



# GENDER AND JUSTICE COMMISSION

TEMPLE OF JUSTICE – CHIEF’S RECEPTION ROOM

FRIDAY, MARCH 3, 2017 (9:30 – 11:45 AM)

JUSTICE SHERYL GORDON MCCLOUD, CHAIR

JUDGE MARILYN PAJA, VICE CHAIR

## Agenda

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### 9:30 – 9:35 AM CALL TO ORDER

- Approval of January 13, 2017 Meeting Notes 3

### 9:35 – 10:00 AM CHAIR AND STAFF REPORTS

- **Chair Report** Justice Gordon McCloud
  - New leadership and legacy
  - Membership transitions and processes
  - Other business
- **Vice Chair Report** Judge Paja
  - Newsletter
  - BJA Resolution about language access
  - NAWJ Women’s History Month event
- **Staff Report** Kelley Amburgey-Richardson,  
Cynthia Delostrinos
  - Budget 11
  - Submission of BJA Strategic Goal 14
  - Feedback Requested on State Plan for the Coordinated Delivery of Civil Legal Aid 16
  - Proposal to create an ATJ-Supreme Court Commissions Ad Hoc Committee 46

### 10:00 – 11:45 AM COMMITTEE AND PROJECT UPDATES

- **Incarcerated Women and Girls Committee** Gail Stone & Committee
  - “Court Access for Incarcerated Parents” Convening
  - Juvenile Defense Standards
- **Education** Judge Melnick & Committee
  - LGBTQ Bench Guide
  - Judicial College
  - DMCMA Line Staff Trainings
  - Appellate Judges’ Conference
  - SCJA Spring Conference
  - DMCJA Spring Conference
  - Fall Conference
  - Joint Commissions Project – Poverty Simulation Training 47



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| <ul style="list-style-type: none"> <li>➤ <b>Sexual Violence</b> <ul style="list-style-type: none"> <li>➤ Updates to Sexual Offense Bench Guide</li> </ul> </li> <br/> <li>➤ <b>Gender Bias Study</b></li> <br/> <li>➤ <b>Domestic Violence</b> <ul style="list-style-type: none"> <li>➤ Guardians ad Litem Workgroup</li> <li>➤ Courthouse immigration enforcement policy impacts on DV survivors</li> </ul> </li> <br/> <li>➤ <b>Tribal State Court Consortium</b> <ul style="list-style-type: none"> <li>➤ Spring meeting</li> </ul> </li> </ul> | <p>Emily Cordo &amp; Staff</p><br><p>Justice Gordon McCloud &amp; Committee</p><br><p>Committee</p><br><p>Judge Smith &amp; Committee</p> |
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## APPENDIX

- |                                                                                                                                   |                     |
|-----------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <ul style="list-style-type: none"> <li>➤ List of Washington Women Judicial Officers – 2017</li> <li>➤ Senate Bill 5831</li> </ul> | <p>71</p> <p>74</p> |
|-----------------------------------------------------------------------------------------------------------------------------------|---------------------|

## MISCELLANEOUS

**11:45 Adjournment for room turnover**  
**12:15 – 1:30 PM Women’s History Month Luncheon**  
**12:15 – 12:30 PM – Networking Opportunities**  
**12:30 – 1:00 PM – Guest Speakers**  
**1:00 – 1:30 PM – Wrap-up and Networking Opportunities**



**Gender and Justice Commission (GJCOM)**  
**AOC SeaTac Office**  
**18000 International Blvd, Suite 1106**  
**SeaTac, Washington**  
**Friday, January 13, 2017 (8:45 AM – 12:00 PM)**

**MEETING NOTES**

**Present:** Chief Justice Barbara A. Madsen, Chair, Justice Sheryl Gordon McCloud, Vice-Chair; Ms. Josie Delvin, Ms. Grace Huang, Ms. Trish Kinlow, Judge Richard Melnick, Judge Marilyn Paja, Dr. Dana Raigrodski, Judge Cindy K. Smith, Ms. Rita Bender, Judge Michael Evans, Ms. Leslie Savina, Ms. Emily Cordo, Judge Eric Lucas, Mr. David Ward, Ms. Sonia M. Rodriguez True, Ms. Vicky Vreeland, Judge Mark Pouley, Judge Eric Lucas

**AOC Staff:** Ms. Nichole Kloepfer, Ms. Kelley Amburgey-Richardson, Ms. Kathy Bradley, Mr. Bob Lichtenberg

**Excused:** Ms. Gail Hammer, Judge Judy Jasprica, Judge Anita Crawford-Willis, Judge Michael Evans, Judge Mark Pouley, Ms. Gail Stone

**Guests:** Ms. Jennifer Ritchie, Washington Women’s Lawyers Association, Ms. Stephanie Pratt. Department of Commerce

**CALL TO ORDER**

The meeting was called to order at 8:52am.

**November 4, 2016 Meeting Notes**

Minutes approved as amended.

**Chair Report**

Justice Gordon McCloud, Vice-Chair, accepted the opportunity to chair the Gender and Justice commission. No formal appointment yet. Justice Gordon McCloud will be selecting a Vice-Chair.

A new staff person has been hired at AOC. Kelley Amburgey-Richardson is the new Court Program Analyst for the Gender and Justice Commission. She previously served as a Commission member.

Justice Madsen noted that Washington is very fortunate to maintain the Gender and Justice focus. Nationally Gender and Justice Commissions are few and far between due to budget cuts. There are a lot of developments with NAWJ on gender and justice and bias.

We are excited to have a permanent liaison with the Washington Women’s Lawyers to continue to foster that connection. Jennifer Ritchie is the WWL representative. It is important to

institutionalize connections with groups that are aligned with GJCOM's mission so that we can all work together.

Justice Madsen mentioned that the Board for Judicial Administration (BJA) has requested submissions for projects or initiatives that the Commission would like the BJA to support. The Gender Bias Study, both Justices agree, would be a great project/issue to submit. If there are other ideas that Commission members might have, please contact Kelley at Kelley.Amburgey-Richardson@courts.wa.gov. Deadline is January 27 at 5pm. The Commission should think about institutionalizing submitting proposals to the BJA each year.

### **Vice-Chair Report**

Justice McCloud reported that the Gender Bias Study workgroup scheduled meetings with several different people who were in attendance at the National Association of Women Judges (NAWJ) conference, who offered a great deal of experience on the issues, the meetings were very helpful and enlightening. It was suggested that the group use the method of gathering information by hosting town hall meetings and asking members in the community for proposals on certain areas that they feel there is gender bias. This would include an RFP process where stakeholders would submit a paper on a particular topic, that way we could gather the information and use it to help produce the report. There are other ways to get empirical data. It might be a good idea to use law students for help as well.

Justice McCloud attended the Dec 2, Joint Commissions Meeting w/ ATJ Board. She presented on the history of the Gender and Justice Commission and the committees, accomplishments, and the Gender Bias report. Each Commission broke out into separate rooms and in the GJCOM room the participants talked a lot about the Gender Bias report and the areas that had been overlooked.

Interestingly, the Tribal State Court relationships were highlighted, and Justice McCloud hopes to involve Justice Madsen in this portion of the gender bias study research. Justice McCloud invited others who had attended the joint meeting to provide additional feedback. Ms. Leslie Savina thought it was a great turnout, great conversation, and great facilitation. It was great to break down some silos. Ms. Trish Kinlow also enjoyed it and it was good to learn about the passions and interests of each group. The collaborative efforts with interpreter needs were noted, and it was a well put together program. Justice Madsen gave accolades to Ms. Cynthia Delostrinos for the Joint Commission meeting. The support and collaboration will allow us to create better relationships in the future.

Justice McCloud suggested that the Commission recruit a representative from the Minority Bar Associations so they could have a voice on GJCOM.

Justice McCloud, at this point, wants general buy in, for the Gender Bias report, and approval of the general direction that the committee is going in. Information about the report will be in the Full Court Press and in the NAWJ's Newsletter and the Counter Balance.

### **Staff Report**

Ms. Kelley Amburgey-Richardson reported that budgets in the packet reflect changes requested at the last Commission meeting, and that budgets will be provided in each meeting packet. Any interest in revisions or allocations should be brought to her attention.

Mr. Bob Lichtenberg with the Interpreter Commission shared his feedback about the joint meeting. He reported on video interpreting needs and highlighted that there should be more board/commission collaboration, gender, race, and language. What's common? What's different? Where are the gaps? He is looking forward to more work with the joint education committee.

The Commissions plan to have a quarterly meeting with the Access to Justice Board (ATJ) where each Commission is represented by staff and a Commission member or more, and organize a yearly joint meeting with the full Commissions. Ms. Grace Huang offered her organization for training interpreters and language access with sexual assault and DV victims. Ms. Leslie Savina suggested a future judicial training on interpreters in DV cases. Justice Madsen felt that domestic violence training has taken a sideline since 2009 but it's good to bring it back to life again. Additionally, Mr. Bob Lichtenberg shared that vicarious trauma training for the interpreter is helpful.

### **Guest Speaker: Ms. Stephanie Pratt, Department of Commerce.**

#### **SSB 5933: Statewide Human Trafficking Laws & Investigations**

Ms. Stephanie Pratt presented about the state's efforts on education regarding human trafficking laws and investigations. In 2015, a bill was passed requiring a statewide work group to provide training on this. The trainings cover law, case investigations, and interdisciplinary response and services available. They have conducted two western Washington trainings, three eastern. The training is provided at no cost, for law enforcement, prosecutors, court personnel. 130 folks total have been trained, and they have been primarily law enforcement and prosecutors.

A few key points about the dynamics of trafficking were: (1) Offenders use strategies that aren't often seen as illegal, (2) the data shows the disproportionality in King County, and (3) the exploitation of boys is much higher than we are aware.

Ms. Pratt requested feedback from Commission members on audience, topics, and accessibility for an upcoming training under this statute for court personnel. The goal is to roll out the training in the next 10 months. Justice McCloud suggested including criminal defense lawyers so that they could identify when these issues come up for their clients. Ms. Sonia Rodriguez True suggested training with foster care advocates and case workers.

Justice Madsen expressed interest in the Court Administrators' perspective. Ms. Josie Delvin suggested that the front line folks would most benefit from the training to facilitate their understanding of cues to pick up on. Ms. Trish Kinlow agrees with the front line staff suggestion and suggested that security, probation officers, and jail alternative program staff would also benefit. The CLJs should be included. Judge Lucas would like to be educated more on intersections of dependency and trafficking. Ms. Noreen Roberts is working on a Federal Strategic Plan so the Children's Administration is receiving some training. Guardian Ad Litem training would be also extremely beneficial.

Judge Cindy Smith suggested including the tribal courts. Ms. Jennifer Ritchie brought up the issue of the traumatizing impact of security screenings, pat searches for minors who are homeless, sexual assault victims, or being trafficked. It would be good to make the court house a safe place for victims to come. The system of judgment is what victims fear the most, as they are being judged by others in their lives and by themselves. Ms. Grace Huang brought up the particular challenge of undocumented immigrants and fear. Justice Madsen suggested outreach education in school about trafficking. Ms. Rita Bender suggested probation officers should receive their own specialized training. Judge Paja suggested Truckers Against Trafficking as a resource.

Members were interested in whether any trafficking bills had been introduced this legislative session. There is Attorney General requested legislation that has been introduced.

### **Gender Bias Study**

Justice McCloud reported that the Gender Bias Workgroup is breaking materials into functional charts, and that members should expect to receive an email asking them to sign up to work on topics of interest. In scoping the study, the Workgroup has broken it down into three categories – (1) Getting into court (Ms. Cynthia Delostrinos is the point person), (2) Inside the courthouse (Ms. Jennifer Ritchie is the point person), and (3) Impacts of judgment and sentencing after leaving the courthouse. Other committee members include Emily Cordo, who is scoping domestic violence, sexual assault, and family law issues. Dr. Dana Raigrodski will scope trafficking, Native American women and tribal jurisdiction issues. Justice Debra Stephens will

scope mental health, broad, civil litigation. Justice McCloud is working on issues related to criminal law. Judge Paja and Justice Madsen were recruited to help with the sections on treatment of female litigants, attorneys, and judges.

In the third category, after leaving the courthouse, some specific issues the committee hopes to address are, (1) gendered impacts of judgment and sentencing, (2) LFOs, (3) mass incarceration, (4) women's healthcare in prison, (5) overcrowding in prison, (6) gender specific impact of imprisonment and parenting.

The question of including LGBTQ issues, and specifically gender identity or transgender issues came up. The Workgroup has discussed this, and asked for the assistance of Mr. David Ward and Ms. Jennifer Ritchie. Andrea Viddilitch was also suggested as a resource.

The Commission also discussed the inclusion of issues specific to women of color. The Workgroup has discussed this, and is not sure if this will be a separate topic or if it will be discussed as an additional issue for impact analysis under each heading.

Commission members should watch their email for a chart of topics to help the Workgroup parse things out. It was suggested that Mr. James Bamberger be a part of the Gender Bias Study. Ms. Vicki Vreeland volunteered for civil litigation. She suggested to check with WSCADV, which maintains statistics as part of its DV fatality review, which could be used as data sets.

Dr. Dana Raigrodski added that the ABA would be a great resource for the civil side. The WSBA also has some great information, in particular information from its survey about diversity and lawyers of color. The WWL has some data that can be used for comparison. Eileen and Judith are great resources as well.

A method for capturing research and notes from interviews needs to be established. A suggestion was made to use DropBox for this purpose.

### **December 1 – DV Bench guide Presentation, Spokane**

Judge Jasprica and Mr. David Ward spoke to 25 judges on the newly released DV bench guide. There was good discussion, walked through updates, addendums, and sections. The event was requested and coordinated by the YWCA in Spokane. Judge Tremaine also attended and added content for the tribal part of it. Members discussed whether this program could be replicated in other communities. Judge Paja suggested a news item could be placed on the GJCOM website about the Spokane program, encouraging other communities to contact the Commission if they were interested in replicating the program.

