

# WASHINGTON STATE MINORITY AND JUSTICE COMMISSION



2002 ANNUAL REPORT



# Minority and Justice Commission Members (2002)

Justice Charles Z. Smith  
Co-Chairperson  
Washington State Supreme Court

Judge William W. Baker  
Court of Appeals, Division I

Judge Monica J. Benton  
Education Sub-Committee Chairperson  
United States Magistrate Judge

Ms. Myrna I. Contreras  
Outreach Sub-Committee Co-Chairperson  
Attorney at Law  
Contreras Law Offices

Judge Ronald E. Cox  
Court of Appeals, Division I

Dean Donna Claxton Deming  
Associate Dean  
Seattle University School of Law

Judge Anne L. Ellington  
Court of Appeals, Division I

Judge Deborah D. Fleck  
Workforce Diversity Sub-Committee Chairperson  
King County Superior Court

Ms. Lourdes Fuentes  
Attorney at Law  
MacDonald, Hoague and Bayless

Guadalupe Gamboa  
Attorney at Law  
United Farm Workers of America

Judge Richard A. Jones  
King County Superior Court

Justice Charles W. Johnson  
Co-Chairperson  
Washington State Supreme Court

Judge Kenneth H. Kato  
Research Sub-Committee Chairperson  
Court of Appeals, Division III

Judge Ron A. Mamiya  
Seattle Municipal Court

Judge Ricardo S. Martinez  
United States Magistrate Judge

Judge LeRoy McCullough  
King County Superior Court

Ms. Mary Campbell McQueen  
Administrator  
Administration Office of the Courts

Judge James M. Murphy  
Evaluation and Implementation  
Sub-Committee Chairperson  
Spokane County Superior Court

Jeffrey C. Sullivan  
Assistant United States Attorney  
Chief of the Criminal Division

Ms. Mary Alice Theiler  
Attorney at Law  
Theiler Douglas Drachler & McKee

Brian A. Tsuchida  
Outreach Sub-Committee Co-Chairperson  
Federal Public Defender

Ms. Erica S. Chung  
Executive Director  
Washington State Minority and Justice Commission

# Washington State Minority and Justice Commission



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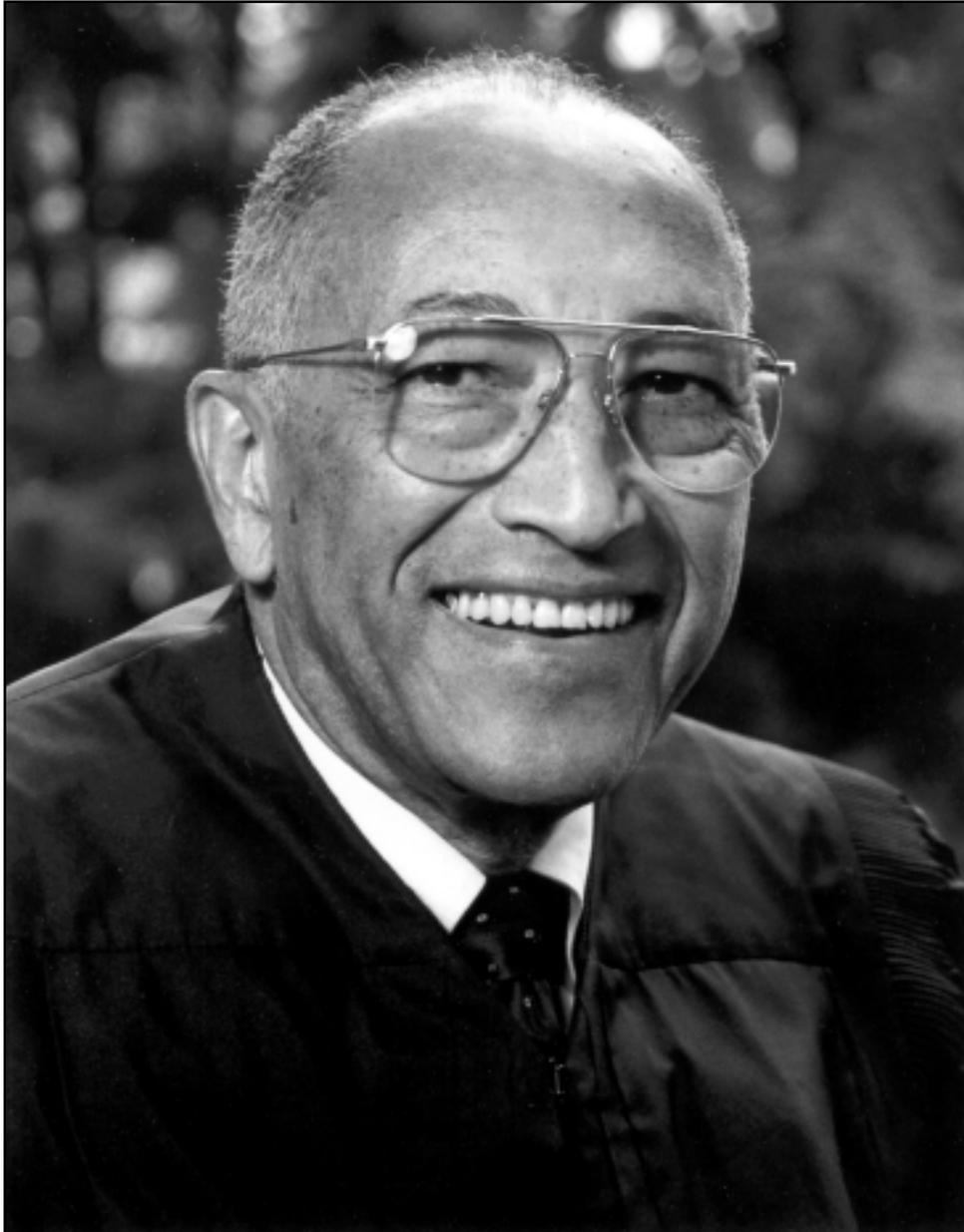
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# Dedication



Photograph by Josef Scaylea

## **Charles Z. Smith**

Washington State Supreme Court  
Retired on December 31, 2002



# Dedication to Justice Charles Z. Smith

By Chief Justice Gerry L. Alexander

When I was asked to pen some words about Justice Charles Z. Smith for this annual report of the Minority and Justice Commission, I hardly knew where to begin. I say that because my good friend Justice Smith has squeezed so many accomplishments into his 75 years on this planet, it almost defies belief.

Although I first met Charles Smith about 30 years ago when I was a brand new superior court judge, I did not have an opportunity to know him well until I came to the Washington Supreme Court in 1995. Of course, his stellar reputation was well known to me before that time and I very much looked forward to becoming his associate on the court. After having served with Justice Smith on the Supreme Court for eight years, my admiration for him has grown to even greater heights. As the senior member of our court, following Justice Dolliver's retirement in 1998, Justice Smith was looked upon by all of the members of our court as the wise elder among us. Invariably we sought his advice whenever the court was faced with a difficult decision. When Justice Smith expressed his views, whether on a case or an administrative issue, everyone listened intently.

When I reflect on Justice Smith's many fine qualities, one rises to the top for me. It is that Charles Smith is a gentleman of the old school, a good listener who is unfailingly courteous to everyone with whom he comes in contact. Though quiet and unassuming, he is one of the finest public speakers I have ever known. I have never ceased being amazed at how he can expound brilliantly on a subject without ever having to consult a note or prepared text.

Of course, this state's outstanding Minority and Justice Commission was Justice Smith's passion. He chaired the commission from its inception in 1990 to the present day, and along with all of us he has seen it grow in stature over those years.

