

April 14, 2022

Dear Supreme Court Rules Committee:

This letter is to request that you approve the proposed amendment to CJC 2.3, to add to the definition of harassment “verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as” “gender identity [and] gender expression.” State law as expressed in RCW 49.60.030(1) and 49.60.040(27) already prohibits discrimination based on gender identity or expression, and the proposed CJC 2.3 amendment would bring the code of judicial conduct into accord.

Even more importantly, this is the right thing to do. This rule change sets a needed floor for appropriate judicial behavior. People with a wide variety of gender identities and gender expression access our court. These include jurors, lawyers, litigants, witnesses, and judicial officers. We should, of course, strive to treat each person who comes to our courts respectfully and appropriately, and at a minimum in a way that is free of hostility or aversion based on gender identity or expression.

Sincerely,

Judge Catherine Shaffer  
King County Superior Court, Position 11

Judge Michael Ryan  
King County Superior Court, Position 37

Judge John Ruhl  
King County Superior Court, Position 8

Judge Melinda Young  
King County Superior Court, Position 6

Judge Kristin Ballinger  
King County Superior Court, Position 2

Judge Andrea Darvas  
King County Superior Court, Position 23

Judge Nicole Phelps  
King County Superior Court, Position 14

Judge Averil Rothrock  
King County Superior Court, Position 16

Judge David Keenan  
King County Superior Court, Position 26

Judge Matthew Williams  
King County Superior Court, Position 41

Judge Susan Amini  
King County Superior Court, Position 20

Commissioner Jennie Laird  
King County Superior Court

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King County Superior Court, Position 9

Judge Marshall Ferguson  
King County Superior Court, Position 31

Judge Josephine Wiggs  
King County Superior Court, Position 17

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King County Superior Court, Position 44

Judge John F. McHale  
King County Superior Court, Position 43

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King County Superior Court, Position 32

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King County Superior Court, Position 40

Judge Cindi Port  
King County Superior Court, Position 51

Judge Janet Helson  
King County Superior Court, Position 7

Judge Johanna Bender  
King County Superior Court, Position 28

**From:** Shaffer, Catherine [<mailto:Catherine.Shaffer@kingcounty.gov>]  
**Sent:** Thursday, April 14, 2022 10:40 AM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Subject:** Comment on proposed changes to CJC 2.3 cmt[3]

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Dear Clerk of the Supreme Court:

Per Order Number 25700-A-1400, proposed changes to CJC 2.3 cmt [3], were ordered published for comment with a comment expiration date of April 30, 2022.

Attached is a letter providing a comment by a number of judicial officers on my bench, including myself.

*Judge Catherine Shaffer*  
*King County Superior Court, Department 11*