

# Washington State Minority and Justice Commission



## 2009 Annual Report

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# 2009 Annual Report

of the

## WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

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## Our Mission

*“The Washington State Minority and Justice Commission was created by an Order of the Washington State Supreme Court 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.”*



## Commission Members

*Justice Charles W. Johnson  
Commission Co-Chair  
Washington State Supreme Court*

*Jeffrey A. Beaver  
Attorney at Law  
Graham and Dunn*

*Professor Robert C. Boruchowitz  
Attorney at Law  
Seattle University School of Law*

*Myrna I. Contreras  
Attorney at Law  
Contreras Law Offices*

*Judge Deborah D. Fleck  
King County Superior Court*

*Bonnie J. Glenn  
Attorney at Law  
Seattle University School of Law*

*Jeffrey E. Hall  
Administrator  
Administrative Office of the Courts*

*Judge Richard A. Jones  
United States District Court  
Western District of Washington*

*Judge Kenneth H. Kato, Retired  
Washington Court of Appeals, Div. III*

*Dean Sandra E. Madrid, Ph.D.  
Attorney at Law  
University of Washington School of Law*

*Justice Charles Z. Smith, Retired  
Commission Co-Chair  
Washington State Supreme Court*

*Judge LeRoy McCullough  
King County Superior Court*

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

*Judge James M. Murphy, Retired  
Spokane County Superior Court*

*Judge Vance W. Peterson  
Spokane County District Court*

*Professor Ada Shen-Jaffe  
Attorney at Law  
Seattle University School of Law*

*Jeffrey C. Sullivan  
United States Attorney  
Western District of Washington*

*Judge Greg D. Sypolt  
Spokane County Superior Court*

*Brenda E. Williams  
Attorney at Law  
University of Washington School of Law*

*Judge Mary I. Yu  
King County Superior Court*

*Judge Dennis D. Yule, Retired  
Benton/Franklin Counties Superior Court*

## Technical Support Members

*Professor Bryan L. Adamson  
Attorney at Law  
Seattle University School of Law*

*Alexander A. Baehr  
Attorney at Law  
Dorsey & Whitney LLP*

*Ann E. Benson  
Attorney at Law  
Washington Defender Association*

*Judge Donald J. Horowitz, Retired  
King County Superior Court*

*Uriel Iniguez  
Executive Director  
State of Washington Commission on  
Hispanic Affairs*

*Yemi Fleming Jackson  
Attorney at Law  
T-Mobile*

*Eric A. Jones  
Attorney at Law  
Emmaus Consulting PLLC*

*Patricia C. Lally  
Attorney at Law  
United States Attorney's Office  
Western District of Washington*

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

*Amalia C. Maestas  
Attorney at Law  
Muckleshoot Indian Tribe*

*Denise C. Marti  
Attorney at Law  
Sans Gilmore, PS, Incorporated*

*Commissioner Joyce J. McCown  
Washington Court of Appeals, Div. III*

*Rosa M. Melendez  
Regional Director  
Community Relations Service  
United States Department of Justice*

*Karen W. Murray  
Attorney at Law  
Associated Counsel for the Accused*

*Carlene M. Placide  
Attorney at Law  
Dorsey & Whitney LLP*

*P. Diane Schneider  
Washington State President  
National Latino Peace Officers  
Association*

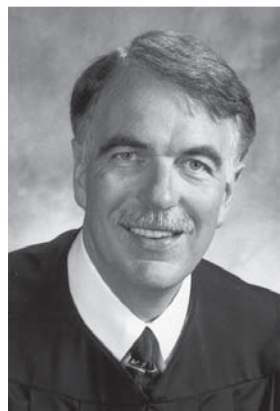
*Nancy K. Scott  
County Clerk  
Skagit County Superior Court*

*Judge Vicki J. Toyohara, Retired  
Washington Administrative Law Judge*

## Letter from the Chair

*To: Governor Christine Gregoire  
Chief Justice Barbara Madsen  
Members of the Washington State Judiciary  
Members of the Washington State Legislature  
Citizens of Washington State*

*From: Honorable Charles W. Johnson  
Commission Chair  
Associate Chief Justice  
Washington State Supreme Court*



*On behalf of the Washington State Minority and Justice Commission, I am pleased to present you with our 2009 annual report.*

*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 September 13, 2005, the Commission was renewed for an additional period of five years until December 2010. 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 prevent it.*

*The primary functions of the Minority and Justice Commission in pursuit of its mandate are:*

*First, to improve the administration of justice by developing and presenting education programs designed to eliminate racial, ethnic, and cultural bias in the judicial system;*

*Second, 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 for all;*

*Third, to engage in empirical research studies examining whether racial and ethnic disparities exist in the criminal justice system;*

*Fourth, to increase racial and ethnic diversity in the court workforce through development and implementation of recruitment and workforce diversity education programs; and*

*Fifth, to publish and distribute a regular newsletter, *Equal Justice*, and an annual report.*

*The Commission's work would not be realized without the support of its Committees. The Committees' accomplishments are outlined in this report.*

*During 2009, Retired Supreme Court Justice Charles Z. Smith ended his distinguished twenty-two years of service as one of the Commission's leaders. Dedicating this report to Retired Justice Smith seemed only fitting. That dedication and expressions of appreciation from his many Commission colleagues can be found in this report.*