As much as we have prized Justice Smith's presence as a founder and leader of our state's Minority and Justice Commission, we have had to share him with the rest of the nation. We, of course, did that happily and felt vicarious pride when in May 1990, he became the moderator of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts, assuming that position after the death of Ambassador Franklin H. Williams. Justice Smith held the moderator position for 9 years, and under his watch the number of jurisdictions with judicial branch Minority and Justice Commissions rose from 4 to 37, including the District of Columbia and three Canadian Provinces, a tribute to Justice Smith's leadership and prestige.

All of us in the judiciary of this state are immensely proud of Charles Smith and we are indebted to him for his efforts to make our state and nation a better place for all of our citizens to live. We were, of course, sad to see our friend retire from the Supreme Court. At the same time we were happy for him because we know that he will now have time for the many new activities and pursuits that will beckon this energetic man. Fortunately, for all of us, Justice Smith has agreed to continue as co-chair of the Minority and Justice Commission. For his willingness to do so my colleagues on the Supreme Court and the readers of this report are most grateful.

# Dedication to Justice Charles Z. Smith

## By Justice Charles W. Johnson

I join Chief Justice Gerry Alexander in dedicating the 2002 Annual Report of the Washington State Minority and Justice Commission to Charles Z. Smith.

I first met Justice Smith when I joined the Washington State Supreme Court in January 1991. Many years before, I had watched Charles Z. Smith during his regular television commentaries. I also witnessed his appointment to the Washington State Supreme Court and followed his judicial career as a Justice on the Supreme Court. Not until I joined him on the State Supreme Court however, did I begin to comprehend the enormous role Charles Z. Smith has played in the evolution of fairness and equality in society.

Charles Z. Smith has dedicated his life to local, national and international organizations and efforts concerned with fairness and equality in religion, law, health, children and families, and cultural diversity. His strong commitment to fairness and inclusiveness in all aspects of the legal profession is evidenced by his role in the development and leadership of the Washington State Minority and Justice Commission. I have witnessed him assist in the development and expansion of programs in other states and jurisdictions, giving his time, support and energy so generously. Primarily because of his efforts, our Minority and Justice Commission is viewed as the national leader of Commissions and has been the model for the development and organization of other state's Commissions.

Charles Z. Smith is truly a historical figure. He has lived through, witnessed and participated in the evolution of society, where racial and ethnic bias and inequality was confronted and positive change occurred. Even though he has experienced many personally painful events in his life, he survived while retaining his sense of humor, fairness and purpose. His reputation and stature as a leader extends throughout the state, the country and the world.

Charles Z. Smith's list of organizational involvements and recognitions are far too extensive to begin to include within the confines of this dedication. His list is a reflection of the positive and prominent role he has played in many diverse areas. He has set an example of leadership and involvement hard to equal.

I am pleased Charles Z. Smith is continuing as Co-Chairperson of the Commission. His retirement from the Supreme Court is a great loss. I've been privileged and honored to have served with him for 12 years on the Court and I cherish the friendship we've developed. I look forward to his continuation as a leader of our Commission as we strive to fulfill our goal of eliminating racial and ethnic bias in the court system.



# Acknowledgement

The Minority and Justice Commission sincerely thanks and acknowledges the following persons for their contribution, preparation, and layout of this report: Chief Justice Gerry L. Alexander, Justice Charles Z. Smith, Justice Charles W. Johnson, Magistrate Judge Monica J. Benton, Judge Kenneth H. Kato, Judge James M. Murphy, Judge Deborah D. Fleck, Brian A. Tsuchida, Monto S. Morton and Ms. Erica S. Chung.

The Commission is grateful to Justice Charles Z. Smith and Justice Charles W. Johnson, Commission co-chairpersons, for their leadership, inspiration, and support in advancing the Commission and their commitment to eliminating racial, ethnic, and cultural bias in our state court system. We are also grateful to Minority and Justice Commission members and Technical Support members for their continued support and assistance in advancing the Commission's mission and goals.

A special appreciation is extended to justices of the Washington State Supreme Court for their continued support of the Commission and commitment to diversity by their Orders of Renewal, the Washington State Legislature for its continued support of important education programs, research activities, and other projects through budget allocations, and Ms. Mary Campbell McQueen, Administrator for the Courts, for her participation in and support of the Commission.

## Cover Painting “Justice Welcomes Diversity”

Edward Kiloh began showcasing work at the Faculty Select Show of the State University of New York at New Paltz where he was accepted in to the Bachelor of Fine Arts program in 1991. His work has also been commissioned and featured at the Evergreen State College where he received his Bachelor of Arts degree in 1998. As an intern, he designed and produced a mission statement poster for the Washington State Department of Social and Health Services — Medical Assistance Administration. He has also exhibited at private showings in the Arrowspace Gallery and arts walk events in Olympia, Washington.

In the illustration “Justice Welcomes Diversity,” the lady of justice is central and prominent to portray justice as a symbol of strength, support, and openness. Also the lady of justice is not blindfolded which recognizes that justice is not yet dispensed blindly and equally for all. The stick figures in the illustration are as diverse as the palette to represent population diversity in the State of Washington. The figures are simple in design to reinforce the importance of justice as it relates to diversity in the piece. According to the artist, “Overall, I was striving for balance in composition and interesting or unique contrast of color.”

# Introduction

The Washington State Minority and Justice Commission was created by the Washington State Supreme Court in 1990 as successor to the Washington State Minority and Justice Task Force created by the court in 1987 at the request of the Washington State Legislature. By order of the Supreme Court on December 2, 1999, the Commission was renewed for an additional period of five years until the year 2005. In creating the Commission and subsequent Orders of Renewal, the Supreme Court acknowledges there is a continuing need to identify and to eradicate all racial, ethnic, and cultural bias in our state court system.

The purpose of the Minority and Justice Commission is to determine whether racial and ethnic bias exists in the courts of the State of Washington. To the extent that it exists, the Commission is charged with taking creative steps to overcome it. To the extent that such bias does not exist, the Commission is charged with taking creative steps to prevent it.

The primary function of the Minority and Justice Commission in pursuit of its mandate is *first*, to eliminate racial and ethnic bias from the state court system through identification of problems and through implementation of recommendations ensuring fair and equal treatment in the courts for all parties, attorneys, court employees and other persons; *second*, to examine all levels of the state judicial system and promote judicial awareness of persons of color in order to achieve a better quality of justice and make recommendations for improvement to the extent needed; *third*, to engage in empirical research studies examining whether racial and ethnic disparities exist in the criminal justice system; *fourth*, to increase cultural awareness through development and presentation of cultural diversity education programs for judges and other court personnel; *fifth*, to increase racial and ethnic diversity in the court workforce through development and implementation of recruitment and workforce diversity education programs; and *sixth*, to prepare, publish, and distribute an annual report and quarterly newsletter, *Equal Justice*.