Additionally, Mr. David Ward and Ms. Grace Huang discussed House Bill 1163, an effort led by Mr. David Martin. The bill names the Gender & Justice Commission to chair two task forces, (1) a DV risk assessment workgroup, and a (2) DV perpetrator treatment work group. No funds are allocated in the bill for this work. The SCJA and DMCJA also have been asked to sit on the risk assessment group. The hearing is Monday at 1:30pm. Mr. David Ward will send out information on the bill and any pertinent legislative updates.

The DV committee needs a new chair. Justice Madsen suggested that Ms. Kelley Amburgey-Richardson could assist with the recruiting process within the Commission.

### **Committee Reports**

#### **Incarcerated Women and Girls Committee – Judge Paja**

The committee will be meeting after the Commission meeting. Judge Paja announced NAWJ is going to do another Inside Out at Mission Creek Sept 28-29. NAWJ will reach out to the Commission for speakers. Workshops, speakers, etc will be provided. Judge Paja said the judges that come to speak find it to be a rewarding experience. Justice McCloud is reviewing Juvenile Defense Standards. The Court Access for Incarcerated Parents Convening date will be set soon. The KIOSK program is 2 months old, the kiosks were approved by Department of Corrections and have not been installed yet.

#### **Education - Judge Melnick**

Judge Melnick reported that the education committee is very active. He expressed appreciation for the help of Ms. Cynthia Delostrinos. The committee is looking for volunteers.

The Judicial College program is a back to basics for DV, what new judges need to know. A revamp of the program will happen next year. Ms. Emily Cordo sent the video for the Neuroscience of Trauma and Fire Arms for the new judges to view.

Judge Jasprica has been working on the DMCJA session. No formal report on this at this time.

The SCJA initially gave the Commission a 90 minute slot, and now has limited us to 60. Ms. Cynthia Delostrinos will follow up at the next meeting.

Fall Conference proposals are due today, emails went out the education committee, the top three are attached in the packet. Ms. Judith Anderson gave the Commission a small extension, if needed, for their proposals. The Education committee would like to submit all three proposals. The drafts are in the packet. Everyone approved. They will be submitted early next week.

Ms. Leslie Savina suggested that the DV and Children session should address issues related to supervised visitation and protection orders. Mr. Bob Lichtenberg suggested that interpreters in supervised visitation would be a helpful inclusion.

Judge Melnick might have secured Gender & Justice time slots at the Family Law Midyear Conference involving domestic violence. He certainly welcomes participation and input from Commission members about this.

Ms. Trish Kinlow and Ms. Emily Cordo are working on the DMCMA line staff trainings. There will be eight presentations. There is an association meeting Tuesday where they will get dates and locations of trainings. Transgender issues have come up as a potential topic for inclusion. All the details are being worked out.

Judge Melnick indicated that coordination with the other two Commissions about doing a poverty simulation is in the beginning stages. It will be good to work with other Commissions for healthy intersections. It would be a stand-alone program. WSCADV has a version of In Her Shoes that addresses these issues, called the Economic Justice edition. The following people are involved or have volunteered: Ms. Grace Huang, Justice Gonzalez, Justice Stephens, and Mr. Jim Bamberger with OCLA.

Ms. Delostrinos will set up next education committee meeting.

### Women's History Month

Mr. David Ward reported that the program focus is around women leaders in business and labor. The national theme is "Honoring Trailblazing Women in Business and Labor." The committee is still looking for more input on potential honorees/speakers. Judge Paja has obtained nominees for the Labor speaker/honorees, and a nominee for the business side. She will reach out for further recommendations. She will also reach out to the Friends chairs of NAWJ and conference contributors to see if they have business women nominees.

The Commission agreed that the Committee could make a final decision about selecting the two women. Staff will circulate biographies of any further nominees to the full Commission in case any members have input to provide ahead of the decision being made by the Committee.

On a separate note, Judge Paja followed up about translation of forms. She found that there wasn't anything prohibiting the Gender and Justice Commission from drafting a resolution in favor of this. The BJA created a resolution about 5 years ago. Historically, BJA resolutions have a shelf life of 5 years, then fade away. If the BJA resolution has expired, the Commission could ask the BJA to renew it and write a letter of support, rather than writing its own. Members expressed support for the translation of forms, particularly those related to DV and SA as this

improves access for victims. Justice McCloud's extern is fluent in Mandarin and offered her assistance.

The meeting adjourned at approximately 12:00pm.

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION  
of the State of Washington

In Support of Language Access Services In Court

WHEREAS, equal access to courts is fundamental to the American system of government under law; and

WHEREAS, language barriers can create impediments to access to justice for individuals who are limited-English proficient; and

WHEREAS, it is the policy of the State of Washington “to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.” RCW 2.43.010 (Interpreters for non-English speaking persons); and

WHEREAS, courts rely upon interpreters to be able to communicate with limited-English proficient litigants, witnesses and victims in all case types; and

WHEREAS, the State has previously acknowledged a responsibility to share equally with local government in the costs incurred in paying for quality court interpreting services; and

WHEREAS, the Board for Judicial Administration recognizes the benefit that interpreting services provide to limited English proficient litigants and to the fact-finder in the efficient and effective administration of justice; and

WHEREAS, the Board for Judicial Administration previously adopted a Resolution to, among other things, “remove impediments to access to the justice system, including physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers.” (Board for Judicial Administration, Civil Equal Justice); and

WHEREAS, the provision of free and qualified interpreter services in all legal proceedings promotes the Principal Policy Objectives of the State Judicial Branch regarding fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts;

NOW, THEREFORE, BE IT RESOLVED:

That the Board for Judicial Administration:

- 1) Endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil;
- 2) Supports the elimination of language-related impediments to access to the justice system for limited English proficient litigants; and
- 3) Encourages the State to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.

## Gender & Justice Commission

*Proposed Budget July 1, 2016 - June 30, 2017*

Other Commission Expenses	Proposed Budget	FY16-17
<b>Commission Meetings</b>	Travel-related costs for members (lodging, per diem, mileage, airfare, etc.) ( <i>July, Sept, Nov, Jan, March, May</i> )	\$11,500
<b>General Operating Expenses</b>	Printing, conference calls, supplies, etc.	\$3,000
<b>Staff Travel &amp; Training</b>	Registration Fees, Travel-related costs workshops, tuition reimbursement	\$6,500
<b>Communications</b>	Annual Report	\$0
<b>Education Programs</b>	<i>Judicial College (STOP Sponsored)</i>	\$0
	<i>NAWJ 2016 (STOP Sponsored)</i>	\$1,500
	<i>Court Administrators/Managers/Staff</i>	\$0
	<i>Appellate Conference</i>	\$1,000
	<i>SCJA Conference</i>	\$0
	<i>DMCJA Conference</i>	\$1,500
	<i>Fall Conference (Sept. 2016)</i>	\$1,000
	<i>Poverty simulation</i>	\$1,000
	<i>Flexible Spending (undetermined)</i>	\$1,500
<b>Sponsorships/Events</b>	Judicial Officer & Law Student Reception	\$0
	Women's History/Legislative Reception	\$1,500
	Tribal State Court Consortium	
	<i>Tribal Judges to Judicial College</i>	\$2,000
	<i>TSCC Regional Meetings / Fall Mtg</i>	\$3,000
	<i>Tribal Judges to SCJA Conference</i>	\$1,500
	<i>Tribal Judges to Fall Conference</i>	\$1,000
	Washington Initiative for Diversity	
	<i>Legal Exec Summit</i>	\$2,000
	ICW&G Committee Mtg Support	\$300
	Tech Law Summit for Girls	\$1,000
<b>Requests</b>	Gender Bias Report - <i>Undetermined</i>	

<b>Starting Budget</b>	<b>\$50,000</b>
<b>All Allocated Commission Expenses</b>	<b>\$40,800</b>
<i>Balance</i>	<b>\$9,200</b>

Updated 2.24.2017

**STOP BUDGET FFY16**

**January 1, 2017 - December 31, 2017**

<b>Projected Allotment</b>		<b>Total = \$144,038</b>		<b>\$106,268</b>	<b>\$37,770</b>
				<small>(max amt)</small>	<small>(min amt)</small>
				<b>DV Projects</b>	<b>SA Projects</b>
<b>Salaries &amp; Benefits</b>	<b>Staff</b> <i>(approximately 30% of total grant)</i>			\$32,604	\$10,777
<b>Office Supplies, Copies, Printing</b>	<b>Supplies, Copies, etc.</b> <i>Benchguides (printed, flash drive, DVD/CD)</i>			\$2,500	\$1,000
<b>Staff Training &amp; Education</b>	<b>Staff to attend local and national conferences &amp; training events</b>			\$2,500	\$2,500
<b>Committee Meetings</b>	<b>Support travel-related &amp; pro tem costs for in-person Committee mtgs</b> <i>DVPT Advisory Group (BIP WAC revisions)</i> <b>**Supports judicial officers travel, pro tem to cover quarterly mtgs</b>			\$3,500	\$500
<b>Scholarship Support</b>	<b>Scholarships for judicial officers &amp; court staff to attend trainings.</b> <b>Covers lodging, airfare/mileage, meals OR</b> <b>Staff may calculate costs &amp; provide a maximum coverage amount</b> <b>Enhancing Judicial Skills in DV (Judicial Officers)</b> <b>**3 sessions per year. Avg \$1,250 pp.</b> <b>Continuing Judicial Skills in DV (Judicial Officers)</b> <b>**Placeholder - May not be held in 2017 Avg \$1,250 pp</b> <b>NCJFCJ National Conference (Judicial Officers)**</b> <b>**2017 Conference in DC. Avg \$2,000 pp.</b> <b>Children's Justice Conference (Court Personnel)</b> <b>**Historically \$1,500-\$3,000 per year - For line staff/facilitators</b>			\$5,500	\$1,500
<b>Education Programs</b>	<b>Monies for support of educational sessions</b> <i>Judicial College (January 2017) **Covers faculty costs for DV session</i>  <i>Appellate Conference (March 2017)</i> <i>SCJA Spring Conference (April 2017)</i> <i>DMCJA Spring Conference (June 2017)</i> <i>Annual Fall Conference (September 2017)</i> <b>Other:</b> <i>Line Staff Training</i> <i>Multi-disciplinary Training on Sexual Assault</i>			\$13,500	\$4,500
<b>Requests</b>	<b>Requests from others for support</b> <i>Mission Creek 2017</i> <i>DV Symposium (Judicial Officers &amp; Court Personnel)</i> <i>SA Benchguide - KCSARC - Staff time for benchguide management</i> <i>SA Benchguide - Chapter (Claudia Bayliff)</i> <i>SA Benchguide - Editor (Judge Yule)</i> <i>Translation of DV/SA Forms, Instructions</i>			\$1,500	\$3,600
				\$10,000	\$5,250
				\$8,000	\$5,000
				\$2,000	\$2,000
				<b>SUB-Totals per portion of grant</b>	<b>\$50,127</b>
				<b>Total</b>	<b>\$141,231</b>
				<b>Non-dedicated Funds</b>	<b>\$2,807</b>

Updated 2.24.2017

**STOP BUDGET FFY16 - PROPOSED**

January 1, 2017 - December 31, 2017

Projected Allotment		Total = \$144,038	\$106,268 <small>(max amt)</small>	\$37,770 <small>(min amt)</small>
			DV Projects	SA Projects
<b>Salaries</b>	Program Grant Staff		\$16,500	\$5,430
	Administrative Support		\$8,580	\$2,860
<b>Benefits</b>	Program Grant Staff		\$4,950	\$1,629
	Administrative Support		\$2,574	\$858
<b>Subgrantees</b>	King County Superior Court - 9th Annual DV Symposium		\$10,000	
<b>Consultants</b>	Claudia Bayliff - Sexual Offense Benchguide Chapter			\$5,250
	Judge Dennis Yule (Retired) - Sexual Offense Benchguide			\$5,000
	KCSARC - Sexual Offense Benchguide oversee project			\$3,600
	Faculty Costs - Unknown for conferences & workshops		\$23,346	
<b>Goods &amp; Services</b>	Office Supplies		\$1,750	\$1,750
	Trainings		\$36,068	\$6,590
	Travel		\$2,500	\$4,803
		<b>SUB-Totals per portion of grant</b>	<b>\$106,268</b>	<b>\$37,770</b>
		<b>Total</b>	<b>\$144,038</b>	
		<b>Non-dedicated Funds</b>	<b>\$0</b>	

Updated 10.13.16

N:\Programs & Organizations\COMMISSIONS\GJCOM\Budgets - GJCOM, Grants, Misc\Grant - STOP Budget\FFY16\Proposed Budget FFY16

## **BOARD FOR JUDICIAL ADMINISTRATION**

### **Policy and Planning Committee**

#### **Proposed Strategic Goal:**

#### **Elimination of Gender Bias in the Court System/Improvement of Gender Equity**

##### **TITLE:**

Elimination of Gender Bias in the Court System/Improvement of Gender Equity

##### **PROPONENTS:**

Justice Gordon McCloud, Chair and Judge Paja, Vice-Chair, on Behalf of the Washington State Supreme Court Gender and Justice Commission

##### **ISSUE:**

In 1987 the Washington State Legislature mandated the Office of the Administrator for the Courts initiate measures to prevent gender bias in the state court system. The Washington State Supreme Court established a task force to conduct this work: the Gender and Justice Task Force.

