



WASHINGTON  
**COURTS**  
ADMINISTRATIVE OFFICE OF THE COURTS

*WASHINGTON STATE SUPREME COURT*

**GENDER AND JUSTICE  
COMMISSION**

**MEETING**

**FRIDAY, MARCH 13, 2015**

**TEMPLE OF JUSTICE  
OLYMPIA, WASHINGTON**

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

**2014-2015**

**CHAIR**

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

**VICE-CHAIR**

**Honorable Sheryl Gordon McCloud**  
Washington State Supreme Court

**MEMBERS**

**Ms. Sara L. Ainsworth**  
National Advocates for Pregnant Women

**Honorable Rich Melnick**  
Court of Appeals, Division II

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

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

**Honorable Josie Delvin**  
Benton County Clerk

**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**  
The Northwest Network

**Ms. Leslie J. Savina**  
Northwest Justice Project

**Ms. Grace Huang**  
Washington State Coalition Against  
Domestic Violence

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

**Honorable Judy Rae Jasprica**  
Pierce County District Court

**Ms. Gail Stone**  
King County Executive's Office

**Ms. LaTricia Kinlow**  
Tukwila Municipal Court

**Honorable Tom Tremaine**  
Kalispel Tribal Court

**Professor Taryn Lindhorst**  
University of Washington

**Mr. David Ward**  
Legal Voice

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

**Ms. Danielle Pugh-Markie**  
Manager, Supreme Court Commissions

**Honorable Eric Z. Lucas**  
Snohomish County Superior Court

**Ms. Pam Dittman**  
Program Coordinator



# GENDER AND JUSTICE COMMISSION

TEMPLE OF JUSTICE – CHIEF JUSTICE RECEPTION ROOM

FRIDAY, MARCH 13, 2015 (9:30 A.M. – 12:00 P.M.)

RECEPTION (12:30 P.M. – 1:30 P.M.)

CHIEF JUSTICE BARBARA MADSEN, CHAIR

JUSTICE SHERYL GORDON MC CLOUD, VICE CHAIR

## Agenda

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### COMMISSION BUSINESS

**Objective: Chair and staff report on past and upcoming activities and interactions that affects the Commission.**

- Chair Report Chief Justice Barbara Madsen
  - Annual Report
  - Luncheon Agenda
- Staff Report Danielle Pugh-Markie & Pam Dittman
  - Activities & Updates
    - Enhancing Courts' Response to Adult Victim Sexual Violence – Feb 9-10, 2015 ..... 11
    - Logo Update
  - Budgets: GJC and Grants ..... 35

### GUEST SPEAKER & EXPLORATORY PROJECTS

**Objective: Forum for members to discuss items of interest they are involved in or would like the Commission to explore.**

- ABA Commission on Domestic and Sexual Violence Judge Jim Riehl, Retired, Kitsap Dist.
- Update on HB 1840 surrender of firearms Jake Fawcett, WSCADV

### COMMITTEE REPORTS

**Objective: Committee chairs will report on progress of work plans, discuss new areas of interest, problems that have arisen, ask for feedback, ask for assistance.**

- Communications Pam Dittman for Ron Miles
- Domestic Violence
  - Modifications/Rescissions Judge Melnick
- Education Judge Melnick & Danielle
  - SCJA – April 26-29, 2015: Abusive Litigation Tactics; DV Manual Update/Firearms & CASA
  - DMCJA – June 7-10, 2015; Strangulation session being developed
  - Appellate Conference – March 22-25, 2015; Dana Raigrodski re: Feminist Legal Theory
  - Fall Conference – Sessions being developed
- Incarcerated Women & Girls Sara Ainsworth
- Tribal State Court Consortium Judge Pouley and Judge Tremaine
  - February 25, 2015 Meeting ..... 39
- Women in the Profession Judith Lonquist



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## Agenda

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### ADJOURNMENT



WASHINGTON  
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# GENDER AND JUSTICE COMMISSION (GJCOM)

AOC SEATAC OFFICE – SUITE 1106  
18000 INTERNATIONAL BLVD, SEATAC WA  
FRIDAY, JANUARY 9, 2015 (8:45 A.M. – 12:00 P.M.)

## MEETING NOTES

**Members Present:** Chief Justice Barbara A. Madsen, Chair; Justice Sheryl Gordon McCloud, Vice-Chair; Ms. Laura Contreras (via telephone), Ms. Josie Delvin, Ms. Grace Huang, Ms. Judith A. Lonquist, Judge Eric Lucas, Judge Marilyn Paja, Judge Mark Pouley, Ms. Leslie Savina, Ms. Gail Stone, Judge Tom Tremaine, Mr. David Ward, Ms. Danielle Pugh-Markie, Supreme Court Commissions Manager, and Ms. Pam Dittman, Program Coordinator

**Members Excused:** Ms. Sara Ainsworth, Judge Michael Evans, Dr. Margaret Hobart, Judge Judy Jasprica, Ms. Trish Kinlow, Professor Taryn Lindhorst, Judge Richard Melnick, Mr. Ron Miles, Judge Ann Schindler, Ms. CaroLea Casas (Student Liaison, University of Puget Sound), Ms. Alexandra Kory (Student Liaison, Seattle University, Law School)

### CALL TO ORDER

The meeting was called to order at approximately 8:45 a.m. Introductions were made.

### COMMISSION BUSINESS

#### Chair Report – Chief Justice Barbara A. Madsen

- November 14, 2014 Meeting Notes  
The November 14, 2014, meeting notes were adopted as amended per corrections offered prior to and during the meeting.
- GJCOM Order  
Every five (5) years, the Commission needs to ask the Supreme Court to renew the Order granting the Commission's continued existence and work. The Order would be submitted for the February en banc for approval and signature by the Justices. When the 2010 Renewal Order was submitted, we revisited the number of members, which has been and currently is 21 members. We are asking for no changes to the make up or structure of the Commission and its membership, including size unless you all believe we should expand. Members present indicated the current 21 member structure is good and suggested to leave as is.  
**Action:** Staff will work on drafting the Renewal Order and submit to the Chief's administrative assistant, Julie Keown.
- Informed Voters, Fair Judges Video  
Once again, we tried to play this video for the membership and the equipment was not working correctly. You can view the video at <http://ivp.nawj.org/>.

**Action:** Staff will contact AOC IT staff and let them know of the problem. (Update: IT staff were unable to replicate the problem. A meeting is in the offing between users of the room and equipment and IT staff.)

**Staff Report** – Danielle Pugh-Markie and Pam Dittman  
Activities & Updates

- Action Items from last meeting

Staff were tasked with several action items during the last meeting and we would like to provide you feedback on those items.

- 1) **Action Item:** Locate the documentary “Anita” and provide options on how to support a showing of this documentary. We can purchase the documentary for less than \$25 and the website provides ideas on how to show the film as a community screening event. The idea would be to partner with others for logistics and spreading the word.

Do a screening the evening prior to the Judicial Officer & Law Student Reception, which is going to be at Gonzaga University this year, and work with the University or local NAWJ members to help promote and attend.

Do something in conjunction with International Women’s Day, March 8, 2015.

**Action:** Staff will work with Judge Paja, Justice Debra Stephens, Washington Association of Justice, Washington Association of School Administrators (WSLA), Washington Women Lawyers (WWL), Office of Public Defense (OPD), Washington Association of Prosecuting Attorneys (WAPA), Minority Bars, and women centers at colleges.

**Action:** Work with Thurston County WWL and others to put something on in the Supreme Court Courtroom.

- 2) **Action Item:** Names for vacancies. Danielle has received a few, but still needs some additional leads so she can follow up. The slots that are available are: 1) an attorney who is strong on gender issues and enhancing women in the legal profession; and 2) representation from Eastern Washington as Laura Contreras’ term is up.

**Action:** Laura is speaking with several individuals to see if anyone is interested and will relay names to Danielle. (Update: Laura has forwarded names to Danielle.)

**Action:** Judith Lonquist will speak with Vicki Vreeland, the incoming president to Washington State Association for Justice.

- 3) **Action Item:** Model policy on rescission and modification of the no contact orders. Judge Melnick and Ron Miles are the leads on this project and have sent us the responses they received.

**Action:** Staff to compile responses by March.

- 4) **Action Item:** Continue work with Mission Creek Corrections Facility.

**Action:** Danielle and Judge Paja to touch base and then reach out to the facility for planning the next event.

**Action:** The Commission decided this project should be housed with the Incarcerated Women & Girls Committee and Judge Paja indicated she would like to continue to be involved and possibly be the lead for this project.

5) **Action Item:** Fundamentals of domestic violence training.

**Action:** Danielle will touch base with Judge Paja on this program. Danielle will email people at the American Bar Association (ABA). Grace may also be of assistance.

6) **Action Item:** Public records request to all law enforcement agencies on how they have addressed HB 1840, or if there have been model policies created. Grace mentioned that David Martin, King County Prosecuting Attorney's Office, and Jake Fawcett, Washington State Coalition Against Domestic Violence (WSCADV), have been collecting some of the best practices on surrender of weapons and may have more information.

There was continued discussion as to whether it would be beneficial to send out a public disclosure request to all law enforcement agencies, courts, etc., to inquire what process they have instituted in regards to the surrender of weapons requirements under HB 1840. Staff indicated there are staffing constraints to be able to make this happen. Leslie Savina indicated there is a website through Seattle University, Access to Justice Institute, where one can post a project that they would like completed. Law students may (or may not) contact you to get more details on the project and decide whether they would be interested in working on it.

**Action:** Staff to follow up with Judge Jasprica so she knows the status of this project as the Commission agreed the DV Committee should take ownership of this project and begin gathering information. At that point, we may be able to work with law students to help gather this information.

- Intimate Partner Sexual Assault (IPSA): The Hidden Dimension of Domestic Violence  
On December 3, 2014, we conducted a 45 minute webinar on IPSA. This webinar was an additional piece of our Office on Violence Against Women, sexual assault grant project. The presenter was Lynn Hecht Schafran of the National Judicial Education Program (NJEPP). Approximately 42 persons participated. While we only received five evaluations from participants, they did find the program informational and useful. We did notice the geographical diversity of participants, which lends well to the discussion on developing other webinars. We are exploring the idea and topics that would work well in this short time frame.
- Enhancing Courts' Response to Adult Victim Sexual Violence  
This one and a half day workshop will be held February 9-10, 2015, in Tukwila and February 12-13, 2015, in Spokane. We have been sending out emails and making phone calls to beef up attendance. The workshop is free and we are offering scholarships to assist with travel-related costs and to cover court's cost for pro tempores. The workshop was specifically designed and developed for judicial officers only. (Update: On January 20, 2015, the decision was made to cancel the February 12-13, 2015, workshop due to

low enrollment. Registrants were given the opportunity to attend the February 9-10, 2015, workshop and all travel-related costs would be covered.)

Faculty consists of Judge Elizabeth Burns, Judge Raquel Montoya-Lewis, and Judge Patty Connolly Walker as the judicial faculty; Dr. Christopher Wilson from Portland will talk about the neurobiology of trauma; Dr. Christmas Covell to talk about sex offender treatment management; and Claudia Bayliff from NJEP will talk about the language of sexual violence. Dr. Wilson will also be talking about vicarious trauma and trauma-informed courts. (Update: On January 16, 2015, Judge Montoya-Lewis indicated with her new duties as judge in Whatcom County Superior Court, she would be unable to continue in her role as faculty. Judge Mark Pouley stepped in as her replacement.)

- Logo Update  
Danielle and Pam will be meeting with CaroLea Casas and Leanne Gan to discuss the logos submitted and provide more insight and assistance in directing Leanne on what we are looking for. If Leanne is unable to design something the Commission is pleased with, we may want to set aside funds in the upcoming biennium to secure a professional graphic designer to design a logo for us.
- Legislative Luncheon – March 13, 2015  
Danielle has been working with the Chief and Vice Chair on developing this year's legislative luncheon. Staff are reaching out to Secretary of State, Kim Wyman to see if she is interested in partnering with us and assisting in reaching out to women legislators. It was suggested that members who have relationships with legislators also make personal contact and invite them to the luncheon.

Members discussed the location of the luncheon with suggestions of the Columbia Room and the Chief's Reception Room. The Columbia Room is located in the Capitol Building and is open to the public so there may be extraneous foot traffic. The Chief's Reception Room is at the Temple where we held the event last year. Members indicated the preference to have the luncheon in the Chief's Reception Room again this year.

The Chief noted that during the new legislator luncheon, many of the new faces are predominantly women with social service backgrounds who may be interested and supportive of the work we do. We also need to work with Dr. Lindhorst on a plan to update the 1989 Task Force Report and the 1991 Glass Ceiling survey.

Members suggested that we do something as a precursor to the luncheon, where we may want to reach out to them beforehand and ask them if they have anything they would like for us to focus on or need help with.

It was also suggested that maybe we show commonality through historical perspective of women in leadership and within in our state. For example: In 1900, there were X amount of women in Congress, X amount of women judges, etc. Then show correlation to 1989, when the report was released, there were X amount of women in Congress, X amount of women judges, etc.

We should also talk about the connections we have made through legislation. For instance, let the legislators know what happens when the GJCOM is named/tasked to do something in conjunction with legislation and what that means to us and how it is played out in the trenches. We would be talking about how the GJCOM is doing some of the work and provide updates and show how it's the connection that we have to their work and how we move it forward. Also, maybe we should ask Judge Theresa Pouley if she would be interested in speaking about VAWA 2013 and the connection between the Legislature and the courts.

**Action:**

- If you have contacts with any female legislators, let Danielle know. Grace, Gail, David, and Josie will help make contact with legislators they work with.
- Staff contact Kim Wyman and continue planning.
- Staff contact Dr. Lindhorst re: update to task force report and survey.
- Staff create a save-the-date card/flyer.

- **Budgets**

The meeting packet includes the latest budgets for the Commission and the FFY14 STOP grant. The budget for GJCOM goes through June 30, 2015, and the STOP grant budget is for this calendar year. You may notice that we had a slight increase in our STOP grant funds. The requirements changed this year and we are required to allocate 25 percent of STOP grant funds to sexual assault projects, work, staff time, etc. This work cannot be comingled with domestic violence work.

### **Guest Speaker & Exploratory Projects**

#### **National Association of Women Judges (NAWJ) 2016 Conference – Justice Susan Owens**

We invited Justice Owens to speak to us today, because in 2016 Washington State is hosting the NAWJ Annual Conference and Justice Owens is acting in the role as Chair for this event. The exact dates are not known yet, but it will be in October 2016, and will be held at The Seattle Sheraton.

The NAWJ's Annual Conference provides cutting edge educational programs, many of which have been brought back for the benefit of Washington judges over the years. It is attended by 200 to 300 judicial officers and others and there is usually a contingent of international judicial officers.

