do court employees. The same commitment to treating people with courtesy and respect must also be extended to court staff by judges and court executives. They too have a right to be treated with dignity, to be listened to, and to understand why decisions are made. The golden rule does not apply at work, or, as professional speaker Leslie Charles, says, "Implement the platinum rule: treat others as they wish to be treated."

## STRATEGY 5: Get Court Administrative Staff Members Involved

Change is hard for everyone, and for courts it can be extremely difficult. Successfully finding and implementing better ways of doing business is a task requiring commitment from employees throughout the court. For employees to focus on how their day-to-day responsibilities link to achieving desired court-wide results, judges and senior

managers need to help all staff members understand the court's performance objectives. There are too many courts with ill-defined performance measures at best. Performance measures need to be relevant and meaningful to the public and other governmental entities, as well as to judges and court staff. By encouraging all court personnel to see how their work contributes to performance, a court avoids the difficulties of implementing changes with a top-down approach where only high level management shares enthusiasm for what is being promoted.

The ability to adapt successfully to new ways of doing business is strengthened when everyone understands the court's vision and is properly aligned to achieve it. A sign of a healthy court is that court staff members are viewed as active partners with judges and senior managers. Each part of the court troika (i.e. judges, professional and line staff) needs to understand and appreciate the role of the other two. In her book *Team of Rivals*, Doris Kearns Goodwin described Abraham Lincoln as a man with an extraordinary ability to put himself in the place of other men to experience what they were feeling and to understand their motives and desires. There are few Lincolns in court leadership, but the ability of court

leaders to marshal everyone's talent is a key ingredient to high performance success. Employees need to be brought into the conversation to help find ways to sustain areas of high performance (e.g., documenting successful approaches for managing case files) and ways to improve areas of less than successful performance (e.g., spending more time improving customer service at the counter). Because staff members often have regular contact with the public, many have a refined sense of what aspects of current service delivery lead to dissatisfaction.

Successful change initiatives in courts tend to be created by cross-functional teams that involve the joint participation of designated judges, managers, and staff members, as appropriate. Specific examples of the team approach from the court world include a focus on streamlining felony case processes to improve time

to disposition (Riverside County, CA); using data and problem solving techniques to reduce jail costs of in-custody defendants (Harris County, TX); interviewing litigants outside the courtroom following completion of family law matters to assess whether they knew what to do next in their case and how the judge might more clearly communicate (Hennepin County, MN); and making an effort to come up with completely new ways of doing things through a major reengineering project (Vermont).

## STRATEGY 6: Promote Collegial Discussion

The opportunity for members of a court to discuss the character of administrative practices is the *sine qua*

*non* for success. Communication is the most fundamental sign individuals consider themselves part of the same group. In a high performance court, members take the opportunity to go over the pros and cons of different practices in a cooperative manner.

Conflict isn't necessarily bad in a court environment if it is task conflict, not relationship conflict. The unhealthiest courts mask differences, pretend there is unanimity, and allow all discussion about court direction to occur in the parking lot.

Identifying problems and coming up with possible solutions is not always straightforward. There can easily be sharp differences of opinion among judges about what, if anything, needs to be done. Even if a presiding judge champions a course of action, it does not necessarily mean the plan will be fully enacted. And if acceptance is reached, it is not uncommon for



objections to be raised again and previously settled issues scuttled or threatened. In the court world, the idea that the few can command the support of the many is dubious.

As difficult as it may be, court leaders need to recognize there are alternative paths to a desired goal. Good court leaders are careful when there is a close vote among judges. A close vote may indicate it is time to go back to the drawing board and refine the alternatives. The best court leaders willingly accept a collective choice that will bring about the desired outcome better or easier than their most preferred options — even if it does not appear on paper to be the best.

Openness to alternatives builds trust and enables cooperative communication. Judges and staff members need not fear administrative discussions are forums to foist practices on them. Hence, the High Performance Framework suggests exploring and developing ways to encourage greater judicial participation in deliberations concerning performance.

## Strategy 7: Share the Results

Judges need regular and systematic feedback if they are to get better at their craft. Courts need regular and systematic feedback if the court as a whole is to improve its performance. Court leaders can build broader support within the justice system community by circulating results. Because customer satisfaction is a focal point of performance, the sharing of performance results among judges, managers, staff members, and the public is a sign of respect.

