



EQUAL JUSTICE

Through awareness, education and action

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An official publication of the Washington State Minority and Justice Commission

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DISABILITIES LAW PROJECT

The Disabilities Law Project provides free legal advice, representation, and related services to people with disabilities in Washington. It has operated since the early 1980s to enable people to use the legal system to overcome barriers created by disability-based discrimination. Operated by the Seattle-based Alliance of People with disabilities, the DLP provides free legal representation to people who have encountered violations of their rights under laws such as the Americans with Disabilities Act and the Washington State Law Against Discrimination. Because its resources are limited, its representation is limited to cases involving discrimination in housing, public accommodations, and government services. Other cases, including employment discrimination and education cases are referred to the private bar. While most of the legal representation is conducted by the Project's staff attorney, it also works as co-counsel with attorneys in private practice. It is supported by a federal grant, supplemented by court-awarded attorney's fees and funds received under contingency fee agreements.

Other services of the Disabilities Law Project include technical assistance and legal and community education programs on topics related to disability-based discrimination. For additional

information, contact the project's director, Lonnie Davis at (206) 633-6637 or at lonnie@disabilitypride.org



Celebrating the Courts in an Inclusive Society

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EQUAL JUSTICE

Equal Justice is the official publication of the Washington State Minority and Justice Commission. It serves as a communications and networking tool providing information about programs, projects and issues concerning the Washington State legal community.

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As we seek to make *Equal Justice* more relevant and helpful to, our readers, your responses and suggestions, as well as information concerning programs and activities occurring in Washington State legal community, are critically important. We encourage your comments. They should be sent to Monto Shan Morton, Executive Director of the Washington State Minority and Justice Commission, at montomorton@courts.wa.gov, or Post Office Box 41174 Olympia, Washington 98504-1174.

Website://www.courts.wa.gov/programs_orgs/index.cfm

MESSAGE FROM THE EDITOR

Just a few days ago, Justice Sonia Sotomayor became the first Hispanic American, and only the third woman, to sit on our nation's highest court. A new chapter in history of a long road to a historic event. Another such chapter began, and recently concluded, here in Washington.

That chapter began with Governor Booth Gardner's appointment in 1988 of Charles Z. Smith to the Washington State Supreme Court, as its first, and only, person of color and African American member. Justice Smith distinguished himself as an eloquent and visionary state and national leader in efforts to bring racial and ethnic diversity to the courts at all levels. In Washington, as the supreme court's newest justice, he led the formation and work of the Washington Minority and Justice Task Force, which resulted in the establishment by the state supreme court, in 1990, of the Washington State Minority and Justice Commission on which he served as founding chair for 19 years. Nationally, he was a leading force in the creation, in 1989, of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts, initially consisting of four founding states, including Washington. Justice Smith led the consortium as its moderator for ten years, and remains moderator and board member emeritus. The consortium has grown from the original four founding states to 30 member states.

The hearings before the Senate Judiciary Committee on Justice Sotomayor's nomination provided a national forum for public discussion about, among several issues, diversity in the courts. But the seeds of that discussion were planted 20 years ago with the formation of the National Consortium, under the leadership of Charles Z. Smith.

The chapter closed with Justice Smith's retirement, on June 30, 2009, from the Washington State Minority and Justice Commission. His remarkable legacy of leadership and service was recognized at a luncheon reception on June 19, 2009, at the Seattle University School of Law. In his remarks at the reception, Washington Chief Justice Gerry Alexander summarized Justice Smith's life and work as "a unique blend of experience, wisdom, patience and persistence." That unique blend of qualities has served the courts of our state and nation well and helped pave a section of the long road that has now brought us to a U.S. Supreme Court with two justices of color.

