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EQUAL JUSTICE

Through awareness, education and action

"Diversity in the Courts"

An official publication of the Washington State Minority and Justice Commission

September 2001

Volume 4, Number 1

Our New Team Member

*Myrna C. Contreras
Executive Editor*



*Erica S. Chung
Executive Director*

We are pleased to announce the hiring of Ms. Erica S. Chung as the new Executive Director for the Minority and Justice Commission effective March 1, 2001, the day after the Nisqually earthquake. A native of California, she moved to our magnificent state in 1994.

Ms. Chung brings vast experience in serving the under-served and disenfranchised communities of this state. She worked as a Campaign Manager to successfully elect a first term member to the Washington State House of Representatives. She also worked as a Partnership Specialist for the United States Department of Commerce—Bureau of the Census, and as a Legislative Liaison for the Washington State Commission on Asian Pacific American Affairs.

Ms. Chung received a Bachelor of Arts in Economics and International Area Studies from the University of California, Los Angeles and is a candidate for a Masters in Public Administration from The Evergreen State College. With solid education and with over 10 years experience in community and public relations, Ms. Chung is ideally suited to further the goals and objectives of the Commission.

We look forward to working with Ms. Chung to keep Washington State in the forefront of eliminating racism and bias in the courts to the extent it exists. ◆◆◆

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EQUAL JUSTICE

Equal Justice is the official publication of the Washington State Minority and Justice Commission whose goal is elimination of racial and ethnic bias, where it exists, from our state courts. The newsletter is a communications and networking tool providing information about Commission programs, projects and issues of concern.

Editorial Committee

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Co-Chairperson

Justice Charles W. Johnson
Co-Chairperson

Myrna I. Contreras
Brian A. Tsuchida
Executive Editors

Erica S. Chung
Editor

Washington State
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Equal Justice may not be reproduced in whole or in part without written permission from the Commission. The Washington State Minority and Justice Commission welcomes information and articles related to its mission. We are interested in programs and projects in the Washington courts addressing racial and ethnic bias, workforce diversity and cultural diversity. Please send information about your program to Erica S. Chung, Executive Director, Minority and Justice Commission, Temple of Justice, Post Office Box 41174, Olympia, Washington 98504-1174.

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From the Editor

Erica S. Chung
Editor

As members of the Outreach Sub-committee brainstormed for the theme of this issue, we discussed several topics: the impact of Initiative 200 upon law school admissions, racial profiling, diversity in the courts, and more. However, after reflecting on the message we wanted to present and the tone we wanted to set for the new century, we decided on "Diversity in the Courts" to start our 2001 issue of *Equal Justice*. "Diversity in the Courts" highlights some of the diversity efforts in our state, reflects the importance of inclusiveness, and emphasizes opportunities. We acknowledge that given the limited time and space in the newsletter not all diversity efforts in various courts are highlighted. However, we hope this newsletter fosters reflection and desire for further diversity activities.

So, why is diversity in the courts important?

Credibility and legitimacy of the justice system depend on the perception and the reality of fairness. People of color have made some advancement in the field of justice and the legal profession. However, the perception still holds that justice is not dispensed equally. People of color utilizing the court system encounter a justice system dominated by white judges and court staff with well-established common socialization. Also, well-meaning justice administrators may unconsciously activate entrenched stereotypes, resulting in unintended judgments.

Our justice system is based on a system of laws and its ability to provide equal justice for all. This can only be accomplished if we embrace differences, challenge our own socialized bias, and expose ourselves to other cultures through diversity training, education and a multi-cultural workforce.