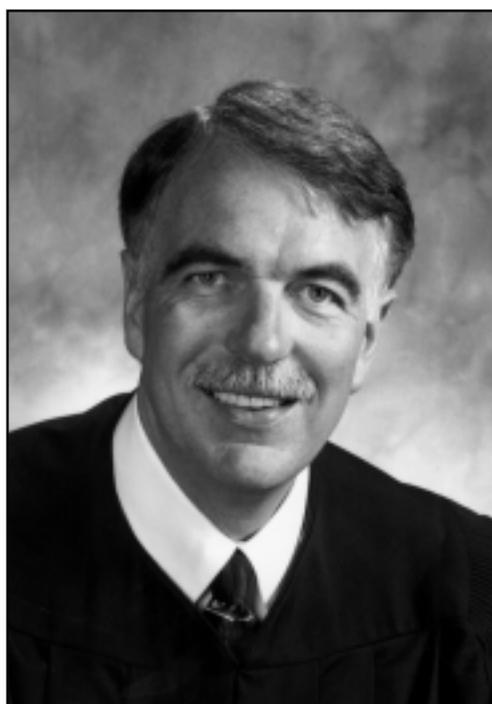
The Washington State Minority and Justice Commission is Co-chaired by Supreme Court Justices Charles Z. Smith and Charles W. Johnson. The work of the Commission is carried out through its five sub-committees: Education, chaired by Judge Monica J. Benton, United State Magistrate; Evaluation and Implementation, chaired by Judge James M. Murphy, Spokane County Superior Court; Outreach, co-chaired by

Brian A. Tsuchida, Federal Public Defender, and Ms. Myrna I. Contreras, Attorney at Law, Contreras Law Offices; Research, chaired by Judge Kenneth H. Kato, Court of Appeals, Division III; and Workforce Diversity, chaired by Judge Deborah D. Fleck, King County Superior Court. The Commission currently consists of twenty-one members appointed by the Supreme Court and thirty-one “technical support members” appointed by the Commission.



**Charles Z. Smith**  
Co-Chairperson  
Washington State Minority and  
Justice Commission

Justice  
Washington State Supreme Court



**Charles W. Johnson**  
Co-Chairperson  
Washington State Minority and  
Justice Commission

Justice  
Washington State Supreme Court



3.0 *Renewal of Minority and Justice Commission.* The Minority and Justice Commission was established in 1990 for a period of five (5) years, subject to renewal for additional years as may be determined by the Court. It was renewed for an additional period of five (5) years by order of this Court on July 15, 1995. Upon review of the activities of the Commission since its creation, the Court now determines that the Commission should be renewed for an additional period of five (5) years, subject to further renewal as may be determined by this Court.

## **ORDER**

4.0 *Order Renewing Minority and Justice Commission.* By this order the Washington State Supreme Court now renews and continues the Washington State Minority and Justice Commission for an additional period of five (5) years, subject to further renewal for additional years as may be determined by this Court. The Commission shall continue its operation without interruption and shall proceed according to its established organization and program.

5.0 *Membership of Commission.* The Washington State Minority and Justice Commission shall continue with twenty-one (21) members and shall include an appropriate mix of judges at all levels of court, members of the Washington State Bar Association, the Administrator for the Courts, trial court administrators, college or university professors, and private citizens. Appointments to the Commission shall be made to assure racial, ethnic, gender, cultural and geographic diversity from the population of the State of Washington.

6.0 *Terms of Appointment to Commission.* All appointments to the Commission shall be for terms of four (4) years, staggered according to the tenure established under the October 4, 1990 Order, except that the chairperson or co-chairpersons may serve for an unlimited term at the pleasure of the Supreme Court. Vacancies on the Commission shall be filled by the Supreme Court upon recommendation of the Commission.

7.0 *Technical Support Members.* The chairperson or co-chairpersons may augment the Commission by appointing Technical Support members, to serve without vote, when broader representation or specific expertise is needed. The terms of Technical Support members shall be for one (1) year, renewable for additional periods of one (1) year at the pleasure of the chairperson or co-chairpersons.

8.0 *Budget of Commission* The budget of the Commission shall be provided in the Budget of the Supreme Court or in the Budget of the Administrator for the Courts.

9.0 *Administrator for the Courts.* The Administrator for the Courts, with the advice of the Commission and subject to budget considerations, shall provide staff and other resources for ongoing activities of the Commission. But the Executive Director of the Commission shall be employed by, and be directly responsible to, the Commission acting through its chairperson or co-chairpersons.

10.0 *Annual Report.* The Commission shall prepare and file an annual report with the Governor, Legislature, Supreme Court and the Administrator for the Courts concerning its activities and shall recommend appropriate action for further promotion of equal justice for racial, ethnic, cultural and language minorities in the state judicial system. This shall include continuing education on cultural diversity for judges and other court personnel.

11.0 *Authorization to Seek Funds.* The Commission is authorized to seek funding from the private and public sectors and is authorized to receive funds in its own name.

Signed at Olympia, Washington on December 2, 1999.

Richard B. G. G.

Wm. J. S. S.

Richard J.

Charles W. Brown

Alexander, J.

Madsen, J.

Salmadge, J.

Sanderson, J.

# Executive Summary

By Erica S. Chung

The purpose of the Annual Report is to provide a regular update of activities and accomplishments of the Minority and Justice Commission since its 2001 Annual Report. It is also an opportunity to update our readers on several internal changes that have occurred since the last report.

Although the report is a compilation of Commission activities, sub-committee reports highlight various court associations and committees and their efforts to promote cultural and racial diversity. We should acknowledge their support and commitment to diversity and to equal justice for all in the justice system. Since the inception of the Commission a lot has been accomplished by the Commission and the courts to promote fairness in the courts, but it is important to recognize that much still needs to be done to ensure equal treatment and justice for all in the courts. I am reminded of a report that was published by the Washington State Administrative Office for the Courts in 1999, *How the Public Views the Courts: A 1999 Washington Statewide Survey Compared to a 1999 National Survey*, which noted that the perception of equal treatment by people of color is lower compared to their white counterparts.

Each sub-committee has accomplished a lot, which is reported in their sub-committee reports. However, I will point out a few that, I think, are especially noteworthy.

For the past several years, the Education Sub-committee has worked closely with the Deans of the Judicial College, an annual week-long orientation for newly elected or appointed judges and commissioners, to institutionalize a cultural diversity education program and to incorporate diversity into other sessions offered at the Judicial College. The Education Sub-committee and the Deans recognized that cultural diversity impacts all facets of the judicial process. Therefore, in order to ensure fair and just treatment for all in the courtroom, they have made a commitment to incorporate diversity in one session per year until the issues of diversity and impact of diversity on the courts are intertwined with all education sessions provided at the week-long Judicial College.

In September 2002, the Workforce Diversity Sub-committee, in partnership with the Education Sub-committee, presented a plenary session stressing the importance of diversity and a choice session that provided a roadmap for diverse recruitment and retention at the Fall 2002 Judicial Conference, a statewide conference for all levels of the courts. It was a huge accomplishment by the sub-committees to present at the plenary session, in addition to the choice session, because it provided an opportunity to promote the importance of diversity and diverse workforce to judges who may not be totally familiar with the Commission's values on diversity.

In one year, many changes have occurred. Our esteemed co-chairperson, Justice Charles Z. Smith, retired from the Washington State Supreme Court on December 31, 2002. Although, Justice Smith was constitutionally mandated to retire at age 75, we are fortunate to have him continue as a co-chairperson of the Minority and Justice Commission.

Judge Ronald E. Cox, Court of Appeals, Division I, stepped down as the Education chairperson and Judge Monica J. Benton, United States Magistrate Judge, has graciously agreed to fill the leadership. Judge Cox, however, has agreed to continue to serve on the Commission and will participate as a member of the Education Sub-committee. At this time, I would like to acknowledge and thank him for his leadership and hard work on the Education Sub-committee, commitment to equal justice for all, and continued support of the Commission.

Brian A. Tsuchida, Office of the Federal Public Defender, has been appointed to the Minority and Justice Commission from the Technical Support position to fill the remainder of the term vacated by Ms. Kazzie Katayama, Office of the Metropolitan King County Executive. Mr. Tsuchida has also agreed to serve as co-chairperson of the Outreach Sub-committee with Ms. Myrna I. Contreras, Contreras Law Offices, who was serving as the sole chairperson of the sub-committee. Michael J. Killian, Franklin County Clerk, has been appointed to the Technical Support position.

