



Washington State Supreme Court Gender and Justice Commission

April 18, 2022

Justice Sheryl Gordon McCloud, Co-Chair
Washington State Supreme Court

Judge Marilyn G. Paja, Co-Chair
Kitsap County District Court

Ms. Dua Abudiab
Washington Women Lawyers

Honorable Melissa Beaton
Skagit County Clerk

Ms. Barbara Serrano
Office of the Attorney General

Judge Anita Crawford-Willis
Seattle Municipal Court

Judge Michelle Demmert
Alaska Native Women's Resource Center

Judge Rebecca Glasgow
Court of Appeals, Division II

Mr. Kelly Harris
Seattle City Attorney's Office

Ms. Lillian Hawkins
King County District Court, West Division

Ms. Elizabeth Hendren
Northwest Justice Project

Commissioner Jonathon Lack
King County Superior Court

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
King County Prosecuting Attorney's Office

Judge Jacqueline Shea-Brown
Benton Franklin Superior Courts

Chief Judge Cindy K. Smith
Suquamish Tribal Court

Washington Supreme Court Rules Committee
Sent via email to: supreme@courts.wa.gov

Re: Proposed Amendment to Washington Code of Judicial Conduct CJC
2.3, Comment 3

Dear Washington Supreme Court Rules Committee:

Commissioner Jonathon Lack, a member of the Gender and Justice Commission, proposed an amendment to CJC 2.3 which would conform the antidiscrimination provision of the Code of Judicial Conduct with Washington law prohibiting discrimination on the basis of gender identity and expression.

The Gender and Justice Commission has sponsored education programs for judicial officers and court staff on gender identity and respectful use of litigants' gender pronouns. The Commission also sponsored the QLaw publication, [*Judges' Bench Guide on the LGBTQ Community and the Law*](#), which includes a chapter on inclusive language and gender pronouns.

Recently, the Commission published a groundbreaking report on [*How Gender and Race Affect Justice Now*](#). The report found that gender inequities in Washington State's justice system most frequently impact Black, Indigenous, and other people of color who are women, transgender, and gender nonconforming. One example is with jury service. Of surveyed Washington jury and court administrators as well as superior court clerks, only one court reported asking potential jurors about their preferred pronouns when they appeared, and only eight described using gender neutral language on juror forms. Ultimately, the Study recommended developing best practices for courts to account for the barriers to service for LGBTQ+ jurors, including adding nonbinary gender choices to all forms, and referring to jurors by their correct pronouns and chosen names. The study also recommended training for judges and court staff.

The Commission voted unanimously to support this proposed amendment during its March 4, 2022 meeting. Our support of this proposed amendment is in line with the Commission's mission to make recommendations regarding the equal treatment of all parties and working toward communities free of bias.

Sincerely,

Justice Sheryl Gordon McCloud
Co-Chair
Washington Supreme Court

Judge Marilyn Paja
Co-Chair
Kitsap County District Court

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: GJC Comment re Proposed CJC Rule 2.3, Comment 3 Amendment Proposal
Date: Tuesday, April 19, 2022 1:10:30 PM
Attachments: [GJC Support CJC 2.3 Amendment.pdf](#)

From: Anderson, Crissy
Sent: Tuesday, April 19, 2022 12:12 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Gordon McCloud, Justice Sheryl <J_S.GordonMcCloud@courts.wa.gov>; 'Marilyn Paja' <MPaja@co.kitsap.wa.us>; Amburgey-Richardson, Kelley <Kelley.Amburgey-Richardson@courts.wa.gov>
Subject: GJC Comment re Proposed CJC Rule 2.3, Comment 3 Amendment Proposal

Dear Supreme Court Rules Committee,

Please accept the attached comment letter from the Supreme Court Gender and Justice Commission, regarding the proposed amendment to Code of Judicial Conduct Rule 2.3, Comment 3. Please feel free to reach out with any questions, or if additional information is needed.

Thank you.

Crissy Anderson, J.D. (she/her)

Washington State Supreme Court Gender and Justice Commission

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