



WASHINGTON
COURTS
ADMINISTRATIVE OFFICE OF THE COURTS

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

MEETING
FRIDAY, SEPTEMBER 13, 2013

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

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

2013-2014

CHAIR

Honorable Barbara A. Madsen
Washington State Supreme Court

VICE-CHAIR

Honorable Ruth Gordon
Jefferson County Clerk

MEMBERS

Ms. Sara L. Ainsworth
University of Washington School of Law

Mr. Ronald E. Miles
Spokane County Superior Court

Ms. Mirta Laura Contreras
NW Immigrant Rights Project

Honorable Marilyn G. Paja
Kitsap County District Court

Ms. Terri K. Cooper
Cheney Municipal Court

Honorable Mark W. Pouley
Swinomish Tribal Court

Honorable Michael H. Evans
Cowlitz County Superior Court

Ms. Leslie J. Savina
Northwest Justice Project

Dr. Margaret Hobart
WSCADV

Honorable Ann Schindler
Court of Appeals Division I

Honorable Judy Rae Jasprica
Pierce County District Court

Ms. Gail Stone
King County Law and Justice

Professor Taryn Lindhorst
University of Washington

Honorable Tom Tremaine
Kalispel Tribal Court

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

Mr. David Ward
Legal Voice

Honorable Eric Z. Lucas
Snohomish County Superior Court

Vacant
Executive Director

Honorable Rich Melnick
Clark County Superior Court



WASHINGTON
COURTS

GENDER AND JUSTICE COMMISSION

SEATAC AOC OFFICE

FRIDAY, SEPTEMBER 13, 2013

CHIEF JUSTICE BARBARA MADSEN, CHAIR

HONORABLE RUTH GORDON, VICE CHAIR

Agenda

CALL TO ORDER (approval of minutes, introductions, etc.)

COMMISSION BUSINESS

- Chair Report Chief Justice Barbara Madsen
 - Recognition of Myra Downing
 - Workplan Approval
 - New Member Recruitment
- Staff Report Ms. Pam Dittman
 - Contract for Monitoring and Sentencing
 - Judge's and Law Student Reception & Scholarship Event
 - Annual Conference Programs
 - Tribal State Court Consortium
 - STOP Grant Funds
 - WSBA Implicit Bias CLE

COMMITTEE REPORTS

- Domestic Violence Ms. Terri Cooper
- Education Judge Rich Melnick
- Incarcerated Women & Girls Ms. Sara Ainsworth
- Immigration Judge Ann Schindler

ARTICLES

- And Justice for All: Assuring Access to Justice is Critical for the Poor 23
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- Making Law School Cheaper 33
- Gay Marriages Get Recognition from the IRS 35
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ADJOURNMENT

DV Sentencing and Monitoring Project

Project Goals: 1) Explore and evaluate potential combinations of sentencing conditions that seem to have a positive effect on recidivism and what resources are required by courts to implement these sentencing conditions and 2) assess the impact of judicial monitoring on reducing recidivism.

Responsible Party: DV Committee

Judge Judy Jasprica, (Chair), Terri Cooper, Dr. Margaret Hobart, Grace Huang, Judge Eric Lucas, Judge Rich Melnick, Leslie Savina, Judge Tom Tremaine, David Ward

Vendor: The Center for Court Innovation (CCI)

Funding: \$80,000 STOP funds (PSC14119)

Timeframe: September 1, 2013 – May 31, 2014

Member Responsibilities:

- Formulate deliverables for contract - *Completed*
- Participate in conference calls with vendor to monitor completion of work plan
- Be part of a site visit team
- Review progress and final reports

Staff Responsibilities:

- Regular point of contact for vendor
- Monitor work of contract to ensure vendor meets contract conditions
- Be part of site visit team
- Provide progress report to Commission

Time Commitments	
Commission Members Monthly Calls Travel to site visit	Staff 4 hrs a week

Updated 8.30.2013

Stalking Order Legislation ESHB 1383m, Section 21 (2)

Responsible Party: DV Subcommittee

(2) The Washington State Supreme Court Gender and Justice Commission, to the extent it is able, in consultation with Washington Coalition of Sexual Assault Programs, Washington State Coalition against Domestic Violence, Washington Association of Prosecuting Attorneys, Washington Association of Criminal Defense Lawyers, and Washington Association of Sheriffs and Police Chiefs, consider other potential solutions to reduce confusion about which type of protection order a petitioner should seek and to provide any recommendations to the legislature by January 1, 2014.

DV Subcommittee Responsibilities:

Members: Terri Cooper (Lead), Ruth Gordon, Mette Earlywine, Leslie Savina, and Merrie Gough (staff to Pattern Forms Committee)

- Review existing forms
- Prepare possible solutions for consideration by larger group
- Generate list of attendees for larger meeting (WASPC, WAPA, Clerks, SCJA, DMCJA, SCA, DMCMA, WSCAP, Sexual Assault Law Center, Washington Association of Criminal Defense Lawyers, Washington Defender's Association)
- Subcommittee Lead facilitate the meeting
- Present recommendations at large group meeting
- Review draft legislative report

Staff Responsibilities:

- Invite representatives from interested agencies and organizations that would be effected by a change in order forms:
- Make meeting arrangements and prepare meeting materials
- Prepare and send meeting notes to participants for review and comment
- Draft legislative report and send to large meeting participants for review and comment
- Prepare and submit final legislative report

Time Commitments	
Commission Members Monthly Calls (thru Jan 2014) 1-2 hour meeting	Staff 2 hr a week (thru January 2014)

Stalking Order Legislation ESHB 1383m, Section 21 (1)

The Pattern Forms Committee is developing a master petition per the legislation. Commission Staff will continue to monitor the progress.

Updated 7.31.2013

Effectiveness of Batterer’s Intervention Programs (BIP)

Strategically discuss as a Commission how we address the WSIPP report.

Members proposed: 1) a webinar addressing treatment as an intervention strategy and “one size doesn’t fit all” was proposed; and 2) follow-up in some fashion utilizing the DV Sentencing and Monitoring Project findings.