At this time, I would like to thank Ms. Kazzie Katayama, who stepped down from the Minority and Justice Commission, and Judge Sergio Armijo, Judge Ann Levinson, Ms. Pam L. Daniels, Ms. Leana D. Lamb, Manuel Romero, and Ms. Barbara J. Selberg, who stepped down from the Technical Support Group, for their contribution, participation, and promotion of equal justice in the justice system.

Lastly, I would like to thank Ms. Pamalyce (Pam) Miller, former Commission Administrative Secretary, who left to pursue other endeavors, for her assistance and support and I would like to welcome our new Administrative Secretary, Monto S. Morton, for his dedication and work to advance the mission and goals of the Commission.



Ms. Erica S. Chung



Monto S. Morton

## Sub-Committee Reports

The Washington State Minority and Justice Task Force, precursor to the Minority and Justice Commission, in its preliminary work discovered there were significant needs for cultural diversity education and for increasing diversity in the workforce within the court system of Washington State. The Task Force illuminated the need for continuing objective research in the treatment of people of color who enter the justice system, as well as those in the legal profession, and the need for developing liaisons with mainstream and ethnic bar organizations.

The Task Force, in 1989, recommended creation of the Washington State Minority and Justice Commission with specific mandates. The Washington State Supreme Court issued an order creating the Commission and two subsequent Orders of Renewal. The Commission established five sub-committees to accomplish its mission:

- The *Education Sub-Committee* focuses on development and implementation of cultural diversity educational seminars, panels, and workshops that imbue judges, court personnel, and persons in the justice system with greater awareness and appreciation of cultural diversity.
- The *Outreach Sub-Committee* has expanded its objectives to reach the general public, in addition to state, local and ethnic bar associations, in disseminating information about Commission activities and reports.
- The *Research Sub-Committee* conducts research projects to examine whether race and ethnicity of participants in the justice system affects their treatment in the courts.
- The *Workforce Diversity Sub-Committee* strives to promote diversity in the workforce and to increase persons of color in non-judicial and quasi-judicial positions within the Washington State court system.
- The *Evaluation and Implementation Sub-Committee* reviews Commission-sponsored research reports and develops implementation plans based on report findings.



## Education Sub-Committee

It was an exciting year for the Education Sub-committee as it undertook new challenges and covered new grounds since our last report. The sub-committee supported the Workforce Diversity sub-committee in its plenary program featuring Sheryl Willert and Justice Xavier Rodriguez at the Fall 2002 Judicial Conference, which is covered in the Workforce Diversity sub-committee report, and our sub-committee's program expansion at the Washington State Judicial College featuring Judges Ronald A. Mamiya and James M. Murphy. These programs and other works highlighted below were consistent with our mission and stated goals.

### *MISSION*

To improve the administration of justice by developing and presenting educational programs designed to eliminate racial, ethnic and cultural bias in the judicial system. This sub-committee primarily focuses on promoting cultural awareness and engendering mutual respect among those who administer justice in our judicial system and who deliver court services to the public.

### *GOALS*

- To provide leadership to all components of the state justice system in order to eliminate racial, cultural, and ethnic bias and disparate treatment;
- To ensure that cultural diversity training becomes a normal and continuous aspect of employment within the state justice system;
- To provide cultural diversity training skills to those within the justice system; and
- To provide the best educational services available to those within the justice system.

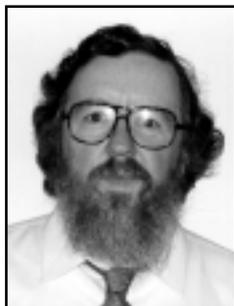


Judge Monica J. Benton  
Chairperson  
Education Sub-Committee

United States  
Magistrate Judge



Judge Wil I iam W.  
Baker



Lonnie Davis



Judge Anne L.  
Ellington



Ms. Ada Ko



Ms. Lorraine Lee

Our commission has successfully sponsored a cultural diversity program at the Washington State Judicial College, a week-long orientation for newly elected or appointed judges and commissioners at all levels of the court. This year the sub-committee presented a program titled “Cultural Diversity in the Courtroom” and complemented with another sub-committee program titled “Impact of Diversity on the Courts.” The first program encompassed active listening, tools and techniques to enhance one’s cultural competency in exercising judicial discretion, and best practices in culturally competent interventions. The second program presented by Judge Mamiya of Seattle Municipal Court and Judge Murphy of the Spokane County Superior Court addressed their personal perspectives regarding the benefits of creating a diverse atmosphere in our courts. Equally useful, each judge gave practical tips for the judiciary to take to ensure that the public feels cultural diversity is valued in our courts. Responses from session evaluations indicated that both programs were well received by the attendees.

The Commission sponsored a cultural diversity program at the Institute for New Court Employees and Bailiffs (INCE/B), a week-long training for approximately 70 new court employees and bailiffs from various courts in Washington State. Court employees are usually the first person that court users interact with and their services frame the public’s trust and confidence in the courts. Our program titled, “Bridges to Cultural Competency in the Court” highlighted the following: Become familiar with a definition of diversity; Recognize there are cultural differences that impact the experiences of people in the courts; Insure you acquire techniques for bridging those cultural differences; Decide among bridging techniques, including: Wide Angle Viewing, The Body Talks, and Multi-media Communications; Give the bridging technique your best; Evaluate the effectiveness of your efforts, and Sustain the momentum through planning and support.

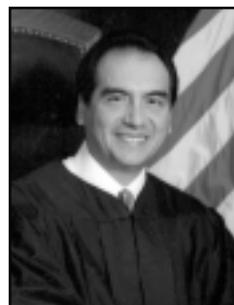
Consistent with our commitment to court employees and bailiffs, the sub-committee responded to a request from Judge Linda Portnoy, Lake Forest Park Municipal Court, for a cultural diversity program for its court staff. Executive Director Erica S. Chung, Mary Alice Theiler, and Judge Monica J. Benton held an informal discussion on creating a diverse court with staff in Judge Portnoy’s court. It was an opportunity for staff to view portions of the Commission produced video, “Cultural Competency: Rising to the



Judge Ron A. Mamiya



Ms. Denise C. Marti



Judge Ricardo S. Martinez



Ms. Mary Campbell McQueen

Challenge” and discuss its message. This also permitted the participants to ask pertinent questions and for presenters to create important dialogue on these issues. As a result, the sub-committee is exploring informal trainings at remote courts and small jurisdictions.

The initial formation of an annotated bibliography that will be published on the Commission’s web site is underway. This will be created with the assistance of University of Washington Law Library and Computing Services, the Law Librarianship Program at the University of Washington and an attorney volunteer. Our goal is to help enhance judges’ knowledge of racial and ethnic cultures as they exercise judicial discretion and to promote cultural awareness among judges, court personnel, lawyers, and persons who work in the Washington Court system. Because of the wealth of information in society and new publications, the sub-committee will continually seek submissions for the annotated bibliography and strive to maintain viable, useful, and timely materials.

For the coming year, the sub-committee will continue to provide a cultural diversity program at the annual judicial college. However, in 2003, the sub-committee will attempt to incorporate the issue of diversity in one session not sponsored by the Commission because diversity cannot be separated from the judicial process in dispensing equal justice for all. In addition, the sub-committee will expand its training venues beyond the trial courts. It will work with the Network of Adjudicatory Agencies to provide cultural diversity training to Administrative Law Judges.

