

Washington State Minority and Justice Commission



"Justice is all inclusive"

102 *1998*

1998 REPORT

Washington State Minority and Justice Commission



Washington State Minority and Justice Commission
Washington State Supreme Court
Temple of Justice
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1998 REPORT

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Chief Justice Vernon R. Pearson (retired)

DEDICATION

The Washington State Minority and Justice Commission dedicates this 1998 Report to retired Chief Justice Vernon R. Pearson.

It was in 1987 during his tenure as Chief Justice that Justice Pearson exercised his leadership with his colleagues on the Supreme Court to establish the Washington State Minority and Justice Task Force following a recommendation from the Legislature. With a strong commitment to fairness in all aspects of judicial activity, he gave his full support to the program. The Task Force was later reconstituted as the existing Washington State Minority and Justice Commission by order of the Supreme Court in 1990 and again in 1995.

Justice Pearson served as a member of the Supreme Court from his appointment by Governor John D. Spellman in January 1982 until his retirement in 1989. He served as Chief Justice from 1987 to 1989.

Justice Pearson was born in North Dakota and earned his Bachelor of Arts degree from Jamestown College in 1947 following service in the United States Navy during World War II. Upon his graduation from the University of Michigan Law School in 1950, he taught legal research and writing at the University of Washington School of Law and was an attorney/advisor for the Regional Office of Price Stabilization. In 1952, he joined the firm of Davies, Pearson, Anderson and Pearson in Tacoma. During his 17 years in private practice he served as

President of the Tacoma-Pierce County Bar Association and as a bar examiner for the Washington State Bar Association. He was also an adjunct professor at the University of Puget Sound Law School (now Seattle University Law School).

Governor Daniel J. Evans appointed Justice Pearson to the newly created Court of Appeals in 1969 where he served with distinction until his appointment to the Supreme Court.

Justice Pearson has been active in many professional and civic organizations throughout his career. He was inducted into the Jamestown College Hall of Fame in 1986 and received the Gonzaga University Law Medal in 1988. In 1989, he was awarded the Herbert Harley Award by the American Judicature Society in recognition of his service in promoting the effective administration of justice in the State of Washington.

Justice Pearson has been a strong advocate for recognition of the Indian Tribal Courts as an integral part of our judicial system and has taken a national leadership role in that effort.

Retired Chief Justice Vernon R. Pearson has earned the continuing respect of all of us in the legal and non-legal communities. Certainly he has the abiding affection and respect of the justices of the Washington State Supreme Court and its Minority and Justice Commission.

Charles Z. Smith
Charles W. Johnson
Co-Chairpersons

COVER DESIGN

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 is all inclusive”

Tori 1998

THE ARTIST

The artist known as Tori was born in Seattle, Washington. She began painting at the young age of 10. A self-taught fine artist and graphic designer, she earned an Associate of Arts in Design from the Art Institute of Seattle in 1988.

Tori has showcased her work in venues across the country such as Nordstrom Department Stores and galleries in the Pacific Northwest. She was the featured artist at the New Harlem Gallery in New York. Tori displayed her work at the 1995 and 1996 Essence Music and Arts Festival in New Orleans, Louisiana. She and the renowned international artist, Jacob Lawrence, recently shared the stage at Seattle's La Maison Blue Gallery. Lawrence paid Tori the ultimate compliment when he said, "Tori is the next Honeywood."

Tori (Tori Cole) also created Tori Designs, a note card company based in Medford, Massachusetts. Artwork by Tori Designs appeared in the Terry McMillian movie "How Stella Got Her Groove Back," starring Angela Bassett.

The power of Tori's art stems from her fascination with colors and movement, as well as her profound interest in recording the spiritual and cultural history of African life. She selectively utilizes lines, strokes, and movements that convey the true essence of the story she tells in each work. Her work communicates tonality, depth, emotion, and spiritual consciousness in a unique style.

Tori uses art to give society a colorful window by which to explore the feelings and deep-rooted sensuality of an African American female. She stays open to new and limitless visions that can reach out and touch without boundaries or limitations. “I produce what comes out of me; what I am is daughter, sister, wife, and mother—my art speaks for me. Whatever I feel, I express through my art.”

“EQUAL JUSTICE” LOGO



Copyright © Sekio Matsumoto 1984

The Minority and Justice Commission utilized the talents of Sekio Matsumoto, a graphic artist in Seattle, who in 1984 created a logo in full color showing people symbolically represented as white, black, yellow and brown—all with their arms raised in triumph.

Through shading and gradation of color, Mr. Matsumoto shows his figures fusing into an indivisible whole—even as each maintains an individual identity. The words “Equal Justice” appear in English, Spanish, Japanese, Chinese, Korean and Vietnamese. The scales of justice balance in the center of the circle.

We are proud of this logo, which visually represents the significance of cultural diversity and inclusiveness in the achievement of equality before the courts. Our logo has been adapted, with permission, by the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts and by the National Center for State Courts.

ACKNOWLEDGMENTS

The Washington State Minority and Justice Commission gratefully acknowledges assistance from the following persons in preparation of this report: Justice Charles Z. Smith, Justice Charles W. Johnson and Ms. Donna V. McConnell-Adams.

We particularly thank Ms. Mary Campbell McQueen, Administrator for the Courts, for her participation with and support of the Commission. We are especially grateful to our Commission co-chairpersons, Justice Charles Z. Smith and Justice Charles W. Johnson, for their leadership and inspiration, and to all members of our Supreme Court who created and continue to fully support the Minority and Justice Commission. We give special acknowledgment and thanks to members of our Legislature who believe in the importance of our work and who continue to provide us with needed funds for our education programs, research activities and other projects.



Celebrating the Courts in an Inclusive Society

INTRODUCTION

The Washington State Minority and Justice Commission grew out of the Washington State Minority and Justice Task Force, created in 1987 by the Washington State Supreme Court upon the request of the Washington State Legislature. In 1990, the Supreme Court established the commission as a successor to the task force, thus acknowledging the continuing need to identify and eradicate all racial, ethnic and cultural bias in our state court system.

In 1987, Charles Z. Smith, a Seattle attorney, law professor, and former King County Superior Court Judge, agreed to serve as Chairperson of the Task Force. The Task Force held public forums around the state in 1988, hearing testimony from legal professionals and members of various ethnic communities, and soliciting written comments from the public. Following these forums, the Task Force conducted studies to collect demographic information on lawyers, judicial officers and court personnel. The Task Force then reviewed the guidelines of prosecutors, public defenders, and community corrections officials and their perceptions of racial and ethnic bias. At the same time, the Task Force collected data on selected civil cases involving members of various ethnic groups, as well as the settlement amounts awarded to members of those ethnic groups.

Through its research, the Task Force concluded that many members of various ethnic groups believe that bias pervades the entire legal system. The Task Force concluded that this shows the way that law enforcement officials, court officers and judges treat litigants from various ethnic groups. The Task Force also concluded that persons from various ethnic backgrounds received disparate treatment in adjudication of civil claims and imposition of criminal sentences.

The research findings also reflected the under-representation of persons from various ethnic backgrounds in the court system as judges, court administrators and other court personnel and in the legal profession. In addition, the findings suggested a need for ongoing cultural awareness education. It also recognized that a racially and ethnically diverse work force fosters a more positive attitude toward the courts.

As a result of these findings, the Task Force made several recommendations to the Washington State Legislature, including funding for a permanent commission to (a) conduct additional research as recommended by the Minority and Justice Task Force; (b) oversee implementation of Task Force recommendations; (c) develop ongoing awareness training for judges, legal professionals and court staff; (d) recommend measures to prevent bias in the state legal system; and (e) retain the staff necessary to carry out the work of the Commission.

In October 1990, the Supreme Court by order established the Washington State Minority and Justice Commission. On July 13, 1995, the Supreme Court extended the Commission through the year 2000. It is our purpose to assist the courts in this state in their continuing quest to fairly treat all persons encountering the judicial system in our democratic inclusive society.

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

The Commission has conducted empirical research studies and highly acclaimed cultural awareness programs for judges and court staff at all levels of the court throughout the State of Washington under budgets recommended by the Supreme Court and approved by the Legislature. These programs fill a vital need in our judicial community.

This 1998 Report of the Washington State Minority and Justice Commission includes a summary of the activities of the Commission since its 1995-1996 Report.

EXECUTIVE SUMMARY

The Washington State Supreme Court in 1990 created the Washington State Minority and Justice Commission as successor to the Washington State Minority and Justice Task Force. The Task Force was created by the Court in 1987 at the request of the Legislature.

The goal and 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.

Through its empirical research studies and the highly-acclaimed cultural awareness programs the Commission conducts for judges and court staff at all levels of the court throughout the State of Washington, the Commission fills a vital need in our judicial community.

Since our 1995-1996 report, the Minority and Justice Commission has accomplished the following:

- On May 7-9, 1998, the Minority and Justice Commission hosted the tenth annual/anniversary meeting of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts. The Consortium was founded in 1988 by the chairperson of the Washington State Minority and Justice Task Force,

predecessor to the Minority and Justice Commission, and the chairpersons of the three other state commissions and task forces then in existence (New Jersey, Michigan and New York). The Consortium now consists of task forces or commissions in thirty states, the District of Columbia, and three Canadian provinces. Its members meet annually to share information, compare experiences, and exchange ideas about ways of achieving their common goal of eliminating racial and ethnic bias in state courts. Justice Charles Z. Smith, Co-Chairperson of the Washington State Minority and Justice Commission, served for nine years as moderator until expiration of his elected term on May 1, 1999.

- Upon the recommendation of its Executive Director Search Committee, the Minority and Justice Commission appointed Ms. Donna V. McConnell-Adams as Executive Director, effective August 1, 1998. Prior to her appointment, Ms. McConnell-Adams held the position of Director of Multicultural Student Services at Tacoma Community College. Along with her undergraduate and graduate education, Ms. McConnell-Adams has over 15 years' experience in administration, management and leadership.
- In continuing its public information activities, the Commission has developed a web site. Since Autumn 1998, members of the public have been able to obtain minutes of Commission and sub-committee meetings, representations of Commission-sponsored arts projects, a list of research reports and publications, a list of

members, and other general information by accessing our web site www.wa.gov/courts/mjc/home.htm.

- The Education Sub-committee has sponsored three cultural diversity education workshops and two conferences on the theme “Courts in an Inclusive Society.” The sub-committee instituted its “Diversity in the Courts” workshop for the Washington State Judicial College in 1998, and planned to hold a similar workshop for the Washington State Judicial College in 1999.
- In an effort to facilitate communication between the Commission and the legal community, the Outreach Sub-committee edits and publishes *Equal Justice*, a newsletter providing information about Commission programs, projects and issues of concern. The January 1999 issue, Volume 2, Number 1, featured a symposium on World War II-era relocation of 120,313 Japanese Americans under Executive Order 9066, consisting of articles by Justice Charles Z. Smith, Judge Kenneth H. Kato, Judge Thomas A. Haven and Ms. Sumi Hayashi, Research Coordinator for the University of Washington School of Nursing.
- The Research Sub-committee sponsored a study by Dr. George S. Bridges, Ph.D., which measured the extent of racial and ethnic disparities in bail and pre-trial release decisions in the Superior Court of King County, while exploring the various causes of those disparities. The October 1997 study reached three important conclusions: (1) substantial racial and ethnic disparities

do exist in pre-trial release and bail setting in felony cases in King County; (2) the disparities occur primarily because minority defendants may be charged with more serious offenses and have more extensive criminal histories than their white counterparts; (3) factors beyond the influence of case-related characteristics significantly contribute to these disparities. These factors include discrepancies in access to resources between minority defendants and their white counterparts and the difficulties courts experience in responding to the challenges of cultural differences among defendants.

While finding that race and gender did impact decisions on pre-trial release and setting of bail above the prosecutor's recommendation regardless of the seriousness of the offense and other factors, the report did not conclude that disparities in bail and pre-trial detention decisions result from overt prejudicial acts by court officials. Rather, the causes have to do with the organization of courts and the rules and guidelines established by the Legislature and the courts.

The report recommended that courts seek remedies that focus primarily on the context and structure of decision-making, rather than on individual decision-makers.

