WASHINGTON COURTS

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Therapeutic courts coming into their own

New state coordinator, new study, new statute part of growing activity and support around treatment style court

Halfway through a session of Thurston County District Court's Veterans Court, a man slips into the back of the room, sweating, looking nervous.

Judge Brett Buckley

Judge Brett Buckley is talking with Josh, a court participant working on finding a job and trying not to worry about his criminal charges. Because court processes are beyond Josh's control, Buckley advises him to put the case out of his mind for now and work on getting himself to a good place physically and mentally to complete the treatment journey.

Though their court time is over, Josh and many other participants remain in the courtroom to support each other as they take turns reporting to Buckley, the prosecutors and social workers who staff the Veterans Court.

Buckley turns his attention to the newcomer, Reno, who was just accepted into the treatment court one week ago.

"I'm sorry I'm late," Reno says, flustered. "The traffic was bad, and I admit I did break the speed limit a couple of times. I'm sweating. I feel like this was my big chance and I'm screwing it up already."

Buckley smiles. "You can't get rid of us that easily. Just because traffic keeps you, we don't throw you in jail and say, 'Reno who?'"

Reno relaxes a bit, and Buckley suggests he stay behind to talk with other veterans who have more experience with

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Minority and Gender commissions

Partnership may open doors to more collaboration

A new relationship between the Washington State Minority & Justice Commission and the Gender & Justice Commission is more than it may appear to a casual viewer, more than two commissions working together on particular projects.

The partnership represents a first step in coordinating the work of the judicial branch, which is currently conducted through many commissions, boards, committees and task forces. It is an approach derived from an initiative of Washington Supreme Court Chief Justice Barbara Madsen to encourage collaboration and coordination.

The two diversity commissions now share a team of staff members who collaborate on projects and coordinate work and information.

"I see it as a way to bring two sets of experts together, looking through different lenses to solve problems of bias," Madsen said of the new working relationship between the diversity commissions.

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United We Stand

The Board for Judicial Administration must provide an effective voice for Washington's judiciary

"As pressure builds to do more with less, there is no way for the judiciary to exert control… The judicial system does not have a mechanism to assess and articulate what its status is, and what changes must be made."

-- Commission on Justice, Efficiency and Accountability (JEA), 1999

By Chief Justice Barbara Madsen
and Judge Kevin Ringus

Nearly a year ago, members of the Board for Judicial Administration began a conversation about whether it was time again to consider the structure and processes of the Board — are they still serving the needs of our state judiciary in these political and economic times?

That conversation raised many good questions we have been striving to answer as we work to ensure the BJA is as effective a vehicle as possible for developing policy and carrying the judiciary's message to other branches of government.

One of those questions was answered in mid-August by a vote of the members: The BJA will not be restructuring at this time as recommended by a work group. There was enthusiasm from a majority of members for adjusting the Board's structure, but concern from others that the process for change was moving too quickly.

Many Board members believe we can benefit from additional discussion regarding the most effective structure for the BJA, one that will help it fully carry out its mission to serve as a strong and effective governing body for the state's judiciary, as recommended by the Justice, Efficiency and Accountability (JEA) Commission in 1999.

Many of the JEA Commission's recommendations for strengthening the BJA have been enacted and proven effective, but other recommendations — whether the role of members is to represent specific factions or represent the judiciary as a whole — remain ongoing issues affected by structure and practice.

In the meantime, we are also considering another important aspect of the judiciary's work — the many committees, sub-committees, commissions, workgroups and other entities established throughout each court level to work on issues that affect the courts.

The Board would like to determine where there's duplication of efforts causing strain on judicial officers, court officials and staff members, and whether there may be opportunities to consolidate or coordinate among committees to create greater efficiency for all involved.

Like all good conversations that produce thoughtful and important questions, we hope the vibrancy of the BJA will be an ongoing discussion so the Board can continue to successfully execute its mission to be the voice of the judiciary in its right to govern its own operations.

Why is a BJA necessary?

One question easily answered in our ongoing conversations was whether an organization such as the BJA is necessary; the response was a resounding 'yes.'

To understand why, consider two occasional but reoccurring tracks of events:

- **Movements to reform the courts** — Almost since the judicial branch was

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Washington Supreme Court Chief Justice Barbara Madsen serves as Chair of the Board for Judicial Administration; Fife Municipal Court Judge Kevin Ringus serves as BJA Member Chair.

"The Commission determined that an essential component of an effective organization is its ability to initiate and execute its own agenda. The only way for a decentralized organization like the Washington state judiciary to cast a single vision is through an effective governance structure authorized to adopt policies and provide strategic leadership."
-- JEA Report, 1999

established in the 1889 state constitution there have been efforts to change it, including proposed constitutional amendments. Many of these have come from outside the judicial branch and without coordinated input or action from the judiciary. This is one of the primary reasons Justice Robert Brachtenbach — a former legislator — formed the BJA in 1981.

- **Efforts to improve court operations that fizzle** — A few attempts to examine issues and recommend changes to aid courts have included the Judicial Administration Commission (1984); the Commission on Washington Trial Courts (1990); the Washington Courts 2000 Committee (1992); the Walsh Commission (1996); and the Courts of Limited Jurisdiction Assessment (1997).

  Despite the fact that each study identified common issues — threats to judicial discretion and independence, funding, leadership, the challenges of decentralization, access to justice, public confidence and rapid society changes — little change was accomplished.