- **Fundraising Needs**
  - Establish a "friends committee" to help raise the funds.
  - Identify co-chairs for this committee.
  - We need to raise a minimum of \$200,000, some of which is used for scholarships for the international judges to attend.
- **Opportunities**

Usually the Conference provides an overview of the location and items indigenous to the state as part of the welcome package for attendees. We would like to see this as a statewide effort and not only local to Seattle. The welcome package usually has goodies

indigenous to Washington State such as side trips people can take, food, etc. We will need people to help call law firms etc., to find out who could help provide.

We may also be able to loop in the three law schools and law students to assist, whether it be to provide helping with directions, staffing information tables, etc.

The 2015 NAWJ Conference is being held in Salt Lake City and we will be in charge of hosting a hospitality night, which is used to showcase Seattle and drum up interest and enthusiasm for people to attend.

- **Friends Committee**  
Usually members are from the bar who not only ask for donations from larger entities like the universities, Microsoft, Starbucks, Boeing, Costco, Amazon, Seahawks, Nordstrom, etc., but also reach out to friends and host smaller venues to help garner interest and funding. For example, at a previous NAWJ Conference, there was a session on labor trafficking and one of the hotel chains along with a big pharmaceutical company co-sponsored the session and came in and spoke about why the topic was important to them from their perspective. These events tend to highlight the work of the NAWJ and in this case, if the GJCOM is working really closely with the NAWJ, maybe highlight the work of the Commissions.

**Action:** Contact the Chief, Justice Owens, and/or Danielle if you have ideas or are interested in volunteering.

### Committee Reports

- Communications Committee (Ron Miles, Chair)  
Pam Dittman reported for Ron Miles who was unable to make this meeting. The Communications Committee held its first conference call in December to discuss the work plan.
  - Annual Report  
The Committee approved the work plan, made some adjustments to the timelines associated with projects, and have begun working on the 2014 Annual Report. Pam, with Committee input, designed a mock up for this report. We have provided it to you for your perusal. We are drafting the verbiage for the report, the welcome letter from the Chief, and several other areas.

We pose these questions to you: what may be missing, what should we highlight, and what topics should be in the "looking ahead" piece.

Members indicated they would like to see:

- 1) An explanation for where the funding for the Commission comes from and the relationship between the STOP grant funds and the Office on Violence Against Women.
- 2) A recognition of our partners on projects. This shows that we are not treading new ground or duplicating efforts, and are working with others on the issue and for a common goal.

- 3) Cover art. Justice Gordon McCloud mentioned she has a copy of a 1985 lithograph by Linda Hawkin-Israel and we may be able to check with the artist and see if she would give us permission to use the image on our report.
- 4) Looking forward.  
Members discussed a write up for the need to revise the 1989 task force study and glass ceiling survey given the amount of time that has passed and societal changes and how new changes are affecting gender in our courts. Highlights of what we plan on talking about to the women legislators, maybe history of the Commission and how we continue to answer tasks from the 1989 report, technology and privacy (non-consensual pornography, Back Page, webcams on law enforcement officers, threatening speech on social media, etc.), a "wish list." Also the work we will be doing in 2015 with the Tribal State Court Consortium.

**Action:** Judith Lonquist personally knows Linda Hawkin-Israel and will speak to her about using the artwork and possibly providing a write up of the inspiration behind the piece. Linda's other projects were discussed and we may want to ask her to be a speaker at Commission events, such as the Legislative Luncheon.

- Mission Statement  
One of the other projects that the Communications Committee also talked about, is resurrecting the work Ron started in 2012 on revising the Mission and Vision to be more concise and easier to convey. We will continue to work through this and plan on presenting options to the Commission in the future.
- Domestic Violence Committee (Judge Judy Jasprica, Chair)  
Pam Dittman reported for Judge Jasprica who was unable to attend this meeting. The Center for Court Innovation conducted three site visits to Spokane, Cowlitz, and Benton-Franklin Counties in December 2014. They were able to observe domestic violence court proceedings and conducted interviews with judicial officers, court administrators, probation, law enforcement, and advocacy groups. The draft report is due mid-February at which time the Committee will review it and make any suggestions. The plan is the Committee will use the report as direction for future Committee work.
- Education Committee (Judge Rich Melnick, Chair)  
Danielle Pugh-Markie presented on behalf of Judge Melnick who was unable to attend. Danielle provided an overview of several programs the Commission is supporting in the upcoming months. We will have sessions at Judicial College on domestic violence, protection orders, and the *In Her Shoes* simulation. Additionally, the Interpreter and Minority & Justice Commissions both have sessions.

David Ward has agreed to be faculty for the Abusive Litigation Session at the Superior Court Judges' Association (SCJA) Conference and we're identifying a judge to co-present with him. Grace Huang will present on the DV manual update/firearms session and Danielle is working with Judges Anne Hirsch and Elizabeth Berns on the firearms piece for that session. We will be co-sharing that session with an update about Court Appointed Special Advocates (CASA), which Danielle is getting more information on what that entails to see how we can dovetail our sessions into that.

For the District and Municipal Court Judges' (DMCJA) Conference we also secured a 90-minute time slot for a session on DV and firearms. For the Appellate Conference, the topic is Feminist Legal Theory and Dr. Dana Raigrodski, University School of Law, will be the faculty. Her bio is included in the meeting packet.

Fall Conference will be a joint effort with the American Judicial Association (AJA) and is being held October 4-7, 2015 at The Sheraton Seattle. Danielle has been asked to work with National Association of State Judicial Educators to develop sessions on DV and cultural competency. Danielle is working with Judge Catherine Shaffer and Judge Libby Hines, Ann Arbor District, Michigan. There is discussion on having one major Conference theme for AJA members and that will also pertain to Washington judicial officers along with making some sessions available and Washington-specific and would include the business meeting.

- Incarcerated Women & Girls (Sara Ainsworth, Chair)  
Sara was unable to attend today so Pam provided an update. Sara and Pam will be scheduling a conference call to discuss next steps and how to pull together a small sub-committee that will focus on specific areas that we can collaborate on to fix, such as access to forms or notification of court dates. And then we will discuss adding in Mission Creek as another project for the year. Members brought up that they would like to see a continued discussion with Department of Corrections on bringing in domestic violence services/advocacy to women housed at Mission Creek as this is not something currently being addressed. Since Mission Creek is the last stop prior to re-entry, it is important for the women to understand how to recognize how DV has affected them, how to reintegrate into the community, what skills may be needed, support groups, etc.

There was also discussion during this update about the overlap with the Minority and Justice Commission (MJCOM) and the Tribal State Court Consortium and how the disproportionality of peoples of color are being incarcerated. We may want to collaborate on a project with MJCOM to evaluate and identify the disproportionality and if there is, how might we address it. Danielle indicated she had met with Justice Yu prior to this meeting and MJCOM is talking about re-entry and how the upcoming Supreme Court Symposium being held May 28, 2015, is focusing on re-entry for both women and children.

The group also asked if there was any way to inquire or find out if the crime the person is incarcerated for has a direct relationship to DV or SA. For example, assaulting their abuser.

Leslie Savina mentioned that her colleague Elizabeth Hendren, who participates in a work group, holds a legal clinic a few times each month at Mission Creek. She indicated that there is no access to legal materials at Mission Creek and that there is supposed to be the ability for them to be transported to Purdy to access their legal materials, which isn't happening. Maybe with a more formal request from GJCOM, this may be able to move forward.

**Action:** Staff follow up with Sara, re: next steps and the Mission Creek project and follow up with Department of Corrections on the Gender Responsive Initiative and having a staff person be a guest speaker at GJCOM meeting.

- Tribal State Court Consortium (TSCC) (Judges Mark Pouley and Tom Tremaine)  
The first TSCC regional meeting will be held on Wednesday, February 26. It is being hosted by the Suquamish Tribe. Judge Cindy Smith is assisting with the logistics. Judges Pouley, Smith, and Tremaine have assisted with identifying which tribes to invite and a letter will be going to those tribal courts along with their state court counterparts from all court levels. The agenda is pretty ambitious and we are in discussions with Jerry Gardner and at least one of his colleagues from the Tribal Law and Policy Institute to help facilitate the afternoon portions.

Members asked if we could also ask someone from the Tulalip Tribe, i.e., Judge Theresa Pouley, to come speak to the GJCOM regarding issues that they are seeing around the enhanced jurisdiction, impact on surrounding community, and if there are ways state courts can support the efforts. It would be interesting to hear what is happening on DV and SA cases and what exactly is covered in the new enhanced jurisdiction provisions. It's unlikely we will see a lot of tribes start prosecuting these cases come March. There is much planning needed and tribes are evaluating their infrastructure.

Tulalip, as a pilot site, has been prosecuting these cases under the new enhancements since February 2014 and have had two things come up. The first is they don't have jurisdiction over the children or crimes against the children. But there's also a push nationally to amend VAWA to include children. The other thing that happens is usually there are other crimes that co-occur with the DV crime (drug, property, etc.) that are outside the tribe's jurisdiction. It's a conversation that we're going to have to entertain, which is even though the tribes are going to have more jurisdiction to prosecute DV cases, there is the potential for overlap and coordination being needed between a tribe and the county. The other pilot sites are the Umatilla Tribe and Pasqua Yacqui. For more information on the Tribal Implementation of VAWA, go to: <http://www.ncai.org/tribal-vawa/pilot-project-itwg/pilot-project>.

- Women in the Profession (Judith Lonquist, Chair)  
Judith reported that the Committee has three projects: Judicial Officer & Law Student Reception, evaluations, and update to the 1989 Task Force Report including the 1991 Glass Ceiling Survey.
  - **Reception:** In the past we have held the event in the Spring, but the past few years, we moved it to Fall because of timing. This year we are proposing holding the reception in Spokane. Fall tends to be very busy with dinners and events, but by holding it later in the year, Judge Paja has been able to ask for additional monies from NAWJ as their budget cycle ends at the end of the calendar year and we can ask to tap into unspent funds. If we hold the event in the Spring, we will only be able to ask NAWJ for one, \$500 scholarship.

With moving the event to the Fall, NAWJ has been able to provide two, \$500 scholarships and this year, we were able to secure a third one after the fact and

awarded it to Miss Erica Evans who was the third choice applicant. We were able to do a small ceremony where Judge Karen Donahue was able to present it to Erica at the King County Courthouse.

After discussion, Commission members agreed to continue to hold the reception in the Fall and suggested early November or October. Members also suggested we reach out to the Washington Women Lawyers to see if they would like to donate towards the scholarship. We are planning to hold the reception at Gonzaga and need to begin planning for the event, such as a showing of the movie Anita that will draw students and judicial officers.

**Action:**

- Staff contact Gonzaga Women Lawyers Caucus.
  - \_\_\_\_\_ contact Washington Women Lawyers to see if they would like to donate.
  - Judge Paja will contact NAWJ.
- Glass Ceiling Survey: This is a large project and on hold for the moment. See comments in Legislative Luncheon (above).
  - Judicial Evaluations: We are still looking at the judicial evaluation tool and committed to having it adopted statewide.

**Action:** Please let the Chief and Danielle know if you would be interested in chairing this Committee as Judith will be leaving the GJCOM in June when her second term is up.

**Miscellaneous:**

The Commission team is designing a stand-alone brochure/insert highlighting the collaboration efforts amongst the Commissions. The intent of the brochure is to provide a very quick, clean, way to highlight the work of each Commission (Minority and Justice, Interpreter, and Gender and Justice), who the team is, and what our collective work has been over the year and what we're looking forward to as well. Each Commission is planning on having its annual report ready by the end of February.

The Chief indicated we should also include the Commission on Children in Foster Care because we have collaborated with them on projects such as the Tribal and Court Consortium and a training on the commercial sexual exploitation of children. It's an important Commission in regards to juvenile justice issues and we ought to include them.

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

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE WORKSHOP

February 9-10, 2015

Tukwila Community Center  
12424 42<sup>nd</sup> Avenue South, Tukwila, Washington

## AGENDA

Approved 9.5 CJE's (1.5 Ethics) / Pending 9.5 CLE's (1.5 Ethics)

*Enhancing Courts' Response to Adult Victim Sexual Violence Workshop* is the result of a partnership among the Washington State Supreme Court Gender & Justice Commission, the National Judicial Education Program of Legal Momentum, and the King County Sexual Assault Resource Center (KCSARC) and is funded by a grant through the Department of Justice Office on Violence Against Women. This 1½-day workshop will be led by a faculty team of experienced Washington judges and experts who have pioneered work on sexual violence issues in the courtroom and beyond.

This interactive workshop will provide new and experienced judicial officers with the tools they need to develop or enhance their ability to handle these complex and challenging cases. Judicial officers will return to their communities with a greater understanding of: victim and offender behaviors and the implications for the courts; vicarious trauma for judicial officers, court staff, and jurors; the role of language in shaping perceptions of sexual violence; the challenges of evidentiary rulings respecting the rape shield law, privilege, and the Washington Sexual Assault Protective Order; and how, within the Washington Code of Judicial Conduct, judicial officers can take a leadership role in the community response to sexual violence.

### Day 1

8:00-8:30 a.m.      **Welcome & Introductory Remarks**

Judge Elizabeth Berns

*Coffee & Pastries will be provided.*

8:30-10:00 a.m.      **Perpetrators of Sexual Violence Against Adults: A Brief Overview**

Dr. Christmas Covell

This segment will assist participants in developing their knowledge and understanding of persons who sexually victimize adults. Common characteristics of, as well as the diversity within this group of

perpetrators and their offense behaviors/dynamics, will be reviewed. Participants will learn to identify empirically-based risk factors for re-offense, and become informed about interventions used to manage this population and reduce risk to the community.

*As a result of this segment, you will be better able to:*

- Understand the data on sexual victimization of adults.
- Identify characteristics of known perpetrators of adults and their offense patterns.
- Identify risk factors for re-offense.
- Understand management strategies.

10:00-10:15 a.m. **Evaluation and Break**

10:15-12:00 p.m. **The Impact of Trauma on the Brain:  
What You Need to Know and Why**  
Dr. Chris Wilson

Research on the brain and specifically on understanding the neurobiology of trauma has increased exponentially in the last several years. This session will provide participants with a basic overview of the neurobiology of trauma with attention paid to the practical application of this knowledge. Specifically, participants will gain an understanding of the possible scientific explanation for seemingly counterintuitive victim behavior. Participants will be encouraged to discuss the application and utility of the science of judicial decision making. This session will also form the scientific knowledge base for an examination of what it means to have a trauma-informed courtroom.

*As a result of this segment, you will:*

- Gain an understanding of the basic neurobiology of trauma that often can explain seemingly counterintuitive victim behavior including changing accounts/memories of traumatic events and seemingly irrational responses to threat or various judicial processes.
- Gain an appreciation for the complexity of the neurobiology of trauma and the value of allowing expert testimony to illuminate nuance and context in individual cases.

- Gain a foundation from which to make trauma-informed decisions in the courtroom.