- In May 1997, The Workforce Diversity Sub-committee updated its 1993 *Workforce Diversity Resource Directory for Washington State Courts*, which identifies organizations interested in the employment and advancement of persons of color. The sub-committee reviewed sources ranging from government and

community group directories to mailing lists and personal contacts, with the goal of compiling inclusive, accurate listings that will aid employers who seek to diversify their workplaces. At the April 1998 Superior Court Spring Conference, the sub-committee sponsored a workshop entitled "How to Be a Good Employer: Tackling the Tough Issues (the Sword and the Shield)," which focused on enabling court personnel to identify and improve current employment practices in the context of evolving case law and seemingly incompatible employer/employee expectations. Issues addressed included recruiting, hiring, firing, discipline, accommodations under the Americans with Disabilities Act, discrimination, and the impact of Initiative 200 on diversifying our workforce. The session included an overview of the law and practical suggestions for navigating through personnel issues. On January 29, 1996, the sub-committee presented a one-half day educational workshop at the Court Management Council Conference at the Tacoma Sheraton Hotel. County clerks, court administrators and other court personnel attended the workshop where they discussed hiring practices and procedures in the courts and explored strategies and tools to assist Washington Courts in increasing the number of persons of color in professional and clerical positions.

The Washington State Minority and Justice Commission is currently pursuing the following projects:

- The Commission is developing a judicial education program for use in judicial conferences and at the judicial college. This project rises as a response to *A Study on Racial and Ethnic Disparities in Superior Court Bail and Pre-Trial Detention Practices in Washington*, an October 1997 research report by Dr. George S. Bridges, Ph.D.
- The Commission has undertaken a joint project with the Washington State Gender and Justice Commission. Together, the two commissions are working to implement a judicial education curriculum entitled “When Bias Compounds: Insuring Equal Justice for Women of Color in the Courts.” This curriculum is based on a model developed by the National Judicial Education Program to Promote Equality for Women and Men in the Courts, directed by Ms. Lynn Hecht Schafran, an attorney and executive director of the program.
- The Education Sub-committee is creating a strategic plan for ongoing education programs which the Commission is co-sponsoring with the Judicial Education Office of the Administrator of the Courts.
- The Workforce Diversity Sub-committee is compiling material for a new edition of the *Workforce Diversity Resource Directory for Washington State Courts* to be published in the year 2000.

SUPREME COURT OF WASHINGTON

ORDER RENEWING WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION

)
)
) Number 25700-B-295
)

PREAMBLE

1.0 Equal Justice Before the Courts. The Washington State Supreme Court recognizes the need for all persons to be treated equally before the courts of this state. The Court recognizes that for any system of justice to be responsible, it must be examined continuously to ensure it is meeting the needs of all persons who constitute the diverse populations we serve, with particular concern for the needs of persons of color who represent various racial, ethnic, cultural and language groups.

2.0 Establishment of Minority and Justice Commission. The Court on October 4, 1990 established the Washington State Minority and Justice Commission to identify problems and make recommendations to ensure fair and equal treatment in the state courts for all parties, attorneys, court employees and other persons. The Commission was created to examine all levels of the State judicial system to particularly ensure judicial awareness of persons of color to achieve a better quality of justice and to make recommendations for improvement to the extent it is needed.

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. 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 a 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 chairman or chairperson 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 chairman or chairperson 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 chairman or chairperson.

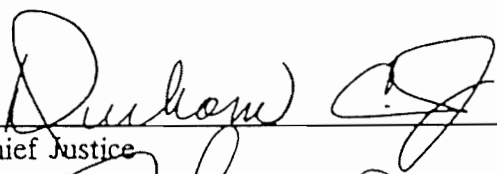
8.0 Budget of Commission. The budget of the Commission shall be provided in the Budget of the Supreme Court.

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.

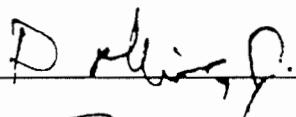
10.0 Annual Report. The Commission shall prepare and file an annual report with the Governor, Legislature, Supreme Court and the Administrator for the Courts concerning its activities and shall recommend appropriate action for further promotion of equal justice for racial, ethnic, cultural and language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

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.

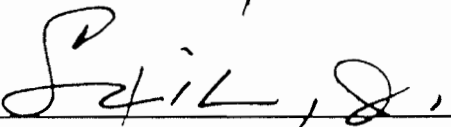
Signed at Olympia, Washington on July 13, 1995.

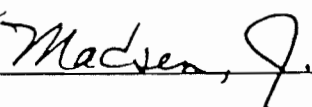


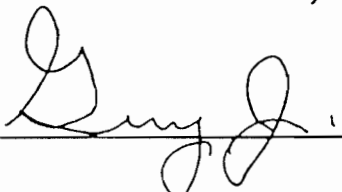
Chief Justice

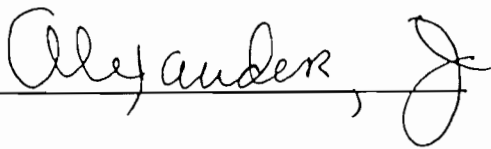


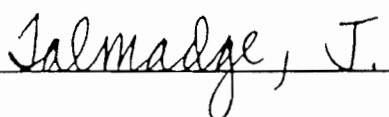











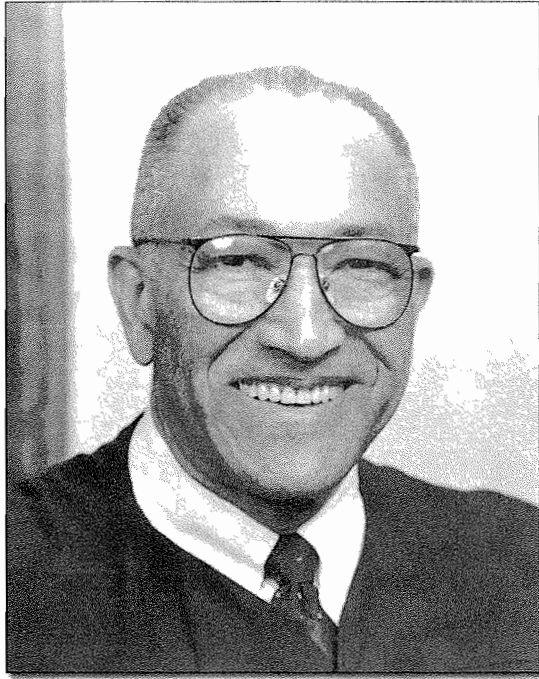




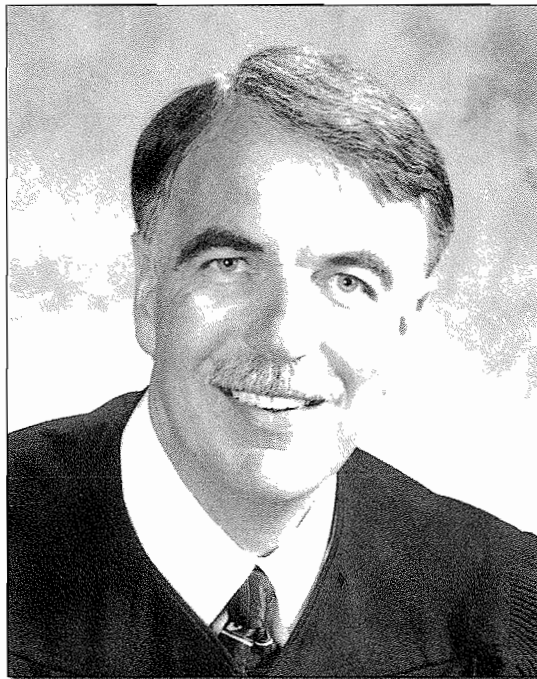
MINORITY AND JUSTICE COMMISSION

In October 1990, the Washington State Supreme Court issued a court order creating the Washington State Minority and Justice Commission. The purpose of the Commission is to continue the work of its predecessor, the Minority and Justice Task Force, by implementing the Task Force recommendations: to conduct cultural diversity programs, to develop programs that increase diversity in the work force, to act as a liaison for bar organizations throughout the state, and to continue research in areas such as prosecutorial discretion and exceptional sentences involving members of various ethnic backgrounds in Washington State. Justice Charles Z. Smith and Justice Charles W. Johnson now serve as co-chairpersons of the Commission. Ms. Donna V. McConnell-Adams serves as Executive Director.

The Commission has established five sub-committees to carry out its work: Education Sub-committee; Evaluation and Implementation Sub-committee; Outreach Sub-committee; Research Sub-committee; and Workforce Diversity Sub-committee. Legal practitioners, judges and other distinguished members of the professional, legal and general community chair and staff these sub-committees.



*Justice Charles Z. Smith
Co-chairperson of Commission*



*Justice Charles W. Johnson
Co-chairperson of Commission*



Celebrating the Courts in an Inclusive Society

MINORITY AND JUSTICE COMMISSION WEB SITE

The Minority and Justice Commission web site, located at <http://www.wa.gov/courts/mjc/home.htm>, contains the following up-to-date information:

- current and back issues of the Equal Justice newsletter
- schedules and minutes for Commission meetings
- schedules and minutes for sub-committee meetings
- previews of upcoming programs and activities
- descriptions of publications available through the Commission, including annual reports from 1994, 1995-96 and 1998, as well as various research studies
- instructions for ordering posters and note cards
- lists of commission members and technical support members
- links to other information sources

MINORITY AND JUSTICE COMMISSION

Justice Charles Z. Smith

Co-chairperson

Washington State Supreme Court

Justice Charles W. Johnson

Co-chairperson

Washington State Supreme Court

Judge William W. Baker

Court of Appeals, Division I

Judge Ronald E. Cox

Court of Appeals, Division I

Judge Anne L. Ellington

Court of Appeals, Division I

Judge Kenneth H. Kato

Court of Appeals, Division III

Judge Ricardo S. Martinez

United States Magistrate

Judge Deborah D. Fleck

King County Superior Court

Judge LeRoy McCullough

King County Superior Court

Judge James M. Murphy

Spokane County Superior Court

Judge Richard A. Jones

King County Superior Court

Judge Monica J. Benton

King County District Court

Judge Ron A. Mamiya

Seattle Municipal Court

Ms. Myrna I. Contreras

Attorney at Law

Contreras Law Offices

Dean Donna Claxton Deming

Assistant Dean

Seattle University School of Law

Guadalupe Gamboa

Attorney at Law

United Farm Workers of America

Ms. Kazzie Katayama

Community Outreach Coordinator
Metropolitan King County

Ms. Mary Campbell McQueen

Attorney at Law
Administrator for the Courts

Jeffrey C. Sullivan

Attorney at Law
Yakima County Prosecuting
Attorney

Ms. Mary Alice Theiler

Attorney at Law
Theiler Douglas Drachler and
McKee

Ms. Donna V. McConnell-Adams

Executive Director
Minority and Justice Commission

TECHNICAL SUPPORT MEMBERS

Judge David H. Armstrong

Court of Appeals, Division II

Judge Karen B. Conoley

Kitsap County Superior Court

Judge Patricia M. Warnick

Spokane Municipal Court

Judge Clifford L. “Kip” Stilz, Jr.

Thurston County District Court

Judge Philip J. Thompson

(retired)

Counsel to the President

Gonzaga University

Jeffrey A. Beaver

Attorney at Law

Graham and Dunn

Ms. Madelyn Botta

Administrator

Kitsap County Superior Court

Judge Sergio Armijo

Pierce County Superior Court

Judge Anne Levinson

Seattle Municipal Court

Judge James D. Cayce

Presiding Judge

King County District Court

Judge Albert M. Raines

Des Moines Municipal Court

Judge Vicki J. Toyohara

Office of Administrative Hearings

Robert C. Boruchowitz

Attorney at Law

Director

Office of the Public Defender

Lonnie Davis

Attorney at Law

Disabilities Law Project

Coordinator

Washington Coalition of Citizens
with DisABILITIES

Ms. Kim M. Eaton

Yakima County Clerk

David J. Della

Seattle Community Affairs Manager
United Way of King County

Larry M. Fehr

Senior Vice President
Pioneer Human Services

José E. Gaitán

Attorney at Law
The Gaitán Group

Ms. Ada Ko

Attorney at Law
Lane Powell Spears Lubersky

Robert Lamb, Jr.

Regional Director
Community Relations Service
United States Department of Justice

Ms. Terry Mark

Assistant Director
King County Department of
Community and Human Services

Richard F. McDermott, Jr.

Attorney at Law

Ms. Lourdes Fuentes

Attorney at Law
MacDonald, Hoague and Bayless

Charles A. Jardine

*Retired Certified Public
Accountant*

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Executive Director
Commission on Hispanic Affairs

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Attorney at Law
Assistant Director
Washington State Lottery

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Prosecuting Attorney

Ms. Mary Elizabeth McKnew

Attorney at Law

Ms. Esther L. Patrick

Human Resources Manager
King County District Court

Tony Orange

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Commission on African American
Affairs

José J. Quintana

Attorney at Law

Heller Ehrman White and
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Kenneth E. Payson

Attorney at Law

Heller Ehrman White and
McAuliffe

Ms. P. Diane Schneider

Senior Conciliation Specialist

United States Department of
Justice

Ms. Barbara J. Selberg

Attorney at Law

Manuel Romero

Alcohol Awareness Program

Manger

Liquor Control Board

Ms. Mary I. Yu

Attorney at Law

Deputy Chief of Staff
Office of the King County
Prosecuting Attorney

Brian A. Tsuchida

Attorney at Law

Office of the Federal Public
Defender

SUB-COMMITTEE ACTIVITIES

The Minority and Justice Commission has established five sub-committees, each dedicated to implementing recommendations of the Commission's precursor, the Minority and Justice Task Force. The Task Force's recommendations addressed the need for cultural diversity programs and programs that increase diversity in the work force, the need for a liaison for bar organizations throughout the state, and the importance of continuing research in areas such as prosecutorial discretion and exceptional sentences involving members of various ethnic groups in Washington State.