After two years of research, public hearing and surveys, the Gender and Justice Task Force concluded gender bias existed in the Washington State court system and described the extent of that bias in its final report Gender and Justice in the Courts, Washington State, 1989. The Supreme Court initially appointed the Gender and Justice Implementation Committee to monitor seventy-five recommendations from the Task Force report. Then in 1994, the Supreme Court established the Gender and Justice Commission, which has monitored the report recommendations since that time.

The extent of gender bias in the court system in our state, and the forms it currently takes, have not been studied since 1989. A gender bias study should be conducted, and new recommendations should be made to address the results of this study.

##### **GOAL:**

Gain a better understanding of the extent of gender bias in the court system in 2017, and recommend methods to address this bias and reduce gender inequities.

##### **STATE STAKEHOLDERS:**

- Access to Justice Board
- ACLU of Washington
- Administrative Office of the Courts
- Alliance for Equal Justice/Equal Justice Coalition
- Board for Court Education

- Center for Children and Youth Justice
- Court Interpreter Commission
- Courthouse Facilitators
- Department of Corrections
- District and Municipal Court Judges' Association
- Department of Social and Health Services
- Federal Public Defender
- Gender & Justice Commission
- Gonzaga University School of Law
- Legal Foundation of Washington
- Legal Voice
- Mother Attorneys Mentoring Association
- Minority & Justice Commission
- Northwest Immigrant Rights Project
- Northwest Justice Project
- Office of Civil Legal Aid
- Office of Public Defense
- Probation Services
- Seattle University School of Law
- Superior Court Judges' Association
- Tribal State Court Consortium
- University of Washington School of Law
- Washington Association of Criminal Defense Lawyers
- Washington Association of Prosecuting Attorneys
- Washington State Association for Justice
- Washington State Bail Agents Association
- Washington State Coalition Against Domestic Violence
- Washington Coalition of Sexual Assault Programs
- Washington State Bar Association
- Washington State Center for Court Research
- Washington State Court Appointed Special Advocates
- Washington State Legislature
- Washington Women Lawyers

NATIONAL STAKEHOLDERS:

- American Bar Association
- Association of Prosecuting Attorneys
- Legal Momentum
- National Association of Criminal Defense Lawyers
- National Association of Women Judges
- National Association of Women Lawyers

INTERNAL OR EXTERNAL:

Internal and External



February 16, 2017

Dear Justice Partners,

The Access to Justice Board convened a group of twenty-three civil legal aid providers in 2015 to design a plan to realize the vision that poverty is not an impediment to justice. This group developed a draft State Plan for the Delivery of Civil Legal Aid over the past 15 months. This Plan is intended to guide the collective efforts of the Alliance for Equal Justice for the next three years as we seek to expand access to the justice system and to identify and eliminate barriers that perpetuate poverty and deny justice. The plan was developed with extensive feedback gathered from legal aid providers and community partners across the state. The plan identifies goals and strategies to bring us closer to our shared vision for how the Alliance might work together to achieve greater impact.

We intend the plan to be a universal tool that all Alliance for Equal Justice legal services providers and partners can use to guide their work. Taken as a whole, the draft plan provides a framework for organizations to work together to expand access to justice. Not every organization is positioned to implement each part of the Plan and we expect programs and partners to identify the ways in which they are best positioned to implement specific goals using specific strategies.

**We need your help to finalize a plan that is relevant to your work and the needs you see in your stakeholder communities. We ask that you review the draft plan and share with us your feedback. You may submit written comments to the Access to Justice Board via email at [atj@wsba.org](mailto:atj@wsba.org) by April 17, 2017. You may also submit comments through the following survey by April 17, 2017: <https://goo.gl/forms/L1pkuql7ChtiU7Gx2>. These comments will be considered prior to the ATJ Board's adoption of a final plan in May.**

If you have questions about the State Plan, the Alliance for Equal Justice, or the Access to Justice Board, please contact Terra Nevitt at (206) 727-8282 or [TerraN@wsba.org](mailto:TerraN@wsba.org).

Sincerely,

Geoff Revelle  
Access to Justice Board Chair

Enclosures: Draft Plan for the Coordinated Delivery of Civil Legal Aid  
State Plan Progress Memo  
Washington State Alliance for Equal Justice Hallmarks

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THE ALLIANCE  
for Equal Justice  
SUPPORTER



DRAFT

Access to Justice Board  
2017–2019 State Plan  
for the Coordinated  
Delivery of Civil Legal Aid  
to Low Income People



# Access to Justice Board 2017–2019 State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People

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## INTRODUCTION

This Plan is intended to guide the collective efforts of the [Alliance for Equal Justice](#) to expand access to our civil justice system and identify and eliminate barriers that perpetuate poverty and deny justice. We adopt this plan as communities across Washington report increasing fear and anxiety about a changing political climate that once again targets those who have historically been most vulnerable to marginalization. We adopt this plan with the belief that we must coordinate our collective efforts, using all the legal tools we are privileged to wield, and take direction from community leaders in pursuit of a just and equitable system. As set forth in our [Hallmarks](#), The Alliance for Equal Justice (“the Alliance”) exists to ensure that poverty is not an impediment to justice; that legal barriers which perpetuate poverty and inequality will be dismantled; and that our laws and our justice systems will be open and equally effective for all who need their protection, especially those who have been placed on the margins of society due to their identities.

The severity of Washington’s justice gap and the inadequate funding of civil legal aid cannot be overstated. The [2015 Civil Legal Needs Study](#) tells us that the need is greater than ever. Seven in 10 low-income households face at least one significant legal problem each year and, on average, experience more than nine legal problems for which the vast majority will not get the help they need. The study tells us that low-income Washingtonians do not understand that the challenges they face have legal remedies. It tells us that the nature of their legal problems are changing and that the problems intersect and compound, with one legal problem left unaddressed building into multiple legal problems. The study tells us that twenty years after the adoption of Washington’s first state plan, we are far from delivering on our vision of equitable justice and it challenges us to do better. Closing the justice gap will require major investments to double the number of state-funded civil legal aid attorneys, expand the level of volunteer attorney involvement in the delivery of civil legal aid services, and create statewide support infrastructure for the Alliance. Closing the justice gap will also require acknowledging and breaking down the artificial silos that we’ve created between the civil, criminal, and juvenile justice systems and identifying and challenging structurally racialized systems and practices that disproportionately affect minority clients and client communities.

## INTRODUCTION

Our Hallmarks call on us to maximize the impact of our limited resources through coordination and the delivery of effective and economical legal aid. Recognizing that we may never have the resources needed to give every low-income household access to legal representation, this plan seeks to improve the way we work together – within existing resources. The plan sets forth five goals that represent a universal commitment of all Alliance members. Goal number 1 identifies race equity as a lens to apply to all of our work. Goals 2-5 identify the focus of our work at each stage that an individual might encounter a legal need, starting with ensuring that low-income communities and individuals understand their legal rights and responsibilities in goal 2. Once a legal problem has been identified and an individual desires legal help, goal 3 asks the Alliance to ensure that members of underserved and underrepresented communities will be able to obtain legal assistance regardless of their geographic and/or demographic circumstances. Once legal services have been engaged, goal 4 calls for holistic and client-centered approaches to address the complexity and breadth of legal needs and to help clients overcome demographic, systems-based and other institutional barriers. And finally, goal 5 urges that in addition to the important work of seeking legal remedies for individuals, the Alliance continue to pursue systemic advocacy to effect structural reforms that maintain and defend progress and improve the well-being of communities and individuals and dismantle systems of institutional racism and other forms of oppression.

We expect that each Alliance organization will review the State Plan goals, strategies and implementation steps to determine, in collaboration with other Alliance members, the role(s) they should play in achieving these collective goals in the coming years. Specific strategies and implementation steps are intended as helpful guidance, but there is no substitute for the knowledge that individual organizations have about their own current and potential strengths and capabilities, the communities they serve and the changing and evolving circumstances affecting clients, communities, and client service delivery. The plan also identifies measures of success for the purpose of better aligning organizational actions, providing feedback that leads to individual program and system improvements and to support Alliance accountability to the State Plan. They are not intended to dictate behavior to any organization or impact funding decisions. Many performance measures are specifically imbedded in the statements of strategy within the plan. Other measures will require the collection and analysis of data. For those measures, we recommend that organizations/regions spend the first year of the plan gathering baseline data, the second year establishing realistic targets and the third year analyzing performance and implementing changes in support of the strategy. A state plan monitoring committee should coordinate collection and distribution of performance measure data. It is expected that implementation of the plan will be evaluated annually and course corrections made as needed.

## INTRODUCTION

As the coordinator of this effort, the Access to Justice Board is tasked with supporting and monitoring the implementation of this plan. In many places throughout the document, the Access to Justice Board and its committees are identified to play the role of clearinghouse. That role may include collecting the relevant information, reviewing and assessing the information, and communicating back to the Alliance in the form of an aggregate report, the sharing of best practices, or recommended next steps.

Achieving a just and equitable system will require courage, collective vision and agility to respond to changing needs, challenges, and opportunities. The State Plan offers a framework for the Alliance to work together to rise to the occasion and act with common commitment, focus, and collective determination. Through this State Plan we recommit to our values and our common commitments.

## GOAL

# 1

Alliance organizations will promote racial equity both systemically and within their organizational practices, working toward a vision that race or color does not determine the availability and quality of services, benefits, and opportunity for communities and individuals.

### WHAT IS THE PROBLEM?

As stated in our [Washington Race Equity & Justice Initiative's Commitments](#), tensions and fears from tragedies around the country continue to increase due to recent contentious national events and, as a result, many vulnerable communities, especially communities of color, are targeted and treated as less worthy. REJI is a call to action to work together to challenge the racial bias that has been built into our societal fabric. The 2015 Civil Legal Needs Study Update tells us that people of color experience substantially greater number of legal problems, that they regularly experience discrimination and unfair treatment on the basis of legally protected characteristics such as race, and that low-income communities and people of color have little confidence in the justice system. Consistent with the REJI Commitments, this goal and its strategies call on the Alliance to transform structures, policies and practices that perpetuate disparate outcomes for communities of color, including by assessing and strengthening our organizations' own alignment with race equity and justice values and goals.

### STRATEGY 1

Engage in activities that create a shared awareness and understanding of what is needed to achieve race equity in our legal systems and society.

#### Alliance organizations can implement this strategy by:

- Working with the Race Equity and Justice Initiative, to identify currently existing annual events focused on race equity, or with a substantial race equity focus, and engage Alliance organizations, Access to Justice Board members, legal aid funders, community members and officers of the broader justice system to attend those events. If the committee finds that no such events exist, then the committee should leverage existing resources to establish one.
- Identifying, coordinating and collaborating with different groups that are already focused on race equity and utilize social media and emerging technology to collaborate and share resources and tools to achieve racial equity. The Race Equity and Justice Initiative can support this effort by serving as a clearinghouse.

#### Our vision of success is:

- Alliance organizations are using common language to demonstrate a shared understanding and awareness of the reforms needed to achieve race equity in our systems.

#### Indicators of success include:

- Alliance organizations are participating in an annual conference or events that focus on race equity.

## GOAL

# 1

- Alliance organizations report increased relationships and collaborations around advancing race equity.

### STRATEGY 2

Increase the diversity of staff, boards, and volunteers.

#### Alliance organizations can implement this strategy by:

- Identifying and adopting existing tools (e.g., the Implicit Bias test from Harvard University and the City of Seattle of Race Equity Tool Kit) in order to conduct a race equity self-audit at all levels in their organizations, with support from the Race Equity and Justice Initiative.
- After conducting the self-audit, addressing and developing strategies to eliminate practices that operate as impediments to the recruitment and retention of a diverse staff, board, and volunteers.
- Developing capacity and technical resources to enable organizations to implement their strategies for race equity and diversity.

#### Our vision of success is:

- Alliance organizations that reflect the diversity of the communities we serve at all levels.

#### Indicators of success include:

- All Alliance organizations have completed a self-audit.
- All Alliance organizations will incorporate race equity awareness and provide individualized tools and resources as part of the orientation for all board, staff, and volunteers.
- An increase in staff, board, and volunteer diversity for Alliance organizations that is reflective of the clients they serve.

### STRATEGY 3

Raise organizational competency and capacity to advance race equity in our legal system and society.

#### Alliance organizations can implement this strategy by:

- Identifying and adopting existing tools and trainings to identify, evaluate, and build solutions for creating organizational and systemic racial equity, with support from the Race Equity and Justice Initiative.
- Employing a race equity lens when prioritizing services to clients.

1

**Our vision of success is:**

- Alliance organization staff demonstrate increased awareness of the impacts of race and structurally racialized systems and practices on our society and the client communities we serve.
- Alliance organizations are participating in dialogue about race.

**An indicator of success will be:**

- All Alliance organization staff have had training on how to talk to each other about race.

**STRATEGY 4**

Promote and raise the visibility of Alliance organizations' and law firms' activities and successes in advancing race equity.

**Alliance organizations can implement this strategy by:**

- Collaborating with WSBA and local bar associations to establish awards recognizing legal aid organizations or individuals within organizations that make significant contributions to the advancement of race equity.
- Incorporating race equity topics into all communications channels, including through the Access to Justice Board's Communications Committee and the Equal Justice Coalition.

**Our vision of success is:**

- Race equity is woven into the fabric of the Alliance.

**An indicator of success will be:**

- An increased perception among community-based organizations that Alliance organizations are effective partners in advancing race equity.
- At least five earned media pieces related to Alliance organization's work to advance race equity each year.

## GOAL

# 2

The Alliance will work to ensure that low-income communities and individuals understand their legal rights and responsibilities and where to seek legal assistance.

