

WASHINGTON STATE  
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



SEATAC OFFICE CENTER  
18000 INTERNATIONAL BOULEVARD, SUITE 1106  
SEATAC, WASHINGTON  
FRIDAY, JULY 27, 2012, AT 8:45 A.M.

# WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

## COMMISSION MEMBERS

Justice Charles W. Johnson  
Co-Chairperson  
Washington State Supreme Court

Judge Mary I. Yu  
Co-Chairperson  
King County Superior Court

Justice Debra L. Stephens  
Washington State Supreme Court

Mr. Jeffrey A. Beaver  
Graham and Dunn

Professor Robert C. Boruchowitz  
Seattle University School of Law

Judge Vickie I. Churchill  
Island County Superior Court

Ms. Callie Dietz, State Court Administrator  
Administrative Office of the Courts

Judge Deborah D. Fleck  
King County Superior Court

Ms. Bonnie J. Glenn  
Models for Change, DSHS

Mr. Russell D. Hauge  
Kitsap County Prosecuting Attorney

Dr. Sandra E. Madrid  
University of Washington School of Law

Judge LeRoy McCullough  
King County Superior Court

Judge Mariane C. Spearman  
King County Superior Court

Judge Stephen R. Shelton  
Puyallup Municipal Court

Mr. Jeffrey C. Sullivan

Judge Gregory D. Sypolt  
Spokane County Superior Court

Judge Vicki J. Toyohara  
Judge Pro Tem

Judge Dennis D. Yule, Retired

## TECHNICAL MEMBERS

Ms. Ann E. Benson  
Washington Defender Association

Professor Robert S. Chang  
Seattle University School of Law

Judge Donald J. Horowitz, Former  
Washington State Access to Justice Board

Mr. Uriel Iñiguez  
Commission on Hispanic Affairs

Ms. Yemi Fleming Jacson  
Microsoft Corporation Legal & Corporate Affairs

Mr. Eric A. Jones  
Emmaus Consulting PLLC

Commissioner Joyce J. McCown  
Court of Appeals, Division III

Ms. Rosa M. Melendez  
United States Department of Justice

Ms. Karen W. Murray  
Associated Counsel for the Accused

Ms. Carlene M. Placide  
Dorsey & Whitney LLP

Ms. P. Diane Schneider  
National Latino Peace Officers Association



# MINORITY AND JUSTICE COMMISSION

AOC SEATAC

FRIDAY, JULY 27, 2012

JUSTICE CHARLES W. JOHNSON, CO-CHAIR

JUDGE MARY YU, CO CHAIR

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<b>PRESENTATION</b>		
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<ul style="list-style-type: none"> <li>• Disproportionate Minority Contact (DMC) .....</li> <li>• Education .....</li> <li>• Outreach .....</li> <li>• Race and Justice Research Project .....</li> <li>• Workforce Diversity .....</li> </ul>	<b>Committee Chairs</b> Carla Lee and Carl McCurley Judge Leroy McCullough and Judge Gregory Sybolt Judge Dennis Yule Judge Mary Yu Judge Deborah Fleck and Ms. Bonnie Glenn	23 35 41 45 47
<b>NEW BUSINESS</b>		
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<b>ADJOURNMENT</b>		





**Washington State Minority and Justice Commission (WSMJC)**  
Friday, April 27, 2012 (8:45 p.m. – 1:00 p.m.)  
SeaTac Office Center, 18000 International Blvd,  
Ste 1106, SeaTac, Washington



### MEETING NOTES

**Members Present:**

Justice Charles W. Johnson, Co-Chair  
Judge Deborah D. Fleck  
Sandra E. Madrid, Ph.D.  
Commissioner Joyce J. McCown  
Karen W. Murray  
Judge Mariane C. Spearman  
Jeffrey C. Sullivan  
Judge Vicki J. Toyohara  
Judge Dennis D. Yule

**Guests:**

Brian Rowe

**AOC Staff Present:**

Jennifer Creighton  
Myra Downing  
Monto Morton  
Sarah Veele-Brice, Ph.D.

**Members Not Present:**

Judge Mary I. Yu, Co-Chair  
Jeffrey A. Beaver  
Ann E. Benson  
Robert C. Boruchowitz  
Robert S. Chang  
Bonnie J. Glenn  
Jeffrey E. Hall  
Judge Donald J. Horowitz  
Uriel Iñiguez  
Yemi Fleming Jackson  
Eric A. Jones  
Carla C. Lee  
Judge LeRoy McCullough  
Rosa M. Melendez  
Carlene M. Placide  
P. Diane Schneider  
Judge Gregory D. Sypolt

The meeting was called to order by Justice Charles W. Johnson.