Five sub-committees carry out the work of the Minority and Justice Commission: the Education Sub-committee, the Evaluation and Implementation Sub-committee, the Outreach Sub-committee, the Research Sub-committee, and the Workforce Diversity Sub-committee. Legal practitioners, judges and other distinguished members of the professional, legal, and general community chair and staff these sub-committees. The central purpose of each committee is indicated below:

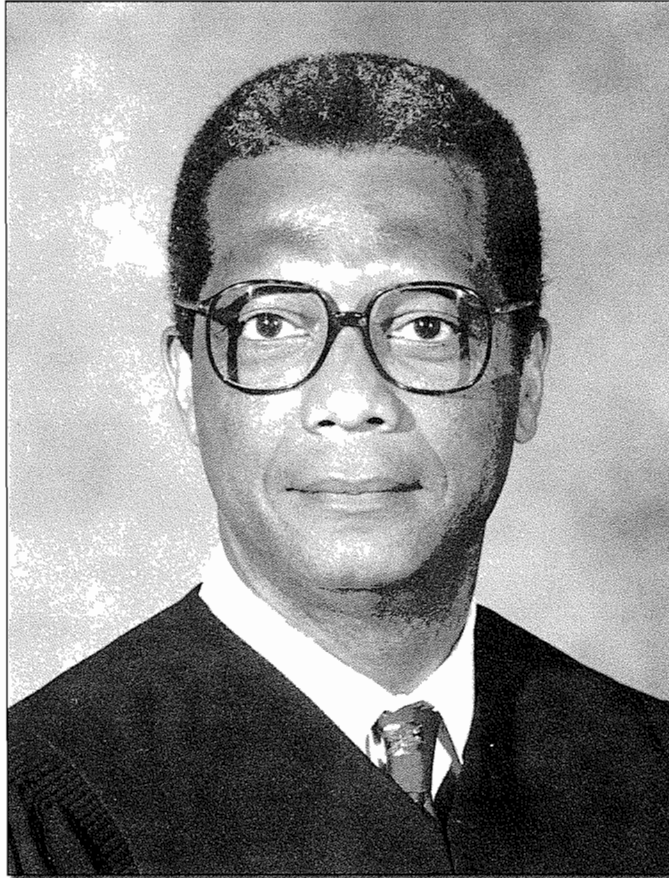
- The Education Sub-committee focuses on promotion and development of seminars, panels, and workshops that imbue court personnel and judges with greater cultural awareness and sensitivity.
- The Evaluation and Implementation Sub-committee reviews Minority and Justice Commission-sponsored research reports and develops action plans for report findings.

- The Outreach Sub-committee is an outgrowth of the former Bar Liaison Sub-Committee. While the Bar Liaison Sub-committee established relationships with state and local bar associations in order to disseminate information about the work and activities of the Commission, the Commission decided to expand this mission, reaching out to the general public in addition to its outreach to bar associations.
- The Research Sub-committee conducts research projects examining whether the race and ethnicity of participants in the justice system affects the treatment they receive.
- The Workforce Diversity Sub-committee strives to increase the number of ethnic minority employees in non-judicial positions, including bailiffs and clerks, as well as in quasi-judicial positions such as commissioners and magistrates.

EDUCATION SUB-COMMITTEE



Celebrating the Courts in an Inclusive Society



*Judge Ronald E. Cox
Chairperson
Education Sub-committee*

EDUCATION SUB-COMMITTEE

The Education Sub-committee is chaired by Judge Ronald E. Cox. Its mission is to improve the administration of justice by implementing educational programs designed to eliminate racial and ethnic bias in the courts. This sub-committee primarily focuses on increasing cultural awareness and engendering mutual respect among persons who deliver court services and represent our court system. The sub-committee operates on the belief that cultivating such an environment will increase people's capacity to respect each other.

The sub-committee is committed to conducting itself in a manner that is responsive and complementary to the work and progress of the Washington State Minority and Justice Commission.

The Education Sub-committee has set the following goals: (1) to provide leadership to all components of the state justice system in order to eliminate racial and ethnic bias and disparate treatment; (2) to ensure that cultural diversity training becomes a normal and continuous aspect of employment within the state justice system; (3) to provide cultural diversity training skills to persons within the court system; and (4) to provide those in the justice system with the best educational services available.

The Education Sub-committee devotes most of its efforts to sponsoring the Cultural Diversity Education Program. This program provides judges, county clerks, administrators and line staff persons with tools and strategies for increasing cultural

awareness and mutual respect among all persons who deliver court services and represent our justice system. Since the 1995-96 report, this sub-committee has sponsored three cultural diversity education workshops and two conferences on the theme “Courts in an Inclusive Society.” The sub-committee instituted its “Diversity in the Courts” workshop for the Washington State Judicial College in 1998, and planned to hold a similar workshop for the Washington State Judicial College in 1999.

The members of the Education Sub-committee are:

Judge Ronald E. Cox

Court of Appeals, Division I

Judge Sergio Armijo

Pierce County Superior Court

Judge William W. Baker

Court of Appeals, Division I

Judge Anne Levinson

Seattle Municipal Court

Judge Anne L. Ellington

Court of Appeals, Division I

Judge Patricia M. Warnick

Spokane Municipal Courts

Judge James M. Murphy

Spokane County Superior Court

Judge Albert M. Raines

Des Moines Municipal Court

Judge Ricardo S. Martinez

Magistrate Judge

United States District Court

Judge Vicki J. Toyohara

Office of Administrative Hearings

Judge Ron A. Mamiya

Seattle Municipal Court

Lonnie Davis

Attorney at Law

Disabilities Law Project Coordinator

Washington Coalition of Citizens with

DisABILITIES

Ms. Mary Campbell McQueen

Attorney at Law

Administrator for the Courts

State of Washington

Ms. Lorraine Lee

Attorney at Law

Assistant Director

Washington State Lottery

Ms. Denise C. Marti

Attorney at Law

Office of the Thurston County

Prosecuting Attorney

Ms. Ada Ko

Attorney at Law

Tax Counsel

City of Seattle

Ms. Esther L. Patrick

Human Resources Manager

King County District Court

Manuel Romero

Alcohol Awareness Program Manager

Liquor Control Board

Ms. P. Diane Schneider

Senior Conciliation Specialist

United States Department of

Justice

SPECIAL ACKNOWLEDGMENT

The Washington State Minority and Justice Commission gratefully acknowledges the Board for Trial Court Education and its members for the grant of funds for our Cultural Diversity Education Workshop and for its extraordinary support of our efforts to make our education program a part of our Court Support Orientation Program in 1997.

In particular, we acknowledge Judge Charles J. Delaurenti, II, Chairperson of the Board for Trial Court Education, and Ms. Mary Campbell McQueen, Administrator for the Courts.

CULTURAL DIVERSITY EDUCATION PROGRAM

Since our last report, the Education Sub-committee has sponsored the following cultural diversity education workshops: the 1996 Bailiff Orientation Program held at Seattle's Old Federal Building on September 10, 1996; a workshop for the 1997 Judicial College held at the Tacoma Sheraton Hotel in Tacoma on January 14, 1997; and the 1997 Court Support Orientation Program held at the Ramada Inn Governor House in Olympia on March 7, 1997. The sub-committee designed these workshops with the goal of making participants more aware of the impact that cultural differences have in the workplace and creating strategies and options for identifying, understanding and working through cultural collisions. Each workshop drew more than 40 participants.

On post-workshop questionnaires, some participants reflected on what they had learned. The following sampling typifies the comments they shared with us:

“We have more similarities than differences. We can share the richness of the differences and build on the similarities. I was not sure in advance of the session—apprehensive maybe—but it was a great experience.”

“Be careful about judging. Try to understand where people are coming from. Encourage change without attacking. Recognize cultural biases.”

“We enhance our interpersonal interactions by learning with the individuals with whom we interact.”

“I probably have unconscious biases and I should try to be more aware of them. Also, what the word diversity encompasses.”

“Don’t take people at face value. Get to know people in greater depth. Think before you speak.”

“As a white person I have always found Black culture very fascinating, but today I have learned to look at my own culture and to find a fascinating culture there. Thank you.”

“It’s all right to be open, and that I do have a culture.”

“There are so many aspects of diversity that I had not thought of. I enjoyed the focus on diversity as a whole rather than just race.”

“My first perception of a person or situation is not always correct. I need to get more information before acting or deciding.”

COURTS IN AN INCLUSIVE SOCIETY PROGRAM

Judges from throughout the state attended an all-day program entitled “Courts in an Inclusive Society” which the Education Sub-committee created to provide judges with an opportunity to learn and practice cultural competencies for working in the courts in an inclusive society. The first “Courts in an Inclusive Society” workshop took place at the 1997 Superior Court Judges’ Spring Conference held on April 30, 1997 at the Ridpath Hotel in Spokane. On May 7, 1997, the program moved to Pasco’s Red Lion Inn, site of the 1997 District and Municipal Court Judges’ Spring Conference.

Working in small groups, participants sharpened their cultural competencies by taking and discussing perception surveys, conducting cultural assessments, and confronting hypothetical case scenarios.

In the eye-opening perception surveys, participants agreed or disagreed with statements such as the following: “I can turn on the television or read a newspaper or magazine and see people of my race proportionately represented”; “I can go into a supermarket and find the staple foods which fit with my cultural traditions”; and “If a police officer pulls me over, I am sure that I have not been singled out because of my race.”

After completing the surveys, participants clustered in small groups and discussed their reactions to the questions, using the following discussion questions: (1) “What thoughts or feelings did you have as you responded to the survey questions?” (2) “What were your reactions to the similarities or differences in response by gender and/or by racial or cultural group?” (3)

“What conclusions do you draw from the survey results?”

Next, participants conducted cultural assessments, using selected findings and conclusions from the 1990 Final Report of the Washington State Minority and Justice Task Force as a benchmark. In addition to many other findings, this report concluded that (1) minorities believe that bias pervades the entire legal system in general and hence they do not trust the court system to resolve their disputes or administer justice even-handedly; (2) those working in the judicial system believe that the quality of justice delivered to minority litigants who require the services of an interpreter for legal proceedings are adversely impacted by the unavailability of a sufficient number of competent and trained interpreters in the court system; and (3) there is a perception that some judges, lawyers, other officers of the court, and court staff have made offensive remarks and have demonstrated other biased attitudes towards minorities appearing in court . . . Thirty-seven percent (37%) of lawyers indicated they have heard their colleagues “sometimes” or “often” making these kind of comments.

Referring to these and other findings from the Task Force report, small groups of workshop participants discussed their own experiences since 1990, guided by the following discussion questions: (1) “Based on your experiences, to what extent is the data from the Minority and Justice Task Force 1990 Final Report still valid?” (2) “What changes have you experienced in the make-up of judicial and non-judicial court positions?” (3) “What institutional changes (policies and procedures) have occurred that might alter the perception of persons of color who are users of the courts?” (4) “What specific strategies or policies have you seen introduced since 1990 that would impact the perceptions of persons of color reported in the task force report?”

The groups of participants then considered various hypothetical court scenarios, applying a Model for Resolving Conflict in an Inclusive Environment which they had learned at the workshop.

On post-workshop questionnaires, some participants reflected on what they had learned. The following sampling typifies the comments they shared with us:

“Racism remains virulent more than 30 years after passage of original civil rights legislation.”

“Other people are troubled by some of the same issues I have. I enjoyed the opportunity to talk about these issues with so many people.”

“There are many ‘easy’ ways to improve diversity within the court, and/or improve the appreciation of diversity.”

“Courts must take the lead and set the example for inclusivity. I.e. treating all consistently with dignity and respect.”

“I have been amazed since I have become a judge with the expressed comments and behavior among my colleagues. For example, the white female judge who said ‘I don’t even think of Orientals as minorities any more.’”

“This is the single most challenging issue before the courts today. It should continue to be a regular topic of discussion and reflection.”

