

**Washington State Supreme Court
Gender and Justice Commission
November 5, 2010
Meeting Minutes**

Members in Attendance: Chief Justice Barbara Madsen, Ms. Barbara Carr, Ms. Laura Contreras, Judge Sara Derr, Ms. Ruth Gordon, Ms. Judith Lonquist, Judge Craig Matheson, Professor Natasha Martin, Judge Alicia Nakata, Ms. Leslie Owen, Ms. Yvonne Pettus, Justice Jane Smith, Judge Chris Wickham, Seattle University School of Law Women's Law Caucus Michelle Hankin and Emily McClory, and Myra Downing, Commission staff.

Members Absent: Judge Vickie Churchill, Ms. Joan Dubuque, Judge Cynthia Jordan, Mr. Bernie Ryan, and Judge Ann Schindler.

Guests: Ms. Heather Morford and Mr. Chris Ruhl.

STAFF REPORT

Gender and Justice Commission Budget

It is anticipated that the Commission's budget may be reduced by up to \$20,000.

STOP Programs

King County District Court has completed its program. This program analyzed existing data systems to ascertain the success or failure of Stipulated Order of Continuances (SOC). Based on the existing data systems, a definitive conclusion was not possible, but the program did afford the opportunity to develop a means to assess effectiveness of different types of sentences. While the findings regarding the effectiveness of SOC sentences were not conclusive, the work establishes a framework for further exploration of existing data that can provide a more comprehensive picture and that could be used in other jurisdictions as well.

Thurston County Superior Court was granted funding to develop a coordinated response in addressing duplicative and conflicting court orders. This included funding a position to monitor the domestic violence cases and each person's progress in completing their sentence requirements. In addition, Thurston County contracted with Dr. Barnie Barnowski to enhance an existing risk assessment tool used by judicial officers in making release decisions. He will be creating a domestic violence domain that can capture specific information to assist judicial officers in making release decisions in these types of cases.

Judge Derr mentioned that one risk tool is being used by Spokane County and will provide a copy to Ms. Downing for distribution.

STOP funds are being used to fund the statewide project resulting from the passage of HB 2777 to:

- Develop policies that allow a victim of domestic violence to request a modification or rescission of a no-contact order.
- Review and, if appropriate, make recommendations to revise existing no-contact form
- Develop policies and procedures to reduce the number of conflicting and duplicative no-contact and protection orders.
- Make a recommendation to expedite the processing of surrendering concealed pistol license orders.

The Commission will be involved with two National Projects

1. A regional forum that will bring together teams from the Western states to learn about cross jurisdictional domestic violence issues between tribal and state courts.
2. A national meeting to examine how current STOP funds are being used by state courts and discuss, if necessary, any modifications to those efforts.

Status of Educational Proposals

- The Commission will be sponsoring an “In Her Shoes” session for the Thurston County Courts.
- The Immigration Proposal was accepted by the Superior Court Judges’ Association (SCJA) for their spring program. The District and Municipal Court Judges Association (DMCJA) is still considering this proposal.
- The Commission will be working with the SCJA on a session titled “Hard Times.”
- The Commission will co-sponsor a session on vicarious trauma at the SCJA. This session will focus on the trauma experienced by judicial officers by hearing tragic cases on topics such as sexual assaults and abuse of women and children.
- The District and Municipal Court Judges’ Association (DMCJA) Diversity Committee is also interested in the Commission cosponsoring a session related to “In Her Shoes.”

The Law School’s Women Law Caucus’s will be meeting in January 2011.

COMMISSION CHAIR REPORT

The assessment of Commissions and Task Forces was completed by a committee consisting of members of the various Commissions and Task Forces. The recommendation was to create a coordinating council consisting of representatives of all the involved bodies to ensure the sharing of information and project planning and implementation.

There was some discussion about research that has been conducted regarding bias in the criminal justice system and what research may need to be conducted. The focus is on the quality of justice versus the quantity of justice. Also, the importance of having true public discourse versus sharing opinions was held as a priority by Commission members.

The *Farrakhan v. Gregoire* case was discussed. The court decision held that state law denying felons the right to vote is a violation of section 2 of the Voting Rights Act (VRA), where discrimination in the state's criminal justice system results in race-based denial of the vote.