**NOVEMBER 4, 2011 MEETING MINUTES**

The meeting minutes were approved with no changes.

**TEAM ORIENTED STAFFING OF COMMISSION**

The Co-Chairs of the Gender and Justice Commission and Minority and Justice Commission and Washington State Court Administrator approved a staff team approach in the operation of the commissions. Myra Downing has been designated as the lead staff person for both Commissions. She will lead the other staff members: Monto Morton, Margaret Fisher, Pam Dittman, and Paula Odegaard. The staff team is directly responsible for the work of the commissions. The commissions will report to the Administrative Committee of the Washington State Supreme Court twice a year.

**COMMISSION MEMBERSHIP**

It was reported that there are six vacancies on the Commission. After some discussion, possible appointments were recommended: Justice Debra Stephens; Judge Vickie Churchill; Judge Stephen Shelton; Judge Janice Ellis; Judge Raquel Montoya-Lewis; Judge Robbi Ferron; Russell Hauge; Mark Rowe; Dan Satterberg; Chief Justice Anita Dupris; Chief Justice Jane Smith; Judge Janice Ellis; Judge Theresa Pouley; Mark Hamitomo; Blaine Tamaki; and Kendee Yamaguchi.

## **COMMISSION BUDGET**

It was reported that the Commission will contract with YouGov to provide an electronic survey of Washington State regarding the public perceptions of the justice system. The contract will cost between \$28,000 to \$31,000.

## **JUVENILE DISPROPORTIONALITY PRESENTATION TO THE SUPREME COURT**

The presentation was held March 28, 2012, from 1:00 to 4:30 p.m. at the Temple of Justice. A reception was held afterwards.

The TVW webcast, report and other documents can be found at:  
<http://www.law.washington.edu/about/racetaskforce/>.

## **COMMITTEE REPORTS**

### Education Committee

It was reported that the Committee is working to put develop a judicial education needs survey for judicial officers. The purpose of the survey is to determine the knowledge and experience of judicial officers and their needs in further education in regards to racial and ethnic bias issues. The information gained from this survey will be utilized to create education proposals for judicial conferences and other educational opportunities.

### Juvenile Justice Committee

It was reported that Carla Lee, Center for Children and Youth Justice, has been appointed chair of the Committee.

### Outreach Committee

It was reported that the Committee recommends to the Commission that "We Are America," by Al Doggett be selected as the artwork for developing the Commission poster. The attending members of the Commission agreed to the recommendation. The Mr. Doggett has agreed to give the Commission the right to reproduce the artwork for the posters at no cost. The posters will be printed on an as needed basis by the Administrative Office of the Court's copy center at about \$1.35 each. Justice Charles Johnson requested that the artist be asked what the cost is to purchase the original artwork. It was recommended that the posters be printed in a smaller format.

### Outreach Committee IT Work Group

Brian Rowe, Chair of the Access to Justice Board of Technology Committee, introduced the discussion of the use of on-line media and offers his knowledge and expertise to the Commission. It was recommended that the Washington Courts Website could utilize a translation feature for multiple languages similar to airline Websites. The use of social media was discussed, specifically Facebook. It was pointed out that Facebook and other on-line media requires regular administration which amounts to one day a week. It was recommended that the *Equal Justice* newsletter be embedded into emails using a private vendor like Constant Contact (cost est. \$15/month) as opposed to distributed in a PDF format to increase readership and establish the ability to collect data on readership. Another recommendation was to utilize a similar format to the judicial news clippings where the individual articles would be separately viewable in PDF format.

#### Race and Justice Research Project Committee

Dr. Sarah Veele-Brice, Senior Research Associate, Washington State Center for Court Research, reported on the progress of the Race and Justice Research Project. A company called YouGov will be contracted to distribute a survey, developed by the researchers, via online to gather research data on the perceptions of the Washington State justice system by persons of color. YouGov will complete this task by the end of the fiscal year, June 30, 2012. The cost for YouGov's services is estimated at around \$31,000. It was pointed out that the researchers (Dr. Mark Peffley, Dr. Jon Hurwitz, and Dr. Jeff Mondak) are working on the project at no cost. The next step of the project is to work with community groups to gather more research data. The race and ethnicities covered by YouGov will be Caucasian, African-American, Asian and Hispanics. It was discussed about the importance of gathering information from Native Americans and that they should be included in the second phase of the project, if possible.