12:00-1:00 p.m. **Evaluation and Break for Lunch**

*Lunch provided.*

1:00-2:30 p.m. **Vicarious Trauma and Self-Care:  
The Flaw in the Scarecrow's Reasoning**

Dr. Chris Wilson

"If I only had a brain," said the Scarecrow, "I would not be a nuffin', my head a full of stuffin', my heart all full of pain, I would dance and be merry, life would be a ding-a-derry, if I only had a brain."

Unfortunately, the flaw in the Scarecrow's reasoning is based on what we know about the science of the brain and the way in which we fundamentally understand the experiences of others. This session will examine the neuroscience behind vicarious trauma; provide participants with a delineation between burnout, compassion fatigue, and vicarious trauma; and discuss research-based practical methods for reducing risk.

*As a result of this segment, you will be able to:*

- Define the differences between burnout, compassion fatigue, and vicarious trauma.
- Understand the role of mirror neurons in the process of understanding the experience of others.
- Understand the research related to the impact of exposure to traumatic cases on attorneys and judicial officers.

2:30-2:45 p.m. **Evaluation and Break**

2:45-4:15 p.m. **Raped or "Seduced"?**  
**How Language Impacts Perceptions of Sexual Assault**

Claudia J. Bayliff, Esq., National Judicial Education Program

When we discuss sexual assault, we constantly use the language of consensual sex to describe assaultive acts. In addition, we describe violence against women in passive terms, and use language that objectifies or blames victims, which allows the perpetrators of this

violence to remain invisible and unaccountable. This session explores the language of violence against women and how we talk and write about these crimes.

*As a result of this segment, you will be able to:*

- Identify consensual language, the “invisible perpetrator,” and victim-blaming language in writing and speech concerning violence against women.
- Understand the importance of using accurate language in court and in written judicial opinions.
- Write and speak accurately about sexual violence and violence against women.

4:15-4:30 p.m.

**Evaluation and Closing Remarks**

Judge Elizabeth Berns

This project was supported by Grant No. 2013-FL-AX-0008 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/ program/ exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

## Day 2

8:00-8:15 a.m.     **Welcome Back**  
Judge Elizabeth Berns

8:15-10:00 a.m.     **Evidentiary Issues: Washington Law Case Studies**  
Judge Elizabeth Berns, Judge Patti Connolly Walker, Judge Mark Pouley

This segment presents three case studies focused on Washington law respecting the rape shield law, privilege, and the Washington Sexual Assault Protective Order (SAPO). Participants will explore the issues each case study presents in interactive exercises.

*As a result of this segment, you will be better able to:*

- Identify the steps necessary to analyze and rule in cases presenting rape shield law and privilege issues.
- Conduct and rule in SAPO petition hearings.
- Address jurisdictional issues when a SAPO involves both tribal and state courts.

10:00-10:15 a.m.     **Evaluation and Break**

10:15-11:45 a.m.     **Judicial Leadership: Role of the Judicial Officer in Court and Community**  
Judge Elizabeth Berns, Judge Patti Connolly Walker, Judge Mark Pouley

This segment focuses on the role of the judicial officer in advancing access to justice in the court and community. Participants will problem-solve by applying the ethics code provisions to specific extrajudicial activities in which a judicial officer might become involved. Finally, through a small-group exercise, participants will identify specific leadership activities in which they can engage in to create a trauma-informed judicial response to sexual violence.

*As a result of this segment, you will be better able to:*

- Recognize the impact of your role as a judicial officer on court system players.
- Apply ethics rules that govern judicial officers' participation in activities such as court and community councils, legislative

proposals, and education programs by and for non-judicial officer providers.

- List specific actions judicial officers can take in the court and community to enhance access and improve the administration of justice in cases involving sexual violence.

11:45-12:00 p.m. **Evaluation and Training Wrap-Up**  
Judge Elizabeth Berns

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# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Perpetrators of Sexual Violence Against Adults: A Brief Overview  
**Faculty:** Dr. Christmas Covell  
**Name (optional):** \_\_\_\_\_

This is a numeric rating on a 5-point scale.  
*(5=Excellent; 4=Good; 3=Average; 2=Below Average; 1=Poor)*

	<b>Average</b>					
1. The goals of the segment were clear.	<b>4.6</b>	5	4	3	2	1
2. The goals of the segment were achieved.	<b>4.4</b>	5	4	3	2	1
3. The faculty engaged me in meaningful activities.	<b>3.3</b>	5	4	3	2	1
4. I gained important information or skills.	<b>4.3</b>	5	4	3	2	1
5. The faculty made a clear connection between the course and the workplace.	<b>4.1</b>	5	4	3	2	1
6. Overall rating of this segment.	<b>4.2</b>	5	4	3	2	1

7. What topic or aspect of this segment did you find the most valuable and why?
- Recidivism and substance of treatment.
  - Dr. Covell's depth of knowledge and experience was evident. Well-presented and insightful.
  - The potential restrictions I can order in a JIS.
  - Theory of treatment.
  - Overall presentation of materials and statistics gave me much more information about perpetrators.
  - The issues related to college students self-awareness of their right of safety and what is being used to assist all students.
  - Informative—broad brush of sex offense TX, etc.
  - Factors associated with sexual re-offense. This best helps me learn what factors can be addressed with respect to behavioral change.
  - The research presented.

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Perpetrators of Sexual Violence Against Adults: A Brief Overview  
**Faculty:** Dr. Christmas Covell  
**Name (optional):** \_\_\_\_\_

- All the information provided helps as we see violators in the courtroom. This background provided opens the eyes to the risks posed by offenders, and factors that lead to these types of offenders.
- Great information covering a lot of ground.
- Treatment aspects.
- Statistics of offenders.
- Risk assessment.
- Understanding range of issue.

8. What can you do differently in your work as a result of this segment?

- Knowledge is wonderful. Funding is another story.
- Be more aware of sexual issues and focus on resources.
- Need to process the information first.
- More likely to order restrictions and treatment.
- More awareness of risk facts.
- This help with temporary orders of protection and full orders also.
- Realization of how often sex offenses are unreported/not considered sex offenses.
- Probably assess risk factors and develop more appropriate sentences for offenders.
- Ask better, more informed questions about post-conviction deposition.
- Using stats and presentation to approach sentencing, issues at preliminary hearings.
- Look at risk factors when reviewing cases.
- She didn't really address this at all.

9. What suggestions would you recommend for future segments on this topic?

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Perpetrators of Sexual Violence Against Adults: A Brief Overview  
**Faculty:** Dr. Christmas Covell  
**Name (optional):** \_\_\_\_\_

- Would suggest one for tribal courts. We should be working with faculty like Claudia Bayliff so training can be expanded more in the Indian country.
- More information on risk assessment tools, so we can feel confident about results.
- More time for specific questions.
- I wanted more examples and case studies to highlight topics and themes. Please ask follow-up questions to ensure you have answered the questions as this tends to foster/encourage more dialogue.
- More focus on recidivism rate vs. type of treatment.
- More interactive approach.
- Maybe more video segments. Something to break up lists and stats.
- Ran out of time—need just a little more time.
- More specific bringing it into the courtroom. What do we do with this information?
- Show more application to court.

## Additional Comments

- The Dr. was very knowledgeable and engaging. Her PowerPoint was excellent and her timing of her presentation was as well.
- The video was disturbing on so many levels, but the most surprising was the level of calculation and pre-mediation on behalf of the offender. Also, the organized efforts of a group of male college students.
- She read her material very fast. If the knowledge is to be expanded, perhaps give her more time so she can talk normal.



# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** The Impact of Trauma on the Brain: What You Need to Know & Why  
**Faculty:** Dr. Chris Wilson  
**Name (optional):** \_\_\_\_\_

This is a numeric rating on a 5-point scale.  
*(5=Excellent; 4=Good; 3=Average; 2=Below Average; 1=Poor)*

	<b>Average</b>					
1. The goals of the segment were clear.	<b>4.9</b>	5	4	3	2	1
2. The goals of the segment were achieved.	<b>4.8</b>	5	4	3	2	1
3. The faculty engaged me in meaningful activities.	<b>4.9</b>	5	4	3	2	1
4. I gained important information or skills.	<b>4.8</b>	5	4	3	2	1
5. The faculty made a clear connection between the course and the workplace.	<b>4.8</b>	5	4	3	2	1
6. Overall rating of this segment.	<b>5</b>	5	4	3	2	1

7. What topic or aspect of this segment did you find the most valuable and why?
- Excellent discussion of victim response.
  - Relevant, brought science and application to the courtroom.
  - Neurobiology.
  - Can't pick any one portion as more valuable than the other. This was all extremely helpful.
  - Greater insight into why victims respond in the way they do and the scientific reasons why.
  - Giving me the basics on how the brain works.
  - The entire presentation was excellent and covered needed information.
  - Dr. Wilson was a very engaging presenter and kept my interest throughout.
  - Brain function paired with the external stimuli.
  - Invaluable information re: victim behavior.
  - Due to the complexity of the brain, I am reminded to be humble and open to the wide variety of possibilities of human experience and reaction.
  - Explanation of inconsistent or counter intuitive behaviors.

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** The Impact of Trauma on the Brain: What You Need to Know & Why  
**Faculty:** Dr. Chris Wilson  
**Name (optional):** \_\_\_\_\_

- The portions where presenter did connect course to workplace.
- Tonic immobility collapsed immobility.
- Frankly, all of it.

8. What can you do differently in your work as a result of this segment?

- More aware of various behaviors.
- Awareness of myths.
- Attend to details and understand emotional aspects.
- Encourage colleagues to learn more about the science of "victimology." Greater sensitivity in the courtroom—protect re-victimization of the victim.
- Be more sensitive to victims need for breaks/set up of courtroom to lessen trauma.
- Be more understanding of issues surrounding DV trauma.
- Breathe, be patient, and consider possibilities and understanding and positions.
- Ask informed questions, better manage trial process.
- Understand victims' responses to trauma.
- Recognize the various physical responses to SA trauma.
- Understand witness testimony and behavior on the witness stand, and reaction of witnesses.

9. What suggestions would you recommend for future segments on this topic?

- Role play, rulings, bench trial, civil protection order, etc.
- Quieter. More brain information—fewer conclusions.
- Invite prosecutors/defense attorneys. Think the more the attorneys understand the behaviors the more likely experts will be requested and the jury will be fully informed. Thank you!
- No more Seahawks jokes, it really is just too soon!! Patriots and ducks—so sad for you....try therapy!!

**ENHANCING COURTS' RESPONSE TO  
ADULT VICTIM SEXUAL VIOLENCE  
EVALUATION**

February 9-10, 2015

**Segment:** The Impact of Trauma on the Brain: What You Need to Know & Why  
**Faculty:** Dr. Chris Wilson  
**Name (optional):** \_\_\_\_\_

- Great speaker!
- The UW football team vs. Oregon, Washington 58 wins; Oregon 33 wins; 5 ties.
- Keep it as it is.
- Was excellent as presented!
- Leave the group projects out—and the sport.

**Additional Comments**

- Excellent.
- Thank you for teaching me and for especially instilling within me a desire to think, struggle, learn, and be involved in the process of learning.
- Amazing actually!
- I have to apologize. I had a big breakfast and got ill so I slept a lot sorry. Diabetes took over.



# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Vicarious Trauma & Self-Care: The Flaw in the Scarecrow's Reasoning  
**Faculty:** Dr. Chris Wilson  
**Name (optional):** \_\_\_\_\_

This is a numeric rating on a 5-point scale.  
*(5=Excellent; 4=Good; 3=Average; 2=Below Average; 1=Poor)*

1. The goals of the segment were clear.	<b>Average</b>	5	4	3	2	1
2. The goals of the segment were achieved.	<b>4.9</b>	5	4	3	2	1
3. The faculty engaged me in meaningful activities.	<b>4.8</b>	5	4	3	2	1
4. I gained important information or skills.	<b>4.9</b>	5	4	3	2	1
5. The faculty made a clear connection between the course and the workplace.	<b>4.9</b>	5	4	3	2	1
6. Overall rating of this segment.	<b>4.8</b>	5	4	3	2	1

7. What topic or aspect of this segment did you find the most valuable and why?
- Ways to state yourself without negativity.
  - Concept of secondary trauma and coping skills.
  - The way the presenter encouraged us to come up with ideas to implement to assist with vicarious trauma.
  - Different aspect of looking at vicarious trauma. That we have PTSD!
  - Intentionality—accept our humanity—as a strength not a weakness.
  - Very useful completely.
  - Made me think and consider things/activities I can engage in that not only will benefit my life as a judge, but will benefit my wife and daughters.
  - The science.
  - Got me thinking about trauma that I didn't recognize as trauma.
  - Mindfulness.
  - Very talented. Very up lifting. Not a bad guy for a Duck.
  - Excellent presenter.
  - Discussion of "coping" skills.
  - Overall presentation—very helpful.

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Vicarious Trauma & Self-Care: The Flaw in the Scarecrow's Reasoning

**Faculty:** Dr. Chris Wilson

**Name (optional):** \_\_\_\_\_

8. What can you do differently in your work as a result of this segment?
- Excite leadership, work as a team, enjoy work more.
  - Need to work with clients to establish a moment of positive tones and gestures.
  - Be more aware of how it affects us.
  - Spend more time with my "safe" people. With whom I can be my real self with! Encourage my staff. They love humor—Friday afternoon activity will be planned. "Five minutes on Friday!" I have ideas.
  - Ritual to relieve stress.
  - Applying the positive things that can be done at work. Institute the structured/ritual in my court.
  - Come up with a positive exercise with staff once a month.
  - Practice mindfulness.
  - Will engage staff on regular basis to help all of us to focus on fun self care.
9. What suggestions would you recommend for future segments on this topic?
- Have at the ???
  - Very engaged speaker.
  - Love it. Very engaging with class.

## Additional Comments

- Thank you for being in touch with the greater power within all humans/our interconnectedness and encouraging us as judges to venture and be in that energy more often. I've been empowered and the world is brighter and more beautiful.
- Go Hawks !!
- Enjoyed dialogue.

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Raped or "Seduced"? How Language Impacts Perceptions of Sexual Assault

**Faculty:** Claudia J. Bayliff, Esq.

**Name (optional):** \_\_\_\_\_

This is a numeric rating on a 5-point scale.

*(5=Excellent; 4=Good; 3=Average; 2=Below Average; 1=Poor)*

	<b>Average</b>				
1. The goals of the segment were clear.	<b>4.9</b>	5	4	3	2 1
2. The goals of the segment were achieved.	<b>4.8</b>	5	4	3	2 1
3. The faculty engaged me in meaningful activities.	<b>4.6</b>	5	4	3	2 1
4. I gained important information or skills.	<b>4.7</b>	5	4	3	2 1
5. The faculty made a clear connection between the course and the workplace.	<b>4.9</b>	5	4	3	2 1
6. Overall rating of this segment.	<b>4.7</b>	5	4	3	2 1

7. What topic or aspect of this segment did you find the most valuable and why?

- Critical examination of language.
- Emphasizing the importance and implicit recovery.
- Excellent presentation and kept my attention throughout.
- I will definitely be aware of the words and written opinions I write or speak. Mindful of awareness of victim blaming.
- It's all useful—need to be reminded. Maybe a topic at Judicial College.
- Language examples—very helpful.
- All of it! A great challenge for all of us to go forward and make a difference. I believe it too!!
- Terminology changes to treat victims as victims.
- Basic changes that make big impacts.
- The unspoken meanings behind commonly used phrases/terms. It raised my awareness and that is usually all I need (and an occasional refresher) to make some changes.