DIVERSITY IN THE COURTS WORKSHOP

1998 JUDICIAL COLLEGE

At the 1998 Washington State Judicial College, the Education Sub-committee debuted a workshop entitled “Diversity in the Courts.” Agenda items included “Cultural Sources of Misunderstanding,” “Active Listening: A Key to Effective Cross-Cultural Communication,” and “Speaking and Listening Skills.”

The Judicial College is an annual event designed to inform newly appointed or elected judges at all levels concerning our judicial system.

During the “Active Listening” portion of the workshop, participants analyzed various traits of an active listener, including empathizing, questioning, clarifying, and encouraging others to generate solutions.

After considering active listening techniques, participants examined the various ways that speaking and listening skills can facilitate the effective communication necessary for interpersonal interactions where the intent (what the speaker means) equals the impact (what the listener hears). Operating under the belief that speakers and listeners share equal responsibility for effective communication, workshop presenters demonstrated various speaking and listening skills. Speaking skills that foster effective communication include paying attention to the intent of one’s own statements, asking open-ended

questions, and offering brief, sincere apologies whenever necessary. Correlating listening skills include appropriate body language, encouraging responses, restatement (or paraphrasing), validating speakers' feelings by reflecting back, and letting speakers know the impact of their statements.

FUTURE ACTIVITIES

At the 1999 Washington State Judicial College, the Education Sub-committee plans to hold a second “Diversity in the Courts Workshop,” following up on the work the sub-committee began at the 1998 Washington State Judicial College.

The Education Sub-committee will issue a request for proposals for a video project to produce video vignettes. The sub-committee will then incorporate those vignettes into its cultural diversity education programs.

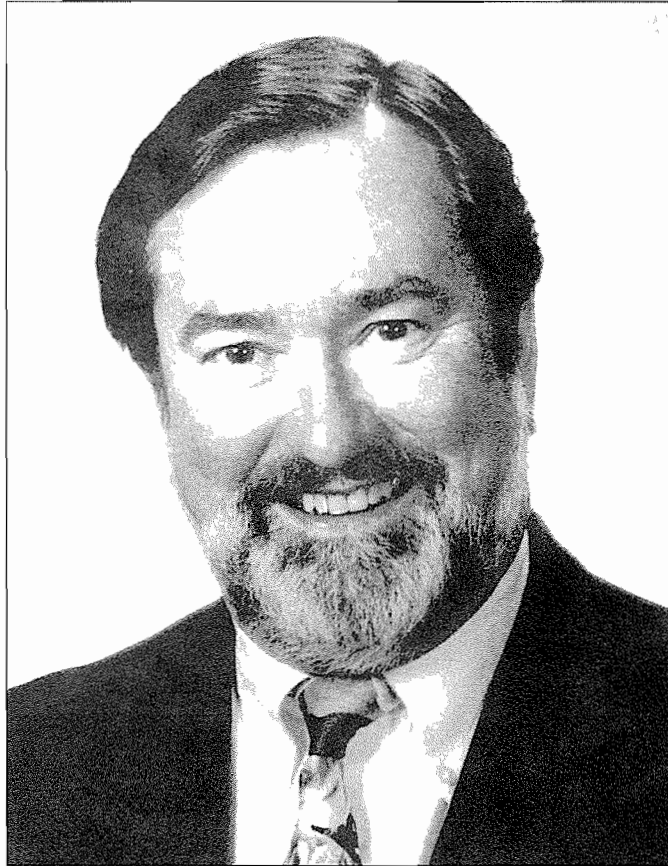
In partnership with the Research Sub-committee and the Evaluation and Implementation Sub-committee, the Education Sub-committee plans to study the application of Criminal Rule 3.2 relating to pre-trial release in criminal cases. Together these subcommittees will determine components of a judicial education program the Minority and Justice Commission can offer during judicial conferences and at the judicial college. This project arises as a response to *A Study on Racial and Ethnic Disparities in Superior Court Bail and Pre-Trial Detention Practices in Washington*, an October 1997 research report by Dr. George S. Bridges, Ph.D.

Other plans include a presentation to King County District Court clerks (scheduled for May 1999), and developing a master list of qualified consultants with whom the sub-committee can contract to provide educational programs.

EVALUATION AND IMPLEMENTATION SUB-COMMITTEE



Celebrating the Courts in an Inclusive Society



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

EVALUATION AND IMPLEMENTATION SUB-COMMITTEE

The Evaluation and Implementation Sub-committee is chaired by Judge James M. Murphy. It was formed in April 1998 to review Minority and Justice Commission-sponsored research reports and develops action plans based upon report findings. This new Sub-committee is currently pursuing its first major project—a review of the October 1997 research report, *A Study on Racial and Ethnic Disparities in the Superior Court Bail and Pre-trial Detention Practices in Washington*, by Dr. George S. Bridges, Ph.D.

The members of the Evaluation and Implementation Subcommittee are:

Judge James M. Murphy

Spokane County Superior Court

Judge Deborah D. Fleck

King County Superior Court

Judge Ronald E. Cox

Court of Appeals, Division I

Judge Richard A. Jones

King County Superior Court

Judge Kenneth H. Kato

Court of Appeals, Division III

Robert C. Boruchowitz

Attorney at Law

Director

Office of Public Defender

FUTURE ACTIVITIES

In partnership with the Research and Education Subcommittees, the Evaluation and Implementation Subcommittee plans to study the application of Criminal Rule 3.2 relating to pre-trial release in criminal cases. Together these subcommittees will determine components of a judicial education program the Minority and Justice Commission can offer during judicial conferences and at the judicial college. This project arises as a response to *A Study on Racial and Ethnic Disparities in Superior Court Bail and Pre-Trial Detention Practices in Washington*, an October 1997 research report by Dr. George S. Bridges, Ph.D.

In addition, the Evaluation and Implementation Subcommittee plans to review other research studies, including the Minority and Justice Commission's November 1995 report, *Racial and Ethnic Disparities in the Prosecution of Felony Cases in King County*, and the Commission's September 1993 report, *Racial/Ethnic Disparities and Exceptional Sentences in Washington State*.

Racial and Ethnic Disparities in the Prosecution of Felony Cases in King County, a study conducted by Robert D. Crutchfield, Ph.D., Joseph G. Weis, Ph.D., Rodney L. Engen, M.S., and Randy R. Gainey, Ph.D., a team of sociologists at the University of Washington, examined the relationship between the race and ethnicity of adult persons accused of felony crimes and the prosecutorial decision-making process. After looking into approximately 500 felony cases filed in the King County Superior Court during 1994, the researchers found that the filing of felony charges by the King County Prosecuting Attorney varies by the type of offense and by the race of the offender. In the

conclusion of *Racial and Ethnic Disparities in the Prosecution of Felony Cases in King County*, the authors of the study wrote:

It is clear from the quantitative data analyses and the interviews that race per se is not used intentionally by prosecutors in making decisions and taking actions in the case flow process. Differences may appear because of the adoption of laws and policies that differentially impact some segments of the population more than others. This study was not designed to uncover individuals making biased decisions. In fact, when interviewing members of the Prosecuting Attorney's staff, we were struck by the level of commitment to fairness and justice exhibited. We believe a fruitful direction to pursue in obtaining a more "just" criminal justice system is to try to confront and modify law, legal practices, and policies that may disadvantage some groups.

Racial/Ethnic Disparities and Exceptional Sentences in Washington State arose in response to concerns that substantial racial and ethnic disparities exist in the imposition of exceptional sentences under the Sentencing Reform Act of 1981. The research team consisting of Robert D. Crutchfield, Ph.D., Joseph G. Weis, Ph.D., Rodney L. Engen, M.S., and Randy R. Gainey, Ph.D., found that the relationship between race and the imposition of exceptional sentences is far more complex than anticipated. While the study found modest race/ethnicity effects in sentencing, it dismissed simplistic notions about race and sentencing as unwarranted.

The Evaluation and Implementation Sub-committee plans to recommend necessary educational programs, further research or other Commission-related activity as warranted by a comprehensive review of these studies.

OUTREACH SUB-COMMITTEE



Celebrating the Courts in an Inclusive Society



*Ms. Myrna I. Contreras
Attorney at Law
Chairperson
Outreach Sub-committee*

OUTREACH SUB-COMMITTEE

The Outreach Sub-committee is chaired by Ms. Myrna I. Contreras. It is an outgrowth of the former Bar Liaison Sub-committee. While the Bar Liaison Sub-committee established relationships with state and local bar associations in order to disseminate information about the work and activities of the Commission, the Commission decided to expand this mission, reaching out to the general public in addition to its outreach to bar associations.

The sub-committee's goals include (1) becoming the outreach arm of the Commission and the legal community; (2) acting as a clearinghouse for information about efforts by bar associations in Washington State to address the concerns of minorities in the profession and of minority litigants and participants in the civil and criminal justice system; (3) inspiring efforts in the profession to undertake these projects; and (4) sharing information among bar associations in this state concerning findings and projects.

The primary mission of the Outreach Sub-committee is to facilitate communication between the Commission and the legal community in order to share information, address concerns of minority persons in the legal profession, and implement programs to improve the status of minority members of the state bar.

The Outreach Sub-committee is primarily responsible for publication of our newsletter, *Equal Justice*.

Members of the Outreach Sub-committee meet regularly between meetings of the Commission to report on the sub-committee's liaison efforts with the following organizations:

- American Bar Association
- Washington State Bar Association
- King County Bar Association
- Other Local Bar Associations
- Loren Miller Bar Association
- National Bar Association
- Asian Bar Association of Washington
- National Asian Pacific American Bar Association
- Washington Hispanic Bar Association
- Hispanic National Bar Association
- Native American Bar Association
- National Native American Bar Association
- Other Associations
- Judicial screening committees

The members of the Outreach Sub-committee are:

Ms. Myrna I. Contreras

Attorney at Law

Contreras Law Offices

Judge Philip J. Thompson

(retired)

Counsel to the President

Gonzaga University

Richard F. McDermott, Jr.

Attorney at Law

Brian A. Tsuchida

Attorney at Law

Office of the Federal Public

Defender

Ms. Barbara J. Selberg

Attorney at Law

Ms. Mary Alice Theiler

Attorney at Law

Theiler Douglas Drachler

and McKee

EQUAL JUSTICE

The Outreach Sub-committee prepares and publishes *Equal Justice*, a quarterly newsletter that provides information about Commission programs, projects and issues of concern. The sub-committee dedicated the January 1999 issue, Volume 2, Number 1, to Justice James M. Dolliver, who retired from the Washington State Supreme Court after twenty-two years on the court. He served as co-chairman of the Commission until his retirement.

This issue of *Equal Justice* featured a symposium on World War II relocation of Japanese Americans in concentration camps under Executive Order 9066. It contained articles by Justice Charles Z. Smith, Judge Kenneth H. Kato, Judge Thomas A. Haven and Ms. Sumi Hayashi, Research Coordinator for the University of Washington School of Nursing.

FUTURE ACTIVITIES

The Outreach Sub-committee will continue publication of *Equal Justice* on a quarterly basis. The sub-committee has identified the following themes for 1999: minority bar associations, tribal court systems and Indian law, and justice and women of color.

RESEARCH SUB-COMMITTEE



Celebrating the Courts in an Inclusive Society



*Judge Kenneth H. Kato
Chairperson
Research Sub-committee*

RESEARCH SUB-COMMITTEE

The Research Sub-committee is chaired by Judge Kenneth H. Kato. It designs, funds, and conducts research to inform and assist the Minority and Justice Commission. To this end, the sub-committee conducts research pertaining to the 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 systems, determining the causes of those problems, and developing effective remedies to overcome the problems.

The members of the Research Sub-committee are:

Judge Kenneth H. Kato

Court of Appeals, Division III

Judge Richard A. Jones

King County Superior Court

Judge Monica J. Benton

King County District Court

Ms. Donna Claxton Deming

Assistant Dean

Seattle University School of Law

Judge David H. Armstrong

Court of Appeals, Division II

Judge James D. Cayce

Presiding Judge

King County District Court

Larry M. Fehr

Senior Vice President

Pioneer Human Services

José E. Gaitán

Attorney at Law

The Gaitán Group

Robert Lamb, Jr.

Regional Director

Community Relations Service

United States Department of
Justice

Ms. Mary Elizabeth McKnew

Attorney at Law

José J. Quintana

Attorney at Law

Heller Ehrman White and
McAuliffe

***A STUDY ON RACIAL AND ETHNIC DISPARITIES IN
SUPERIOR COURT BAIL AND PRE-TRIAL DETENTION
PRACTICES IN WASHINGTON
October 1997***

George S. Bridges, Ph.D.

The Research Sub-committee sponsored a study conducted by Dr. George S. Bridges, Ph.D. which measured the extent of racial and ethnic disparities in bail and pre-trial release decisions of Superior Courts in King County, while exploring the various causes of such disparities.

