



WASHINGTON
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ADMINISTRATIVE OFFICE OF THE COURTS

WASHINGTON STATE SUPREME COURT

**GENDER AND JUSTICE
COMMISSION**

MEETING

FRIDAY, JANUARY 10, 2014

**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

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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

Honorable Michael H. Evans
Cowlitz County Superior Court

Honorable Mark W. Pouley
Swinomish Tribal Court

Dr. Margaret Hobart
WSCADV

Ms. Leslie J. Savina
Northwest Justice Project

Honorable Judy Rae Jasprica
Pierce County District Court

Honorable Ann Schindler
Court of Appeals Division I

Professor Taryn Lindhorst
University of Washington

Ms. Gail Stone
King County Executive's Office

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

Honorable Tom Tremaine
Kalispel Tribal Court

Honorable Eric Z. Lucas
Snohomish County Superior Court

Mr. David Ward
Legal Voice

Honorable Rich Melnick
Clark County Superior Court

Ms. Danielle Pugh-Markie
Supreme Court Commissions Coordinator



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GENDER AND JUSTICE COMMISSION
 SEATAC OFFICE BUILDING – LOWER LEVEL CONFERENCE ROOM
 FRIDAY, JANUARY 10, 2014 (8:45 A.M. – 11:45 A.M.)
 CHIEF JUSTICE BARBARA MADSEN, CHAIR
 HONORABLE RUTH GORDON, VICE CHAIR

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CALL TO ORDER (approval of minutes, introductions, etc.)	1
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COMMISSION BUSINESS	
<ul style="list-style-type: none"> • Chair Report Chief Justice Barbara Madsen <ul style="list-style-type: none"> ○ Welcome new Supreme Court Commissions Coordinator, Danielle Pugh-Markie ○ Luncheon of Women Legislatures on March 14, 2014 ○ Funding Requests: <ul style="list-style-type: none"> ▪ Civil Legal Aid Needs Study: Follow up from December Meeting ▪ Professor Mary Anne Franks Continued Involvement • Staff Report Danielle Pugh-Markie and Pam Dittman <ul style="list-style-type: none"> ▪ Budget ▪ Membership Openings ▪ Letter of Interest for Judges’ Participation at EJS 	7
GUEST SPEAKER	
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COMMITTEE REPORTS	
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MISCELLANEOUS / ARTICLES	
<ul style="list-style-type: none"> • Women Behind Bars: State Takes a New Approach..... • Judge: Skagit County Towns Fail Poor Defendants • Should Washington Create Special Family Courts? • Allowed to Join the Bar, But Not To Take A Job • Jury Finds Port Orchard Man Guilty Of Human Trafficking In Historic First Trial 	<p>9</p> <p>13</p> <p>15</p> <p>17</p> <p>21</p>
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WASHINGTON
COURTS

Gender and Justice Commission (GJCOM)

Friday, December 6, 2013 (8:45 a.m. – 12:15 p.m.)

AOC SeaTac Office
SeaTac, Washington

MEETING NOTES

Members Present: Chief Justice Barbara Madsen, Chair; Ms. Ruth Gordon, Vice-Chair; Ms. Sara Ainsworth, Ms. Laura Contreras, Dr. Margaret Hobart, Judge Judy Jasprica, Ms. Judith A. Lonquist, Judge Richard Melnick, Mr. Ron Miles, Judge Marilyn Paja, Judge Mark Pouley, Ms. Leslie Savina, Judge Ann Schindler, Ms. Gail Stone, Judge Tom Tremaine, Mr. David Ward, Ms. Pam Dittman (AOC staff), and Paula Malleck-Odegaard (AOC staff)

Guests: Mr. Jim Bamberger, Ms. Liz Thomas

Members Absent: Judge Michael Evans, Judge Eric Lucas, Professor Taryn Lindhorst

The meeting was called to order at approximately 8:55 a.m. Introductions were made. The meeting notes from September 13, 2013 were approved.

COMMISSION BUSINESS

CHAIR REPORT

Supreme Court Commission Coordinator

Danielle Pugh-Markie has accepted the Supreme Court Commissions Coordinator position supporting the Gender & Justice and Minority & Justice Commissions. Danielle begins January 2, 2014.

Funding Requests

- Judicial Institute Sponsorship

The Commission has been asked to help sponsor the 2014 Judicial Institute in the amount of \$500. The event is hosted by the Initiative for Diversity and being held at Seattle University School of Law on February 8, 2014. The Institute focuses on bringing more diverse candidates to the bench.

The Commission membership agreed to sponsor the event at \$500.

- SCJA Spring Conference

The Commission will be sponsoring a plenary session "Domestic Violence & the Internet" at Spring Conference. Professor Mary Anne Franks presented at 2013 Fall Conference and the SCJA asked to have her come back for a session at SCJA Conference. Judge Melnick is requesting funds to assist with faculty costs. Additionally, there was a suggestion to host a CLE or provide other opportunities for Professor Franks to present on this topic and the initiative she is working on in conjunction with her time here in Washington.