Responsible Party: Judge Marilyn Paja (Lead), Chief Justice Madsen, Dr. Margaret Hobart, Judge Rich Melnick, Judge Tom Tremaine, Judge Eric Lucas

Timeframe: September 2013 – April 2014

Member Responsibilities

- Meet with Washington State Institute for Public Policy (WSIPP) to review their findings and anticipated next steps
- Participate in conference call with Attorney General’s Office DV Committee regarding their work agenda
- Identify batterer treatment expert, such as Anne Ganley, and discuss WSIPP report and their findings associated with BIP.

Staff Responsibilities:

- Maintain regular contact with WSIPP regarding DV research they may be conducting
- Attend Attorney General’s Office DV Committee meetings
- Follow up with Department of Social and Health Services regarding the monitoring of BIP’s.
- Ensure that BIP topic is on DV Committee agenda for ongoing reviews and updates
- Identify possible grant opportunities and develop & submit grant application

Time Commitments	
Commission Members Monthly Calls	Staff 1 hr a week

Updated 8.30.2013

Custody and Child Welfare

This would be a new area for the Commission. Commission members are interested in two areas: 1) addressing problems created by children witnessing domestic violence and 2) monitoring placement of children.

Responsible Party: Sub-Committee of DV Committee
Dr. Margaret Hobart, Leslie Savina, Judge Tom Tremaine, David Ward

Member responsibilities:

- Participate in conference call to generate possible areas of overlap with entities who work on custody and child welfare issues
- Meet with a representative from the Commission on Children in Foster Care (CCFC) to discuss areas of overlap and possible joint projects
- Meet with SCJA Family Law Committee (FLC) to discuss areas of overlap and possible joint projects
- After reviewing meeting notes, participate in a conference call to review information gained at meetings and come to consensus on next steps
- Make a presentation to the GJCOM regarding recommendations for future actions

Staff Responsibilities:

- Arrange and attend meeting with representatives from CCFC and FLC
- Prepare a summary of meeting notes and send to all parties for review and comment
- Commission work: deciding if or what involvement they would like to pursue.
- Draft committee recommendations report
- Based on decision of Commission, prepare work plan

Time Commitments	
Commission Members Monthly Calls	Staff 4 hrs a week

Updated 7.31.2013

Court Improvement Program Training Grant

Responsible Party: Sub-Committee of DV Committee (participants to be determined)

Funding: \$50,000

Timeframe: October 1, 2013 – April 2015

Training Grant to provide 2 1-day educational programs about sexual violence to Washington State judicial officers. The one-day trainings will include four topics covered in NJEP's *Understanding Sexual Violence* curriculum: (1) the neurobiology of trauma; (2) offenders/non-stranger rapists; (3) key legal and evidentiary issues in Washington State; and (4) jury selection and decision making in sexual assault cases. The Gender and Justice Commission plans to enhance the jury decision making part of the curriculum by inviting a panel of Washington jurors who have deliberated on sexual assault cases to address the judges at the program.

Member Responsibilities:

- Participate in conference calls
- Provide input to education curriculum (curriculum is developed)
- Identify and assist with developing follow-up training and/or webinars if needed

Staff Responsibilities:

- Schedule conference calls with faculty and commission members
- Schedule and arrange for training locations
- Create event registration, save the date flyer
- Follow up with participants for evaluations, certificates of completion, etc
- Administrative duties
 - Send out invite letters, track RSVPs
 - Meeting materials
 - Process any contracts, invoices, etc.
 - Monitor and track grant funds and complete reporting for grant
 - Process travel related items
 - Submit for CLE/CJE

Updated 9.9.2013

Dependency and Dissolution Proceedings Incarcerated Women & Girls

This would be a new area for the Commission/Committee. Goal of this project is to recognize and address issues that affect incarcerated women and girls with regards to access to counsel and the courts in parental rights and family law proceedings. The proposed work would be as follows: The Committee would conduct 1-2 "focus" groups with incarcerated women at WCCW/DOC Institution, Northwest Detention Center, or local jail to confirm the areas of concern identified by legal services attorneys and community advocates. Second, the Committee would invite representatives of the DOC, jails, public defense, and judges to identify solutions to the gaps in access. (For example, the Committee is aware that incarcerated mothers are frequently unaware that they have a right to counsel in dependency proceedings; they are informed of court hearings by mail after the hearings have passed; they are unable to schedule timely phone conferences or are unable to appear in court by telephone, etc.) The Committee believes that the Commission could lead these stakeholders towards solutions that ensure that incarcerated women retain their rights to access to the courts, especially when child custody and parental rights are at stake.

Responsible Party: Incarcerated Women & Girls Committee

Sara Ainsworth, Chair; Laura Contreras, Judge Michael Evans, Ruth Gordon, Leslie Savina, Gail Stone, David Ward

Member Responsibilities:

- Attend "focus groups" at identified locations (WCCW/DOC institutions, Northwest Detention Center, or local jails)
- Identify organizations and individuals to invite to 1-2 "access" meetings to discuss the problem and identify solutions
- Determine implementation strategies for solutions
- Prioritize strategies and determine next steps
- Review work plan and present to Commission for final approval

Staff Responsibilities:

- Identify and work with staff at locations (WCCW/DOC institutions or local jails) to arrange for focus groups
- Invite identified organizations and individuals to "access" meetings; arrange for meetings; follow up with invitees after meetings
- Write up findings after focus groups identifying strategies/recommendations to address areas of concern and present to members
- Legislative follow-up, if needed
- Schedule Committee conference calls
- Draft work plan for committee

Evaluation:

- Follow-up at designated periods of time to ascertain what actions have been taken to address strategies/recommendations outlined in the findings

Time Commitments	
Commission Members	Staff
Monthly Calls	3.5 hrs a week
1-2 hrs to travel to focus groups	
3-4 hours for access meetings	

Updated 9.6.2013

DRAFT

Shackling Follow-Up

The Commission was instrumental in legislation passed in 2010 on shackling of incarcerated pregnant women and girls. The Commission made the decision to release a public disclosure request to all jails, juvenile rehabilitation centers, and the Department of Corrections requesting information on shackling of pregnant women and girls. The objective is to determine compliance with new law.

