



**Gender and Justice Commission (GJCOM)**  
**SeaTac Office**  
**18000 International Blvd**  
**Thursday, June 21, 2018 (8:45 AM – 12:00 PM)**

**MEETING NOTES**

**Present:** Justice Sheryl Gordon McCloud, Chair, Ms. Patty Eakes, Ms. Trish Kinlow, Ms. Heather McKimmie, Judge Richard Melnick, Ms. Erin Moody, Ms. Riddhi Mukhopadhyay, Mr. Sal Mungia (ATJ Board Liaison), Ms. Sonia Rodriguez True, Ms. Gail Stone

**Guests:** Ms. Jaqueline Franklin, Judge Helen Whitener

**AOC Staff:** Ms. Kelley Amburgey-Richardson, Ms. Cynthia Delostrinos, Ms. Nichole Kloepper

**Excused:** Judge Anita Crawford-Willis, Ms. Josie Delvin, Judge Michael Evans, Ms. Gail Hammer, Ms. Grace Huang, Judge Eric Lucas, Justice Susan Owens, Judge Marilyn Paja, Dr. Dana Raigrodski, Ms. Jennifer Ritchie, Judge Cindy K. Smith, Ms. Vicky Vreeland

**CALL TO ORDER**

The meeting was called to order at approximately 8:45am.

**May 4, 2018 Meeting Notes**

Minutes approved as presented.

**WELCOME & INTRODUCTIONS**

- Justice Gordon McCloud gave brief introductions.
- This is Ms. Gail Stone's last meeting. She will be greatly missed, was thanked for her many contributions to the Commission, and will still serve as an ad hoc member of the Incarcerated Women and Girls Committee.

**COMMITTEE & PROJECT UPDATES**

**Gender Bias Study** – Justice Gordon McCloud, Chair

- The Commission has been awarded \$150,000 in grant funds from the State Justice Institute (SJI), with \$150,000 in matching funds provided in part by the Gender & Justice budget and primarily by AOC, to conduct a multi-year study on gender bias in WA state courts.
- The grant starts July 1<sup>st</sup>, and Kelley & Cynthia will be working with AOC and the National Center for State Courts on all the contract and budget paperwork needed for the grant work to begin.
- The first six months will be working with NCSC to review all available research on identified priority areas and conduct a research gap analysis.
- The results of this study will provide a model for other states to conduct their own, and will help identify the Commission's priority issues and projects for future years.

- NAWJ also received a project grant award from SJI to develop a sexual harassment education program.

#### Education Committee - Judge Melnick

- Recent Programs
  - DMCJA Conference session on Tech Misuse in DV Cases was well received. Evaluations will be shared when they are available.
- Upcoming Programs
  - Fall Conference - planning is underway for a plenary session on Procedural Justice (how to run court room in fair unbiased manner) with Center for Court Innovation faculty and a choice session on Immigration & Implementing ER 413 with Grace Huang and other panelists.
  - DMCMA Conference - the Commission is sponsoring a session on Transgender Parties for the DMCMA Line Staff Conference on October 29th. Ms. Trish Kinlow & Mr. David Ward are working a session description and faculty.
- Appellate Conference Proposal
  - Judge Melnick has been in discussion with Jonathan Shapiro about doing a joint program w/ MJC. He is an attorney with a very interesting and relevant background. He won an Emmy for a PSA he did for the National Association of Women Judges.
  - This will be a three-hour writing seminar. Will talk about how to incorporate gender and race issues and avoid biased language/implicit bias when writing opinions.
  - MJC has agreed to co-sponsor.
- SCJA Conference proposals
  - The Education Committee discussed submitting a proposal on GAL-related issues. Justice Gordon McCloud, Mr. David Ward, and Ms. Claire Carden will work on this.
  - Will also work on other proposals, submit more than one.
- Ms. Gail Stone suggested a reentry simulation as a future conference proposal or stand-alone for judicial officers.
  - The group discussed the possibility of stand-alone regional trainings.
  - Gail is willing to work with Judge Melnick and the committee on this based on her experience with King County implementation.