The Commission membership agreed to support up to \$2,000 from STOP Grant monies to bring Professor Franks to participate in the SCJA Spring Conference and possibly other associated meetings.

Judge Melnick, David Ward, and Sara Ainsworth have agreed to work as a sub-committee to address hosting other venues or sessions capitalizing on Professor Franks' expertise and willingness to conduct other trainings while in the area.

- **Judicial Officer Enhanced DV Training**

The Commission has historically provided scholarships to judicial officers to attend Enhancing Judicial Skills in DV Cases presented by the National Judicial Institute on DV and several other entities. These scholarships are paid through STOP Grant funds when available. The Commission also discussed providing these training opportunities to the Tribal Court Judges; especially, if their tribes do not receive STOP grant monies.

Commission members agreed to fund at least five judicial officers to attend the February or April training.

Pam will collect the letters of interest and will provide them to the sub-committee who will evaluate and make the final decision. The sub-committee will include: Chief Justice Madsen, Judge Jasprica, Sara Ainsworth, Judge Melnick, Ruth Gordon, Judge Pouley, and Judith Lonquist.

Commission Meetings

2014 Meeting Schedule

The schedule for 2014 was provided. Members discussed whether to conduct the March meeting in Olympia or in SeaTac. It was suggested since March is Women's History Month, to hold a luncheon and invite the women legislators, women Supreme Court Justices, and also the Governor's wife, Trudy Inslee. It was suggested to begin the meeting at 9:30 a.m. The meeting schedule will be updated to reflect this change.

The Chief and Judith Lonquist will lead the sub-committee to arrange this and develop a program for the Women's History Month event.

Please note, the September meeting was moved to accommodate the DV Symposium held each year in King County. The Symposium will be held at the Seattle University, September 11 and 12, 2014.

STAFF REPORT

Island County was provided \$700 in STOP grant funds to update their court brochure for clients.

GUEST SPEAKER

Civil Legal Aid Needs Update Study

Jim Bamberger and Liz Thomas reported on the Civil Legal Aid Needs Study project and timeline. As background, a study was conducted ten years ago with support from the Supreme Court, the State Bar Association, and others. The legal landscape has changed since then and an update to the report is needed. Liz Thomas, incoming President of the Legal Foundation of Washington, which provides civil and legal aide throughout the state, discussed the impact of the internet and issues surrounding privacy and access of employers information and demographics in state and the impact on legal aide. A cost of approximately \$350,000-\$375,000 is needed to update the study. Presently, the Legal Foundation of Washington and OCLA have each committed \$100,000 towards the update. The request to the Commission is to commit \$25,000 over a 2-year period or \$12,500 per fiscal year.

The Commission has asked to table the vote on this request until a more thorough review of the budget can be completed. We will continue the discussion at the January 10, 2014 Commission

COMMITTEE REPORTS

- **Women in the Profession - Judith Lonnquist, Chair**

The Fourth Annual Law Student and Judicial Officer Reception was held on November 13, 2013 at the Law Offices of Graham and Dunn on Pier 70, Seattle. Two scholarships were awarded and made possible by the National Association of Women Judges and the Washington Association for Justice (formerly Washington Trial Lawyers Association). Approximately, 30 law students and 50 judicial officers were in attendance. Pictures of the reception will be posted on the Gender and Justice Web site. Members discussed the possibility of having the reception in the spring to attract more students.

- **Communications – Ruth Gordon, Chair**

We have a very rough draft of the 2011 and 2012 Annual report. We will work on it along with 2013. We are also working on updating the Commission's webpages with new photos and information where we can.

- **Domestic Violence – Judge Judy Jasprica, Chair**

- **ESHB1383 – Stalking Protection Orders**

The Committee will be convening a Stakeholders Meeting on Monday, December 9, to review the variety of protection, no-contact, and anti-harassment orders and make suggestions to how to ease the confusion on which type of order a petitioner should be asking for. A report is due back to the Legislature in the new year.

- **Judicial College**

Judge Jasprica and Judge Wickham will be presenting on DV101 and types of orders during Judicial College on January 29, 2014. They also will be facilitating the In Her Shoes exercise that all attendees participate in.

- **DV Video**

Judge Jasprica is working with the Pierce County Sheriff's Department to update the short video we use for many of our presentations.

- **Sexual Assault Grant**

We received a 2-year grant to provide sexual assault training to judicial officers and court staff. We will begin working on that in the new year.

- **Sentencing & Monitoring Project**

This project is moving forward. We are presently working with the Center for Court Innovation to design a survey that will be sent to the presiding judges and court administrators and managers at the courts of limited jurisdiction.

- **Interpreters**

Judge Jasprica attended a 2-day workshop on language access in domestic violence cases. A program is being developed for training of interpreters in domestic violence cases which would provide an overall understanding of domestic violence issues. We plan on working with the Interpreter Commission to develop this program.

- **Education – Judge Rich Melnick, Chair**

- **The Fall Conference**

The evaluations of the sessions the Commission sponsored at Fall Conference are in the meeting packet. All our sessions were well-received. Proposals for 2014 Fall Conference are due January 10. At this time, the Commission is proposing sessions on trafficking, immigration and family law, incarcerated women and girls, and sexual assault in the military.

