

Washington State Supreme Court Gender and Justice Commission

Friday, January 31st, 2020

8:45 AM – 12:00 PM

AOC SeaTac Facility



GENDER AND JUSTICE COMMISSION

AOC SEATAC FACILITY

FRIDAY, JANUARY 31 (8:45 AM – NOON)
 JUSTICE SHERYL GORDON MCCLOUD, CHAIR
 JUDGE MARILYN PAJA, VICE CHAIR

Agenda

Page

8:45AM – 9:00 AM CALL TO ORDER & WELCOME

- Welcome Justice Sheryl Gordon McCloud
Commission Chair
 - Introduction of new Gonzaga Law Student
Liaison, Renée Pilch
- Approval of November 1st Meeting Minutes 1

9:00 – 10:30 AM COMMITTEE AND PROJECT UPDATES

- **Immigration Enforcement at Courthouses** 10
 - Letter submitted commenting on proposed rule Judge Marilyn Paja, Judge
Jackie Shea-Brown & Ms. Riddhi
Mukhopadhyay
- **MJC-GJC Symposium** Justice Gordon McCloud
 - Symposium scheduled for June 3rd
 - Proposed Topic: the increase in incarceration
rates of women and girls of color
 - Planning committee members needed
- **Tribal State Court Consortium** Chief Judge Cindy K. Smith,
Co-Chair
 - Planning for Regional Meeting
 - Work Group Updates
- **Superior Court Judges' Association's Self-
represented Litigant Ad-Hoc Workgroup** Professor Gail Hammer
 - Report on purpose of group, work to date
- **Education Committee** Judge Rich Melnick,
Judge Rebecca Glasgow &
Committee
 - Recent programs
 - Judicial College
 - New session proposals submitted
 - Annual Fall Judicial Conference 14
 - Law, Justice, and the Holocaust:
How the Courts Failed Germany



GENDER AND JUSTICE COMMISSION

AOC SEATAC FACILITY

FRIDAY, JANUARY 31 (8:45 AM – NOON)
 JUSTICE SHERYL GORDON MCCLOUD, CHAIR
 JUDGE MARILYN PAJA, VICE CHAIR

Agenda

Page

- Sex Harassment at the Courthouse:
How to Be a Part of the Solution
and Not the Problem
- Law, Language, and Power: An
Exploration of Discrimination and
Tribal Jurisdiction in the Pacific
Northwest
- › Planning in progress
 - Appellate Program
 - Myths and Misperceptions about
Native Americans: What Every
Judge Should Know (with MJC)
 - SCJA Spring Program
 - Tribal Court Jurisdiction
 - New SCJA liaison
 - DMCJA Spring Program
 - Implementing Changes in Weapons
Surrender Laws in Your Jurisdiction
 - Poverty Simulation (with MJC)

➤ **Communications Committee**

- › 3rd Annual Women’s History Month CLE
- › 2017-2019 Commission Report

Judge Marilyn Paja &
Committee

➤ **Incarceration, Gender & Justice Committee**

- › Update on issues with legal resource
computer

Ms. Elizabeth Hendren
& Committee

➤ **Liaison & Representative Reports**

- › Access to Justice Board
- › Law Library

Mr. Sal Mungia
Ms. Laura Edmonston

10:30 AM – 10:45 AM **BREAK**

10:45 AM – 11:30 AM **COMMITTEE AND PROJECT UPDATES, Continued**



GENDER AND JUSTICE COMMISSION

AOC SEATAC FACILITY

FRIDAY, JANUARY 31 (8:45 AM – NOON)
JUSTICE SHERYL GORDON MCCLOUD, CHAIR
JUDGE MARILYN PAJA, VICE CHAIR

Agenda		Page
<ul style="list-style-type: none"> ➤ Domestic & Sexual Violence Committee <ul style="list-style-type: none"> ➤ Update on committee projects 	Judge Jackie Shea-Brown, Ms. Erin Moody & Committee	
<ul style="list-style-type: none"> ➤ E2SHB 1517 DV Workgroups <ul style="list-style-type: none"> ➤ Report on recent meetings, progress 	Judge Eric Lucas & Judge Marilyn Paja	26
<ul style="list-style-type: none"> ➤ Gender & Justice Study Task Force <ul style="list-style-type: none"> ➤ Pilot project implementation ➤ Update on research, new partners 	Justice Sheryl Gordon McCloud, Dr. Dana Raigrodski &	27
<ul style="list-style-type: none"> ➤ Legislative Session <ul style="list-style-type: none"> ➤ Bills of interest 	All	
<ul style="list-style-type: none"> ➤ Announcements: Events, Projects of Interest 	All	
11:30 AM – 12:00 PM CHAIR AND STAFF REPORTS		
<ul style="list-style-type: none"> ➤ Chair Report <ul style="list-style-type: none"> ➤ Anti-Harassment Model Policy - Presentation to BJA on 2/21 ➤ Commission Order of Renewal ➤ Meeting location 	Justice Sheryl Gordon McCloud	
<ul style="list-style-type: none"> ➤ Vice Chair Report 	Judge Marilyn Paja	
<ul style="list-style-type: none"> ➤ Staff Report <ul style="list-style-type: none"> ➤ Next meeting is March 27, 2020 	Ms. Kelley Amburgey-Richardson	
APPENDIX		
<ul style="list-style-type: none"> ➤ GJCOM Budgets 		29
<ul style="list-style-type: none"> ➤ 2020 Gender & Justice Meeting Dates 		31



Gender and Justice Commission
Friday, November 1, 2019
8:45 AM – 12 PM
AOC SeaTac Office
18000 International Blvd., Suite 1106, SeaTac, WA
Teleconference: 1-877-820-7831
Passcode: 904811#

MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Chair)
Judge Marilyn Paja (Vice Chair)
Judge Anita Crawford-Willis
Ms. Laura Edmonston (phone)
Ms. Gail Hammer (phone)
Ms. Elizabeth Hendren
Judge Rebecca Glasgow
Justice Steven González
Ms. Heather McKimmie
Ms. Erin Moody
Judge Rich Melnick
Ms. Riddhi Mukhopadhyay (phone)
Mr. Sal Mungia
Dr. Dana Raigrodski
Judge Jackie Shea-Brown (phone)
Judge Cindy K. Smith
Ms. Stephanie Verdoia
Ms. Vicky Vreeland

Guests

Danny Waxwing

Staff

Ms. Kelley Amburgey-Richardson
Ms. Cynthia Delostrinos
Ms. Moriah Freed
Ms. Sierra Rotakhina

Members & Liaisons Absent

Ms. Josie Delvin
Ms. Grace Huang
Judge Eric Lucas
Ms. Annalisa Mai
Judge Maureen McKee
Ms. Jennifer Ritchie
Ms. Sonia Rodriguez True
Ms. Elaine Kissel
Ms. Eleanor Lyon

WELCOME AND ANNOUNCEMENTS

Welcome and Call to Order

The meeting was called to order at 8:59 AM

- Justice Sheryl Gordon McCloud welcomed attendees and members introduced themselves.