## Executive Summary

*For members of the Washington State Minority and Justice Commission, 2009 was a year of reflection and renewal. The establishment of the Commission in 1990 by the Washington State Supreme Court, based upon the efforts of the Minority and Justice Taskforce established in 1987, established at the request of the State Legislature, marked a new beginning in the judicial branch's efforts in addressing equal justice issues for minorities. This was made possible by the efforts of a few individuals, one of whom was Justice Charles Z. Smith. Justice Smith's retirement from the Commission on June 30, 2010 marked a changing of the guard. His tenacious pursuit of equality and fairness paved the way in establishing a socially conscious body within the state's judicial branch. Presently, Justice Charles W. Johnson leads this group of knowledgeable and talented individuals in carrying forward the legacy handed down by individuals like Justice Smith and the mandate of the Washington State Supreme Court.*

*The Commission's membership consists of a solid foundation of individuals working for the common goal of preventing racial and ethnic bias in the courts. Its membership addresses this in five key areas in which committees were established: education, evaluation, outreach, research, and workforce diversity. The committees' projects and programs achieve and maintain the Commission's mission and goals to improve the services members of the justice system provide to the diverse population of Washington State. The committees' efforts focus on enhancing the knowledge and skills of judges and employees of the judicial branch through education sessions, engaging in outreach activities that establish and maintain collaborative efforts, researching issues affecting the justice system, promoting the recruitment and retention of a knowledgeable and diverse workforce, and evaluating the Commission's effectiveness and the justice system's needs for improving its services to the community.*

*Washington State, established as the forty-second state in 1889, has a history rich in diversity. Geographically, its borders are open to the world by water, land and, since the mid 20th century, by air. Over the century, the state has been introduced to many different ethnicities, creating a population of many languages, cultures, and religions which added to the already existing state's Native American inhabitants. With this vast diversity come some complications in meeting the needs of this diverse population in matters of equal justice. Therefore, commissions were created to serve the members of the justice system and provide them with the knowledge and tools they need to carry out their duties. The contents of this report will show how this commission has worked to achieve this effort.*

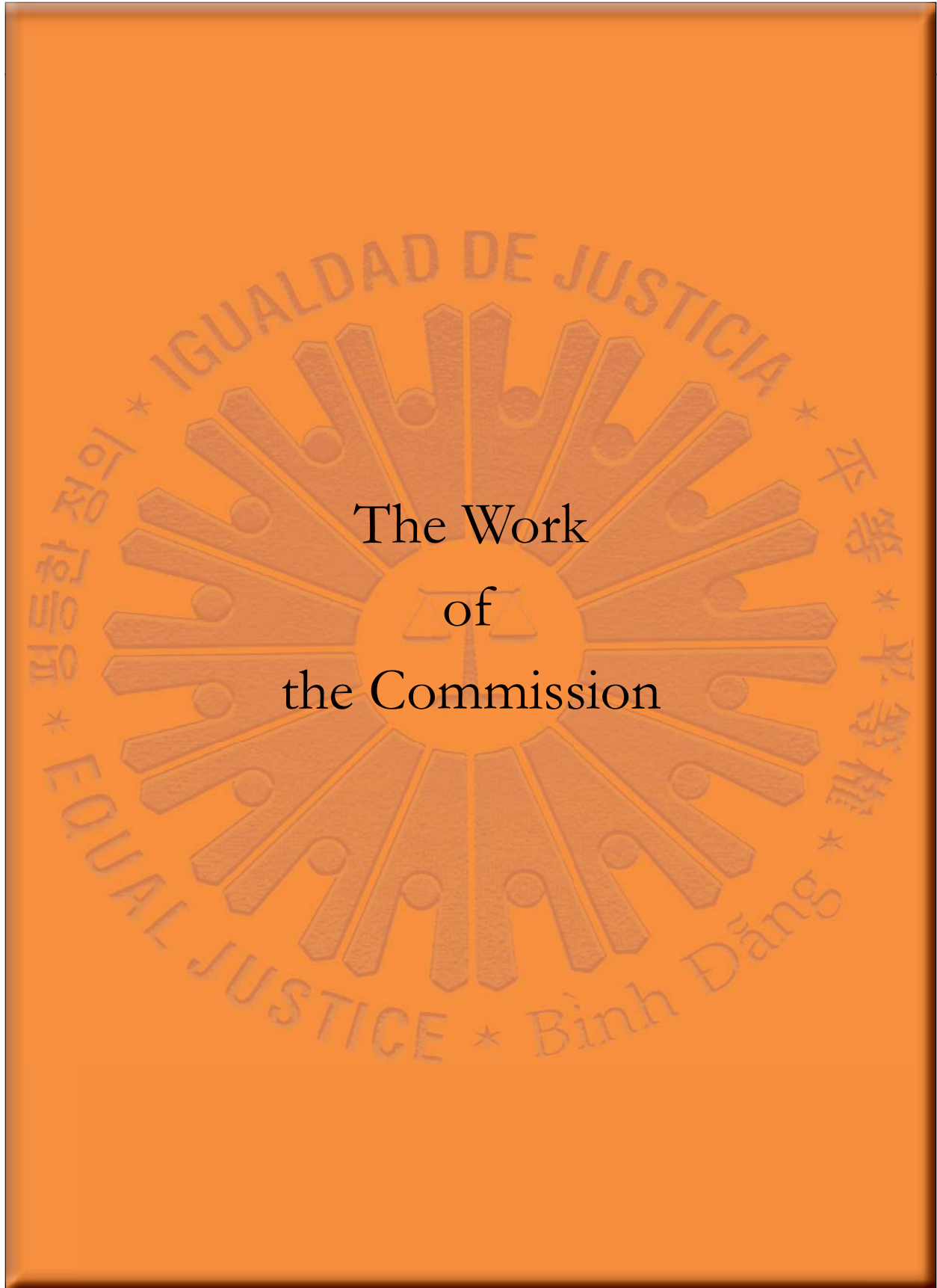
*American history has shown that the road to equal justice has been a long and sometimes difficult one, but can be navigated by constant awareness, vigilance, and communication. Please contact me, if you have any questions or comments, at [monto.morton@courts.wa.gov](mailto:monto.morton@courts.wa.gov) or (360) 705-5327.*