### WHAT IS THE PROBLEM?

The [2015 Civil Legal Needs Study](#) tells us that nearly 50% of low-income households are not aware that the problems they are facing have a legal component; and they do not seek legal help. This gap in understanding persists despite decades of effort to provide legal education to low-income people through websites like [WashingtonLawHelp.com](#) and through grassroots community outreach and engagement. This goal and suggested strategies call on Alliance organizations to take a critical look at our educational efforts and consider new approaches to empowering clients to understand the legal nature of the problems they experience and to make informed decisions about whether, when and where to go for legal help.

### STRATEGY 1

Conduct an assessment of the current educational activities, resources and tools, identify any gaps and needs for improvement, and develop and execute on plans and any necessary tools that will address those gaps and needs.

#### Alliance organizations can implement this strategy by:

- Conducting an inventory of educational activities and resources within their region(s), identify the gaps and need for improvements and communicating the results to the Access to Justice Board Delivery System Committee, which can serve as a clearinghouse.
- Addressing any identified gaps and needs for improvement, create and execute plans to educate low-income persons about legal problems, rights and responsibilities, and the availability of legal assistance, with a special emphasis on reaching underserved communities. These plans may be on an organizational and/or regional level based on need and resources. They should include developing and distributing educational resources through a variety of media and organizations and should incorporate best practices and common language. The Access to Justice Board's Communications Committee can support these efforts as a clearinghouse.

#### The Access to Justice Board and its committees can implement this strategy by:

- Addressing any identified gaps and needs for improvement, create tools and strategies to educate low-income persons about their legal rights and the services available to them within and outside the civil legal aid system and sharing them with Alliance organizations.

- Developing an interactive legal wellness tool – in collaboration with Alliance organizations – that will enable low-income people to describe the situations they are facing and gain an understanding of the legal rights implicated and the resources available to address them. Alliance organizations can determine how the tool can be used through their networks and communities and encourage its use.

**Our vision of success is:**

- An improvement in the ability of low income people to understand the legal dimensions of the problems that they are experiencing and make informed decisions about whether, when, and where to go for legal help.

**STRATEGY 2**

Communicate with low-income communities in ways that are accessible to low-income persons regardless of limited literacy, limited English proficiency, disability, or access to technology.

**The Access to Justice Board and its committees can implement this strategy by:**

- Developing model guidelines for effective community-based outreach and education both on- and off-line and sharing them with Alliance organizations.

**Our vision of success is:**

- A rise in client satisfaction with their ability to obtain information about their legal rights and responsibilities and the availability of legal assistance.

**An indicator of success will be:**

- Increased contact with low-income persons, including those with limited literacy, limited English proficiency, disability, or access to technology.

## GOAL

3

Alliance organizations will work to ensure that low-income members of underserved and underrepresented communities will be able to obtain legal assistance regardless of geographic and/or demographic circumstances.

### WHAT IS THE PROBLEM?

Who you are matters. The [2015 Civil Legal Needs Study](#) demonstrates that low-income people who identify as African American or Native American experience a greater prevalence of legal problems in nearly every substantive area explored by the study. The same is true for people with disabilities and young people. It shows that low-income people regularly experience discrimination and unfair treatment on the basis of immigration status, prior juvenile or criminal system involvement, and credit history and that victims of domestic violence or sexual assault report nearly double the prevalence of problems across all legal problem areas with an average of 19.7 legal problems per person, per year. The [LGBTQ Supplement](#) to the 2015 Civil Legal Needs Study illustrates that the LGBTQ community experiences different legal problems than the general low-income population and substantially higher levels of problems associated with discrimination and unfair treatment. Federal and state legal aid funding restricts programs from serving certain groups of people and access to legal aid in rural areas remains a persistent challenge. Consistent with our [Hallmarks](#), this goal and its suggested strategies call on the Alliance to authentically engage with low-income communities, adapt our delivery systems to meet their needs, and focus our limited resources on meeting the civil justice needs of those who are most vulnerable and in need.

### STRATEGY 1

Work with community-based partners to identify underserved and underrepresented communities on an ongoing basis and provide targeted legal assistance.

#### Alliance organizations can implement this strategy by:

- Seeking assistance from community partners to identify the common needs of the underrepresented and underserved communities they work with in order to provide targeted legal assistance.
- Providing a self-determined amount of services in community places frequented by underserved populations (e.g., libraries, shelters, community centers, hospitals, schools, churches).
- Considering and pursuing opportunities to co-locate legal aid and other community services on a limited or permanent basis.
- Training community partners to identify legal needs and make effective referrals.

#### Our vision of success is:

- Community-based partners have an increased understanding of how to identify civil legal problems and help low-income and vulnerable people with whom they work to access legal aid.

## GOAL

### 3

- Legal aid's strategy in reaching underserved and underrepresented populations is improved through partnership with community-based partners.

#### Indicators of success include:

- An increase in the provision of legal aid outside of traditional legal aid program offices, including through co-location with community partners, by the end of year two.
- An increase in the number of community organizations collaborating with Alliance organizations as partners, by the end of year three.
- An increase in number of community-based partners trained by Alliance members to identify legal problems of persons they serve and make effective referrals, by the end of year two.
- An increase in the number of targeted referrals that Alliance organizations receive from community-based partners, by the end of year three.

#### STRATEGY 2

Leverage technology to better serve low-income clients in underserved and underrepresented communities.

#### This strategy can be implemented by:

- Automating the new plain language family law forms and ensuring that the public has online access to the document assembly system at no cost through the collaboration of the Northwest Justice Project, the Administrative Office of the Courts, the Office of Civil Legal Aid, and the Access to Justice Board.
- Increasing the number of attorneys providing legal assistance to underserved and underrepresented communities using Skype (or other like systems), document viewing and similar technologies through the collaboration of Alliance organizations, the Access to Justice Board's Justice Without Barriers Committee and Technology Committee, the Washington State Bar Association, and local courts.
- Developing a mentorship program for attorneys in attorney-rich areas willing to serve clients from underrepresented and underserved communities using technology and other means through the collaboration of the Access to Justice Board's Leadership Development and Technology Committees, Alliance organizations, and the Washington State Bar Association.

#### Our vision of success is:

- Increased services to low-income clients regardless of geography or other barriers to accessing legal aid in traditional settings.

- A rise in volunteer retention and satisfaction for attorneys in attorney-rich areas who are providing services to underrepresented and underserved communities using technology and other means.

**STRATEGY 3**

Improve access to and the efficiency of existing intake mechanisms.

**Alliance organizations and the Access to Justice Board can implement this strategy by convening an Alliance stakeholder group to:**

- Assess and make recommendations on the strategic role of centralized intake, advice, and referral services as a component of statewide intake services.
- Assess regional or local intake systems and make recommendations on flexible and efficient models that complement centralized intake and support a variety of intake strategies.
- Identify and assess innovative intake and referral methods used outside the state of Washington that could be implemented within the state.
- Identify and implement client-centered approaches to intake for underserved and underrepresented populations, including consultation with the broader community of providers of social and human services to low-income people.

**Our vision of success is:**

- Reduced time between initial contact and initiation of services to clients from underrepresented and underserved communities.
- Increased services to communities identified as underrepresented and underserved regardless of any barriers to accessing legal aid through traditional intake mechanisms.

## GOAL

# 4

The Alliance will use holistic and client-centered approaches to address the complexity and breadth of legal needs and to help clients overcome demographic, systems-based and other institutional barriers.

### WHAT IS THE PROBLEM?

The [2015 Civil Legal Needs Study](#) revealed that, on average, low-income households will experience more than nine civil legal problems annually. Experience shows us that these problems are often intertwined, and that helping an individual to address and overcome the problems they face often requires legal and non-legal solutions. Without addressing the interrelated nature of these problems clients will continue to need civil legal aid for recurring and unaddressed legal problems. We also understand from the Civil Legal Needs Study Update that low-income people of color experience substantially higher rates of legal problems and that issues relating to discrimination and unfair treatment cut across every substantive legal category. Many of the problems experienced by low-income minority clients and communities flow from their involvement with structurally racialized systems and practices that appear to be race-neutral but drive disparate treatment and disproportionate negative outcomes. This goal and its strategies call on Alliance organizations to fully realize the values articulated in our [Hallmarks](#) around authentic client and client community engagement, ensuring the availability of a full range of legal aid, and building effective partnerships with legal and community based organizations.

### STRATEGY 1

Work with clients to identify and prioritize legal and non-legal needs and to develop strategies to meet those needs.

#### Alliance organizations can implement this strategy by:

- Continuing to develop flexible models, tools, and resources to help clients identify and prioritize the breadth of their legal and non-legal needs. These tools should be shared with the Access to Justice Board's Delivery System Committee as a clearinghouse.
- Developing and offering training to enable staff and volunteers to better identify clients' legal and non-legal needs.
- Employing a race equity lens – consistent with Goal 5 – in identifying client needs, local and statewide client service priorities, and strategies to address the problems experienced by low-income racial and ethnic minorities and communities of color including, but not limited to, those who are not eligible for state and federally-funded services.
- Establishing client satisfaction surveys or other tools to secure input from clients with respect to the services that they receive and the manner in which they receive them. Such systems should include questions that measure how well the organization is identifying and developing strategies to address the full range of clients' needs.

## GOAL

# 4

### Our vision of success is:

- A rise in client satisfaction related to Alliance organizations' ability to help them identify the full range of their legal and non-legal needs and helping them make informed decisions about whether and, if so, how to address them.

### An indicator of success will be:

- An increase in the number of and extent to which Alliance organizations are identifying, working with clients to help them make informed decisions about their goals, and to prioritize and address their legal and non-legal needs by the end of year two.

## STRATEGY 2

Expand and strengthen partnerships and collaborations to improve each client's ability to address legal and non-legal needs.

### Alliance organizations can implement this strategy by:

- Strategically and intentionally collaborating with community based organizations, as appropriate to the circumstances, in helping clients address their needs.
- Regularly seeking and securing input from community based organizations in assessing the needs of clients.
- Sharing information about legal and non-legal resources in the region.

### The Access to Justice Board and its committees can implement this strategy by:

- Facilitating the development of an improved protocol to ensure effective cross-referrals and collaboration between Alliance organizations. To the extent possible, clients should need only knock on one Alliance door to get the help they need.

### Our vision of success is:

- Clients are better able to address their legal and non-legal needs.
- An increase in the quality and number of cross-referrals and collaborations among Alliance organizations.

### An indicator of success will be:

- An increase in the number of referrals clients receive to address the breadth of their legal and non-legal needs.

**STRATEGY 3**

Develop and expand holistic service models to improve long-term outcomes for clients.

**Alliance organizations can implement this strategy by:**

- Identifying communities that would benefit the most from coordinated or holistic legal aid.
- Piloting or expanding holistic models with those populations.
- Assessing existing services to determine the feasibility of implementing a client-centered, holistic approach.
- Establishing client-centered systems to secure input from clients with respect to how well the organization is addressing the full range of clients' needs.

**The Access to Justice Board and its committees can implement this strategy by:**

- Identifying and providing tools that will allow Alliance organizations to capture the depth of the services they are providing and the outcomes they are achieving for clients. Alliance organizations can utilize the tool(s) to assess and report the depth of services being provided.

**Our vision of success is:**

- An end to the revolving door of legal aid, with fewer people returning because their issues have been resolved as a result of coordinated or holistic services.

**An indicator of success will be:**

- An expanded number of coordinated or holistic models being implemented, by the end of year two.

## GOAL

# 5

The Alliance will pursue systemic advocacy to effect structural reforms that maintain and defend progress and improve the well-being of communities and individuals and dismantle systems of institutional racism and other forms of oppression.

### WHAT IS THE PROBLEM?

Our Hallmarks call on us to identify and eliminate the systems that operate to deny justice to low-income members of racial, national, ethnic and social minorities and other low-income persons who experience barriers due to explicit or implicit bias and other marginalizing dynamics. Despite many advocacy successes, the 2015 Civil Legal Needs Study reveals that low-income people of color, among other groups, experience substantially greater number of legal problems and regularly experience discrimination and unfair treatment on the basis of legally protected characteristics such as race. The study also tells us that low-income people have precious little confidence that the justice system can help people “like them” to enforce their rights. We know from various symposia sponsored by the Supreme Court’s Minority and Justice Commission, national and state-based research and many years of experience that racialized systems and structures have developed that result in disparate treatment of people and communities of color and that drive disproportionate negative outcomes for members of these groups as well as other historically and currently marginalized groups. This goal and its strategies calls on the Alliance to prioritize collaborative systemic advocacy designed to eliminate these systems, structures and practices, and that such advocacy be rooted in authentic engagement with client communities and in partnership with community-based organizations.

### STRATEGY 1

Engage with client communities in order to inform and drive systemic advocacy.

#### Alliance organizations can implement this strategy by:

- Creating annual community engagement plans by organization and region, as is helpful in each case, and distributing them to regional partners, stakeholders, and the Alliance.
- Revisiting, evaluating, and modifying their engagement plan annually based on results and distributing written results and modifications to regional partners, stakeholders, and the Alliance.

#### Our vision of success is:

- Alliance organizations will be able to demonstrate that community input is playing a role in helping identifying systems, structures, and practices that result in disparate treatment or disproportionate negative outcomes for low-income people and communities, including but not limited to communities of color.

#### An indicator of success will be:

- Every Alliance organization and region will have a client community engagement plan, by the end of year two.

**STRATEGY 2**

Communicate and collaborate within the Alliance and with other allies in order to identify patterns within communities that point to the need for systemic change and identify opportunities for collaboration.

**Alliance organizations can implement this strategy by:**

- Identifying a liaison for systemic change advocacy to be a point of contact in the region and for the Alliance. This person should participate in regional and statewide advocacy groups.
- Convening regional stakeholder groups at least quarterly to discuss systems, structures, and practices that result in disparate treatment and drive disproportionate negative outcomes for low income and marginalized communities and considering the value of systemic change advocacy to address these.
- Convening a statewide stakeholder group at least biennially to revisit and refine statewide systemic reform work.
- Regularly providing advocacy updates to the Access to Justice Board's Communications Committee and the Equal Justice Coalition for widespread distribution. These updates should expressly highlight systemic advocacy, outlining the systemic practices being challenged and the impact of the program's advocacy.

