

MEMORANDUM

TO: Lisa Walsh, President NAWJ
Sandra Robinson, NAWJ Committee Chair Liaison
Marie Komisar, NAWJ Executive Director

FROM: Elizabeth Lee, Chair of the Human Trafficking Committee

DATE: September 20, 2016

RE: Report from the Human Trafficking Committee

The Committee has conferenced several times by phone during the past year to discuss upcoming projects and prepare for the Annual Conference in Seattle, Washington (2/24, 4/4, 5/17, 7/26, and 9/20). The Committee will meet in person on October 6th in Seattle at the Annual Conference.

In May, 2016, several committee members including Ann Breen Greco, Cathy Serrette, and Arline Pacht met with international judges from the Middle East and North Africa area. Ann Breen Greco gave a presentation about the court's response to human trafficking to approximately 20 judges from Tunisia, Jordan, Egypt, Morocco. Ann discussed with them NAWJ's method of training judges on the issue of human trafficking and what we have learned in creating these programs. Ann also wrote an article summarizing her experience in Counter Balance which has been well received. Ann has reported that the judges were very interested in learning about specialty courts in this area. She has followed up by contacting judges in New York and California who are currently running these types of courts.

On October 6th, at the upcoming Annual Conference in Seattle, the HT committee will present "Ethical Issues for Judges in Dealing with Human Trafficking". This training session focuses on ethical dilemmas that a judge might face when presiding over a criminal or civil human trafficking case. Steve Weller, Judge Barbara Mack, a Juvenile Court Judge from Washington, and Elizabeth Lee will be on the panel. Patricia Lynch will serve as moderator. The panelists will present and invite comments from the audience on several training hypotheticals that have been created to use during the course. There will also be a session on the "Many Faces of Trafficking – Labor Trafficking: Underground Economy Workshop". Panelists include Professor Marilyn Brenneman from Seattle University School of Law, and Evelyn Shapiro, Director of Compliance, Pacific NW Regional Council of Carpenters.

Members are working on a follow up Human Trafficking Survey to be distributed to the NAWJ membership. The initial Human Trafficking Survey was conducted in February of 2014, the results of which are contained in the Trafficking in Persons Guidebook posted on the NAWJ website. This follow up survey would be used to elicit anecdotal evidence of best practices by individual state courts around the country and other areas that might be of interest to members, such as whether courts have established collaborative courts for human trafficking victims or whether trauma informed services are available to victims. The HT Committee expects to compile the results of the follow up survey and make it available for use by the NAWJ

membership. The results of the survey would be useful to advise our membership of what courts around the country are doing in this area. A draft of proposed questions for the follow up survey has been given to members for their comments and suggestions.

The committee is also working on a long term project to compile best practices for human trafficking cases. Arline Pacht has volunteered to work on this project the results of which would be published on the NAWJ website. Members have been discussing what might be included in such a handbook. Arline has already begun collecting best practices articles and studies and has asked members to assist her in forwarding her resource information. She is looking for anyone who is willing to volunteer to assist her with this project. The committee also intends to use the results of the follow up HT survey in this handbook. Elizabeth has pointed out that the Center for Court Innovation has been collecting anecdotal evidence on what courts have been doing across the country in this area including their best practices. A summary of their results might also be included in this handbook.

The HT Committee has been looking into whether it might assist IAWJ in training international judges on the topic of Human Trafficking. Training might involve meeting with judges from other countries and working on developing training programs for them to use when handling human trafficking victims. I have inquired as to whether members might be interested in exploring this area in more depth in the future. Members expressed interest in possibly working more in this area although there was some concern about whether there might be safety issues in foreign countries when raising issues concerning violence against women and human trafficking. Elizabeth has reached out to Lisa Davies (IAWJ) to see whether they are interested in collaborating with our committee in the area of training international judges on Human Trafficking and how the courts in our country have been responding.

The HT Committee would also like to present another training session at the Mid-Year Leadership Conference in 2017. Members discussed possible topics to including presenting hypothetical testimony from an expert witness/doctor concerning evidence on the affect that PTSD has on the brain and how that might affect a witness' credibility on the witness stand. This could also include testimony concerning the effects of controlled substances, including marijuana, on the brain. It would be interesting to have the doctor explain how different regions of the brain are affected. This could lead into a discussion of whether such expert testimony might be permitted at trial or at sentencing hearing. Another suggestion was to invite a playwright or someone from the arts who could talk about how human trafficking training might be enhanced by using theater. Plays that incorporate judges in roles within the play might also be helpful to raise awareness of the role that courts play in these types of cases. Ann mentioned a playwright from Chicago who has presented plays to high school students on the topic. She is in the process of writing a play specifically targeting judges as the audience.

The HT Committee has been advised that it is unlikely that the State Justice Institute will renew its Human Trafficking grant to the NAWJ for 2017. SJI would like to focus the grant money on other areas of emerging interest such as elder abuse and/or sexual assault on campuses. We have tailored our projects to accordingly.

The Human Trafficking and State Court Collaborative (“HSCC”) had previously proposed working on several long term projects with NAWJ. It is unclear whether they will still be able to do these projects due to their recent funding limitations. However, the topics presented might be areas that NAWJ could work on in the future with the HTSCC. They are summarized below.

- a. **Fostering partnerships between researchers and human trafficking survivors.** This project would involve facilitating the relationship and connection between various research groups and authors and trafficking survivors. NAWJ could be of great assistance here in reaching out to local organizations that may have access to survivors and then introducing them to the researcher(s). Our role would be to serve as a liaison between the two groups. Ideas are needed as to how to facilitate this.
- b. **Changing the perception of Human Trafficking victims in Court:** This project would involve getting feedback from victims/survivors about how they were treated in court and whether there are areas where improvements could be made. Survivors/victims would be asked for feedback on their experiences in court, positive and negative. The project would also involve getting feedback from all the court stakeholders involved in these types of cases, including judges, prosecutors, defense attorneys, social workers, probation officers, and service organizations. The goal would be to develop some type of best practice based upon this research. Our feedback is welcome.
- c. **Developing better measurements units, data collection, and analysis of statistics concerning Human Trafficking cases.** NAWJ could assist in developing ideas in this area which seems to be a common problem experienced by all who are working in the field.