Sharing performance results also enables corroboration of performance data because it tests their external validity. How well do objective performance results line up with the experiences of court customers? Seeking the perspective of attorneys, for example, allows the court to obtain direct feedback on how change in business practices affects individual practitioners and whether they see benefits in the change. Yet, not everyone might be for wide dissemination of all, some, or any results.

For some, performance results might be seen as too subject to misinterpretation or as a source of trouble for the court. Fear is a driving force in too many courts. As Edmund Burke wrote in England 20 years before the American Revolution, “No passion so effectually robs the mind of all its powers of acting and reasoning as fear.” Court leaders and a cadre of judges and senior managers can facilitate sharing results by first having the conversation internally. Reason, not fear, has to guide discussion about the course a court is on. Because results are subject to interpretation, an opportunity to review and comment on them ensures a fair debate and possible reconciliation of divergent points of view. A minimum standard all members should support is that released results can withstand scrutiny for clarity, comprehensibility, and accuracy. The release of results shapes the accountability environment in which the court finds itself and can set the terms of discussion with funding sources and promote a more healthy review of court progress and resources.

## Summary

The seven strategies for achieving high performance admittedly are interrelated. A package of practical suggestions is necessary to overcome the resistance to begin the push for high performance. So while there is no single problem that wracks all court houses, there are a lot of common ones. All court leaders need to focus on the ability to motivate and manage change and not allow the fear of change to blind them. Because change is a given, the big issue is preparing to lead. To the extent court leaders can find solutions to guide their court through these interesting times, the promise is the court they care about will be a high performance place where people enjoy their work and the public is well served.

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### ABOUT THE AUTHORS

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# 4th Annual Domestic Violence Symposium

SAVE THE DATES:

September 6 & 7, 2012  
**Seattle University, Seattle WA**

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This is the fourth collaborative domestic violence symposium that is being offered by our community partners. The goal of the symposium is to promote critical and innovative thinking for prosecution, law enforcement, civil law attorneys, advocates, judges, scholars, law students, social workers, corrections, batterer intervention providers and others in the field.

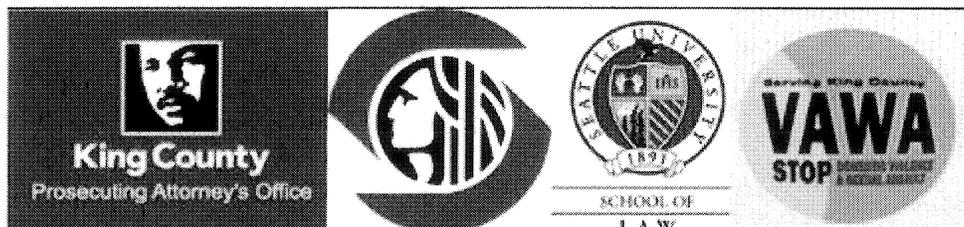
We are pleased to offer a unique opportunity to hear and interact with locally and nationally recognized experts in the domestic violence field. The symposium agenda will be available and on-line registration will be available in the summer of 2012.

If you have questions about the symposium agenda please contact the co-chairs [Tracy.Orcutt@kingcounty.gov](mailto:Tracy.Orcutt@kingcounty.gov) or [Deborah.Greenleaf@kingcounty.gov](mailto:Deborah.Greenleaf@kingcounty.gov)

Site information for Seattle University is available through Rebecca Parker-O'Neill at [parkerr@seattleu.edu](mailto:parkerr@seattleu.edu)

## Symposium Hosts & Sponsors:

Seattle University School of Law and the Fred T. Korematsu Center for Law & Equality  
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King County VAWA STOP Grant - 2011-WF-AX-0056





## Groupwork with Men Who Batter: What the Research Literature Indicates

Jeffrey L. Edleson, Ph.D.

*"The small psycho-education groups we call batterer intervention programs (BIPs) seem to achieve documented positive changes among many participants who complete them and more so when they are part of a coordinated community response. These positive findings resulted from decades of study that also leave many questions unanswered. We still do not have clear answers to what in BIPs creates change among the participants, how to reach men ambivalent about making change before costly law enforcement and social service systems become involved, and how to respond to program dropouts and recidivists, especially those who continue to cause injury to their partners while enrolled in a program."*

Applied Research papers synthesize and interpret current research on violence against women, offering a review of the literature and implications for policy and practice.