Leslie Owens suggested we also propose a session on Adverse Childhood Effects (ACEs) and will draft a proposal.

- DMCMA Conference – Former Commission member, Terri Cooper asked that the Commission put on the “How Far Should We Go” session. The DMCMA approved this session and we will begin working with them.
 - DMCJA Conference – The theme of this conference will be DUIs. It is unknown if any of the sessions proposed by the DMCJA Diversity Committee will be chosen or worked in.
 - SCJA Conference – We are proposing to bring Professor Franks back to do another session on the Power & Reach of the Internet and focus on cyber stalking and sites that host revenge porn.
- **Incarcerated Women & Girls – Sara Ainsworth, Chair**
This Committee is focused on three (3) primary issues: 1) follow-up on shackling legislation, 2) host a meeting on access to justice for incarcerated parents, and 3) alternatives to sentencing for parents.

The Committee, through AOC, initiated a public records request to city and county jails, Department of Corrections, and juvenile rehabilitation facilities asking for incidents related to the shackling of pregnant girls and women. Responses have been coming in and Judge Evans and Sara are going through them and will report back to the Commission.

The Committee is in the initial planning stages to host a meeting for stakeholders who work in the criminal justice system which would address access to justice issues for incarcerated parents. The goal is to bring stakeholders together, identify gaps, and propose solutions which may involve systemic change. We are looking at holding this meeting in February.

The last project is one on implementation of recent legislation allowing alternative sentencing for parents. According to a report, legislation has been poorly implemented. More details will be available at the January meeting and a recommendation to the Commission on how we can become involved will be forthcoming.

- **Tribal State Court Consortium – Judge Tremaine and Judge Pouley**
The Commission and the Tribal State Court Consortium hosted a meeting at Fall Conference. The session was facilitated by Judge Theresa Pouley, Judge Patricia Clark (Retired), and moderated by Fred Fisher and Judge Thorne of the Casey Foundation. Mr. Fisher and Judge Thorne are working on developing state and tribal court roundtables working groups in different parts of the country.

The goal of the meeting was to not only ascertain interest in a tribal state court consortium, but to also encourage discussion on ways to proceed. Approximately 25 conference attendees participated. The attendees identified next steps such as identify project(s) that should be pursued, identify areas of intersect between tribal and state court judges, how to develop the membership, identify immediate short-term steps such as opening the dialogue on regional basis for judicial officers who did not attend, develop a contacts list; prepare and distribute the meeting summary; and develop a more concrete proposal on what a consortium looks like. Other suggestions were to work on how to do governance for the courts; create a culture of information and a way for judges to collaborate when the case is cross-jurisdictions. For example, in truancy cases, there is no mechanism in place for state and tribal courts to cross-collaborate and there is a need to find informal processes to be able to co-convene the case. Also, tribal courts, clerks, and staff have limited training and resources for training. Ways to interact or include them in statewide training initiatives would be a great way to cross-collaborate.

The Chief proposed that we schedule another consortium meeting and send a letter to attendees who were at the meeting. Additionally, we need to identify staff and contacts at the Governor’s Office on Indian Affairs and include them in the next steps.

Finally, \$20,000 of grant funds were secured for continued work on the Tribal State Court Consortium. The Tribal Law and Policy Institute has formed an effort a separate organizational structure "Walking on Common Ground." (<http://www.walkingoncommonground.org/>)

Workgroups – David Ward

Attorney General Bob Ferguson, convened a domestic violence advisory group. Law enforcement and advocates from around the state attended. During the meeting, Marna Miller, Washington State Institute of Public Policy, presented the WSIPP report on batterer intervention programs

Representative Roger Goodman continues to convene his ad hoc group. The meeting agenda included areas of legislation on firearms, writs of habeas corpus, and a proposal on a statewide commission working on the prevention of domestic violence

MISCELLANEOUS

The Commission had a discussion about the movement towards evaluation of judicial officers and the appearance that there is a bias against women and women of color in the judicial selection and elections. Professor John Martin suggested that we bring this may be an issue the Commission should explore and act upon. Judith Lonquist indicated she will inquire with the Washington Women Lawyers and League of Women Voters who may be interested in partnering on some sort of project.

ADJOURNED

The meeting adjourned at approximately 12:15 p.m.