Celebrating the Courts in an Inclusive Society

**JOAQUIN AVILA LEADS NATIONAL
VOTING RIGHTS ADVOCACY INITIATIVE**

One of the country's foremost authorities on voting rights issues is heading a major national initiative at Seattle University School of Law to address issues of minority vote dilution. The school of law is poised to become the national leader in combating electoral discrimination with the founding of the National Voting Rights Advocacy Initiative.

Distinguished Practitioner in Residence Joaquin Avila will direct the groundbreaking project, which will serve as a national resource center for voting rights practitioners and advocates who are involved in litigation and legislative and advocacy efforts to eliminate methods of election that have a discriminatory effect on minority voting strength. The new initiative will be housed within the Fred T. Korematsu Center for Law and Equality.

"This undertaking by Seattle University School of Law is unique," said Professor Bob Chang, director of the Korematsu Center. "Seattle University School of Law is the only law school in the country that has established this innovative project in anticipation of the upcoming 2011 redistricting of election districts for members of Congress, city councils, school boards and the governing boards of other political entities."

The project will provide an opportunity for law students to work with people in the field on a variety of projects and tasks. In addition, a website will provide access to administrative determinations by the United States Attorney General pursuant to Section 5 of the federal Voting Rights Act, to legislative hearings surrounding the passage, amendments and reauthorization of the federal Voting Rights Act, to litigation manuals and pleadings focusing on legal challenges to redistricting plans and at-large methods of election, and to selected analyses of both federal and state voting rights cases. Students will work on proposed legislation affecting the right to vote at the federal and state levels. The law schools will initiate a process for the documentation of voting rights abuses and

problems that can be utilized in congressional oversight hearings.

Professor Avila will work with minority bar associations, national civil rights organizations and voting rights attorneys throughout the country. The data, expert reports and legal memoranda that will be generated and collected will provide scholars with research that will be useful in preparing articles and filing cases. He will continue to teach a voting rights course for the law school.

He is excited to take on this new role and further his work to ensure that everyone has equal representation in elections. Avila developed his passion for ensuring equal representation for minorities while working for the Mexican American Legal Defense and Educational Fund in the 1970s in rural Texas.

"Mexican Americans weren't receiving any kind of assistance, and you could see stark differences between the Mexican American and the non-Mexican American communities," he said.

His early work with MALDEF defined his career. Avila is a nationally recognized expert on Latina/o voting rights. He spent many years filing actions challenging discriminatory at-large methods of elections, gerrymandered election districts, violations of the one-person one-vote principle and non-compliance with the federal Voting Rights Act of 1965. From 1981 to 1982, he testified before various legislative committees and was involved in the efforts to both amend and reauthorize the Voting Rights Act in 1982.

In 1985, Professor Avila established a private practice, focusing exclusively on protecting minority voting rights. He was instrumental in the dismantling of many discriminatory methods of election throughout California and other parts of the Southwest. During this time period he also successfully argued two appeals in the United States Supreme Court involving enforcement of the special provisions of the federal Voting Rights Act of 1965 – one decision was unanimous and the other was 8-1.

He also spearheaded various legislative efforts in California to make the electoral process more accessible to Latinas/os. His most significant accomplishment in the legislative arena was the passage of the 2001 California State Voting Rights Act. This act permits challenges to discriminatory

at-large methods of elections in state courts without having to prove a host of evidentiary factors as required under the federal Voting Rights Act of 1965. This is the only state voting rights act in the nation.

Professor Avila has taught courses at the University of California/Berkeley, University of Texas, and UCLA schools of law. He has received numerous awards in recognition of his work in the voting rights area. He received a John D. and Catherine T. MacArthur Foundation Fellowship in 1996 for his voting rights work. In the same year, he received the Vanguard Public Foundation's Social Justice Sabbatical for his work in providing political access to minority communities. In 2001 he received the State Bar of California's Loren Miller Legal Services Award for providing outstanding legal services to disadvantaged and underserved communities. In 1986, he received the Hispanic National Bar Association's Benito Juarez/ Abraham Lincoln Award for outstanding achievement and dedication to the Latino community.