In the wake of these ongoing trends, the 1999 JEA Commission took a hard look at the governance of Washington's judiciary and recommended an overhaul of the BJA's mission, membership, goals and practices.

A stronger, more cohesive leadership and governance role was needed from the BJA in order for the judiciary to successfully take charge of its agenda and its messages to other branches of government, according to the JEA Commission.

Essentially, the BJA needed to evolve from an advisory body to a governing one that creates policy and carries it forward into court rule and legislation.

That restructuring and refocusing helped lead to important improvements for our courts and, more importantly, greater recognition by other branches of the authority of the judiciary to speak for and direct itself.

Following the 1999 restructuring, Project 2001 addressed such issues as judicial portability, family and juvenile law improvements, trial court coordination, pattern forms, education, court improvement funds and much more. Many of these improvements were enacted by legislation or court rule over the following years, and the 2003 Trial Court Funding Task Force accomplished significant funding improvements before the economic downturn forced a delay in the

"Applying the principle of self-direction to a system composed of separately elected officials funded by a variety of methods and agencies requires determination and cooperation. Suspicions are not always vocalized and status quo is comfortable."
– JEA Report, 1999

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Board for Judicial Administration

Founded: In 1981 by Justice Robert Brachtenbach, a former legislator, to provide a forum for the judiciary to speak to trends and issues affecting the judicial branch.

Restructured: In 1999 based on recommendations of the Justice, Efficiency and Accountability (JEA) Commission, to support a clearer and firmer role for the judiciary in governing itself by developing and advocating for policies and laws to improve court funding and operations.

Rules, bylaws and monthly meetings: http://www.courts.wa.gov/programs_orgs/pos_bja/

Primary Duties
(a) Establish a long-range plan for the judiciary;
(b) Continually review the core mission and best practices of the courts;
(c) Develop a funding strategy for the judiciary consistent with the long-range plan;
(d) Assess the resources necessary for the operation of an independent judiciary;
(e) Speak on behalf of the judicial branch and develop statewide policy to enhance the operation of the state court system; and
(f) Conduct research or create study groups for the purpose of improving the courts.

(BJA Rule 4, effective Jan. 25, 2000)

BJA, continued from Page 3

long-term plan agreed to by state lawmakers.

Improving strength and focus

So why consider changes to the BJA? It has been 14 years since the 1999 restructure and many political, economic and cultural changes have taken place. As we strategically plan for the future, an evaluation of the BJA's structure and processes is warranted.

Do they still meet the branch's needs?

Nothing is 'broken' in the BJA, but if the 1999 restructure led to progress and a stronger voice for the judiciary, what more could be accomplished by continuing to enact the JEA Commission's recommendations and goals for robust judicial leadership?

> *"The structure of the Board for Judicial Administration must enable the judiciary to speak with one voice without squelching dissent or pretending unanimity."*
> *– JEA Report, 1999*

Some issues identified in the JEA Commission report continue to need work as we strive to strengthen BJA as an effective governing body for the judiciary. One question involves the Board's authority to undertake long-range planning initiatives for the judicial branch.

In September of 2012, a retreat brought together 30 judges, administrators, agency heads and staff members to consider the future of the BJA and whether it was time for additional adjustments. Two workgroups were formed, one to look at the structure of the Board and the second to consider the many committees and other entities working on judicial branch issues.

The structure workgroup recommended some modifications that would streamline the membership and voting somewhat. That workgroup's recommendations were not adopted (the report can be found on the BJA Web pages at http://www.courts.wa.gov/programs_orgs/pos_bja/ under the Aug. 16, 2013 agenda items).

Though the proposal was not adopted at this time, some excellent ideas came from the effort and there may be opportunities to implement some of these within our current framework as we move forward.

The second workgroup has been studying the many committees and commissions of the judiciary for possible savings of resources and potential for coordination. We look forward to hearing from members of that workgroup soon.

It's beneficial from time to time to look at existing structures and processes of any group or organization and consider whether they continue to meet changing needs in a changing environment. Some excellent discussions, questions and ideas have come from the process of taking a new look at the BJA and we are gratified to know members feel the Board is still very important and still meeting the needs of the judiciary to provide leadership and carry our messages to other branches of government.

We look forward to continuing that conversation and continuing to work toward a healthy and robust judiciary that can serve the people of Washington.

BJA members

Chief Justice Barbara Madsen, Chair
Judge Kevin Ringus, Member Chair
Judge Vickie Churchill, SCJA
Judge Janet Garrow, DMCJA
Judge Judy Rae Jasprica, DMCJA
Judge Jill Johnason, COA Div. II
Judge Kevin Korsmo, COA Div. III
Judge Linda Krese, SCJA
Judge Michael Lambo, DMCJA
Justice Susan Owens
Judge Kimberley Prochnau, SCJA
Judge Ann Schindler, COA Div. I
Judge Charles Snyder, SCJA
Judge Scott Sparks, SCJA
Judge David Svaren, DMCJA

Non-voting members:

Judge Veronica Alicea-Galvan, DMCJA President-Elect
Callie Dietz, State Court Administrator
Judge Steven Dwyer, COA Div. I
Paula Littlewood, WSBA Executive Director
Patrick Palace, WSBA President-Elect
Michele Radosevich, WSBA President
Judge Jeffrey Ramsdell, SCJA President-elect

BJA Structure Workgroup members:

Chief Justice Barbara Madsen, BJA Chair
Judge Chris Wickham, BJA Member Chair
Judge Christine Quinn-Brintnall, COA Presiding Chief Judge
Judge Stephen Dwyer, COA Presiding Chief Judge-elect
Judge Craig Matheson, SCJA President
Judge Charles Snyder, SCJA President-elect
Judge Sara Derr, DMCJA President
Judge David Svaren, DMCJA President-elect

Therapeutic courts, continued from Page 1

A graduate of the Thurston County Veteran's Court describes how he struggled with mental health and drug issues for decades before the court helped him understand what drove his behaviors.

treatment court. A prosecutor and case worker assure Reno he's doing fine.