The Applied Research initiative represents a collaboration between the National Resource Center on Domestic Violence, the National Sexual Violence Resource Center, and the Minnesota Center Against Violence and Abuse.

VAWnet is a project of the  
National Resource Center on  
Domestic Violence.

Historically, there have been many efforts to help end domestic violence; however it was only in the late 1970s that the first group treatment programs for men who batter were founded. Currently, there is wide variation in content, style, and length of batterer intervention programs, from small group treatment programs to universal prevention efforts. This paper focuses on the research on small group treatment programs for men who batter. There is controversy over which, if any, programs are the most effective. This paper first provides a brief overview of the history and current practice of groupwork with men who batter, and then focuses on key findings from the published research on batterer group programs.

### History of Work with Men Who Batter

Domestic violence has long been recognized as a problem in historical texts (Davidson, 1977; Dobash & Dobash, 1978), has been discussed in the popular press for more than a century (Killoran, 1984), and has historically been the subject of social intervention efforts (Edleson, 1991; Gordon, 1988; Pleck, 1987). Specific intervention with men who batter is a more recent development, beginning in the late 1970s. Early innovators in group treatment programs included EMERGE in Boston, RAVEN in St. Louis and AMEND in Denver. Interventions with men who batter have dramatically expanded over the past three decades. With this expansion came efforts to coordinate these services with other necessary community programs to best provide safety to victims and accountability for perpetrators. Early efforts to coordinate interventions were created in Colorado (Domestic Violence Manual Task Force, 1988), California (Soler & Martin, 1983) and elsewhere (see Brygger & Edleson, 1987; Goolkasian, 1986). One of the earliest and best known coordinated responses, the Domestic Abuse Intervention Project (DAIP; see Pence & Shepard, 1999) was established in 1980 in the city of Duluth, Minnesota, where each agency, from police to prosecuting attorneys to criminal court officers to social services, agreed to a specific new role as part of a larger, coordinated effort to support safety for

women and children while holding perpetrators of violence accountable for their behavior. Additionally, throughout the 1970s and into the early 1980s, police responses to domestic disputes were guided primarily by a crisis intervention orientation to family conflict.

In the early 1980s, however, new pressures began to build on police departments. Pressures from women's organizations and crime victim rights groups grew and their agendas converged to help bring about a major shift in police and judicial responses to battering. These activists' influence was reinforced by successful law suits against police inaction (e.g., *Thurman v. City of Torrington*, 1984). Crime victim rights advocates pushed the courts for more severe punishment of offenders, while women's groups advocated for a consistent police and judicial response to crime regardless of where it occurred. Women's groups saw police who arrested perpetrators of violence on the street but did not arrest them for violence in the home as supporting perpetrators' use of domestic violence and the unequal treatment of women. At the same time, new research showing the greater effectiveness of deterrence (arrest) when intervening with violent men was also being widely disseminated (e.g., Sherman & Berk, 1984).

In short, changing public attitudes, the outcomes of several landmark cases, pressure from advocacy organizations, and findings from new research led to a greater readiness among police, prosecutors, judges, and social service professionals to work more closely within a coordinated community response to identify and prosecute men who batter their intimate partners and then mandate the men into group treatment programs.

### **Group Treatment Approaches for Men Who Batter**

Treatment programs for men who batter, often called "batterer intervention programs" or "BIPs", are generally small group programs offered by one or two professionally-trained facilitators working

with about eight to 10 men who usually join and progress through the group process at the same time as a cohort but in some cases may join and leave the group at set times different from other members. Some group programs are supplemented by on-site individual counseling or referral to another practitioner.

Group programs often vary on several factors. Some programs are as short as an intensive weekend retreat, while others expect attendance at 52 weekly meetings lasting from one and a half to two hours. Nationally, the required attendance for most programs range between 24 and 36 weekly meetings, but Washington State and California require court mandated men to be engaged in treatment programs for 52 weeks. In some locations, group programming is offered within the context of more comprehensive case management services that include screenings, referrals, and follow-ups (Gondolf, 2008). Some BIPs are offered by individual practitioners, while others are offered as a part of domestic violence or larger, multi-service agencies. Many states set minimum training or content requirements for providers of intervention while some certify either the professional and/or the program as meeting minimum standards. For example, a number of publications and websites provide information on minimum standards and content requirements (see Austin & Dankwort, 1998; Austin & Dankwort, 1999; and the Batterer Intervention Services Coalition of Michigan website at <http://www.biscmi.org>). In addition, a recent national roundtable discussion of experts in the field also suggested recommendations for key policy, practice, and research on BIPs (see Carter, 2010).