Dr. Bridges set the following objectives in accordance with the Minority and Justice Commission's mandate: (1) to determine the types of data available and the means of accessing such data on bail and pre-trial detention decisions in superior courts in Washington; (2) to collect information on the outcomes of a representative sample of bail and pre-trial detention decisions in the identified county or counties; (3) to determine whether racial and ethnic differences exist in the outcomes of bail and pre-trial detention decisions or in the level of bail set by the court; and (4) to compare anecdotal and qualitative information from judges, prosecuting attorneys, and defense attorneys on the extent and causes of racial and ethnic disparities in bail and pre-trial detention decisions.

Because of time and resource constraints on the project, this report focused only on felony cases filed in King County between 1994 and 1996. The study reached three important

conclusions: (1) substantial racial and ethnic disparities do exist in pre-trial release and bail setting in felony cases processed in King County; (2) the disparities occur primarily because minority defendants may be charged with more serious offenses, or have more extensive criminal histories than their white counterparts; (3) factors above and beyond the influence of case-related characteristics significantly contribute to these disparities. Those factors include discrepancies in access to resources between minority defendants and their white counterparts and the difficulties experienced by the courts in responding to the challenges of cultural differences among defendants.

While finding that race and gender did impact decisions on pretrial release and setting of bail amounts above the prosecutor's recommendation regardless of the seriousness of the offense and other factors, the report did not conclude that disparities in bail and pre-trial detention decisions result from overt prejudicial acts by court officials. Rather, the causes have to do with the organization of courts and the rules and guidelines established by the Legislature and the courts. The report therefore recommended that courts seek remedies that focus primarily on the context and structure of decision-making, rather than on individual decision-makers.

FUTURE ACTIVITIES

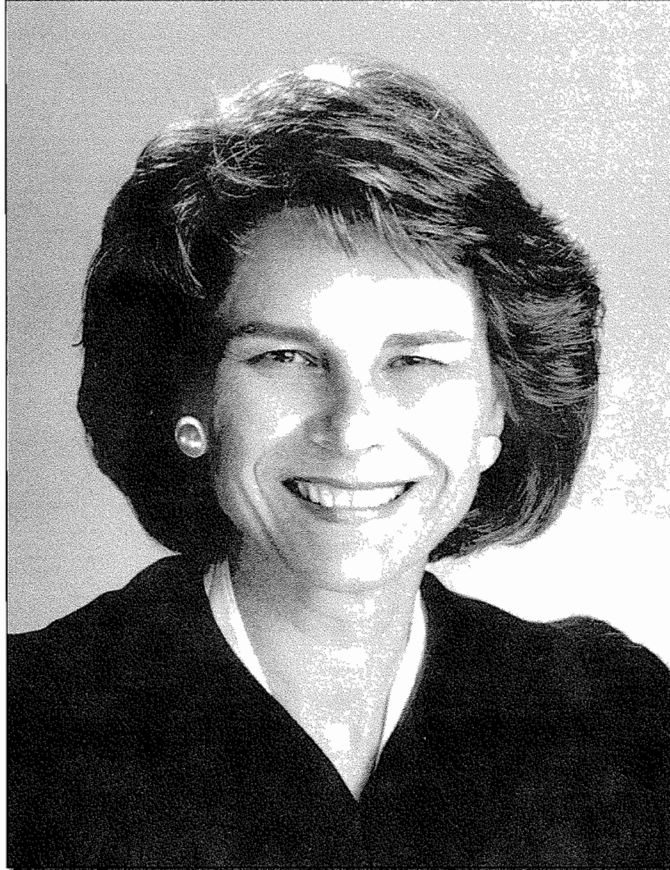
In partnership with the Education Sub-committee and the Evaluation and Implementation Sub-committee, the Research Sub-committee plans to study the application of Criminal Rule 3.2 relating to pre-trial release in criminal cases. Together these subcommittees will determine components of a judicial education program the Minority and Justice Commission can offer during judicial conferences and at the annual judicial college. This project arises as a response to Dr. George S. Bridges' October 1997 report, *A Study on Racial and Ethnic Disparities in Superior Court Bail and Pre-Trial Detention Practices in Washington*.

With direction from the Commission's Executive Committee, the Research Sub-committee will soon undertake a new project. Projects under consideration include a current study of community perception of bias in the courts and a review of prior research data and studies to see if any change has occurred.

WORKFORCE DIVERSITY SUB-COMMITTEE



Celebrating the Courts in an Inclusive Society



*Judge Deborah D. Fleck
Chairperson
Workforce Diversity Sub-committee*

WORKFORCE DIVERSITY SUB-COMMITTEE

The Workforce Diversity Sub-committee is chaired by Judge Deborah D. Fleck. It operates under its mission to promote equal employment opportunity and to increase the number of racial and ethnic minority staff members at all levels of the courts.

During 1991 and 1992, the sub-committee formulated goals, areas of inquiry, and recommendations in four primary areas: (1) providing workforce diversity education for existing court personnel; (2) recruiting, hiring, retaining, and promoting minority court personnel; (3) creating resource lists for each county court system; and (4) obtaining adequate funding to continue these tasks. The sub-committee has worked steadily toward achieving all these goals.

The members of the Workforce Diversity Sub-committee are:

Judge Deborah D. Fleck

King County Superior Court

Judge LeRoy McCullough

King County Superior Court

Jeffrey A. Beaver

Attorney at Law

Graham and Dunn

Ms. Madelyn Botta

Court Administrator

Kitsap County Superior Court

Robert C. Boruchowitz

Attorney at Law

Director

Office of the Public Defender

David J. Della

Seattle Community Affairs Manager

United Way of King County

Ms. Kim M. Eaton

Yakima County Clerk

Kenneth E. Payson

Attorney at Law

Heller Ehrman White and McAuliffe

Judge Karen B. Conoley

Kitsap County Superior Court

Ms. Lourdes Fuentes

Attorney at Law

Ryan Swanson and Cleveland

Guadalupe Gamboa

Attorney at Law

United Farm Workers of America

Ms. Kazzie Katayama

Community Outreach Coordinator

Metropolitan King County

Ms. Terry Mark

Assistant Director

King County Department of
Community and Human Services

Tony Orange

Executive Director

Commission on African American
Affairs

Ms. Mary I. Yu

Attorney at Law

Deputy Chief of Staff

King County Prosecutor's Office

WORKFORCE DIVERSITY RESOURCE DIRECTORY

MAY 1997

In May 1997, The Workforce Diversity Sub-committee revised its 1993 *Workforce Diversity Resource Directory for Washington Courts*, which identifies organizations interested in the employment and advancement of persons of color. The sub-committee scoured sources, ranging from government and community group directories to mailing lists and personal contacts, with the goal of compiling inclusive, accurate listings that will aid employers who seek to diversify their workplaces.

While any directory is out of date before its ink dries, this 210-page document provides an ample starting point for employers who wish to recruit and hire people of color into the court system of Washington State. The directory lists government and community-based organizations, which are primarily non-profit and provide some level of employment service. These programs range in scope from simple bulletin board listings to comprehensive employment and training services. The sub-committee made no judgment about the effectiveness of any program or agency listed.

In addition to a "Statewide Resources" section that lists bar associations and statewide agencies, the directory contains chapters specific to the following geographic areas: Northeast, Southeast, North Puget Sound, King County, Pierce and Kitsap Counties, and Southwest/Olympic Peninsula area. For each geographic area, the directory lists resources in the following categories: (1) county bar associations; (2) community groups;

(3) government agencies; (4) churches and religious organizations; (5) educational institutions; (6) media—newspapers; (7) media—radio; and (8) media—television.

A “Recruiting People of Color” section provides several techniques that can help employers attract a diverse pool of qualified applicants to positions within the state court system. This section stresses the importance of making personal contacts and building networks. It contains a checklist, which includes a range of informal network development methods, and formal recruiting channels that employers may utilize to increase the likelihood of applicants of color responding to job opportunities within the state court system. Furthermore, the “Recruiting People of Color” section describes ways that employers can carefully word job announcements in order to maximize inclusiveness in the candidate pool and increase opportunities for previously unidentified applicants to emerge.


The Commission envisions the *Workforce Diversity Resource Directory for Washington State Courts* as one tool for facilitating effective hiring of diverse people in Washington, and not as the only approach to achieving this end. Many immigrant groups of color have informal information-sharing networks, primarily through religious and human service organizations. In some such cases, job announcements tend to travel through a network of individuals, rather than through formalized channels that can be listed in a directory.

**“HOW TO BE A GOOD EMPLOYER:
TACKLING THE TOUGH ISSUES”
1998 SUPERIOR COURT SPRING PROGRAM, APRIL 1998**

At the April 1998 Superior Court Spring Program, the Workforce Diversity Sub-committee, in cooperation with the Education Department of the Administrator for the Courts, sponsored a workshop entitled “How to Be a Good Employer: Tackling the Tough Issues (the Sword and the Shield).” The workshop focused on enabling court personnel to identify and improve current employment practices in the context of evolving case law and seemingly incompatible employer/employee expectations. Instructional faculty included Ms. Karen A. Pool Norby, Deputy King County Prosecuting Attorney; Ms. Sheryl J. Willert, a private practitioner; and Ms. Mary I. Yu, Deputy Prosecuting Attorney and Chief of Staff, King County Prosecuting Attorney, and a member of the Minority and Justice Commission.

The instructors addressed ways to accomplish the following goals: (1) creating and fostering a healthy work environment; (2) mirroring the communities we serve; and (3) avoiding claims and litigation. The workshop covered issues such as recruiting, hiring, firing, discipline, accommodations under the Americans with Disabilities Act, discrimination, and the impact of Initiative 200 on diversifying our workforce. The session included an overview of the law and practical suggestions for navigating through personnel issues.

**RECRUITMENT/WORKFORCE DIVERSITY
EDUCATION PROGRAM
JANUARY 29, 1996**

 On January 29, 1996, the Workforce Diversity Subcommittee presented a one-half day educational workshop at the Court Management Council Conference at the Tacoma Sheraton Hotel. County clerks, court administrators, and other court personnel attended the workshop where they discussed hiring practices and procedures in the courts and explored strategies and tools that could assist Washington courts in increasing the number of persons of color in professional and clerical positions.

In preparation for the Recruitment/Workforce Diversity Education Workshop, sub-committee members conducted a focus group. The focus group asked two questions: (1) What would your vision (picture) of an effective multicultural workplace look like? and (2) What are the obstacles to hiring more people of color? Addressing the first question, several members of the focus group expressed a desire for employers to aggressively strive to achieve greater workplace diversity, and many spoke of the need for court personnel to resemble the public that they serve. "Those coming in (appearing before the court for justice) need to feel that they will be treated equitably," stated one member of the focus group. Focus group members identified a variety of obstacles to hiring more persons of color, including low turnover, low pay, and lack of funds for recruitment and community outreach.

The sub-committee helped workshop participants explore a new awareness to assist them in the following areas: (1) recognizing and utilizing resources, tools, and strategies to assist in recruiting and hiring persons of color in professional and clerical positions in the court system; (2) improving existing hiring and other personnel practices in a proactive manner to achieve racial and ethnic diversity; (3) responding to and addressing personnel issues in the courts on a local or regional basis; (4) identifying racial and ethnic minority communities throughout the state and employing networking resources available in those communities; and (5) recognizing and positively meeting the challenge of resistance to recognized methods for increasing racial and ethnic diversity in the court workforce.

The workshop provided participants with a variety of outreach and recruitment strategies aimed at diversifying applicant pools for various positions, as well as interview and hiring strategies for diverse applicants, and strategies for retaining employees of color.

FUTURE ACTIVITIES

The Workforce Diversity Sub-committee has finalized details for three presentations on “How to Be a Good Employer: Tackling the Tough Issues (Implications for Workforce Diversity).” Presenters will include Ms. Karen Pool Norby, Deputy Prosecuting Attorney for King County; Ms. Sheryl J. Willert, a private attorney; Ms. Susan N. Slonecker, Deputy Prosecuting Attorney for King County; and Ms. Mary I. Yu, Deputy Prosecuting Attorney and Chief of Staff, King County Prosecuting Attorney, and a member of the Minority and Justice Commission.


In the year 2000, the sub-committee plans to publish a second revised edition of the *Workforce Diversity Resource Directory for Washington State Courts*.