Congratulations!

- Judge Marilyn Paja received the 2019 Chief Justice Mary Fairhurst Passing the Torch Award from Washington Women Lawyers for her efforts to increase diversity in the Judiciary.
- David Ward, former Commission member, was also honored at the WWL event for his work supporting education and advocacy in the area of LGBTQ rights.

September 6, 2019 Meeting Minutes

The meeting minutes were approved as presented.

COMMITTEE AND PROJECT UPDATES

Immigration Enforcement at Courthouses – Judge Shea-Brown, Judge Paja, Ms. Mukhopadhyay

Proposed Rule Change Ad-Hoc Committee Report

- There has been a push for a court rule to expand on Chief Justice Fairhurst’s letter concerning ICE civil arrests at courthouses.
- Volunteers from the Gender and Justice and Minority and Justice Commissions held a call to discuss this issue and proposed court rules.
- The committee discussed what is considered a courthouse. In some situations, legal proceedings may be held in libraries, community centers, and multi-use office spaces.
- Concerns surrounding travel to and from courthouses were discussed.
- Those involved are looking forward to seeing the final draft of the rule. It was a community wide effort. Thanks to the Commission for quickly taking up the letter of support for expediting the court rule process.
- From a provider’s perspective, Northwest Justice Project and Defender Associations will still be clear and consistent with clients about immigration consequences and the reality of the situation.

Letter in Support of Expedited Timeline for GR9 Petitions

- The letter to support an expedited timeline was signed by the Gender & Justice Commission, Minority & Justice Commission, and the Access to Justice Board.
- Justice Gordon McCloud informed the Commission that the Rules Committee voted to recommend the rule be published in an expedited manner. A vote will be on the full Court’s agenda the week of 11/6.

ACTION: The Ad-hoc Committee will continue to monitor the issue and report back to the Commission.

Liaison & Representative Reports

Access to Justice Board – Mr. Sal Mungia

- Judge Laura Bradley will be the new Chair starting October 2020. Mr. Mungia hopes to remain our liaison but it will be up to Judge Bradley to appoint one.

- Updated technology principles have been sent to the Washington Supreme Court for review.

Washington Women Lawyers – Ms. Jennifer Ritchie

- Ms. Ritchie was unable to attend today’s meeting. Ms. Amburgey-Richardson shared upcoming WWL events from Ms. Ritchie via email.

Law Library – Ms. Laura Edmonston

- Ms. Edmonston completed a summary on a restorative justice and DV study for the GJ Study and HB 1517 work groups.
- The October news roundup was just finished. It will be distributed soon.

Education Committee – Judge Melnick, Judge Glasgow & Committee

Annual Fall Judicial Conference

- The Commission sponsored three sessions at the conference, in addition to the keynote speech by Judge Xiomara Torres from Multnomah County Circuit Court
- The Commission sponsored the following sessions at the conference, which all received positive feedback:
 - The Crisis of Missing & Murdered Indigenous Women and Girls (with TSCC)
 - Cruel and Unusual Punishment: Youth, Race, and the Law (with MJC)
 - Bail Reform: Why It’s Needed, How to Do It (with MJC)
- An issue arose with two of the sessions. Gender related content was not incorporated and the Gender and Justice Commission not properly recognized as co-sponsoring the sessions. Discussed the need to be conscious of this during planning co-sponsored sessions in the future.

New Session Proposals Submitted

- SCJA Spring Program
 - The SCJA Education Committee did not select any of the session proposals we submitted. Their feedback was that they had heard two of the topics recently, and that the third would be better for the Administrators or Fall Conference.
 - They are interested in the Weapons Surrender session for 2021.
 - There might be an opportunity to sponsor an accepted session that was submitted by someone else on Tribal Court Jurisdiction. Ms. Amburgey-Richardson will work with AOC Educators on this and coordinate with the Education Committee.
 - Commissioners disagreed with the SCJA’s decision not to accept the proposals, particularly the Sexual Harassment session, which is a relevant topic for all courts.
 - Discussed the SCJA’s topic rotation – which topics are considered core and which are every other year.
 - Discussed following up with SCJA Ed. Committee Chairs to find out more about why sessions weren’t accepted. Judges Melnick and Glasgow will follow-up.

- AWSCA Spring Program
 - We submitted a session on Sex Harassment and Liability. The Committee has not made its selections yet.
- DMCJA Spring Program
 - Two of the three submitted proposals were selected
 - Implementing Changes in Weapons Surrender Laws in Your Jurisdiction was selected.
 - Poverty Simulation (with MJC) was selected.
 - Sexual Exploitation and Trauma Informed Courts was not selected. No feedback has been received.
- Appellate Program
 - G&J and M&J Commissions have discussed sponsoring a session on a book, which the Appellate Judges would all read.
 - *All the Real Indians Have Died Off...and 20 Other Myths About Native Americans* author would present a session. Working on logistics of sponsorship and travel.
- Traveling Court Proposal
 - Justice González proposed holding a discussion forum during traveling court at the University of Washington. It would give students entering the field of law an opportunity to speak to the Justices about their concerns and questions surrounding gender and the legal community. There would be time during the 1:30-3:30 time slot on February 19th.
 - Ms. Veroida, UW Liaison, is willing to work on this. Education Committee will discuss at its upcoming phone meeting.

Communications Committee – Judge Paja & Committee

One Pager

- Staff worked with the AOC Communications Section to develop a new one-pager for outreach. Copies can be provided to anyone attending an event where they would like to do outreach about the Commission.
- Justice Gordon McCloud thinks this is a great resource.
- Staff will bring copies to the next meeting for members.

3rd Annual Women’s History Month CLE

- This will be another partnership with WSBA, WWL, NAWJ, and the Washington State Women’s Commission.
- In order to attract and accommodate a bigger audience, WSBA is looking at holding the event at UW Tacoma.
- The planning committee is considering March 3rd as the event date.

Incarceration, Gender & Justice Committee – Ms. Hendren & Committee

Success Inside & Out Conference

- Success Inside & Out was held on October 10th and 11th at Mission Creek Corrections Center for Women.
- Commission members participated in a reentry resources tabling event and, along with NAWJ members, facilitated roundtable discussions with incarcerated women about legal issues of interest to them.
- The Commission supported the event by providing travel reimbursement to a group of formerly incarcerated women who spoke on a panel, and to judicial officers.

