

Dear Supreme Court Rules Committee,

The Washington Supreme Court has published for comment a proposed amendment to the Code of Judicial Conduct, specifically, the comment to Rule 2.3. This proposed rule change would add “gender identity” and “gender expression” as areas included as protected from judicial bias. The Superior Court Judges Association, Committee on Equality and Fairness supports this amendment.

People have a right to be free of bias or discrimination in court. It is incumbent on courts, and judges, to make sure that people feel that their case will be heard and adjudicated fairly, without consideration of non-relevant personal characteristics. The Revised Code of Washington, 49.60.030(1) and 49.60.040(27), already prohibits discrimination based on gender identity or expression. It is important that the Code of Judicial Conduct recognize what is already part of state law.

In January, the New York Advisory Committee on Judicial Ethics issued an Opinion finding that the failure to recognize a person’s preferred gender pronouns to be a violation of the New York Code of Judicial Conduct. However, the New York Code of Judicial Conduct includes gender expression and gender identity as protected from bias. Washington should adopt the same standard.

Sincerely yours,

Judge Clarence Henderson  
Co-Chair, SCJA Equality and Fairness  
Pierce County Superior Court

Judge Kathryn Loring  
Co-Chair, SCJA Equality and Fairness  
San Juan County Superior Court

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Comments for Proposed Rules Published for Comment (GR 26 & CJC 2.3)  
**Date:** Thursday, March 31, 2022 9:00:28 AM  
**Attachments:** [GR 26 Letter of Support.docx](#)  
[Letter of Support - Gender Identity.docx](#)

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**From:** Delostrinos, Cynthia  
**Sent:** Thursday, March 31, 2022 8:56 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Kathryn C. Loring <kathrynL@sanjuanoco.com>; Clarence Henderson <chender@piersecountywa.gov>  
**Subject:** Comments for Proposed Rules Published for Comment (GR 26 & CJC 2.3)

Dear Clerk of the Supreme Court,

Please see attached comments from the SCJA Equality and Fairness Committee.

- Comment in support of GR 26
- Comment in support of CJC 2.3

Thank you,

**Cynthia Delostrinos Johnson (she/her)**

Associate Director, Office of Court Innovation

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