The Commission is looking forward to a follow-up to an all-day cultural diversity training for Spokane County Juvenile Court staff. The sub-committee has committed to sponsoring an education session titled, “Addressing Racial Disproportionality in the Juvenile Justice System,” exploring racial inequities that are present in our society and our own personal biases, fears, and unconscious judgments. Innovatively, as a result of legislative budget cuts in 2002 and the elimination of an annual one-week training for new court employees and bailiffs the sub-committee will work with AOC to develop an on-line tutorial with one topic specifically devoted to cultural diversity for court employees.



Judge James M. Murphy



Ms. P. Diane Schneider



Judge Vicki J. Toyohara

*Members not pictured*

Dr. George S. Bridges  
Judge Patricia Hal I Clark  
Ms. Esther L. Patrick  
Judge Albert M. Raines



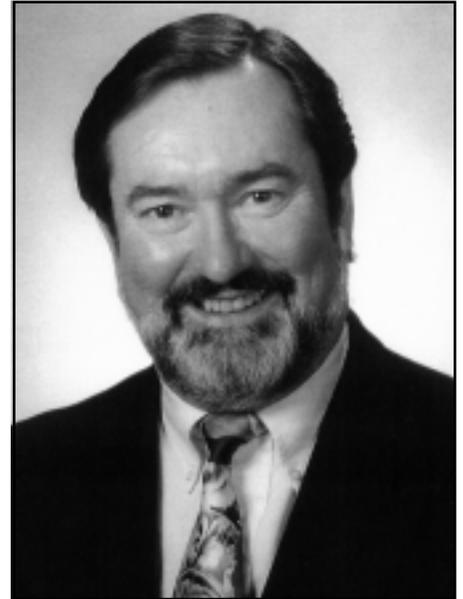
## Evaluation and Implementation Sub-Committee

The Evaluation and Implementation Sub-committee, in contrast to other sub-committees, was created in 1998 by the Minority and Justice Commission specifically charged with the responsibility of reviewing the work of other sub-committees, conclusions and recommendations and putting those worthwhile suggestions into concrete form.

One of the most common criticisms regarding government generated studies is that often reports or studies are the subject of reference in subsequent reports and infrequently result in substantive positive action. Therefore, Commission members desirous of producing reports with usefulness, created the Evaluation and Implementation sub-committee to review and to implement recommendations from extremely illuminating reports that would benefit and enhance the State of Washington justice system in an attempt to make justice equal for all.

The first major success of the sub-committee was the revision of Criminal Rule 3.2, which was passed by the Supreme Court of the State of Washington and became effective on September 1, 2002. This project was the result of three years of effort by the sub-committee in reaction to recommendations made by Dr. George S. Bridges in his 1997 study titled "A Study on Racial and Ethnic Disparities in Superior Court Bail and Pre-trial Detention Practices in Washington," which was commissioned by the Minority and Justice Commission. The revision was a project which brought together members of all components of the Criminal Justice community and incorporated input from the Washington State Bar Association, prosecuting attorneys, defense attorneys and judges

The sub-committee presented a training session on utilization and implementation of the revised rule at the Annual Fall Judicial Conference sponsored by the Supreme Court of the State of Washington in Spokane, Washington in September 2002. Attendees included judges of all levels of court who acclaimed the program to be most beneficial to their missions as judicial officers



Judge James M. Murphy  
Chairperson  
Evaluation & Implementation  
Sub-committee

Spokane County Superior  
Court Judge

The next major project before the sub-committee is the creation and implementation of a set of bail guidelines for the courts of the State of Washington. The sub-committee will work with the Minority and Justice Commission Research sub-committee in an effort to create an equitable and uniform set of guidelines for use by judges when faced with the task of setting reasonable bail on the broad range of crimes before them. As with the Sentencing Guidelines adopted by the Courts of our state, we recognize a need for uniformity and continuity in bail decisions. Following research and comparison with such guidelines on a national level, proposals will be circulated for comment and recommended for adoption.

A third major project of the sub-committee is an effort to remedy the issue of incorrect addresses being considered as correct for parties charged with criminal offenses. The result of this error is the issuance of warrants for the arrest of such individuals and the creation of an undeserved criminal history which generally precludes consideration of least restrictive treatment at the time of bail decisions by judicial officers. The sub-committee will be seeking methods that provide a correct address or limit the number of warrants being issued to people using incorrect mailing addresses.

As the Research, Education and Workforce Diversity sub-committees continue to develop recommendations and suggestions that enhance the mission of the Minority and Justice Commission, the Evaluation and Implementation sub-committee will continue its attempt to convert these worthwhile issues into operation.



Robert C.  
Boruchowitz



Judge Deborah D.  
Fleck



Judge Kenneth H.  
Kato

## Outreach Sub-Committee

The Outreach sub-committee seeks to facilitate communication between the Washington State Minority and Justice Commission and the legal community and the general public in order to share information, to create awareness, and to generate a better understanding of the issues related to diversity in the legal system. To further the goals of the commission, the Outreach sub-Committee publishes the Minority and Justice Commission's newsletter, *Equal Justice*.

Since our last Annual Report, the Outreach sub-committee has produced and distributed the following issues of *Equal Justice*, featuring the following themes:

- Judge's Speak, December 2002
- Tribal Justice, August 2002
- Ethnic and Minority Bar Associations, January 2002
- Diversity in the Courts, September 2001

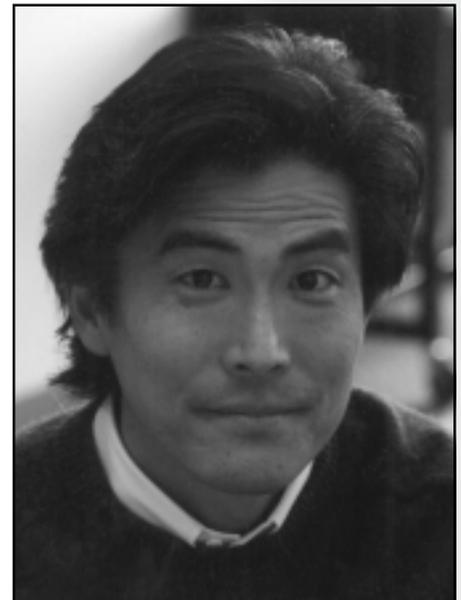
The Outreach sub-committee endeavors to present themes that are timely, current, interesting, and, most importantly, informative.

The format of *Equal Justice* has evolved with time; however, the goal of newsletter has remained constant — to inform and educate readers concerning issues and people that are at the forefront of diversity within the justice system. A few of the issues highlighted in the past issues of *Equal Justice* were “Barriers Immigrant Women Face In The Justice System”, “Tribal Traditional Law” in relations to the justice system, “Impact Of Incarceration On Children And Families” of Asian Americans, and “Trials And Triumph Of The Nikkei”. The experiences of notable individuals in the legal profession including Justice James M. Dolliver (retired), Justice Charles Z. Smith, Ms. Sherri



Ms. Myrna I. Contreras  
Co-Chairperson  
Outreach Sub-committee

Attorney at Law  
Contreras Law Offices



Brian A. Tsuchida  
Co-Chairperson  
Outreach Sub-committee

Federal Public Defender

Lynn Jefferson, Judge Veronica Simmons McBeth, Mr. Louis Frederick Paul, Judge Ellen Kalama Clark, Judge Ida Leggett, Mr. Philip L. Burton, Ms. Mary Alice Theiler, Judge Gina Hale, Ms. Sheryl J. Willert, Mr. Henry Nguyen, and Mr. Carl Maxey have also been featured.

Members of the Commission and the legal community write the articles featured in our newsletter. Over the years, readership has grown significantly. *Equal Justice* newsletter is currently distributed to more than 1900 persons and organizations nationally and, a few, internationally. The newsletter is also one of the most frequently visited links within the Commission's web site, located at [www.courts.wa.gov/mjc/newslet.cfm](http://www.courts.wa.gov/mjc/newslet.cfm).