Legal Resource Computer

- Ms. Hendren provided the Commission with a written memo on the status of the Mission Creek legal resource computer.
- Ms. Hendren wants to circle back with DOC to get the computer working, clarify rules of use, and bring a legal resource computer to minimum security men’s facilities.
- Discussed possibility of requesting audit every few months and/or requesting meeting with Superintendent.

New Committee Name

- The Committee’s name has been changed from Incarcerated Women & Girls to Incarceration, Gender & Justice after thoughtful consideration. The change is to be inclusive of incarcerated transgender individuals and other gender-related justice issues, such as reentry.

ACTION: IG&J Committee discuss at its meeting how to follow up with Mission Creek and other entities to find a solution to get the legal resource computer working.

GUEST SPEAKERS - DISABILITY RIGHTS WASHINGTON

Disability Rights Washington – Heather McKimmie

- DRW is a private non-profit organization that protects the rights of people with disabilities statewide. Their mission is to advance the dignity, equality, and self-determination of people with disabilities. They work to pursue justice on matters related to human and legal rights.
- The AVID (Amplifying Voices of Inmates with Disabilities) Program focuses on improving conditions, treatment, services, and reentry for people with disabilities who are incarcerated in our state’s jails and prisons, as well as those who reside at the Special Commitment Center. AVID works to ensure that those who are reentering the community have their voices heard and their rights protected.
- They are able to tour/monitor facilities in person and access needed records to facilitate this work.

Trans in Prison Justice Project - Danny Waxwing

- Danny Waxwing’s work at Disability Rights Washington focuses on transgender prisoners. His presentation provided an overview of his research.

- Some of the main issues facing transgender prisoners are housing and lack of medical and mental health care.
 - Trans women being housed in men’s facilities
 - Ex. Trans women unable to get proper undergarments in men’s facilities
 - Difficult to access to hormone replacement therapy, gender affirming surgery, even though it is covered by Medicaid in Washington.
- Has developed an extensive interview process with trans prisoners willing to talk about their experiences.
 - 33 interviews so far, more scheduled before the end of the year.
- Prison Rape Elimination Act (PREA) issues
 - PREA requires case-by-case determination about housing, but this does not happen in practice.
 - PREA prohibits cross-gender strip searches.
 - WA requires gender affirming surgery for a trans woman to be placed in a women’s facility. This means trans women in men’s facilities are subject to cross-gender strip searches.
- The new Washington Transgender Prisoner Policy/Program is not under Gender Responsive Programming
 - It seems to be the norm that transgender programs are left out of general gender programs and are stand-alone.
- Pro se petitioners cannot access the courts in certain counties
 - There is no statewide court rule – this is jurisdiction specific.
 - Certain counties require documents to be filed in-person. Without a lawyer to appear on their behalf, an incarcerated person cannot access the courts, such as for a name change.
 - The Attorney General’s Office has shown interest in the name change issue, partly because some counties also ask about citizenship status.
 - GR 34 (fee waiver) issue – some counties are applying certain fees, such as an auditor’s recording fee, even when court filing fees are waived. This further increases barriers to court access.

ACTION: The Gender Justice Study Task Force would like to include the data gathered in transgender prisoner interviews in its report. DRW will share when it is compiled.

COMMITTEE AND PROJECT UPDATES, continued

Domestic & Sexual Violence Committee – Judge Shea-Brown, Ms. Moody, & Committee

Update on Weapons Surrender Projects

- The DSV Committee worked with the Education Committee to develop the Weapons Surrender proposals for the spring judicial conferences. They will continue to help develop the program that was selected by DMCJA.
- The Committee is also working to finalize the weapons surrender bench card.

- They are seeking to expedite the bench card for inclusion at 2020 programs. The plan is to have a card for the ex parte hearing, one for full hearing, one for compliance hearing.
- The ex-parte bench card is close to ready for distribution and the others should be in the next few weeks.
- The Committee Co-Chairs are discussing other ways to distribute information about implementing the new laws to judicial officers outside of education sessions.
- A weapons surrender resources clearinghouse was proposed.
 - A possible newsletter that could provide information and model answers to common questions.
 - The goal is to provide guidance not mandates.
 - Work with judicial experts on these issues statewide.

ACTION: Continue to develop clearinghouse idea to propose to the Gender and Justice Commission once it is more clearly defined.

Model Anti-Harassment Policy Committee – Ms. Moody

- The Committee has developed a draft policy, with input from attorney experts. Input is needed from the Commission.
- Received and incorporated feedback from an employer side attorney and an employee side attorney.
 - There was a big difference in types of feedback received from the two perspectives. Tried to balance this in incorporating it.
- Justice González asked that members use different lenses while reviewing the policy: liability protection, due process, worker protection.
- Discussed scope of policy and language used. A few members expressed disagreement about some language used, but supported moving the policy forward.
- The final draft will be need to be delivered to the Board for Judicial Administration (BJA), which charged the Commission with drafting it, for approval.
- Commission members voted to approve the following plan:
 - Commission members review and send any final feedback to Ms. Moody by 11/8.
 - Ms. Moody and Committee review and incorporate feedback, at their discretion.
 - Committee provides final draft policy to Commission Chairs, for final approval to deliver to the BJA.

ACTION: Review and send any feedback on the draft model policy to Ms. Moody by 11/8.

E2SHB 1517 DV Workgroups – Judge Lucas and Judge Paja

- A written report from the work groups is included in the meeting packet.

Gender Justice Study Task Force – Justice Gordon McCloud, Dr. Raigrodski, Ms. Rotakhina

Advisory Committee and Task Force Meetings

- The Advisory Committee convened for its first meeting on September 18th. Committee members heard presentations on the research to date and pilot project proposals. They made recommendations about which pilot projects to move forward with at this time.
- The Task Force met on September 26th and also heard pilot project proposal presentations. They, too, made recommendations about which pilot projects to move forward with at this time.

Update on Pilot Project Selection

- After these meetings, the Task Force Co-Chairs worked with staff to answer the remaining questions about scope and cost of the pilots proposed.
- Justice Gordon McCloud and Dr. Raigrodski decided to move forward with the following pilot projects:
 - Mass Incarceration of Women
 - DV Perpetrator Treatment – DV MRT Evaluation
 - Harassment Survey
 - Evaluation of Courthouse Childcare Centers
 - UW School of Public Health will be doing this pilot as part of their master’s program.
- The Co-Chairs decided to move forward with an analysis of existing jury summons data by gender as a research component rather than its own pilot project.
- Research on the 27 priority areas is moving forward. Still seeking leads for some research areas.