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Raped or "Seduced"? How Language Impacts Perceptions of Sexual Assault

**Faculty:** Claudia J. Bayliff, Esq.

**Name (optional):** \_\_\_\_\_

- Very well done.
  - The words we choose and speak, matter.
  - Fantastic, powerful engaging throughout even though she doesn't use break out or other things that help keep it interesting. She just doesn't need it.
8. What can you do differently in your work as a result of this segment?
- Thoughtful and strategic choice of language.
  - Watch words.
  - Really fostered my thoughts about this area.
  - Great examples used.
  - Apply principles—more thoughtful use of language.
  - Be more diligent about listening to victims and when possible, help them to recognize that it is never their fault.
  - Yes.
  - Make sure oral statements and rulings are accurate with scenario.
  - Prepare draft comments regarding potential issues raised during a trial or hearing that are thoughtfully sensitive to the situation of persons involved in a case.
  - Mind my language. Change my presentation language and encourage others to mind their language.
9. What suggestions would you recommend for future segments on this topic?
- More examples.
  - Need to teach this to all judges in the state!!
  - Equality between men and women is still a work in progress.

**ENHANCING COURTS' RESPONSE TO  
ADULT VICTIM SEXUAL VIOLENCE  
EVALUATION**

February 9-10, 2015

**Segment:** Raped or "Seduced"? How Language Impacts Perceptions of Sexual Assault

**Faculty:** Claudia J. Bayliff, Esq.

**Name (optional):** \_\_\_\_\_

**Additional Comments**

- One of the best presentations I've heard. Very impactful. Clear, concise and powerful.
- Love her.
- Thank you! Insightful and wonderful presentation!!



# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Evidentiary Issues: Washington Law Case Studies  
**Faculty:** Judges Elizabeth Berns, Patti Connolly Walker, Mark Pouley  
**Name (optional):** \_\_\_\_\_

This is a numeric rating on a 5-point scale.  
*(5=Excellent; 4=Good; 3=Average; 2=Below Average; 1=Poor)*

	Average					
1. The goals of the segment were clear.	4.6	5	4	3	2	1
2. The goals of the segment were achieved.	4.5	5	4	3	2	1
3. The faculty engaged me in meaningful activities.	4.6	5	4	3	2	1
4. I gained important information or skills.	4.4	5	4	3	2	1
5. The faculty made a clear connection between the course and the workplace.	4.7	5	4	3	2	1
6. Overall rating of this segment.	4.5	5	4	3	2	1

7. What topic or aspect of this segment did you find the most valuable and why?
- Discussions held were very helpful. Hearing other judges experiences and viewpoints very interesting and helpful. Very much appreciate of discussion on SPO scenarios.
  - All of it.
  - Legal analysis.
  - Challenging scenarios.
  - Not enough time for tribal issues.
  - Interesting discussion (not necessarily relevant for my position—but still interesting).
  - Rape shield law.
  - All the case presentations were both informative with regard to the law and thought provoking.
  - Discussion about advocate notes/records and the analysis was great.

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

Segment: Evidentiary Issues: Washington Law Case Studies  
Faculty: Judges Elizabeth Berns, Patti Connolly Walker, Mark Pouley  
Name (optional): \_\_\_\_\_

- The varying balancing's that I must engage in when dealing with SAPO and rape advocates. I was not familiar with these and will be better equipped to handle such cases/hearings.

8. What can you do differently in your work as a result of this segment?

- More informed.
- Improved analysis.
- Ask more questions.
- Awareness.
- Doesn't affect my role as a municipal court judge much.
- Read each of the statutes for PO carefully and apply them.

9. What suggestions would you recommend for future segments on this topic?

- Work on Indian panel of voice so other judges can gain understanding.
- Need a little more time and more case study discussion—these were great information.

## Additional Comments

- I am a bit concerned in the last case study by the sense conveyed by the discussion leader that there were certain answers that were correct and others were not; that the group was not free to express. As a participant I, and I believe others, best learn by being free to explore, consider, chew on, reconsider, agree, disagree.
- Judge Berns questions were so vague at times, difficult to follow.

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Judicial Leadership: The Role of the Judicial Officer in Court and Community

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**Faculty:** Judges Elizabeth Berns, Patti Connolly Walker, Mark Pouley

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**Name (optional):** \_\_\_\_\_

This is a numeric rating on a 5-point scale.  
(5=Excellent; 4=Good; 3=Average; 2=Below Average; 1=Poor)

	Average					
1. The goals of the segment were clear.	4.7	5	4	3	2	1
2. The goals of the segment were achieved.	4.6	5	4	3	2	1
3. The faculty engaged me in meaningful activities.	4.7	5	4	3	2	1
4. I gained important information or skills.	4.6	5	4	3	2	1
5. The faculty made a clear connection between the course and the workplace.	4.7	5	4	3	2	1
6. Overall rating of this segment.	4.6	5	4	3	2	1

7. What topic or aspect of this segment did you find the most valuable and why?
- The scenarios and hypotheticals were very helpful and provided very meaningful discussion.
  - Gave me ideas for participating with community without violating my role.
  - The science was great.
  - Small group discussion.
  - Judicial ethics input.
  - Reflecting back on what we will do with information back at the courtroom.
  - Cindy Gray bulleted list is very helpful.
  - Bringing the topic to my practice.

8. What can you do differently in your work as a result of this segment?
- Be more aware of trauma and vicarious trauma and my role in dealing effectively with the issues.
  - I will be more sensitive to victims and my wards.
  - Looking at people's demeanor more.

# ENHANCING COURTS' RESPONSE TO ADULT VICTIM SEXUAL VIOLENCE EVALUATION

February 9-10, 2015

**Segment:** Judicial Leadership: The Role of the Judicial Officer in Court and  
Community

**Faculty:** Judges Elizabeth Berns, Patti Connolly Walker, Mark Pouley

**Name (optional):** \_\_\_\_\_

- This program has increased my awareness. I will be ever more cautious about my demeanor and language.
- Improve communication skills. Set the tone. Share vicarious trauma information with my staff.
- Soft eyes!!!
- More attentive to detail

9. What suggestions would you recommend for future segments on this topic?

- Enjoyed this!
- Use transponders so we can see other people's responses and consider.
- This whole 1.5 day presentation was excellent, very valuable and thought provoking. Thank you also to Tukwila for hosting!
- This was brief but full of complex ideas. Time was too short.

Additional Comments

- I loved the conference; the chairs were hard on my back.

**Gender & Justice Commission**  
**Proposed Budget July 1, 2014 - June 30, 2015**

Projected Spending		Starting Budget = \$150,000	
		Projected	Spent
<b>Salaries &amp; Benefits</b>	Staff (1.0 FTE: Manager, 0.3 FTE Program Coordinator)	\$119,084	\$ 75,309
<b>Commission Meetings</b>	Travel-related costs for members & staff (lodging, per diem, mileage, airfare, etc.) (Sept, Nov, Jan, March, May)	\$5,500	\$5,487
	Retreat - July 11, 2014 (Facility only)	\$4,282	\$4,282
<b>General Operating Expenses</b>	Printing, conference calls, supplies, etc.	\$2,575	\$2,865
<b>Travel &amp; Training</b>	Registration Fees, Travel-related costs		\$5,010
<b>Staff Continuing Education</b>	Local and National conferences Fall 2014, SCJA 2015, DMCJA 2015 (costs not captured under other grants)	\$1,500	\$2,001
<b>Committee Work</b>			
<b>Communications</b>	Annual Report work is captured under staff time & general operating expenses for printing & mailing	\$0	\$0
<b>Domestic Violence</b>	Captured under FFY14 STOP Grant Funds	\$0	\$0
<b>Education Committee</b>	<b>SCJA Spring Program Proposals</b>		
	Abusive Litigation (costs captured under FFY14 STOP funds)	\$0	\$0
	<b>DMCJA Spring Program Proposals</b>		
	Domestic Violence Sessions (costs captured under FFY14 STOP funds)	\$0	\$0
	<b>Fall Conference 2014</b>		
	Race: The Power of an Illusion	\$1,100	\$1,100
	<b>Appellate Conference 2015</b>		
	Feminist Legal Theory	\$1,000	
<b>Incarcerated Women &amp; Girls</b>	Stakeholder Mtg - July 31, 2014	\$1,250	\$921
<b>Tribal State Court Consortium</b>	Fall Conference 2014 Mtg 2015 work captured under GTEA	\$1,250	\$1,786
<b>Women in the Profession</b>	Judicial Officer & Law Student Reception	\$0	\$0
<b>Initiatives/Sponsorships</b>	Mission Creek Event (October)	\$100	\$0
	WA Initiative for Diversity - Judicial College	\$1,000	\$1,000
	OCLA Civil Legal Needs Study	\$12,500	\$7,396
	CSEC Training - August 2, 2014	\$1,260	\$1,592
	Sponsorship - CZ Smith	\$500	\$500
		<b>\$152,900</b>	<b>\$109,248</b>

updated 03.10.2015



**STOP BUDGET FFY14**

**Proposed Budget January 1, 2015 - December 31, 2015**

<b>Projected Spending</b>	<b>Total = \$133,192</b>	<b>\$98,266</b>	<b>\$34,926</b>
		<b>DV Projects</b>	<b>SA Projects</b>
<b>Salaries &amp; Benefits</b>	Staff (Program Coordinator = 0.35 FTE)	\$23,178	\$9,926
<b>Supplies, Copies, Printing</b>		\$1,500	
<b>Staff Training &amp; Education</b>	To attend local and national conferences and training events	\$7,688	
<b>Contracts</b>	PSC14119 - Center for Court Innovation re: Sentencing & Monitoring Project ( <i>carry over from FFY13</i> )	\$10,000	
<b>Judicial Officer Training &amp; Continuing Education</b>	Scholarships for judicial officers to attend local and national conferences & training events as related to DV/SA		
	Enhancing Judicial Skills in DV (\$2000*4)	\$8,000	
	Continuing Judicial Skills in DV (\$2,000*3)	\$6,000	
	NCJFCJ National Conference (\$3200*5)	\$16,000	
	Supplement SA judicial officer training		\$15,000
<b>Education Proposals</b>	<b>SCJA Spring Program Proposals</b>		
	Abusive Litigation	\$1,500	
	Firearms Surrender	\$1,500	
	<b>DMCJA Spring Program Proposals</b>		
	Domestic Violence Session	\$1,500	
<b>Proposed Work</b>	Other work re: implementation of HB1840	\$10,000	
	Surrender of Firearms		
	King County DV Symposium	\$5,000	
	Undetermined	\$6,400	
	Working with Tribal courts on SA issues		\$10,000
	<b>Totals per portion of grant</b>	<b>\$98,266</b>	<b>\$34,926</b>
	<b>Total Grant</b>	<b>\$133,192</b>	

Updated 1.5.2015

No Change 3.10.2015



**Tribal State Court Consortium  
Regional Meeting  
Suquamish Tribe**

House of Awakened Culture  
February 25, 2015

**Agenda**

**8:15 – 8:30 am**      **Attendee Check-in and Refreshments**  
Coffee, tea, and pastries will be provided.

**8:30 – 9:30 am**      **Welcome and Introductions**

**Invocation Prayer**

*Ms. Dolores Mills, Suquamish Tribal Elder*

**Welcome**

*Mr. Leonard Forsman, Tribal Chairman, Suquamish Tribe*

*Mr. Wayne George, Vice-Chairman, Suquamish Tribe*

*Chief Justice Barbara A. Madsen, Washington State Supreme Court*

**Introductions and Tribal State Court Consortium Overview**

*Chief Justice Barbara A. Madsen, Washington State Supreme Court*

*Chief Judge Mark W. Pouley, Swinomish Tribal Court*

Attendees introduce themselves and share with the group what they hope to gain from attending this meeting.

**9:30 – 10:30 am**      **Suquamish Museum and Cultural Center Tour**

A guided tour of the First Peoples of the Puget Sound and the Suquamish Tribe.

**10:30 – 10:45 am**      **Refreshment Break**

10:45 – 11:45 am

**Suquamish Tribal Court - Grace Duggan Justice Center**

*Judge Cindy K. Smith*

An overview of Suquamish Tribal Court tribal code, procedures, and administration.

11:45 am – 1:00 pm

**Working Lunch: Historical Background on Forming and Sustaining Tribal Court/State Court Collaborations**

*Judge William A. Thorne, Retired*

*Ms. Heather Valdez Singleton*

Provide a national overview of tribal and state court forums and lessons learned.

1:00 – 2:30 pm

**Full Faith and Credit and Comity**

*Judge William A. Thorne, Retired*

*Chief Judge Theresa M. Pouley*

Discuss procedures and processes for domestic violence and sexual assault cases related to state and tribal courts in this region including the Violence Against Women Act (VAWA) 2013 special domestic violence criminal jurisdiction over non-Indians.

2:30 – 2:45 pm

**Refreshment Break**

2:45 – 4:15 pm

**Prioritizing Areas of Mutual Concern and Sustainability**

*Judge William A. Thorne, Retired*

*Ms. Heather Valdez Singleton*

Discuss and prioritize strategies that promote and sustain continued dialogue between tribal and state judges.

4:15 – 4:30 pm

**Closing Comments**

*Judge William A. Thorne, Retired*

**Tribal State Court Consortium  
Regional Meeting  
Suquamish Tribe**

House of Awakened Culture  
February 25, 2015

**Participant List**

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**Suquamish Tribe Council**

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Suquamish, WA 98392

Mr. Leonard Forsman, Tribal Chairman  
Mr. Wayne George, Vice-Chairman  
Mr. Nigel Lawrence, Secretary  
Ms. Robin Sigo, Treasurer  
Ms. Dolores Mills, Tribe Elder  
Ms. Irene Carper, Council Member  
Mr. Bardow Lewis, Council Member  
Mr. Jay Mills, Council Member

Ms. Kathy Bradley  
Chief Clerk/Court Administrator  
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**WASHINGTON STATE  
WOMEN JUDICIAL OFFICERS  
As of March 10, 2015**

JUDGES/COMMISSIONERS COURT LEVEL	WOMEN	TOTAL *	PERCENTAGE OF TOTAL
<b>Judges</b>			
Supreme Court	6	9	67%
Court of Appeals <sup>1</sup>	13	28	46%
Superior Court	73	190	38%
District Court	42	119 <sup>2</sup>	35%
Municipal Court	37	104 <sup>3</sup>	36%
<b>TOTAL JUDGES</b>	<b>171</b>	<b>450</b>	

WOMEN COMPRISE 38% OF THE JUDICIAL OFFICERS IN WASHINGTON STATE.