Emily Yates, a Gonzaga University School of Law student, was selected to receive the National Association of Women Judges scholarship. It was presented to her on Friday, October 10, at the Washington Women's Lawyer annual dinner held in Spokane, Washington. She is a third year law student and plans to pursue a career in public interest law.

The Advanced Science and Technology Adjudication Resource Center (ASTAR) is a leadership consortium dedicated to enhancements of capabilities of the courts via science and technology knowledge tools. ASTAR's leadership oversees the effort to identify, recruit, train, and deploy science and technology resource judges. They also set the standards for and accredit judges' science and technology training programs and evaluate the national resource judge program conducted under a grant from the U.S. Department of Justice. There was discussion about whether the Commission might collaborate on a science educational session for the 2011 fall conference.

The Initiative for Diversity continues to be active. Several large law firms have signed on and it is anticipated that Microsoft will be joining soon.

The National Association of Women Judges' Conference was held in October. Some of the sessions were:

- Elections After *Republican Party of Minnesota v. White* - a discussion of the pros and cons of election versus appointment of judges, initial election versus retention elections, and the free speech permitted after *White*.
- Law's Migration – presentation and discussion about the use of foreign law in decision making.
- Reducing Risk and Assessing Dangerousness in Criminal Violence cases using the DV-specific risk assessment tool by Dr. Campbell.
- Girl Trouble – A discussion that follows the showing of a film that looks at the stories of three teenage girls who get involved with the San Francisco's juvenile justice system.
- Aging and the Dynamics of Elder Abuse – exploration of the aging process and the ways in which society's perceptions of age and ageist assumptions can impact the courts treatment of elder people and those

who are elder victims of abuse as well as the elder's perception of his or her legal options.

- Gail Collins – talking about her book “*When Everything Changed.*”
- Richard Patterson – presenting his views of the loss of civility in public discourse and the responsibility we have to provide the leadership to change this pattern.

Effort will be made to bring at least one of the programs to Washington for the Fall Annual Judicial Conference.

The Chief did or will participate in the following events: a domestic violence panel in Federal Way at Todd Beamer High School; Lewis County Bar Association Access to Justice; the Women's Centennial Gala on November 6, a Suffrage Mock Trial with other Supreme Court Justices, and the Future of the Law Institute Mock Trial. She also served on a panel of Chief Justices for the Golden Gate University School of Law students.

Mr. Steven Henley was hired to staff the Board for Judicial Administration. He will be working on the long range plan and is available to the Commission.

The Judicial Information System Committee has decided that Commission's will review proposals later in the process. Ms. Heather Morford is our liaison.

NEW COMMISSION MEMBER RECOMMENDATIONS

Fourteen people submitted applications to be considered for vacant Commission positions. A Nomination Committee reviewed all the applications and recommended three to be considered by Chief Justice Madsen:

1. Ms. Jennie Laird, Law Offices of Michael W. Bugni and Associates
2. Mr. David Ward, Legal Voice
3. Ms. Margaret Hobart, Washington State Coalition against Domestic Violence

These names will be forwarded to Chief Justice Madsen for recommending appointment to the Commission.

BEYOND PINK WALLS: A CALL TO ACTION PRESENTATION

Ms. Barbara Carr provided a report on the progress of a group working on addressing girls in the juvenile justice system. A group of women juvenile administrators began meeting in 2007 to talk about the growing number of girls in the system. Ms. Carr pointed out that since the early 1980's the arrest of girls has increased by 80 percent. She mentioned that the Washington State Center for Court Research has been conducting research to find out what could make a difference for girls. They asked the following questions:

- What are the pathways that bring girls into the system?

- What can be done to stop them from coming in or returning?

Ms. Carr pointed out that girls process trauma differently than boys – they internalize it. Girls usually come from dysfunctional families. Relationships are important to them and they resolve conflict by relying on their relationships. She pointed out that this is evident in prison visiting rooms. Women come to visit men. Men don't come and visit women. In addition, the children are taken away.