APPENDIX



Celebrating the Courts in an Inclusive Society

COMPREHENSIVE REPORT ON MINORITY AND JUSTICE COMMISSION EDUCATION PROGRAMS

 On June 26, 1997, Achievement Architects North released a comprehensive report on the Minority and Justice Commission's education programs. The 30-page report evaluated the methodology, participant reactions, conclusions, and recommendations for five Cultural Diversity Education Workshops, one Regional Education Program on Cultural Diversity, and one Recruitment/Workforce Diversity Education Program. The report contained a summary of recommendations as follows:

Recommendation One:

The Education Programs should continue and the Commission should continue to offer both the Education Programs and the Workshops to meet the constraints and parameters of the target audience.

Recommendation Two:

The Minority and Justice Commission should pursue all avenues in securing funding sources far enough in advance so that advance communication is possible to target audience members. The Commission might consider establishing specific dates within each quarter (the first Tuesday of the beginning of each quarter) so that Judges and Court Staff could include these

programs as part of their regular continuing education and personal development.

Recommendation Three:

The approach of involving Host Judges in the planning and implementation of Regional Programs should continue. Consideration might be given to enhancing the visibility of the role played by the Host Judges.

Recommendation Four:

The Program Evaluation process should continue. The Commission should also explore using the data gathered from participants to gain post-training data from participants to measure the effect of the curriculum's usefulness back in the Court environment.

NATIONAL CONSORTIUM OF TASK FORCES AND COMMISSIONS ON RACIAL AND ETHNIC BIAS IN THE COURTS

The National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts was created in 1988 by the chairpersons of the four state commissions then in existence: New Jersey, Michigan, New York and Washington. The consortium now consists of task forces or commissions in thirty states, the District of Columbia, and three Canadian provinces. Most of these task forces or commissions were created by the highest court in their jurisdiction. A few were created by state bar associations.


Members of the Consortium meet annually to share information, compare experiences, and exchange ideas about ways of achieving their common goal of eliminating racial and ethnic bias in the courts. Justice Charles Z. Smith has been moderator of the Consortium since 1990 and ended his last elected term on May 1, 1999.

The Consortium has set the following goals:

- to avoid “re-inventing the wheel” every time a new task force or commission is created;
- to provide an annual forum for discussing the progress of member states’ research, program activities, and recommended reforms;

- to encourage other state courts to create an appropriate entity or investigative body for examining the treatment accorded minorities in the state courts;
- to provide technical assistance and expertise to other commissions, task forces, and other interested organizations and individuals;
- to work with the National Center for State Courts in an associational relationship;
- to develop a national agenda for educating the courts and the legal community about racial and ethnic bias in the courts; and
- to share the collective knowledge of former and existing task forces and commissions with all levels of the court, the law enforcement community, and the public.

**NATIONAL CONSORTIUM OF TASK FORCES
AND COMMISSIONS ON RACIAL AND
ETHNIC BIAS IN THE COURTS
TENTH ANNUAL/ANNIVERSARY MEETING
MAY 7-9, 1998**

 On May 7-9, 1998, the Washington State Supreme Court and its Minority and Justice Commission hosted the tenth annual/anniversary meeting of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts at the Westin Seattle Hotel.

Ms. Brenda A. Williams, Director of Associations of the National Center for State Courts, served as Coordinator for the meeting. Dr. Yolande P. Marlow served as Senior Coordinator and Ms. Stella Agricola, administrative assistant to Justice Charles Z. Smith, served as Assistant Coordinator.

Commission member José E. Gaitán and other non-judicial commission members engaged in fundraising efforts for the Consortium meeting. No state funds were used for the meeting. Participants attended largely at their own expense. Richard F. McDermott, Jr., a lawyer from Bellevue, Washington, and Ms. Myrna I. Contreras, a lawyer from Yakima, Washington, co-chaired the planning committee. Other planning committee members included Washington State Court of Appeals Judges William W. Baker, Ronald E. Cox and Elaine Houghton; Superior Court Judge James M. Murphy; Administrative Law Judge Vicki J. Toyohara; Dean Donna Claxton Deming, Assistant Dean of

Seattle University Law School; Ms. Kazzie Katayama of Seattle METRO; and Ms. Ada Ko, a Seattle lawyer.

The theme of the 1998 Consortium meeting was “The Court in an Inclusive Society,” with the sub-theme “Justice and Women of Color.” Speakers included Dr. Edwin J. Nichols of Washington D.C.-based Nichols and Associates; Dr. Willis A. Konick, Professor of Comparative Literature at the University of Washington; Dr. Wallace D. Loh, Director of the Washington Governor’s Office of Policy Planning; Armando Enrique Martinez, poet and youth advocate for peace and non-violence; and Honorable Takayo Rose M. Ochi, Director of the Community Relations Service, United States Department of Justice.

Panel discussions included “Justice and Women of Color: The ‘La Placita Manifesto’ Since 1995,” chaired by Dr. Sandra E. Madrid; “Chief Justices/Judges Look at Task Forces and Commissions on Fairness and Equity,” chaired by Chief Judge Annice M. Wagner, District of Columbia; and “How the Consortium Began,” chaired by Dr. Yolande P. Marlow of New Jersey.

The National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts dedicated the 1998 annual/anniversary meeting to Judge Benjamin Aranda, III, a significantly active member of the consortium who died on January 28, 1998.

The Consortium posthumously awarded Judge Aranda with its *Moderator’s Award El Cielo* at the Anniversary Dinner. Founding chairpersons and executive directors (New Jersey, Michigan, New York and Washington) were presented with engraved crystal bowls with the “Equal Justice” logo.

GROUND RULES

In order to support a safe and productive environment for freely discussing all of the issues connected with cultural diversity, we recommend the following Ground Rules be adopted for this day:

1. *Confidentiality:*

During and after the program, feel free to share your session experience with others but without identifying the individual commenters.

2. *Disguise Examples:*

During the program, do not use the names of specific individuals in your hypotheticals or discussions.

3. *Withhold Judgment:*

The purpose of discussing issues is not to reach consensus, but to share our views and listen to those of others.

4. *Share "Airtime":*

When many people talk at once or the same persons speak most of the time we miss the benefits of hearing the views of all participants.

5. *Take Responsibility:*

Own my own opinions: “I feel or think...” as opposed to “they said...” or “I heard...” or “everyone knows.”

6. *Active Participation:*

Your willingness to participate in the activities will enhance your learning.

7. *Have Fun!:*

We believe that learning can be enhanced with laughter.

GLOSSARY OF SESSION TERMS

Acculturation: The transfer of culture from one ethnic group to another.

Affirmative Action: Positive and aggressive measures to ensure equal employment opportunity and to remedy effects of current and/or past discriminatory practices.

Bias: A leaning toward a particular belief or concept.

Collusion: Active or passive agreement or cooperation supporting activities or behaviors of others.

Cultural Clash: Conflict over basic values that occurs between groups of people with different core values.

Cultural Competence: Using effective skills and cultural sensitivity when working with someone of a different ethnicity, culture or race.

Cultural Filters: All of the elements and aspects of our early and ongoing socialization which provide us with a unique view of how we see the world. A lens through which we see the world.

Culture: The “way we do things around here.”

A set of expectations we have about the way things are or should be.

The way of life in any society.

Difference: Not the same. It denotes neither a negative nor positive meaning, but typically connotes a negative (less than) evaluation.

Diversity: The condition of being different inclusive of: age, race, gender, ethnicity, physical abilities, physical qualities, sexual orientation, personality, function, parental status, geographic location, professional background, educational background, military experience, religious beliefs, marital status, income and the like.

Equal Employment

Opportunity:

The right of all individuals to compete for employment and promotion based upon merit, ability and potential without discrimination due to race, color, creed, national origin, religion, gender, age, disability or veteran status.

Ethnicity:

Affiliation with a group of people distinguished by customs, characteristics, language, common history and the like.

Managing Diversity:

Creating full utilization of all employees to achieve increased employee satisfaction, equity in mobility, better customer service and heightened productivity.

Paradigm:

A pattern, example or model causing us to see something from a different perspective.

People of Color:

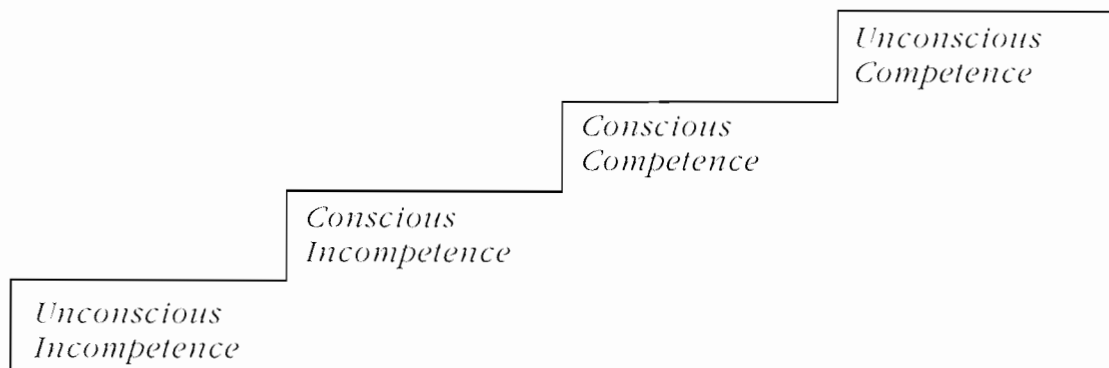
A positive and inclusive way to encompass all non-white persons.

Prejudice:

Judgment or opinion formed before the facts are known.

<i>Race:</i>	Any of the biological divisions of mankind distinguished by color/texture of hair, skin, eyes, stature or bodily proportion.
<i>Racism:</i>	A program or practice of racial discrimination, segregation, persecution or domination.
<i>Salad Bowl:</i>	Various ethnic groups and races who retain their own culture while blending in with the country or place where they currently reside.
<i>Sexual Harassment:</i>	Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.
<i>Stereotype:</i>	Inflexible statements about a category of people that are applied to all members of the group without regard to individual differences.

LEARNING MODEL



The *Learning Model* shown above, illustrates how we enhance our interpersonal interactions by learning about the individuals with whom we interact.

1. *Unconscious Incompetence*: We might share comments, jokes or remarks that stereotype or put people down without realizing the impact of our words.
2. *Conscious Incompetence*: We still might make inappropriate remarks, but now someone has called it to our attention and we realize fairly quickly after the fact the impact of our words.
3. *Conscious Competence*: Most of the time now we are aware and self correct before we make inappropriate comments, but we really have to concentrate on what we're saying.
4. *Unconscious Competence*: We are now so aware that we don't even have to think about it, we are fully competent in our interactions.

Achievement Architects North — Minority and Justice Commission — Cultural Diversity Workshop 1997

PARADIGM FOR MANAGING DIVERSITY

	Discrimination and Fairness	Access and Legitimacy	Learning and Effectiveness
<i>Focus</i>	<ul style="list-style-type: none"> • Equal Opportunity • Fair treatment • Recruitment • Compliance with laws 	<ul style="list-style-type: none"> • Acceptance and Celebration of differences • Matching staff to client makeup 	<ul style="list-style-type: none"> • Differences are leveraged to redefine work, issues, etc. • Internalizes differences and learns and grows from them
<i>Underlying Logic</i>	<ul style="list-style-type: none"> • Prejudice caused exclusion • Reflective of society <p>Processes ensure equality</p> <ul style="list-style-type: none"> • Eliminate unfair advantage 	<ul style="list-style-type: none"> • Ethnic groups gaining consumer power • Diversity gives us access to customer base • Diversity makes business sense 	<ul style="list-style-type: none"> • We are on the same team with our differences • Decisions draw on diverse cultural backgrounds • High standards for everyone
<i>Organizational Characteristics</i>	<ul style="list-style-type: none"> • Leaders value due process • Directives enforce initiatives • Bureaucratic in structure • Individual performance measures • Easily observable cultures 	<ul style="list-style-type: none"> • Increased diversity among customers, labor pool • Diversity seen as opportunity or threat to organization 	<p>Leadership welcomes differences</p> <ul style="list-style-type: none"> • Structure egalitarian • Culture is open-minded • Leaders are facilitators, tone setters for diversity
<i>Strengths</i>	<ul style="list-style-type: none"> • Increases diversity at entry level • Promotes fair treatment 	<ul style="list-style-type: none"> • Motivation understood and supported by organization 	<ul style="list-style-type: none"> • Taps diversity's potential • Reinforces clarity of mission
<i>Limitations</i>	<ul style="list-style-type: none"> • Idealized assimilation • Suppresses differences • Limits personal identification with work 	<ul style="list-style-type: none"> • Failure to assess how differences affect work • Diverse capabilities not mainstreamed • Employees can feel exploited 	<ul style="list-style-type: none"> • Process can be ambiguous and fluid • Still an emergent phase

Adapted by Achievement Architects North & Total Diversity Management Consultants from "Making Differences Matter: A New Paradigm for Managing Diversity." David A Thomas and Robin J Ely *Harvard Business Review*, September-October 1996.