*Monto S. Morton  
Executive Director*

## Dedication to Justice Charles Z. Smith



*On June 30, 2009, Justice Charles Z. Smith, the original chair and continuing co-chair of the Minority and Justice Commission, retired from the Commission, concluding twenty-two years of extraordinary leadership and service. In 1988, Justice Smith became, and remains, the only member of a racial/ethnic minority to serve on the Washington State Supreme Court. It was his vision and leadership that led to the establishment by the Supreme Court in 1987, of the Washington Minority and Justice Task Force and, three years later, the creation of the Washington State Minority and Justice Commission. Over the course of his life, Justice Smith has cleared many barriers and garnered many honors and titles: Lieutenant Colonel in the United States Marine Corps Reserve, military judge, attorney at law, Washington Supreme Court law clerk, deputy prosecuting attorney, assistant to US Attorney General Robert F. Kennedy, municipal court judge, professor of law, superior court judge, television commentator, supreme court justice, founder and moderator of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts to name only some of his contributions. But perhaps mentor, role model, and father figure are the titles that best describe the role of Justice Smith in the lives of so many across not only our state but across our country and around the world who have been privileged to know and work with him. Certainly, they are the titles that most immediately come to the minds of those who have had the honor of serving on the Commission under his leadership. Personal comments from Commission members which are interspersed throughout this report are testaments to the admiration and gratitude with which he is regarded by his colleagues. To Justice Charles Z. Smith, our leader, mentor, father figure and friend, we dedicate this annual report.*



The Work  
of  
the Commission

## Education Committee

### *Committee Members*

*Judge LeRoy McCullough, Chair*  
*Judge Gregory D. Sypolt, Vice-Chair*  
*Ann E. Benson*  
*Jeff E. Hall*  
*Judge Donald J. Horowitz, Retired*  
*Judge Richard A. Jones*  
*Judge Richard F. McDermott, Jr.*  
*P. Diane Schneider*  
*Judge Vicki J. Toyohara, Retired*

### *Mission Statement*

*The Education Committee seeks to improve the administration of justice by eliminating racism and its effects by offering and supporting a variety of innovative, high quality, education programs designed to improve the cultural and professional competency of court employees and other representatives of the Washington State justice system.*

### *Activity Report*

The Education Committee strives to eliminate and prevent racial and ethnic bias in the Washington State justice system by promoting and developing the knowledge, understanding, and skills of those who provide services to the state's population. It utilizes creative means to produce quality educational programs that address specific needs of those who provide services in the administration of justice to the diverse cultural and ethnic populations.

Training conferences are held each year for new judicial officers and court staff. The Committee developed and provided the session, "Enhancing Cultural Competence in

### *Goals for 2010 thru 2015*

- \* Provide and foster leadership for all components of the state justice system with the goal of eliminating racial, cultural, and ethnic bias and disparate treatment and fostering systemic change.*
- \* Ensure that cultural diversity and cultural competency trainings become a normal and continuous aspect of employment or service within the state justice system.*
- \* Increase cultural awareness, foster greater appreciation of racial and cultural diversity, and engender mutual respect in persons who deliver court services and represent our justice system.*
- \* Provide and/or collaborate with others in recommending resources and education programs consistent with the mission of the Committee.*
- \* Be flexible and creative in developing high quality education programs tied to learning outcomes/objectives.*

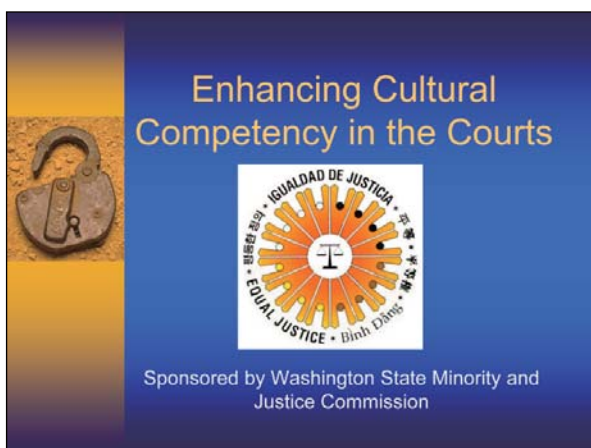
the Courts," at the Judicial College on January 28, 2009. Judge LeRoy McCullough, Judge Gregory D. Sypolt, Benita R. Horn, and Peggy Nagae co-presented the session and utilized an integrated presentation style and participatory format involving use of scenarios and sharing of knowledge and experiences. The session provided the new judicial officers tangible tools to help in their day-to-day responsibilities, and a greater understanding of diversity and cultural competence, awareness and appreciation of differences, effective communication across differences, and strategies to assist court users and staff to become more inclusive and helpful in the administration of justice for minorities.