She pointed at one of the key approaches the administrators want to enforce is to empower girls to make the right choice versus punishing them for making a bad choice.

Ms. Carr will take the lead in ensuring that the Commission is informed of the work of this group and let members know when they can be of assistance.

STATE JUSTICE INSTITUTE (SJI) GRANT – IMMIGRATION

An Immigration Advisory Committee was formed and met in September. Four subcommittees were formed:

1. Education
 2. Judicial Bench Guide
 3. Resources
 4. Webinars
- Judge Ann Schindler and Judge Mary Yu are the Co-Chairs and are focusing on ensuring an Immigration Session is selected for an educational program at the spring judicial conferences.
 - Professor Chang with the Seattle University School of Law Korumatsu Center is working with law students in the development of a judicial bench guide.
 - Professor Cobb and Dr. John Martin will take the lead on the resources.
 - Ms. Downing will take the lead on the on-line courses and website access.

DOMESTIC VIOLENCE (DV) PROTOCOLS PROJECT

HB 2777 required several actions that were assigned to the Gender and Justice Commission:

1. Recommendations for revisions to the standard no-contact order form.
2. Development of a Model Policy allowing victims the ability to request a modification or rescission of a no-contact order.
3. Development of a process(s) that would reduce the number of duplicative and conflicting court orders and identify procedures for managing those that still remain.

Between August and October 2010, a survey was sent to over 1,000 stakeholders who were also invited to attend one of 15 statewide meetings.

Stakeholders included representatives from the judicial branch (judicial officers and court administrators), prosecuting attorney's, defense and family law attorneys, advocates, and law enforcement. Stakeholders were asked to explain the challenges in each of these areas and offer possible solutions.

A DV Protocol Committee was formed and met in October consisting of representatives from the stakeholders group to review the information gathered from the survey and meetings. The meeting culminated in two major accomplishments:

1. A draft of a model policy for rescission or modification of a no-contact order that will be reviewed by stakeholders and then given to the trial court associations for comment and approval. The final policy, along with form templates, will be provided for each local jurisdiction.
2. Recommended revisions to the no-contact order form.

The Committee also identified the critical areas for developing process(s) for reducing the number of conflicting and duplicative orders. They will meet in January 2011 to continue their work.

COMMISSION WORK PLAN

The Commission meeting was extended to determine the priority areas for the Commission work. In November of 2008, the Commission conducted a long range planning meeting and identified four areas of focus:

1. Domestic violence, stalking, sexual assault
2. Equality in the legal profession
3. Immigration
4. Incarcerated girls and women

Domestic Violence Work

The Commission is the designated state point of contact for domestic violence issues within the court system. A significant amount of time is dedicated to this subject. The Commission reaffirmed that this remained a priority. The priority work will be:

- Education of judicial officers and court staff.
- Update the domestic violence bench guide.
- Collaborate with other stakeholders to develop model policies and procedures that address systemic issues associated with domestic violence, stalking, and sexual assault cases.
- Identify issues specific to domestic violence and sexual assault cases that overlap tribal and state courts.
- Work with other counties to introduce the Child Maltreatment and Domestic Violence Program developed by King County with STOP grant funds.

Equality in the Legal Profession

Work in this area will focus in several areas and much will be done through partnerships with law schools and Women's Law Caucuses:

- Work with other organizations in educational programs that encourage law as a career option for young girls and youth of color. This includes the Color of Justice program created by the National Association of Women and the annual judicial reception.
- Update "Her Day in Court" DVD. This tape will be used for educational programs in schools and organizations.
- Work with the Race in the Criminal Justice Committee that is being chaired by Professor Chang and Judge Gonzalez.
- Work in coordination with the Minority Bar Associations.
- Work with the Initiative for Diversity in promoting a commitment to diversity within the legal community.
- Make connection with the Washington State Trial Lawyers Association and the Washington State Association for Justice.

Immigration

The work of this committee will be led by the SJI grant project (described earlier). This work will be completed in concert with the Minority and Justice Commission.

Incarcerated Women and Girls

The Commission will support the work being conducted by the "Beyond the Pink Walls" project.

The meeting concluded at 3:00 p.m. Next meeting is Friday, January 14, 2011.