Responsible Party: Incarcerated Women & Girls Committee & Staff

Subcommittee Responsibilities:

- Review public disclosure requests

Staff:

- Write report to Legislature on responses from the public disclosure request

Time Commitments

Commission Members

1-2 hours to review final report

Staff

10 hours to complete report
(September 2013)

Updated 9.6.2013

Communications

The focus of this Committee is to look at projects and areas that enhance the Commission's communication and outreach such as annual report, website, Commission materials, social media, etc.

Responsible Party: Ruth Gordon, Chair. **If you are interested in participating in this Committee, please contact Pam Dittman or Ruth Gordon.**

Timeframe: On-going

Members:

- Commit time quarterly to look at GJCOM website
- Identify areas to update
- Write content as needed
- Propose ideas for website and annual report content
- Review and revise content as necessary
- Review annual report and revise for content

Staff:

- Commit time monthly to update materials
- Commit time quarterly to check and update links
- Liaison with members and AOC IT staff for technical assistance and changes
- Work with IT staff to determine "page hits"
- Provide regular review of website
- Design and draft annual report

Time Commitments	
Commission Members Conference Calls as needed	Staff 2 hrs a week (on-going)

Updated 8.30.2013

Legislative Work

Active During Session

The goal of this committee is to provide information to the Commission on pending legislation, track legislation, and provide the Commission’s view (not opinion) of the legislation.

Responsible Party: Legislative Workgroup
David Ward, Chair; Gail Stone, Ruth Gordon, Ron Miles, Terri Cooper

Member Responsibilities:

- Commit to weekly conference calls during session
- Identify and discuss legislation that is pertinent to GJCOM
- Advise Commission where there may be concerns and determine who best to collaborate with

Staff Responsibilities:

- Commit time monthly to update materials
- Commit time yearly to check and update links
- Liaison with members and AOC IT staff for technical assistance and changes
- Work with IT staff to determine “page hits”

Time Commitments	
Commission Members	Staff
Weekly Calls (during session)	4 hrs a week (during session)

Updated 7.31.2013

Tribal State Court Consortium

Create and maintain a forum for discussion of inter-jurisdictional issues between tribal and state courts. Topics addressed are domestic violence and sexual assault issues, dependency cases involving Indian children, and the disproportionate number of Indian youth in the juvenile justice system.

Funding: \$20,000 GJCOM; \$20,000 CIP; \$20,000 (pending) Dept of Commerce

Responsible Party(ies): Gender & Justice, Minority & Justice, and Commission on Children and Families

Judge Mark Pouley, Judge Theresa Pouley, Judge Tom Tremaine, Judge Patricia Clark, Justice Charles Johnson, Cindy Bricker (AOC Staff)

Member Responsibilities:

- Once a structure is agreed upon, participate in monthly calls.
- Provide quarterly reports to the three sponsoring Commissions
- If decision is made to continue with site visits, be a member of the site team.
- Review reports

Staff Responsibilities:

- Arrange and participate in monthly planning meeting calls
- Work with members and faculty in developing educational programs
- Research and draft report that identifies inter jurisdictional issues between tribal and state courts.
- Prepare material for and attend sponsoring Commission meetings when reports are being presented
- Participate in site visits and prepare progress reports for site and Commission review.

Upcoming Event:

- The Consortium is planning an event on September 23 at Fall Judicial Conference. Committee Members are conducting phone calls inviting tribal judges and are also locating funds to assist with travel.

Time Commitments	
Commission Members	Staff
Monthly Calls	4 hrs a week
Travel to site visit	

Updated 7.31.2013

Judicial Reception – Wednesday, November 13, 2013

The Commission co-sponsors a yearly reception where judicial officers and female law students inter-mingle providing opportunities for both parties to interact and discuss careers etc. Additionally, the reception recognizes an outstanding student and provides a scholarship.

The scholarship rotates among the three law schools: Seattle U, UW, Gonzaga.

Responsible Party: Judith Lonquist, Judge Marilyn Paja, Chief Justice Madsen

Funding: Scholarship – \$500 from NAWJ and \$500 from Washington Association for Justice (formerly Washington Trial Lawyers Association). Law Offices of Graham and Dunn is hosting the reception at their office on Pier 70.

Member Responsibilities:

- Participate in conference calls
- Attend (if possible)

Staff Responsibilities:

- Set up conference calls to select scholarship winner
- Work with law students to organize reception
- Follow-up with thank you letters

Note: The Commission had discussed ways to follow-up with students who attended the reception to find out if their interaction at the reception led to job prospects and/or mentoring opportunities.

Time Commitments	
Commission Members Monthly Calls	Staff 20 – 25 hours for project

Updated 8.30.2013

EDUCATION

Education Committee Member Responsibilities: (Judge Rich Melnick, Chair)

- A member of the Commission will be the liaison with each of the judicial and court associations – SCJA (Judge Rich Melnick), DMCJA (Judge Judy Jasprica), SCA (Ron Miles), DMCMA (Terri Cooper), and Clerks (Ruth Gordon). In this capacity, they will work with the associations' education committees to identify topics of interest or need.
- The Education Committee will be available to assist in the development of the session to ensure it is interactive and true to adult learning theory.

Time Commitments	
Commission Members Monthly Conference Calls	Staff 2 hours a week

Please Note: Ideas for educational programs may be generated from the Commission members who do not serve on the Education Committee. The Education Committee Chair, working with staff, will coordinate the submission of those proposals

Proposed Topics for Spring Programs

- LGBT family law: This may be sufficiently covered in the marriage session at the fall conference, but a follow up may be warranted.
- LGBT anti-discrimination law (employment, housing, public accommodations): This is still a hot area, with the cases in the Tri-Cities and may be worth a full session.
- LGBT youth issues: There's probably enough here for a full session, but it may be too narrow
- A session focused on transgender legal issues – this may be a bit narrow, but it is an often overlooked population and the issues are not well understood

Updated 7.31.2013

EDUCATION

Fall Conference (All are Choice Sessions)

1. Session Topic/Title: Power and Reach of the Internet

Session Description (articulating key issues to be presented):

The centrality of the cyber world to our lives poses special challenges and ethical questions regarding justice, equality and privacy. This session addresses judicial ethics and staff management issues related to the use of social media; civil liberties and sentencing issues for those charged with internet-based crimes or whose sentences include prohibitions on internet use; proposals for law reform that better capture cyber stalking and internet-based sexual harassment; as well as First Amendment and privacy concerns in the context of the internet.