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The session, “Bridges to Cultural Competency in the Court,” was presented October 19, 2009, at the Institute for New Court Employees Conference and was co-facilitated by Peggy Nagae and Benita R. Horn. The session addressed understanding diversity and cultural competency and its importance in the administration of justice by: recognizing how it impacts perceptions, behaviors and work; learning and practicing communication skills; developing specific strategies to foster a more inclusive court environment; and learning strategies to assist court users.



The Committee determined that a venue was needed to help promote and share knowledge concerning minority issues in the justice system; therefore, it established the Annotated Bibliography Project and created a Web site where literary resources could be posted. This was made possible by the assistance of the University of Washington’s Law Library and Computing Services and Law Librarianship Program, and individual volunteers. The Web site will continue to collect and provide a literary of wealth for those who want to enhance their knowledge and improve their ability to provide services to diverse populations of Washington State. Please visit the Annotated Bibliography at [www.courts.wa.gov](http://www.courts.wa.gov) under “Programs and Organizations” and “Minority and Justice

Commission” to create an account and help to maintain a viable and useful bibliography that serves judges, court personnel, lawyers, and others in the justice system.

Committee members continue to utilize creative ways to provide education to judicial officers, court administrators and staff, and other service providers within the state’s justice system. The need to provide trainings continues to increase with the growing minority populations and legal issues unique to them. The current economic environment has called for more cost effective means through which to deliver education sessions; therefore, Committee members are using multi-media technology such as the Virtual Institute for New Court Employees: Cultivating Cultural Competency Course, an on-line training course developed by the Commission, Administrative Office of the Courts, and other agencies. The course provides the essential tools and skills to enhance the understanding of cultural competence and develop a judicial system that is inclusive, accessible, and respectful, thereby increasing public trust of the Washington court system. The course contains two parts – the on-line course, completed individually, and the “Follow-Up Guide,” for facilitating small group sessions. The Web page is located on the Washington State Courts Web site at: <http://www.courts.wa.gov/training/tutorials/cultcomp/ccc1.html>.



## Evaluation and Implementation Committee

### *Committee Members*

*Judge James M. Murphy, Retired, Chair  
Professor Robert C. Boruchowitz  
Judge Deborah D. Fleck  
Jeffrey C. Sullivan*

### *Mission Statement*

*The mission of the Evaluation and Implementation Committee is to review Commission-sponsored research reports and to develop action plans for report findings. In the absence of Commission-sponsored research reports, the committee will provide assistance to other committees, as requested, review justice related rules and processes, and recommend implementation of changes that will reduce and prevent the effects of racial and ethnic bias in the administration of justice.*

### *Activity Report*

In the past several years, the Evaluation and Implementation Committee has taken on projects other than its primary tasks of reviewing the findings and recommendations of Commission-sponsored research reports and developing and recommending action plans for the Commission. In 2009, the Committee considered issues relating to the legal representation of minority defendants in administrative hearings and truancy issues relating to racially and ethnically diverse juvenile populations.

The Committee continued its commitment to gather information and analyze activities and policies of various agencies and organizations within the judicial branch of the state and of

### *Goals for 2010 thru 2015*

- \* Evaluate Commission-sponsored report findings to determine whether they apply to the mission of the Commission and its goals.*
- \* Periodically evaluate Commission activities to determine whether they are accomplishing the mission of the Commission and its committee goals.*
- \* Monitor and evaluate activities of other organizations within the state of Washington and other states that address minority issues relevant to the mission of the Commission and its committee goals.*
- \* Develop recommendations for actions and/or activities for the Commission and its committees based upon the results of its evaluation of Commission-sponsored reports, activities and the activities of other organizations addressing minority issues relevant to the mission of the Commission and its goals.*
- \* Implement Committee-recommended actions and/or activities, which were agreed upon by the Commission and its committees, which require support and at which time support is no longer required, redirect those projects to the rightful committee.*

other states as they relate to racial and ethnic bias towards minorities and propose activities and programs to the Commission and its committees. The Committee also agreed to evaluate the Commission's activities regularly to determine that the Commission is meeting its mission and goals.

After reviewing the Commission sponsored research project, "The Assessment and Consequences of Legal Financial Obligations

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in Washington State,” conducted by Associate Professor Katherine A. Beckett, Ph. D., Assistant Professor Alexes M. Harris, Ph. D., and Research Assistant Heather Evans, University of Washington Department of Sociology, the Committee recommended that the Commission support the creation of a statewide database compiling legal debt information from all counties and all sources, including municipal, district, and superior courts, Department of Corrections and sponsor a study determining the existence and extent of disproportionality in legal financial obligations for Hispanic and Latino defendants in all court levels.