The Outreach sub-committee continues its outreach efforts to the legal community and the general public. Currently, the main focus of the sub-committee is the publication of the Commission's *Equal Justice* newsletter. The next issue of *Equal Justice*, to be published in the Spring of 2003 will revolve around the issue of Legal Education for a Diverse Society. In addition to the newsletter, the Outreach sub-committee hopes to expand its outreach efforts by coordinating and facilitating meetings across the state with groups and organizations interested in diversity in the legal system.



Judge M. Karlynn  
Haberly



Judge Douglas W.  
Luna



Judge Richard F.  
McDermott, Jr.



Ms. Mary Alice  
Theiler



Judge Dennis D.  
Yule



Judge Philip J.  
Thompson

*Member not pictured*

Ms. Rosa Melendez

## Research Sub-Committee

The Research sub-committee designs, funds, and conducts research pertaining to problems of racial and ethnic minorities in the Washington State justice system.

The sub-committee's research projects stress the following priorities: identifying problems experienced by minorities or persons of color in the state's juvenile and adult justice system, determining the causes of those problems, and recommending potential remedies to overcome the problems.

To this end, the purpose of the sub-committee is to generate research reports or undertake projects that inform, educate and promote equal justice for all.

The Research sub-committee did not undertake any new projects until adoption by the Washington State Supreme Court of changes to Superior Court Criminal Rule 3.2 and Criminal Rule of Limited Jurisdiction 3.2, which addresses release of the accused pending trial. The rules were adopted and went into effect on September 1, 2002. The Research sub-committee will work with the Evaluation and Implementation sub-committee in development of pre-trial release guidelines consistent with the rules.

The scope of the project is outlined below:

### *Development of Pre-Trial Release Guidelines*

Phase I: The sub-committees will contract with a retired judge to prepare release procedural guidelines/forms of order for Washington State property and drug crimes,



Judge Kenneth H. Kato  
Chairperson  
Research Sub-committee

Washington Court of Appeals  
Judge, Division III



Judge Monica J.  
Benton



Judge James D.  
Cayce



Dean Donna  
Claxton Deming

consistent with the 3.2 rules. Phase I is scheduled to begin in April 2003 with completion by June 30, 2003.

Phase II: the sub-committees will contract with a retired judge to prepare release procedural guidelines/forms of order for all other criminal charges and has a target completion date of March 2004.

In both phases, the sub-committees will request input from a variety of participants in the criminal justice system before final guidelines are developed.

*Field Experiment (Usability Test)*

Phase III: utilizing the proposed procedural guidelines/forms of order for Washington State criminal charges, the sub-committee proposes designing and conducting a usability test. The experiment would test the usefulness in actual pre-trial release decision by judges. The test would have two groups of judges with one group of judges utilizing the guidelines/forms of order and the other group of judges not utilizing the guidelines. The purpose is to test the usability and to test its impact in the court system. Phase III of the experiment is projected to take twelve months, including designing of the experiment, training judges to use the guidelines/forms of order, collecting of data, and writing a report of its results. The goal is to complete the usability test and to write its findings by March 2005

The Research sub-committee and the Evaluation and Implementation sub-committee believe that the two-part project proposed is a natural next step following the modification of the 3.2 rules, recommended by Dr. George S. Bridges in the Commission-sponsored research report, "A Study on Racial and Ethnic Disparities in Superior Court Bail and Pretrial Detention Practices in Washington." They would allow continued refinement of pre-trial release decisions and research on the impact of more careful review of factors influencing those decisions.



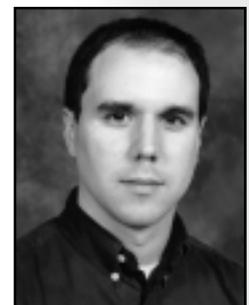
Larry M. Fehr



José E. Gaitán



Ms. Mary Elizabeth  
McKnew



José J. Quintana

# Workforce Diversity Sub-Committee

The mission of the Workforce Diversity sub-committee is to promote equal employment opportunity and to increase racial and ethnic minority representation at all levels of the courts.

In 1991 and in 1992, the sub-committee formulated goals, areas of inquiry, and recommendations in four primary areas: *first*, provide workforce diversity education for existing court personnel; *second*, recruit, hire, retain and promote minority court personnel; *third*, create resource lists for each county court system; and *fourth*, obtain adequate funding to continue these tasks. The sub-committee has worked steadily toward achieving these goals.

The Workforce Diversity sub-committee has many accomplishments to report since our last report, thanks to the dedication, commitment, and work of sub-committee members. The sub-committee's premier effort has been the publication and presentation of "Building a Diverse Court: A Guide to Recruitment and Retention," authored by Sheryl J. Willert and Antoinette M. Davis with the law firm Williams, Kastner and Gibbs, a roadmap for courts for building and maintaining a culturally rich and diverse workforce, reflecting the communities served by the courts in the State of Washington. Ms. Willert presented an overview of "Building a Diverse Court" at the opening plenary session of the Fall 2002 Judicial Conference for judges from all levels of the court in Spokane, Washington. In addition, she and Ms. Davis presented a choice session at the same conference, both of which were well received by judge participants. The sub-committee plans to offer similar choice session presentations utilizing the Guide "Building a Diverse Court" at the Spring 2003 Joint Management Conference



Judge Deborah D. Fleck  
Chairperson  
Workforce Diversity  
Sub-committee  
  
King County Superior  
Court Judge



Jeffrey A. Beaver



Robert C.  
Boruchowitz



Ms. Madelyn  
Botta



David J. Del I a

for court administrators from various courts and at the Spring 2004 Presiding Judges Conference.

The sub-committee is also proud to have sponsored Justice Xavier Rodriguez with the Texas Supreme Court as a national speaker at the opening plenary session of the Fall 2002 Judicial Conference. Justice Rodriguez emphasized the importance of encouragement and mentorship as well as the importance of equal employment opportunities for persons of color in our society and within the justice system itself. He described his own educational and career path, demonstrating through his life story how personal initiative together with a fair playing field allows persons of color to achieve their full potential.

Justice Rodriguez stressed the significance of diversity in the workforce of the courts. It graphically demonstrates to everyone, including those in protected classes such as race, that the judicial system itself does not discriminate in employment and it “humanizes the workplace and opens it up to new ideas, unique perspectives and different people from different backgrounds.” Similar to Ms. Willert, his definition of diversity is broad, encompassing acceptance of differing personality and work styles, as well as the visible dimension of diversity such as race, sex and age. Justice Rodriguez also included in his definition of diversity other influences including religion, socioeconomics and education.

Judges LeRoy McCullough and Richard A. Jones are dedicated to educating young people regarding career opportunities in law related fields. As emphasized in Justice Rodriguez’ presentation, reaching down to younger people is imperative. Such exposure can be a catalyst to a young person’s plans for a future in a law-related field and it strengthens the public’s trust in our justice system by connecting a real person to a career choice.

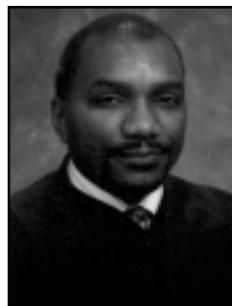
Under the leadership of Judges McCullough and Jones, the sub-committee sponsored in partnership with the Washington State Bar Association Young Lawyers



Ms. Lourdes  
Fuentes



Judge Richard A.  
Jones



Judge LeRoy  
McCullough



Tony Orange

Division and local organizations, the Youth Law Conference on November 13, 2000 in Yakima, Washington. The purpose of the forum was to expose students traditionally underrepresented in the justice system to employment opportunities and other positive aspects of the justice system. Over 100 students grades eighth through twelve attended and many volunteer professionals, including judges, prosecutors, defense attorneys, police officers, probation officers, and correction officers also participated.