Session Objectives: Judicial officers will:

- Discuss and analyze the first and fourth amendment and the applicability in court cases and court business.
- Identify the potential scenarios in their courtroom related to restrictions on internet use.
- Discuss the ethical questions posed because of sentencing restrictions and determining the breadth of that restriction.
- Discuss social media access and postings and what can and can't be restricted for court personnel
- Discuss and analyze the use of the internet in judicial campaigning
- Discuss the responsibility of the host for postings on web sites and facebook

2. Session Topic/Title: Same-sex marriage: What it means for couples and the courts

Session Description: Explain how changes to Washington's marriage and domestic partnership law following passage of Referendum 74 affect same-sex couples; identify issues involving same-sex couples that are likely to be presented to courts, with an emphasis on family law, recognition of out-of-state marriages and civil unions, employment benefits, and public benefits; explain the impact of two cases that the U.S. Supreme Court will decide in 2013 concerning same-sex marriage, including one challenging provisions of the federal Defense of Marriage Act (decisions expected in late June 2013).

Session Objectives: Participants will understand and apply the provisions of Referendum 74 and the U.S. Supreme Court's decisions on marriage for same-sex couples; appropriately address cases and scenarios involving same-sex couples in a variety of contexts.

Updated 7.31.2013

3. Session Topic/Title: Emerging Issues of Nations in Transition

Session Description: This session will discuss and explore the challenges for those served by our courts when nations collide. This year, the Gender and Justice Commission, the Minority and Justice Commission, and the Commission on Children and Foster Care committed to form and support a Tribal/State Consortium. The purpose of the consortium is for Tribal and State Courts to work together in developing collaborative policies and practices that ensure the best service for those who appear in both courts as well as honor the laws and customs.

This session will explore the challenges for judicial officers when dual jurisdiction cases come before them.

Session Objectives Judicial officers will:

- Define the areas of overlap between Tribal and State Courts
- Discuss and analyze the challenges and opportunities for developing agreed upon protocols for Indian Child Welfare Cases, domestic violence cases, and serving Native youth who are overrepresented in our court system.
- Explore the ethical questions posed by serving two governments.

Time Commitments	
Commission Members Monthly Conference Calls	Staff 2 hours a week until October

Updated 7.31.2013

Research Agenda: Gender Bias Report

This is a new project. Review and Update 1989 Washington State Task Force on Gender and Justice in the Courts Gender Bias Research Report. It is recommended that the actual study, if the Commission chooses to proceed, would not be undertaken until next year. This would allow staff time to secure funding and assistance to complete the study.

Responsible Party: Judith Lonquist, Chair; Dr. Taryn Lindhorst to design the study; Judge Michael Evans

Member Responsibilities:

- Review 1989 Report
- Review staff report regarding other studies on gender bias and gender inequality
- Meet with other entities who are also working on gender equity issues, i.e., Washington State Bar Association and the Initiative for Diversity and discuss overlaps
- Prepare recommendation for Commission regarding updating all or part of report

Staff Responsibilities:

- Review 1989 Report
- Research and report on other studies that have been conducted regarding gender bias and gender inequality in the Courts to assist with identifying what focus should be
- Work with Chair in determining cost of update
- Identify and include other entities such as IDGC and WSBA
- Identify and prepare grant proposal(s) (Note: funding streams may be available from IDGC, WSBA, NAWJ)
- Prepare a work plan for Commission review that includes personnel needs (graduate students and statisticians), Commission responsibilities, staff responsibilities, budget, and work schedule.

Time Commitments	
Commission Members Monthly Calls	Staff 2 hour a week

Updated 7.31.2013

Pipeline Project

PENDING

Goals: 1) Build a working network of stakeholders who offer pre-college youth diversity pipeline programs in Washington State and come to consensus regarding objectives of pipeline programs; 2) Create an on-line interactive repository of pipeline programs that identifies target audience, sample agendas, activities, evaluation tools, and best practices; and 3) Work with national experts to prepare a paper that documents lessons learned and promising practices.

Funding: \$48,000 Funds will pay for an evaluator to work with group and to bring parties together for collaborative planning.

Member Responsibilities:

- Participate in calls to plan the event
- Participate in event
- Work with staff and stakeholders in identifying materials and resources for on-line repository
- Review work of evaluator
- Review reports drafted by staff and evaluator

Staff Responsibilities:

- Schedule pre-meetings with key people from pre-college youth diversity pipeline programs, State’s law schools, WSBA, national programs, etc. to identify stakeholders
- Schedule stakeholder meetings
- Gather information on existing programs
- Identify evaluator who will assist with developing evaluation measures and define ways to collect and disseminate the data
- Monitor evaluator contract
- Assist with development of follow-up webinars
- Arrange for annual meeting of stakeholders
- Administrative duties
 - Send out invite letters, track RSVPs
 - Meeting materials
 - Process any contracts, invoices, etc.
 - Monitor and track grant funds and complete required reporting
- Create an on-line interactive repository of pipeline programs that identifies target audience, sample agendas, activities, evaluation tools and best practices
- Work with national experts to prepare a paper that documents lessons learned and promising practices.

Time Commitments	
Commission Members	Staff
A few monthly calls Participation in event	4 hours a week when the event is being planned

Updated 7.31.2013

DV & Firearms

Re-Visit 2014

Continued work needs to be done on domestic violence and firearms possession. It was recommended that this topic be revisited next year. In the meantime, staff and members indicated they will identify other entities (such as Washington Appleseed) that are focused on the judicial perspective and determine how we could collaborate and/or interact.

Human Trafficking

Re-Visit 2014

This would be a new area for the Commission. It is recommended that the Commission determine how to address the issue of human trafficking and specifically, the area of young girls forced into prostitution.