In March 2009, the Committee completed a study of the racial and ethnic demographics of Washington State judicial officers of trial courts and recommended that the Research Committee continue to maintain the Judicial Demographic Study Project to gather and maintain demographic information of the justice system.

In its efforts to evaluate and improve the Commission, the Committee began developing Commission bylaws. After reviewing the bylaws of similar organizations and gathering input from Commission members, it drafted proposed bylaws for review, discussion, and consideration.

*Over more than 40 years, Charles Z. Smith and I have been serious but joyful cooperators, collaborators and co-conspirators in the cause of equal and meaningful justice for all. My life and the lives of countless people throughout this country and around the world were blessed because Charles Z. Smith has the intrinsic character and the personal as well as public vocation of justice. By action, mentoring and example he not only increased the quality and quantity of justice for all, but taught us all and inspired so many of us of all backgrounds to take up that vocation and carry forward the pursuit and work of justice. ~Judge Donald J. Horowitz, Retired~*

*I have had the distinct pleasure of working with Justice Smith on the Minority and Justice Commission and preceding task force from day one. It has been a journey of remarkable enlightenment. I have watched his leadership reshape the philosophy of the bench of the state of Washington and the associated staff as well. He has helped to create a more humane, understanding and just organization through his work. ~Judge James M. Murphy, Retired~*

*The words “mentor” and “inspiration” are synonymous with Justice Charles Z. Smith. His entire life, for all those who have been privileged to know and work with him, sets a standard of character, service and leadership to which we can aspire and provides continuing inspiration to strive for that standard. ~Judge Dennis D. Yule, Retired~*

*Justice C. Z. Smith is a person who stands tall. He always has a hand out to mentor and pull other people up. Whenever I see him, his eyes speak volumes about the passion he has for justice and assisting others. I am also one of his many “daughters” that he has adopted over the years and I am honored and humbled to be one of his “daughters.” I will always treasure the relationship we have. ~Rosa M. Melendez~*

*C. Z. Smith was my evidence professor. Thirteen years after law school, I became a court commissioner. The first congratulatory letter I got was from Justice Smith. He knows all and sees all. Three of us persons of color in the UW Law class of 1975 became judges. He liked to call us his ‘children.’ He was my mentor and still is. ~Judge Kenneth H. Kato, Retired~*

## Outreach Committee

### *Committee Members*

*Judge Dennis D. Yule, Retired, Chair*  
*Myrna I. Contreras*  
*Judge Donald J. Horowitz, Retired*  
*Eric A. Jones*  
*Patricia C. Lally*  
*Judge Douglas W. Luna*  
*Amalia C. Maestas*  
*Commissioner Joyce J. McCown*  
*Rosa M. Melendez*

### *Mission Statement*

*The mission of the Outreach Committee is to facilitate communication between the Washington State Minority and Justice Commission and the public and, specifically, the legal and court communities of Washington State, regarding interaction with and participation in the justice system by minorities or persons of color.*

### *Activity Report*

As its name suggests and its mission statement articulates, the Outreach Committee is charged with promoting and facilitating connections between the Minority and Justice Commission and the communities it serves. The Committee continued in 2009, to work to build and enhance Commission connections with the numerous groups and agencies in Washington State, such as minority bar associations and state agencies that address issues of diversity and inclusion as they relate to our system of justice. The Committee also regularly explores and recommends venues for the Commission's quarterly meetings and other events that both expand public access to

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### *Goals for 2010 thru 2015*

- \* Establish, maintain and enhance sustained relationships between courts, legal community organizations and other public and private agencies engaged in work relating to the courts and diversity by: utilizing and maintaining a resource list of Commission members' affiliations with relevant organizations; obtain new members from those organizations which are not networked to the Commission.*
- \* Publish quarterly on an established schedule the Equal Justice newsletter containing information collected from the justice system and legal community.*
- \* Develop and produce the Commission's annual report.*
- \* Obtain an artist of color for artwork expressing diversity for the Commission's annual poster.*
- \* Assist the Commission in broadening its exposure to the public and constituencies it serves by recommending and facilitating Commission meetings and other public events at locations and in communities throughout the state.*
- \* In cooperation and coordination with the Workforce Diversity and Education Committees, promote the development and presentation of programs to improve and expand the understanding of juveniles of our system of justice and employment opportunities for them within it, such as community Youth and Justice Forums.*
- \* Create and maintain materials such as brochures and multi-media products such as videos and the Commission's website.*
- \* Evaluate and recommend individuals for appointment to the Commission voting membership and Technical Support Group.*

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the Commission and its work and expand the Commission's understanding of justice system diversity work and issues around the state. The Commission is particularly grateful to three organizations that generously hosted meetings of the Commission in 2009: the Seattle offices of Dorsey and Whitney, LLP; the Seattle University School of Law; and the University of Washington School of Law.