Not long ago this scene would have been unheard of in the adversarial system that is American justice, but it is becoming more and more common as the therapeutic model that began with the nation's first drug court in 1989 continues expanding into more jurisdictions and more types of treatment courts.

With the drug court model approaching 25 years — 20 years in Washington — enough data and experience now exist to demonstrate the therapeutic model's wide potential, to generate best practices, government and community support, funding streams, support organizations, resources such as a new benchbook, and ongoing research into the nuances that can make a therapeutic court even more effective.

That kind of activity is mirrored in Washington, which has a new statewide therapeutic courts coordinator, a new statewide drug court data collection project, and a new judicial workgroup to consolidate the current piecemeal legislative statutes on therapeutic courts.

Judge Harold Clarke

"We've seen an explosion in these courts in the last five to 10 years," said Spokane County Superior Court Judge Harold Clarke, president of the Washington State Association of Drug Court Professionals, chair of the SCJA Therapeutic Courts Committee, and co-chair of the legislation workgroup.

"There is no question the efficacy is there," Clarke said.

Beyond all the statistics and systemic reasons for the growth in therapeutic courts, Clarke points to a benefit less talked about — job satisfaction for judges and other justice system officials.

"In regular criminal cases, you're seeing people's lives unfold," he said. "You impose a sentence and they go to prison. You're not seeing the result you get with drug court. Most of us when we talk about job satisfaction, we're talking about restoring people to the community."

Someone to call

As Washington's new statewide therapeutic courts coordinator, Janet Skreen quickly embraced a saying she learned: "If you've seen one drug court, you've seen one drug court."

Janet Skreen

Drug and other therapeutic courts vary widely in scope and practice, particularly in Washington's decentralized court system where operations are nearly always locally administered and funded.

With 24 counties offering one or more therapeutic court (see box), and a growing number of committees, research studies, support organizations and state and national legislative activity involving therapeutic courts, a coordinator position became more and more critical as a conduit of information and support. The Administrative Office of the Courts (AOC) funded the position in March and Skreen stepped into the role.

THE REST IS HISTORY

Dade County Courthouse

The drug court model launched in 1989 in Miami-Dade County, Florida. Frustrated with the same faces and same drug-related cases appearing again and again, a group of justice officials concluded the system was not working for these types of offenders. Their idea: Combine drug treatment with the structure and authority of the court and judge, but only for offenders who accepted responsibility for their actions and wanted the opportunity to change their lives.

Another primary element of the model was evidence-based practices — using research on outcomes to guide choice of participants and other practices so funding dollars are wisely spent and success is maximized. Because of this, drug courts are the most studied component of the justice system.

The model was so successful it spread rapidly, not just to other jurisdictions but into other categories of offenders and behaviors driven by underlying addiction and mental health issues. One drug court in 1989 became 472 drug courts in 1999 and 2,459 drug courts in 2009. At last count in mid-2012, there were 2,734 drug courts around the nation and 1,122 other types of therapeutic courts working with veterans, the mentally ill, families, alcoholics and more.

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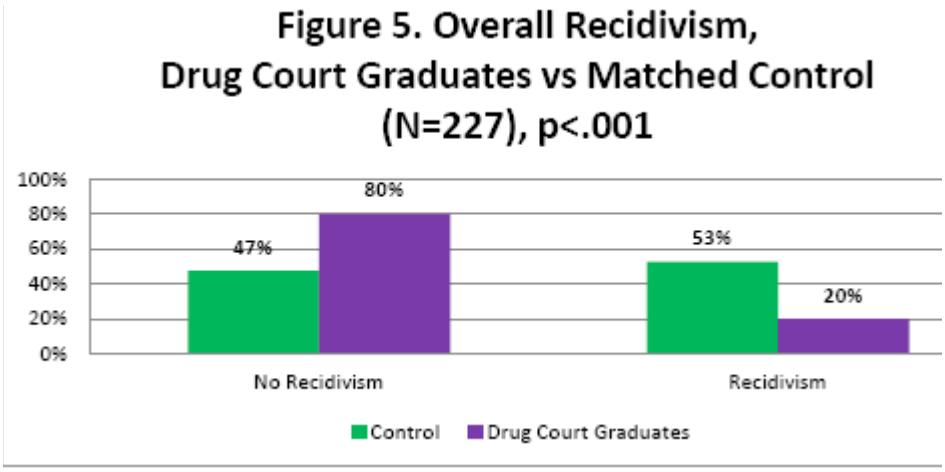
"We need a person to help be a lynchpin between information gathering and dissemination, to be a liaison," Clarke said. "She's that connection. She's the person we can call."