Responsible Party: TBD (Sara Ainsworth, Judge Michael Evans)

Member Responsibilities:

- Review staff report and identify next steps

Staff Responsibilities:

- Identify groups working on Human Trafficking issues in Washington State
- Through identifying groups working on this topic, research and draft report to Commission outlining possible strategies to address this topic and possible collaboration areas. Include information on associated legislation from 2013 session and how legislation impacts court system
- Based on how members would like to proceed, prepare workplan for Commission Review that includes personnel needs, Commission responsibilities, staff responsibilities, and work schedule

Time Commitments	
Commission Members Monthly Calls	Staff 1 hour a week

Updated 7.31.2013

**Research Agenda: Gender Responsive
Risk /Needs Assessment Tool**

Re-Visit 2014

This would be a new area for the Commission. Research on women in the Criminal Justice System finds that existing risk/needs assessments do not tap needs most pertinent to women and that women have additional needs/factors than men. It is proposed that this project would identify entities (DOC, Courts, and Juvenile Detention Centers, etc) that are using risk assessments and evaluate whether the gender responsive tool would be useful for different entities.

Responsible Party: TBD

Staff Responsibilities:

- Identify various risk assessments being used in DOC, Courts, Juvenile Detention Centers, etc.
- Through research and review of gender responsive risk/needs assessment tools, draft a report including comparisons or pros/cons of using this type of tool vs. other standardized risk assessments and propose strategies on whether to implement a gender responsive tool. Provide report to Commission members and upon their assessment, determine course of action

Time Commitments	
Commission Members TBD	Staff TBD

Updated 7.31.2013

SAVE THE DATE

4th Annual

Judicial Officer & Law Student Reception

Date: Wednesday, November 13, 2013
Time: 5:00 p.m. to 7:00 p.m.
Where: Offices of Graham & Dunn PC
2801 Alaskan Way, Suite 300 - Pier 70
Seattle, Washington

Please join us for the 4th Annual Judicial Officer & Law Student Reception which provides the opportunity to meet, mingle, and support the professional development of women who will be entering the legal profession. In addition, we will be awarding a \$1,000 scholarship to a University of Washington law school student.

For questions or other information, please contact
Pam Dittman at pam.dittman@courts.wa.gov or 360.704.4031

Co-hosts

- Graham & Dunn PC
- National Association of Women Judges
- Washington Association for Justice (formerly Washington Trial Lawyers Association)
- Washington State Supreme Court Gender & Justice Commission

And Justice For All: Assuring access to justice is critical for the poor

by Hans Slette

July 17, 2013, 11:55 a.m.

Access to justice and due process of law are concepts many of us take for granted.

But in civil (non-criminal) cases where there is no right to a court-appointed attorney, engaging the judicial system is prohibitively expensive for many people. Filing fees, surcharges, court costs, attorney fees, litigation expenses, the need to take unpaid time off work in order to attend a hearing or trial — all these are barriers to justice for lower-income people.

As an attorney at Northwest Justice Project in Wenatchee for the past seven years, I have witnessed the challenges that people face when confronted with the need to resolve a civil legal issue. Northwest Justice Project is a publicly funded legal aid program with offices throughout Washington state. In North Central Washington, we have six attorneys in Wenatchee, and two more in Omak. In the coming months, my colleagues and I will share stories with Wenatchee World readers about how low-income residents of North Central Washington are achieving justice in our communities.

Along those lines, the Washington State Supreme Court recently issued a unanimous decision in a case called *Jafar v. Webb* that will enhance access to justice in Washington courts. The decision clarifies a 2010 court rule creating a process and standards to waive court fees for low-income people. Unfortunately, it was poorly administered throughout the state.

Northwest Justice Project led the statewide effort to fully implement the rule and submitted a “friend of the court” brief arguing for full fee waivers for “indigent” litigants.

The *Jafar* case involved a mother seeking a parenting plan governing custody and visitation to ensure the safety of her 19-month-old son when he was in his father’s care. Ms. Jafar, who is low-income, applied for a fee waiver. The Superior Court granted only a partial fee waiver, leaving Ms. Jafar responsible for fees she could not pay, and therefore denying her access to the judicial process.

The Washington Supreme Court accepted the case directly from the Superior Court and made it clear that access to justice is a fundamental principle of our justice system, and the system must be accessible to everyone, regardless of income. The Court stated “The plain meaning of GR 34 establishes that a trial court must waive all fees once a

litigant is determined to be indigent under the rule,” meaning “a complete waiver in order to allow access to the courts.”

What a wonderful result for all Washingtonians.

Hans Slette is an attorney with the Northwest Justice Project. He can be reached at hanss@nwjustice.org

The News Tribune

Next Story >

Mentally disabled teen missing from Bonney Lake-area home

Former prostitute opens up about trafficking's dark nature

Published: August 19, 2013

By STACIA GLENN — Staff writer

The bruises have faded and the bones fused back together, but the pain still lingers as a constant companion.

It's been five years since Nicole escaped a Lakewood man who, when she was a teenager, used love to pressure her into prostitution and brutal beatings to control her for four years.

Hers is a relative success story in the dark world of human trafficking.

"I don't really think of myself as a victim," she said last week. "I'm a survivor."

Nicole completed her associate degree, is holding down a 9-to-5 job, owns her own car and is studying to be a paralegal. But she can't escape her past, and so she struggles.

Potential employers shake their heads after learning of her prostitution arrests. Her credit is shot because of the hospital bills accumulated by the severe assaults she suffered at the hands of her abuser. She finds it hard to build relationships, even with family members, and doesn't believe people who say they love her.

The cops and federal prosecutors who put her pimp behind bars describe Nicole as strong and courageous, which she is starting to believe. That courage made her want to tell her story, to be a voice for the multitude of underage girls being forced to sell their bodies.

She wants people to know many are lonely, scared girls looking for love, not dirty criminals out for a good time. She says they often don't have a choice to leave once in the clutches of the pimps.

"Every time I ran away, I had nothing to run to," Nicole said. "My abuser was really manipulative. ... He actually had me believing it was a real relationship."