Professor Avila is a member of the Bars for the State of California and the State of Texas (inactive) and is a member of the bars for the United States Supreme Court, the federal Court of Appeals for the 5th, 9th, and 10th Circuits, and various federal district courts in Texas and California.



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INTRODUCING THE FILIPINO LAWYERS OF WASHINGTON

A new organization has formed to support Filipino-American lawyers in Washington and is proud to join the strong group of minority bar associations reflecting and representing the diversity of the bar in Washington State.

Today, there are over four million Filipino Americans across the country making them the largest ethnic group within the Asian Pacific American community and within Washington State. According to the Washington State Commission on Asian Pacific American Affairs, approximately 60 percent of Filipinos in Washington live in King

County, with large populations also living in Bremerton and in the Yakima Valley. Filipino Lawyers of Washington (FLOW) president, Abigail Daquiz emphasized the importance of giving this community a voice, "Our organization gives Filipino-American attorneys the opportunity to participate in the conversations about important legal issues in Washington. In turn, FLOW can help our Filipino-American community be heard on issues that affect all of us."

FLOW's efforts will include:

- Promoting recruitment of Filipino law students at Washington's three law schools and joining the efforts of existing pipeline projects to encourage diversity in the legal profession;
- Providing service and leadership opportunities for its members and raising the profile of Filipino-American attorneys in Washington State;
- Recommending judges and providing evaluations of judicial nominees and candidates;
- Empowering Filipino-American communities and increasing their access to legal services; and
- Speaking out on issues of particular interest to Filipino-Americans in Washington State.

FLOW is also an affiliate member of the National Asian Pacific American Bar Association.

For more information, please visit FLOW's website at: www.filipinolawyers.org.



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LAW FIRM DIVERSITY REPORT FOR 2008

The Minority Bar Associations of Washington formed the Joint Committee on Law Firm Diversity to help firms understand the circumstances and power of diversity in an organization, both for business gain and for social progress. The JCLFD also made it a mission to

arm students with information that could help them choose diverse firms to support their needs during professional development. In March 2009, it released its Law Firm Diversity Report for 2008.

With a clearer focus on where the top Northwest firms succeed and where they fall short, the JCLFD encourages all firms to draw upon the examples of success within its report, as well as to initiate conversations within the legal community to prioritize improvement at every level.

The JCLFD is also hopeful that in-house counsel will consider the report when hiring attorneys from top firms, thereby acknowledging that diversity is an advantage in the most critical aspects of doing business, as well as bolstering social change in all professional environments.

The Minority Bar Associations of Washington congratulate the firms that participated in this survey and demonstrated support of diversity within firm ranks, as well as the intention to create more long-term opportunities for diverse attorneys.

For a detailed report, contact the Minority Bar Associations at www.wsba.org/lawyers/links/minoritybarassoc.htm or Thuy Nguyen-Leeper, Co-chair of the JCLFD at Thuy.NguyenLeeper@expeditors.com.



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2009 NATIONAL CONSORTIUM MEETING

The 21st Annual Meeting of the National Consortium on Racial and Ethnic Fairness in the Courts was held in Pittsburgh, Pennsylvania on May 6-9, 2009, with 33 states participating. The Consortium theme “Building the Bridges to Justice” included topics such as: Developing an Interpreter Certification Program in Pennsylvania; Social Psychology and How Racism and Discrimination Become “Normalized”; Racial Profiling; Achieving Diversity on Pennsylvania Juries; Fairness Issues in Immigration Courts; Racial and Ethnic Disparities in the Imposition of the Death Penalty in Pennsylvania; Cultural Considerations in Domestic Violence and Sexual Assault Cases; Improving Indigent Defense in Pennsylvania; Fostering Diversity Through Bar

Associations; Fostering Diversity through Law Firms, Corporations and Government; Fostering Diversity in Law Schools; Juvenile Justice In Pennsylvania; Intersection of Race and Gender; Innovations in Allegheny County Courts; Implicit Bias; and The Impact of Race on Judicial Decision-Making.