#### Workforce Diversity Committee

Judge Deborah Fleck, Chair, reported on the activity of the Committee and referenced the April 18, 2012, meeting minutes. She stated that the Committee discussed having Judge Mary Yu give a short presentation to King County Superior Court Judges regarding obtaining and utilizing externs. It was pointed out that there are six open judicial positions on the court and there are no persons of color applying for those positions, as of yet.

#### 2012 Commission meetings

- Friday, July 27, 2012
- Friday, October 5, 2012





# Washington Tribal-State Judicial Consortium

*“Walking on Common Ground”<sup>1</sup>*

## MISSION

In the spirit of mutual respect and cooperation, take the lead in resolving civil and criminal jurisdictional conflicts between Tribal and State Courts.

## GOALS

- Build relationships and foster communications through the development of basic information about each court and its laws, customs, and values.
- Develop and review Tribal and State court system protocols and practices that address substantive overlapping areas such as domestic violence, services for Native children and their families, and the overrepresentation of Native youth in our justice system.
- Offer educational programs on overlapping areas of interest such as sovereignty, foreign orders, Indian Child Welfare Act, and Tribal and State system problem solving.
- Support ongoing evaluation of collaborative efforts and practices.

## VALUES

**Equal Representation**— Equal representation from Tribal and State justice systems;

**Cooperation**—Actively fostering cooperation between Tribal Courts and the Courts of the State of Washington;

**Sharing**— Sharing available resources between Tribal Courts and the Courts of the State of Washington;

**Improving Access to Justice**— Working cooperatively to improve access to justice by addressing jurisdictional issues and the lack of services and other resources in Indian Country; and

**Mutually Acceptable Solutions**— Working cooperatively to identify and address areas of concurrent jurisdiction and establish mechanisms for the allocation, sharing and transfer of jurisdiction and working cooperatively to identify and address issues of full faith and credit and mutual enforcement of court orders.

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<sup>1</sup> “Walking on Common is an on-going initiative to promote and facilitate tribal, state, and federal collaboration.” <http://walkingoncommonground.org>, last visited April 6, 2012.



## SCOPE OF WORK

### Jurisdictional Issues

The Consortium will identify jurisdictional issues across case types in order to ensure the recognition and enforcement of Tribal Court and State Court orders.

- a. Recognition and enforcement of protective orders.
- b. Recognition and enforcement of other kinds of civil orders (i.e., animal control, debt)
- c. Recognition and enforcement of other kinds of criminal orders (i.e., crimes occurring on tribal lands)

### 2. **Sharing/coordination/transfer of jurisdiction and access to records between jurisdictions.**

The Consortium will identify jurisdictional issues and make recommendations that will permit Tribal and State Courts to effectively share, allocate, and transfer jurisdiction across case types:

- a. Child protection and child welfare
- b. Juvenile offender
- c. Domestic Violence
- d. Other civil cases where there may be concurrent jurisdiction.

### 3. **Data Issues**

The Consortium will eliminate barriers to the collection and exchange of essential tribe-specific information and data.

- a. Law enforcement, child welfare/child protection, state court case information.





# SUPREME COURT OF WASHINGTON

ORDER RENEWING  
WASHINGTON STATE  
MINORITY AND JUSTICE  
COMMISSION

} Number \_\_\_\_\_

## 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 advances equal treatment of all without regard to race and ethnicity through research and implementation of recommended improvements to court operations, practices and procedures and through educational and outreach programs provided to court, youth and justice system-related groups.

3.0 Renewal of Minority and Justice Commission. The Minority and Justice Commission was established on October 4, 1990 for a period of five (5) years, subject to renewal for additional years as may be determined by the Court. It was renewed for additional periods of five (5) years by orders of this Court on July 15, 1995, December 2, 1999 and September 13, 2005. 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, appointed by this Court, and shall be comprised of judges from all levels of courts, including a justice of this 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 that its racial, ethnic, gender,

cultural and geographic diversity reflects that of the population of the State of Washington.

5.5 Leadership of Commission. A justice of this Court appointed to the Commission and designated by the Chief Justice, shall serve as its chair, or, in the event the Commission chooses to select a co-chair, as co-chair. The Commission may select one of its members to serve as co-chair for such period as the Commission determines.

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 justices of this Court appointed to the Commission shall serve at the pleasure of this Court. Vacancies on the Commission shall be filled by the Supreme Court upon recommendation of the Commission.

7.0 Technical Support Members. The chair or co-chairs may appoint non-voting Technical Support members to augment and assist the Commission, when broader representation or specific expertise is needed. Technical Support members shall serve for periods of one (1) year, renewable for additional one (1) year periods at the pleasure of the chair or co-chairs.