The goal of this ongoing project is to reach out to young people still developing their career plans to make them aware of employment opportunities in the courts and the judicial system. Following the highly successful presentation of this program in Yakima, the sub-committee plans to present the Youth and the Law Forum in Tri-Cities in Spring 2003 and in Spokane County in Fall 2003.

The sub-committee is also developing greater opportunities for law students at the University of Washington School of Law and the Seattle University School of Law through a growing externship program modeled after the highly successful collaboration between the Spokane County Superior Court and the Gonzaga School of Law. Several King County judges have agreed to accept and work with student externs, providing students with valuable “hands-on” experience working with judges on civil matters, mentorship and networking opportunities in addition to receiving law school credits. Judges, on the other hand, benefit by the opportunity to work with these capable students who serve in a valuable law clerk capacity. Many judges are also willing to work on a less formal basis with law students. The sub-committee plans to continue to develop and institutionalize this program in 2003.

The judiciary of the State of Washington is committed to the principle that our judiciary itself and our court staff should reflect the population of our State and the communities we serve. As judges, we have a unique opportunity in our role as employers to improve the administration of justice by valuing and increasing diversity in employment within the courts. Through our hiring decisions we can provide role models for persons of all colors to seek employment in our branch of government.



Kenneth E.  
Payson



Jeffrey C.  
Sullivan



Judge Mary I. Yu

*Members not pictured*

Guadalupe Gamboa  
Michael Kilian  
Ms. Terry Mark



## Commission Art Work

Art work featured on the covers of our previous annual reports was commissioned by the Washington State Minority and Justice Commission to visually represent concepts of diversity, inclusiveness and justice. These works have been reproduced in posters and note cards which are available upon order from the Commission. An order form is included in this report at Page 39.

# “We create balance”

By Michelle Kumata



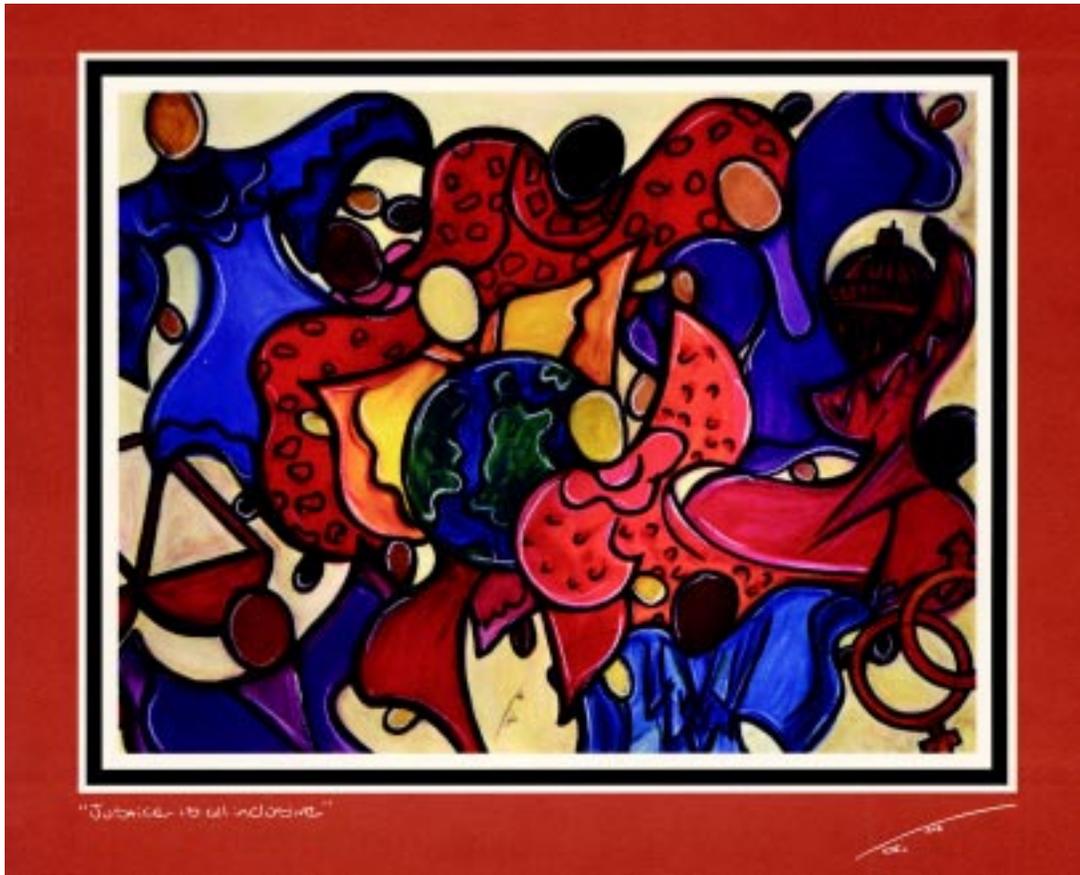
“We create balance,” is an original work by Michelle Kumata, a Seattle graphic artist, who was commissioned by the Washington State Minority and Justice Commission to create an appropriate expression of the overall purposes of the Commission with its emphasis on inclusiveness.

In commenting on her painting, Ms. Kumata stated “We, as a very diverse community, can all contribute to creating balance and equality in our courts and in our society.” She thus created a visually emphatic work of art which reflects this diversity and titled it “We create balance.”

A graphic artist at *The Seattle Times* for the past five years, Ms. Kumata further stated that, “in many ways, I try to give people of color a *voice* in my illustration.” She began her career with an illustration of Vincent Chin (an Asian American victim of a senseless killing in Detroit) for Seattle’s *International Examiner*. She remarked that “that first illustration helped me understand not only the role of community newspapers, but also my role as part of the ‘voice’ for the community. Through experiences like this, I’ve learned the importance of my own identity in my work.”

# “Justice is all inclusive”

By Tori



In 1998, the artist Tori created the design “Justice is all inclusive” by commission from the Washington State Minority and Justice Commission. The Commission shared the design with the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts as the conference notebook cover for its Tenth Annual/Anniversary meeting in Seattle, Washington on May 7, 8 and 9, 1998.

The artist commented, “In the piece ‘Justice is all inclusive,’ I used my art to give society a colorful window by which to explain and hopefully realize the necessity for justice to be inclusive to all.”