The predominant model for most BIPs across North America is some type of combination of both educational lessons and psychosocial or therapeutic processing among group members. Many programs draw heavily on social learning models that aim to teach new cognitions and actions and on a gendered lens for analyzing power relationships in violence between intimates (see Edleson & Tolman, 1992; Gondolf, 2002; Russell, 1995; Pence & Paymar,

1993). Some programs have gone beyond groupwork to engage men in a variety of efforts to sustain their non-violence and help their communities change (see Douglas, Bathrick, & Perry, 2008).

### **Key Findings from the Published Research on Batterer Intervention**

There is great controversy surrounding both the current practices of the criminal justice system mandating treatment, as well as the effectiveness of group treatment programs to which men are sent. Over the past decade, a number of authors (see Dutton & Corvo, 2006; Mills, 2003) have argued that current approaches do not work and that there is an over-reliance on both the criminal justice system and on treatment focused groups for men. Despite these voices of opposition, the research literature on group treatment approaches is promising, but overall the evaluations have frequently not met the highest standards of research design. Additionally, evaluations of these programs are limited and tend toward using recidivism as the indicator of effectiveness. Recidivism is most often defined as repeat incidents of physical violence (re-assault) against a partner as reported by victims or found in official records. Another limitation of BIP research is that there is very little research on the victim's perception of safety, the behavioral and attitude change in men who batter, or the continued use of non-physical coercive behaviors by program participants.

With many dozens of evaluations now published, we have some ideas about how group BIPs work to end violence. However, these evaluations have also left many questions unanswered. Two reviews of this empirical literature (Bennett & Williams, 2001; Gondolf, 2004) and two additional meta-analyses of selected studies (Babcock, Green, & Robie, 2004; Feder & Wilson, 2005) have all drawn positive but circumspect conclusions about the success of these programs. There are many promising practices being offered in a variety of communities that have yet to be evaluated. These are not included in this review since no published evaluations were available. In

addition, there is negligible research on efforts to go beyond individual impacts and influence community-wide behaviors, such as how programs mobilize men's engagement in violence prevention activities.

From the extensive published research literature, seven key findings about group BIP effectiveness can be drawn:

#### ***1. Across studies, group BIPs have a modest but positive impact on ending violence.***

The major reviews of group BIPs over this decade have all concluded that these programs have a positive impact on ending and reducing violence among men who participate in them. Meta-analyses, a statistical technique to summarize and average the effects of programs across numerous studies, show small to moderate decreases in recidivism among men who participate in programs when compared to either program drop-outs or those randomly placed in a control group. The strongest results are found among studies using official records of subsequent police arrests and comparing those who complete the program to those who drop out of the program (see Babcock, Green, & Robie, 2004; Feder & Wilson, 2005). In program evaluations where victim reports of the man's behavior were monitored and men who complete the program were compared to men who were randomly assigned to a no-treatment condition, the results were still positive but less powerful.

One caution when interpreting these studies is that men who either dropped out or were assigned to a no-treatment condition may have sought and received help elsewhere, thus shrinking the differences found between BIPs and these groups of men. Another caution is that recidivism is often defined narrowly and focused on repeat acts of reported physical violence, not taking into account threats and other forms of coercive control that may still be occurring or replace physical violence. A focus on recidivism also often diverts attention from the impacts a program may have on changes in the larger community, as mentioned earlier.

***2. Group BIPs help the majority of men end their physical violence over a period of time.***

The most comprehensive study of group BIPs to date, a four-city study funded by the U.S. Centers for Disease Control & Prevention, tracked 840 men participating in group programs and their partners over a four year period (see Gondolf, 2002, 2004). Gondolf has found that if re-assaults occur they most often take place within 15 months after an abuser's intake into a treatment program. After 30 months from program intake, Gondolf (2004) found that only 20% of the men who participated in these programs had reassaulted a partner in the past 12 months and at 48 months after program intake only 10% of the men had reassaulted a partner in the past 12 months. Thus, four years after intake, interviews with the men's partners indicated that approximately 90% of the men had **not** reassaulted their partners in the past year. Gondolf suggests that this increasingly low recidivism rate points to the success of BIPs.

