

Through awareness, education and action

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THE TASK FORCE ON RACE AND THE CRIMINAL JUSTICE SYSTEM PRESENTS ITS REPORT AND RECOMMENDATIONS TO THE WASHINGTON STATE SUPREME COURT

On March 2, 2011, the Task Force on Race and the Criminal Justice System reported to the Washington State Supreme Court on its work since its creation in November, 2010, with a presentation of its research, findings and recommendations for action.

The Task Force is composed of representatives from Washington's three law schools, state courts, state bar association, the Access to Justice Board, University of Washington College of Arts and Sciences faculty, the Washington State Gender and Justice Commission, the Washington State Minority and Justice Commission, the Washington State Center for Court Research, Central Washington University, the Seattle City Attorney's Office, the Administrative Office of the Courts, minority bar associations, the Washington State Commission on Hispanic Affairs, the American Civil Liberties Union, the Washington State Commission on Asian Pacific American Affairs, the Washington State Criminal Justice Training Commission, the Washington Washington State Defender Association, the Association of Prosecuting Attorneys, the Center for Children and Youth Justice, the Office of Civil Legal Aid and other concerned organizations and citizens. Its intense work over the four months of its existence has been conducted through its five working groups: Oversight, Community Engagement, Research, Recommendations and Implementation, and Education. King County Superior Court Judge Steven C. Gonzalez, a co-convener of the Task Force, in his introduction to its Preliminary Report on Race and Washington's Criminal Justice System, at the March 2nd meeting, stated: "It doesn't matter whether the bias [noted in the report] is intentional. Largely, frankly, I believe it is not. Nonetheless, it is corrosive to our democratic ideals, and once we recognize it, and we know it's there...if we [still] do not fix it, then it is intentional. So I am here to ask you [the Court] to recognize it and to commit to fix it."

In its report, prepared by the Task Force Research working group, and presented at the March 2, 2011 meeting with the Supreme Court, the Task Force found that racial and ethnic minority groups are disproportionately represented in Washington's courts, jails and prisons as compared to their representation in Washington's general population because of two underlying factors:

- 1. "Facially neutral policies with racially disparate effects," as specifically identified with respect to juvenile justice, prosecutorial decision-making, confinement sentencing outcomes, legal financial obligations, pretrial release, drug enforcement, asset forfeiture, traffic stops, and driving while license suspended.
- Racial and ethnic biases, both explicit and implicit.

The report concludes: "A very large portion of disproportionality cannot be explained by legitimate race neutral factors, leading us to conclude that race

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's legal community, are critically important. We encourage your comments. They should be sent to Mr. Monto S. Morton, Executive Director of the Washington State Minority and Justice Commission, at: monto.morton@courts.wa.gov, or Administrative Office of the Courts, Post Office Box 41170 Olympia, Washington 98504-1170.

Website:

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matters in ways that are not fair, that do not advance legitimate public safety objectives, that produce racial disparities in the criminal justice system, and that undermine public confidence in our legal system."

Based upon its findings and conclusions, the Task Force presented eight specific recommendations for action by the Supreme Court:

- 1. Exercise leadership in public dialogue on race within our justice system, including the creation and/or empowerment of an entity to provide oversight.
- 2. Facilitate a series of public forums for exploration and discussion of specific issues identified in the report and recommendations for change.
- 3. Commit to the on-going education of judges on the subject of bias and racial disparity.
- 4. Direct the Washington Center for Court Research to study and publish data regarding the incarceration of minority populations and undertake a review of race neutral policies and practices and laws that may contribute to racial disproportionality.
- 5. Undertake a critical review of each stage of trial court criminal proceedings to examine whether practices may have developed that contribute to racial disparity and address any such practices through judicial training or court rule.
- 6. Support the expansion of alternative sentencing policies and conduct a dialogue regarding the status of post-release felons and obstacles to successful re-entry into society.
- 7. Encourage and advocate for increases in pre-trial diversion programs, alternatives to arrest and expansion of therapeutic courts.
- 8. Develop and implement through the Washington Center for Court Research methods for evaluating the effectiveness of initiatives undertaken to reduce racial disparity in the criminal justice system.

A webcast of the entire meeting is available on the Seattle University School of Law website at: http://www.law.seattleu.edu/Centers and Institutes/Korematsu Center/Race and Criminal Justice.xml.