**Our vision of success is:**

- Alliance organizations at regional and state levels working together to effectively implement statewide system reform strategies in at least three substantive priority areas.

**An indicator of success will be:**

- That regional partners will have identified top priorities for systemic change advocacy, by the end of year two.
- Increased participation (in number and quality) from community based organizations in identifying statewide advocacy priorities.
- Increased participation (in number and quality) from community based organization in pursuing systemic change.
- At least five earned media pieces related to the statewide advocacy priorities each year.

**STRATEGY 3**

Partner with community based organizations to develop resources and make strategic investments in the ability of Alliance organizations to engage in systemic advocacy.

**Alliance organizations can implement this strategy by:**

- Considering annually allocating specific resources for systemic change advocacy appropriate to their mission.

**Legal aid funders can implement this strategy by:**

- Requesting information annually from grantees on systemic change advocacy activities and accomplishments.

**Our vision of success is:**

- An increased focus on and support for advocacy that is intentionally focused on identifying and eliminating systems, structures, and practices that negatively affect low-income and marginalized communities and that result in disparate treatment and drive disparate outcomes for communities of color and other marginalized populations.

**STRATEGY 4**

Develop leaders that are skilled in systemic advocacy. Alliance organizations can implement this strategy by:

**Alliance organizations can implement this strategy by:**

- Having staff, board members, and volunteers apply to the Equal Justice Community Leadership Academy.
- Participating and providing opportunities for community lawyer training on an ongoing basis.
- Participating and providing opportunities for race equity training on an ongoing basis.

## GOAL

# 5

### **Our vision of success is:**

- That community lawyering becomes a core component of each program's strategic client service mix.

### **Indicators of success include:**

- Every Alliance organization has multiple members who have graduated from the Academy.
- By 2019 every Alliance organization will have a majority of staff engaged in community advocacy who has received community lawyering training.

DRAFT

## GLOSSARY OF TERMS

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### **Alliance for Equal Justice or Alliance**

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We are lawyers, judges, legal workers, volunteers and community leaders committed to the fair, effective, and inclusive administration of civil justice in Washington State. In partnership with clients and communities of low-income and vulnerable people, we work to expand meaningful access to the civil justice system and to identify and eliminate barriers that deny justice and perpetuate poverty.

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### **Alliance organizations**

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Programs or organizations that participate in the Alliance for Equal Justice. Note that the Alliance describes a fluid network, rather than a specific set of organizations. There is no entity responsible for determining which organizations are considered to be a part of the Alliance.

Alliance partners

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### **Equity**

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Fairness achieved based on an understanding that individuals and communities are subject to different forms of treatment and have access to different amounts of privilege. To be contrasted with fairness based on equal distribution of resources.

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### **Holistic Services**

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Services that are provided in a manner that takes into account the entirety of a client's barriers and goals, legal and non-legal. This includes two primary components:

- 1 Helping clients identify legal and non-legal problems and potential solutions for their legal problems; and
- 2 Working in collaboration with legal and non-legal community partners to ensure that the client's range of needs are addressed. Whether through direct, unbundled, or referral services.

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### **Implicit Bias**

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Attitudes and beliefs that result from subtle cognitive processes that often operate at a level below conscious awareness and without intentional control.

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### **Race Equity**

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A vision that race or color does not predict the amount and quality of opportunities, services, and benefits for impacted communities and individuals.

## GLOSSARY OF TERMS

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**Race Equity Lens**

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Examining a practice, system, behavior or event with an awareness and focus on the vision that race or color should not predict the amount and quality of opportunities, services and benefits for impacted communities and individuals.

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**Structural Racism**

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Racial inequity perpetuated by a system of public policies, institutional practices, cultural representations, and other norms.

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**Systemic Advocacy**

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Action that is designed to affect change in all parts of a local, regional or state-wide system that negatively affects low-income and marginalized people, and that takes into account the interrelationships and interdependencies among all of that system's parts.



## MEMORANDUM

TO: Access to Justice Board and Funding Partners  
FR: Terra Nevitt, WSBA Director of Advancement  
RE: Final Progress of State Planning Process  
DA: February 13, 2017

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As of February 10, 2017, we are at the final phase in the development of a three-year State Plan for the Coordinated Delivery of Civil Legal Aid. In Phase 3 (March – June 2016) the Consensus Group developed strategies to implement the five goals developed in Phase 2. Those drafted strategies were shared with stakeholders for feedback and further refined by the Consensus Group. In Phase 4 (June – August 2016) the Consensus Group developed implementation steps and measures of success. In Phase 5 (August 2016 – present) staff developed a draft plan, which was circulated to the Consensus Group and Steering Committee the draft further refined. The current steps include pushing the draft plan out to a wide range of stakeholders for input from mid-February through mid-April. During Phase 3 and again in Phase 5 the Steering Committee agreed to revise the overall timeline and extend the process in order to provide adequate time to consider feedback received from stakeholders. In light of the revised timeline (below), it is suggested that the ATJ Board consider October 1, 2017 as the implementation date.

### **Phase 1: Stakeholder Outreach and Education Milestones (October – November 2015)**

- Created a [Facebook tab](#) and [webpage](#) to keep stakeholders up to date.
- Conducted ten stakeholder outreach and education sessions between October 20 and November 24. These meetings, hosted by civil legal aid providers throughout the state, provided an opportunity for staff, board members and key community and court partners to learn about the Alliance, the key findings of the Civil Legal Needs Study Update, and how to engage in state planning.
- Conducted a live webinar on November 3 as another opportunity for stakeholder outreach and education. Approximately 50 people registered for the webinar live and people continue to take advantage of the opportunity to view the [recorded webinar available online](#).
- Distributed an electronic survey to the Alliance requesting initial feedback about the usefulness of the previous state plan, the current structure and goals of the Alliance, and key considerations for the new state plan.
- Distributed a letter to stakeholders traditionally thought of as being outside of the Alliance to invite them into the state planning process.
- Invited organizations to join the consensus group.

### **Phase 2: Convening Consensus Group and Development of Goals (November 2015 – March 2016)**

- Solicited participation and convened the Consensus Group. Members include:
  - Benton Franklin Legal Aid Society
  - Center for Justice
  - Blue Mountain Action Council

- Clark County Volunteer Lawyer Program
  - Columbia Legal Services
  - Cowlitz Wahkiakum Legal Aid
  - Eastside Legal Assistance Program
  - KCBA Pro Bono Services
  - Kitsap Legal Services
  - LAW Advocates
  - Lewis County Bar Legal Aid
  - Northwest Consumer Law Center
  - Northwest Health Law Advocates
  - Northwest Immigrant Rights Project
  - Northwest Justice Project
  - Rita R. Dermody Legal Help Center at the Public Law Library of King County
  - Seattle Community Law Center
  - Skagit Volunteer Lawyer Program
  - Snohomish County Legal Services
  - Tacoma-Pierce County Bar Association
  - TeamChild
  - University Legal Assistance
  - YWCA – Sexual Violence Legal Services
- Engaged a professional facilitator to facilitate consensus group meetings. The first two, all day, in-person meetings took place on January 27 and March 14.
  - After the Consensus Group developed 12 draft goals for the plan, we solicited feedback from a wide range of stakeholders. That outreach included:
    - **Regional Focus Groups:** Six focus group meeting were held across the state to give legal aid providers and organizational partners an opportunity to discuss the goals and rank them by priority.
    - **ATJ Forum following the Goldmark Award Luncheon:** Following the Goldmark Award Luncheon on February 26, the ATJ Board sponsored a Justice Forum. In addition to discussing topics of importance to the civil legal aid community, the facilitators led feedback sessions on the drafted goals. Participants had an opportunity to rank the goals based on priority.
    - **Provider and Partner Online Survey:** On February 25, an online survey was sent to providers and partners requesting input on the goals. We received 29 responses.
    - **Client Survey:** A survey was shared with 17 VLPs with a request to distribute the survey to clients at legal aid clinics. Survey responders were asked to rank the top three most important goals. We received 73 surveys in response, including 16 in response to a Spanish language version.
    - **Grassroots Community Partners:** Staff met with community-based organizations in King County who work closely with primarily the Latino community. They provided feedback based on their close connections to the client community and offered input on how to continue gathering client input in the upcoming phases.
    - Additional written comments were collected via email.
  - After reviewing the feedback collected, the Consensus Group developed the following goals:
    - **Low-income communities and individuals will know and understand their legal rights and responsibilities, be aware that legal services are available and will benefit from them.**
    - **Members of underserved and underrepresented communities will know where to go for legal help and have services available regardless of geography, identity, demographics or circumstances.**
    - **The Alliance will respond holistically to the needs, barriers and priorities identified by and with each client.**

- **The Alliance will pursue systemic advocacy to affect both short and long term structural reforms that improve the lives of our client communities.**
- **The Alliance partners will develop self-awareness, common language, a critical lens, effective tools and a shared vision to undo systems that allow racism and other forms of oppression to persist.**

### **Phase 3: Development of Key Strategies (March – June 2016)**

- The Consensus Group divided into five workgroups to brainstorm and develop potential strategies for each goal.
- Stakeholder feedback on the strategies was collected through regional focus groups, surveys and a collection of written comments. That feedback included:
  - **Regional Focus Groups:** Four focus group meetings were held across the state to give legal aid providers and organizational partners an opportunity to discuss the strategies and provide comments.
  - **Provider and Partner Online Survey:** On April 15, an online survey was sent to providers and partners requesting input on the goals. We received 22 responses.
  - **Client Survey:** A survey was shared with 17 VLPs with a request to distribute the survey to clients at legal aid clinics. Providers were also asked to interview two clients by guiding them through the survey with additional questions to collect comments. We received 48 surveys total from 6 providers.
  - Additional written comments were collected via email.
- In early May, the Consensus Group met to review the feedback on the draft strategies and begin to refine them.
- In response to the discussion at the May meeting, a call was held on May 27 for Consensus Group and Steering Committee members to address some “big picture” questions related to the plan. During that call the group reaffirmed that:
  - The **primary audience for the State Plan is Alliance organizations and close partners**, but the plan should be something that can be easily communicated to other audiences.
  - The **goals are intended to be universal but the strategies are not**. There is an expectation that Alliance organizations will self-identify which strategies they should employ to contribute to achieving the State Plan goals.
  - The **State Plan assumes no new resources**, however the Consensus Group may choose to identify a small number of activities that could not be accomplished without additional funding.
- Following the Consensus Group meeting, Terra Nevitt (staff) and Joan Kleinberg (Steering Committee) revised the goals and strategies for consistency in language and identified areas for discussion by the Consensus Group.
- In early June, Consensus Group members participated in calls to further review the revised strategies, address the discussion questions, and further refine the strategies in advance of the in-person meeting on June 23, 2016.

#### **Phase 4: Development of Implementation Steps and Measures of Success (June – August 2016)**

- The Consensus Group met on June 23, 2016 and worked in small groups to further refine the goals and strategies and draft implementation steps and measures of success for each strategy. During this meeting the group also identified terms to be included in a glossary and themes for the preamble.

#### **Phase 5: Draft, Circulate and Adopt State Plan (August 2016 - present)**

- On August 15, 2016 a first draft of the State Plan, including a preamble and glossary was circulated to the Consensus Group for feedback. It was also circulated to the Steering Committee prompting significant feedback from some Steering Committee members.
- The Consensus Group participated in virtual meetings on August 26 and September 21 to work through the draft and the feedback.
- The Consensus Group also participated in a call with CLEAR Senior Attorney Joanna Otero on September 26 to have a dialogue about how to frame strategies related to existing intake mechanisms in the plan and gain a deeper understanding of how the CLEAR line functions.
- The Consensus Group met in person on November 9, 2016, to finalize a draft of the plan that could be pushed out to a wide group of stakeholders for public comment. The group spent time in small groups addressing the overall tone of the plan and refining the approach to measures of success and resource allocation.
- Additional small group work took place through January 2017 to revise the draft.
  
- The final draft plan will be pushed out to all of the stakeholders for final feedback from mid-February 2017 through mid-April 2017. The stakeholders will include those who have engaged in the process to date and all of those identified in the scoping memo from October 2, 2015.

#### **Revised Timeline**

- The proposed revised planning process is as follows:
  - December 2016 – April 2017: Gather feedback on draft plan
  - April – May 2017: Consensus Group reviews feedback and finalizes plan
  - May – June 2017: ATJ Board adopts plan
  - June – September 2017: ATJ Board prepares for implementation
  - October 1, 2017: Plan goes into effect



## HALLMARKS

### Washington State Alliance for Equal Justice (adopted March 28, 2014)

#### I. The Alliance for Equal Justice

We are lawyers, judges, legal workers, volunteers and community leaders committed to the fair, effective, and inclusive administration of civil justice in Washington State. In partnership with clients and communities of low-income and vulnerable people, we work to expand meaningful access to the civil justice system and to identify and eliminate barriers that deny justice and perpetuate poverty.

#### II. Our Vision

Poverty will not be an impediment to justice. Legal barriers that perpetuate poverty and inequality will be dismantled. Laws and legal systems will be open and equally effective for all who need their protection, especially those who experience unfair and disproportionately unjust treatment due to personal or community characteristics that place them on the margins of society.

#### III. Our Common Values and Commitments

**Inherent Right to Justice.** Justice and meaningful access to the civil justice system are inherent rights of all persons. We will work individually and collectively to ensure that the civil justice system is open, accessible, and available to protect and promote the rights of low-income, marginalized and vulnerable people to secure justice under the law.