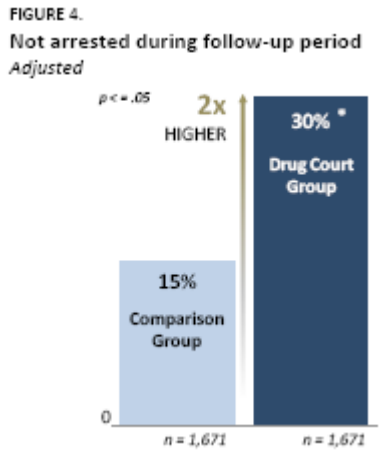
Skreen will maintain a detailed, statewide therapeutic courts directory, coordinate one or more listservs, provide staff support to a number of committees and workgroups dealing with therapeutic court issues (such as SCJA and DMCJA committees), monitor state and national research and activities involving therapeutic courts, and provide general support and information to Washington's therapeutic courts.

"I want the courts we have to stay strong, and I want to help new jurisdictions who are interested in getting started," Skreen said.

Skreen has long been involved with problem solving in Washington courts. An attorney from Port Orchard, she started in private practice and then served as a courthouse facilitator, a guardian ad litem and a part-time court commissioner before joining AOC in 2000 to support facilitator programs, family and juvenile courts and later, unified family courts.



One chart from a study of the Island County Juvenile Drug Court by the Washington State Center for Court Research shows overall recidivism for drug court graduates is significantly reduced compared to similar offenders who don't participate in drug court.



A chart from a July 2013 study by DSHS on drug court participants funded through the state shows drug court graduates are half os likely to be rearrested six months after release.

When the new therapeutic court coordinator position was announced, Skreen was immediately interested because "for a long time, I've thought this makes so much sense." She's seen many families torn apart by addiction and criminal incarceration that didn't address the real problems.

"This model just makes sense for the participant, for the families, for the courts and the community," she said.

What can the data tell us?

In 2010, Island County Superior Court was approaching its juvenile drug court's 10th anniversary when judges and administrators had an idea: Why not seek out a research study on those 10 years to see what the numbers could tell them?

"Everyone was eager to find out if the program was working the way we intended," said Assistant Court Administrator Andrew Somers. The mission of the court is to reduce future criminal arrests of the participants by treating substance abuse.

Judge Alan Hancock, who presides over the county's juvenile drug court, and Judge Vickie Churchill, who presides over the adult drug court, were particularly interested in seeing the data, Somers said.

The judges had consistently sought information concerning the effectiveness of the drug court program. Juvenile drug court staff had done an in-house review of their court, which indicated the program was functioning well, but the judges and staff wanted a more scientifically based study on the effectiveness of the program.

They asked the Washington State Center for Court Research at AOC to conduct the study, which involved comparing a control group of juvenile offenders with drug issues who had NOT gone through the drug court with the group of juveniles who had graduated.

"We were really happy with the work they did," Somers said.

Researchers found that 47 percent

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of the control group juveniles had future convictions, compared with only 20 percent of the drug court graduates.

The study went into further detail that is helping shape the program.

For instance, the data also showed that juveniles who began the drug court program but then dropped out had a higher recidivism rate than non-drug court participants. Peer issues are much stronger among juveniles than adults, Somers said, and this information led staff to institute a peer mentoring program in the court in hopes of reducing drop outs.

Having the data "was really beneficial for our planning," said Juvenile Drug Court Coordinator Zac Lively. "What do the numbers tell us about our program? It's not how we feel or think, but what the evidence tells us."

Thurston County Superior Court Judge Carol Murphy, who presides over the court's Adult Drug Court, celebrates with graduates.

Adult felony drug courts around Washington will have a similar opportunity to learn more about their program outcomes through a project requested by the SCJA and approved by the Center for Court Research's Advisory Board.

"They want to get usable information on what they're doing well and what could be improved," said the Center for Court Research Director Dr. Carl McCurley. "Being decentralized opens opportunities for innovation, but at the same time, there's a need to look at innovative practices to make sure they're working as intended."

Because information on drug court participants and outcomes is scattered among many different databases in many different locations, collecting information is extremely difficult.

Researchers are working with drug court coordinators about what data will be collected when the project moves into full swing in January 2014.

Here a statute, there a statute….

Washington's first adult drug court launched in King County in 1994, five years after the nation's first.

It was soon followed with other adult drug courts, juvenile drug courts, mental health courts, family treatment courts, veterans courts, DUI courts and domestic violence courts.

As new types of therapeutic courts were formed, lawmakers created new statutes authorizing them.

This was getting unwieldy and confusing, so the 2013 Legislature approved Senate Bill 5797 encouraging a workgroup of judicial officials and stakeholders that could develop an umbrella statute that could authorize all types of therapeutic courts.

The legislation authorizes any jurisdiction to establish a therapeutic court and also encouraged the use of best practices and adoption of court rules that support the new

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INFORMATION & SUPPORT

◊ Statewide Therapeutic Courts Coordinator Janet Skreen can be reached at (360) 705-5252, or by email at Janet.Skreen@courts.wa.gov.

◊ Find Washington's Therapeutic Courts Directory at www.courts.wa.gov/court_dir/?fa=court_dir.psc

◊ Visit the Web site of the Washington State Association of Drug Court Professionals at http://wsadcp.org/.