The 22nd Annual Meeting will be held in the spring of 2010 in New Jersey. For more information concerning the next meeting, please visit: www.consortiumonline.net



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2009 ACCESS TO JUSTICE AND BAR LEADERS CONFERENCE

The 14th Annual Washington State Access to Justice and Washington State Bar Association Bar Leaders Conference was held at the Yakima Convention Center in Yakima, Washington on May 29-31, 2009.

The Access to Justice Conference, “Justice: Hope and Help in Hard Times,” brought the legal community together to discuss equal justice issues. Conference participants included members and supporters of the Washington State Alliance for Equal Justice, a network of organizations providing legal aid to those with nowhere else to turn (volunteer lawyer programs, statewide legal services programs and specialty legal services programs). Also present were supporters of the Alliance, including the Legal Foundation of Washington, the Office of Civil Legal Aid, Legal Aid for Washington Fund (LAW Fund), the private bar, the judiciary, court clerks, law school students and faculty, paralegals, community services, the alternative dispute resolution community, administrative law judges and others dedicated to providing equal access to the legal system for low and moderate income individuals. Conference workshops centered on economic issues that are affecting access to the justice system for low-income clients and vulnerable populations. Participants will continue work together to find solutions to the challenges we facing and to identify multi-disciplinary approaches to better serving clients in these challenging economic times.

The Bar Leaders Conference, "Leading in Changing Times," was designed for the leadership and future leadership of the bar, including the WSBA Board of Governors, leaders of county, minority and specialty bar associations, the WSBA Leadership Institute, as well as WSBA committee and section chairs and the Washington Young Lawyers Division. The Bar Leaders Conference provides an opportunity to share ideas, challenges, and strategies to enhance the success of bar leaders during a time of significant change in the profession.

Dr. Benjamin Danielson, Medical Director, Odessa Brown Children's Clinic, provided the keynote address at the Friday evening Welcoming Reception. He described how the Odessa Brown Children's Clinic works to join with nonprofit organizations, civic groups, health care facilities, government agencies, businesses and other community partners to help families overcome health challenges and improve their lives, stressing the importance and successfulness of partnerships.

The Access to Justice Conference and the WSBA Bar Leaders Conference have been held jointly for fourteen years. This year the two conferences collaborated to center on economic issues that affect low-income individuals, how the current financial crisis impacts every level of society, and how the legal profession is going to lead in this environment. Registrants of each conference were encouraged to cross over between conferences. Together, the conferences provided a wide range of learning, networking and sharing experiences stimulating and useful advocates for equal justice, and bar leaders.

2009 Access to Justice Board and Washington State Bar Association Awards:

- Civil Equal Justice Community Partnership Award, presented to Dean Kellye Testy, Seattle University School of Law.
- Access to Justice Leadership Award, presented to Kellee E. Spangenberg, Coordinator, Spokane County Bar Volunteer Lawyers Program.
- Access to Justice Judicial Leadership Award, presented to the Honorable Judith

Hightower, Seattle Municipal Court.

- Washington State Bar Association Pro Bono Award, presented to Jonathan Yeh, Blank Law & Technology, P.S. and Dan R. Young, Law Office of Dan R. Young.
- ATJ Board/Washington State Bar Association Norm Maleng Leadership Award, presented to the Honorable Mary Yu, King County Superior Court.
- Special recognition: Superior Court Judges Association.



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FOURTH ANNUAL STATEWIDE DIVERSITY CONFERENCE

Washington Minority Bar Associations Collaboration Project (WAMBAC) held its Fourth Annual Statewide Diversity Conference at Seattle University School of Law on June 12, 2009. Since 2006, Washington's minority bar associations have collaborated each year to present a statewide diversity conference for Washington lawyers, law students and legal professionals. To learn more about this conference, please visit: www.wambac.org.