**Access to Our Services.** Our statewide civil legal aid system will be equitably available to all who need our services, regardless of legal status or other defining characteristics. We will affirmatively reach out to those who experience obstacles to securing our help, and will adapt our delivery systems to meet their needs.

**Full Range of Legal Services.** We will use all legal tools at our disposal to secure just and lasting results for the low-income and marginalized individuals, families, and communities we serve.

**Duty to Identify and Eliminate Barriers.** We will use our legal skills to identify and eliminate systems—within our own community, the justice system, and greater society—that operate to deny justice to low-income members of racial, national, ethnic and social minorities and other low-income persons who experience barriers

due to explicit or implicit bias and other marginalizing dynamics. We appreciate the cultural, language and other differences among our clients, client communities and ourselves. We will take affirmative steps to develop and implement personal and organizational competencies and systems to bridge these differences without placing additional undue burdens on our clients.

**Duty to Identify and Serve the Most Vulnerable.** We will focus our limited resources on meeting the civil justice needs of those who are most vulnerable and/or in need.

**Meaningful and Authentic Client Engagement.** Meaningful and authentic engagement with the communities and clients we serve is essential to our work. We will learn and take direction from our clients. Where necessary, we will serve as their legal voice. Where possible, we will help and support them in speaking for and asserting/defending their own legal rights.

**Transparency and Accountability.** We will be transparent and accountable to our clients, the broader communities we serve, our Alliance for Equal Justice peers and partners and those who invest in our work.

**Effective Use of Limited Resources.** We will coordinate our efforts to maximize the impact of the limited resources entrusted to us, and to deliver the most effective and economical civil legal aid services, consistent with our common mission and core values.

**Building Relationships and Partnerships.** We will build relationships with others, including legal- and community-based organizations that work with our clients, to increase the reach and effectiveness of our work.

**Continuous Leadership Development.** We will continuously support members of our community in assuming leadership in their work with clients and client communities, in pursuing necessary change in the civil justice system, and in furthering the work of the Alliance for Equal Justice.

Proposal to Create an ATJ-Supreme Court Commissions Ad Hoc Committee  
February 9, 2017

Submitted to the ATJ Board on behalf of the Washington State Minority and Justice Commission, Interpreter Commission, and Gender and Justice Commission

**Background:** On December 2, 2016, the Supreme Court Commissions and the ATJ Board convened a joint meeting for the first time. The ATJ Board and Commissions' staff created and disseminated a survey to assess the effectiveness of the joint meeting. Based on the survey and conversations with attendees, there was a strong interest in holding another joint meeting in 2017. ATJ Board and Commissions' staff met telephonically to discuss the ways that we can move the partnership forward.

**What:** Staff proposes the creation of an ad hoc committee comprised of 1-2 members from each Supreme Court Commission and the ATJ Board.

**Outcome:** The ad hoc committee would develop a strategic action plan to remove barriers to civil legal aid access. The strategic action plan would specifically address the removal of race/ethnic/national origin, gender, language barriers, etc., and serve as the template for our partnership actions in 2018 and beyond. The strategic action plan would be presented to members of all bodies at a joint meeting in October or November 2017 for feedback.

**When:** The ad hoc committee would meet every month leading up to the joint meeting of the Commissions and ATJ Board in October or November 2017.

**How:** The ATJ Board and Commissions' staff would be responsible for scheduling and staffing the monthly ad hoc committee meetings. Most meetings will be conducted via conference call. ATJ Board and Commissions' staff will work with the ad hoc committee to plan the joint meeting to take place in October or November 2017. The ATJ Board would host the joint meeting.

**Why:**

- Members of each body expressed a strong interest in another joint meeting and identified viable areas for collaboration.
- Each body recognizes a gap in expertise or resources that could be filled by the other bodies to make a significant impact on civil legal aid access.
- A joint meeting can be used more effectively if a group has already created an action plan as a basis for discussion.
- There needs to be some sort of joint committee that can think about and formulate a future plan of collaboration to propose to the groups.

# 59<sup>TH</sup> WASHINGTON JUDICIAL CONFERENCE

September 17 – 20, 2017

## EDUCATION SESSION PROPOSAL FORM

PROPOSAL DEADLINE: January 13, 2017 to  
Judith.anderson@courts.wa.gov

<b>Proposed by:</b> Gender and Justice Commission		
<b>Type:</b> <input checked="" type="checkbox"/> Plenary <input type="checkbox"/> Choice	<b>Time:</b> <input type="checkbox"/> 60 Minutes <input type="checkbox"/> 90 Minutes <input type="checkbox"/> 120 Minutes <input type="checkbox"/> 180 Minutes <input type="checkbox"/> Other:	<b>Limit Class Size?</b> <input type="checkbox"/> Yes How Many? <input checked="" type="checkbox"/> No
<b>Target Audience</b>		
<b>Court Level:</b> <input checked="" type="checkbox"/> All Levels <input type="checkbox"/> Appellate <input type="checkbox"/> Superior <input type="checkbox"/> District <input type="checkbox"/> Municipal	<b>Job Type:</b> <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input checked="" type="checkbox"/> Other: <b>All</b>	<b>Career Level:</b> <input checked="" type="checkbox"/> All Judges <input type="checkbox"/> Senior Judges <input type="checkbox"/> Mid-Career Judges <input type="checkbox"/> New Judges <input type="checkbox"/> Retired
<b>Session Information</b>		
<i>Session Topic/Title:</i> Domestic Violence and Children		
<i>Session Description (articulating key issues to be presented):</i>  This session will look into the ways in which domestic violence impacts children. When evaluating and making orders on domestic violence protection order cases, how can judicial officers ensure safety and protection for the children that may be involved? What is the best way to foster resiliency in children who experience domestic violence? How can parenting plans support resiliency in children? We will also touch upon addressing DV in the context of CPS cases.		

Session Objectives (Participants will be able to . . . ):

**Learning Objectives:**

- 

**Materials**

Are there materials for the session? (i.e., case law, rules, seminal law review articles, etc.) If so, please briefly describe:

Relevant caselaw, research studies, and law review articles

**Faculty & Planning**

Recommended person(s) to be involved in planning:

Judge Rich Melnick – Chair

Members of the Gender and Justice Commission Education Committee

**Has any preparatory work been completed?**

n/a

**Recommended or Potential Faculty:**

TBD

**Funding**

Please estimate any expenses associated with this session:

- Honorarium: \$0-1000
- Travel: \$300
- Lodging: \$300
- Audio Visual: \$
- Other: \$

What expenses are you sponsoring?

All

2017 FEB 13 AM 9:26

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

JOSE MALDONADO,	)	
	)	No. 75146-8-I
Appellant,	)	
	)	DIVISION ONE
v.	)	
	)	
NOEMI (LUCERO) MALDONADO,	)	PUBLISHED OPINION
	)	
Respondent.	)	FILED: February 13, 2017
_____	)	

BECKER, J. — Appellant petitioned the superior court for a domestic violence protection order to limit his ex-wife’s contact with their three minor children for a year or more and to restrain her from harming them. The court granted protection only for the child who had a visible bruise, and only for four months. The court ruled that imposing additional restrictions would amount to a “back door modification” of the parenting plan.

The court abused its discretion in two ways: by failing to state in writing the particular reasons why the other two children were not included in the protection order and by denying protection on the basis that relief could be obtained in another type of action. The order is reversed and remanded for reconsideration in light of this opinion.

## FACTS

The marriage between appellant Jose Maldonado and respondent Noemi Lucero, formerly Noemi Maldonado, was dissolved in Snohomish County Superior Court in October 2015. At that time, their children—two daughters, ages 14 and 9, and a 6-year-old son—were living with Jose in south King County and attending school there. Noemi's residence is in Snohomish County. The couple had been separated for five years. At some point during the separation, the two daughters were assaulted by a third party; Noemi does not dispute Jose's allegation that these were sexual assaults by Noemi's then-boyfriend. Noemi's contact with the children was limited for a period of time to professionally supervised visitation. No such restriction is contained in the parenting plan entered on October 14, 2015. Under the terms of the parenting plan, the children continue to live with Jose, except for every other weekend and certain holidays and vacations with Noemi.

On Saturday, November 21, 2015, the children were with Noemi for the weekend. On the following Monday, a school staff member reported to Child Protective Services (CPS) a disclosure made by the nine-year-old daughter, NL.

On 11/23/15 [NL] disclosed to a school staff member that on 11/21/15 she went to the store with her mom, her siblings and mom's boyfriend. She needed to go to the bathroom and asked if she could go. Mom told her to hurry, but [NL] apparently took too long. When she got back from the bathroom Mom pushed her to the ground at the store. When they got home Mom pinched her on her upper right bicep which left a bruise (2-inches, purple). Her mom also hit her with a belt multiple times on her back and her leg which left a bruise on her upper right thigh. She said that mom also hit her little brother with a belt and her big sister with a flip-flop.

In a space provided to “describe prior abuse/neglect or historical concerns,” the staff member reported,

Mom lost custody of her children for a number of years because her former boyfriend sexually assaulted [NL]. Mom only very recently gained unsupervised visitation rights of the children. Previously a restraining order was in place and visits were supervised only.

Police were contacted. On November 24, 2015, Jose took NL to a doctor. The doctor documented a bruise on NL’s arm.

On December 18, 2015, Jose petitioned in King County Superior Court for a domestic violence protection order protecting the children under chapter 26.50 RCW, the Domestic Violence Prevention Act. The petition listed the cause numbers of two previous protection order proceedings involving the family: a protection order in Snohomish County in 2012 and a temporary order in King County in 2013. The petition requested an order restraining Noemi from causing any physical harm to the children, from harassing or threatening them, and from contacting them except through court-ordered visitation.

The standard petition form provides space to describe specific acts of domestic violence, with their approximate dates. Jose’s petition alleged that Noemi physically assaulted the children on November 21, 2015. He attached the school district report and the doctor’s note. He alleged that during her next weekend with the children, Noemi reprimanded NL and threatened her with punishment for reporting that she and her siblings had been hit.

In the space provided for a description of past incidents involving violence, fear of injury, or threats of harm by the respondent, Jose alleged that Noemi “has repeatedly subjected my children to abuse (by her boyfriend, herself) and

neglect. CPS has previously been involved and she lost custody of the children after both of my daughters were sexually assaulted by her boyfriend.” He asserted that Noemi “presented an ongoing threat to the physical and emotional/psychological well-being of the children for several years, necessitating supervised visits until recently.”

The petition requested an ex parte emergency temporary order (RCW 26.50.070) pending a hearing. Jose alleged that immediate protection was necessary because the children “will be subjected to psychological and physical harm or danger of harm during home visits with their mother” and that they “are afraid of what will happen to them during these visits.”

Jose signed the petition and certified under penalty of perjury that his allegations were true and correct.

A court commissioner issued a temporary protection order including all three children as protected parties. The court instructed Family Court Services to get a status update from CPS. The temporary order was reissued three times, twice because the court was waiting for the update and once for Jose to seek legal advice. The temporary orders required professional supervision for Noemi’s visits with the children and prohibited the parties from discussing any court case or the other parent in the presence of the children.

Noemi filed with the court two letters she had received from CPS concerning an investigation into a report received by CPS in March 2012 alleging negligent treatment by Noemi of the two daughters. The first letter was dated August 14, 2012. It stated that the resulting investigation showed the allegation

to be "Founded." The second letter was dated October 11, 2012. It stated that in an administrative review requested by Noemi, the finding was changed to "Unfounded." Details of the alleged negligent treatment are not included.

A social worker with Family Court Services filed a status update with information obtained from a CPS supervisor. According to this two-paragraph document, the most recent referral to CPS was the one received from NL's school on November 23, 2015. CPS classified the referral as "Physical Assault/or Unreasonable/immoderate corporal punishment." A CPS social worker interviewed the children. "[NL's] reports remained similar but her older sibling reported that the mother attempted to talk to [NL] when she was being disrespectful." In the screening process used by CPS, "no safety threats were identified." The CPS supervisor reported there was "a previous finding for Neglect against the mother."

On March 4, 2016, a court commissioner held a hearing on the petition. Jose and Noemi appeared without counsel. A Spanish language interpreter was present for Jose. The transcript states that all questions and answers to and from Jose were translated by the interpreter, and all answers given were through the interpreter.

The commissioner first ascertained that both parties had the opportunity to review the CPS status update from Family Court Services. After swearing in both parties, the commissioner asked Jose if the facts in his petition and in his declaration were true and correct. Jose testified that they were. He presented a photograph of NL's bruise taken the day after the incident at the store.

The commissioner then said to Noemi, "So, ma'am, I need to hear from you. What happened and how did your daughter get the bruise?" Noemi testified that NL had a tantrum during a shopping trip when her request to buy toys was refused "and she started biting me, trying to kick me; so we left, and we went home. . . . And then I hit her on her behind with the belt. But on the bruise, I don't know how she got that." The commissioner reviewed the parenting plan and confirmed with Noemi that the children resided primarily with Jose.

The commissioner asked Jose if there was "anything else you want me to know?" Jose testified that Noemi had not tried to exercise her right to supervised visitation under the temporary orders and had contacted the older daughter about going to California for vacation. The commissioner told him that the only matter before the court was whether Noemi had abused NL:

THE COURT: So let me ask you a question.

*The only evidence that I have before me is the allegation regarding abuse of the 9-year old [NL], correct?*

MR. MALDONADO: Yes.

THE COURT: Okay.

MR. MALDONADO: There's a—injustices that have happened with my two daughters—with all three children—

THE COURT: *I don't have any evidence of any abuse regarding the other children. The only allegations that I have involve [NL]. . . .*

MR. MALDONADO: I wanted to report the sexual abuse against my daughters. . . . I have papers here from when my daughters were sexually abused.