She met Juan Vianez, then 26, a week after she turned 17 and began dating him. He used coercion and threats to lure her into prostitution, claiming he would blow up her mother's house if she didn't cooperate.

Yet she believed he loved her, that they were starting a future together.

In her first three hours on the street, Nicole made \$750, which she turned over to Vianez. He treated her nice at first, said the things she longed to hear and took her on elaborate shopping sprees.

He bought Nicole her first pair of high heels, which she practiced wearing around the house. It wasn't long before she was sporting a tattoo with his street name, something she initially thought was a privilege until he began branding other girls as well.

He trafficked her around the country but she spent most of her time in Tacoma, Las Vegas and Hawaii. It was a year before she became his head girl and was made responsible for four other underage girls he was prostituting.

It was Nicole's job to post online ads and run interference between them and Vianez. A self-described tomboy standing 6-feet-2, Nicole took the beatings for some of the smaller girls and tried to run off the youngest ones Vianez brought home.

When she was 18, Nicole tried to run. She worked a "regular job" for a month before Vianez found her and brought her back. She said that without a house or anyone to help her, she had no choice but to return.

The beatings worsened, sometimes for nothing more than fixing a sandwich wrong. He punched her, kicked her, covered her with pepper spray, locked her in a closet and forced her to stand in freezing showers for up to eight hours.

"It was difficult ... I wanted to leave so bad," Nicole said.

Vianez began sending her to travel alone, an arrangement that suited her fine because it meant a reprieve from his fists. She would wire him some money earned by prostituting and visit monthly to hand over the rest. She estimates she gave him \$4,000 to \$5,000 each week.

The turning point came in August 2007 while she was staying with Vianez at his father's house in Tacoma.

Vianez got mad at Nicole and attacked, hitting, kicking and choking her. He hit her in the back with a 2-by-4 board and repeatedly threatened to kill her.

Still, she didn't turn him in.

Twice more that week, he doled out physical abuse that led to her friend insisting she go to the emergency room.

Nicole was covered in bruises. Her face was swollen, and one of her eyes swelled shut. She had a broken nose, a broken bone in her eye socket, a broken hand, broken ribs and a hole in her ear drum.

"I don't know if you know who Quasimodo is, but I looked worse than him," she said. "I probably have more iron in me than Iron Man."

She had reconstructive surgery on her face and has to wear glasses because she has double vision from the damage to her eye.

Still, when police officers questioned her in the hospital, Nicole referred to Vianez as her boyfriend.

Vianez was charged with first-degree assault but was bailed out of jail and found Nicole in Portland. He convinced her to go on the run so the charges would be dropped.

She went into hiding for 11 months and the charges were dropped. She returned to Washington in October 2008, was arrested on a material witness warrant and kept safe from Vianez, who was arrested the same day.

Federal prosecutors ultimately charged Vianez with sex trafficking, interstate transportation of a minor in furtherance of prostitution, interstate transportation in furtherance of prostitution and witness tampering.

He was convicted and sentenced to 20 years in prison, nearly double the sentencing term guidelines. U.S. District Court Judge Robert Bryan said he chose a long term because of the "terribly abusive situation."

We are "not here on a murder charge by luck of the (victim's) strength and medical intervention," the judge said at the sentencing.

Nicole said she now sleeps easier at night but still lives with fear. Vianez's fellow pimps still write her threatening letters. She has bouts of depression and battles waves of hatred for Vianez that overtake her.

She thinks of him sitting in a jail cell, being fed three square meals a day, being clothed and housed. She thinks of herself, struggling to live a normal life, to forget the pain and abuse embedded in her mind.

"Sometimes I don't think it's fair," she said. "There's still a lot of things that come with the past I have ... that make it where I want to give up."

It's those moments she summons her strength, and moves forward.

After all, she has a life.

Editor's note: Information in this story came from court records and Nicole, whom The News Tribune is not naming because she is a victim of a sex crime. Stacia Glenn: 253-597-8653 stacia.glenn@thenewstribune.com

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Officials learn new rules for chat on social media

Constituent communications becomes easier, more perilous, online

Local politicians take to social media for constituent communications. It's easier, but some say it's also more perilous.

Illustration by Marsha Matta/The Columbian

Local politicians take to social media for constituent communications. It's easier, but some say it's also more perilous.

By Tyler Graf

As of Monday, August 26, 2013

On any given day, Washougal Mayor Sean Guard checks his Facebook account a handful of times.

His online compulsion, so to speak, draws him to the social media site to drop words of wisdom, offer shout outs to emerging businesses and occasionally throw some jagged elbows at his political opponents. By now his daily Facebook posts come as second nature, even though no one would confuse him for the second coming of Steve Jobs.

"I am one of the most computer illiterate people around," Guard said. "I don't think I know how to change my photo on Facebook."

Still, since Guard started using the social network in 2009, the onetime computer neophyte has racked up 1,241 friends. Today, he views social media not just as an important tool — but a necessary and, at times, dangerous one.

And he's not alone.

The prevalence of Facebook and micro-blogging sites such as Twitter and little-used Tumblr have created a Brave New World for politicians, even those with previously Luddite tendencies. For Guard, and other public officials, it's a way of communicating directly with constituents.

Studies show that around 72 percent of Americans are on social media. With more than 1 billion active users worldwide, Facebook has moved beyond its early days, when it was a connecting point for college students and a repository for photos of creative drinking practices. It has become, essentially, the Internet within the Internet, linking all aspects of the online world together and creating both a sounding board and connecting point.

According to a 2012 Pew Internet and American Life Study, 66 percent of social media users, or 39 percent of all Americans, have used social media to engage in a form of civic or political activity. The study found that social media users who talk about politics on a regular basis are the most likely to use social media for civic or political purposes.

The study concluded that 38 percent of users of social networking sites use the media to promote, or "like," posts related to politics with which they identify.

Michael Rabby, a communications instructor specializing in social media at Washington State University Vancouver, considers social media a timesaver for politicians.

“At the local level, it’s an easier means of communicating than going door to door,” Rabby said. “And it’s certainly less invasive.”

