



Gender and Justice Commission (GJCOM)
Friday, March 9, 2012 (10:30 a.m. – 1:30 p.m.)
Temple of Justice, 415-12th Ave SW, Olympia WA

MEETING NOTES

Members Present

Chair, Chief Justice Barbara Madsen	Ms. Emily McClory	Mr. David Ward
Vice-Chair, Judge Alicia Nakata	Mr. Ron Miles	Judge Chris Wickham
Judge Vickie Churchill	Ms. Leslie Owens	
Judge Joan DuBuque	Judge Ann Schindler (via phone)	Myra Downing, Staff
Dr. Margaret Hobart	Justice Jane Smith	Pam Dittman, Staff

Guests

Steve Henley Monto Morton Nancy Smith

Members Absent

Judge Stephen E. Brown	Ms. Barbara Carr
Ms. Laura Contreras	Honorable Ruth Gordon
Judge Cynthia Jordan	Ms. Emily Henry
Ms. Judith Lonquist	Professor Natasha Martin

The meeting was called to order by Chief Justice Madsen. The January 13, 2012, meeting notes were approved.

COMMISSION BUSINESS

STAFF REPORT

• **STOP Grant**

○ **DV Scholarships**

- Judges Mary Logan and Marilyn Hahn were awarded scholarships to attend the Enhancing Judicial Skills in Domestic Violence Cases in Ft. Lauderdale, Florida. Both judges provided thank you and follow-up letters with their insights on the training and proposed action to continue the discussion in their jurisdictions.
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○ **STOP Grant RFP**

- The STOP Grant contract for FY 2011, in the amount of \$125,724, has been received. \$35,000 has been set aside for continued staff support.
- The RFP will be distributed with two clarifications: 1) Myra Downing is available to assist in writing the grant proposal, and 2) A new category of collaborative projects is being considered. Collaborative projects should highlight or support areas the GJCOM has worked on. For example, convening a coordinating council to implement a process to reduce conflicting orders per the work done by GJCOM on HB 2777.

ACTION: Myra will draft language for the RFP and provide examples of what a collaborative project entails and where assistance by GJCOM staff and/or members would intersect.

• **Judicial College**

Judge DuBuque and Judge James Swanger were presenters at the 2012 Judicial College. Judge DuBuque presented an overview of the dynamics of domestic violence and Judge Swanger presented on types of protection and no contact orders and provided hypotheticals for small group exercises. The presentation was followed by the simulation, *In Her Shoes*. The cumulative evaluations ranked the session very high.

- **In Her Shoes**
 - In April, Commission members and staff will be facilitating six (6) *In Her Shoes* sessions around the state for district and municipal court staff. In preparation, Myra Downing offered a facilitator training session attended by Judge DuBuque, Dr. Hobart, Ron Miles, Judge Nakata, Justice Smith and AOC staff, Monto Morton.
 - Dates are:
 - April 12 – Gig Harbor
 - April 13 – Thurston County
 - April 19 – Lake Forest Park
 - April 25 – Ellensburg
 - April 26 – Pasco
 - April 27 – Spokane
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- **Witness Intimidation Webinar**
 - Through STOP Grant funds, a webinar was developed and launched on February 14 and viewed by approximately 35 judicial officers and other court staff.
 - The webinar presenters were Judge Doug Miles, El Paso County, Colorado and former attorney advisor for Aequitas: the Prosecutor's Resource on Violence Against Women and Mr. Jeff Griep, Director, National Witness Protection Center.
 - The evaluations indicate the participants were engaged and took away information and ways to implement the ideas presented.
 - The webinar is posted on Inside Courts for the next 90 days. It was suggested that it be archived and be posted again in the future.
 - Two other webinars are being developed. Suggested topics were father's who batter and batterer's intervention programs.
- **Procedural Fairness**
 - The DMCJA and SCJA Diversity and Fairness Committees are sponsoring sessions on procedural fairness at the conferences. This work is in coordination of an SJI grant to do blended learning. A survey will precede the conference programs and a webinar will follow the programs. Nancy Smith, AOC, is the lead for this work.
- **Immigration Bench Guides & Webinars**
 - Judge Schindler, Judge Mary Yu, Grace Huang, and Ann Benson have been working on the Civil and Criminal Immigration Bench Guides. Webinars are scheduled for June 20th and 27 to present the bench guides, provide education, and answer questions. Funding for this work is being provided through the SJI grant and all work needs to be completed by June 30, 2012.
 - The GJCOM Immigration Committee suggested that the webinar evaluations ask for areas where further education may be needed and then addressing those specific areas in other webinars.