We recognize that much remains to be done. However, we want to take this opportunity to laud the efforts of those in the court system who are advancing the concept of "Diversity in the Courts" and invite you to read about some of their efforts in this issue of *Equal Justice*. ◆◆◆

Celebrating the Courts in an Inclusive Society



Federal Courthouse Renamed in Honor of William Kenzo Nakamura

*Ricardo S. Martinez
United States Magistrate Judge*

On March 26, 2001, the United States Federal Courthouse for the Western District of Washington was rededicated in honor of Private First Class William Kenzo Nakamura. The William Kenzo Nakamura Federal Courthouse located in Seattle, Washington, is the first federal building to be named in honor of a Japanese American. It stands as a fitting tribute to the courage and spirit of a young man who gave his life in defense of his country, who continued to believe in the ideals of fairness, justice and equality, although he and others of his ethnic background suffered from bias, prejudice and bigotry. In the words of United States Congressman Jim McDermott, spoken at the rededication ceremony, "William Nakamura embodies the American spirit—an individual who faced enormous inequity imposed by his country, yet he nobly volunteered to protect it and paid the ultimate sacrifice. Private First Class William Nakamura's courage and valor stand to remind us that the freedoms we all enjoy often carry a high price."

Private First Class Nakamura was born and raised in Seattle, but was interned with his family and other Americans of Japanese descent during World War II. William Kenzo Nakamura was only twenty years old when he and his family were forced from their home in Seattle and relocated to the Minidoka

concentration camp near Hunt, Idaho. In the face of their country's prejudice, William Nakamura and his brother George volunteered and joined the U.S. Army's 442nd Regimental Combat Team. Private First Class Nakamura twice saved the lives of his entire platoon before being fatally shot by an enemy sniper on the battlefield in Europe on the Fourth of July in 1944. Fifty-six years after his death, Private First Class William Kenzo Nakamura was eventually awarded the Medal of Honor for his heroic actions.

William and George Nakamura were two of approximately 13,500¹ Japanese-American men who volunteered to fight for their country. These young men were determined to overcome the hysteria and suspicion that surrounded them at home and win back their rights as American citizens. Their determination and desire to prove their loyalty was all the more amazing considering that the military had classified them as 4C (enemy aliens, unavailable for draft) and that many of them came from concentration camps that still held their wives, parents and siblings. The 442 Regimental Combat Team, the segregated group of Nisei soldiers, went on to become one of the most highly decorated regiments in United States history.

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¹ United States Army Public Affairs website June 2000

RESOURCES

This section is offered to our readers as a reference to articles of interest as they relate to persons of color in our justice system and does not necessarily represent the perspective of the Commission or its members.

- 39 Family Court Review 185, April 2001, "Fostering Culturally Responsive Courts: The Case of Family Dispute Resolution for Latinos". Steven Weller
- 78 North Carolina Law Review 1899, September 2000, "Between Principles and Practice: The Need for Certified Court Interpreters in North Carolina". Deborah M. Weissman
- 74 Florida Bar Journal 18, January 2000, "The Florida Supreme Court's Initiative to Improve Access and Build Public Trust and Confidence". Chief Justice Major Harding, Susan O'Halloran, Robert C. Waters
- Final Report December 1999, *The Impact of Race and Ethnicity on Charging and Sentencing Processes for Drug Offenders in Three Counties of Washington State*. Rodney L. Engen, Ph.D., Randy R. Gainey, Ph.D., Sara Steen, Ph.D.
- Final Report July 1999, *Racial and Ethnic Disparities in Sentencing Outcomes for Drug Offenders in Washington State: FY1996 to FY 1999*. Rodney L. Engen, Ph.D, Randy R. Gainey, Ph.D., Sara Steen, Ph.D.

Benefits of an Externship Program

*Judge James M. Murphy
Spokane County Superior Court*

In 1996, Professor Thomas Speedy Rice, Gonzaga University School of Law, approached Judges of the Superior Court of Spokane County with a novel marriage of academia and a practical application of law. Professor Rice, Professor of International Relations and Director of the externship program at the University, proposed that the Court accept qualified third year law students as legal externs. The externship provides law students with invaluable experience working in the court and working with a judge on projects of mutual interest. In addition, law students receive five credit hours for each semester for the year. The Court in return reaps great benefit from these ambitious and talented young people. Law students fulfill duties of a law clerk, which is not a position funded in the trial courts of our State.