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DRAFT

**Gender Justice Commission
Budget and Projections
July 1, 2013 - June 30, 2014**

	Allotted July 1, 2013 thru June 30, 2014	Spent July 1-December 15 AND Projections December 1, 2013 thru June 30, 2014	(OVER) / UNDER Spent
Salaries & Wages	\$61,265.00		(\$14,942.00)
July 1 - December 15		\$25,592.00	
Danielle Position*		\$37,000.00	
Pam Position*		\$13,615.00	
Benefits	\$18,053.00		(\$6,180.00)
July 1 - December 15		\$7,493.00	
Danielle Position		\$9,600.00	
Pam Position		\$7,140.00	
Goods & Services	\$41,394.00		\$24,004.00
July 1 - December 15		\$790.00	
Telephone/Conference Call		\$500.00	
Supplies		\$500.00	
Postage		\$100.00	
Printing		\$500.00	
Conference Registration		\$500.00	
Sponsorship Judicial Institute		\$500.00	
Possible OCLA Assistance*		\$12,500.00	
TVW Myths Video Contract		\$1,500.00	
Travel	\$17,516.00		\$1,782.00
July 1 - December 15		\$5,734.00	
Commission Meetings		\$8,000.00	
Staff-related (conferences)		\$2,000.00	
Capital Outlays**	\$11,772.00		\$11,772.00
Totals	\$150,000.00	\$133,564.00	\$16,436.00

Updated January 7, 2014

**Gender Justice Commission
Budget and Projections
July 1, 2013 - June 30, 2014**

SPENT: Allotted for the time period of: July 1, 2013 thru June 30, 2014

- Salaries & Wages** *This amount covers the pay-out of Myra Downing upon her retirement **AND** covers a portion of Pam's salary from July 1, 2013 - December 1, 2013
- Benefits** *This amount covers the pay-out of Myra Downing upon her retirement **AND** covers a portion of Pam's benefits from July 1, 2013 - December 1, 2013
- Goods & Services** *This amount covers costs such as conference calls, postage, printing, subscriptions which have been paid since July 1, 2013.
- Travel** *This amount covers costs incurred in conjunction with Commission meetings, NAWJ conference costs, and faculty for 2013 Fall Conference.
- Capital Outlays** *Believe this is erroneous. The funds can be placed elsewhere depending on

PROJECTIONS: Covers time period of December 1, 2013-June 30, 2014

- Salaries & Wages** *Danielle's Position (estimate) - covers January 1, 2014-June 30, 2014
*Pam's Position (estimate) - covers December 1, 2013 - June 30, 2014
- Benefits** *Danielle's Position (estimate) - covers January 1, 2014-June 30, 2014. **NOTE:** This is higher than Pam's as base pay is higher.
*Pam's Position (estimate) - covers December 1, 2013 - June 30, 2014
- Goods & Services** We will have conference call costs, staff-related registration fees for spring conferences (DMCJA, SCJA, DMCMA), postage, printing. This is a best "guesstimate" based on what we have spent in the past
*Added in possible funding of OCLA project. (OCLA asked for \$25,000 over the biennium. This would cover FY13-14.) Commission is readdressing at January 10, 2014 meeting.
- Travel** *Commission meetings average \$2,000 for travel-related costs & light refreshments. Added in extra funds depending on March meeting
*Danielle's costs related to conferences (DMCJA, DMCMA, SCJA, etc.)
*Pam's costs are usually paid from grant funds.
- Capital Outlay**** Covers software purchases, equipment such as chairs, computer equipment.
NOTE: Checking on this item as it appears is erroneous. The funds could be placed in the other four categories.

Local News

Originally published Sunday, November 3, 2013 at 9:05 PM

Women behind bars: State takes a new approach

Faced with a rising incarceration rate among women and no space to house them, the state prison system has embraced a decadelong University of Cincinnati study into every aspect of female felons' lives to create a "Gender Responsiveness Action Plan."

By Jennifer Sullivan

Seattle Times staff reporter



GIG HARBOR — When Jeannette Murphy first stepped onto the grounds of the Washington Corrections Center for Women 30 years ago, she recalls encountering tennis courts and what she terms the "patty-cake" treatment of inmates by prison staff.

Murphy, imprisoned for killing her parents in Thurston County, said inmates were treated more like troubled girls than convicts, even those like her who were doing

lengthy stretches for murder.

But soon after, the treatment of female inmates drastically changed as prisons grew and administrators sought uniformity in inmates' treatment regardless of gender. The women found themselves treated exactly like their male counterparts, from the clothes they wore to the way corrections officers dealt with them.

Now, with the growth of female inmates outpacing that of males and no space to house them, the state Department of Corrections (DOC) is shifting to more gender-specific treatment of incarcerated women. The changes range from simple — access to a fruity-smelling shampoo and better-fitting clothing, and special bras for inmates who've had mastectomies — to more substantive, such as greater focus on substance abuse and mental-health counseling.

The change reflects a recognition that gender dictates different treatment of inmates.

"It's not a one-size-fits-all system," said DOC Secretary Bernie Warner.

"The pathways coming to the system are different for women than men," he said. "Men are incarcerated for criminal thinking and anti-social behavior. Women come in because of social influences and trauma."

The DOC has embraced the findings of a 10-year University of Cincinnati study into female felons to create a "Gender Responsiveness Action Plan."

The study was authored by professor Patricia Van Voorhis, who spent more than 10 years traveling the country talking to women behind bars, including at the Washington Corrections Center for Women, to find out what drives them to commit crime. Before she launched the study, similar research focused primarily on male inmates.

“They (female inmates) talked about their relationships,” Van Voorhis said in an interview. “They were concerned they were going to meet some guy and try to please him and get involved in his illegal activity. They talked about jobs, poverty, then they talked about rage. They said they’re mad at the system, they’re mad at former partners.