◊ Best practic standards, a new benchbook, training opportunities, research and other resources are available through the National Drug Court Institute at http://www.ndci.org/.

WASHINGTON THERAPEUTIC COURTS

To date, 24 Washington counties have established one or more therapeutic courts. Those include:

- 23 adult drug courts
- 13 juvenile drug courts
- 14 family treatment courts
- 9 mental health courts
- 6 DUI courts
- 4 veterans courts
- 2 domestic violence courts
- 11 courts with specialized calendars

For a breakdown by county, type of court and year established, visit http://www.courts.wa.gov/court_dir/problemSolving/timeline.pdf

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court model.

Clarke serves as co-chair of the workgroup along with King County District Court Judge Michael Finkle.

MORE NEWS TIDBITS

- Eight Washington drug courts are using a Drug Court Case Management system as part of a grant project focused on data collection and analysis. Another new grant will allow the system to be used in some family treatment courts in Washington.
- In 2012, the BJA adopted a resolution firmly in support of therapeutic courts, and the DMCJA formed a new therapeutic courts committee.
- In March 2013, U.S. Attorney General Eric Holder praised drug courts during a federal hearing and encouraged the expansion of their use.
- The National Drug Court Institute this year released a new judicial drug court benchbook and a new best practices guide.

A COURT BY ANY OTHER NAME

Therapeutic courts are a new enough innovation that many people inside and oustide the judicial branch are still deciding what to call them. Other names you might hear or see on documents include problem-solving court, specialty court and treatment court.

These all refer to the same model of a court that brings a non-adversarial approach to coordinating treatment and accountability for offenders who have underlying addiction and mental health problems as the primary causes of their behavior.

The group is working to draft a proposed over-arching statute by mid-Fall so it can be reviewed and finalized by the time the Legislature reconvenes in January.

"It was becoming a bit of a hodge-podge," Clarke said of current statutes. "I hope [the new statute] will be clearer and make more sense."

Losing the shoestring

Much of the activity surrounding therapeutic courts has a goal of placing these courts on firmer footing, particularly financially.

Data can help guide program choices but can also demonstrate to local, state and national budget writers that the model is worth keeping and funding. Legislation, court rules and staff support can do the same.

Island County's juvenile drug court was established with a small amount of state grant funding and "it was tough," Lively said. "We were on a shoestring and didn't know each year if we could keep going."

After about five years, the board of county commissioners approved a 1/10th of one cent mental health tax that pays for adult and juvenile drug court and family treatment court. "That has helped very much," Lively said. "We don't have to worry about our funding going away."

Funding is very much a challenge for many therapeutic courts in Washington, Clarke said.

"These are all local courts. The counties set these up," he said. "It's an incredible challenge. Local jurisdictions just don't have the dollars. Some of the courts have teetered on the edge and then get saved at the last minute."

One question for the future will be the impact of the Affordable Care Act on treatment services — will more treatment be funded? — and other questions involve the impact of best practice standards and what ongoing research reveals.

> *"Every judge sits on the bench and sees a defendant who is there because of mental health issues...You hate to put that person in jail. When they come out, you haven't changed anything."*
>
> *-- Judge Brett Buckley*

Judge Buckley of Thurston County is hoping further research can provide even more information on the best candidates for therapeutic court and which candidates are less likely to be successful. Could participants with more serious offenses be successful?

"A lot of us are operating on gut feeling, but it would be nice to have the data," he said.

Even without more data, however, he is sold on the model.

"Every judge sits on the bench and sees a defendant who is there because of mental health issues," Buckley said. "Your jail, like most, is overcrowded. You hate to put that person in there. When they come out, you haven't changed anything. Jail isn't a disincentive for people committing crimes because of mental health issues."

In his veterans court, however, defendants are accepting responsibility and working hard at getting their lives back. "People are here telling me about their appointments and their medications and their stresses. Every judge has these issues, and these courts provide one answer."

Commissions partnership, continued from Page 1

"From the outside it won't look a lot different, but internally we'll be able to look at issues facing the justice system and the people we serve more completely and not worry that we're only seeing half the picture."

Madsen – who chairs the Gender and Justice Commission (GJC) -- believes other opportunities for collaboration between other judicial branch entities will present themselves, but the two diversity commissions were a logical place to start.

For instance, when a grant opportunity arose to create two immigration bench guides for judges, members of the commissions found both gender and minority issues involved that needed addressing.

The benchbooks — focusing in civil and criminal issues – were sponsored by both commissions and published in December 2012 and July 2013. They are available on Inside Courts here: https://inside.courts.wa.gov/index.cfm?fa=cntlManuals.showManuals&manualType=jdgbench.

"That told us we were overlapping," said Myra Downing, who served as executive director of the GJC and became the new Lead of the Diversity Team staff.

In another co-sponsored project, the two commissions worked together on a "pipeline" grant focused on bringing more minority and female students into the educational pipeline toward judicial branch careers.

"We started realizing how many of our issues overlapped and we started looking at ways to pool our resources to get this work done," said Downing, who retired at the end of July, but who is remaining active in the work of the commissions through volunteering and some contract work.

Most important for the commissions, said Downing, is to avoid being compartmentalized to the point that members and staff miss the need to share expertise and to create more comprehensive solutions.