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WASHINGTON STATE LEGACY PROJECT

Established in 2008, the Washington State Legacy Project publishes oral histories and biographies of Washingtonians who've made significant contributions to the history of our state.

- Governors, statewide elected officials, Supreme Court justices, members of Congress, and other influential people recount defining moments in a collection of memoirs that depicts the story of Washington.
- History Makers, a biographical dictionary, provides vital statistics and links to other relevant resources pertaining to Washington State elected officials.

The Legacy Project is a partner in the Washington State Heritage Center opening in 2012. It is also a member of the Northwest Oral History Association (NOHA) and the international Oral History Association (OHA).

The Oral History project currently contains oral histories of these Washington Supreme Court Justices: Robert F. Utter, Charles Z. Smith, James M. Dolliver, and Carolyn Dimmick.

The Washington State Legacy Project website can be found at: www.ccthita.org/pdf/press%20releases%20-%20pdf/NR%20042309%20SB96.pdf



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NEWS BRIEFS

Latina/o Bar Association of Washington

The Latina/o Bar Association of Washington has officially condemned a raid conducted by U.S. Immigration and Customs Enforcement agents on a Bellingham, WA business, Yamato Engine Specialists Ltd, on February 24, 2009, in the course of which 25 Latino employees were seized and detained. Information about the raid and the LBAW's response to it is available at www.lbaw.org/documents/press_release/2009/LBAW_PR_ICE_Raid_Bellingham_FINAL%5B1%5D.pdf

Tlingit and Haida Indian Tribes of Alaska

The 74th annual Tribal Assembly was held April 15-18, 2009 in Juneau, AL, where it was announced that the Alaska Legislature passed Senate Bill 96, which amended the definition of "state" to include an "Indian Tribe" in the Uniform Interstate Family Support Act (UIFSA). The statutory clarification was sought by the Central Council of the Tlingit and Haida Indian Tribes of Alaska (Central Council) to gain the necessary state recognition of Central Council's Tribal Court and child support orders.

Read the full press release, "Indian Tribes' Child Support Legislation Enacted," at Central Council Tlingit & Haida Central Council Tribal website: <http://www.ccthita.org/newsreleases.htm>

2009 Outstanding Judge Award

On June 24, 2009, the King County Bar Association honored King County Superior Court Judge LeRoy McCullough with its prestigious 2009 Outstanding Judge Award. For more information visit: www.kcba.org/newsevents/barbulletin/archive/2009/09-06/article11.aspx

***William Kenzo Nakamura
United States Court House***

The William Kenzo Nakamura United States Court House was rededicated Monday, June 22, 2009. The court house was the first building in the West designed exclusively as a Federal Court House. Self-guided walking tours of the Courthouse are offered.

The courthouse was dedicated to William Kenzo Nakamura who died in battle on July 4, 1944, while serving as a private first class in the 442nd Regimental Combat Team. Nakamura was posthumously awarded the Army's second-highest decoration, the Distinguished Service Cross. A 1990s review of service records for Asian Americans who received the Distinguished Service Cross during World War II led to Nakamura's award being upgraded to the Medal of Honor. Twenty-one other Asian Americans also received the medal during the ceremony, all but seven of them posthumously. Nakamura, aged 22 at his death, is buried in Evergreen-Washelli Memorial Park, Seattle, Washington.



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LITERATURE OF INTEREST

Does Unconscious Racial Bias Affect Trial Judges? by Jeffrey J. Rachlinski, Andrew J. Wistrich, Sheri Johnson and Chris Guthrie, 84 Notre Dame Law Review 3, 1195-1246 (2009).

Serving a Community Provides Singular Focus, by Thuy Nguyen-Leeper. King County Bar Association website: <http://www.kcba.org/newsevents/barbulletin/archive/2008/08-12/article14.aspx>



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