***3. It is not yet clear what components of group BIPs help create these changes.***

Ironically, despite these somewhat positive results of BIPs, studies to date have not provided much insight into what component parts of batterer programs or what program lengths lead to change among participants (see Babcock et al., 2004; Bennett & Williams, 2001; Gondolf, 2004). Most programs include some type of cognitive-behavioral educational process and many address attitudes among men about their relationships with women. It is not clear, however, if it is these program components, simply the regular monitoring that occurs by participation in a group process, or something else, such as enhanced motivation to change, that is causing these better outcomes among participants. In general, cognitive-behavioral approaches have broad empirical support. However, within the domain of batterer intervention, they do not appear to achieve superior results when compared to other approaches, such as the psycho-educational models widely in use. Nevertheless, a recent meta-analysis of program attrition found

that on several variables participants were less likely to drop-out from cognitive-behavioral than psycho-educational programs (Jewell & Wormith, 2010). They also found employment, age, income, education, marital status, race, referral source, previous domestic violence offenses, criminal history, and alcohol and drug use to all affect program completion.

***4. It appears that group BIPs incorporating motivational enhancement components help more men change.***

One finding that is supported by a few studies indicates that when programs include methods designed to enhance men's motivation to make change, retention and outcomes are improved (see Babcock, Green, & Robie, 2004). Many motivational strategies are based on the widely disseminated motivational interviewing procedures of Miller and Rollnick (2002). In brief, motivational interviewing seeks to elicit the client's concerns and thoughts while providing non-judgemental feedback on discrepant behaviors (Roffman, Edleson, Neighbors, Mbilinyi, & Walker, 2008). For example, Neighbors et al. (2010) found that men who batter consistently over-estimate the level of domestic violence in the general population. A motivational interview procedure would present this discrepancy to the man and help him assess how his misperceptions may have affected his behavior. These procedures have been found to be successful with substance abusers (see Miller & Wilbourne, 2002) and have only recently been utilized in BIPs (see, for example Mbilinyi et al., 2011; Roffman et al., 2008).

Some efforts have been made to use motivational procedure to reach violent men early so that later, more complex interventions may be less necessary. For example, in one experiment, a social marketing campaign successfully motivated 348 men to call a confidential, telephone-based program, 124 to enroll in the program and 99 to complete it. The social marketing program (see Mbilinyi et al., 2008) included extensive radio advertisements (see <http://www.menscheckup.org>) and used a telephone-

based intervention using motivational enhancement strategies discussed above to motivate men who had not had recent contact with criminal justice or social service agencies to seek formal help for both battering and substance abuse (see Roffman et al., 2008).

#### ***5. Personality type does not appear to predict different outcomes.***

One approach that has received considerable attention is to differentiate types of men who batter so that treatment may be better matched to specific men. The typologies vary but often categorize men into generally-violent, partner-violent, and pathological groups (see Cavanaugh & Gelles, 2005 and Holtzworth-Munro & Meehan, 2004 for reviews). Although researchers have been able to distinguish different types of men, the utility of these typologies to predict differential success in batterer intervention programs has been questioned. White and Gondolf (2000) have found that men of differing personality types appear to behave similarly in terms of program completion and outcome. This led them to conclude that “one size appears to fit most” (White & Gondolf, 2000, p. 486).

Despite White and Gondolf’s (2000) findings, researchers have not yet carefully tested the promise behind typologies, that programs tailored to batterer types may be more effective. At present, most BIPs do not differentiate among the types of men who are admitted to their programs or offer differential programming. Many communities have such limited resources that, at most, they offer a very limited provision of services to men in their community who need these services. Furthermore, many group BIP facilitators claim that intervention is already differentiated or individualized to the extent that group facilitators provide differential attention to men during and between sessions.

Rough grouping of men by typologies may not be the preferred direction in any case. Holtzworth-Munro and Meehan (2004) have argued that we should not be categorizing men into one type or another

but perhaps seeing these men as multidimensional with variation along several factors. Eckhardt, Babcock, and Homack (2004) suggest that perhaps matching treatment to the level of motivation for change that a man expresses may better achieve the original goals of developing typologies, an idea that will be discussed later in this article. Finally, in their recent meta-analysis of studies on attrition from BIPs, Jewell and Wormith (2010) found the variety of factors mentioned earlier appear to affect the likelihood that one will complete an assigned treatment regime. Bennett, Hsieh, and Stoops (2010), in a recent study of 540 men mandated to BIP participation, also report that higher social class predicted higher program completion rates.