Commission publications, including its annual report and its newsletter, Equal Justice, represent one of the principle responsibilities of the Outreach Committee. During 2009, the Committee undertook a comprehensive review of the newsletter, recommended two major changes to enhance its value to readers that were approved by the Commission, and began implementing those changes. The first change was to shift the content of Equal Justice issues from a limited number of lengthier articles and opinion pieces addressing a particular theme or topic to more, but briefer news items that better inform readers about current activities, programs and issues in Washington relating to diversity and the justice system. The second change, which will occur incrementally over the course of several issues, will shift the format to incorporate more graphic design features facilitated by the change at the end of 2008 to digital publication.

The Committee also continues to maintain and update the Commission's Web pages located on the Washington State Courts Web site under Boards and Commissions. The Web site contains: information concerning the



Commission activities; a list of publications that can be viewed and downloaded; links to relevant organizations; and a new feature that allows members of the community to input their information to receive publications and announcements.

For the seventh consecutive year in 2009, the Committee co-coordinated the Tri-Cities Youth and Justice Forum, a program that brings together more than 180 middle and high school students, many from communities or demographic groups historically underrepresented in the justice system workforce, and 75 volunteer professionals within the local justice system community. The event: allowed students to explore employment opportunities in the justice system; build trust between the students and the volunteer professionals; and enhance students' understanding of their rights and responsibilities as members of the community. The Committee hopes to develop and refine a format that can be utilized in other areas of the state to educate not only students but also members of the bench and bar about the diversification of the justice system workforce.

*Justice Smith has had a powerful impact on the bench and bar, mentoring dozens of young lawyers who have become leaders in the community. He was a pioneer and led by example. ~Professor Robert Boruchowitz~*

*Justice Smith is an inspiration, role model, and mentor to many. Just being in his presence makes one want to do better and be better. ~Judge Gregory D. Sypolt~*

## Workforce Diversity Committee

### *Committee Members*

*Judge Deborah D. Fleck, Chair  
Bonnie J. Glenn, Vice-Chair  
Jeffrey A. Beaver  
Yemi Fleming Jackson  
Dean Sandra E. Madrid, Ph.D.  
Judge James M. Murphy, Retired  
Karen W. Murray  
Carllene M. Placide*

### *Mission Statement*

*The mission of the Workforce Diversity Committee is to promote equal employment opportunities and to increase the number of racial and ethnic minorities employed in the justice system.*

### *Activity Report*

The Workforce Diversity Committee worked to promote equal employment opportunities and increase the number of racial and ethnic minorities employed in the justice system by updating existing Committee publications and developing a new guidebook focused on diversifying the bench. These publications are created to enhance the knowledge and provide tools to individuals and organizations that play a role in the recruitment and retention of human resources in the Washington State judicial branch. Committee members collaborated with attorney Sheryl J. Willert to update the Commission publication, "Building a Diverse Court: A Guide to Recruitment and Retention," first published in 2002. The resource manual was developed to assist courts in diversifying their workforce. They also obtained the support of M. Fernanda Parra, Seattle University

### *Goals for 2010 thru 2015*

- \* Promote the importance and benefits of a diverse workforce in the courts and in their state administrative agency.*
- \* Ensure that workforce diversity is a continuous and regular part of court education.*
- \* Develop resource materials that can be used to enhance diversity in the workforce of the courts and their state administrative agency.*
- \* Increase racial and ethnic workforce diversity in the court system, including judicial and non-judicial leadership positions.*

School of Law, National Latina/o Law Student Association, Northwest Regional Director, and Society for Immigrant and Refugee Justice, Co-founder, in assisting in preparing major updates to the publication's appendices.

The Committee continued its work on the "Diversifying the Bench Guidebook" which will be used in education sessions to encourage and support attorneys and law students, including those of diverse backgrounds historically underrepresented on the bench, in considering judicial careers and pursuing them, and impress upon them the importance of making unbiased and impartial decisions. The project has been a collaborative effort with the Washington State Bar Association Committee for Diversity, the Minority Bar Associations, members of the Black and Latino Law Student Associations at the Seattle University and University of Washington Schools of Law, and Washington's law schools. The guidebook will include information concerning the election and appointment processes at all court levels, including court commissioners and will

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include information regarding employment opportunities as executive branch administrative law judges.

The Committee also began work on the publication of a new edition of the “Work Force Diversity Resource Directory for Washington State Courts,” first published by the Commission in 1993 and most recently updated in 1999. The publication contains contact information about government and community-based organizations that address the needs of and provide services to ethnic minority communities.

Although the annual Fall Judicial Conference for all levels of court has been cancelled for 2010 due to budget constraints, Committee members plan to continue to successfully bring a keynote speaker of national stature to address the issues of bias and the importance of workforce diversity at the next Fall Judicial Conference. Past speakers include: Chief Justice Robert Benham, Georgia Supreme Court, in 2000; Justice Xavier Rodriguez, Texas Supreme Court, in 2002; American Bar Association President Dennis W. Archer, in 2004; Justice John Charles Thomas, Retired, Virginia Supreme Court, in 2005; and Chief Judge Robert M. Bell, Court of Appeals of Maryland, in 2007.