CHAIR REPORT

- **Annual Conference** – GJCOM is sponsoring/cosponsoring four sessions. Ad-hoc committees are needed to assist with development of the sessions.
 - *What Makes It Cultural And How Would You Respond?* This session is modeled after a program observed at the National Association of Women Judges (NAWJ) conference last year. The program integrates high profile cases where gender and cultural issues may be relevant to the decision making process.
 - Committee: Chief Justice Madsen, Judge Churchill, Judge Nakata, Justice Smith

- *I Served My Country, Now How Can You Serve Me?* At the 2008 DMCJA Spring Conference, GJCOM sponsored a session on military and PTSD and traumatic brain injury. This session will continue that discussion along with addressing how their military experiences such as sexual assault may have influenced their behavior and thus brought them into court. Commission members also suggested addressing the repeal of the “don’t ask, don’t tell” policy and what that means in today’s military.
 - Committee: Chief Justice Madsen, Ron Miles, David Ward
- *A Bench Guide for Washington Criminal Courts on Immigration Law*. This session will provide an introduction to the bench guide and an overview of the concepts and issues addressed in it. Commission members suggested also addressing interpreters, human trafficking, and ethical issues around U-Visas
 - Committee: Members of the Minority and Justice Commission, Chief Justice Madsen, and Judge Schindler
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- *Beyond Inclusion, Beyond Empowerment and The Anatomy of an Interaction: Applying the Beyond Inclusion: Beyond Empowerment models*. Session participants will read *Beyond Inclusion, Beyond Empowerment* by Dr. Leticia Nieto wherein it provides a vision for attainable and sustainable social change in the context of oppression. Dr. Nieto will present and facilitate discussions.
- **Initiative for Diversity Governing Council (IDGC)**
 - IDGC continues to outreach to the legal profession. Microsoft hosted a corporate breakfast on February 27, with attendance from Holland America, Alaska Airlines, Starbucks, and others. The breakfast provided attendees with an overview of the program. Microsoft pledged \$75,000 over a three-year period to assist with a half-time staff person for IDGC and committed to find five other firms commit \$5,000 each over the same period.
 - A Managing Partners CLE will be held on Wednesday, June 27, as part of the continued outreach efforts. Part of the CLE will address the WSBA’s latest results and report on the state of diversity and inclusion in the legal profession.
- **ABA Domestic Violence Reception, May 3**
 - GJCOM has agreed to be a sponsor for this reception. GJCOM is not providing any funding, but its members have been asked to attend.

ACTION: Myra will contact Judge James Riehl to inquire as GJCOM members making a presentation.

- **Diversity Staff Team**
 - GJCOM and MJCOM staff will be merged to facilitate collaboration and partnership between the two commissions. Myra will lead the team with other AOC staff Monto Morton, Margaret Fisher, Pam Dittman, and Paula Odegaard as part of the team. Staff are still establishing work assignments and determining which Commission will take lead on projects.
 - GJCOM, MJCOM, and the Foster Care Commission have agreed to form a consortium to work on issues of children and foster care.

ACTION: Myra will work with others and assist with developing how consortium will function.

- **Membership Recruitment**

- The Commission has eight vacancies that need to be filled due to term limits and/or resignations. Vacancies to be filled are:
 - Trial Court Administrator (Ms. Barbara Carr)
 - Trial Court Judicial Officers (Judge Joan DuBuque, Judge Craig Matheson)
 - Bar Association/Attorney (Ms. Jennie Laird, Ms. Leslie Owen)
 - Tribal Court (Justice Jane Smith)
 - College Professor (Professor Natasha Martin)
 - Community Member (Mr. Bernard Ryan)
- Suggestions were made by several Commission members.

ACTION: Myra will remind Commission members to approach potential members. Letters of interest and resumes should be submitted to Myra by **May**.

COMMITTEE REPORTS AND PROJECTS

- **Sexual Assault Bench Guide**

- Judge DuBuque discussed the proposed outline for the bench guide. Members suggested we not duplicate the materials found in the sexual orientation bench guide and add sections on the rape shield statute and sexual assault center records.
- Pam Dittman outlined the partnerships with the Washington State Coalition of Sexual Assault Programs (WCSAP), University of Washington (UW) Law Students, and the King County Sexual Assault Resource Center (KCSARC).
- The Committee is seeking more judicial officer participation for reviewing content and representing rural jurisdictions.

ACTION: Pam to seek judicial officer participation through AOC listservs.

- **Mission Statement**

- Ron Miles, Chair presented on the work this committee has completed. Three options were provided in the meeting materials. Discussion included keeping the statement in an active voice and difference between value and mission. Members liked Option 3.
- Members can submit suggestions to Ron.

- **Legislation Committee**

David Ward reviewed the bills that have passed, likely to pass and did not pass.