#### ***6. Programs designed for men of color achieve similar outcomes to other BIPs.***

Much less information is available on the differential impact of group BIPs on men of color. There is a small but growing literature that focuses on different types of groups for men of color, particularly African-American men. Williams (1994; Gondolf & Williams, 2001) has described three types of treatment for African-American men who batter: (1) “color blind” where differences in race or ethnicity don’t seem to matter; (2) “culturally specific” where there is a critical mass of men of one race or ethnicity and attention to their community’s unique history is implicitly given attention; and (3) “culturally centered” where the focus of the program design is on a particular racial or ethnic group that makes up most of the men in the group. Unfortunately, in tests comparing these programs it does not appear that any one type of treatment is better able to achieve positive outcomes than another (see Buttell & Carney, 2005; Gondolf, 2007). As stated earlier, there are many other promising practices being offered in a variety of communities that are not reviewed here since published evaluations of them are not yet available. This review takes no position on the effectiveness of group BIPs not yet evaluated in a systematic way.

**7. Group BIPs that are part of coordinated responses with the criminal justice system achieve better outcomes.**

Lastly, an important finding of these studies is that group BIPs embedded within a coordinated community intervention to identify, treat, and hold accountable men who batter appear to provide the most positive outcomes in terms of reassault prevention. Specifically, Gondolf (2004) found that in programs using pretrial referral, the men entered the program rather quickly – in an average of two and half weeks after arrest – compared to several months in post-conviction systems that sent men to treatment after conviction, and pretrial referral programs that require men to reappear in court periodically to confirm their program attendance. Gondolf states, “This system dramatically reduced no-shows (from 30% to 5%) and sustained a high completion rate of 70% despite the coerced attendance.” (p. 619). In short, men dropped-out the least and achieved the best outcomes in systems where: (1) men were moved quickly into treatment within two to two and half weeks of arrest; (2) there was ongoing monitoring of men’s compliance with mandates to treatment by the courts; and (3) the courts responded swiftly with consequences for men who violated their mandates.

These findings argue strongly for close coordination between BIPs and court officers, particularly probation officers. In some locales, specific domestic violence probation units have been established to create this close liaison with BIPs. While close coordination is desirable, such efforts raise concerns about the type of information that BIP providers should supply to court officers or others, such as custody evaluators, guardians *ad litem* (GALs) and court appointed special advocates (CASAs). A man’s behavior in a weekly group meeting may mask much more severe and dangerous behavior outside the walls of the agency. Many BIP providers only feel comfortable providing basic information such as (a) attendance, (b) compliance with program rules, and (c) information on the man’s ongoing abusive behavior. Providing an estimate of the level

of change men have achieved based on their in-group behavior is potentially dangerous and often inaccurate. It is only through long-term follow-up with current partners and an examination of official records that men’s behavior can be more accurately assessed over time.

**Current Concerns about Batterer Intervention Programs**

The above literature on group BIPs raises several concerns that have not yet been adequately addressed. For example, how do we respond to the high rates of program dropout and recidivism? And how do we respond to persistently dangerous men enrolled in BIPs? How do we assess and respond to men with multiple, co-occurring problems that may affect their ability to change? How are women’s assessments of their own safety incorporated into group BIPs? How can programs think beyond recidivism to the impact of their work on communities? Each of these issues is addressed below.

***Attrition from programs is high and presents a major challenge to BIP effectiveness.***

Daly and Pelowski’s (2000) review of 16 studies of batterer intervention showed that “dropout rates are consistently high, ranging from 22% to 99%” (p. 138). Gondolf (2004) found that those men who participated in two or more months of a BIP showed 50% greater overall reduction in recidivism compared to program drop-outs (Participants=36%; Drop-outs=55%) and an even greater reduction of recidivism among men living with their partners (Participants=40%; Drop-outs=67%). However, many programs experience very high attrition rates from the first contact to the first group meeting and then again once the group programs begin and before the end of the program. There is a dire need to develop methods to recruit and then retain men in BIPs. In part, this is an issue of system coordination. As Gondolf’s (2002, 2004) study has shown, when men are held accountable for their lack of attendance by the courts they appear less likely to drop-out of the program.