Many judges participating in the externship program are discovering one of the benefits once enjoyed only by the Appellate Courts. Law clerks permit motion calendars to be manageable. Voluminous stacks of complex files are managed, condensed and summarized by our externs, saving judges hours of valuable time for more productive purposes.

"The Spokane County Bar Association has roughly 1000 members with approximately 16 ethnic minority members"

The benefits to students are daily interplay with practicing attorneys, experience in research and in writing—useful later in the legal profession—and an opportunity for invaluable networking in the legal community.

At a recent Minority and Justice Commission project promoting diversity in the judiciary, our discussion stressed that for our State to encourage ethnic diversity on our benches, we need to assure ethnic diversity in our bar. Diversity in the Spokane County Bar Association is sorely lacking. The Bar Association has roughly 1000 members with approximately 16 ethnic minority members. This appears to be an inadequate pool from which to promote issues of judicial diversity. Hence, Professor Rice met with participating members of the bench regarding expanding opportunities for

underrepresented ethnic groups. In succeeding years, the Gonzaga University School of Law has actively engaged in expanding opportunities for all students. This year, externs include several Asian American, African American, and Hispanic students who are assigned to the Spokane County Court and to private law firms. One African American extern will spend the first summer semester of her externship in coordination with Howard University working with disadvantaged tenants in Washington, D.C. before returning to Spokane to work with the court.

"If life is measured on a cost-benefit basis, we all come out winners on this project"

Being a beneficiary of the externship program for three years, I highly recommend the program. This program offers great opportunities for law students, especially students of color, and benefits the judiciary by building relationships within the law and between law professionals who hold the keys to doors of opportunity for those who have been trying to find the handle to those doors. I know that my association with my first ethnic minority extern, Ms. Joey Orduna, was much more beneficial to me than to her. I gained insights that I would not have had without her input as a Latina. Ms. Orduna brought her experiences and understanding as a Hispanic female to a predominately white environment. Diversity in the Courts is very important because interaction with people of diverse backgrounds enhances our understanding of our own culture as well as those of others and minimizes our perpetuation of biases. Furthermore, as people of diverse cultures enter our judicial and legal system, only through our understanding of multiculturalism will we be able to provide equal justice for all.

It is possible for any Court with a nearby law school to establish an externship program. The first step is to meet with the Dean of the law school and encourage the creation of such a program. The cost to administer the program is minimal. The Court does not contribute financially to the program. The law school would bear some financial burden by having an administrator for the program. However, the cost of the administrator could be covered by the tuition paid by the extern for the credit hours. The externship program benefits all concerned. If life is measured on a cost-benefit basis, we all come out winners on this project. I hope our externship partnership between the Spokane County Superior Court and the Gonzaga University School of Law will serve as a model for other courts and schools to emulate and to advance diversity in the Courts. ♦♦♦

The **Profile** feature is dedicated to individuals who have worked tirelessly and unrecognized serving the under-served community. The Commission hopes to feature at least one person per issue in an effort to say **THANK YOU** for your contribution to promote accessibility to the justice system for people of color.

PROFILE:

Mirta Laura Contreras

*Sean M. Phelan
Attorney at Law
Frank Rosen Freed Roberts*

Mirta Laura Contreras grew up in the Yakima Valley of Washington State and currently practices law at Columbia Legal Services in the Yakima, Washington office. As a child of farm worker parents, she also did farm work in the valley. However, unlike many of her peers, she had the opportunity to continue her education. Ms. Contreras went on to successfully complete her undergraduate studies at the University of Washington. She later earned her law degree at the University of Oregon School of Law.