Tribal State Court Consortium – Chief Judge Smith and Ms. Cynthia Delostrinos

Annual Meeting

- The Annual Meeting was held on September 23rd, the first day of Fall Conference. There was record attendance, with 34 people at the meeting!
- Speakers Annita Lucchesi and Sheldon Spotted Elk were well received.
- The Court Rule 82.5 workgroup's amendments to increase communication between tribal and state court judges passed and is now effective.
- New workgroups are forming and first dates for workgroup meetings are being set.
- The meeting had two guest speakers, Annita Lucchesi from Sovereign Bodies Institute and Sheldon Spotted Elk from Casey Family Programs. They focused on the large numbers of Native children in foster care, ICWA Courts, and missing and murdered indigenous women and girls.
- It was moving to see how the Consortium’s work ripples out to other states and communities.
 - A tribal-state-federal consortium could be a future step.

Other Updates

- The 2020 Regional Meeting will be held on March 30th or May 15th.
- Chief Judge Smith and Ms. Delostrinos expressed how helpful it is to have Ms. Kathryn Akeah on board to staff the TSCC.

- We are really able to move the work forward in a different way.
- Ms. Akeah was able to bring information about Tribal Courts to the New Employee Orientation discussion at AOC.
- Congress passed a law that Federal District Courts should be training attorneys about tribal courts. There is funding. Chief Judge Smith and Justice Gordon McCloud had a call with Cynthia Jones who is the 9th Circuit attorney representative about opportunities for collaboration.

Judicial Officer & Law Student Reception – Ms. Vreeland and Ms. Amburgey-Richardson

- This year’s event will take place on November 15th from 5pm – 7pm at Gonzaga School of Law.
- Additional information and a link to RSVP was sent out to the Commission via email.

CHAIR AND STAFF REPORTS

Chair Report – Justice Gordon McCloud

- The Commission is co-hosting an appreciation event for Chief Justice Fairhurst on December 18th. It will be from 3 – 8pm at the Temple of Justice. The event is open to anyone who has served on a committee with the Chief.

Vice Chair Report – Judge Paja

- The Commission sent a letter to NAWJ to update them about our progress on the study. This letter is on page 41 of the packet.

Staff Report – Ms. Amburgey-Richardson

- Ms. Amburgey-Richardson thanked the Commission for their understanding and support while she was on leave.
- The next Commission meeting is on January 31, 2020.

The meeting was adjourned at 12:00 pm

Washington State Supreme Court Gender and Justice Commission

COMMISSION MEMBERS

January 27, 2020

Honorable Sheryl Gordon McCloud, Chair
Washington State Supreme Court

Honorable Marilyn G. Paja, Vice Chair
Kitsap County District Court

Honorable Anita Crawford-Willis
Seattle Municipal Court

Honorable Josie Delvin
Benton County Clerk

Honorable Rebecca Glasgow
Court of Appeals, Division II

Honorable Steve González
Washington State Supreme Court

Ms. Gail Hammer
Gonzaga University School of Law

Ms. Elizabeth Hendren
Northwest Justice Project

Ms. Grace Huang
API Institute on Gender-Based Violence

Honorable Eric Z. Lucas
Snohomish County Superior Court

Honorable Maureen McKee
King County Superior Court

Ms. Heather McKimmie
Disability Rights Washington

Honorable Rich Melnick
Court of Appeals, Division II

Ms. Erin Moody
Eleemosynary Legal Services

Ms. Riddhi Mukhopadhyay
Sexual Violence Law Center

Dr. Dana Raigrodski
University of Washington School of Law

Ms. Jennifer Ritchie
Washington Women Lawyers

Honorable Jacqueline Shea-Brown
Benton Franklin Superior Courts

Honorable Cindy K. Smith
Suquamish Tribal Court

Ms. Sonia M. Rodriguez True
True Law Group. P.S.

Ms. Victoria L. Vreeland
Vreeland Law PLLC

By Email and 1st Class U.S. Mail

Susan L. Carlson
Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
supreme@courts.wa.gov

Dear Madame Clerk,

On behalf of the Washington State Gender and Justice Commission (GJC), please accept the following comments to the proposed new Washington State Court Rule GR 38, published for comment in November 2019. After extensive and collegial discussion with the proponents of the rule, as well as our fellow judicial branch commissions (Washington State Minority and Justice Commission, Washington State Interpreter Commission) hereafter, together “Commissions” and the Washington State Access to Justice Board, hereafter “Board,” this letter is sent on behalf of the Washington State Gender and Justice Commission.

The Washington State Gender and Justice Commission supports adoption of this Court rule, with consideration of certain amendments discussed below. Together with the Commissions and the Board, the GJC believes that the adoption of this Court rule is necessary to the fundamental mission of our organizations to protect the access of all persons to our State Courts, where the vast majority of justice is sought and achieved in this State.

The Commissions and the Board believe that the failure to enact such a rule would weaken our system of justice, close the doors to the most vulnerable, make our communities less safe, and pervert the fair and equal treatment of all, to which we all aspire.

About the Gender and Justice Commission

The Washington State Supreme Court established the Gender and Justice Commission (hereafter GJC) in 1987 with the mission to promote gender equality in the judicial system through several means including the development of leadership to help implement effective policy throughout the courts.

Since inception, the GJC has recognized the disproportionate representation of women and minorities as victims of domestic violence with great needs for access to the courts. The State Supreme Court has unanimously renewed the order of establishment of the GJC every five years since enactment. Commission members include a broad network of national, state, and local partners to coordinate the advancement of gender equity and justice through education, research, coordination and a clear understanding of the practices that inhibit gender equity.

For immigrant victims, the lack of secure immigration status negatively influences immigrant victims' willingness to seek law enforcement, social service, and legal interventions (Reina, A., Lohman, B., and Maldonado, M., (2014). "He Said They'd Deport Me": Factors Influencing Domestic Violence Help-Seeking Practices Among Latina Immigrants *Journal of Interpersonal Violence*, 29(4), 593–615). According to survey results compiled by seven nationwide domestic and sexual violence organizations of 575 victim advocates and attorneys across the country during April and May 2019, including advocates and attorneys from seven counties in Washington, 76% nationally reported they were working with survivors who reported they had concerns about attending court in matters related to their abusers.

Here in Washington State, 91% of responding victim advocates reported they were working with survivors who had concerns attending court. The survey further revealed that 52% of advocates nationally, and 46% of advocates in Washington have worked with immigrant survivors who decided to drop civil or criminal cases because they were fearful to continue with their cases. (Asian Pacific Institute on Gender-Based Violence, et al, "May 2019 Findings: Immigrant Survivors Fear Reporting Violence," available at: <https://www.api-gbv.org/resources/may-2019-advocate-legal-services-findings-immigrant-survivors-fear-reporting-violence/>)

Comments

Procedural, Legal and Factual Background

The Supreme Court is of course well aware that twice in the last several years, the Chief Justice of the Washington State Supreme Court wrote the leadership of the United States Department of Homeland Security (DHS) to express the Court's concern about immigration officers and agents taking enforcement action in and around our State's courthouses.