#### Domestic & Sexual Violence Committee – Ms. Erin Moody, Co-Chair

- An in-person meeting is scheduled for Tuesday, June 26<sup>th</sup>. The purpose of the meeting is to plan for priorities moving forward. It's an ambitious agenda, and the meeting may be postponed due to attendance, as it would be best to have the majority of committee members participate in these discussions. A phone meeting will be scheduled if the in-person meeting is postponed.
- Justice Gordon McCloud expressed interested in attending the meeting if it is rescheduled.
- Sexual harassment model policy
  - Ms. Moody has developed a draft model sexual harassment policy, and is working with a group of consultants to review and refine it. Ms. Patty Eakes and Ms. Katie Chamberlain have recently joined the group.

- Since the last GJCOM meeting, the group met and addressed issues including policy scope. For the most part came to consensus.
- Ms. Kinlow asked if the policy will address independent contractors.
  - The #MeToo/Employment Law CLE discussed the responsibilities of employers with regard to contractors who engage in sexual harassment and was thought provoking.
  - It might be beneficial to reach out to the Interpreter Commission, as they are responding to a relevant issue.
  - Ms. Moody said policies typically have contractors listed as non-employees like customers, but will bring it to the table.
- Division II and Supreme Court each updated and adopted their own sexual harassment policies recently. Judge Melnick also mentioned that Division II adapted the Attorney General's Office flyer on sexual harassment and will share.
- The BJA asked GJCOM to take this on for the judiciary as an employer. Other issues may be considered as the policy develops. The committee will plan to update BJA about their progress.

**ACTION: Judge Melnick will share the adapted Attorney General's Office flyer for distribution to the working group.**

Tribal State Court Consortium – Ms. Nichole Kloepfer

- The regional meeting was held June 1, 2018. Tulalip Tribal Court was the host. There were 32 participants including representatives from 13 tribal courts, five state courts, and three Supreme Court Justices.
- Workgroup #1 - Discussed draft rule 82.5 which outlines the formalities of cross jurisdictional collaboration and communication between state and tribal courts. Lots of good feedback to take back to the workgroup.
- Workgroup #2 - Justice Owens discussed barriers around getting the ICWA workgroup to meet.
- Justice Owens also reported on the request she and Justice Madsen submitted for an opinion from the Washington Attorney General's Office around protection orders and cross jurisdictional enforcement. Intent is that it will act as back up like other states, to tell state courts and law enforcement they must enforce.
- Jennifer Walter, Consultant with the Tribal Law Policy Institute and former staff to the California Tribal Forum, presented on Consortium structures and specific areas for problem solving such as child welfare, domestic violence, school to prison pipeline, bail reform, and trafficking.
- The Consortium decided to focus on work plans for smaller committee groups on protection orders, dependency cases, and exploring joint jurisdictional court pilots.
- Overall, great conversation, food, and host. Next steps are developing work plans, discussing consortium structure discussion, and developing an agenda for the Annual Meeting, which will be held at fall conference on September 24, 2018 at 5:30pm, with the theme of "Planning the Future for a Collaborative Consortium."

- The next in person planning committee meeting is July 16, 2018 from 12:00-2:00pm at the SeaTac Office, and the TSCC will solicit any feedback needed on the Annual Meeting agenda after that.