After law school, Ms. Contreras returned to the Yakima Valley to represent agricultural workers in employment cases. In 1999, Ms. Contreras was a key organizer of a program designed to address the legal needs of historically under-served farm worker and immigrant victims of domestic violence. Language and cultural barriers isolate farm workers and immigrants from seeking and accessing needed domestic violence programs and legal protection.

Under the auspices of the Amigas Unidas program, Ms. Contreras provides legal advice and direct representation to farm worker domestic violence victims and survivors. Ms. Contreras reduces barriers, such as transportation and language, by traveling distances to meet with clients with no transportation, and communicating with clients in their own language. Many of her cases do not end up in litigation; nonetheless, her clients are educated on their legal rights and informed about appropriate responses to legal actions initiated by perpetrators. She also supervises a group of peer educators, or "Amigas", who provide outreach education, support, and referrals to farm worker women. Ms. Contreras also serves on the Board of Washington State Coalition Against Domestic Violence.

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(Ms. Mirta Laura Contreras is not related to our Executive Editor, Ms. Myrna I. Contreras)

Diversity Efforts in the King County Prosecutor's Office

*Brian A. Tsuchida
Executive Editor*

Diversity training is slowly being recognized as an integral part of the legal profession's code of professional responsibility and ethics. In 1990, California pioneered mandatory diversity training by implementing "elimination of bias" credits as part of its MCLE requirements. In 1996, Minnesota followed suit requiring 2 MCLE credit hours devoted to eliminating bias in the legal profession. In 1995, Washington State also implemented MCLE ethics requirements. Washington defines its MCLE ethics requirements broadly to include issues of diversity and anti-bias training.

Although Washington's MCLE requirements do not require legal organizations to conduct diversity and anti-bias training, some organizations have made a commitment to diversity training. The King County Prosecuting Attorney's Office has a long history of not only recognizing the importance of diversity training but implementing office-wide training programs.

In 1990, the King County Prosecuting Attorney's Office held its first office-wide diversity training. Prompted by its desire to increase cultural awareness and sensitivity, the Office hired social psychologist and diversity consultant Donna Stringer, Ph.D. to train several of its senior deputy prosecuting attorneys. These senior deputies then replicated the training for all employees of the office. In 1996, the King County Prosecuting Attorney's Office conducted a second office-wide diversity training. Later this year, the Office plans to conduct its third office-wide diversity training. These training sessions have benefited the Office by helping employees recognize and value the importance of diversity and by encouraging an atmosphere of sensitivity, understanding, appreciation and respect.

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**An Excerpt from
Opening the Doors Wider.
The Board of Governors Votes to Expand**

The Washington State Bar News, April 2001

Lindsay Thompson

In February [2001], the Board of Governors adopted this resolution 8-0, with two abstentions by members who didn't oppose the plan, but thought we should consult the membership more widely before acting:

"Now, therefore be it resolved

"The Washington State Bar Association Board of Governors hereby creates two at large seats, the occupant of each to serve a three-year term, and to be selected as follows: the first to be filled by election by the Board of Governors from underrepresented attorneys as that term is generally defined above and may be further defined in the Bylaws of the Association or by members whose election will provide for more diversity among the Board's members following the election of Governors by the general membership in 2001; the second seat to be filled by election by the Board of Governors from underrepresented attorneys ...in 2002,... provid[ing] representation, knowledge and benefits to offset the structural deficiencies which operate as a barrier to election. "

Members of the board, trying to encourage more participation, have worked hard for years to recruit bar members to run. But human nature is such that we tend to recruit from whom we know, and most of us know people who are like us, and if we're an all-white board, it stands to reason we're going to stay one. Which we have.