“We realized we needed to do something to help them cope.”

Warner said the DOC has taken Van Voorhis’ findings to heart, largely because the female inmate population has increased 7 percent between September 2012 and September of this year. During the same period, the male inmate population increased by 2.8 percent.

As of Sept. 30, 1,354 women and 16,181 men were incarcerated in the state prison system.

“I believe what’s really happening is women are being incarcerated and not getting the help they need,” said Deputy Prisons Director Earl Wright. “We need to do things differently.”

Assistant Secretary of Prisons Dan Pacholke said that after years of research, DOC has “become more attuned to what works in this business, and what we do is reduce likelihood of future victims.”

“There’s a growing body of evidence indicating that women come to prison through very different pathways. In understanding the demographic, you have to apply different interventions.”

According to a 2007 study by The Sentencing Project, a Washington, D.C.-based sentencing research and advocacy group, nearly three-quarters of women in state prison in 2005 had mental-health problems, compared with 55 percent of men. The study also found that nearly half the female inmates had not completed high school and were more likely than men — 40 to 32 percent — to report using drugs at the time of their arrest.

Under the Gender Responsiveness Action Plan, launched in the spring, female offenders can attend seminars focusing on healthy relationships, safety awareness, health and nutrition, handling anger and stress, and goal setting. Inmates can also mentor others and offer a friendly ear to other women in need.

Staff at the women’s prison have been undergoing training in gender issues, with education focusing on the past trauma female inmates have suffered. DOC officials are also reviewing their methods of classifying female inmates for housing and labeling their risk to reoffend.

Kevin Mauss, associated superintendent of programs at the Corrections Center for Women, said DOC’s methods of classifying female inmates for housing and labeling their risk to reoffend had always been based on what has worked for male inmates because the male population is so much larger.

Van Voorhis, the University of Cincinnati professor, said states should hold themselves accountable for offenders’ outcomes.

“If you’re not addressing what’s going to bring somebody back into the system, you’re really wasting your time. You’re going to have recidivism. That’s very, very expensive,” she said.

University of Washington assistant professor Cheryl Cooke, a registered nurse who has worked with offenders at the Washington Corrections Center for Women as well as jails and hospitals in Washington and California, said there are definite differences between male and female inmates’ reasons for committing crime.

“Depression is seen almost twice as often in women than in men. When we think of how do we prepare people for returning to the community, we need to think of those sorts of things,” said Cooke, who teaches in the nursing and health-studies program at UW Bothell.

Cooke said that up to 70 percent of female inmates are victims of sexual, emotional or mental abuse before being booked into prison.

“I think the prison system is responding; they don’t have the money to keep this many people behind bars. We need to get folks ready to return to the community,” Cooke said.

Pacholke, who has spent more than 30 years with the agency, remembers a time when rules were more lax at the women’s prison.

“If you go back to the early ’80s, the security procedures for women were lighter. It felt like it was more in tune to a juvenile setting. It was more liberal,” he said.

But prison growth became a big business later in the decade and into the early 1990s, Pacholke said. Several men’s prisons opened, and with the rapid growth came a push by the agency to create across-the-board rules that were “blind to gender.”

“As you become larger, the ability for a headquarters to interact diminished. At that time there was a much greater emphasis on codifying the work, putting policies in place,” Pacholke said.

Pacholke said that uniformity extended “down to the food they ate, the things they wore, even down to the store where they could buy things.”

On a recent fall morning, Jane Parnell stood in an outside corridor at the Corrections Center with her staff, pointing out inmates’ carefully made-up faces and new uniforms. Parnell, superintendent at the Gig Harbor prison, said it will be a challenge to get women to ditch their favorite attire, sloppy gray sweatpants, for the new khaki trousers.

“We hold them accountable, but we have to address what brought them here,” said Parnell. “Our obligation is for them to be better when they leave.”

On top of two cabinets in a conference room next to Parnell’s office, she points out the items now available for female inmates to purchase — makeup, a greater range of sanitary products, products for different hair types, emery boards, women’s shaving cream and an increased selection of shoes.

“Self-esteem makes you more successful. You’ll be more productive if you feel better about yourself,” said inmate Jeannette Murphy.

Dressed in her red work shirt, a hint of makeup on her face, inmate LaDonna Osborn, 45, quietly boasts about what she has accomplished in her second term in prison.

The Bellingham woman said she’s devoting her time to an electrical apprenticeship program, something DOC only recently started offering women, and she’s committed to mentoring other inmates.

“I didn’t heal. I didn’t work on myself the first time I was here,” said Osborn, who expects to be released in May 2016. “If we are educated and have the things we need we won’t be back.

“I have hope today. I have hope in my future.”

Osborn said it wasn’t until recently that she could look at herself in the mirror, a change she attributes to the positive opportunities at the prison.

“I can make eye contact with myself,” she said.

Sitting at a table near the visitation room, Osborn and Murphy joined three other women and the infant daughter of one inmate.