The Chief Justice respectfully asked DHS to mitigate enforcement actions in and around our local courthouses and asked DHS to designate the courthouses and their immediate vicinities as "sensitive locations." On November 21, 2019, U.S. Attorney General Bill Barr and the Acting Secretary of DHS wrote the Chief Justices Of Washington and Oregon, advising that, under the Supremacy Clause of the United States Constitution, court rules "cannot and will not govern the conduct of federal officers" and urged the Chief Justices to "reconsider these misguided rules."

Contrary to the position of Attorney General Barr however, two federal district courts this year have held that the common law privilege to be free from civil arrests while at court or while travelling to and from courthouses, upon which the instant rule is based, is "still operative" and "applies" to immigration civil arrests. *See State of New York et al. v. U.S. ICE et. al*, No. 19-cv-8876, (S.D.N.Y., Order of December 19, 2019).

One of these federal district courts has granted a preliminary injunction, enjoining DHS from “civilly arresting parties, witnesses, and others attending Massachusetts courthouses on official business while they are going to, attending, or leaving the courthouse.” *See Ryan et. al. v. U.S. ICE et al.*, No. 19-cv-11003 (D.MA., Order of June 20, 2019).

Finally, there is no factual dispute: Immigration-related civil arrests have been occurring at or near our state courthouses regularly and that the effect on our immigrant communities has been profound. To take but one example of the type of litigants who are being excluded from our courts: immigrant victims are unwilling to seek the protection or services of the courts; immigrant victims are unwilling to report crimes; and immigrant victims and others are unwilling to serve as witnesses. This type of enforcement is making our communities less safe.

In short, productive conversations with DHS have been attempted in good faith and been unsuccessful. The proposed GR 38 is on sound legal-footing and factually ripe.

Amendments

The undersigned are aware that a coalition of advocacy organizations is planning to suggest amendments to the proposed GR 38 (as it was filed with the court in November 2019). These proposed amendments are for technical clarification, to inclusively define a court of law, and to define the court’s remedies for example. While the GJC believes these issues are worthy of consideration, we also believe it is premature to discuss these planned amendments that are not yet part of the Supreme Court’s record, nor have they received robust discussion and comment by other interested parties. Other commenters may have additional recommendations for change (for example the Washington State Interpreter Commission asks that “participants in a proceeding” include parents or guardians in a juvenile court or dependency proceeding).

The GJC is very supportive of the proposed GR 38 and respectfully urges the Supreme Court to adopt a Rule that considers all of these concerns and others that may be raised.

Thank you for your consideration.



Justice Sheryl Gordon McCloud
Chair, Gender and Justice Commission



Judge Marilyn G. Paja
Vice Chair, Gender and Justice Commission

PROPOSED **AMENDMENT LANGUAGE** TO COURT RULE PROHIBITING CIVIL ARRESTS

1. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.
2. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services or conducting business with the court. Participating in a judicial proceeding includes, but is not limited to, participating as a party, witness, interpreter, attorney or lay advocate. Business with the court and accessing court services includes, but is not limited to, doing business with, responding to, or seeking information, licensing, certification, notarization, or other services, from the office of the court clerk, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.
3. Washington courts may issue writs or other court orders necessary to enforce this court rule.
Unless otherwise ordered, the civil arrest prohibition extends to within one mile of a court of law. In an individual case, the court may issue a writ or other order setting forth conditions to address circumstances specific to an individual or other relevant entity.

For purposes of this rule:

- A. **“Court of law” means any building or space occupied or used by a court of this state and adjacent property, including but not limited to adjacent sidewalks, all parking areas, grassy areas, plazas, court-related offices, commercial spaces within buildings or spaces occupied or used by a court of this state, and entrances to and exits from said buildings or spaces.**
- B. **“Court Order” and “Judicial Warrant” include only those warrants and orders signed by a judge or magistrate authorized under Article III of the United States Constitution or Article IV of the Washington Constitution or otherwise authorized under the Revised Code of Washington. Such warrants and orders do not include civil immigration warrants or other administrative orders, warrants or subpoenas that are not signed by a judge or magistrate as defined in this section. Civil immigration warrant means any warrant for a violation of federal civil immigration law issued by a federal immigration authority and includes, but is not limited to, administrative warrants issued on forms I-200 or I-203, or their successors, and civil immigration warrants entered in the national crime information center database.**
- C. **“Subject To Civil Arrest” includes, but is not limited to, stopping, detaining, holding, questioning, interrogating, arresting or delaying individuals by state or federal law enforcement officials or agents acting in their official capacity.**

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

TOPIC AREA:

Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities

PROPOSED SESSION TITLE: Law, Justice, and the Holocaust:
How the Courts Failed Germany

STATUS:

Received Date: _____
 Accepted
 Not Accepted
 Why: _____

PROPOSED BY: Gender and Justice Commission, Minority and Justice Commission

CONTACT NAME: Kelley Amburgey-Richardson, GJC Staff

CONTACT PHONE: (360) 704-4031

CONTACT EMAIL: kelley.amburgey-richardson@courts.wa.gov

TARGET AUDIENCE:

Experienced Judges
 New Judges
 Court Level: All

PROPOSED DURATION:

90 Minutes
 3 Hours
 Other: _____

SESSION TYPE:

Plenary
 Choice
 Colloquium
 Other: _____

IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?

Yes
 No
 If yes, maximum number: ---

REQUIRED COMPONENTS

The session must address the following essential areas of information:

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> Historical information about how judicial officers facilitated Nazis' ability to carry out their agenda Examples of challenges to the fair and impartial administration of justice in the U.S. 	<ul style="list-style-type: none"> The meaning of Holocaust history and its implications for the profession Requirement to be fair and impartial 	<ul style="list-style-type: none"> Role of judicial officers in combatting bias Responsibility to hold the public trust

RECOMMENDED FACULTY (Include contact information):

Ann O'Rourke, Program Coordinator, United States Holocaust Memorial Museum

- 202.488.2610
- aorourke@ushmm.org

Dr. William Meinecke, Historian, United States Holocaust Memorial Museum

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

The Nazi period presented the judiciary with intense personal and professional dilemmas. Judges were among the few inside Germany who could have challenged the legitimacy of the regime as well as the laws restricting civil rights and guarantees of property. And yet the overwhelming majority did not. Instead, over the 12 years of Nazi rule, most judges not only upheld the law but interpreted it in broad and far-reaching ways that facilitated, rather than hindered, the Nazis' ability to carry out their agenda. The decisions they made left millions vulnerable to the racist, homophobic, and antisemitic ideology of the Nazi state.