But the rise in politicized social media also creates what’s known as a silo effect. People take partisan sides from which they don’t deviate and only follow politicians with whom they agree, Rabby said.

Washougal Councilman Brent Boger has a sizable Facebook presence — 2,397 friends and counting. He muses on local politics, as well as broader issues, such as the tenets of classical liberalism.

Boger has a very simple rule for his Facebook page: Keep it interesting. He’s aware of just how many “likes” each of his posts receives.

Of social media, Boger said it allows people to get to know their elected officials better. “Of course,” he added, “we only put in there what we want to put in there.”

He’s no stranger to Web-based controversy, either. That happened last year, when he wrote posts voicing dissatisfaction with the local Republican Party, of which he was a member.

That act rankled some of the Republican rank and file, and Boger ended up apologizing to some of the party leadership with whom he had a personal relationship.

But it didn’t happen before he was labeled a so-called Republican In Name Only, or RINO, on Facebook. He bristled at the name. Boger had just returned from Wisconsin, where he’d been knocking on doors for Gov. Scott Walker, who was facing fierce opposition from Democrats because of his attempt to revamp the state’s rules for collective bargaining among public employees.

When Boger logged onto his computer, he saw one woman in particular had branded him a RINO. He fought the urge to reply.

“I felt like saying, ‘I was doorbelling for Scott Walker. Where were you?’” Boger said. He thought better of it. “I didn’t want to toot my own horn.”

Social media pitfalls

Like many politicians, Vancouver Mayor Tim Leavitt (3,174 Facebook friends) exercises control over his Facebook feed. He locks it down to prevent people from posting disagreeable content.

He calls it “filtering out the nonsense.”

“I don’t tolerate name calling and vulgar language on there,” Leavitt said. “If I think people are getting heated, I’ll post a message saying, ‘Hey, let’s stay civil.’”

The immediacy of social media can lead to trouble. Look no further than Anthony Weiner, the former congressman and current candidate for mayor of New York City, who was twice caught gallivanting on social networks with women he met on Facebook and Twitter.

The first scandal broke because Weiner tried to send a racy “direct message” — Twitter-speak for a message accessible by only one recipient — to a young woman. Instead, he posted it to his public

Twitter feed, viewable by his 50,000-plus followers. In the immediate wake of the scandal, he claimed his Twitter account had been hacked.

Other times, it's controversial posts that get politicians into trouble.

At the local level, state Rep. Liz Pike, R-Camas, (1,463 Facebook friends) found herself paddling against the stream in July when she wrote a post in which she said teachers should be happy with their pay and implied they worked less than most people. She later apologized for her remarks, saying they showed a "little bit of ignorance on my part."

For Camas Mayor Scott Higgins, a Facebook dabbler, "caution" is the most important word, as he sees a greater number of public officials directly addressing constituents.

He has a Facebook account but shies away from publishing posts that could be deemed politically divisive. Like he tells his kids —when you put something online, it's forever.

More than anything, social media allows politicians to craft sound bites, Rabby said, because it enables them to create sanitized images that seem candid but aren't.

The top political pitfall, he said, will be navigating a changing online landscape in which everything is viewed, stored and critiqued.

As for Guard, Washougal's mayor, it boils down to staying connected with the broadest cross section of constituents he can.

"There's no science to it whatsoever," he said. "Out of 1,200 people on my Facebook, there are people from every walk of life."

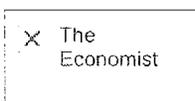
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Democracy in America
American politics

Making law school cheaper

For many, two years is plenty

Aug 28th 2013, 18:36 by The Economist | NEW YORK

“THIS is probably controversial to say, but what the heck,” said Barack Obama on August 23rd. “[L]aw schools would probably be wise to think about being two years instead of three.” Mr Obama once taught constitutional law; his idea could put many of his former colleagues out of work. Yet he has a point.

For most of the 1800s, would-be lawyers (such as Abraham Lincoln) learned the trade as apprentices. Law schools sprouted up late in the century, in two main flavours. Elite universities set up legal departments for posh students; night schools catered to the sons of immigrants.

To stop the proles from sullyng the image of the bar—ahem, to provide sufficient instruction in the intricacies of the law—the snootier institutions convinced the American Bar Association (ABA) to accredit only schools that required a costly three years’ worth of courses for a degree. It still does.

Most of the basic principles of legal analysis can be learned in a year, and law schools have made little effort to teach practical skills, since firms have historically trained new attorneys themselves. So students tend to fill their final year with classes on curious or obscure topics.

Over the past decade, however, fees have soared, requiring students to borrow ever-greater sums: the average 2013 graduate will be \$140,000 in hock, by one estimate. Meanwhile, firms have cut back on hiring, leaving many debt-laden young lawyers unemployed. That has led critics— now including Mr Obama—to suggest that law schools pare their coursework down to two years, letting students to save money and start earning sooner. Cutting costs would also allow more graduates to take lower-paying jobs in public-interest law.

That would benefit students, but not law schools. Already suffering from declining enrollment, they would have to tighten their belts if they lost a third of their tuition revenue. So some schools are trying to reinvent the final year: New York University is placing students in foreign universities or in government, while Stanford has emphasised interdisciplinary classes and clinical courses. Since first-year lawyers at big firms now earn \$160,000 a year, their time has become too valuable to squander on training. “We can use that time to prepare them for practice better and cheaper than firms can,” says Larry Kramer, the former dean of Stanford Law.

But despite Mr Obama’s words, even schools that make no such effort are still shielded by the three-year requirement. The ABA has set up a task force on legal education, and its commission on accreditation standards is now conducting a quinquennial review. Ten of the council’s 21 members come from the legal academy, which wants to maintain the status quo. James Silkenat, the ABA’s president, says he supports “innovation” to reduce costs— but still believes schools yield “a better product with the full three years”.

Many advocates for reform are turning to the judiciary, which sets the rules for bar admission. Last year Arizona began allowing students to take the test while still in law school. If more states follow its lead— and if firms will hire lawyers without an ABA-approved degree, then adventurous law schools might offer a two-year option.