Katie Hale, 25, of Everett, tended to her 6-month-old, Cassidy, while she listened to the women talk about the improvements to their quality of life. Hale, unlike the majority of women at the Pierce County prison, is living in the housing for women and their new babies, a program that has existed at the prison for years.

Hale, a mother of five, said she's getting clean and learning how to be a better parent.

All five women at the table said they had been victims of sexual, mental or physical abuse. All said they were getting the treatment they need behind bars.

"If we change as individuals we can change our environment," said Tonya Wilson, 38, of Tacoma.

"There's so many programs helping me," Hale said. "I'm going to be a better mom. I'm going to be a better, more productive member of society. I care. I want to be the person I was meant to be."

Seattle Times news researcher Miyoko Wolf contributed to this report.

Jennifer Sullivan: 206-464-8294 or jensullivan@seattletimes.com.

Judge: Skagit County towns fail poor defendants

By GENE JOHNSON

The Bellingham Herald
Associated Press

December 4, 2013 Updated 4 hours ago

SEATTLE — Two Washington cities have systematically violated the constitutional rights of poor defendants to effective legal representation, a federal judge ruled Wednesday, blaming city officials for being "willfully blind" to the effects of their cost-cutting.

The state chapter of the American Civil Liberties Union sued the Skagit County towns of Mount Vernon and Burlington two years ago, alleging that public defenders there were so overworked that they amounted to little more than "a warm body with a law degree."

U.S. District Judge Robert Lasnik agreed. He issued a ruling Wednesday, following a two-week trial in June, that could have broad ramifications for how cities provide legal help to the poor: "In the state of Washington, there are undoubtedly a number of municipalities whose public defense systems would, if put under a microscope, be found wanting," he wrote.

The judge ordered the cities to hire a part-time public defense supervisor to oversee whether poor defendants are receiving adequate legal counsel, saying "the court has grave doubts regarding the cities' ability and political will to make the necessary changes on their own."

Lawyers involved said they believed it was the first time in the nation's history a federal court had appointed such a supervisor to oversee a public defense agency.

Sarah Dunne, the ACLU of Washington's legal director, said in an emailed statement she was thrilled to see the ruling this year, which marks the 50th anniversary of the U.S. Supreme Court's decision in *Gideon v. Wainwright* that the right to counsel applies in state courts as well as federal ones.

"The right to be represented by an attorney is essential to ensuring that everyone - rich and poor alike - has a fair day in court," Dunne said. "We've got a historic ruling enforcing that principle for towns in Washington."

Andrew Cooley, who represented the cities, said he was gratified the judge did not impose a case-load limit on their public defenders. The state Supreme Court has adopted such standards as it wrestles with how to improve the representation of indigent defendants, but they aren't scheduled to take effect until January 2015.

He also said the cities have doubled their public-defense budget since the lawsuit was filed, and it remained unclear whether officials could stomach spending any more. Instead, Burlington and Mount Vernon might simply disband their municipal courts, leaving Skagit County District Court to handle those cases.

Lasnik noted that two lawyers who formerly handled public defense cases for the cities each took on about 1,000 cases a year from 2009-2011 and often spent less than an hour per case. There was almost no evidence they investigated their clients' cases, met with their clients confidentially, or performed any legal analysis of the cases, the judge said.

Instead, they simply assumed police had done their jobs correctly.

"The services they offered to their indigent clients amounted to little more than a 'meet and plead' system," he wrote.

Since then, another firm, Mountain Law, has been retained to handle public defense in the cities, and that firm has made some improvements. Nevertheless, its attorneys also remain overworked and underfunded, he said.

Ironically, Lasnik said the failings of the public defenders in Mount Vernon and Burlington didn't necessarily result in their clients getting worse deals. With a note of chagrin, he said the penny-pinching of city administrators faced with tough budgetary times had also hit prosecutors, who in turn offered "overly lenient plea deals."

But that's not the point, Lasnik said: "Advising a client to take a fantastic plea deal in an obstruction of justice or domestic violence case may appear to be effective advocacy, but not if the client is innocent, the charge is defective, or the plea would have disastrous consequences for his or her immigration status."

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Should Washington create special family courts?

Community leaders and panelists discuss amending the state Constitution to establish family courts statewide.

By Judy Lightfoot

December 13, 2013.

Our legal system ensures that bankruptcy, maritime and copyright cases are heard by presiding judges who have special legal expertise in those respective domains. Why not do the same for cases involving family law?

That was the question before a panel of community leaders in downtown Seattle Monday morning. Panelists included Joel Benoliel, emeritus officer at Costco and former vice chair of the Washington Council for the Prevention of Child Abuse and Neglect; State Supreme Court justice (ret.) Bobbe Bridge, founding president and CEO of the Center for Children & Youth Justice; Representative Ruth Kagi (D-32nd District), chair of the House Early Learning and Human Services Committee; and Jennifer Strus, DSHS Children's Administration assistant secretary.

Separate, specialty courts or divisions would mean that families would appear before one judge throughout the sometimes extended process of resolving their entire case. Alternatively, a single case management team would coordinate the process for each family.

