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**THE ALLIANCE**  
*for Equal Justice*

MEMBER

April 15, 2022

Justice Charles Johnson  
Justice Mary Yu  
Co-Chairs, Supreme Court Rules Committee  
Washington Supreme Court  
415 12th Ave SW  
Olympia, WA 98501-2314

RE: Proposed Changes to CJC 2.3

Dear Justices Johnson and Yu,

We write on behalf of the Access to Justice Board in support of King County Superior Court Commissioner Jonathon Lack's proposed amendment to Code of Judicial Conduct Rule 2.3. The proposed amendment tracks Washington law and reminds judicial officers of the importance of respecting the identities of all who come before our courts.

Members of Washington's LGBTQ+ community often face more challenges in accessing justice than the rest of the population. For example, as the 2015 Civil Legal Needs Study Update reflects, young, low-income persons experienced discrimination on account of their sexual orientation at a rate more than three times that of Washington's general low-income population. Moreover, factoring in race and indigeneity, the prevalence of discrimination and unfair treatment based on sexual orientation is higher in BIPOC persons than in the white population.

In addition, the authors of the recent study from the Supreme Court's Gender and Justice Commission, *2021: How Gender and Race Affect Justice Now*, concluded that discrimination against individuals based on transgender identity is pervasive, and that such discrimination is felt more among individuals of color, especially Black, American Indian, and multiracial persons. The study's authors also recommended that, among other things, in order to develop a more inclusive and respectful work environment, the judicial branch and its leaders should take explicit steps to promote equity, diversity, and inclusion, and to foster a culture that values individual differences in gender, gender identity, and gender expression.

Given their position, a judicial officer's recognition of a court user's identity can have a silencing or validating effect. Having the court recognize one's gender identity and gender expression is an important part of procedural justice. Thus, the Access to Justice Board supports Commissioner Lack's proposed amendment to Code of Judicial Conduct Rule 2.3, because it makes

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express the requirement that judicial officers not mistreat individuals on account of their gender identity and gender expression.

Sincerely,

A handwritten signature in black ink that reads "Francis Adewale". The signature is written in a cursive style with a horizontal line extending to the right.

Francis Adewale, Chair  
Access to Justice Board

Cc: Terra Nevitt, Executive Director, Washington State Bar Association  
Judge David Keenan, Co-Chair, Access to Justice Rules Committee

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: ATJ Board Comments to Proposed Rules Amendments  
**Date:** Monday, April 18, 2022 8:06:27 AM  
**Attachments:** [Outlook-zusggg5t.png](#)  
[2022.4.8.GR 11 and 11.1 Proposed Changes.ATJ Board Comments.pdf](#)  
[2022.4.8.CJC 2.2 and 2.6 Proposed Changes.ATJ Board Comments.pdf](#)  
[2022.4.8.CJC 2.3 Proposed Changes.ATJ Board Comments.pdf](#)

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-----Original Message-----

From: Bonnie Sterken [<mailto:bonnies@wsba.org>]  
Sent: Friday, April 15, 2022 4:56 PM  
To: OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
Cc: Adewale, Francis <[fadewale@spokanecity.org](mailto:fadewale@spokanecity.org)>; Keenan, David <[David.Keenan@kingcounty.gov](mailto:David.Keenan@kingcounty.gov)>; Terra Nevitt <[terran@wsba.org](mailto:terran@wsba.org)>  
Subject: ATJ Board Comments to Proposed Rules Amendments

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Good afternoon,

Attached, please find three letters from the Access to Justice Board in response to proposed changes to the following rules:

- \* GR 11 and 11.1
- \* CJC 2.3
- \* CJC 2.2 and 2.6

Thank you,

[cid:a2455a45-b70d-4158-bf82-f50303d16eaf]

Bonnie Middleton Sterken | Equity and Justice Specialist

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Pronouns: She/Her

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