Minority and Justice Commission (MJC) Co-Chair Judge Mary Yu agrees.

(Left to right) Chief Justice Barbara Madsen, Justice Debra Stephens, Myra Downing and Thurston County Superior Court Judge Chris Wickham at a retirement gathering for Downing.

"There are various points of intersection between race and gender, so whenever we can work together to address these common issues, it is important that we do so in order to be effective," Yu said. "Sharing some staff has been a tremendous way to demonstrate good stewardship of our resources and to maintain communication between two very important commissions."

How will this work?

They sound like straight-forward goals – collaborating and coordinating – but accomplishing them is more complicated than a hand shake.

The long-time commissions are made of individual staff members and active board members from many different offices and jurisdictions trying to impact deeply complex equity problems in a tradition-bound justice system.

"We spent the last year working together and exploring ways to collaborate," Yu said. "The challenge lies in making sure that we do not overwork our staff and that we have an impact on the issues that flow from our respective missions. While race and gender may overlap in some areas, they are distinct issues that require laser-sharp strategies."

Madsen's first step was to tap Downing with the job of finding pathways between the work of the commissions, pathways that could broaden insight into common issues rather than dilute focus, as was the concern of commission members.

"It was a difficult task," said Justice Debra Stephens, a member of the MJC, speaking at Downing's retirement gathering. "Myra was asked to come in and change things without annoying anyone too much."

As with any long-standing entity, operations were well-established within the two commissions, Stephens said.

Madsen knew it was a difficult task, but said, "Myra had the skill set to do this. She can break down barriers."

Downing began as a teacher, then went on to study systems and organizations and how they can change through the people involved.

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At one point she attended a diversity training program in Chicago "that changed my life. I learned how much I didn't know," she said.

Downing came to the Administrative Office of the Courts (AOC) as an educator and took over directorship of the GJC.

After Madsen asked her to improve collaboration between the two diversity commissions, discussion soon began focusing on the role of staff members in initiating and sustaining that relationship.

"There needed to be one person who knew what was going on in both commissions," Downing said.

Team staff approach

A team approach to staffing was developed that includes one Diversity Team Lead position, a staff member dedicated to each commission, sharing of information and reports between the two commissions, working together with other boards and committees such as Research and Public Trust & Confidence, and keeping a watch for projects where issues may overlap.

A memorandum of understanding (MOU) was created to clarify roles and expectations, which include:

- **Chairs and vice-chairs** or co-chairs of the commissions will oversee and coordinate activities of the commissions as they address cultural competency, bias and inclusion;
- **Team staff members** will meet weekly to review work and challenges;
- **The Diversity Team** Lead will ensure each commission is advised of the work of the other;
- **The commissions will** share annual reports;
- **Staff will prepare** reports for the Supreme Court Administrative Committee on challenges, projects and overlapping agenda items;
- **Commission leadership will** meet twice annually with the Administrative Committee to discuss operations and identify joint projects.

With the new collaboration worked out, the commissions seem to have better communication and new energy, Stephens said.

"I think this has really set us on a good path," she said.

Downing agreed, adding there is still flexibility in how the Diversity Team Lead will function between the two commissions, leaving room for the new staff person to continue defining the role when one is appointed to replace Downing.

She hopes the new role and new relationship between the commissions will lead to a great deal of additional collaboration with school groups, prosecutors, any office or organization that has a piece of the puzzle.

"These are systemic issues," Downing said. "We can't solve these issues alone."

Gender and Justice Commission

State lawmakers in 1987 mandated the Administrative Office of the Courts (AOC) initiate measures to prevent gender and minority bias in the state court system. The Washington State Supreme Court established two task forces to conduct this work: the Gender and Justice Task Force and the Minority and Justice Task Force.

The Gender and Justice Task Force released its report regarding the extent of gender bias in the state court system in 1989. The Supreme Court appointed the Gender and Justice Implementation Committee to monitor the 75 Task Force report recommendations.

In 1994, the Supreme Court established the Gender and Justice Commission. Since then, the Court has renewed the Commission every five years with the latest order being signed March 15, 2010.

Find reports, publications, projects, membership and meeting information for the Commission at www.courts.wa.gov under "Boards and Commissions."

Minority and Justice Commission

The Washington State Minority and Justice Commission was created by the Washington Supreme Court in 1990 as successor to the 1987 Minority and Justice Task Force.

The purpose of the Minority and Justice Commission is to determine whether racial and ethnic bias exists in the courts of the State of Washington. To the extent that it exists, the Commission is charged with taking creative steps to overcome it. To the extent that such bias does not exist, the Commission is charged with taking creative steps to prevent it.

By order of the Supreme Court, the Commission was renewed for an additional period of five years until December 31, 2015.

Find reports, publications, projects, membership and meeting information on the Commission at www.courts.wa.gov under "Boards and Commissions."

Behind the birth of an (unplanned) benchbook

By Judge Linda Portnoy

A funny thing happened on the way to the judges' DUI Benchbook update…the new Traffic Stops Bench Book was born!

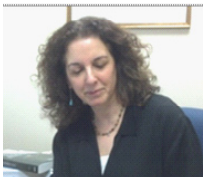
In 2012, the Washington Traffic Safety Commission received funds from the National Highway Traffic Safety Administration to update the judges' outdated 2004 DUI Benchbook. I was brought on as the editor and I put together a great editorial board, including the honorable Jeff Jahns, Kitsap County District Court judge.