- These counts reflect names provided to the Administrative Office of the Courts for the *Washington Court Directory*. (Vacant positions are not included.)
- District Court and Municipal Court judges also include part-time judicial officers.
- Does NOT include Superior and/or District Court Commissioners or Magistrates<sup>4</sup>

**SUPREME COURT JUSTICES/COMMISSIONERS**

**Justices (6 of 9)**

Barbara A. Madsen  
Susan J. Owens  
Mary E. Fairhurst  
Debra L. Stephens  
Sheryl Gordon McCloud  
Mary Yu

**Commissioner (1 of 1)**

Narda Pierce

**COURT OF APPEALS**

**Judges (8 of 22 Judges)**

Mary Kay Becker  
Linda Lau  
Ann Schindler

Jill Johanson  
Linda CJ Lee  
Lisa L. Sutton  
Lisa Worswick

Laurel H. Siddoway

**DIVISION I**

**DIVISION II**

**DIVISION III**

**Commissioners (5 of 6)**

Masako Kanazawa  
Mary S. Neel

Aurora Bearse

Joyce J. McCown  
Monica V. Wasson

Updated March 10, 2015

<sup>1</sup> Includes 22 Judges and 6 Commissioners

<sup>2</sup> Comprised of 95 full-time and 22 part-time judges

<sup>3</sup> Comprised of 30 full-time and 61 part-time judges

<sup>4</sup> Current number of female Commissioners: Superior Court = 37; District/Muni = 9

	County	Superior Court Judge	SC Commissioner	District Court Judge	Municipal Court Judge	DCMC Commissioner or Magistrate
1	Adams			Adalia A. Hille		
2	Asotin/		Jane Richards Tina Kernan			
3	Columbia/ Garfield					
4						
5	Benton/ Franklin	Carrie L. Runge	Jerri Potts Jacqueline I. Stam	Katy A. Butler		
6						
7	Cheban/ Douglas	Lesley A. Allan Alicia H. Nakata	Jill R. Wise	Nancy A. Hammon Judith L. McCauley		
8						
9	Clallam County					
10	Clark	Barbara D. Johnson Suzan L. Clark	Dayann Liebman Carin Schienberg Jennifer Snider	Sonya Langsdorf Kelli E. Osler	Sonya Langsdorf Kelli E. Osler	Kristen Parcher (C)
11	Cowlitz	Marilyn K. Haan	Andra Biondin Tierra A. Busby			
12	Ferry/ Stevens/ Pend Oreille			Gina A. Tveit		
13						
14						
15	Grant County			Janis Whitener-Moberg	Janis Whitener-Moberg	
16	Grays Harbor				Susan Solan	
17	Island/ San Juan	Vickie I. Churchill				Linda B. Kipling D (C)
18						
19	Jefferson			Jill I. Landes		
20	King	Susan H. Ammini Beth M. Andrus Monica J. Benton Elizabeth J. Berns Regina S. Cahan Cheryl B. Carey Susan J. Craighead Andrea A. Darvas Theresa B. Doyle Veronica Alicea Galvan Julia Garratt Helen L. Halpert Hollis R. Hill Laura C. Inveen Barbara A. Mack Barbara A. Mack Laura Gene Muddaugh Suzanne Parisien Judith H. Ramseyer Jean A. Rietschel	Nancy Bradburn-Johnson Bonnie Canada-Thurston Hollis C. Holman Jacqueline Jeske Melinda Johnson-Taylor Jennie Laird Meg Sassaman	Marcine S. Anderson Johanna Bender Janet E. Garrow Corinna D. Ham Anne C. Harper Eileen A. Kato Susan L. Mahoney Lisa Napoli O'Toole Victoria M. Seitz Elizabeth D Stephenson Donna K. Tucker	Veronica Alicea-Galvan Elizabeth M. Bejarano Melanie Dane Karen Donohue Michelle K. Gehlsen Judith Hightower Karli K. Jorgensen C. Kimi Kondo Linda S. Portnoy Rebecca C. Robertson Kimberley A. Walden	Lisa Leone (M) Susan Noonan (C)

	County	Superior Court Judge	SC Commissioner	District Court Judge	Municipal Court Judge	DC/MC Commissioner or Magistrate
20	King (Cont)	Mary E. Roberts Palmer Robinson Carol A. Schapira Catherine Shaffer Lori Kay Smith Mariane C. Spearman Julie Spector Tanya L. Thorp				
21	Kitsap	Jeanette Dalton Jennifer A. Irvine Forbes Anna M. Laurie Leila Mills Sally F. Olsen		Claire A. Bradley Marilyn G. Paja	Tarry S. Decker Sara L. McCulloch	
22	Kittitas	Frances P. Chmielewski				
23	Klickitat					
24	Lewis		Tracy Loiacono Mitchell			Wendy Tripp (C)
25	Lincoln					
26	Mason	Amber L. Finlay Toni A. Sheldon	Lynn K. Hayes Patricia L. Morgan	Victoria Meadows		
27	Okanogan			Heidi E. Smith Elizabeth E. Penoyar		
28	Pacific/ Wahkiakum					
29	Pierce	Stephanie A. Arend Vicki L. Hogan Gretchen Leanderson Elizabeth P. Martin Kathryn J. Nelson Susan K. Serko Katherine M. Stoiz Kitty-Ann van Doorninck G. Heien Whitener	Mary E. Dicke Meagan M. Foley Diana Lynn Kiesel Karena K. Kirkendoll Robyn A. Lindsay	Karla E. Buttorff Judy Rae Jasprica Jeanette A. Lineberry Margaret Vail Ross Claire Sussman	Sandra L. Allen Andrea L. Beall Drew A Henke Marjorie G. Tedrick Elizabeth Verhey	
31	Skagit	Susan K. Cook	Karen Lerner			Dianne E. Goddard (C) Karen S. Wyringer (C)
32	Skamania					
33	Snohomish	Marybeth Dingley Janice E. Ellis Ellen J. Fair Anita L. Farris Millie M. Judge Linda C. Krese	Jacalyn D. Brudvik Susan C. Gaer Lee B. Tinney Tracy G. Waggoner	Tam T. Bui Beth Fraser Patricia L. Lyon Kristen Olbrechts	Linda Coburn Mara J. Rozzano Lorrie Towers Laura Van Slyck	
34	Spokane	Ellen Kalama Clark Maryann C. Moreno Kathleen M. O'Connor Annette S. Plese Linda G. Tompkins	Rachelle Anderson Tami Chavez Julie M. McKay Michelle L. Ressa	Sara B. Derr Debra R. Hayes Amiee Maurer Patti Connolly Walker Donna Wilson	Jennifer Fassbender Mary C. Logan Tracy A. Staab Michelle Szambelan	Terri K. Cooper (C)

	County	Superior Court Judge	SC Commissioner	District Court Judge	Municipal Court Judge	DC/MC Commissioner or Magistrate
35	Stevens			Gina T Veit		
36	Thurston	Ann Hirsch Carol Murphy Christine Schaller Mary Sue Wilson	Indu Thomas Rebekah Zinn	Kalo Wilcox		
37	Walla Walla			Kristen E. Hedine		
38	Whatcom	Deborra Garrett Raquel Montoya-Lewis	Martha V. Gross		Debra Lev	
39	Whitman				Marlynn Markley	Marlynn Markley (C)
40	Yakima	Susan L. Hahn Gayle M. Harthcock Ruth E. Reukauf			Susan C. Arb Kathleen E. Hitchcock Debbie Mendoza Kelley C. Olwell Susan J. Woodard	

# Washington House unanimously passes revenge porn bill

By Samantha Wohlfeil  
The Bellingham Herald  
March 3, 2015

Victims of revenge porn might soon be able to sue the person who posted intimate pictures of them online and hold them accountable.

The Washington state House of Representatives unanimously passed House Bill 2160 on March 2, to allow victims to seek civil liability.

For those who don't know, revenge porn refers to intimate pictures of someone that are posted online without their consent, usually to shame or humiliate them. Oftentimes people consensually take the images and give them to someone – a boyfriend or girlfriend, a spouse, etc. – but not with the intent that that person will later post them online.

“People are very seriously harmed when they become victims of revenge porn,” Rep. Sharon Wylie, D-Vancouver, said in a news release. “Images on the Internet can live forever. They can affect somebody's livelihood, their relationships, their families, and it's not right.”

Wylie, the bill's prime sponsor, thanked Rep. Vincent Buys, R-Lynden, for sponsoring another bill, HB 1272, which would make disclosing intimate pictures a class C felony. His bill could go to the floor for a vote this week.

Under 2160, anyone who posts revenge porn would be liable for up to \$10,000 or actual damages, whichever is greater.

From the news release:

“Under Wylie's bill, a person is liable for distributing an intimate image of another intentionally and without consent when:

- The image was entrusted by another person, in the understanding that it should remain private, and its reckless or intentional distribution causes the person pictured emotional distress; or
- The image was knowingly obtained without authorization or by exceeding authorized access from the other person's property, accounts, messages, files, or resources.”



# Judge: Arlene's Flowers owner violated the law

By Sara Schilling  
Tri-City Herald  
February 18, 2015



Baronelle Stutzman walks to the back of a Benton County Superior Courtroom during a recess at a December hearing on some summary judgment motions in the Arlene's Flowers case.

BOB BRAWDY — Tri-City Herald

The owner of Arlene's Flowers in Richland broke the law when she refused to provide services for a same-sex wedding, a Benton County Superior Court judge ruled Wednesday.

Judge Alex Ekstrom's decision means the high-profile case won't go to trial in March as scheduled. Ekstrom found that the essential facts aren't in dispute and a trial isn't needed.

An attorney for the flower shop owner, Barronelle Stutzman, 70, said the ruling will be appealed.

Ekstrom earlier ruled that Stutzman can be held personally liable in the case.

"The message of these rulings is unmistakable: the government will bring about your personal and professional ruin if you don't help celebrate same-sex marriage," attorney Kristen Waggoner said.

Meanwhile, state Attorney General Bob Ferguson and lawyers for the couple praised Ekstrom's decision.

The case has made headlines around the country, watched especially closely as other states follow Washington in legalizing same-sex marriage, and it's sparked debate and emotion in the Tri-Cities.

A hearing in December drew so many supporters on both sides that the crowd overflowed into the lobby.

The couple, Robert Ingersoll and Curt Freed, became engaged shortly after Washington voters upheld same-sex marriage through Referendum 74.

On Feb. 28, 2013, a few months after the vote, Ingersoll went to Stutzman's shop to ask about flowers for the ceremony.

Stutzman wasn't there, and Ingersoll came back the next day. At that time, Stutzman — a Southern Baptist — told him she "couldn't do his wedding" because of her relationship with Jesus Christ.

Ferguson's office sued in April of that year, after first sending Stutzman a letter asking her to follow the law. Ingersoll and Freed also filed suit.

The state and the couple argued Stutzman clearly violated state anti-discrimination law and the Consumer Protection Act.

Stutzman's attorneys said she declined her services not because of the couple's sexual orientation, but because of her religious views on marriage. She has the right to free speech and exercise of religion, they said.

In his 60-page decision, Ekstrom sided with the state and the couple. "For over 135 years, the Supreme Court of the United States has held that laws may prohibit religiously motivated action, as opposed to belief. In trade and commerce, and more particularly when seeking to prevent discrimination in public accommodations, the Courts have confirmed the power of the Legislative Branch to prohibit conduct it deems discriminatory, even where the motivation for that conduct is grounded in religious belief," he wrote.

Waggoner, senior counsel with the nonprofit Alliance Defending Freedom, said in a statement that Ingersoll and Freed "had no problem getting the flowers they wanted. They received several offers for free flowers, and the marketplace gives them plenty of options. Laws that are supposed to prohibit discrimination might sound good, but the government has begun to use these laws to hurt people — to force them to conform and to silence and punish them if they don't violate their religious beliefs on marriage."

Stutzman said in the same statement that, "I just want the freedom to live and work faithfully and according to what God says about marriage without fear of punishment. Others have the freedom to say or not say what they want to about marriage, and that's all I'm asking for as well."

Ferguson said, "I appreciate the judge's decision and am very proud of my team's hard work to stop this unlawful discrimination."

The law is clear, he added. "If you choose to provide a service to couples of the opposite sex, you must provide the same service to same-sex couples. Washingtonians have enacted laws recognizing equality for same-sex couples, and I will continue to vigorously uphold these laws," Ferguson said in a statement.

The American Civil Liberties Union of Washington, which represents Ingersoll and Freed, agreed Ekstrom made the right call.

"Religious freedom is a fundamental part of America. But religious beliefs do not give any of us a right to ignore the law or to harm others because of who they are. When gay people go to a business, they should be treated like anyone else and not be discriminated against," said Sarah Dunne, legal director, in a statement.

Penalties of up to \$2,000 per violation and legal fees are allowed under the law, The Associated Press reported.

Stutzman has counter-sued the state. That case is on hold in federal court.

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## Guest: Inmates re-entering society should not face lifetime barriers to work

When we talk about criminal-justice reform, we should look at the collateral consequences that stand in the way of successful re-entry after prison, write guest columnists Dan Satterberg and Brady Walkinshaw.

By Dan Satterberg and Brady Walkinshaw  
The Seattle Times  
February 16, 2015

MORE than 7,000 people will finish their prison sentences and return to the community this year in Washington state. On the day of their release, each inmate is highly motivated never to return to prison, but more than half will be arrested within their first year back in the community. Why?

One reason is the hidden barriers that limit successful re-entry into our society. Former inmates don't have access to many educational and job opportunities and are prohibited from applying for professional licenses that could lead to stable incomes.

Most of us are familiar with the direct consequences of committing a crime — jail or prison time, fines, community service, probation and treatment, but it's the lesser-known indirect consequences that play a large part in why former inmates return to prison. These are known as "collateral consequences" because they have been imposed, not by judges or the criminal law, but by legislative bodies as additional hidden punishments.

While the terms of the sentence are measured in months or years, collateral consequences can last a lifetime. Is it fair to impose lifetime disabilities long after the debt has been paid to society? We don't think so.

Federal law prohibits some people with criminal records from obtaining student loans or living in public housing. State law denies people with felony convictions from working in more than 90 professions including barber, manicurist and commercial fishing. These added punishments often keep otherwise qualified people from successfully pursuing careers and staying out of prison.

Some collateral consequences make sense while others don't have any rational reason behind them. Those that don't make sense should be repealed and the barriers to licensed occupations removed.

That is why we support the idea of a Certificate for Restoration of Opportunity, called CROP for short. The certificate acts as a receipt that proves a person has fulfilled the conditions of a sentence or is in substantial compliance with paying off fines and fees.

These people have done the time, are in good standing with the court, paid their debt to society and have no other law violations.