Courtroom proceedings involving children and families are unlike those that play out in traditional adversarial settings. The laws are straightforward, but judges hearing family and child cases need "a huge amount of discretion and a high tolerance for ambiguity," said Justice Bridge. "A particular issue one morning is probably only a small piece of what's going on in the life of a family. You need to go beyond the adversarial system and ask more questions of the kind we don't, or can't, in an ordinary courtroom."

Moreover, in such proceedings a judge needs a solid understanding of best practices in this area of the law, an awareness of legal trends and a knowledge of what systems and services are available in the community for a particular situation. A judge's "decisions," said Justice Bridge, "benefit from ... experience that develops only over time, through commitment to these types of cases."

As CA's acting secretary, Jennifer Strus is not in a position to advocate or oppose the creation of independent family courts. However, she said, any change "that moves cases through more quickly is good," especially if it avoids frustrating families or failing them when a different judge is suddenly presiding. "You have a case file this thick and a new judge with no knowledge of the case making a decision for that family," said Strus. Can that judge really understand what is "in the best interests of the child"? (The operative phrase in these cases.)

One family was in court three years running "and never saw the same judge twice," recalled Rep. Ruth Kagi. Still, she added, to forestall this kind of situation by passing a Constitutional amendment that reconfigures the court system would require a two-thirds majority vote. That, said Kagi, is "a very high hurdle." Statutory change, she said, has a better chance of drawing support.

Five years ago Kagi sponsored a bill to provide \$700,000 in grants that courts could apply for and use to improve their juvenile divisions. Among other requirements, judges would commit to rotations lasting two years or more and receive training in areas such as brain development, attachment issues, and child abuse. Setting minimum

standards like these for judges in child welfare cases is essential for developing a stable, well-trained bench, Kagi said. "Over 40 percent of court cases are family law, but there certainly aren't 40 percent of judges with backgrounds in family law." Thirteen courts in Washington state chose to participate in the grant program, and statistics showed significant improvement in them, according to Kagi.

Bridge noted a North Carolina study indicating the benefits of separate family courts. Longitudinal research at Duke Law School showed that when foster children's cases are heard in a specialized family court, they fare better. Foster kids in North Carolina counties with family courts spent less time in foster care, were more often reunited with parents and did better in school than their counterparts in counties without such courts.

Critics of separate family courts often focus on the extra expense (though others claim that upfront expenditures are offset by shortening the very costly time children spend in state care). Critics also argue that forming an official cadre of family court judges could mean a less flexible judiciary system as a whole; fewer judges would acquire a generalist's experience and knowledge of an important area of law as they rotate through the court calendar.

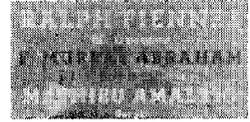
The goal of the forum, hosted by Amara, was to spark public discussion about what separate family courts would mean in Washington state. Bridge urged the audience to tell legislators to fund family courts, because the stakes are high and the consequences real. "It's about the kids," she said, and about making sure foster children, especially, aren't "re-traumatized in our systems of care" in the way that keynote speaker Mikhail Stewart (above) was. (Stewart, a foster care alum, was featured in last month's KING 5 News story about providing legal representation for foster youth.)

For his part, Benoliel maintained that a Constitutional amendment can succeed if leaders from business and other sectors mount a strong campaign for it. "We think of ourselves as being very progressive," he said. "Higher education dominates the headlines, [as do] cutting-edge discoveries on software, tech, and manufacturing." But "we get an 'F' grade when it comes to caring for our kids. This needs to change."

As part of Crosscut's coverage of social concerns, Judy Lightfoot writes about how the region's people face challenges in a time of economic stress and diminished expectations. She often draws on her weekly one-on-one coffees with individuals sharing our public spaces who are socially isolated by homelessness or mental illness. Formerly a teacher and professor, she also writes about books, education, and the arts. Email judy.lightfoot@crosscut.com.

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Allowed to Join the Bar, but Not to Take a Job

By JENNIFER MEDINA

LOS ANGELES — As a teenager in Northern California, Sergio Garcia worked in the almond fields and in a grocery store, earning his way through college and then law school. He passed the California bar exam on his first try, something just half of all candidates do.

But when it came time to apply for his law license, Mr. Garcia encountered a formidable hurdle: Because he had come from Mexico illegally, he could not become a lawyer.

That changed Thursday when the California Supreme Court ruled unanimously that a law passed last fall by the Legislature allowed Mr. Garcia, 36, to be admitted to the state bar and practice law. What it did not do is address the fact that under federal law, no law firm, business or public agency can legally hire him.

The strange turn of events demonstrates the complicated patchwork of immigration laws that is emerging as Congress remains stalled on an overhaul of the immigration laws and states and courts are stepping in and deciding what rights should be granted to the estimated more than 11 million immigrants living illegally in the country.

Courts in Florida and New York are grappling with similar cases involving immigrants seeking to become lawyers, and Robert M. Morgenthau, the former district attorney of Manhattan, has urged New York's governor and Legislature to pass a law like California's.