Or perhaps Mr Obama could tell the Department of Education to strip the ABA of its role as the federally sanctioned accreditor if it does not give schools the “flexibility” Mr Silkenat says he favours.

The New York Times

August 29, 2013

Gay Marriages Get Recognition From the I.R.S.

By ANNIE LOWREY

WASHINGTON — All same-sex couples who are legally married will be recognized as such for federal tax purposes, even if the state where they live does not recognize their union, the Treasury Department and the Internal Revenue Service said Thursday.

It is the broadest federal rule change to come out of the landmark Supreme Court decision in June that struck down the 1996 Defense of Marriage Act, and a sign of how quickly the government is moving to treat gay couples in the same way that it does straight couples.

The June decision found that same-sex couples were entitled to federal benefits, but left open the question of how Washington would actually administer them. The Treasury Department answered some of those questions on Thursday. As of the 2013 tax year, same-sex spouses who are legally married will not be able to file federal tax returns as if either were single. Instead, they must file together as “married filing jointly” or individually as “married filing separately.”

Their address or the location of their wedding does not matter, as long as the marriage is legal: a same-sex couple who marry in Albany, N.Y., and move to Alabama are treated the same as a same-sex couple who marry and live in Massachusetts.

“Today’s ruling provides certainty and clear, coherent tax-filing guidance for all legally married same-sex couples nationwide,” Treasury Secretary Jacob J. Lew said. “This ruling also assures legally married same-sex couples that they can move freely throughout the country knowing that their federal filing status will not change.”

Gay and civil rights groups praised the ruling. “Committed and loving gay and lesbian married couples will now be treated equally under our nation’s federal tax laws, regardless of what state they call home,” said Chad Griffin, the president of the Human Rights Campaign. “These families finally have access to crucial tax benefits and protections previously denied to them under the discriminatory Defense of Marriage Act.”

But the Treasury decision could have ramifications for many gay couples’ tax liabilities, said Robertson Williams of the nonpartisan Tax Policy Center in Washington. Couples with

similar incomes often pay the “marriage penalty,” with their tax liability as a couple being much higher than it would be if they were single.

At the same time, same-sex couples will also be able to file amended returns for certain prior tax years, meaning that many couples might be eligible for refunds. Couples do not have to file amended returns if they do not want to, a senior Treasury official said, meaning that couples who might pay the marriage penalty would not owe back taxes.

But the ruling creates complications for same-sex couples who live in any of the 37 states that do not recognize their marriages. Previously, such couples filed federal and state tax returns as individuals. Now, they will have to file their federal returns as other married couples do, but may be required to file their state returns as individuals.

“There’s going to be a cumbersome workaround,” said Nanette Lee Miller of Marcum L.L.P., a public accounting firm. She sees it as a paperwork bother more than a financial issue.

States might also respond to the federal ruling with changes of their own. “Most state income tax regimes begin with federal taxable income as the starting point,” Marvin Kirsner, a tax lawyer at Greenberg Traurig, said in an e-mail. “These state taxing authorities will have to figure out how to deal with a same-sex married couple who file a joint income tax return for federal tax purposes.” He added,

“We will need to see guidance from each nonrecognition state to see how this will be handled.”

The rule change is likely to provide a small increase for federal revenue, as more same-sex couples pay the marriage penalty, Mr. Williams said, describing it as a “rounding error.” But it would be partly offset by new federal spending on benefits for same-sex spouses.

The ruling applies to all legal marriages made in the United States or foreign countries. But it does not extend to civil unions, registered domestic partnerships or other legal relationships, the Treasury said.

The Treasury ruling is one of many that are starting to emerge from all corners of the federal government as Washington changes regulations to conform with the Supreme Court decision.

Separately, the Health and Human Services Department said Thursday that Medicare would extend certain key benefits to same-sex spouses, “clarifying that all beneficiaries in private Medicare plans have access to equal coverage when it comes to care in a nursing home where their spouse lives.”

But federal agencies are not moving in lock step. Instead, they are creating a patchwork of regulations affecting gay and lesbian couples — and may be raising questions about discrimination and fairness in the way that federal benefits are distributed.

Medicare and Treasury officials have said they would use a “place of celebration” standard for determining whether gay couples are eligible for benefits. That means same-sex couples would receive benefits as long as they are legally married, regardless of where they live.

But the Social Security Administration is now using a “place of residence” standard in determining spousal benefits, and a gay couple in Alabama might not receive the same benefits as a gay couple in New York until final determinations are made or Congress acts. The Obama administration has pushed federal agencies to ensure the Supreme Court’s ruling is carried out quickly and smoothly.

“It would be nice if they were consistent,” Ms. Miller said. Creating federal regulations is a process and could change, she said.

Tara Siegel Bernard contributed reporting from New York.

Ruth Bader Ginsburg to officiate same-sex wedding

August 31, 2013

Brett Zongker

Associated Press A

WASHINGTON – Supreme Court Justice Ruth Bader Ginsburg will officiate at a same-sex wedding this weekend in what is believed to be a first for a member of the nation’s highest court.

Ginsburg will officiate today at the marriage of Kennedy Center President Michael Kaiser and John Roberts, a government economist.

“Michael Kaiser is a friend and someone I much admire,” Ginsburg said in a written statement Friday. “That is why I am officiating at his wedding.”

The private ceremony will take place at the Kennedy Center for the Performing Arts, a national memorial to President John F. Kennedy. The 80-year-old Ginsburg, an opera lover, is a frequent guest at the center.

Same-sex marriage is legal in the District of Columbia and 13 states. Kaiser told the Associated Press that he asked Ginsburg to officiate because she is a longtime friend.

“It’s very meaningful mostly to have a friend officiate, and then for someone of her stature, it’s a very big honor,” Kaiser said.

Justices generally avoid taking stands on political issues. The wedding, though, comes after the court’s landmark ruling in June to expand federal recognition of same-sex marriages, striking down part of an anti-gay marriage law.

While hearing arguments in the case in March, Ginsburg argued for treating marriages equally. The rights associated with marriage are pervasive, she said, and the law had created two classes of marriage, full and “skim-milk marriage.”