This reasonable reform to our judicial system would allow the applicant to be considered for educational, housing and job-training opportunities. It would open the door for those with a criminal record to re-enter the labor force and become a contributing member of society. And we believe it would lead to lower rates of reoffending.

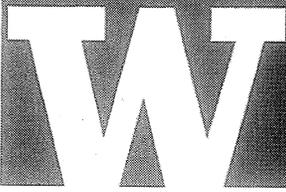
Our proposal, which has been crafted with Columbia Legal Services and many other interested groups, has reasonable protections in place. Those convicted of sex crimes would not be eligible and the legislation does not restore gun rights. Other limitations are in place to protect vulnerable groups, such as the elderly and children. Nine other states have a similar program to restore opportunities that a felony conviction would otherwise bar.

The CROP is an open, transparent alternative to the sealing of court records. It becomes part of the criminal history kept by the Washington State Patrol, and would show up on a background check as proof that the sentence was served.

In a recent hearing in the state House Public Safety Committee, Seattle state Rep. Brady Walkinshaw's bill, HB 1553, received support from the prosecutor's association, sheriffs and police chiefs, as well as the business community. Remarkably, after extensive work on the legislation over the past year, no groups have expressed opposition to the legislation.

We believe this program would not only make our communities safer, but would also lower costs in the judicial system. When we talk about the need for criminal-justice reform, we should start by looking at the collateral consequences that stand in the way of successful re-entry after prison. The CROP bill in the Legislature, HB 1553, is the place to begin.

*Dan Satterberg is King County Prosecuting Attorney. State Rep. Brady Walkinshaw, a Democrat, represents Seattle's 43rd District.*



## MARCHING TO SELMA: HOW MLK, LBJ, & THE CIVIL RIGHTS MOVEMENT CHANGED THE WORLD

Fifty years ago in March 1965, the nation watched as Alabama state troopers brutally beat civil rights marchers on the Edmund Pettus Bridge in Selma in what became known as "Bloody Sunday." Two weeks later the same marchers walked 54 miles to the Alabama capitol in Montgomery, and five months later Congress passed and President Lyndon Johnson signed the Voting Rights Act — one of the most important pieces of legislation in the history of American democracy. This lecture series examines how four crucial roads in the civil rights movement converged in Selma: (a) Mississippi and its fearless civil rights footsoldiers, (b) Nashville and its nonviolent students, (c) Birmingham and its children, and (d) the Texas Hill Country and the first Southern President in a century. Fifty years later, the battle for voting rights for all Americans has returned to the center of the nation's democracy.

**LECTURE SPEAKER:** University of Washington Professor David Domke

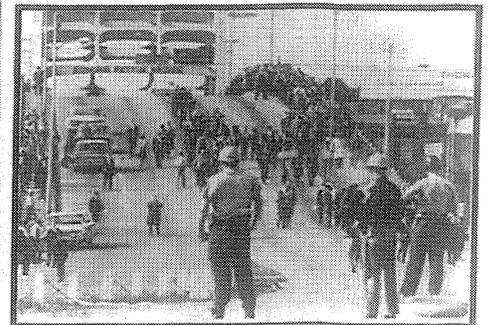
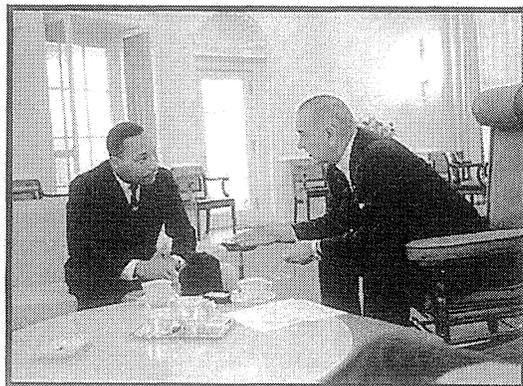
**DATES:** March 30, April 6, April 13, April 20, and April 27

**TIMES:** 7 p.m. for all dates

**LOCATION:** Kane Hall 120, University of Washington (Seattle campus)

**COST:** \$150 for series

**REGISTRATION:** Online at [uwdomketoselma3.bpt.me](http://uwdomketoselma3.bpt.me), or call Jessica Herzog at 206-543-2660



### CO-SPONSORS

UW ALUMNI ASSOCIATION

SEATTLE REPERTORY THEATRE



## Center for Communication, Difference, and Equity

*Every day in America in 2014, we encounter difference.* Our world is one in which people look, think, talk, listen, and live identities in countless ways. Consider, for example, that U.S. "minorities" constitute the majority of all new births in the nation; same-sex couples can now marry in 32 states; and more first-generation students today enter colleges than at any time in U.S. history. We are a nation of differences.

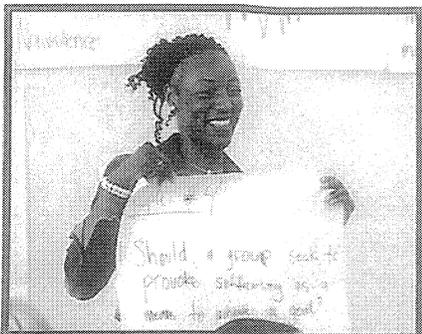
*Every day we also encounter patterns of inequality.* Justice is built into our national values, yet profound disparities abound: race-based inequality remains entrenched, LGBTQ youth are disproportionately bullied, women and men bring home different paychecks for the same work, working-class youth drop out of colleges at far greater numbers than middle-class peers, and on it goes. Differences and inequity are seemingly interwoven in the United States.

*How we respond defines us.* We believe that conventional wisdom is often wrong and that we—all of us, together—can build new knowledge, with real impact. Such eye-opening, for instance, might lead us to join Teach for America in one of the nation's most diverse cities. Perhaps we'll be compelled to work on racial reconciliation in the Mississippi Delta. Maybe we'll learn about and embrace new models of family. We might volunteer for a neighborhood organization focused on improved health options. Empathy might become for us more than a word. Maybe, just maybe, we will be the change in the world we wish to see.

*These examples are not hypothetical.* Rather, students at the University of Washington—in just the past few months alone—made these exact choices after they participated in projects, courses, workshops, and partnerships focused on communication and difference, with the goal of understanding and embracing our diversity so that we might all rise together. We have developed these opportunities in recent years with great impact on our students, in the Seattle area, and in the broader region. Now we are determined to build something bigger, something with lasting strength, greater collective impact, and larger societal reach. We have decided to create a Center for Communication, Difference, and Equity.

*Our ambitions are big, because the moment demands it.* We seek to identify, create, and disseminate communication practices that embrace our differences—across races, genders, sexualities, incomes, abilities, and more—as individual and community strengths. Our foundational goal is to build a more equitable world, in which our words and imagery are infused with understanding, respect, fairness, and justice. We know that new forms of communication, by themselves, will not solve the inequalities in our world, but they are surely an essential place to begin. We know the power of this work because we've been doing it in individualized ways, one project or experience at a time. Now it is time to bring together faculty, programs, community partners, and students to expand our impact.

We are committed to **research and innovation**, dedicated to **leadership development**, and foundationally **community-centered** in our desired impact.

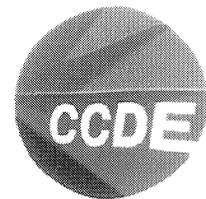


## We have three core pillars:

- 1. Conduct research and analysis on deeper cultural trends.** The University of Washington's idea culture, institutional and departmental values, and faculty make it the ideal place for thoughtful, equity-focused research from the undergraduate through the faculty levels. We do the following:
  - *Host Quarterly Speakers.* We host renowned speakers, including some of our own UW scholars, on important issues tied to communication, difference, and equity. For each speaker we hold a public workshop and convene a mentoring session with the visiting scholar for students and faculty.
  - *Convene Research Working Groups.* We are a collaboration of faculty and graduate students from across UW who focus on communication and difference and who discuss projects, prepare conference presentations, and collectively mentor and support new scholars and scholarship.
  - *Train Research Fellows.* We select scholarship fellows to pair with faculty members or graduate students on research projects on community challenges.
- 2. We are focused on leadership development.** We are committed to helping young people grow into leaders who understand, value, communicate and embrace difference, and who fight for equity. We do this via several initiatives:
  - *Host Workshops and a Leadership Institute.* A collection of workshops and a planned summer institute introduce students to best practices in communicating across and through difference, strategies in nonviolence and conflict resolution, and creative problem solving.
  - *Creation of a Student Leadership Group.* We provide physical and mentoring space to support a new, student-led, equity-focused organization that is committed to leadership development in communication and difference and to community partnerships.
  - *Immersion in Civil Rights Pilgrimages.* We lead weeklong pilgrimages to see sacred sites and meet footsoldiers who have worked for the rights and liberties of all. Students and community adults take these journeys together.
- 3. We are foundationally community-centered.** Universities—especially flagship public ones—should not be intellectual silos separate from the communities and regions in which they live. Towards ensuring integration with the larger community we do the following:
  - *Connect with Organizations.* We partner with local and national organizations, such as Boys and Girls Clubs and museums, who do the on-the-ground work of crossing, reconciling, and embracing difference to work toward equity.
  - *Convene Public Salons.* We host discussions and lead public dialogues on social issues of import. We aim to be the first place that community members think about as a resource when challenges of communication, difference and inequity arise.
  - *Collaborate with Local Museums.* We co-host programming and engage UW students in the work of community museums, around exhibits and events.

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**Funding:** Our funding goal for the Center for the first five years is two-thirds community support, one-third UW support from the Department of Communication, College of Arts and Sciences, and other campus entities. This mix foundationizes a community-partnered vision of the Center's work and facilitates timely development and significant creativity. Thereafter, several foundations are potential long-term funding outlets: Ford, MacArthur, Mellon, Open Society, and local ones.



Donations (tax-deductible) can be made at [bit.ly/uwcommgive](http://bit.ly/uwcommgive) or by contacting Victoria Sprang at [vsprang@uw.edu](mailto:vsprang@uw.edu) or 206-724-3580.

## UNIVERSITY OF WASHINGTON CIVIL RIGHTS PILGRIMAGE

TO GET MORE INFO AND SIGN UP, CONTACT: DAVID DOMKE, PROFESSOR, DOMKE@UW.EDU

*AVAILABLE UPCOMING TRIP DATES (THERE MAY BE MORE; THESE ARE OFFICIALLY SET)*

2016: Spring trip: Feb 27-March 6 and Autumn trip: Oct 16-23

2017: Spring trip: Feb 25-March 5 and Autumn trip: Oct 8-15

2018: Spring trip: First week of April, exact dates TBD

### THE FOUNDATION

In August 2013 I traveled from Seattle to stand on sacred ground in Montgomery, Alabama. It was in this city that Rosa Parks refused to give up her seat in 1955 and that Martin Luther King Jr., then 25 and a local pastor, led a 381-day bus boycott that produced the first grassroots victory of the civil rights movement. And it was at the city's Greyhound Bus Terminal that white and black Freedom Riders in 1961, most of them college students, were beaten for trying to integrate interstate bus travel—even though the U.S. Supreme Court had several times declared segregation illegal. And it was at the Alabama State Capital in this city in 1965 that King and civil rights advocates—on their third try, after initially being beaten by state troopers—completed their 54-mile march from Selma in support of the right to vote.

I had come east and south with three former UW students, on a civil rights pilgrimage. We wanted to see places where heroes had stood, where profound courage had been demonstrated, where people in authority had relented only when compelled. We visited 15 states and 10 state capitals, starting at the Lincoln Memorial in Washington D.C. and ending in Little Rock, Arkansas, where nine teenagers in 1957 showed will and fortitude beyond their years in integrating Central High School.

All of this was so profound that I am now committed to sharing this experience with others—specifically, Seattle-area adults and university faculty and students. In March 2014 I led 31 of them on a week-long *pilgrimage*, and in October 2014 I led 41 more. In 2015 I am leading two more trips and both of them are already sold out. I am committed to leading two trips a year, at least through spring 2018. *A pilgrimage is not a vacation: it is an intentional journey of deep substance and meaning, in which people seek to learn, grow, and to understand in transformative ways. A pilgrimage is a trip in which we seek to be changed in ways that will better us and the world.*

There are at least three reasons to take such a trip to the South in a pilgrimage mindset.

1. It is powerful to see the narratives that connected the distinct people and events in the movement. The killing of Emmitt Till in Mississippi in August 1955, for example, impacted Rosa Parks' decision in December five months later to not give up her seat on a bus in Alabama. Acts and words were connected. Similarly, there were clear strategies that underlie the actions—strategies that show the brilliance, challenges, and moral positioning of the movement. In seeing the narratives that connect things across time, we are able to place ourselves into those stories decades years later. That's one value of the pilgrimage: to give people a chance to see the big-picture and to place ourselves in it. One way to make this happen is to adopt, as best as possible, a chronological approach to the sites we see. In doing this, the story builds, unfolds, rises and falls, and we come to understand—and to see our responsibilities—in a much better way.

2. The movement consisted of many different kinds of people. The predominant group was Southern black Americans, living in the key cities of Atlanta, Birmingham, Montgomery, Jackson, Selma, Memphis, and Little Rock. Among these folks there were leaders, often clergy; foot soldiers who showed up every day; children; college students; military veterans; and the legal teams. Beyond these groupings were northerners, Jewish Americans, people from abroad (one instrumental Freedom Rider was from Germany), Southern white allies, and many others. Seeing the ranges of people, and seeing how they all had an impact, is a second value of the pilgrimage. We all have parts to play, and it is powerful to see the choices that people made, the courage they demonstrated, and also to be presented with the motives for the resistance or the ways today that people have come to terms with what happened. The movement and its opponents consisted of millions of Americans making or being forced to make *choices*. Having us see this history impacts how we make our own choices moving forward.

3. The movement operated in localized ways that are valuable to understand. There were mass boycotts in some places, mass confrontations at others, and sometimes it was one person, seemingly alone. Sometimes the approach was political, sometimes it was economic, sometimes it was religious, sometimes it was loud, sometimes it was very quiet, sometimes it was angry, and many times it was defined by love. How things played out in Selma, Alabama are distinct from how they played out in Philadelphia, Mississippi. How it unfolded at University of Mississippi is distinct from what happened at University of Alabama. Understanding how the movement always pushed for and demanded freedom and dignity, yet adapted to localized cultures is powerful to understand. It gives us a charge to adapt our approaches yet to never abandon the broader principles that give our lives a moral purpose. We are both challenged and empowered by seeing this adaptive nature of the civil rights movement.

#### DATES

People are welcome to fly early or stay longer, but in general people fly into a destination (e.g. Atlanta, Birmingham) on Day One and depart late evening on the Final Day. People book and pay for their own flights, and all participants are asked to commit to the full itinerary.