And while California has gone farther than many others, several states have begun to expand opportunities for immigrants living here illegally, after a wave of laws passed several years ago in Alabama, Arizona and Georgia and other states to crack down on illegal immigration. Unauthorized immigrants can receive in-state college tuition in several states, and 11 states and the District of Columbia now allow such immigrants to obtain some kind of driver's license, according to the National Immigration Law Center.

Mr. Garcia, in a telephone interview, said he felt that despite the ambiguities, he would be free to open his own practice. "I can finally fulfill my dream and also leave behind a legacy so

that an undocumented student 20 or 30 years from now will take it for granted that they can be an attorney,” he said. “There’s a lot to celebrate. I can open my own law firm, and that’s exactly what I intend to do. There’s no law in this country restricting entrepreneurs.”

In its ruling, the court said that California had paved the way for Mr. Garcia’s admission to the bar in October when the Legislature overwhelmingly passed a bill saying qualified applicants could be admitted to the state bar regardless of their immigration status. The court went on to suggest that immigration status should not be considered any differently from, say, race or religion.

“We conclude that the fact that an undocumented immigrant’s presence in this country violates federal statutes is not itself a sufficient or persuasive basis for denying undocumented immigrants, as a class, admission to the state bar,” Chief Justice Tani Cantil-Sakauye wrote in her opinion. “The fact that an undocumented immigrant is present in the United States without lawful authorization does not itself involve moral turpitude or demonstrate moral unfitness so as to justify exclusion from the state bar.”

But in its lengthy ruling, the court appeared to leave aside the issue of employment, saying only that “we assume that a licensed undocumented immigrant will make all necessary inquiries and take appropriate steps to comply with applicable legal restrictions and will advise potential clients of any possible adverse or limiting effect the attorney’s immigration status may pose.”

Although the federal government argued in a brief that Mr. Garcia could not work as an independent contractor, several immigration lawyers said that he would legally be allowed to open his own practice and charge clients willing to pay.

The Obama administration’s Deferred Action for Childhood Arrivals, which allows immigrants under 31 who were brought here by their parents to live and work legally in the United States, is likely to create more appeals to state bar associations from would-be lawyers without permanent legal status.

Jose Manuel Godinez-Samperio, 30, whose parents brought him from Mexico to Florida on a tourist visa, has spent the last year working as a paralegal while the Florida courts consider whether his immigration status should prevent him from being admitted to the state bar.

“This is a case to give me hope,” Mr. Godinez-Samperio said. “If it is true for someone here without legal status, then how much more so for someone who has the right to work here?”

Cesar Vargas made honors at both college and law school in New York City, his home since coming to the United States from Mexico at age 5. He was an intern for a State Supreme Court justice, a Brooklyn district attorney and a congressman. Although he passed the state bar exam, the question of whether he should be allowed to practice law, the association said, should be left to the courts or the Legislature.

Until 2008, the California Bar did not ask applicants for their immigration status, and experts say that several other unauthorized immigrants are already working as lawyers here and in other states. While the State Supreme Court considered Mr. Garcia's case, the state bar association submitted two other names of unauthorized immigrants seeking admission.

Mr. Garcia, who was brought by his parents from Mexico when he was 17 months old, moved back and forth. When he returned for good at 17, he applied for a legal visa using his father, now a legal permanent resident, as a sponsor, and the court estimated that under current immigration laws it would be several years before he could get a visa.

Michael A. Olivas, an immigration law professor at the University of Houston who submitted an amicus brief supporting Mr. Garcia's case, said that there are most likely dozens more people like Mr. Garcia who will look to enter state bar associations in the coming years. He said that in California, which has more law schools and more Latinos than any other state, the ruling could have a huge impact.

"We're in a whole new world — it shows that at the edges, many of the kids who are going to be first in line if there is any real immigration reform are going to make an immediate contribution," he said. "It is clear that along every step of the way people knew he wanted to hang out his shingle as a lawyer. No other green light needs to be put in place for him to take on a client tomorrow."

For several years, Mr. Garcia has made his living as an inspirational speaker. He plans to focus on personal injury and debt negotiations cases and hire other lawyers. "My dream has always been to be a litigator," he said. "I want to be in front of a judge."

Jury finds Port Orchard man guilty of human trafficking in historic first trial

By Kitsap Sun staff

Tuesday, November 26, 2013

PORT ORCHARD — Kitsap County prosecutors got their first victory in a human trafficking trial Tuesday after a jury returned guilty verdicts against a Port Orchard man for beating, prostituting and controlling a young woman.

A lawyer for Anthony Dewayne Parker, 34, had argued the woman “had free will,” but jurors took just four hours following a more than two-week trial to convict him of 11 crimes, including kidnapping, burglary, promoting prostitution and multiple counts of assault.

Prosecutors said Parker was a self-proclaimed pimp who dominated the woman’s life as he groomed her to be a prostitute, advertising her services on the Internet.

The case followed an extensive investigation by the Bremerton Police Department’s Special Operations Group.

Parker will face at least 25 years in prison when sentenced Jan. 13 in Kitsap County Superior Court.



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