While accountability is important, it should be noted that studies show there is a positive correlation between “stake in conformity,” program completion, and lower rates of recidivism. Stake in conformity is a person’s desire to maintain social bonds to family, friends, and social institutions in accordance with the norms of the community, in other words to conform. Research shows a positive correlation between program completion and stake in conformity, specifically on variables such as age, marital status, and employment (Feder & Dugan, 2004; Bennett, Stoops, Call, & Flett, 2007; Feder & Forde, 2000; Jewell & Wormith, 2010). Men with less stake in conformity may have less to lose by not completing an assigned program. As mentioned earlier, a study by Bennett and colleagues of 540 men receiving a court mandated batterer intervention program found that program completion was twice as likely for those categorized as “overclass” compared to those considered “underclass,” after controlling for race, age, and prior arrest (Bennett, Hsieh, & Stoops, 2010). These findings call for research on specific ways for community-based BIPs to better engage with those who are from lower class backgrounds or have a lower stake in conformity (e.g. unmarried, younger, uneducated, and unemployed men).

***Most recidivism by men who batter appears in the first 15 months after enrollment, a period longer than most group BIP programs.***

As stated earlier, Gondolf (2004) has reported that the great majority of men who re-assault their partners do so within 15 months after their intake into a treatment program. This finding is parallel to findings in a nationally replicated study of police intervention called the Spouse Assault Replication Program (see Weisz, 2001). Unfortunately, most group BIPs last only 12 months in their longest form. These data argue for regular monitoring of men who batter by program staff, probation and/or court officers over a longer period of time than is common.

***A small number of men appear to be the most dangerous and may require additional attention.***

A disturbing finding of Gondolf’s (2004) four-city study is that a small group of 20% of the re-assaulters in his study accounted for 80% of the injuries to victims after intake into BIPs. This finding raises practice questions that are as yet unanswered. Perhaps this small group of more severely violent men requires a more careful assessment and additional or different intervention than a traditional BIP in order to more successfully change their behavior. This again raises the issue of designing differential responses for men, in particular those with different violent behaviors.

***Substance abuse and mental health problems commonly co-occur with violence perpetration.***

Two other areas – substance use and mental health – warrant consideration for specific assessments based on the literature showing a high co-occurrence between substance abuse and domestic violence (Brown, Werk, Caplan, & Seraganian, 1999; Fals-Stewart, 2003; Fals-Stewart, Leonard and Birchler, 2005) and serious mental-health problems among some batterers (Cavanaugh & Gelles, 2005; Holtzworth-Munroe & Meehan, 2004). These findings certainly point to more comprehensive assessments at entry to group BIPs and possibly integrated programs that address these co-occurring factors.

***Women’s assessments of their own safety often provide the best assessments of danger.***

When expanding assessments, particularly around danger to partners, it is important to consider women’s voices. Using data from Gondolf’s CDC sponsored study, Heckert and Gondolf (2004) found that battered women’s assessments of their own danger outperformed all other assessment tools except when women’s assessments were combined with their self-report data gathered using the Danger Assessment developed by Campbell (1995). Including women’s assessments of their safety as an outcome measure for BIPs is advisable.

***Outcomes may be conceptualized beyond individual recidivism.***

Most of the research reviewed in this document focuses on individual men's behavior, specifically violence recidivism. This is understandable given most policy makers' attention to ending criminal violence. Many programs, however, make efforts to move beyond violence and promote changes among men in their use of threats and pro-violent thinking patterns. A few have gone even further to examine how their programs can encourage larger changes in men beyond those who participate in a group BIP. As indicated earlier, there is scarce research on these larger, community-level impacts of programs and this is an area for future exploration.

**What to Make of All This?**

There is certainly controversy over whether group BIPs are useful as one element in a community's response to domestic violence. This controversy has accompanied BIPs since their inception in the 1970s and will likely continue to do so into the foreseeable future. The small psycho-education groups we call batterer intervention programs or BIPs seem to achieve documented positive changes among many participants who complete them and more so when they are part of a coordinated community response. These positive findings resulted from decades of study that also leave many questions unanswered. We still do not have clear answers to *what* in BIPs creates change among the participants, *how* to reach men ambivalent about making change before costly law enforcement and social service systems become involved, and *how* to respond to program dropouts and recidivists, especially those who continue to cause injury to their partners while enrolled in a program.