JUDGE MARY YU ELECTED CO-CHAIR OF THE WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

For the first time in the Washington State Minority and Justice Commission's twenty-one year history, it has elected a trial judge, King County Superior Court Judge Mary Yu, as co-chair of the Commission with co-chair Washington Supreme Court Justice Charles W. Johnson. Elected Commission co-chair in January, Judge

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Yu brings eleven-years of experience as a superior court judge, and a record of scholarship focusing upon the relationship of race, ethnicity, and culture with the justice system.

Judge Yu serves as a member of the Task Force on Race and the Criminal Justice System, and as co-chair of its Recommendations and Implementation Workgroup. During a meeting last month between the Task Force and the Washington Supreme Court, she presented the Task Force's recommendations to the Court, stating: "We ask that the Court participate and exercise leadership in the public dialogue on race within our justice system."

JUDGE DOUGLAS W. LUNA (JANUARY 7, 1944 – FEBRUARY 23, 2011)



Judge Douglas W. Luna, formerly Chief Justice of the Tlingit-Haida Tribes and an active and long-time member of the Washington State Minority and Justice Commission, passed away in Seattle on February 23, 2011. His dedication and commitment to the goal of eliminating racial/

ethnic bias from the Washington State justice system were exemplary. Members of the Commission are grateful to have known and worked with him as a treasured colleague and friend. He enriched many lives and communities he served so faithfully throughout his life. Judge Luna was born in Seattle on January 7, 1944. He graduated from high school in Frankfurt, Germany, in 1962. He joined the United States Air Force and served his country honorably and with distinction during the war in Vietnam. Following his military service he attended the University of Washington, graduating in 1970. He continued his studies at the University of Oregon Law School where he received his degree in 1973. During his distinguished legal career, Judge Luna worked as an attorney for the Boeing Company, negotiating and administering contracts and settlements, and served as administrative law judge for the Washington State Employment Security Department and later as a review judge for the Washington State Department of Social and Health Services. Throughout his career he also

generously volunteered both judicial and non-judicial services to the Central Council of the Tlingit & Haida Tribes of Alaska and other Northwest tribes. In addition to sitting as Chief Justice for the Tlingit/Haida Tribes, he served as a vice president of the Tribes' Central Council and as a member of their Judiciary Committee.

Judge Luna's service and leadership also contributed significantly to Seattle's Asian communities. He was a founding member of the Asian American Bar Association, the Filipino American National Historical Society and the Washington State Commission on Asian American Affairs.

Following his retirement from judicial duties, Judge Luna committed himself to tirelessly serving the hungry and homeless. He devoted much of his time to working and volunteering at the Seattle Indian Center's Community Services department, providing food and shelter to those in need. He also served on the Seattle Food Committee, Northwest Harvest, the Meals Partnership Coalition and Food Lifeline. Even as his health began to falter, Judge Luna continued to solicit and collect donations that he distributed to the hungry and homeless. His last words were to ensure that the clients he loved were cared for.

Judge Douglas Luna's legacy of service and dedication to advancing equal justice for all will live on and continue to inspire all those who were privileged to work with him. He requested that any remembrances be sent to the Seattle Indian Center to help continue its important work.

WASHINGTON STATE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS PROVIDES BROAD RANGE OF SERVICES

Since its creation by the legislature in 1974, the Washington State Commission on Asian Pacific American Affairs has served the State of Washington and its communities of Asian Pacific Americans as an important resource for information, education and advocacy. The Commission's work focuses upon five categories of service:

 Research and analysis in examining and defining Asian Pacific American (APA) issues and making recommendations to the governor, legislators, and state agencies regarding changes in laws and programs.

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- Advisory in advising the governor and other state and local public officials on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of APAs.
- Educational in educating APAs about laws, programs, and policies that affect them and their well-being.
- Conduit and consultant to and between APA communities and state agencies to make government more accessible.
- Resource bank to provide resources such as research and educational materials, technical assistance, agency referrals, casework, and community forums.

Through its categories of service, the Commission particularly directs its efforts to the areas of education, health-care and economic development.