8.0 Budget of Commission. The budget of the Commission shall be provided in the budget of the Supreme Court or the budget of the Administrative Office of the Courts as agreed upon between them.

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 to



support the Commission, including an Executive Director selected by the Commission, who shall manage the business operations of the Commission at the direction of the Commission Chair(s).

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 to promote 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.

11.0 Authorization to Seek Funds. The Commission is authorized to seek funding from private and public sectors and is authorized to receive funds in its own name.

Signed at Olympia, Washington on \_\_\_\_\_, 2010.

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**WASHINGTON STATE  
MINORITY AND JUSTICE COMMISSION  
BYLAWS**

**PREAMBLE**

On October 4, 1990, the Supreme Court 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 (1) to examine all levels of the state judicial system in order to particularly ensure judicial awareness of issues affecting persons of color in the judicial system in order to achieve a better quality of justice; and (2) to make recommendations for improvement to the extent it is needed.

**ARTICLE I**

**Purpose**

- 1.1 The Minority and Justice Commission is charged with determining whether racial and ethnic bias exists in the courts of the State of Washington and to the extent that bias exists, taking creative steps to overcome it. To the extent that such bias does not exist, the Commission takes creative steps to prevent it.

**ARTICLE II**

**Membership**

- 2.1 The Minority and Justice Commission is co-chaired by a Supreme Court Justice, designated by the Chief Justice.
- 2.2 The other co-chair is a Member Chair of the Commission, who shall be elected from the twenty-one (21) Commission members by a majority either when the Commission is renewed by order of the Supreme Court or upon resignation of the Member Chair (Co-chair).
- 2.3 The Commission shall consist of twenty-one (21) members, appointed by the Supreme Court, representing an approximate mix of judges of all levels of court, members of the legal system and private citizens of the State of Washington. Members should be chosen to assure racial, ethnic, gender, cultural and geographic diversity.
- 2.4 All appointments of the twenty-one (21) members shall be for a four (4) year renewable term. Vacancies shall be filled by the Supreme Court upon recommendations made by Commission.
- 2.5 Technical Support members may be appointed at any time by the Commission co-chair(s) and may be asked to continue at the end of each calendar year.

**ARTICLE III**

**Standing Committees**

- 3.1 The Executive Committee shall consist of the Commission co-chair(s) and chair(s) of each standing committee.
- 3.2 The Commission co-chair(s) shall appoint such standing committees as the work of the Commission shall reasonably require.
- 3.3 The Commission co-chair(s) shall appoint a chair for each standing committee, who shall serve at the pleasure of the Chair(s).

**ARTICLE IV**

**Ad Hoc Committees**

- 4.1 The Chair(s) may appoint such ad hoc committees as the work of the Commission shall from time to time require. The Chair(s) shall appoint a chair for such ad hoc committees from among the Commission members, but may staff these committees with non-Commission members, with the advice and consent of a majority of the quorum present when such appointments are made.

**ARTICLE V**

**Quorum**

- 5.1 A quorum shall consist of fifty (50) percent plus one or more of the twenty-one (21) Commission members. Vacancies shall not be considered. A member participating in a meeting by teleconference, video conference, or other electronic means approved by the Commission shall be counted in the determination of the quorum.
- 5.2 Commission action shall be by majority vote of the twenty-one (21) Commission members present or participating by teleconference, video conference, or other electronic means approved by the Commission, so long as a quorum is present.
- 5.3 In the absence of a quorum at a regularly scheduled meeting, the Executive Committee may take contingent action on business the Chair(s) determine to require action by the Commission prior to the next regularly scheduled meeting.
- 5.4 No proxy voting shall be allowed.

**ARTICLE VI**

**Meetings**

- 6.1 The executive director of the Commission shall serve as recording secretary for the Commission.
- 6.2 Commission meetings shall be held at least four (4) times a year. Additional meetings may be scheduled or specially called at the discretion of the Chair(s). Reasonable notice shall be given to each member. Participation in meetings of the Commission may be held by teleconference, video conference, or other electronic means approved by the Commission.

**ARTICLE VII**

**Special Funding**

- 7.1 In addition to such funding as shall be available through the AOC budgeting process, the Commission is authorized to seek and accept funding through appropriate processes and from appropriate sources to carry out Commission projects and purposes. Any funds so obtained shall be administered under proper auditing controls by AOC.