In the Museum's Law, Justice, and the Holocaust program for judges, participants seek to critically examine the pressures faced by German jurists under the Nazis. Using legal decrees, judicial opinions, and case law of the period, they study the role of judges in the destruction of democracy and the establishment of the Nazi German state. This close scrutiny of the past provides a framework for a debate on the role of the judiciary in the United States today: what is the responsibility of judges to the legal system as a whole? What have been the challenges to a fair and impartial administration of justice in the United States? What can judges do to ensure that the kinds of failures that led to the Holocaust do not happen in this country?

LEARNING OBJECTIVES: Describe what participants will be able to do as a result of this session

Judicial Officers will:

- Reflect on the meaning of Holocaust history and its implications for their profession.
- Critically examine the pressures faced by German jurists under the Nazis.
- Examine their own roles and responsibilities by studying the decision making, the opportunities, and often the failures of their counterparts in Nazi Germany that helped lead to mass murder.
- Be able to answer the following questions:
 - What is the responsibility of judges to the legal system as a whole?
 - What have been the challenges to a fair and impartial administration of justice in the United States?
 - What can judges do to ensure that the kinds of failures that led to the Holocaust do not happen in this country?

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

FUNDAMENTALS COVERED: Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Legal decrees, judicial opinions, and case law of the period, to study the role of judges in the destruction of democracy and the establishment of the Nazi German state.
- Roles and responsibilities of judicial officers to:
 - Preside in fair and impartial manner
 - Maintain the public trust in the judiciary
 - Ensure the effective and unbiased administration of justice

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- Holocaust Museum educational materials
- Reports/articles from other entities, for example:
 - [The Pink Triangle: From Nazi Label to Symbol of Gay Pride](#) from the History Channel
From the report, “The United States Holocaust Memorial Museum estimates 100,000 gay men were arrested and between 5,000 and 15,000 were placed in concentration camps. Just as Jews were forced to identify themselves with yellow stars, gay men in concentration camps had to wear a large pink triangle.”
 - [Women and the Holocaust: Courage and Compassion](#) from the United Nations
From the report, “Women were required to perform hard labour, which, along with malnutrition and stress, had an adverse effect on their ability to conceive and care for their children....Women also experienced anxiety over the fate of their children, and feared sexual abuse and rape.”

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

- Lecture
- Large group discussion, potentially using responder unit questions
- Case study review of legal decrees, judicial opinions, and case law of the period

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

DIVERSITY AND INCLUSION: Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

This session is explicitly focused on the role of the courts in addressing race bias and antisemitism. The Commission plans to ask presenters to also incorporate issues of gender and bias against LGBTQ people.

If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.

ANTICIPATED COST:

\$0 (it is our understanding that the museum puts on the program free of charge)

FUNDING RESOURCES:

If there are costs, they will be minimal, and the Gender and Justice Commission will cover them

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

TOPIC AREA:

Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities

PROPOSED SESSION TITLE: Sex Harassment at the Courthouse: How to Be a Part of the Solution and Not the Problem

STATUS:
 ___ Received Date: _____
 ___ Accepted
 ___ Not Accepted
 Why: _____

PROPOSED BY: Gender and Justice Commission
CONTACT NAME: Kelley Amburgey-Richardson, GJC Staff
CONTACT PHONE: (360) 704-4031
CONTACT EMAIL: kelly.amburgey-richardson@courts.wa.gov

TARGET AUDIENCE:
 Experienced Judges
 New Judges
 Court Level: All

PROPOSED DURATION:

- 90 Minutes
- 3 Hours
- Other: _____

SESSION TYPE:

- Plenary
- Choice
- Colloquium
- Other: _____

IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?

- Yes
 - No
- If yes, maximum number: ---

REQUIRED COMPONENTS

The session must address the following essential areas of information:

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> Code of Judicial Conduct Canons Employment discrimination and liability statutes 	<ul style="list-style-type: none"> Development and maintenance of an anti-harassment policy Reporting and investigation procedures 	<ul style="list-style-type: none"> Role of the Judicial Officer in preventing and responding to sexual harassment The courthouse as a workplace

RECOMMENDED FACULTY (Include contact information):

Ms. J. Reiko Callner, Commission on Judicial Conduct
 Ms. Sarah Hale, Barran Liebman, LLP

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

The Gender and Justice Commission sponsored a session on this topic, with the recommended faculty, at the 2019 DMCJA Spring Program. Based on session evaluations, participants found the session timely, educational, and engaging. The issue of helping judges understand sexual harassment and how to avoid it is relevant to all court levels. The Commission is proposing an adapted version of this session to bring practical information to all judges who not only rule on cases, but act as managers over staff.

Both the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) have expressed renewed interest in addressing sexual harassment in the courts, as demonstrated in part by the resolution adopted by the Conference of Chief Justices encouraging every state judicial branch to “provide every judge and employee with training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited by law; and to establish procedures for recognizing and responding to harassment and harassment complaints.”

This session will be a look at civil and judicial ethics liability issues in light of shifting attitudes toward sexual harassment. Experts in workplace liability and judicial ethics enforcement will update current law in both areas and make recommendations for policies and procedures and good supervisory practices.

LEARNING OBJECTIVES: Describe what participants will be able to do as a result of this session.

Judicial Officers will:

- Understand what constitutes sexual harassment and how to avoid being part of the problem.
- Understand their roles both as decision makers and as managers in preventing and responding to sexual harassment in the workplace.
- Know what to do if a court employee reports harassment to them.
- Be familiar with the elements of an effective anti-harassment policy.
- Be prepared to review and update their court’s anti-harassment policy and ensure all court employees understand the policy, reporting, and investigation procedures.

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

FUNDAMENTALS COVERED: Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Understanding what constitutes sexual harassment
- The courthouse as workplace and the Judge’s role in preventing and responding to sexual harassment
- Code of Judicial Conduct Canons on sexual harassment
- Harassment policies, reporting procedures, good supervisory practices
- Commission on Judicial Conduct case history with sexual harassment

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- Conference of Chief Justices Resolution In Support of Commitment to Awareness and Training on Workplace Harassment in the Judicial Branch
- Example sexual harassment policies currently in place in Washington State
- A model anti-harassment policy currently in development by the Gender and Justice Commission, at the request of the Board for Judicial Administration

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

- Brief lecture
- Responder unit questions
- Case study review of CJC opinions

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

DIVERSITY AND INCLUSION: Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

Sexual harassment in the workplace impacts women at higher rates and this session will focus primarily on that issue. The model policy referenced in Participant Resources is a broader anti-harassment policy that includes other protected classes, such as race and sexual orientation.

If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.