THE COURT: Sir, the only petition I have before me is a petition for domestic violence-protection order that was filed on December 17th, 2015, and *the only allegations contained in the petition concern [NL].*

At this point I can't let you amend your petition in that almost three months has gone by.

MR. MALDONADO: Okay. That's fine.

THE COURT: And I'm going to rule on *the issue that is properly before me, which is the allegations regarding [NL].*

Anything else from you?  
MS. [MALDONADO]: No.

(Emphasis added.)

The court ruled that protection could not be granted for the other two children because there were no allegations concerning them:

THE COURT: This is a petition for a domestic violence-protection order brought on behalf of three minors. *Again, the only allegation brought before me involves one minor, 9-year-old [NL]. There are no other allegations that are brought before me regarding the 14-year-old or the 6-year-old; therefore the Court cannot grant and will not grant a protection order for the 14-year-old or the 6-year-old. I'm striking them from this protection order.*

(Emphasis added.) In the oral ruling, the court found that Noemi inflicted the bruise on NL while disciplining her and concluded that because inflicting a bruise was not reasonable discipline under RCW 9A.16.100, Noemi's act constituted domestic violence as to NL; hence, a protection order would be issued for NL. The order would expire in four months. The commissioner did not consider imposing any form of restraint on Noemi's treatment of NL's siblings. The commissioner said to Jose, "Sir, you need to file a petition to modify the parenting plan if you want to look into other protections for the other children."

The standard form protection order issued that day lists only NL as a protected party and has an expiration date of July 5, 2016. The order contains the preprinted finding "Respondent committed domestic violence as defined in RCW 26.50.010." A box is checked for the preprinted finding "Respondent represents a credible threat to the physical safety of the protected person/s." There are no other written findings. The order provides in handwriting,

“Respondent may have professionally supervised visits with [NL] every Sunday up to two hours. Subject to family law modification action.” The order directs Noemi to participate in parenting classes.

Jose obtained counsel and moved for revision. He objected to the other two children being left unprotected, citing In re Marriage of Stewart, 133 Wn. App. 545, 137 P.3d 25 (2006), review denied, 160 Wn.2d 1011 (2007). “Even if we look only to the single incident where only one of the children was assaulted, this does not mean that the other children were not victims of the abuse, too. Children who witness domestic violence and fear for the victim are psychologically harmed by the violence and entitled to protection.” Jose also argued that the commissioner acted contrary to RCW 26.50.025(2) by ruling he would have to petition to modify the parenting plan if he wanted broader relief:

By denying a longer-term order, the court has essentially given him a four-month deadline to file a parenting plan modification, serve the other party, establish adequate cause, and get a new parenting plan or restraining order entered. If he is unable to do so by the deadline, then his children will lose the protection of this court, and everything will go back to the way it was as if the Respondent never assaulted her child. This brings up the distinct possibility that the Respondent can prevail simply through attrition.

Noemi, through counsel, argued for vacation of the order on the ground that her own testimony about the incident was contradicted only by uncorroborated hearsay. She also argued that Jose was improperly using a protection order petition to “side-step the modification statutes” for his own convenience.

On March 29, 2016, the parties presented their arguments in a hearing before a superior court judge. The court accepted the commissioner's exclusive focus on NL:

When the father wanted to bring in more information about the other children—[the commissioner] said, what's in front of me just involves [NL]; it doesn't involve any of the other children, so that's a separate action.

So here the only child that the commissioner concluded received unreasonable punishment was [NL]. It is also noted the family has had a somewhat complicated history together, and their [dissolution] . . . was finally resolved in the fall of 2015, and a final parenting plan was entered in Snohomish County.

The court adopted Noemi's argument that granting protection for all three children for a year would frustrate the parenting plan:

So the father believes that the DVPO [domestic violence protection order] should have listed all three children and should have been for a full year's duration, but the problem with this calculation is that that's a back door modification of a parenting plan and is contrary to the statute. Modification of a parenting plan requires specific statutory steps including a hearing to establish adequate cause.

It is completely proper under the circumstances, when there is a parenting plan in place—regarding the children and all the parties are affected by the decision that the commissioner makes—to not extend it to a point that would, by its language contained in the order, impact the dynamics of the parenting plan.

Here the commissioner did set some safeguards for the short-term—four months is plenty of time for someone to get something going if they wanted to modify the parenting plan; and also directed, if you wanted additional restrictions, you know, that was his avenue which was appropriate.

Jose appeals from the order denying revision.

Under RCW 2.24.050, the findings and orders of a court commissioner not successfully revised become the orders and findings of the superior court. A revision denial constitutes an adoption of the commissioner's decision, and the

court is not required to enter separate findings and conclusions. In re Marriage of Williams, 156 Wn. App. 22, 27-28, 232 P.3d 573 (2010). On appeal, this court reviews the superior court's ruling, not the commissioner's. Stewart, 133 Wn. App. at 550.

The decision to grant or deny a domestic violence protection order is reviewed for an abuse of discretion. Stewart, 133 Wn. App. at 550; Juarez v. Juarez, 195 Wn. App. 880, 890, 382 P.3d 13 (2016). An abuse of discretion is found when a trial judge's decision is exercised on untenable grounds or for untenable reasons, or if its decision was reached by applying the wrong legal standard. Juarez, 195 Wn. App. at 890.

#### MOTION TO DISMISS

Noemi moves to dismiss Jose's appeal as moot. She alleges that Jose moved unsuccessfully to renew the King County protection order in August 2016 and that an action to modify the parenting plan is pending in Snohomish County. She moves to supplement the record with the order and relevant pleadings from the renewal hearing last August.

A case is moot if a court can no longer provide effective relief. Blackmon v. Blackmon, 155 Wn. App. 715, 719, 230 P.3d 233 (2010). Jose requested a protection order of at least one year. Because it is not too late for the trial court to grant the relief requested by Jose, his appeal is not moot. Noemi's motion to dismiss the appeal is denied.<sup>1</sup>

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<sup>1</sup> Noemi's motion to supplement the record is denied because the record is sufficiently complete to permit a decision on the merits of the issues presented for review. RAP 9.10. We do not consider the portions of Noemi's brief that refer

EXCLUSION OF SIBLINGS FROM THE PROTECTION ORDER

Jose contends the court erred in excluding NL's two siblings from the protection order without stating reasons for doing so.

"If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial." RCW 26.50.060(7). Noemi contends written reasons were not necessary because the court did issue an order for protection. We disagree. The court declined to issue an order of protection for two of the children. The court should have stated in writing its particular reasons for the denial.

The lack of written reasons hampers our review. Jose's petition alleged that Noemi physically assaulted all three children on the weekend in question and that all three children feared future visits with Noemi. These allegations, if believed, were sufficient to support an order protecting all three children. At the beginning of the hearing, the commissioner elicited Jose's sworn testimony that the allegations in the petition were true. A sworn petition for a domestic violence protection order functions as a declaration. Juarez, 195 Wn. App. at 885. The court did not find Jose's statements or NL's hearsay statements to be lacking in credibility. Yet, the court focused exclusively on the allegations pertaining to NL and singled her out as the only child in need of any form of protection. The stated reason for striking the other two children from the order was that "the only

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to trial court proceedings occurring after entry of the order on appeal as these events are not in the record. RAP 10.3(a)(5).

allegation brought before me involves one minor, 9-year-old [NL].” This was not a tenable reason because Jose’s petition did bring before the court allegations that the other children had also been assaulted and were afraid. Jose alleged that Noemi hit the other children with a belt and shoes and they “are afraid of what will happen to them” when they are in Noemi’s care. These allegations were neither acknowledged nor addressed.

The definition of domestic violence includes not only physical harm but also “the infliction of fear of imminent physical harm, bodily injury or assault.” RCW 26.50.010(3)(a). Even when there is no evidence of a direct assault on a child, fear of violence is a form of domestic violence that will support an order for protection. Stewart, 133 Wn. App. at 551. Once the court found that Noemi’s treatment of NL satisfied the definition of domestic violence, it would have been reasonable to consider whether the other children were fearful of similar treatment. The order does not reflect such consideration.

Noemi contends the court was justified in disregarding allegations about the other children because Jose’s petition relied on hearsay and was uncorroborated. She contends Stewart is distinguishable because the court had stronger evidence that the father’s assaults on the mother made the children fearful, including evidence that one child tried to call 911. Stewart, 133 Wn. App. at 551. But the holding of Stewart—that imminent psychological harm to children is a proper statutory basis for a protection order—is not limited to the facts of that case. Hearsay evidence is admissible in the protection order proceedings listed in ER 1101(c)(4), including proceedings under chapter 26.50 RCW. Gourley v.

Gourley, 158 Wn.2d 460, 466, 145 P.3d 1185 (2006); Hecker v. Cortinas, 110 Wn. App. 865, 870, 43 P.3d 50 (2002). There is no requirement for corroboration and no requirement that the children testify to or voice their fear to establish that violence has made them fearful.

The evidence before the court was complex and susceptible to varying inferences. During the previous five years, the daughters were assaulted, CPS was involved, there were protection order proceedings, there was a dissolution proceeding, and for some period of time, Noemi was limited to supervised visitation. The CPS documents that Noemi relies on and the short update from Family Court Services do not really clarify the dates and interrelationships of these events nor do they provide concrete details of Noemi's role in them. Jose claimed Noemi pushed and pinched NL and hit the children as part of a pattern of physically and psychologically harmful conduct. Noemi denied inflicting the bruise and claimed the evidence showed, at most, an isolated act of reasonable discipline imposed on NL. NL's hearsay account of the incident conflicted to some degree with the hearsay statement of her older sister. Without written reasons to indicate how the trial court evaluated the evidence, it is unclear why the court granted protection only for NL.

On remand, the trial court shall reconsider Jose's request to grant protection to the two excluded children in light of this opinion. The court shall also consider whether to impose protective residential provisions concerning the two other children, as it did for NL. RCW 26.50.060(1)(d). If the court declines to

order protection for any one of the children, the court shall state in writing on the order the particular reasons for its denial. RCW 26.50.060(7).

#### RELATIONSHIP OF PROTECTION ORDER TO PARENTING PLAN

The duration of a domestic violence protection order is specified by the statute. It provides that if a protection order “restrains the respondent from contacting the respondent’s minor children,” the restraint shall be for a fixed period not to exceed one year. RCW 26.50.060(2). For other forms of relief or restraint, the court may order protection for a longer fixed period or permanently if the court finds that the respondent “is likely to resume acts of domestic violence against the petitioner or the petitioner’s family or household members or minor children when the order expires.” RCW 26.50.060(2).

Jose requested an order that would remain effective longer than one year. The court limited the order protecting NL to four months on the ground that anything longer would be a “back door modification of a parenting plan.” Jose assigns error to this ruling.

Juarez, a decision issued after the superior court proceedings in the present matter, holds that “limiting the duration of the protection order in deference to a separate marital dissolution proceeding contradicts RCW 26.50.025(2).” Juarez, 195 Wn. App. at 888. We join the Juarez court in that holding.

The legislature intended for victims of domestic violence to have “easy, quick, and effective access to the court system.” LAWS OF 1992, ch. 111, § 1.

Relief is not to be “denied or delayed on the grounds that the relief is available in another action”:

If a party files an action under chapter 26.09 [Parenting Act of 1987], 26.10, or 26.26 RCW, an order issued previously under this chapter between the same parties may be consolidated by the court under that action and cause number. Any order issued under this chapter after consolidation shall contain the original cause number and the cause number of the action under chapter 26.09, 26.10, or 26.26 RCW. *Relief under this chapter shall not be denied or delayed on the grounds that the relief is available in another action.*

RCW 26.50.025(2) (emphasis added).

The trial court’s rationale for limiting protection for NL to four months comes from language in In re Marriage of Barone, 100 Wn. App. 241, 996 P.2d 654 (2000), cited by Noemi in her brief responding to the motion to revise. In Barone, a one-year protection order was issued to move a child out of the household of the residential parent designated by the parenting plan and into the household of the other parent who was obligated to pay child support. The obligor parent requested equitable relief from past due support. In explaining why courts lack authority to grant equitable relief in those circumstances, this court stated that protection orders may not function as “de facto modifications of permanent parenting plans and child support decrees.” Barone, 100 Wn. App. at 247.

As explained in Stewart, Barone addresses a child support issue and is not pertinent to establishing the duration of a protective order. A one-year order is a temporary interruption of contact, not a de facto modification of an existing parenting plan. “No rational person would voice an objection to temporary

suspension of contact where a person has physically abused his children. The legislature considers domestic violence by way of infliction of fear to be equally worthy of swift intervention.” Stewart, 133 Wn. App. at 555.

In Juarez, a wife requested a protection order to remain in effect longer than one year. The trial court granted a protection order of only 65 days. The trial court ruled that was enough time to maintain the status quo until the parties could get into court for a hearing in the marital dissolution proceeding that the husband had just initiated. Juarez, 195 Wn. App. at 884. The order was reversed on appeal in a split decision. The majority held that the trial court decision contradicted the language of RCW 26.50.025(2). The dissenting judge would have affirmed the short-term order on the grounds that the hearing was perfunctory, proof was sketchy, and the finding of domestic violence was boilerplate. Juarez, 195 Wn. App. at 893 (Lawrence-Berry, J. dissenting). “Even experienced jurists lack prescience to know which party is being truthful and which is not. When faced with uncertain claims of domestic violence—and most claims that lack at least one nonparty witness are uncertain—trial courts would rather enter immediate but limited relief.” Juarez, 195 Wn. App. at 894 (Lawrence-Berry, J. dissenting).