In 2010 the Commission published a comprehensive report, *The State of Asian Americans and Pacific Islanders in Washington*, produced through collaboration between the Fred T. Korematsu Center for Law and Equality at the Seattle University School of Law and attorneys at Perkins Coie LLP. Extensive information and data are provided in four areas of research:

- 1. Profiles of APA communities in Washington.
- 2. Social Conditions with respect to education, health and human services, criminal justice system and immigration.
- 3. Economic indicators.
- 4. Political participation.

The report is available on-line at http://www.capaa.wa.gov/documents/StateofAPAReport 9 1 10.pdf. The Commission's website is http://www.capaa.wa.gov/index.shtml

PIERCE COUNTY SUPERIOR COURT ADDRESSES RACE AND JUSTICE ISSUES

Pierce County Superior Court Judge Beverly G. Grant explains multiple initiatives and events by the court in furtherance of its commitment towards parity and justice for the communities it serves in an article recently posted on the Pierce County website at http://www.co.pierce.wa.us/xml/abtus/ourorg/supct/Disproportionality%20by%20Judge%20Grant.pdf. The

article, Pierce County-Is On The Move Towards Taking On The Challenge of Race, Disproportionality & Disparity, provides a detailed summary of innovative ways the Pierce County Superior Court, including its juvenile division at Remann Hall in Tacoma, and its law enforcement, community partners are addressing issues of diversity, disproportionality, disparate treatment and race.

The article describes four open forum dialogues: (1) Race & Pedagogy Conference, a national conference held on the University of Puget Sound campus, in October, 2010; (2) Pierce County Superior Court Judicial Retreat, in the fall of 2010, which featured an "Undoing Racism" workshop; (3) Task Force on Race and the Criminal Justice System report to the Washington State Supreme Court on March 2, 2011; (4) Pierce County Superior Court Conference on March 30, 2011, at which the work of the Task Force on Race and the Criminal Justice System was presented.

Judge Grant's article also enumerates efforts by the court to reduce the detention of African American juvenile probationers, and discusses in more detail efforts to reduce instances of failure to appear and to otherwise diminish racial disproportionality and disparate treatment through proactive steps and collaboration with community partners.

KOREAN AMERICAN BAR ASSOCIATION OF WASHINGTON FOCUSES ON THEME OF "LAWYERS AS LEADERS"

This year, under the stewardship of new Korean American Bar Association (KABA) President Michelle Chen, the focus is on leadership through service. KABA is building a community of Korean American legal professionals who seek opportunities to demonstrate leadership through service to the Korean community. These opportunities are primarily through the pro bono legal clinic, which is a partnership with the Korean Community Service Center, a social service agency located in Edmonds, Washington. Volunteer attorneys provide legal aid to those who lack resources and face significant language barriers. In addition, KABA seeks to improve access to justice by holding legal education workshops on important issues facing the community, such as the home foreclosure crisis.

Improving access to justice is a primary reason that KABA was founded 19 years ago, and it continues to be the most important issue in the community. According

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to Michelle Chen, "lawyers have a responsibility to serve the community, and this responsibility is even greater when you come from an immigrant community where language and culture are obstacles to accessing justice." In Korean society, lawyers are revered for their education and status. This gives KABA lawyers a special opportunity to serve as leaders and build bridges between the Korean community and broader American community. Those interested in joining the KABA or seeking more information may contact Michelle Chen at boksulee@gmail.com or visit the KABA website: http://kaba-washington.org/.

SEATTLE BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE CELEBRATES 98 YEARS

The Seattle Branch of the National Association for the Advancement of Colored People (NAACP), one of the oldest and most prestigious Branches in the National Association, celebrated its 98th anniversary on Saturday, March 19th at First A.M.E. Church. The local Branch was chartered on November 6, 1913 and has been a leading agency in the struggle for human and civil rights. The theme of the celebration was "One Nation, One Dream." The guest speaker was Hilary O. Shelton, Director of the NAACP's Washington, D.C. Bureau. Mr. Shelton has remarked that in an era where the government is contemplating significant budget cuts, it is critical that we force our politicians to focus upon the human condition.

During the celebration three of Seattle's own were honored for their longstanding service to the local Branch. Lacy Stele (1959) was honored for his 52 years of service on the Executive Committee. Judge Donald Haley, ret. (1959) and Judge Charles V. Johnson, ret. (1958) were honored for their 52 and 53 years of service on the Executive Committee. In addition, Community Awards were given to Faye Brooks--the First African American Woman Assistant Chief King County, and to Officer Cookie for valued service in the community working with youth.