Domestic violence and sexual assault bills that passed

HB 2363 – Protecting victims of domestic violence and harassment (Status: Awaiting Governor's action)

This bill arose from Rep. Goodman's DV workgroup. As passed, it would:

- Limit the ability of courts in family law cases to compel DV survivors to disclose their addresses if they are in the ACP program, if they are living in a domestic violence shelters or transitional housing, or if the court has made a finding of domestic violence;
- Direct the Washington State Institute for Public Policy in collaboration with the Gender & Justice Commission and DV experts to conduct a statewide study to assess recidivism by domestic violence offenders and assess domestic violence perpetrator treatment, subject to provision of funding;

- Authorize courts to extend no-contact orders for DV crimes if defendant fails to appear at arraignment, and require DV no-contact orders issued prior to charging to be entered into criminal intelligence information system;
- Require violators of anti-harassment petitions to appear in court the next judicial day after arrest and make it a gross misdemeanor (rather than a misdemeanor) to violate a no-contact order in a harassment case;
- Protect confidentiality of communications or documents shared within or produced by domestic violence fatality review panels;

Provisions removed from the bill during the legislative process

- A provision to ensure that court records are sealed throughout a case when a DV survivor seeks a confidential name change;
- A provision to create a procedure in DV criminal cases for courts to reissue no-contact orders that were terminated at the victim's request.

SB 6100 – Updating the administration of the sexual assault grant program (Status: Signed by Governor March 7)

Makes changes to clarify and update the sexual assault grant program. Many changes are technical or update terms.

Anti-Trafficking Bills

The Legislature passed a series of bills designed to improve the response to human trafficking. These bills include:

SB 6251 – Regulating advertising of commercial sexual abuse of a minor (makes it a crime to knowingly publish an ad for a commercial sex act to take place in WA and which includes depiction of a minor).

SB 6252 – Addressing commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree (Commercial sexual abuse of a minor and promoting commercial sexual abuse of a minor are added to the list of criminal offenses that may constitute a pattern of criminal profiteering activity).

SB 6253 – Concerning seizure and forfeiture of property in commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree crimes (Civil forfeiture may be sought against the proceeds or property and instrumentalities used to facilitate the crimes of commercial sexual abuse of a minor, promoting sexual abuse of a minor, or promoting prostitution in the first degree).

SB 6254 – Changing promoting prostitution provisions (Promoting prostitution in the first degree may be committed if an individual knowingly advances prostitution by compelling a person with a mental or developmental disability to engage in prostitution or profits from that act. The disability must be one that renders the person incapable of consent).

SB 6255 – Concerning victims of human trafficking and promoting prostitution (In any prosecution for prostitution, it is an affirmative defense that the actor committed the offense as a result of being a victim of trafficking, promoting prostitution in the first degree, or trafficking in persons under the Trafficking Victims Protection Act).

SB 6256 – Adding commercial sexual abuse of a minor to the list of criminal street gang-related offenses (Promoting commercial sexual abuse of a minor is added to the list of gang-

related offenses that are committed to provide the gang with any advantage in or control or dominance over a market sector).

SB 6257 – Addressing a sexually explicit act (Sexually explicit acts are added to the crimes of trafficking and commercial sexual abuse of a minor).

HB 1983 – Increasing fee assessments for prostitution crimes (significantly increases fees for prostitution and human trafficking offenses).

HB 2692 – Concerning the reduction of the commercial sale of sex (increases fine for patronizing a prostitute, directs revenue to jurisdiction in which offense occurred to pay for increased enforcement and prevention programs, mandates “john school” for first-time offenders).

Other Legislation of Interest

SB 6239 – Concerning marriage and domestic partnerships (Status: Signed by Governor Feb. 13)

Extends civil marriage to same-sex couples. Ends domestic partnerships by 2014, except for couples where one partner is 62 or older. The law would normally take effect June 7, but groups opposed to the legislation are seeking a referendum on the new law. If sufficient referendum signatures are submitted by June 6, the law will not take effect unless the voters approve it in the November election.

SB 6095 – Making technical corrections to gender-based terms (Status: Awaiting Governor’s action)

Continues the multi-session process of eliminating gender-based terms in the Revised Code of Washington by 2015.

• **Incarcerated Women and Girls Committee**

- Shackling
 - The Committee discussed using law students to research how the policy was implemented by the various correctional facilities, how it may have changed existing policy, and what was the impact of this legislation.
- Areas of focus for the Committee
 - Violation of Probation and Recidivism - Why are women violating probation? Use that information to determine if there is a court-focused area that can be brought to forefront.
 - Transitional Services. There continues to be a need for services for offenders when leaving a correctional facility. The Committee is interested in creating a “how to” booklet.

• **Proof of Concept**

- Judge Wickham and Myra spoke with staff from Chelan County regarding how they use JABS to see protection and no-contact orders. Judge Nakata expressed the system is very slow and that it would not work for purposes.

<p>ACTION: Myra will follow-up with Judge Wickham who is drafting a letter to AOC expressing why this will not work. Continue looking for vendors.</p>

• **Miscellaneous**

- Steve Henley (guest) is relatively new to AOC. His background is in strategic and long-range planning. Interaction with the Commission may be possible.

Meeting adjourned at 2:15 p.m.