I asked Judge Jahns because he is an expert on DUI law and all things "traffic". He is also known in the DMCJA as a go-to judge for questions on search and seizure. When I recruited him to be on the DUI Benchbook editorial board, I asked him to author a new chapter on traffic stops. I envisioned just a simple and basic chapter on traffic stops in Washington with some caselaw on the stops leading up to a DUI investigation.

With his usual enthusiasm for work and traffic law, Judge Jahns volunteered to write 5 chapters in all, including the traffic stops chapter. He kept me up to date on his progress on the traffic stops chapter, letting me know it was "coming along" but might be a "little longer" than originally requested.

Well, 20 pages grew to 50…50 pages grew to 100 and I thought he was kidding when he finally told me it was complete, at 297 pages. You cannot image my reaction to receiving one chapter as big as the entire planned book!

I quickly contacted AOC and asked if they might like a new bench book on Traffic Stops in Washington and thank goodness, they replied with an enthusiastic "yes." The good news for our judiciary is we are all now the recipients of a fully electronic, well-organized and easy to use treatment of Washington search and seizure law.



Lake Forest Park Municipal Court Judge Linda Portnoy

The new Traffic Stops Bench Book is truly a comprehensive textbook on Washington search and seizure law. Within its 32 chapters, Judge Jahns starts with preliminary issues regarding suppression hearings, including burdens of proof and standings and concludes with a detailed exposition of Washington's Exclusionary Rule.

In between, the book includes most every aspect of search and seizure law, including complex areas like social and consensual contacts and community caretaking function contacts. A full 13 chapters are devoted to warrantless Terry_stops. These chapters cover most every aspect of warrantless stops in most every conceivable situation and so much more than the initial stop by the police, such as warrantless custodial arrest, warrantless searches incident to arrest and consent to a warrantless vehicle search.

There is also a comprehensive treatment of warrantless vehicle impounds and inventory searches as well.

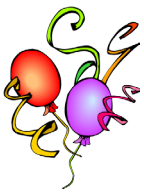
This is a fully electronic book, which means a judge can click on a case and open it in Westlaw or travel with a click of the mouse from the table of contents right to the section needed. Judge Jahns has created a superb resource for Washington judges.

Other benchbooks in the news

In addiition to the new Traffic Stops in Washington benchbook, new or recently updated judicial benchbooks now available include:

- **The Sexual Offense Bench Guide** published by the Gender and Justice Commission in July 2013. The Guide includes several legislative updates from its release at the SCJA Spring Conference.
- **Immigration Resource Guide** for Judges, July 2013, co-produced by the Minority & Justice and the Gender & Justice commissions.
- **Criminal Caselaw Notebook** by Judge Ronald Kessler, updated February 2013.
- **Foreclosure Manual for Washington Judges**, published by Washington Appleseed, April 2013.
- An updated edition of the **DUI Benchbook** is expected to be complete by late Fall. Judicials officers working on the benchbook include Linda Portnoy, Nathaniel Green, Jeffrey Jahns, Shelley Szambelan, Jim Hurson, Marcine Anderson, Peter Strow, David Steiner and Rich Melnick.

All benchbooks can be found on Inside Courts at https://inside.courts.wa.gov/ under "Judges Resources" and "Benchbooks."



National Adoption Day 2013: Get ready for fun!

WHAT: National Adoption Day is a local, state and national celebration of foster adoption in which courts and adoption workers collaborate and open their doors to the community and media while families welcome new members.

WHEN: National Adoption Day 2013 is scheduled for Nov. 22 in Washington courts, though courts are welcome to celebrate at any day and time that works for their community.

WHY: The goal is to raise awareness of the many foster children available for adoption and to reduce the time they spend waiting to be part of a family.

IT WORKS: Since Washington courts began celebrating statewide in 2005, more than 1,300 foster children have been adopted during these fun and important community events.

WE CAN HELP YOU CELEBRATE:

♦ The Washing State National Adoption Day Steering Committee, chaired by King County Superior Court Judge Dean Lum, c**an help courts get connected with local adoption workers and families** willing to adopt during community celebrations, coordinate media outreach for your event and help link you to other resources;

♦ The new Washington State National Adoption Day **Web site** provides background, planning tips, media information, brochures & signs, and much more. Find it at at www.courts.wa.gov/newsinfo/adoptionDay/?fa=adoptionDay.home

♦ IF YOU'RE PLANNING ON OR THINKING of celebrating this year, **please contact Lorrie Thompson at Lorrie.Thompson@courts.wa.gov** to be placed on an email list for regular information updates and to get any questions answered.

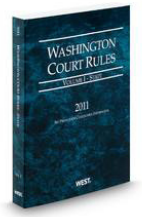
Parents and children celebrate after foster adoptions are finalized at Lewis County Superior Court in November 2012.

Lewis County adoptive families and Judge James Lawler (far right) gather for a group photo following the adoption of eight former foster children into new families during Lewis County Superior Court's 2012 National Adoption Day celebration on Nov. 16.

News Briefs

King County District Court is moving into newly-remodeled space at the Maleng Regional Justice Center (MRJC) in Kent, which includes five new courtrooms and an expanded court clerk's office. The move will allow the district court to achieve a long-term goal of consolidating services in Kent. The new courtrooms and clerk's office open for business on September 9.