After discussion at almost every meeting in 2000, at its September meeting, the Board of Governors voted first to endorse the concept of creating a racial minority seat. Other members of the Association, reading about the plan [in the *Bar News*], contacted members of the board and expressed concern that the plan raised issues under the 14th Amendment of the United States Constitution. Governor Brooke Taylor suggested creating a new seat but defining it more expansively to represent "underrepresented lawyers" within the

Association [which] includes women, young or new lawyers, government lawyers, lawyers engaged in criminal defense or in the prosecution of criminal matters, lawyers from remote and outlying parts of the State of Washington and outside the State of Washington, and ethnic and sexual minority lawyers. This idea intrigued members of the board, as it could address the diversity issue but avoid the potential pitfalls of the old plan.

I felt, as I thought it over, about offering a proposal in February to create not one, but three new seats. Members also felt, as the debate evolved, that two Taylor Plan seats would work better than one Taylor Plan and one Young Lawyers seat.

Change is hard and requires thinking anew and acting anew. Sometimes doing the right thing is hard too. But, I believe we have done the right thing by opening up our governance, even if it is just the first of many further steps to finish the journey. ♦♦♦



Lindsay Thompson represents the 7th Congressional District on the Board of Governors and was Bar News editor from 1988 to 1995. He practices law in Seattle. Full text of the article is available at <http://www.wsba.org/barnews/2001/04/thompson.htm>

Celebrating the Courts in an Inclusive Society

***Diversity and the Western
Federal District Court***

*Brian A. Tsuchida
Executive Editor*

The United States District Court for the Western District of Washington supports and encourages diversity in its courts and asserts the following philosophy:

- That diversity and difference are critical in creating a high performance organization;
- That people with diverse skills, perspectives, and backgrounds are invaluable to the Courts in exercising leadership and in releasing the Court's full potential;
- That we all learn and grow from our differences;
- That new ideas and services emerge from discussing, facilitating, and addressing conflicts that arise from our differences; and
- That diverse workforce and environment are necessary to foster moral, ethical, personal, educational, and business growth.

In keeping with this philosophy, the Court in the fall of 2000 held eleven six-hour interactive workshops titled, "Diversity as an Organizational Asset." Approximately 325 people from the United States District Court, Probation, Pretrial Services, Marshals Service, Court Security Detail and Federal Public Defenders Office attended these rewarding and educational training sessions.

The goal of the diversity workshops was to increase appreciation of the differences court staff provides the workplace and to increase the Court's spirit, energy, and enthusiasm for a diverse workplace because the District Court believes that diversity among its staff is the primary source of innovation and creativity.

The workshops received positive feedback and approval. Many participants echoed the following sentiments:

"Appreciating diversity means understanding personal values and honoring the values and cultures of others." "Diversity is personally and professionally enriching."

In summing up the value of diversity in the court system Chief Judge John C. Coughenour stated:

"The time and training committed to this training are evidence of the significance of this topic to the court. We are committed to fostering a diverse and accepting environment. As the Court continues its efforts in this important area, remember the critical role each of us plays in our interactions with others in our organizations. Does your behavior contribute to a workplace that truly values the diversity of all people? In the end, we will get the kind of workplace environment we deserve." ◆◆◆

SPOTLIGHT



***Judge Deborah D. Fleck
Named President-Elect
Superior Court Judges'
Association***

Judge Deborah D. Fleck, a member of the Washington State Minority and Justice Commission (and Chairperson of the Workforce Diversity Subcommittee), has been named President-Elect of the Superior Court Judges' Association.

By a vote of superior court judges throughout the state, King County Superior Court Judge Deborah D. Fleck was elected on Thursday, April 26, 2001, as president-elect of the Superior Court Judges' Association (SCJA). After serving one year as the association's president-elect, she will preside as president at the association's spring conference in 2002.

The SCJA president and board of trustees represent the 175 judges of Washington's county-level superior courts. Created by state statute, the association provides its members with continuing judicial education, recommends changes to civil and criminal court rules, and promotes improvement in judicial administration. ◆◆◆

Celebrating the Courts in an Inclusive Society

WASHINGTON STATE MINORITY AND JUSTICE COMMISSION AND TECHNICAL SUPPORT MEMBERS

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