#### Incarcerated Women & Girls Committee – Ms. Gail Stone & Committee

- Success Inside & Out
  - The Conference at Mission Creek is planned for October 11-12<sup>th</sup>.
  - Justice Gordon McCloud has been asked to speak at lunch on the 12<sup>th</sup>.
  - The planning committee is working on other workshops and resource exhibitors.
  - Ms. Hendren will be an exhibitor for the Northwest Justice Project again and Ms. McKimmie's organization, Disability Rights WA, has also joined as an exhibitor.
- DOC Kiosks update – Justice Gordon McCloud
  - Justice Gordon McCloud sat down with Sec. Sinclair of the Department of Corrections, Victoria Dalseg (DOC's Gender Responsive Programming Manager, Elizabeth Hendren (via phone), and Kelley Amburgey-Richardson.
  - Justice Gordon McCloud and Sec. Sinclair agreed in spirit that access to legal resources for incarcerated parents to participate in their family law and dependency cases is important.
  - Barriers include: safety, technology, internet access in prisons, staff time, there were not NJP or DOC tech people in the room.
  - No specific solutions were agreed upon. Positive feeling about ability to come to consensus that will not impose too much on DOC staff or create security risks.
  - Agreed to meet again in 30 days after Sec. Sinclair has had the opportunity to discuss options with his staff. Will be scheduling this soon.
- Justice Gordon McCloud has spoken with Ms. Tarra Simmons, who is interested in joining the committee. She will also be speaking at the Success Inside & Out conference.
- IWG is waiting for Ms. Hendren to come back from parent leave before moving forward with an in-person meeting of the Court Access for Incarcerated Parents Workgroup leads.

#### Communications Committee – Committee

- No update at this time.

#### HB 1163 DV Workgroups -- Judge Paja & Judge Lucas

- The legislative reports are being finalized and will be submitted to the legislature next week.
- Kelley Amburgey-Richardson presented on the key recommendations from the Section 7 report and Cynthia Delostrinos presented on the key recommendations from the Section 8 report. Many of them focus on the need for more data to be collected and research to be conducted.

#### Liaison Reports

- Washington Women Lawyers - Justice Gordon McCloud
  - The King County Branch of WWL is hosting the 2018 Judicial Appreciation and Honors Luncheon, June 27, 11:30am-1:15pm, Fairmont Olympia Hotel 411 University Street, Seattle, WA 98101. Information on this event can be found [HERE](#).

- Access to Justice Board – Mr. Sal Mungia
  - ATJ Board has been discussing the following rules with proposed revisions:
    - Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RAJ) 9.3 Costs. A summary may be found [HERE](#).
    - Admission to Practice Rule (APR) 8. Amendment would allow tribal court attorney licensed in another state to represent a tribe's interest in WA State Courts.
  - The ATJ Board is conducting advocacy around the Public Service Loan Forgiveness program, which many legal aid attorneys benefit from. There are federal proposals to restrict it in the future.
  - Save the Date: The Access to Justice Board conference will be June 14-16, 2019, Spokane, WA.
  - Mr. Sal Mungia will be chair to the ATJ Board in September. He would like feedback on how ATJ can collaborate with the Commissions and improve access to justice.

### **SPEAKER**

Color of Justice Program, National Association of Women Judges – Judge Helen Whitener, Pierce County Superior Court

- Judge Helen Whitener with the Pierce County Superior Court presented on the Color of Justice Program. General information on the Color of Justice Program may be found [HERE](#).
- Her goal was to inspire and empower youth of color to consider careers in the courts. Her target audience was youth who experience extrinsic and intrinsic marginalization, including race, gender, ethnicity, nationality, sexual orientation, and disability.
- Held a program in Pierce County Superior Court, August 14, 9:00am-3:00pm which was very successful. Judge Whitener highlighted how she incorporated judicial officers who are not people of color in the event, and the importance of collaborative efforts.
- Program speakers included Judge Linda Lee, Judge Veronica Alicea-Galvan, and Justice Mary Yu.
- Highlights from the Pierce County event may be found [HERE](#). Information on Judge Whitener may be found [HERE](#).