#### DAILY RHYTHMS

*Coach bus:* seats 56, we take 50

*Hotels:* Hampton Inn or Holiday Inn Express

*Breakfasts:* at hotels

*Lunches:* box lunches on road

*Dinners:* TBD on road, usually some kind of gathering; costs billed at end of trip, not fancy

##### *Typical schedule*

Commences at 7 am, ends at 10-11 pm

Touring via bus and extensive walking + talking

Often 3-4 site visits a day

Meet with Movement footsoldiers, some leaders, many locals

Bus rides of a couple hours at a time

#### PARTICIPANTS

Leadership Team: 5-10, including

David Domke, Professor and Chair of Communication, UW

Jonathan Lewis, global Kingian nonviolence leader

Arianna Aldebot, Director of Student Leadership, UW Communication

Tim Jones, Professor and Chair of Political Science, Bellevue College

Erika Samson, Program Manager, UW Center for Communication, Difference, & Equity

Mark Pearson, Brothers Four singer and performer

Seattle adults: 25

Undergraduate students: 16-18

#### COSTS PER PERSON

##### *Total:*

- Airfares booked separately by participants ~\$600
- for the spring pilgrimages \$3400 (shared hotel room) OR \$3810 (single hotel room), covers hotel rooms, bus, lunches, tours + speakers, and UW tax-deductible donation of \$1000 to fund student participants
- for the autumn pilgrimages \$3150 (shared hotel room) OR \$3510 (single hotel room), covers hotel rooms, bus, lunches, tours + speakers, and UW tax-deductible donation of \$1000 to fund student participants

#### ITINERARY

The civil rights pilgrimage includes visits to these locations:

- In Alabama: Birmingham, Tuscaloosa, Montgomery, Selma
- In Arkansas: Little Rock
- In Tennessee: Memphis
- In Mississippi: Greenwood and Money, Ruleville, Oxford, Jackson, Philadelphia

We met with footsoldiers, leaders, tour guides, and locals. The “teachers” are the places + people we visit AND the people on our pilgrimage. This trip is not a series of lectures; it’s meeting, seeing, talking, listening, singing, reflecting, and seeking.





## “ENDING GLOBAL SLAVERY” ANTI-HUMAN TRAFFICKING PANEL DISCUSSION

Thursday, March 19<sup>th</sup> 6 – 8:30 p.m.

Senate Hearing Room 1

John A. Cherberg Building • 304 15th Ave. SW, Olympia, WA 98501

Once thought only to be a problem overseas, human trafficking — which includes sex and labor trafficking — is on the rise in the United States. But what can be done to prevent and eliminate this form of modern-day slavery that exists locally and globally?

The panel speakers will include experts in the field who will provide us with background on international trade agreements and the impact on labor trafficking, an inquiry into missing and murdered aboriginal women, and the growing issue of trafficked runaway youth. Legislators will then provide updates on anti-trafficking legislation as well as local context, and survivors and advocates against human trafficking will suggest concrete steps we can all take to combat this humanitarian crisis in our midst.

Light refreshments will be served

RSVP by Friday, March 13<sup>th</sup>

to Ava at [Ava.Munson@leg.wa.gov](mailto:Ava.Munson@leg.wa.gov) or call 360.786.7662





SAVE THE DATE

March 16<sup>th</sup>, 2015 @ 6-8pm

Ethnic Reception

Columbia Room







# Trauma Informed Care Training

**Course Description**

This course is sponsored by DOC Leadership in collaboration with the National Resource Center on Justice Involved Women and the Substance Abuse and Mental Health Services Administration (SAMHSA).

The trauma-informed training will better equip staff who work with justice involved women to understand and respond to the effects of trauma. This training will provide sustainability by delivering trauma-informed curriculum so the Department can implement a trauma-informed, gender responsive agency culture that spans all offenders under its supervision.

**Upcoming Offerings**

Courses will be two separate sessions each day, and will be delivered on the following dates and locations at:

**Criminal Justice Training Commission (CJTC) – Burien**

- **March 27, 2015 9:00am – 12:00pm**
- **March 27, 2015 1:00pm to 4:00pm**

**Audience**

The targeted audience for this course will include All DOC Staff, and Community partners.

- **Registration Opens: March 6, 2015 12:00pm**
- **Registration Closes: March 24, 2015 6:00pm**

**Registration**

***Non-DOC Staff and/or Community Partners please Register for this training by emailing Lela Fishe at [lyfishe@DOC1.wa.gov](mailto:lyfishe@DOC1.wa.gov) For Questions you can call Lela Fishe at (360) 725-8853***

**All DOC Staff Registration will be through the Learning Management System (LMS**

**\*\*\*Note: Prison staff must receive approval from their Supervisor by submitting form 03-346. Once approved the Facility Performance Coordinator will enroll the staff into the approved offering.**

Step	Action
1	Log into the LMS. You can locate the link on the Applications Portal page on InsideDOC. <i>Note: contact <a href="mailto:lmshelpdesk@doc1.wa.gov">lmshelpdesk@doc1.wa.gov</a> for log-in issues.</i>
2	You will need to enroll in the class. First, search in the <b>Courses Catalog icon</b> and select the <b>Scheduled Classes</b> button. Enter the class name <b>DOC Trauma Informed Care Training</b> .
3	Select the class you wish to attend and enroll. <i>Note: You will receive a confirmation e-mail stating you have been enrolled.</i>
4	Select the Calendar appointment in the subject line of the e-mail.
5	Accept the appointment and the LMS will automatically place the appointment on your calendar.
For assistance with the Learning Management System (LMS) please contact: <a href="mailto:LMSHelpdesk@doc1.wa.gov">LMSHelpdesk@doc1.wa.gov</a> or call Toll Free (855) 873-0643.	



# ABA COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

20<sup>TH</sup> ANNIVERSARY

**MISSION:** Increase access to justice for victims of domestic and sexual violence and stalking by mobilizing the legal profession.

**Mission is achieved by:**

- 1) Providing legal and litigation skills trainings for practicing attorneys.
- 2) Providing technical assistance as needed to civil attorneys representing survivors.
- 3) Drafting internal ABA model policy that can be adopted and modified by localities, states, etc. to have better protections in place for victims of domestic and sexual violence.
- 4) Lobbying and advocating for federal laws (such as VAWA that are beneficial to and protect interests of survivors).
- 5) Working on national task forces and collaborating with agencies to increase the visibility of domestic and sexual violence as a prominent social issue and advocating for legal and social change.

**ATTORNEY TRAINING PROGRAMS:** Primarily funded by the DOJ Office of Violence Against Women and through their grants have drafted numerous curricula on legal topics relating to survivors in civil litigation.

- Due to budget restrictions, it has become increasingly difficult to travel around the country to host trainings.

- The Commission is interested in partnering with local coalitions, commissions, organizations and bar associations to bring the training to cities throughout the country.
- Local entities would provide training space, AV equipment such as microphones, projectors, screens for PowerPoint.
- Commission will provide all curricula and faculty from around the country, advertise the program, registration and CLE requirements. The Commission will also reserve some spaces at each training for attorneys who are affiliated with or invited by the local entity.
- Optimum size of the trainings are approximately 40-45 participants and range from 1-3 days.
- Method of training consists of adult learning principles integrating interactive sessions including short lectures, large and small group discussions and role playing.

## **MAY 2015 - SEATTLE TRAINING**

Hoping to partner with the Gender and Justice Commission with a 3-day training combining DV 101 and issues of custody in DV cases consisting of approximately 40-45 participants.

# **The Fundamentals of Domestic Violence and Custody Litigation Training: Representing Victims of Domestic Violence in Custody Cases**

Fall 2015

Join practitioners and experts from around the country for this three-day intensive and interactive training. Designed to prepare new and seasoned attorneys to more effectively and holistically represent survivors of domestic and sexual violence in civil legal matters, the training will focus on representing clients in custody cases.

Faculty experts will use a variety of practical exercises, role plays, facilitated discussions and demonstrations, and participants will be better able to:

- Recognize and screen for intimate partner violence and power and control tactics;
- Identify the legal needs and privacy and confidentiality issues of their clients;
- Structure an effective case theory;
- Integrate the use of experts into custody cases;
- Improve client interviewing skills and case preparation; and
- Develop safety plans for clients and work collaboratively with community resources to ensure safety.

Participants will receive hands-on litigation training and practical skills development as well as legal theory background that will easily be incorporated into daily practice.

CLE Approval Pending.

States typically decide whether a program qualifies for CLE credit in their jurisdiction 4-8 weeks after the program application is submitted. For many live events, credit approval is not received prior to the program.

The ABA directly applies for and ordinarily receives credit for live, in-person programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MO, MT, NC, ND, NH, NM, NY, OH, OK, OR, PA, SC, TN, TX, UT, VA, VI, VT, WA, WI, and WV.

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# IMPLEMENTING HB 1840 IN WASHINGTON STATE

What do communities need to enforce firearms restrictions in Protection Orders?

February 2015

## BACKGROUND

Easy and largely unregulated access to guns puts women and children at increased risk of fatal violence by domestic abusers. 2 out of 3 women who are killed with a gun in the U.S. are killed by a spouse or intimate partner. Enforcement is key to prevention. Restricting access to firearms is a highly effective strategy to prevent domestic violence homicide.

Over more than 15 years, the Washington State Domestic Violence Fatality Review has identified removing firearms from abusers as an important priority to protect victims from lethal violence. The Protection Order process is a critical opportunity to act when victims are at heightened risk and courts and law enforcement have the ability to intervene. Yet in reviews of 86 domestic violence homicides and murder-suicides, review teams found significant gaps in the enforcement of existing state and federal laws meant to protect domestic violence victims from gun violence. Effective enforcement of these laws has been frustrated by legal, logistical and technological challenges. (See Attachments for: Firearms excerpt from our 2010 report *Up to Us* summarizing lessons learned from domestic violence fatality reviews; and a summary of our practice recommendations related to firearms, 2000-2010.)

## BARRIERS TO REMOVING FIREARMS FROM ABUSERS

- Although federal law prohibits possession of firearms for respondents to domestic violence protection orders, there was no parallel prohibition in Washington State law prior to HB 1840.
- Courts in Washington have had the authority to order surrender of weapons in protection order cases, but few exercise this option. Protection order petitioners rarely request an order to surrender weapons. Many are not aware of the option to petition for order to surrender. Domestic violence advocates are not familiar with the process.
- Courts have no mechanism for monitoring whether respondents have complied with orders to surrender weapons.
- Many law enforcement agencies have not had protocols in place for removing, storing, or returning prohibited weapons.

## OVERVIEW OF HB 1840

In 2014, the Washington State Legislature passed HB 1840, which addressed some of the gaps in state law prohibiting firearm possession by domestic violence protection order respondents.

- **Requires courts to order surrender of firearms** and concealed pistol license in qualifying protection orders and restraining orders.

- **Creates a new state law felony** for unlawful possession of a firearm by someone subject to a qualifying protection order. Qualifying orders are: issued after a hearing of which the restricted person had actual notice; include restraint provisions and finding of credible threat; protect an intimate partners or child of an intimate partner.
- **Respondents must file proof of surrender** with the court within 5 days of the order.
- **Law enforcement agencies must have policies** regarding acceptance, storage and return of surrendered weapons.
- **Courts must develop forms** for orders to surrender weapons, receipt and proof of surrender.

## NEEDS ASSESSMENT

In order to result in more effective strategies to protect domestic violence victims from abusers' gun violence, implementation of the new legislation will require coordination and collaboration between courts, law enforcement, and a number of other systems including victim advocates, probation, prosecutors, and Department of Licensing (DOL). Following passage of HB 1840, the Washington State Coalition Against Domestic Violence (WSCADV) has gathered information about what information, tools, resources, and support communities will need in order put the law into practice and effectively disarm prohibited abusers. We gathered information through:

- **Information gathering and strategy sessions with domestic violence legal advocates.** We met with over 40 domestic violence (DV) legal advocates, representing DV programs in every region of Washington State. The purpose was to identify strategies for effective Protection Orders and practical steps to increase compliance with orders to surrender weapons. Discussion generated a list of potential practices for advocates, judicial officers, court clerks, law enforcement, and prosecutors at specific points throughout the protection order process. (See Attachments for summary of strategy brainstorm).
- Distribution of a Washington State **Protection Order Monitoring Survey** to DV advocates statewide. The purpose of the survey is to document changes in court and law enforcement practice; identify gaps in implementation of HB 1840; identify effective practices to increase compliance with orders to surrender firearms; and gather information about survivors' experience of the impact of the law on their safety.
- **Review of data from two Protection Order courts** in the first few months after HB 1840 took effect.
- **Consultation with representatives of statewide, regional and local groups** including: King County Gun Violence Prevention Summit, Public Health Seattle & King County, Bellingham-Whatcom County Commission Against Domestic Violence, Spokane County work group on firearms protocols, Thurston County STOP DV Task Force, Washington Court Clerks' Association, Washington Association of Prosecuting Attorneys, Washington Association of Sheriffs and Police Chiefs, Washington State Suicide Prevention Plan Steering Committee.

- **Outreach to advocates and other key informants** through monthly news bulletin, regular communications to statewide network of domestic violence legal advocates, and at our annual statewide conference. We targeted outreach to key counties in urban and rural regions, including King, Kitsap, Thurston, Spokane, and Whatcom Counties.

## IMPLEMENTATION NEEDS & STRATEGIES

We identified a range of needs for each of the disciplines involved in implementing HB 1840, as well as statewide needs to support local and regional efforts.

### STATEWIDE NEEDS: LEADERSHIP, COORDINATION, TECHNICAL ASSISTANCE, AND EVALUATION

- **Statewide advocacy, and support for regional leadership** to prioritize concrete changes in practice that will strengthen enforcement of protection orders. In a few communities, advocates, law enforcement officers, prosecutors or judges have recognized HB 1840 as a critical opportunity to make changes that will improve the safety and effectiveness of protection orders for survivors most at risk for gun violence. However, most communities have not made such a commitment. Washington State needs strong statewide leadership and support for regional leadership to prioritize concrete changes in practice. Without it, implementation of the law may have little real effect on safety for survivors and their children.
- **Coordination and communication among organizations that have a role to play in effective prohibition of firearms for domestic violence abusers.** These include state agencies as well as membership organizations like WSCADV, WAPA and WASPC. These groups need a mechanism to clarify roles, share information and model effective practices, coordinate use of statewide resources and technology, resolve legal questions and address practical problems in implementation. There are existing relationships between many of these groups, but no formal or informal network includes all the groups necessary to implement new firearms restrictions.
- **Training, tools, and technical assistance.** Effective implementation of HB 1840 will require hundreds of individuals and organizations across the state to change how they do their work in small and large ways. Adopting new forms, developing new procedures, figuring out what kind of procedures will work best in each jurisdiction, resolving legal questions, etc. Only a small handful of judicial officers and law enforcement officers have had any training on what the new law requires. Advocates, judges, police officers, attorneys, and survivors have practical questions about how the law will play out in specific circumstances. Washington needs a statewide effort to: develop training, develop tools and informational materials that support implementation, develop and disseminate models and practical examples of effective policies and practices; and provide technical assistance to local and regional jurisdictions.
- **Evaluation and monitoring of the implementation of firearms restrictions in state law, gaps in enforcement, and impact on safety for survivors.** There is currently no plan or mechanism to

evaluate the effectiveness of the new laws. For example, how many protection orders include orders to surrender weapons? Are courts ordering surrender of weapons when the law requires it? How many respondents who are ordered to surrender comply with the order? What are the consequences when someone does not comply? How many orders are denied, and why? Are survivors and their children safer? Is gun violence reduced? What does it take to effectively implement the law in communities that are successful? Are there unintended consequences of the law? These questions are critical for Washington State as well as other states' efforts to reduce gun violence against survivors of domestic violence.