PARTNERSHIPS IN AN INCLUSIVE SOCIETY

The following model defines some of the basic differences between relationships and partnerships.

Relationship	Partnership
<p><i>The primary commitment is to one another. We choose one another.</i></p> <p><i>Shared tasks or goals exist in the context of the relationship.</i></p> <p><i>Ground rules for the relationship often follow predictable patterns based on socialization, gender, race, culture or history.</i></p> <p><i>Key questions are: "Who are we?" "What do we need and desire from one another?" "How do we care and be cared for?"</i></p>	<p><i>The emphasis is on a common objective, task or affiliation. We choose or are assigned a common goal.</i></p> <p><i>Strong personal bonds may or may not form among partners.</i></p> <p><i>Ground rules must be negotiated and renegotiated as partners change and as new partnerships are formed.</i></p> <p><i>Key questions are: "What must we accomplish?" "What talents, skills and objectives do we bring?" "How will we work together?"</i></p>

Source: Miller and Buntaine, *Competencies for an Inclusive Workplace*

INTENT / IMPACT OF LISTENING CULTURAL SOURCES OF MISUNDERSTANDING

Communication and listening are more than just words. Cultures have varied norms about the nonverbal aspects of getting the message across. The following illustrates examples for cultural misinterpretations in the courts:

- The Arab-American who speaks louder and stands closer is seen as _____ .
- The Latina who drops her eyes when speaking in court is seen as _____ or _____ .
- The Japanese-American who has an impassive facial expression is seen as or _____ .
- The Filipina who confuses the pronouns he and she is thought to be _____ .
- The Middle Easterner who takes time to chitchat before getting down to business is seen as _____ .
- The African-American who makes direct eye contact is seen as _____ or _____ .

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Lee Gardenswartz & Anita Rowe

COMMON CULTURAL SOURCES OF MISUNDERSTANDING:

- Degree of Directness
- Appropriate Subjects for Conversation
- Facial Expressions and Eye Contact
- Touch
- Loudness and Pitch
- Silence

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INTENT / IMPACT OF LISTENING

ACTIVE LISTENING: A KEY TO EFFECTIVE CROSS-CULTURAL COMMUNICATION

ACTIVE LISTENING IS...	ACTIVE LISTENING IS NOT...
Empathizing	Arguing
Questioning	Giving the “facts”
Clarifying	Jumping to premature solutions
Encouraging the individual to generate solutions.	Giving the “answer”

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Achievement Architects North—Washington State 1999 Judicial College—Diversity In The Courts Workshop

INTENT / IMPACT SPEAKING and LISTENING SKILLS

Speaking and Listening skills are central to effective communication, which in turn is essential for interpersonal interactions where the INTENT (what is meant) equals the IMPACT (what is heard or understood). The speaker and listener share equal responsibility for effective communication.

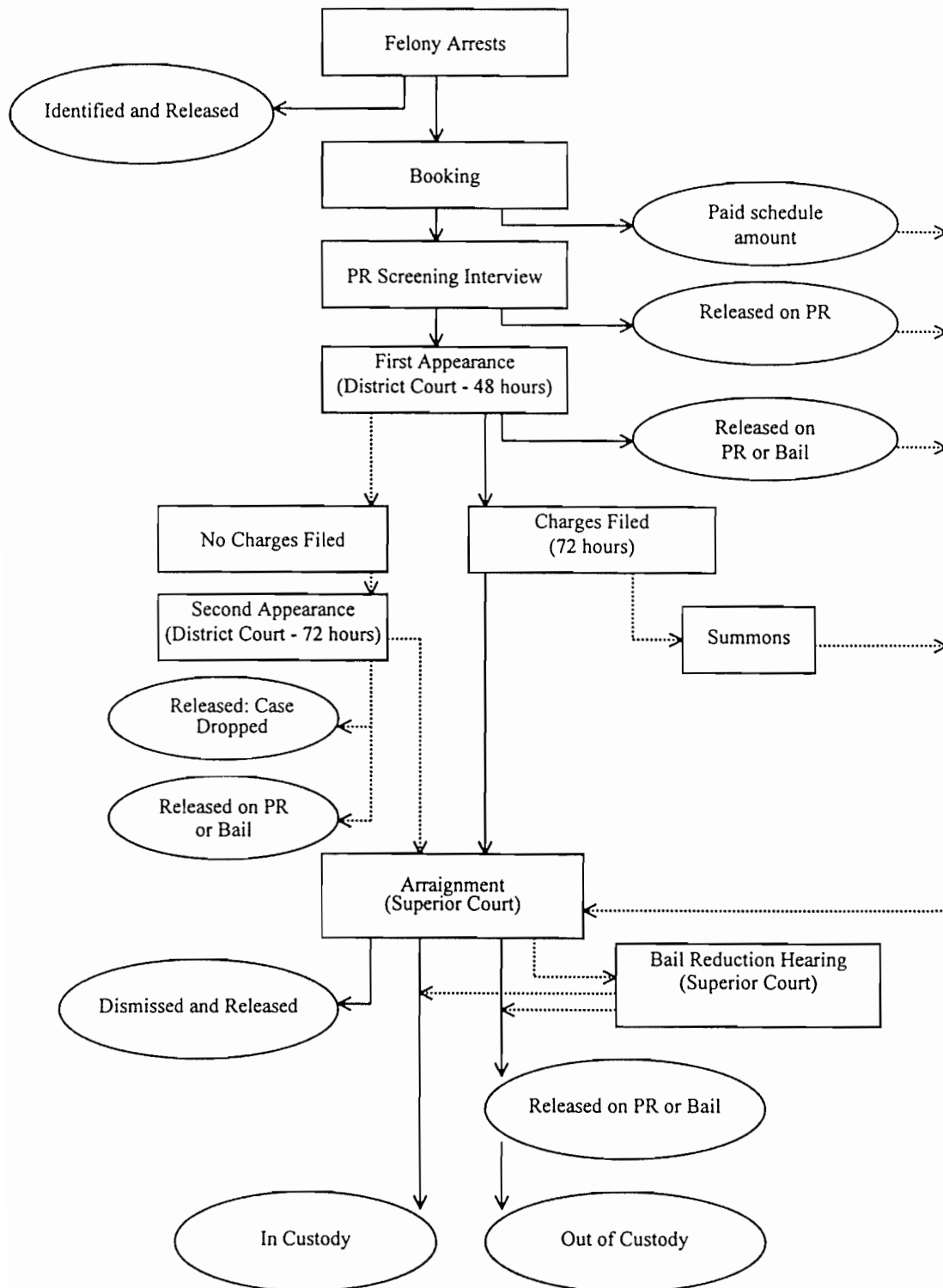
In today's diverse environment, it is important for both speaker and listener to be aware of cultural filters which may alter the perceived INTENT or the perceived IMPACT of the message.

The following skills will help INTENT = IMPACT:

- **BODY LANGUAGE:** Face the speaker. Use an open posture without crossing arms. Lean toward the speaker when sitting. Use good eye contact, understand eye contact may or may not be returned. Use a relaxed posture; minimize nervous appearing gestures, use facial expressions that indicate interest.
- **CHECK INTENT:** As the speaker, pay attention to your intent. What are you really trying to say? Ask: "What was your understanding of what I said?"
- **ENCOURAGE:** Smile, nod or say something like, "Tell me more about that."

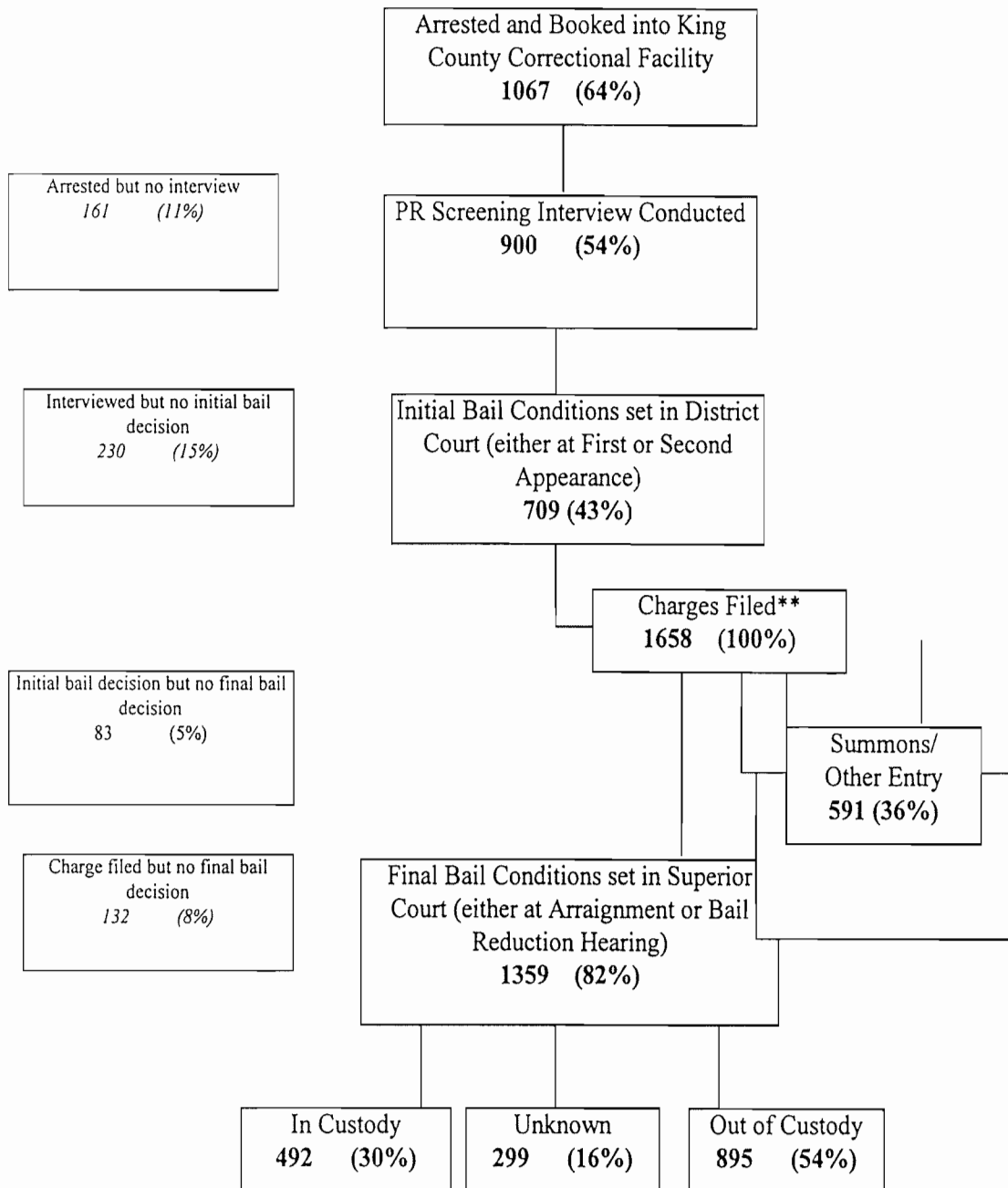
- **QUESTIONS:** Ask open-ended questions which can't be answered simply by yes or no. "What was your relationship like?" "Tell me what happened?"
- **RESTATEMENT:** Rephrase by repeating what the speaker said, only in your own words. "What I heard you say was _____", or summarize what has been said.
- **REFLECT BACK:** Validate the speaker's feelings by saying: "I'll bet you are glad that happened" or "You seem angry".
- **SHARE THE IMPACT:** Let the speaker know when something they said has an impact on you. "When you said _____, I felt _____, I would prefer _____."
- **APOLOGIZE:** When appropriate, make a brief, sincere apology. "I'm sorry that what I said had that impact on you" or "That is not what I intended, this is what I was trying to say".

FIGURE 1: *Bail and Pre-Trial Process for Felony Defendants in King County*



A Study on Racial and Ethnic Disparities in Superior Court Bail and Pre-Trial Detention Practices in Washington

FIGURE 2: *Processing Characteristics of the King County Sample*



**NOTE: The sample was drawn from all cases with charges filed.

TABLE 1*Final Bail and Pre-Trial Release Dispositions in King County Sample*

(N=1,361)*

Release/Bail Conditions	Total Sample	White	African American	Hispanic	Native American Indian	Asian/Other	Total Minority
Released on PR Only	235 (17%)	91 (25%)	67 (14%)	8 (10%)	10 (8%)	58 (18%)	143 (14%)
Any Bail Set	678 (50%)	124 (34%)	220 (46%)	50 (60%)	74 (60%)	159 (50%)	563 (56%)
Median Bail Amount	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$15,000	\$10,000
In Custody Pending Trial	492 (36%)	101 (28%)	169 (36%)	45 (54%)	68 (55%)	109 (35%)	391 (39%)

* The sample size reflects the fact that 297 cases included in the original sample had no final bail or release conditions set at the time of the analysis.