The Juarez majority recognized the difficulty a court faces in discerning the truth in this type of hearing, but “nevertheless, the law compels a judge to perform her or his best and to issue a ruling as to whether domestic violence occurred and protection is needed. Although we recognize our trial judges as being overworked with crowded dockets, we trust our judges to take the time and

conduct a hearing sufficient to arrive at the truth. We believe our trial judges normally possess the ability to find the truth.” Juarez, 195 Wn. App. at 891-92.

The majority opinion in Juarez correctly interprets RCW 26.50.025(2) in light of the purpose of the statute. Deferring the protection decision to another court in another action is too likely to create a gap endangering the safety of the person for whom protection is sought. Counsel explained to the revision court the problem a short-term order would create for Jose:

Protection order actions are supposed to be quick, easy, and efficient so the courts can intervene quickly before further abuse can happen, and punting the issue to another court with a different timetable and focus, that just disregards the intended purpose of the [Domestic Violence Prevention Act].

Sending parties back to Snohomish County for modification action, it further prejudices the petitioner as well. He is indigent; he receives free legal assistance from my office at Seattle’s Union Gospel Mission. He requires an interpreter as he does not speak fluent English. He suffers from a number of physical disabilities. He lives in south King County, and it’s difficult for him to travel up to Everett for further hearings. He’s missed school to attend hearings in the past. He’s borne the burden of caring for his children, finding childcare and transportation for that, and not granting him a yearlong protection order is only increasing the burdens he’s facing as he seeks further justice here.

The statute does not support requiring the party seeking protection to quickly initiate some other proceeding to avoid a gap in protection. If another proceeding does occur, for example if either Jose or Noemi petitions in Snohomish County to modify the parenting plan, the court there may consolidate the protection order with the modification proceeding and make changes to the order as the court sees fit. RCW 26.50.025. But a court hearing a petition for a protection order in the first instance cannot count on some other proceeding being readily available to investigate the controversy more thoroughly.

In short, the rationale of avoiding a “back door modification” to the parenting plan was not a tenable basis for limiting the order to four months or for denying protection for NL’s siblings. On remand, the court should reconsider the four-month limit in light of this opinion.

DURATION OF PROTECTIVE ORDER

Jose contends the statute establishes a presumption that domestic violence protection orders be entered for at least one year. He requests that we direct the trial court on remand to enter a one-year order.

The only reference in the statute to a one-year minimum is in the section concerning service of summons by publication. RCW 26.50.085(3). The legislative intent reflected in this section is to give notice that a protection order will be issued for a minimum of one year if there is no response to the summons. The section does not have a more general application. In a case not involving service by publication, the trial court need not grant a one-year order if tenable grounds support the refusal. Juarez, 195 Wn. App. at 891.

Reversed and remanded for further proceedings.

Becker, J.

WE CONCUR:

Mann, J.

Appelvik, J.

# 59<sup>TH</sup> WASHINGTON JUDICIAL CONFERENCE

September 17 – 20, 2017

## EDUCATION SESSION PROPOSAL FORM

PROPOSAL DEADLINE: January 13, 2017 to  
Judith.anderson@courts.wa.gov

<b>Proposed by:</b> Gender and Justice Commission		
<b>Type:</b> <input checked="" type="checkbox"/> Plenary <input type="checkbox"/> Choice	<b>Time:</b> <input type="checkbox"/> 60 Minutes <input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 120 Minutes <input type="checkbox"/> 180 Minutes <input type="checkbox"/> Other:	<b>Limit Class Size?</b> <input type="checkbox"/> Yes How Many? <input checked="" type="checkbox"/> No
<b>Target Audience</b>		
<b>Court Level:</b> <input checked="" type="checkbox"/> All Levels <input type="checkbox"/> Appellate <input type="checkbox"/> Superior <input type="checkbox"/> District <input type="checkbox"/> Municipal	<b>Job Type:</b> <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Other: <b>All</b>	<b>Career Level:</b> <input checked="" type="checkbox"/> All Judges <input type="checkbox"/> Senior Judges <input type="checkbox"/> Mid-Career Judges <input type="checkbox"/> New Judges <input type="checkbox"/> Retired
<b>Session Information</b>		
<i>Session Topic/Title:</i> Transgender People and the Courts: Ensuring Respect and Fairness		
<i>Session Description (articulating key issues to be presented):</i>  Transgender people face many barriers to justice, often based on myths, misunderstanding, and fear. Judges need to develop cultural competence to ensure appropriate and respectful treatment of transgender people who appear before them and to understand the unique issues and challenges that this population faces.		

*Session Objectives (Participants will be able to . . . ):*

**Learning Objectives:**

- Build cultural competency to ensure respectful treatment of transgender people in legal proceedings;
- Address myths, misperceptions, and misunderstanding about transgender people;
- Explore some unique legal issues and challenges that transgender people face in the court system and how judges can address them appropriately.

**Materials**

*Are there materials for the session? (i.e., case law, rules, seminal law review articles, etc.) If so, please briefly describe:*

Key case law, statutes, and rules regarding the rights of transgender people.

**Faculty & Planning**

*Recommended person(s) to be involved in planning:*

Judge Rich Melnick – Chair, Gender and Justice Commission Education Committee

David Ward – Legal Voice (also on GJCOM Ed Committee)

Leslie Savina – Northwest Justice Project (also on GJCOM Ed Committee)

*Has any preparatory work been completed?*

This training was done at the NAWJ Conference in October of 2016. The feedback that was received by the judges who attended the training was all positive.

*Recommended or Potential Faculty:*

David Ward – Legal Voice

& possibly others

Spencer Bergstedt, attorney and longtime advocate for transgender people in WA

Aidan Key, founder of Gender Diversity in WA

Marsha Botzer, founder of the Ingersoll Gender Center in Seattle

**Funding**

*Please estimate any expenses associated with this session:*

Honorarium: \$0-1000

Travel: \$300

Lodging: \$300

Audio Visual: \$

Other: \$

**59<sup>TH</sup> WASHINGTON JUDICIAL CONFERENCE**  
September 17 – 20, 2017

**EDUCATION SESSION PROPOSAL FORM**

**PROPOSAL DEADLINE: January 13, 2017 to**  
**Judith.anderson@courts.wa.gov**

*What expenses are you sponsoring?*

All

**WASHINGTON STATE  
WOMEN JUDICIAL OFFICERS  
As of January 26, 2017**

<b>JUDGES/COMMISSIONERS COURT LEVEL</b>	<b>WOMEN</b>	<b>TOTAL *</b>	<b>PERCENTAGE OF TOTAL</b>
<b>Judges</b>			
Supreme Court	<b>6</b>	<b>9</b>	<b>67%</b>
Court of Appeals <sup>1</sup>	<b>12</b>	<b>27</b>	<b>42%</b>
Superior Court	<b>78</b>	<b>192</b>	<b>41%</b>
District Court	<b>40</b>	<b>118<sup>2</sup></b>	<b>33%</b>
Municipal Court	<b>37</b>	<b>93<sup>3</sup></b>	<b>36%</b>
<b>TOTAL JUDGES</b>	<b>173</b>	<b>439</b>	<b>39%</b>

WOMEN COMPRISE 44% 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)**

Mary E. Fairhurst  
Barbara A. Madsen  
Susan J. Owens  
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  
Ann Schindler

Jill Johanson  
Linda CJ Lee  
Lisa L. Sutton  
Lisa Worswick

Laurel H. Siddoway  
Rebecca L. Pennell

**DIVISION I**

**DIVISION II**

**DIVISION III**

**Commissioners (4 of 6)**

Masako Kanazawa  
Mary S. Neel

Aurora Bearse

Monica V. Wasson

Updated January 26, 2017

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

<sup>2</sup> Comprised of 96 full-time and 22 part-time judges

<sup>3</sup> Comprised of 31 full-time and 62 part-time judges

<sup>4</sup> Current number of female Commissioners: Superior Court = 37; District/Muni = 10

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

	County	Superior Court Judge	SC Commissioner	District Court Judge	Municipal Court Judge	DC/MC Commissioner or Magistrate
20	King (Cont)	Catherine Shaffer Lori Kay Smith Mariane C. Spearman Julie Spector Tanya L. Thorp Kristin V. Richardson Catherine Moore Nichole A.G. Phelps				
21	Kitsap	Jeanette Dalton Melissa A Hemstreet Jennifer A. Irvine Forbes Leila Mills Sally F. Olsen	Michelle Adams	Claire A. Bradley Marilyn G. Paja	Tarry S. Decker Sara L. McCulloch	
22	Kittitas	L. Candace Hooper				
23	Klickitat					
24	Lewis	Joley A. O'Rourke	Tracy Loiacono Mitchell			Wendy Tripp (C)
25	Lincoln					
26	Mason	Amber L. Finlay Toni A. Sheldon	Lynn K. Hayes	Victoria Meadows		
27	Okanogan					
28 29	Pacific/ Wahkiakum		Heidi Heywood	Elizabeth E. Penoyar Nancy R. McAllister		
30	Pierce	Stephanie A. Arend Gretchen Leanderson Elizabeth P. Martin Kathryn J. Nelson Susan K. Serko Kitty-Ann van Doorninck G. Helen Whitener Karina K. Kirkendoll Shelley K. Speir	Mary E. Dicke Meagan M. Foley Diana Lynn Kiesel 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		Jenifer Howson	Dianne E. Goddard	Dianne E. Goddard	Jennifer G. Howson
32	Skamania					Karen S. Wyninger (C)
33	Snohomish	Marybeth Dingley Janice E. Ellis Ellen J. Fair Anita L. Farris Millie M. Judge Linda C. Krese Cindy A. Larsen	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 Julie M. McKay Maryann C. Moreno Annette S. Plese Linda G. Tompkins	Rachelle Anderson Tami Chavez Michelle L. Ressa Julia M. Pelc Nichole N. Swenumson	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	Jessica Taylor Reeves		Gina A. Tveit		
36	Thurston	Ann Hirsch Carol Murphy Christine Schaller Mary Sue Wilson	Indu Thomas Rebekah Zinn	Kalo Wilcox		
36						
37	Walla Walla			Kristen E. Hedine		
38	Whatcom	Deborra Garrett Raquel Montoya-Lewis	Martha V. Gross		Debra A. 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 Therese Murphy Kelley C. Olwell Susan J. Woodard	Tamara Hanlon (C)

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SENATE BILL 5831

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State of Washington

65th Legislature

2017 Regular Session

By Senators Darneille, Keiser, Kuderer, and Hunt

Read first time 02/16/17. Referred to Committee on Human Services,  
Mental Health & Housing.

1 AN ACT Relating to assessing the needs of girls and young women  
2 concurrently involved in the juvenile justice and child welfare  
3 systems; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the well-  
6 being of girls and women is a reliable indicator of overall community  
7 health. On a national basis, girls and young women experience higher  
8 rates of sexual abuse and like forms of victimization relative to  
9 boys and young men. Research findings document a relationship between  
10 childhood victimization and juvenile justice system involvement.

11 (2) The legislature intends that the services provided across the  
12 child welfare and juvenile justice systems for the target population  
13 consisting of dually involved females should be research-based and  
14 data-driven in order to identify effective prevention strategies,  
15 best practices for intervention, and system improvements. The  
16 services provided to the target population should address state and  
17 local needs for efficient use of limited financial resources and  
18 reduce reliance on costly and ineffective placement and  
19 incarceration.

20 (3) The legislature acknowledges that baseline information on the  
21 target population of dually involved females is not presently

1 available. Data identifying the prevalence and characteristics of the  
2 target population of dually involved females and their families,  
3 access to trauma-informed interventions, and academic support will  
4 inform understanding of the root causes of the complex issues  
5 impacting their well-being and development. There is a need for  
6 gender-specific data collection across Washington's child welfare,  
7 juvenile justice, and education systems. There is also a need for  
8 data examination identifying potential best practices and system  
9 changes leading to improved outcomes for dually involved females.

10 NEW SECTION. **Sec. 2.** (1) The Washington state institute for  
11 public policy, in consultation with the Washington state supreme  
12 court gender and justice commission, shall conduct a statewide study  
13 on the needs of dually involved females. The study shall collect data  
14 for the following purposes:

15 (a) Understanding the prevalence and demographics of the dually  
16 involved female population and their families;

17 (b) Tracking outcomes for this population including, but not  
18 limited to, academic, social, and vocational achievement; and

19 (c) Evaluating the capabilities and limitations of current  
20 systems to serve this population effectively.

21 (2) The collected data should be disaggregated by race and  
22 ethnicity, gender, sexual orientation and gender identity, county of  
23 residence, and other relevant variables.

24 (3) The study should include cost-benefit analysis of programs  
25 that would show evidence of avoidance of costs associated with public  
26 welfare programs or would demonstrate higher educational attainment.

27 (4) The study should identify opportunities for working together  
28 across systems with respect to alternatives to formal case  
29 processing, and opportunities for coordinated service plans, case  
30 planning, and management.

31 (5) The study should develop an implementation plan for policies,  
32 programs, best practices, and system improvements. The study should  
33 include an evaluation rubric and accountability standards for  
34 measuring success in reduced recidivism, use of and length of stay in  
35 detention, improved learning support, increased stability in home or  
36 placement, and increased development of social competencies.

37 (6) By December 1, 2018, the gender and justice commission shall  
38 review the study completed under this section and report to the

1 legislative fiscal and policy committees with responsibility for  
2 child welfare and juvenile justice issues on:

3 (a) Effective protocols and procedures to ensure consistent use  
4 of targeted evidence-based interventions; and

5 (b) Promising best practices for improving academic, social, and  
6 vocational achievement.

7 (7) For purposes of this section, "dually involved female" means  
8 any female person under eighteen years of age who has concurrent  
9 involvement, whether diversionary, formal, or a combination of the  
10 two, with both the child welfare and the juvenile justice systems in  
11 Washington state.

--- END ---