# “Justice and Women of Color” By Nubia W. Owens



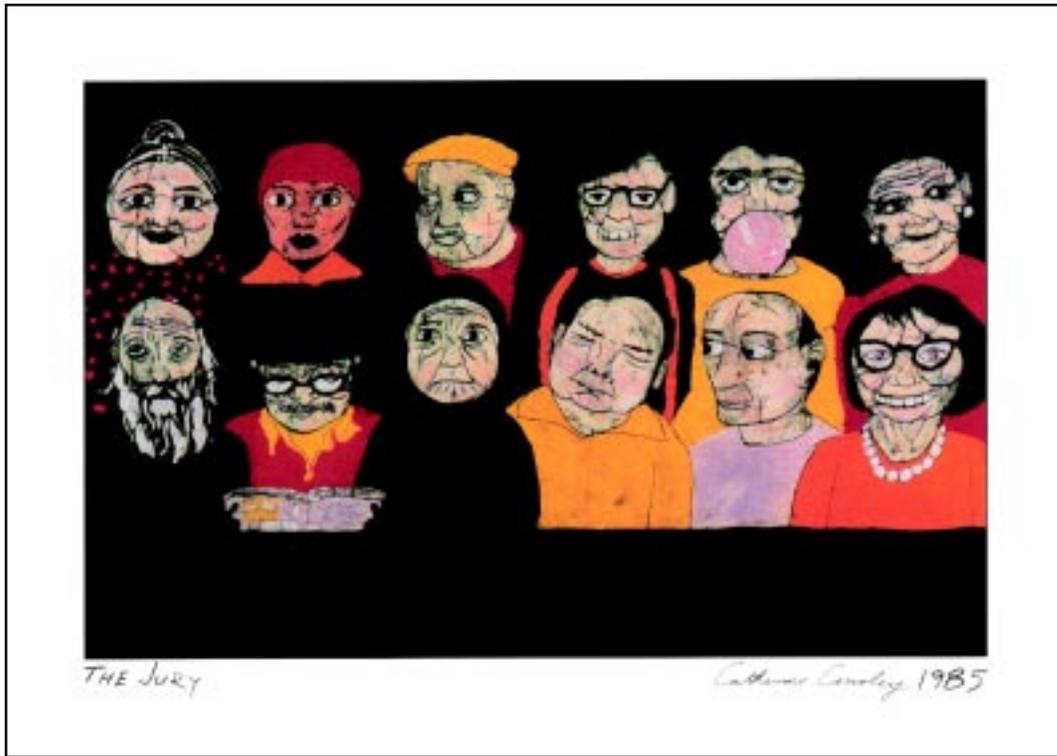
“Justice and Women of Color,” is an original art work by artist Nubia W. Owens which represents women of color and the scales of justice. It was created especially for the Washington State Minority and Justice Commission and adopted by the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts.

The Artist was born in New York City. She graduated from its High School of Music and Art and received her Bachelor of Fine Arts degree from the New York School of Visual Arts. She received her Master of Fine Arts degree from the University of Washington in 1995. Formerly teaching and working in Seattle, Ms. Owens now resides in Phoenix, Arizona.

When asked to comment on her “Justice and Women of Color” design, Ms. Owens said “I see women as one unifying force. I feel a lot of creativity is essential to accomplishing our goal of full equality.”

# "The Jury"

By Catherine Conoley



In 1994 Justice Charles Z. Smith noted with admiration a framed batik hanging in the chambers of Kitsap County Superior Court Judge Karen B. Conoley. Upon inquiry he learned it was the creative work of the judge's daughter, Catherine, while she was a middle school student in Kitsap County in 1985.

Concluding that the work was poignantly representative of diversity and inclusiveness in trial juries—a concept consistent with the goals of the Minority and Justice Commission—Justice Smith obtained permission from Ms. Conoley and her mother to reproduce the batik in posters and note cards to be published by the Commission. This work did not appear on the cover of any of our annual reports. Copyright permission was granted by Ms. Conoley, who in 1994 was a college student studying dramatic arts at home and abroad.

Captioned "The Jury," the batik in a colorful serio-comical form depicts twelve women and men of varying ages, physical attributes, facial expressions, and forms of dress. Although not originally intended by the young artist as a social comment, "The Jury" nevertheless forcefully speaks to the significance of diversity in a jury of twelve persons in an American courtroom.

# “Equal Justice” By Sekio Matsumoto



The “Equal Justice” logo was created especially for the Commission by Sekio Matsumoto, a Seattle graphic artist. It shows peoples with raised arms symbolically represented as white, black, yellow and brown. The image is enhanced by the shading and gradation of color which represents a fusion into an indivisible whole—all the while maintaining individual identity. The words “Equal Justice” are repeated in English, Spanish, Japanese, Chinese, Korean and Vietnamese. In the center of the circle is the scales of justice.

The “Equal Justice” logo has become a universal symbol with a life of its own. Not only is it a standard symbol for our Commission, but it has been used in publications by the National Center for State Courts in Williamsburg, Virginia and by the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts.



**Research Reports:**

December 1999 *“The Impact of Race and Ethnicity on Charging and Sentencing Processes for Drug Offenders in Three Counties of Washington State”* \_\_\_\_\_ quantity No Charge

July 1999 *“Racial and Ethnic Disparities in Sentencing Outcomes for Drug Offenders in Washington State: FY 1996-1999”* \_\_\_\_\_ quantity No Charge

October 1997 *“A Study on Racial and Ethnic Disparities in Superior Court Bail and Pre-Trial Detention Practices in Washington”* \_\_\_\_\_ quantity No Charge

November 1995 *“Racial and Ethnic Disparities in Prosecution of Felony Cases in Washington State”* \_\_\_\_\_ quantity No Charge

**Workforce Diversity Material :**

September 2002 *“Building a Diverse Court: A Guide to Recruitment and Retention”* \_\_\_\_\_ quantity No Charge

May 1997 *“Workforce Diversity Resource Directory For Washington State Courts”* \_\_\_\_\_ quantity No Charge

**Postage and Packaging Fee:**

Packaging fee for each video \$2.00  
Packaging fee for all posters \$2.00

Postage fee for posters 1-5 \$0.50  
6-10 \$1.00  
11-25 \$2.00  
25 + \$3.00

Postage and Packaging Fee \$ \_\_\_\_\_

Total Enclosed For Order \$ \_\_\_\_\_

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Organization/Court: \_\_\_\_\_

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City, State and Zip Code: \_\_\_\_\_

Please make checks payable to “Minority and Justice Commission Special Project Fund” and send to:

Washington State Minority and Justice Commission  
Temple of Justice  
Post Office Box 41174  
Olympia, Washington 98504 - 1174

Telephone: (360) 357-2109  
E-Mail Address: Minority.Justice@courts.wa.gov

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Graham and Dunn

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Director  
Office of the Public Defender

Ms. Madelyn Botta  
Court Administrator  
Kitsap County Superior Court

Dean George S. Bridges, Ph. D.  
Undergraduate Education and Vice Provost  
University of Washington

Judge James D. Cayce  
King County Superior Court

Judge Patricia Hall Clark  
King County Superior Court

Lonnie Davis  
Disabilities Law Project Coordinator  
Washington Coalition of Citizens  
with Disabilities

David J. Della  
Director of Community Affairs  
United Way King County

Larry M. Fehr  
Senior Vice President  
Pioneer Human Services

José E. Gaitán  
Attorney at Law  
The Gaitán Group

Judge M. Karlynn Haberly  
Kitsap County Superior Court

Charles A. Jardine, Retired  
Certified Public Accountant

Michael J. Killian  
County Clerk  
Franklin County Superior Court

Ms. Ada Ko  
Attorney at Law  
Lane Powell Spears Lubersky

Ms. Lorraine Lee  
Director of Licensing & Regulations Division  
Washington State Liquor Control Board

Judge Douglas W. Luna  
Central Council Tlingit and  
Haida Indian Tribes of Alaska

Ms. Terry Mark  
Assistant Director  
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Attorney at Law  
Columbia Legal Services

Judge Richard F. McDermott, Jr.  
King County Superior Court

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Attorney at Law

Ms. Rosa Melendez  
Regional Director  
Community Relations Service  
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José J. Quintana  
Assistant General Counsel  
Plum Creek Timber Company, Inc.

Judge Albert M. Raines  
Kirkland Municipal Court

Ms. P. Diane Schneider  
Senior Conciliation Specialist  
Community Relations Service  
United States Department of Justice

Judge Philip J. Thompson, Retired  
Court of Appeals, Division III

Judge Vicki J. Toyohara  
Office of Administrative Hearings  
Employment Securities Subdivision

Judge Mary I. Yu  
King County Superior Court

Judge Dennis D. Yule  
Superior Court of Franklin and Benton Counties