THE WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS PROVIDES CULTURAL COMPENTENCY TRAININGS, MOCK HEARING VIDEOS

The Washington State Office of Administrative Hearings (OAH) recently partnered with the Washington State Minority and Justice Commission to provide 3 CLEs for all Administrative Law Judges titled: Enhancing Cultural Competency in Administrative Hearings. The seminars were held in Olympia, Seattle and Spokane. Peggy A. Nagae and Benita Horn provided materials and served as the primary faculty for these seminars.

As an access to justice initiative, OAH has produced two mock hearing videos of administrative hearings. The project was guided by a video produced by the King County Superior Court entitled, "Your Day in Court: How to Make Sure Your Voice is Heard in King County" and a video produced by Kitsap Legal Services and sponsored by the Washington State Bar Association Administrative Law Section and Northwest Justice Project entitled, "How to Represent Yourself at a DSHS Hearing".

The OAH collaborated with the Seattle University School of Law Access to Justice Institute and featured a Seattle University law student and drama student as actors. The script writing and acting talent all came from inside the OAH. Administrative Law Judges and support staff from Seattle and Olympia offices were featured as actors. One mock administrative hearing is a Child Support Hearing and one is an Unemployment Insurance hearing, two of the most common hearing types. In Washington State's fiscal year 2010, the OAH handled 42,759 Unemployment Insurance appeals and 11,910 Child Support appeals. Both mock hearings have closed captioning for the hearing impaired and Spanish translations, both oral and in subtitles. Judge Zulema Hinojos-Fall provided a Spanish introduction for both hearing videos. Both videos are designed to be useful to Pro Se Litigants and to serve as training tools for OAH and other agencies. Both mock hearing videos are available on the OAH website: www.oah.wa.gov!

CHELAN COUNTY SUPERIOR COURT HOLDS DIVERSITY JUSTICE DAY FOR YOUTH

Chelan County Superior Court hosted its second Diversity Justice Day for Youth on March 25, 2011 at Wenatchee Valley College. Over 200 high school students attended and met with minority law enforcement, corrections officers, probation, court staff, attorneys and judges who advocated for these students to seek a justice career. Washington State Bar Association past president Sal Mungia was the keynote speaker and attorneys Ernesto Radillo, Ruth Esparza, Tracy Brandt, and Tom Caballero prepared 22 minority

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students for a mock trial. Mungia stated, "I believe we must be committed to serving our community, and being a good lawyer means commitment to pro bono, commitment to legal services, and commitment to the justice system... Knowing what it feels like to come from a powerless segment of society has made me a more compassionate lawyer."

GOVERNOR'S OFFICE OF INDIAN AFFAIRS OFFERS MONTHLY TRAININGS

The Governor's Office of Indian Affairs offers monthly one-day Government-to-Government training sessions that cover tribal history and culture, tribal government, tribal sovereignty, legal issues, and the government-to-government relationship between the state and federally recognized Indian tribes. Each training includes time for questions and discussion and is designed to assist attendees in better understanding and interacting with Washington State's sovereign tribal nations. One training session per month is scheduled for the greater Olympia area, and one training session per month shall be delivered in an outlying area of the State of Washington. For dates, locations, and registration information, please visit the website at: http://www.goia.wa.gov/G-2-G-Training/G-2-G-Training.htm.

NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION TO HOST WESTERN REGIONAL CONFERENCE

The National Asian Pacific American Bar Association will convene a Western Regional Conference, its first super-regional conference, connecting Asian Pacific American lawyers across the Northwest, California and Nevada regions, June 3-5, 2011, at the Benson Hotel in Portland, Oregon. The Conference will feature former United States Attorney and current Deputy General Counsel of Qualcom, Carol Lam, as its keynote speaker. For registration information please visit the website at: http://oapaba.org/napaba-western-regional-conference-building-bridges.

LOREN MILLER BAR ASSOCIATION ANNUAL BANQUET SET FOR MAY 20, 2011

Loren Miller Bar Foundation Annual Philip L. Burton Memorial Scholarship Gala will be held on May 20, 2011, beginning at 5:30 p.m. at the Grand Hyatt Hotel, Seattle. For additional information, please visit the website at: http://www.lmba.net/.