ANTICIPATED COST:

\$1500

FUNDING RESOURCES:

Gender and Justice Commission will cover all costs

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

*The Davenport Grand
Spokane, Washington*

January 17, 2020 to Judith.Anderson@courts.wa.gov

TOPIC AREA:

Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities

PROPOSED SESSION TITLE: *Law, Language, and Power: An Exploration of Discrimination and Tribal Jurisdiction in the Pacific Northwest*

STATUS:

Received Date: _____
 Accepted
 Not Accepted
 Why: _____

PROPOSED BY: The Minority and Justice Commission, The Tribal State Court Consortium, and The Northwest Tribal Court Judges Association, The Commission on Children in Foster Care

CONTACT NAME: Judge Lori K. Smith and Judge G. Helen Whitener

CONTACT PHONE: 206-464-6047

CONTACT EMAIL: Lori.Smith@courts.wa.gov

TARGET AUDIENCE:

Experienced Judges
 New Judges
 Court Level: Appellate and Trial

PROPOSED DURATION:

90 Minutes
 3 Hours
 Other: _____

SESSION TYPE:

Plenary
 Choice
 Colloquium
 Other: _____

IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?

Yes
 No
 If yes, maximum number: ---

REQUIRED COMPONENTS

The session must address the following essential areas of information:

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> Identify common terms and phrases with discriminatory origins. History of NW laws discriminating against Native Americans. Local tribal history, practice, and law, and overlapping tribal and state court jurisdiction. Explain delineation between state trial courts and tribal jurisdiction. Share recent changes to Court Rule 82.5, which allows and encourages communication 	<ul style="list-style-type: none"> Unconscious bias in our common law heritage affects legal precedent and modern interpretations of law. Trial judges must know the origins of the language before them, and appellate judges must not perpetuate harmful bias. Mindfulness in use of language and the historical harms that rhetoric has caused. Historical discrimination faced by NW minorities impacts who comes before the court and why. 	<ul style="list-style-type: none"> Understanding how bias and misperceptions are passed along through language, and exploring the use and result of such language. Mindfulness. Understanding the important and longstanding role of sovereign tribal courts. Learn how to be mindful of the implied messages in the language we use.

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

between state and tribal court
judges when dealing with
cross-jurisdictional issues

RECOMMENDED FACULTY (Include contact information):

Ms. Alexandra Liggins, co-founder of Phoenix Consulting Group, Inc and member of Tlingit Tribe (Ms. Liggins is confirmed).

[Additional faculty will be added at a later time]

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

The program is two sessions combined into one, and can be presented together as a 3-hour plenary or separately as 90-minute sessions.

The first half of the session will explore biases and misperceptions passed along by the use of common language, the origin of its use, and the perpetuation of biases as a result of its use. The audience will then practice techniques for increasing mindfulness in their speech and reducing the perpetuation of bias in our language, whether writing opinions or speaking to persons in their courtroom from the bench. This portion will be presented by Ms. Alexandra Liggins, a professional public speaker with decades of experience who specializes in workplace inclusion and cultural competency. She is also of Tlingit decent and has presented in the past on discriminatory Northwest laws against Native Americans that mirrored Jim Crow laws in the Southern US.

The second portion will focus on local tribal courts. A profile on a selection of local tribal courts will introduce the judges to the history, practice and laws of tribal jurisdiction. The judges will then hear when and how tribal and state court jurisdiction overlaps under current law, and will do exercises to draw on the distinctions between the two court systems.

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

LEARNING OBJECTIVES: Describe what participants will be able to do as a result of this session.

Identify discrimination against Native Americans in Northwest legal history and its impact on the courts today. Identify implicit biases in our own everyday language and learn how to eliminate language with a harmful history and be mindful of our language moving forward.

Understand the long history of discrimination against Native Americans in the region, the impetus for sovereign tribal jurisdiction, and the ways our state courts reinforce or undermine tribal sovereignty.

Understand the overlapping and distinct jurisdictional authority between state trial courts and tribal courts. Trace the distinct history, practice, and legal doctrine of tribal courts up through today. Discuss recent changes to Court Rule 82.5 – Tribal Court Jurisdiction. Be able to apply these jurisdictional rules to different fact patterns.

FUNDAMENTALS COVERED: Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

Critical analysis of discrimination in the Pacific Northwest, which informs and in many ways predicts the outcomes that the court produces today.

Legal writing and persuasive speech: learning tools and techniques to add mindfulness to the written and oratory opinions of judicial officers. Taking stock of the many implicit biases in our common language and developing alternative approaches which will reduce the transmission of bias from our courts.

Survey history and current issues in tribal law and jurisdiction in Washington state. Apply CR 82.5.

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

[Additional resources may be added at a future time, and we are open to recommendations]

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

Annual Conference Committee Session Proposal Form

62nd Washington Annual Judicial Conference

September 13-16, 2020

The Davenport Grand

Spokane, Washington

January 17, 2020 to Judith.Anderson@courts.wa.gov

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (e.g., *small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

Lecture and discussion; hypotheticals and role play; large group discussion.

DIVERSITY AND INCLUSION: Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

This program centers the work and authority of the state tribal courts, which have and continue to provide a critical protection against historical discrimination in the region. Better understanding of the long and sordid history of harm against Northwest Native Americans will help judicial officers better contextualize the role of the state court system and how the law has not always been wielded in the state for good.

The use of loaded language disproportionately harms people of color, and reforming our seemingly-innocuous language which carry these harms is a vital step towards fostering an inclusive environment.

If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.

ANTICIPATED COST:

Transportation accommodation, lodging and printing materials - \$1000

FUNDING RESOURCES:

Minority and Justice Commission

Proposals due by January 17, 2020 to Judith.Anderson@courts.wa.gov

To: Gender & Justice Commission
Justice Sheryl Gordon McCloud, Chair

From: Laura Jones
Domestic Violence Work Groups Coordinator

Date: January 21, 2020

Re: Progress report- E2SHB 1517 Work Groups

These statewide domestic violence work groups are convened by the Washington State Supreme Court Gender and Justice Commission pursuant to **E2SHB 1517- Concerning Domestic Violence**. The work groups are tasked with investigating and reporting back to the legislature by June 30, 2020, regarding domestic violence perpetrator treatment and domestic violence risk assessment. The work groups are co-chaired by Judge Eric Lucas of Snohomish County Superior Court, who is leading the perpetrator treatment work group, and Judge Mary Logan of Spokane Municipal Court, who is leading the risk assessment work group. Ms. Laura Jones, a contractor with AOC, is the coordinator for both of the work groups.

Since my last report, there have been two additional in-person meetings for each of the work groups. The second in-person meetings were held on November 7, 2019 at the Administrative Office of the Courts' SeaTac Office. Each of the work groups meet separately; there were approximately 30 attendees at the DV Risk Assessment meeting and approximately 20 attendees at the DV Perpetrator Treatment meeting. The third in-person meetings for the work groups were held on January 7, 2020, at the Administrative Office of the Courts' SeaTac Office. There were approximately 33 attendees at the DV Risk Assessment meeting and approximately 23 attendees at the DV Perpetrator Treatment meeting. Both work groups also had the opportunity to hear a presentation entitled *Making Sense of Risk Assessment* by Mr. Brandon Buskey, Deputy Director for Smart Justice Litigation with the ACLU's Criminal Law Reform Project.

