

Washington State Supreme Court Gender and Justice Commission

Gender Justice in the Courts Study Priority Topics

1. Gender impact of barriers to getting into court, including:

- Litigants' financial barriers such as user fees, costs of legal representation, childcare and travel to and from the courthouse.
- Litigants' communication barriers in matters such as obtaining domestic violence protective orders, participating in family law hearings, and interacting with GAL and CASA representatives.
- Immigration status barriers that may be preventing complainants and witnesses from coming to court.
- Barriers to jury service such as low juror pay, lack of childcare, etc., that contributes to lack of diversity in juries.

2. Gender impact in court proceedings and court workplace, including:

a. Gender impact in civil proceedings as they relate to:

- Violence; domestic violence and sexual assault.
- Family Law including divorce, maintenance, property division, custody, and child support.
- Economic consequences including fee awards and wrongful death.
- Workplace sexual harassment and discrimination.

b. Gender impact in criminal proceedings as they relate to:

- Increased criminalization and incarceration of women pre- and post- conviction.
- Increased criminalization and incarceration of men pre- and post- conviction and the consequences for women.
- Exceptional sentence availability.
- Commercial sexual exploitation.

c. Gender impact for juveniles as they relate to:

- Shifts in juvenile law focus such as limiting judicial discretion.
- Effects of treatment.
- Commercial sexual exploitation of children.

d. Treatment of lawyers, litigants, witnesses, victims, judges, and court personnel:

- Courtroom treatment of litigants, witnesses, victims, legal professionals, jurors, and other court personnel.
- Credibility of women in the courtroom.
- Acceptance of women in legal and judicial communities.
- Court personnel practices and procedures, including their application to GALs and guardians.
- Representation of women as ADR neutrals.

3. Impact of Gender Bias on Consequences After Leaving the Courthouse including:

- Legal financial obligations.
- Collateral consequences for incarcerated parents.
- The burden of mass incarceration on remaining heads of households.
- The availability of gender responsive programming and use of trauma informed care in DOC and court ordered programs.
- The consequences of sexual assault in jail or prison.
- Treatment of domestic violence perpetrators.
- The impact of a criminal background on access to services.