Many question efforts to treat a society-level problem only through individual-level responses. The movement to prevent violence against women has recognized the importance of the community context and the need to go well beyond small group BIPs to include community coordination

and mobilization as well as primary prevention efforts aimed at changing social norms that promote violence against women (see Shepard, 2008; Shepard & Pence, 1999; Cohen, Davis & Graffunder, 2005; WHO, 2009). Perhaps one of the strongest findings in this review is that integrating BIPs as part of a larger community effort enhances outcomes of men participating in group programs.

This review provides some initial answers to questions frequently raised regarding the success of BIPs. It also, however, points to many still unanswered questions about intervention with men who batter. Additional research will hopefully clarify the components of small group programs that are most effective, how such programs are best integrated as part of coordinated community responses, and how they may impact the community at large.

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## In Brief: Groupwork with Men Who Batter

Jeffrey L. Edleson, Ph.D.

Changing public attitudes, the outcomes of several landmark cases, pressure from advocacy organizations, and findings from new research led to a greater readiness among police, prosecutors, judges, and social service professionals to work more closely within a coordinated community response to identify and prosecute men who batter their intimate partners and then mandate the men into group treatment programs. Historically, there have been many efforts to help end domestic violence; however it was only in the late 1970s that the first group treatment programs for men who batter were founded. Currently, there is wide variation in content, style, and length of batterer intervention programs, from small group treatment programs to universal prevention efforts.

### Group Treatment Approaches for Men Who Batter

Treatment programs for men who batter, often called “batterer intervention programs” or “BIPs”, are generally small group programs offered by one or two professionally-trained facilitators working with about eight to 10 men who batter. Generally, participants join and progress through the group process at the same time as a cohort but in some cases may join and leave the group at set times, different from other members. Some group programs are supplemented by on-site individual counseling or referral to another practitioner. Most BIPs across North America use some combination of both educational lessons and psychosocial or therapeutic processing among group members. Many programs draw heavily on social learning models that aim to teach new cognitions and actions and on a gendered lens for analyzing power relationships in violence between intimates.

### Key Findings from the Published Research on Batterer Intervention

There is great controversy surrounding both the current practices of the criminal justice system mandating treatment, as well as the effectiveness of group treatment programs to which men are sent. With many dozens of evaluations now published, we have some ideas about how group BIPs work to end violence and seven key findings about group BIP effectiveness can be drawn:

1. Across studies, group BIPs have a modest but positive impact on ending violence;
2. Group BIPs help the majority of men end their physical violence over a period of time;
3. It is not yet clear what components of group BIPs help create these changes;
4. It appears that group BIPs incorporating motivational enhancement components help more men change;
5. Personality type does not appear to predict different outcomes;
6. Programs designed for men of color achieve similar outcomes to other BIPs; and
7. Group BIPs that are part of coordinated responses with the criminal justice system achieve better outcomes.

### Current Concerns about Batterer Intervention Programs

The above literature on group BIPs raises several concerns that have not yet been adequately addressed. These concerns include:

- Attrition from programs is high and presents a major challenge to BIP effectiveness;
- Most recidivism by men who batter appears in the first 15 months after enrollment, a period longer than most group BIP programs;
- A small number of men appear to be the most dangerous and may require additional attention;
- Substance abuse and mental health problems commonly co-occur with violence perpetration;
- Women’s assessments of their own safety often provide the best assessments of danger; and
- Outcomes beyond individual recidivism should be considered.

### **What to Make of All This?**

There is certainly controversy over whether group BIPs are useful as one element in a community's response to domestic violence. This controversy has accompanied BIPs since their inception in the 1970s and will likely continue to do so into the foreseeable future. The small psycho-education groups we call BIPs seem to achieve documented positive changes among many participants who complete them and more so when they are part of a coordinated community response. These positive findings resulted from decades of study that also leave many questions unanswered. We still do not have clear answers to what in BIPs creates change among the participants, how to reach men ambivalent about making change before costly law enforcement and social service systems become involved, and how to respond to program dropouts and recidivists, especially those who continue to cause injury to their partners while enrolled in a program.

This review provides some initial answers to questions frequently raised regarding the success of BIPs. It also, however, points to many still unanswered questions about intervention with men who batter. Additional research will hopefully clarify the components of small group programs that are most effective, how such programs are best integrated as part of coordinated community responses, and how they may impact the community at large.

See the full Applied Research paper: Edleson, Jeffrey L. (2012, February). Groupwork with Men Who Batter: What the Research Literature Indicates. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence. Available at: <http://www.vawnet.org>

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