*What can you say about C. Z. that has not been expressed, he's a legend. He has been one of our legal treasures, always there to be a role model, to support, to comfort, and to provide sage advice. I'm considered one of his many "daughters" that he has adopted over the years and I could not be more proud to carry that title. He's awesome!*  
~Dr. Sandra E. Madrid~

*We rightfully honor Justice Smith for his heroic efforts over the years to ensure that our state courts be free of bias. His work on the Commission and his steady mentoring of diverse lawyers and judges has shaped the face of our courts. We all owe him our thanks! With much affection and respect...* ~Judge Mary I. Yu~

*As an eager but uncertain law student at the University of Washington, I overcame my trepidation, took the plunge to become educated, challenged, chastised, and enlightened by the legendary Professor Charles Z. Smith. He would prove to be an exceptional mentor through my career as an attorney, administrative law judge, and as a 1989 newly-appointed and elected superior court judge for King County. Indeed, Justice Smith maintained a respectable spiritual and inspirational connection with his United Nation of mentees long after their departures from law and other graduate studies; this while maintaining his standard as a devoted and loving husband, father, grandfather, church leader, community activist, Renaissance Man, prophet and yes, agitator. When future generations study the history of this Minority and Justice Commission, the National Consortium on Racial and Ethnic Fairness in the Courts, this legal community and the history of this nation, they will recall with reverence and with the deepest respect the solid contributions of this intellectual and spiritual giant, Justice Charles Z. Smith.*  
~Judge LeRoy McCullough~

*Many years ago, I used to watch Charles Z. Smith's commentaries on television and marvel at his eloquence. I never hoped to even have the honor of meeting him. Nevertheless, after he left the King County Superior Court bench, I worked for the Washington State Department of Corrections and inherited some of his cases to supervise. I was told he would sometimes follow up on probation officers to determine if they were properly supervising their charges and seeing to it that they complied with the conditions he had imposed. Later of course, I had the distinct honor of being allowed to work with the Minority and Justice Task Force and later the Minority and Justice Commission. I am still awed by the experience of having worked with Justice Smith.* ~P. Diane Schneider~

## Research Committee

### *Committee Members*

*Judge Kenneth H. Kato, Retired, Chair  
Professor Bryan L. Adamson  
Uriel Iñiguez  
Judge Vance W. Peterson  
Professor Ada Shen-Jaffe*

### *Mission Statement*

*The mission of the Research Committee is to design, fund and conduct research projects relating to the problems experienced by racial and ethnic minorities in the Washington State Justice System.*

### *Activity Report*

The Research Committee reviewed and discussed the recommendations made by the Evaluation and Implementation Committee concerning the Commission research report, "The Assessment and Consequences of Legal Financial Obligations in Washington State, August 2008," and proposed to the Commission two research projects: (a) a study of the assessment of legal financial obligations at the district and municipal court level; and (b) a study of the possible disproportionality issues relating to Driving While License Suspended III (DWLS III).

Based on information gathered by Committee members, additional issues concerning minorities in the justice system were identified as possible research subjects within the next five

### *Goals for 2010 thru 2015*

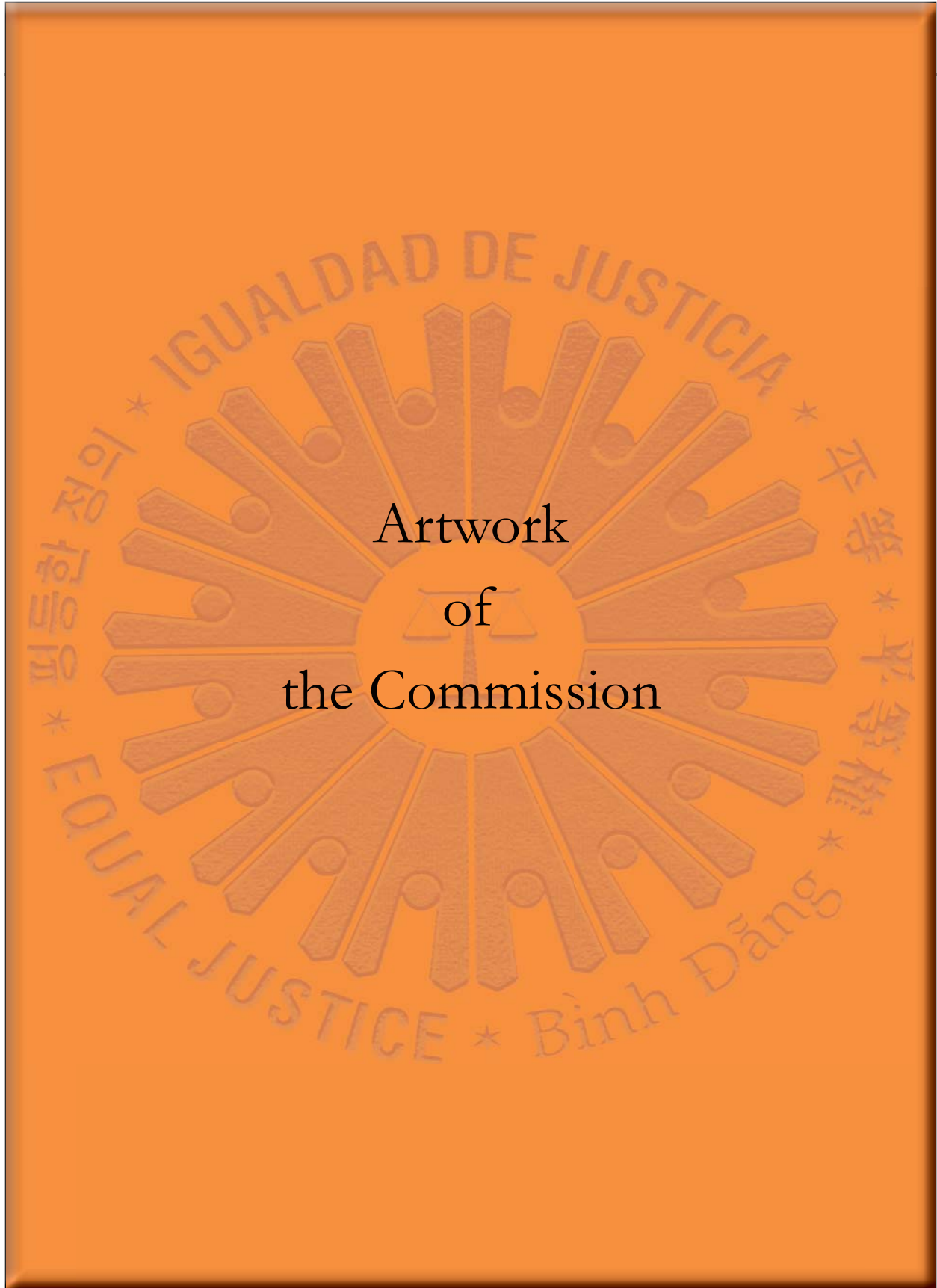
- \* Maintain a collection of data concerning aspects pertaining to minorities in the legal community and judicial system, i.e. demographics of judges, court staff, state population, etc.*
- \* Conduct studies of the five topics listed below, as it relates to the Commission's mission and with the understanding that the information found may or may not lead to a research report and that these topics may change:*
  - Disproportionality of DWLS III at the district and municipal court level.*
  - Disproportionality in the assessment of legal financial obligations in the courts.*
  - Disparity of results between public and private defenders.*
  - Selective prosecution and the disproportionality in deals made.*
  - Exceptional sentencing of juveniles.*