SUPERIOR COURT JUDGES' ASSOCIATION SPRING CONFERENCE INCLUDES SESSION ON RACE AND CRIME RATES

A session addressing race and crime rates entitled, "So, Do People of Color Really Commit More Crimes?" will be featured at the Superior Court Judges' Association Spring Conference on Monday, May 1, 2011, 3:00 p.m. – 5:30 p.m., at Suncadia Resort, near Cle Elum.

MINORITY BAR ASSOCIATIONS HOLD STATEWIDE DIVERSITY CONFERENCE AT SEATTLE UNIVERSITY LAW SCHOOL

The Washington Minority Bar Associations Collaboration Project will host its Sixth Annual Statewide Diversity Conference on Friday, May 20, 2011, from 8:00 am to 4:30 pm at the Seattle University School of Law. Since 2006, Washington's Minority Bar Associations have collaborated to present an annual statewide diversity conference for Washington lawyers, law students and legal professionals. This year's conference will be prefaced by a Preconference Reception hosted by Perkins Coie LLP and Starbucks Coffee Company, on Thursday evening, May 19, 2011, from 5:30 pm to 7:30 pm at the University of Washington School of Law. The reception, entitled "Honoring Heroes of Juvenile Justice," will feature keynote remarks by Bobbe Bridge, retired justice of the Supreme Court of Washington, and founder and President/CEO of the Center for Children and Youth Justice. Reception registration is available at https:// spreadsheets.google.com/viewform? formkey=dFg1LThfcXJJUHhoYnJJOVlYaUlGa1E6M A. Additional information about the Preconference Reception and the Statewide Diversity Conference is available at: http://www.wambac.org.

16TH ANNUAL ACCESS TO JUSTICE CONFERENCE SET FOR JUNE 3-5, 2011 IN KENNEWICK

Access to Justice Conferences have been held annually since 1996. The 16th Annual Conference is scheduled for June 3-5, 2011, at the Three Rivers Convention Center in Kennewick. It is held in conjunction with the annual Washington State Bar Association Bar Leaders Conference. The conference provides an opportunity for members of the bench, bar, legal aid providers and

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many others to consider issues relating to equal justice in Washington state. The conference features a plenary sessions, combination of workshops, entertainment and social events - all tied to the conference theme, "Eliminating Bias in the Justice System: A Call to Service and Action". The committee strives to provide programming that will focus on the most current and relevant legal needs of those struggling to achieve access to the justice system. Additional information about the conference is at the conference website: atjconference.wordpress.com/about/.

EMPLOYMENT OPPORTUNITIES

Microsoft: seeking an Associate General Counsel - this position will have an opportunity to lead a talented group of people in a way that significantly contributes to the success of Microsoft's efforts to be a worldwide IP leader. STB Patent Team is part of Microsoft's Patent Group. For additional information, please visit the website at: http://www.microsoft-careers.com/job/Redmond-ASSOCIATE-GENERAL-COUNSEL-(Server-&-Tools)-Job-WA-98052/1136623/.

Microsoft: seeking a Director - Employee Relations Investigations: The Microsoft Legal and Corporate Affairs Organization is looking for a dynamic individual interested in leading the Employee Relations Investigations Team to positively impact the employee experience and help ensure compliance with Microsoft policy and employment and labor law issues by ensuring that discrimination, harassment and retaliation concerns are addressed in an objective, thorough, and timely manner. For additional information, please visit the website at: http://www.microsoft-careers.com/job/Redmond-ERIT-Director-Job-WA-98052/1167886/.

Helsell Fetterman: seeking Mid-Level Litigation Associate. The position will entail a high degree of responsibility for an attorney with strong litigation skills and experience, particularly in defense work. successful candidate will have proven experience in core areas of civil litigation. The candidate should show the ability to understand cases globally and perform assigned work, while also monitoring case progression for strategic improvements. Minimum of 3 years' experience is preferred. Please send a résumé and writing sample to Ann Callahan acallahan@helsell.com.

Urban League of Metropolitan Seattle: seeking President and Chief Executive Officer. Consideration of candidates began in February 2011 and will continue until the position is successfully filled. For additional information, please visit the website at: http://www.urbanleague.org/index.php/jobs.



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