### **CHAIR & STAFF REPORTS**

Chair Report – Justice Gordon McCloud

- Membership updates
  - Thanked Ms. Gail Stone for her service and contributions to the Commission and as Chair of the IWG committee.
  - Ms. Elizabeth Hendren with the Northwest Justice Project has been approved as a new appointed member by the Nominations Committee, and will serve as the next Chair of the IWG Committee. Her three-year term will start later this summer.
  - The Chairs and Judge Melnick are working on identifying future Chairs of the Education Committee, who will learn from Judge Melnick on for an additional partial term.
  - BJA Legislative Agenda – the BJA is looking for legislative proposals for its session priorities for 2019. Proposals are due in August.

- Justice Gordon McCloud announced that the new Director for the Women's Commission in the Office of the Governor is Ms. Michelle Gonzalez. This new Commission will be a good partner for GJCOM.
- The Council on Public Defense (“CPD”) Mental Health Committee developed performance guidelines for attorneys who represent respondents in Involuntary Treatment Act (ITA) proceedings. They have requested comments from GJCOM by July 19<sup>th</sup>.

**ACTION: Commissioners should send any ideas they have for BJA legislative proposals to Justice Gordon McCloud and/or Kelley Amburgey-Richardson.**

**ACTION: The Incarcerated Women and Girls Committee will review and draft comments on the CPD guidelines. Ms. Heather McKimmie and Ms. Sonia Rodriguez True volunteered.**

Staff Report – Kelley Amburgey-Richardson

- Ms. Kelley Amburgey-Richardson reported on STOP grant spending to date and talked about changes to the upcoming G&J state funds budget given new SJI grant cash match requirements.
- On the STOP grant, we are halfway through the grant year and we have a project that will not spend all of its allocation. If anyone has ideas for projects the Commission could take on, please let Kelley or the DSV Committee Co-Chair know.
  - Justice Gordon McCloud suggested funds could be used for consultants on the sexual harassment policy, if needed.
- With the G&J state funds budget, our commitment to matching funds for the SJI grant will not impact regular activities, but we will have less funds to take on new sponsorships or projects, unless they fit under the STOP grant.
  - Justice Gordon McCloud suggested the WPI Committee may have funds available and be interested in supporting study-related work.

Member & Project Recognition – Cynthia Delostrinos

- Cynthia Delostrinos recognized Judge Lucas and Judge Paja, for their work on the HB 1163 workgroups. The legislature gave us a year to get these groups done and to make recommendations and they have done a great job leading. Ms. Laura Jones has been an asset to the completion of this project.
- Cynthia recognized Ms. Nichole Kloepfer for her work with the Tribal State Court Consortium. Our last regional meeting had the most tribal judge representation since the Consortium started in 2005. This is due to the site visits she has been conducting to introduce herself and the TSCC to tribal courts. It’s great she is growing this effort and bring more attention to the project.
- Cynthia thanked Judge Melnick, Kelley, and the IWG committee for the SCJA presentation on Court Access for Incarcerated Parents. It was a follow-up to a judicial conference session a few years ago and the Court Access for Incarcerated Parents Convening held in June 2017. Participants who attended multiple events saw the progress in this work and how their input was taken into account and built on. This shows the education we are doing is working.
- Cynthia thanked Mr. Sal Mungia for doing multiple Batson and GR 37 Jury Selection presentations for the Minority and Justice Commission. Accolades to Judge Paja as well for serving as faculty for the DMCJA version of this presentation.

- Kelley thanked Justice Gordon McCloud for her unwavering leadership with the Gender Bias Study project.
- Ms. Gail Stone thanked Kelley for her work to keep the IWG committee moving forward.

#### **ANNOUNCEMENTS**

- King County Superior Court and [QLaw](#) co-sponsored CLE, Two Steps Forward; One Step Back: The State of LGBTQ Rights, June 25, 5:30-7:30pm, [Seattle Municipal Court Jury Room, 12th Floor](#). More information can be found [HERE](#).
- The Incarcerated Women and Girls Committee will meet in the large conference room immediate following the Commission meeting.
- The next meeting is September 7, 2018.

The meeting adjourned at approximately 11:45am.