TABLE 2

Weighted Logistic Regressions of Released on Personal Recognizance Without Conditions¹ on Characteristics of Cases and Defendants

Independent Variables ²	<i>Legal Model</i>				<i>Assessment Model</i>			
	B	SE	R	ExB	B	SE	R	Ex
Severity of the first charge	-.1012*	.0225	-.0728	.9037	.0038	.0238	.0000	1.0038
Prior criminal history	-.6953*	.1057	-.1094	.4989	-.2084	.1204	-.0171	.8118
Prior bookings	-.3356*	.0550	-.1011	.7149	-.3129*	.0583	-.0886	.7313
Prior FTAs	.1118	.1342	.0000	1.1183	.5265*	.1474	.0562	1.6929
Community ties	.4700*	.0473	.1676	1.5999	.3461*	.0698	.0813	1.4136
Minority					-.2225*	.1093	-.0251	.8005
Gender					-.4138*	.1136	-.0575	.6612
Assessment of community ties					.1358*	.0417	.0502	1.1455
PR screener's recommendation					.5980*	.1450	.0663	1.8185
Prosecutor's recommendation					2.8364*	.1514	.3199	17.0541
Hazard rate	-2.3074*	.2212	-.1760	.0995	-.8813*	.2665	-.0512	.4142

¹ Defendant released on personal recognizance without conditions by the Superior Court

² * p<0.05

TABLE 3

Weighted Logistic Regressions of Bail Set¹ on Characteristics of Cases and Defendants

Independent Variables ⁴	Legal Model				Assessment Model			
	B	SE	R	Exp(B)	B	SE	R	Exp (B)
Severity of the first charge	.3050*	.0179	.2438	1.3567	.1153*	.0194	.0833	1.1222
Prior criminal history	.8588*	.0820	.1489	2.3604	.4642*	.0942	.0682	1.5907
Prior bookings	.1499*	.0321	.0640	1.1617	.1258*	.0364	.0456	1.1340
Prior FTAs	.4748	.1040	.0623	1.6074	.1900	.1159	.0120	1.2093
Community ties	-.3710*	.0408	-.1289	.6900	-.0991	.0590	-.0131	.9057
Minority					.4481*	.0912	.0680	1.5654
Gender					.5253*	.0946	.0776	1.6909
Assessment of community ties					-.2272*	.0349	-.0918	.7968
PR screener's recommendation					-.6431*	.1582	-.0551	.5257
Prosecutor's recommendation					2.8028*	.1432	.2821	16.4908
Hazard rate	-1.7578*	.1851	-.1348	.1724	-1.6962*	.2238	-.1076	.1834

¹ Superior Court set bail as the condition of defendant's release.

* p<0.05

TABLE 4

*Weighted OLS Regressions of Final Bail Amount⁵ on
Characteristics of Cases and Defendants*

Independent Variables ⁶	<i>Legal Model</i>		<i>Assessment Model</i>	
	B	SE	B	SE
Severity of the first charge	.301*	.012	.266*	.010
Prior criminal history	.168*	.065	.093	.051
Prior bookings	-.066*	.023	-.086*	.017
Prior FTAs	.004	.075	-.253*	.058
Community ties	-.065	.035	.008	.032
Minority			-.131*	.052
Gender			-.080	.058
Assessment of community ties			.025	.018
Prosecutor's recommendation ⁷			1.004*	.027
Hazard rate	-.818*	.153	-.824*	.120

⁵ Bail amount set by the Superior Court

⁶ * p<0.05

⁷ Due to high levels of collinearity between prosecutor's recommended bail amount and final bail amount, prosecutor's recommendation was first regressed on final amount, and the residuals used in this equation.

TABLE 5

*Weighted Logistic Regressions of In Custody^a on
Characteristics of Cases and Defendants*

Independent Variables ⁹	<i>Legal Model</i>				<i>Assessment Model</i>			
	B	SE	R	ExB	B	SE	R	Ex
Severity of the first charge	.1011*	.0151	.1006	1.1064	.0954*	.0155	.0926	1.1001
Prior criminal history	.6570*	.0852	.1167	1.9289	.5640*	.0881	.0962	1.7576
Prior bookings	.1279*	.0299	.0622	1.1364	.1394*	.0307	.0666	1.1496
Prior FTAs	.4257	.0966	.0643	1.5307	.4421*	.0984	.0657	1.5560
Community ties	-.1416*	.0439	-.0447	.8680	.1894*	.0542	.0493	1.2086
Minority					.1436	.0865	.0134	1.1545
Gender					.1166	.0921	.0000	1.1237
Assessment of community ties					-.3230*	.0299	-.1648	.7240
Hazard rate	1.0386*	.1950	.0791	2.8254	.9707*	.2000	.0716	2.6398

^a Defendant detained in custody as unable to meet conditions of release set by the court

** p<0.05

LA PLACITA MANIFESTO

I n our American democracy we continually strive to accomplish one of the great promises of our nation: *full equality for all persons in our own time*. We are reminded of the opening line of our Declaration of Independence, “We hold these truths to be self-evident, that all [persons] are created equal. . . .” This is not merely rhetoric. It speaks a truth which we seek to make a reality in our time.

In consequence of our pursuit of the goal of equality for all persons, the highest courts in 30 states and the District of Columbia have created commissions or task forces to determine whether racial and ethnic bias and gender bias exist in the courts. And where it is determined those biases do exist, the courts have mandated action to overcome them. These groups have come together as the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts, organized in 1988 by the then only four task forces and commissions in New Jersey, Michigan, New York and Washington.

While it is true that bias against women (gender bias) is endemic in our society, as well as bias against persons and groups classified as racial and ethnic, direct action to overcome gender bias has moved at a more rapid pace than action to overcome racial and ethnic bias. This is no cause for alarm. Efforts to overcome gender bias run along a parallel track with efforts to overcome racial and ethnic bias. There are some similarities between the two issues, but they are not the same. Three states have combined the two: Michigan, Hawai'i and

Virginia. The Michigan commission has completed its work. Its former executive director recommends against combining the two. The Hawai'i commission (Hawai'i Committee on Equality and Access to the Courts) successfully combines the two and is still operating. The Virginia commission (Virginia Commission on Women and Minorities in the Legal System) is a bar association initiative which intends to explore racial and ethnic bias.

Based upon observation and experience, it is my belief that gender bias issues should be studied separately from racial and ethnic bias issues. In the State of Washington, we first established by legislative request separate task forces on gender bias and racial and ethnic bias in 1987. Both task forces completed the first phase of their work in 1990. The Washington State Supreme Court then by court order in 1990 created the Washington State Minority and Justice Commission which is currently operating at full speed. In 1994, the court created the Washington State Gender and Justice Commission. The two commissions work in tandem, but along separate parallel tracks. Both are chaired by justices of the Supreme Court. Each commission has a liaison representative who attends meetings of the other. We believe this is the formula for greater success for each group.

Enter *women of color!* There have been strong observations and complaints from women of color that the gender bias movement, as it has evolved, has apparently not given sufficient attention to the unique problems of women of color. Although few studies have been made on the issue, experiential and anecdotal reports tend to lend substance to the complaints.

As a general rule, when we refer to “women of color,” we are speaking of women of non-European ethnicity or women who are not “white.” In simpler juxtaposition, we might refer to “women of color” and “women not of color.” It is at least convenient, though, as a frame of reference to include as “women of color” those who identify with the racial and ethnic groups commonly referred to as African Americans/Blacks, Hispanics/Latinas, Asians and Pacific Islanders (including Japanese, Chinese, Filipina, Korean, Vietnamese) and Native Americans/American Indians.

With funding from the State Justice Institute, the National Center for State Courts completed a phenomenally successful First Conference on Eliminating Racial and Ethnic Bias in the Courts in Albuquerque, New Mexico March 2-5, 1995. The conference was the outgrowth of an idea originally suggested by the National Consortium. The planners initially included on the program a seminar discussion on women of color in the justice system. But pre-planning resource economy resulted in elimination of that segment. As a consequence, a group of women and men, stimulated by action of women of color actively participating in the conference, met on March 3 in a voluntary session at the La Placita Restaurant in Albuquerque. At least 39 women (of color and not of color) and at least 4 men (of color and not of color) developed what was characterized as [the] “La Placita Manifesto.” On March 5 it was presented to the assembled group at the conference and unanimously approved.

The National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts devoted its seventh annual meeting in New Orleans, Louisiana on May 13, 1995 to the theme

“Justice and Women of Color” and used [the] “La Placita Manifesto” as its operating document for a panel discussion on the impact of the justice system on women of color.

[The] “La Placita Manifesto” reads:

...multicultural women encounter dual barriers of racism and sexism in the justice system and legal profession;

...too often the unique situation and negative experiences of multicultural women are neglected or inadequately addressed in studies of bias and discrimination in the courts; and

...steps to rectify this oversight must and should be undertaken forthwith, to wit:

(1) recognition of the double disadvantage of being a woman of color involved in the justice system — whether as litigant, lawyer, judge, witness, court personnel, or law student;

(2) inclusion in existing bias and fairness commissions, a subcommittee dealing with women of color, or inclusion in any implementation task force created to put proposals of bias commissions into action;

(3) *collective support for data collection and research on the status of women of color in the justice system;*

(4) *outreach efforts to organizations and individuals with similar interests;*

(5) *inclusion of more women of color in all aspects of the planning of future conferences on bias in the courts;*

(6) *exploration of ways to convene a national conference on multicultural women in the courts—in conjunction with other entities such as the National Association of Women Judges, National Consortium of Commissions and Task Forces on Racial and Ethnic Bias in the Courts, National Association of Women’s Bar Associations, Minority Bar Associations, the ABA Commission on Women, the ABA Commission on Opportunities for Minorities in the Profession, the Multicultural Women Attorneys Network, and State Racial and Ethnic Bias and Gender Bias Commissions; and*

(7) *programs specifically aimed at relieving and eliminating the burdens imposed on minority women in all aspects of the legal and justice system.*

We discussed the New Orleans conference with a Seattle artist, Ms. Nubia W. Owens, herself a woman of color, and utilized her creative talent and sensitivity in developing an original artistic design which visually addresses the theme of “Justice and Women of Color.” The design by Ms. Owens consists of profiles of women’s faces in shades of brown gradating from light to dark. As conceived by the artist, the faces can be women of color and women not of color. In fact, the design represents “every woman.” The Washington State Minority and Justice Commission obtained private funding to publish the design in poster form and in note cards in 1995.

With permission of the artist (who maintains the copyright), we used the design as a cover for our conference notebook for the seventh annual meeting of the Consortium and the eighth annual meeting in Las Vegas, Nevada. With assistance from another Seattle artist, Sekio Matsumoto, we presented the Owens design superimposed upon a ribbon of languages expressing the theme “Justice and Women of Color” in English, Spanish, French, Japanese, Chinese, Korean, Vietnamese and Tagalog. These are among the languages commonly spoken in communities throughout the United States. The Japanese, Chinese and Korean texts are written in Kanji. The others are written in Latin alphabet form.

Literal translation of the concept of “Justice and Women of Color” is not possible in all the languages. Consequently, we used variations in language and syntax. For example, in *Spanish* the English translation is “Justice and ethnic women of color”; in *French* the translation is “Ethnic non-European Women and Justice”; in *Japanese* the translation is

“To eliminate all discrimination against women of color”; and in *Tagalog* the translation is “Justice and women with brown faces.” This represents linguistic diversity and the fact that we can indeed convey similar thoughts through the use of various languages utilizing art as a common expression.

It is our hope that, through free and unrestrained discussion at National Consortium meetings and in discussions at state levels, we will develop an increased awareness and understanding of the impact of our justice system on women of color—as a related, but separate, concern of women in general. The lesson must be learned by men and women everywhere.

It should be our institutional goal—as certainly it is my personal goal—to eradicate all vestiges of bias and discrimination against women in society and particularly in the courts. Because the experiences of women of color involve obvious and pernicious problems which do not affect women not of color, we must take the extraordinary step of separately investigating the problems experienced by women of color in our justice system and taking positive assertive steps to overcome those problems.

Charles Z. Smith

MINORITY AND JUSTICE COMMISSION ARTWORK



Celebrating the Courts in an Inclusive Society

“Equal Justice Logo”



Sekio Matsumoto – 1984

“The Jury”



Catherine Conoley – 1985

“Justice and Women of Color”



Nubia W. Owens – 1995

“Justice is all inclusive”



Tori Cole – 1998



Celebrating the Courts in an Inclusive Society

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