Our final in-person meeting will be held at the AOC's SeaTac Office on April 7, 2020. The work groups have also been meeting by phone each month—the DV Perpetrator Treatment Work Group meets the 2nd Tuesday of the month and the DV Risk Assessment Work Group meets the 4th Tuesday of the month. The work group co-chairs and Ms. Jones also hold a weekly conference call.

Minutes from the work groups' November 7, 2019, and January 7, 2020, meetings are available upon request, via email.

Gender Justice Study Task Force Update

January 31, 2020

The Gender Justice Study is moving forward steadily with the legal and social science research and analysis of the 27 priority areas and the four pilot projects (status updates below). The Commission recently received a six-month time extension on the Gender Justice Study grant in order to allow time to collect sufficient data for the pilot projects. The new deadline for the final report is June 2021. Since the last Commission meeting, we have hired Katrina Goering, MPH, to help support the social science analysis and Kat has been a great addition to the team. The Task Force Members have made great progress—writing legal memos, reviewing and providing drafts of the sections, reaching out to subject matter experts, sharing sources, taking Lead on sections of the report, and supporting or leading the various pilot projects. The Study Advisory Committee met one time in 2019 to share feedback on study materials developed thus far and to provide guidance on which pilot projects to select. The Advisory Committee will meet three times in 2020.

Legal and Social Science Research and Analysis of Priority Areas: Almost all of the 27 priority areas have both a legal memo and an analysis of the social science completed. The few outstanding legal memos have been assigned and should be completed by the end of February. Rob Mead, Laura Edmonston, Kat Goering, Ophelia Vidal, and Sierra Rotakhina are continuing work on the outstanding social science research. In addition, we have partnered with Seattle University’s Criminal Justice Department to work with seven graduate students to complete the social science analysis for two of the priority areas still in need of research. Dr. Dana Raigrodski and Justice Gordon McCloud have been leading efforts to identify subject matter experts in each topic area who can Lead the process of writing, conducting additional research, and seeking public comment on the sections within their areas of expertise.

Pilot Projects:

Evaluation of Domestic Violence Moral Reconciliation Therapy (DV-MRT):

We are in the early stages of developing the goals, evaluation questions, and evaluation plan for this pilot. Dr. Amanda Gilman and Dr. Carl McCurley with the Washington State Center for Court Research are providing guidance and technical assistance in this early phase. We are currently looking for an evaluation expert to complete the work.

Evaluation of courthouse childcare centers in Washington State

To complete this evaluation, we have partnered with the Children’s Home Society of Washington (the organization that runs the Kent and Spokane courthouse childcare centers) and the University of Washington School of Public Health Community Oriented Public Health Practice (COPHP) program. Eight graduate students are working on designing this evaluation. They will complete the draft evaluation plan by February 6, 2020. The students will modify the plan as needed based on feedback from the Study Task Force and the Children’s Home Society of Washington, and then complete the evaluation by mid-March.

Study of existing data to better understand mass incarceration of women in Washington State

Elizabeth Hendren is leading this work in partnership with the University of Washington. The team, with technical assistance from Dr. Carl McCurley, Washington State Center for Court Research, has completed an assessment of the available datasets and the procedures for accessing those datasets. The research team will finalize its research plan and timeline by early March.

Washington State courts workplace harassment survey

Dr. Arina Gertseva with the Washington State Center for Court Research is leading the development and administration of this survey. Dr. Gertseva has developed the survey framework (categories, items, and definitions). The next steps are to develop the survey questions and then seek feedback on the survey tool.

Gender & Justice Commission
Budget July 1, 2019 - June 30, 2020

Commission Expenses		FY 20
Meetings/Travel		
	Commission meetings	\$6,000
	Committee meetings (in person)	\$2,000
<hr/>		
General Operating Expenses	Printing, conference calls, supplies, equipment, etc.	\$2,500
<hr/>		
Education Programs		
	DMCJA Conference (Poverty Simulation)	\$1,000
	Fall Conference (<i>non-grant sponsored session - estimate</i>)	\$1,500
	Appellate Conference (Myths and Misperceptions about Native Americans: What Every Judge Should Know)	\$1,500
<hr/>		
Sponsorships/Scholarships/Events		
	Judicial Officer & Law Student Reception	\$3,000
	Women's History Month CLE	\$1,000
	Mission Creek - Success Inside & Out	\$1,000
	Tech Law Summit for Girls	\$1,000
	Judicial Institute - Eastern WA CLE	\$1,000
	NAWJ Conference Reg/Travel	\$2,000
	WSWC Outreach Event	\$400
<hr/>		
Projects		
	<u>Gender Justice Study</u>	
	SJI Grant Cash Match (project manager, contracted research, travel)	\$15,000
	Harassment Survey (Pilot Project)	\$11,000

Starting Budget	\$50,000
All Allocated Commission Expenses	\$49,900
<i>Unallocated</i>	\$100

Updated 1.27.20

Gender Justice Study - SJI Project Grant

Budget July 1, 2018 - June 30, 2021

Expenses		FY 19 - 21
Project Manager	Contracted services (Sierra Rotakhina)	\$140,000
Travel	Task Force, Advisory Committee, staff, and pilot project-related travel	\$10,000
Social Science & Legal Research	Contracted services:	
	Washington State Law Library (ProQuest)	\$9,724
	UW Law Library	\$4,684
	WSU Researchers (Sam Tjaden, Mary Miller)	\$19,000
	UW Public Health Researcher (Ophelia Vidal)	\$9,500
	Additional Researcher (Kat Goering)	\$9,500
Pilot Projects	Contracted services funds for: <i>Implementation of 2-3 pilot projects</i> <i>Data collection and evaluation</i>	\$97,000

Starting Budget	\$300,000
All Allocated Project Expenses	\$299,408
<i>Unallocated (contract funds)</i>	\$592

Updated 10.22.19

Gender and Justice Commission Meeting Schedule

2020

**Meetings are held at:
AOC SeaTac Office
18000 International Blvd
11th Floor, Suite 1106**

**Meeting Day & Time:
Friday (unless noted) 8:45 AM to Noon**

2020

- January 31
- March 27
- May 29
- September 25
- November 6

AOC Staff: Kelley Amburgey-Richardson, Senior Court Program Analyst,
Gender & Justice Commission
kelley.amburgey-richardson@courts.wa.gov
360.704.4031

Cynthia Delostrinos, Supreme Court Commissions Manager
cynthia.delostrinos@courts.wa.gov
360.705.5327

Moriah Freed, Supreme Court Commissions Admin. Secretary
moriah.freed@courts.wa.gov
360.705.5214