years, including: possible disparities in results between public and private defenders; possible selective prosecution and disproportionality in plea agreements; and the imposition of manifest injustice dispositions of juvenile offenders.

Due to the extensive costs of conducting research studies and the economic environment of Washington State, members agreed to develop collaborative efforts with legal community organizations in regards to research information, funding opportunities, intern/externship programs, and other resources.

*Justice Smith's exemplary career has focused on achieving justice for all — regardless of color, ethnicity or station in life — and his example has inspired so many here in Washington and across the nation to pursue their own passion for justice. ~Judge Deborah D. Fleck~*





Artwork  
of  
the Commission

**WASHINGTON STATE MINORITY AND JUSTICE COMMISSION**



"The Flag"

Copyright © Joachim McMillan 2006

With the advice and recommendations of the Outreach Committee, the Commission annually selects work by a Pacific Northwest artist for reproduction as a Commission poster that reflects a dimension of the diversity of the communities served by Washington State courts. An oil painting by Beaverton, Oregon artist Joachim McMillan titled "The Flag" was proposed to and selected by the Commission for reproduction as the 2010 Commission poster.

McMillan was born on the Caribbean island of Grenada, where, at the age of 15, he began his journey as an artist by providing cartoons for two of Grenada's main newspapers. His journey led him, as a young man, to New York City,

where he explored various art techniques. In 2006, McMillan relocated to Oregon. His work is featured in a number of galleries in Oregon, Washington, Pennsylvania, Virginia, Barbados, and Grenada, and was displayed at the 33rd Annual International Artexpo in March 2010, in New York.

The Committee and the Commission are grateful to Mr. McMillan for his gracious and generous donation of the right to reproduction of "The Flag" for the Commission poster. Posters can be requested by emailing [minority.justice@courts.wa.gov](mailto:minority.justice@courts.wa.gov) and other posters can be found on the Minority and Justice Commission Web site at [http://www.courts.wa.gov/programs\\_orgs/](http://www.courts.wa.gov/programs_orgs/).

*Justice Smith is a role model that inspired all of us to meet and exceed his high expectations. He did this and more with a smile, humor, and intellect while at the same time teaching us more than just the law. ~Judge Douglas W. Luna~*

*Justice Smith is a United States Marine. ~Judge Vance W. Peterson~*

The 2009 Annual Report of the Washington State Minority and Justice Commission is an electronically published document and is posted at [http://www.courts.wa.gov/programs\\_orgs/index.cfm](http://www.courts.wa.gov/programs_orgs/index.cfm). All contents copyright 2010. Cover design provided by Robert S. Young, Administrative Office of the Courts. Questions and comments may be directed to Monto S. Morton, Executive Director, by email at [montomorton@courts.wa.gov](mailto:montomorton@courts.wa.gov), by mail at Administrative Office of the Courts, Post Office Box 41170 Olympia, Washington 98504-1170; or by phone at (360) 705-5327.



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*Celebrating the Courts in an Inclusive Society.*