## POTENTIAL RESOURCES, TOOLS & STRATEGIES TO SUPPORT LOCAL & REGIONAL IMPLEMENTATION

### COURTS

- Mechanism to monitor compliance with orders to surrender weapons. May include needs for new technology/databases.
- Strategies and protocol for response when respondent is not in compliance.
- Protocol for how to deal with 3<sup>rd</sup> party surrender of weapons.
- Updated technology and support for web based, interactive forms to streamline petitions and minimize confusion for petitioners and judicial officers
- Script or bench card to prompt commissioners to routinely address weapons in protection order hearings.
- Training for judges, commissioners, clerks and advocates on new law requirements, and using new forms.
- Training for court clerks on ensuring access for petitioners to orders to surrender weapons.

### LAW ENFORCEMENT

- Suggested best practices for officers removing weapons from prohibited offenders. Including a range of options from more to less proactive engagement.
- Agency protocol for how and when to remove weapons, including guidance on legal authority, officer safety, and practical steps.
- Outline of steps and options at specific points including service of orders, response to DV call for service, arrest, report of protection order violation, etc.
- Mechanism for ensuring complete and consistent information from courts.
- Mechanism for tracking status of compliance with court orders.
- Protocols/forms/tools to support officers to routinely ask about weapons and document findings.
- Process/system to notify victims when weapons are returned to abusers.
- Training and ongoing TA to implement protocols.

### 911 DISPATCH

- Protocols/forms/tools re: when and how to ask callers about weapons present at the scene and communicate to law enforcement.
- Protocol re: when and how to verify whether a suspect is prohibited from possessing firearms.

- Access to databases including protection orders, orders to surrender weapons, and receipt of proof of surrender.
- Training

#### PROSECUTORS

- Guidelines for appropriate charges for different types of violations. (E.g. what constitutes felony unlawful possession of a firearm, misdemeanor firearms violation, criminal violation of a protection order, civil contempt of court, etc.)
- Training

#### DEPARTMENT OF LICENSING

- Protocols on what to do with surrendered licenses (both temporary and permanent)
- Training

#### DOMESTIC VIOLENCE ADVOCATES

- Training and information about the requirements of the law
- Support and strategy for systems advocacy
- Connection to other advocates, examples of what is working in other communities, models and suggested best practices across systems/disciplines
- Data to support systems advocacy
- Support, time and space to problem solve and find solutions that will make survivors safer
- Support to provide leadership and expertise in local communities
- Community education materials

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## CONTACT

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WASHINGTON STATE COALITION  
**WSCADV**  
AGAINST DOMESTIC VIOLENCE



## Strategies for Effective Orders

**Potential strategies for advocates, law enforcement and courts to ensure safe removal of firearms from abusers subject to protective orders.**

### Ex Parte Filing – Temporary Protection Order (PO)

- DVPO petitioners routinely file Motion for Surrender with petition.
- Include Motion for Surrender and Order to surrender in all Protection Order packets and with DV forms on AOC website.
- Make sure all courts are using updated protection order forms (Dec 2014) with current language for order to surrender weapons.
- Protection Order clinic: advocates available at courthouse before Protection Order calendar.
- Training for court clerks on new orders and ensuring access for petitioners.
- Always ask about guns in safety planning.
- In temporary orders, use “Law Enforcement will assist” section to direct law enforcement to receive surrendered weapons.
- Update web-based interactive Protection Order form to include orders to surrender weapons (NWJP).
- Develop computer programs to guide petitioners to correct orders and provisions, including firearms provisions. (e.g. TurboTax for protection orders)

### Service of Temporary DVPO & Notices Hearing

- Law enforcement: ask respondent to voluntarily surrender weapons at time of service of qualifying order.
- Verbal information/warning to respondent of criminal penalties for possession of guns in violation of protection order.
- Law enforcement: offer to voluntarily take weapons from victim or household members.
- Script / prompt for law enforcement officers to ask about presence of weapons.
- Receipt book and portable storage boxes to facilitate officers receiving firearms at point of service.
- Designate funds to support increased property room staff time for sheriffs and police.

### Protection Order Hearing

- Ask petitioner about weapons, even if respondent does not show up to the PO hearing
- Specific instructions to person ordered to surrender firearms: date, where, to whom, how, specific weapons.
- Court read warning to respondent and gun prohibitions on the record.
- Script or bench card to prompt judges and commissions to address weapons in every PO hearing
- If respondent wants to surrender to 3<sup>rd</sup> party, petitioner can suggest appropriate 3<sup>rd</sup> parties to the court who can safely receive weapons (similar to supervised visitation).
- Dismiss parties separately from court room after PO hearings.

### Firearms Surrender Process

- Notification/process for victim to find out whether weapons were surrendered or not.
- Victim notification when weapons are returned.

- Specific local instruction sheet for respondent: how to physically transfer weapons to law enforcement.
- Law enforcement policy for surrender process.
- Law enforcement partner with pawn shops to store weapons.
- Court requirements for safe, legal appropriate sale of weapons.
- Clerk's office process to send Order to Surrender to law enforcement with DVPO
- Attach photo list of weapons – victim visually identifies known weapons. Forward to law enforcement attached to order.
- Law enforcement receives specific list and description of guns to be surrendered with court order.
- Guidelines for when the court will accept surrender of firearms to a 3<sup>rd</sup> party, and guidelines for selecting appropriate 3<sup>rd</sup> party.
- If 3<sup>rd</sup> party surrender: establish requirements for 3<sup>rd</sup> party accepting weapons: e.g. must appear in court, signed affidavit and warnings from the court; clear guidelines and instructions for 3<sup>rd</sup> party receiver; require transfer through law enforcement or licensed dealer; require background check (even if not otherwise required by law)
- Officer safety plan/protocol for firearms surrender and retrieval.
- Law enforcement process for return of weapons.
- Fee for storage of surrendered weapons.

### **Compliance and Enforcement**

- Court require household members who own guns to secure them so that restricted person does not have access or possession.
- Courts routinely set process to verify whether receipt is filed with the court as ordered: e.g. review hearing, status conference, records check.
- Courts establish consistent process/consequence when receipt not filed: e.g. bench warrant, show cause hearing, or contempt charge.
- Receipt of surrender tracked in new or existing database, accessible to law enforcement and court.
- Law enforcement track orders to surrender and check for receipt of surrender. Detectives follow up on orders with no receipt. Open criminal investigation if not resolved.
- Advocates check whether receipt filed. Safety plan with petitioner, plan to follow up after PO hearing.
- Victim can file a contempt motion if the respondent has not surrendered firearms as ordered.
- Law enforcement: investigate reports that respondent has guns in violation of court order. If probable cause: arrest/search warrant on felony unlawful possession.
- STOP task force to identify high risk abusers and prioritize retrieving weapons on those orders.

### **DV call for Service to law enforcement (with or without DVPO)**

- Routinely ask victim/witnesses if there are weapons in the home.
- Document firearms information in incident report, DV supplemental report, and lethality assessment. Description, location, used in past assault or threat?
- Incorporate questions about firearms and plan to safely remove firearms in lethality assessment protocol.

- 911 Dispatch routinely ask whether there are firearms. Get description and location. Find out whether PO in place or offender is prohibited from possession. Relay information to officers.
- Ask/offer to take weapons for safekeeping. Flag firearms removed for DV hold.
- Process for returning weapons from DV hold: check for protection orders, other prohibitions, background check.
- Encourage victim to consider petitioning for PO with order to surrender weapons so that firearms will not be returned.



## **Eleven Key Goals to Improve the Response to Domestic Violence in Washington State**

### **9 Maximize the use of existing legal means to restrict abusers' access to firearms.**

**Existing state and federal laws prohibit convicted domestic violence offenders and protective order respondents from possessing firearms. However, law enforcement and courts do not consistently enforce these laws to the fullest extent possible.** Abusers' access to firearms increases the lethality of domestic violence and makes it more dangerous for friends and family to intervene. Abusers used firearms in 55% of all domestic violence homicides and 85% of murder-suicides committed in Washington since 1997.

**With very few, recent exceptions, law enforcement agencies did not have protocols in place to remove firearms from protective order respondents or convicted domestic violence offenders.** In one reviewed case, the abuser had been convicted of domestic violence assault, and the court ordered him not to possess any firearms. Because of his conviction, he was also prohibited by federal law from possessing firearms. However, the court had no mechanism for enforcing these restrictions or monitoring whether he surrendered his weapons; instead the court relied on him to turn over the guns voluntarily. His ex-wife believed he was not allowed to have guns but had no information about how she might have his weapons removed. If a victim in that jurisdiction inquired about having weapons removed, the law enforcement agency would confirm that it is illegal for the offender to have guns but would not make any efforts to remove the weapons. The panel reviewing the case found that the victim's only legal option was to confiscate the guns herself and turn them in to law enforcement, an option that would have been both dangerous and impractical considering that the victim no longer lived with the abuser. The victim's ex-husband came to her home armed with four firearms and shot and killed her new husband and then himself in front of their four-year-old child.

**Courts issuing protective orders did not make full use of their options to remove weapons from abusers.** For example, one court ordered the respondent to a Protection Order to surrender his weapons but allowed him to turn them over to his son. His son lived with him, and so the abuser maintained access to the guns, undermining any possible safety the order might have provided to the victim.

Although federal law prohibits protective order respondents from owning or purchasing firearms, the law does not apply to temporary orders issued before the respondent has had the opportunity to appear in court. However, Washington courts issuing ex parte Protection Orders have the authority to prohibit a respondent from possessing firearms and order the temporary surrender of firearms if the abuser has "used, displayed, or threatened to use a firearm or other

**Eleven Key Goals to  
Improve the Response  
to Domestic Violence  
in Washington State**

# 9

dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a pistol.” Case reviews showed that courts rarely exercise this option, even in cases in which risk factors for lethality are clear. In ten reviewed cases, victims mentioned in a Protection Order petition that the respondent had threatened homicide or suicide with a gun. A Temporary Protection Order was granted in each case; however, none of the ex parte orders addressed the abuser’s weapons. Petitioners have the option to file a Petition for Surrender of Weapon with the petition for a Temporary Protection Order, but most courts do not provide any information about this option; victims therefore have no way to know they can do this. **Failure to remove weapons from the most dangerous abusers when issuing temporary protective orders leaves victims vulnerable at a dangerous time**—when they are separating from abusers and the abusers’ control is challenged by the court.

## **Steps Forward**

- **Courts, prosecutor’s offices, probation departments, and law enforcement agencies:** Develop countywide protocols that set out how each agency will cooperate to restrict access to firearms by domestic violence offenders and protective order respondents. Prioritize removing firearms from abusers who have made homicidal or suicidal threats. Contact WSCADV for good models statewide.
- **Courts:** Routinely provide Protection Order petitioners with a Petition for Surrender of Weapon, and establish procedures to ensure orders are forwarded to law enforcement.
- **Domestic violence advocates:** Routinely ask victims about abusers’ access to firearms and help victims explore options for removal of firearms in the civil and criminal legal systems.
- **Washington State Legislature:** Align state firearm forfeiture laws with federal law to clarify law enforcement’s authority to remove weapons.

# When does Washington law require surrender of firearms with a protection order or restraining order?

Applies to any court order issued under RCW 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50, including a civil or criminal DV PO or NCO; Sexual Assault PO or NCO; Stalking PO or NCO; Anti-Harassment PO or NCO; Vulnerable Adult PO; or civil Restraining Order in a family law action.

## Are ALL of these true of the court order?

- Protected person is the respondent's intimate partner or child of an intimate partner.
- The order was issued after a hearing, of which the restrained person had actual notice and opportunity to participate.
- The order restrains the person from harassing, stalking, or threatening.
- The order prohibits the use, attempted use or threatened use of physical force.
- The court finds that the restrained person represents a credible threat to the physical safety of the intimate partner or child.

YES

### The court SHALL

- require surrender of firearm & concealed pistol license
- prohibit from obtaining or possessing a firearm or concealed pistol license

NO

by clear and convincing evidence

## Did any court make AT LEAST ONE of these findings in a court order?

- The restrained person has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony.
- The restrained person has committed an offense that would make him/her ineligible to possess a firearm under RCW 9.41.040.

YES

by preponderance of the evidence

### The court MAY

- require surrender of firearm & concealed pistol license
- prohibit from obtaining or possessing a firearm or concealed pistol license

NO

## Did the court find that possession of a firearm by the restrained person presents a serious and imminent threat to public health or safety, or the health or safety of any individual?

YES

NO

NO basis for prohibiting weapons under RCW 9.41.800

Source: [RCW 9.41.800](#)

The Court of Appeals  
of the  
State of Washington



RICH MELNICK  
Division II

950 BROADWAY, SUITE 300  
Tacoma, WA 98402  
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13 March, 2015

**RE: Implementation of RCW 10.99.040** (“All courts shall develop policies and procedures...to grant victims a process to modify or rescind a no contact order...”)

Received information from: 65 Dist/Muni Cts. 23 Superior Courts

20 of the Dist/Muni Courts and 6 Superior Courts have no written policies – Many of the courts with no written policies utilize the standard forms – Many clerks have policies.

Some courts encourage protected person to see advocate, others mandate it.

Some courts require protected person to take a class and provide proof of completion.

If defendant has outstanding warrant, courts will not rescind or modify order.

Many courts require or encourage protected person to have safety plan in place.

Many of the courts refer the protected person to the Prosecuting/City Attorney.

A few courts have reduced policy to formal court rule. Quite a few courts have brochures.

“The calendar is conducted on a walk-in basis.”

“...the judge does not read the motion as it may contain facts of the case before the court and since the petitioner is a potential witness it would not be appropriate for the judge to read if the case is in a pre-trial status.”

“We do not have a written policy. Our Judge has what I would call an “open door” policy meaning anyone at any time can speak with him.”

“Motions may be denied by the clerk” if the victim is severely impaired by alcohol or drugs...

“I would say that 9 times out of 10 that the Pre-trial DV NCO’s in our court are not renewed at the time of disposition.”

“The moving party shall make five (5) additional copies of the completed Protected Person’s Motion to Modify/Rescind Domestic Violence Order.”

“You will not be given a hearing date unless you show proof that you have received victim services from the Domestic Violence Center.”