District Court will use the new space at the MRJC to address criminal and civil matters filed with the court, including misdemeanor and gross misdemeanor criminal cases, anti-harassment orders, domestic violence protection orders, name changes, felony and misdemeanor preliminary hearings, and search warrants.



The Washington Supreme Court in July adopted a comment to the Rules of Professional Conduct 4.4, stating that a lawyer should not use a person's immigration status to intimidate or obstruct their participation in a civil case. The Comment is intended to address a gap in Washington's ethics laws by providing clear guidance to lawyers as to what is and is not permitted in civil litigation involving individuals who are unauthorized immigrants or perceived to be so. The guidance is meant to protect access to the civil justice system regardless of a person's immigration status or ethnicity. For information on this or any change or proposed changes to court rules, visit www.courts.wa.gov/court_rules/.

The Washington State Law Library launched a redesigned Web site this summer that allows visitors to search the library's catalog, chat with law library staff members, submit reference questions, request documents, research online legal resources, take a photo tour and more. Visit the Web site at http://www.courts.wa.gov/library/?fa=library.home

Civil pattern jury instructions have been updated for 2013 by the Washington Pattern Instruction Committee (WPIC). Updates include the addition of three new chapters (involving legal malpractice, negiligent representation and civil rights--conditions of confinement), as well full revisions of five chapters and one appendix.

The instructions are available on Inside Courts at https://inside.courts.wa.gov/index.cfm?fa=controller.showPage&folder=judgesResources&file=juryInstructions.

A new online research tool, The Chronological Sentencing Reform Act (SRA), has been complied by Court of Appeals Div. II Commissioner Eric B. Schmidt. The tool is intended to make it easier to determine the version of the SRA in effect on any given date. Users can click on a date range and be taken to the version of the SRA in effect during that date range, including all amendments effective at the beginning of that date range.

Each version of the SRA has a table of contents and has internal links to make navigating easier. Each section in each version of the SRA is followed by a citation to the session law that amended that section for the applicable date range.

While efforts have been made to make this research tool as accurate as feasible, it is not an official source that can be cited to the trial or appellate courts. For more information, visit http://www.courts.wa.gov/sra/

People in the News

Fife Municipal Court **Judge Kevin G. Ringus** was appointed in July to serve as co-chair of the state Board for Judicial Administration (BJA), a representative body of judges that provides a voice for the courts and develops policies to enhance the administration of justice in Washington. Ringus was appointedby a vote of BJA members to serve as co-chair — also called "member chair" — from 2013 to 2015 alongside Washington Supreme Court Chief Justice Barbara Madsen.

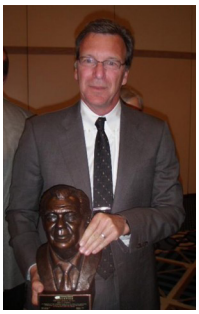
Ringus stands between former Chief Justice Gerry Alexander and current Chief Justice Barbara Madsen during a CLJ swearing in ceremony in 2009 in Olympia.

Ringus has been presiding judge of Fife Municipal Court for 18 years, has served on the board of the District and Municipal Court Judges' Association (DMCJA) and on several committees and workgroups for the DMCJA. He has served as a board member of the BJA and on several of its committees, including the Public Trust & Confidence Committee and the Regional Courts Workgroup.

"I am both honored and humbled to be chosen by my fellow BJA members as co-chair of this active and dedicated board," Ringus said. "I believe it speaks well of our efforts as a judiciary to speak with one voice and of the BJA to select the first part-time municipal court judge to serve as co-chair. I look forward to helping guide these efforts for the next two years."

Washington Governor Jay Inslee in July appointed attorney **Bradley Maxa** to the Court of Appeals, Division II. Maxa replaces retiring COA Judge Marywave Van Deren.

An attorney for 28 years with Gordon Thomas Honeywell in Tacoma, Maxa specialized in appellate advocacy as well as litigation. He is on the board of directors of the Foundation for Washington State Courts and was president of Washington Defense Trial Lawyers from 2001-2002. "Brad is an excellent attorney as well as a nice person, and he is universally respected throughout the legal community," said COA Div II Chief Judge Lisa Worswick.



Rick Friedman

The Washington State Association for Justice has named its Trial Lawyer of the Year Award after retired Supreme Court **Justice Tom Chambers**. The first Tom Chambers Trial Lawyer of the Year Award was presented on July 26 to **attorney Rick Friedman**, who said that he hoped he could do justice to the example set by Chambers.

Tom Chambers holds the award that bears his name.

"I had tears in my eyes," Chambers said in his personal blog post about the award night. "I have a big ego. The mere fact I thought I was qualified to serve on my State's highest court tells me I have a big ego. But even I am humbled by the thought that for decades to come my name and image will be part of the prestigious WSAJ Trial Lawyer of the Year Award. There is no greater honor that WSAJ could have bestowed upon me."

Chambers was thrilled with the choice of Friedman for the first award in his name. "Rick Friedman has time and time again used the law and the courtroom to bring big corporations to their knees, acknowledge they have been cheating the little guy, and agree to stop. His accomplishments and his character bring honor to all trial lawyers. Like me, he is not a table banger but a mild mannered regular guy who is driven to see justice done."

Justice Chambers' blog can be found at http://tomchambers.com/category/blog-post/