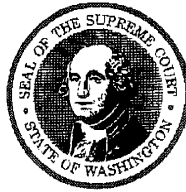
**ARTICLE VIII**

**Amendments to Bylaws**

- 8.1 These bylaws may be amended or modified at any regular or special Commission meeting, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which it is proposed.

Adopted: October 8, 2010





**Administrative Office of the Courts Diversity Team  
Developing a More Effective Strategy and Strengthening Our Approach**

In 2010, a workgroup was convened to assess the courts' efforts in reducing and mitigating bias in the justice system by ensuring inclusion, diversity, and cross-cultural competency. The workgroup was charged with identifying a solution that would:

- Advance the mission of diversity and inclusiveness in the courts.
- Improve communication and collaboration within and between groups.
- Encourage and support new ideas and creativity.
- Enable nimble and flexible response in an ever-changing environment.
- Identify and where feasible, eliminate conflicts, redundancy, and inefficiency.
- Improve priority setting and governance.

The workgroup proposed convening a governing council that would consist of representatives from eight Commissions or committees whose mission included some aspect of ensuring an equitable system, free of bias. The governing council would meet quarterly to discuss projects with the goal of reducing duplication and/or redundancy of work between the entities and encouraging collaboration.

Concerns were raised that establishing a council would simply add another layer of bureaucracy and that the entities might lose autonomy under that governance structure. As a result, other approaches have been discussed. This report presents an alternative approach toward reaching the goals articulated in the workgroup report and outlined above while maintaining independent commissions and/or committees.

**Recommended Solutions:**

1. The Chairs and Vice or Co-Chairs (Chairs) of the Gender and Justice and Minority and Justice Commissions will oversee and coordinate the activities of those Commissions to address cultural competency, bias, and inclusion and regularly advise the Supreme Court Administrative Committee of the Commissions' work.
2. A staff team approach, using existing positions, will be used to ensure on a daily basis that there is coordination and collaboration on work addressing cultural competency, bias, and inclusion.

The Commissions will share annual reports and prepare reports to the Administrative Committee on challenges they are facing, projects they are undertaking, and identify any overlapping agenda items. The Commissions leadership will meet with the Administrative Committee twice annually to discuss any conflicts or duplications, and, when appropriate, identify joint projects and the designated Commission or committee lead. These meetings will be staffed by the AOC Senior Court Program Analyst Lead position.

The staff team will be directly responsible for the work of the Washington State Supreme Court Gender and Justice Commission and the Washington State Supreme Court Minority and Justice Commission. This is an important step in creating a more effective and unified approach to addressing cultural competency, bias, and inclusion.

**A Senior Court Program Analyst, the Lead for the team, will:**

- Work with the Commission Chairs in developing short- and long-term plans and establishing outcomes and priority activities.
- Provide conceptual oversight for the work to include consultation and support to Commission Chairs and their members.
- Provide primary staff support for the Gender and Justice Commission and Minority and Justice Commission meetings.
- Be the liaison to the trial court associations.
- Oversee outreach to other entities addressing diversity and inclusion.
- Identify and share best and promising practices.
- Discuss and recommend to the Commission Chairs, if necessary, appropriate placement or assignment of a project between the Commissions.
- Identify gaps, redundancies, emerging issues, and provide information, and if appropriate, recommendations to the Commission Chairs and its members.
- Manage inter-jurisdictional, comprehensive programs or policy development.
- Mentor other staff assigned to Commission work in staffing projects and/or developing educational programs.
- Ensure that members are kept abreast of issues of importance to the Commissions.
- Oversee design, research and analysis, and provide feedback to the Commissions.
- Develop educational programs for the courts.
- Monitor budgets.

**A Court Program Analyst will:**

- Assist in designing, developing and implementing Commission plans and projects.
- Review, analyze, and recommend courses of action for consideration by Commission members.
- Provide information, consultation, and staff support to Commission committees.
- Identify and share best and promising practices.
- Identify opportunities, gaps, redundancies, emerging issues and provide information, and, if appropriate, recommendations to Commission committees.
- Carry out policies and programs agreed upon and/or set forth by Commission Chairs and lead staff.
- Assist in the development of educational programs for the courts.
- Liaison with legal communities and other entities in addressing diversity and inclusion.
- Assist in monitoring budgets.

**A second Court Program Analyst will:**

- Act as a liaison between the Commissions and the BJA Public Trust and Confidence Committee.
- Work on public outreach and education activities with legal entities, schools, and the general public.

**A Court Program Assistant will:**

- Document and track work proposed and completed on projects, programs, and policy development.
- Track budget expenditures.
- Assist in researching best and promising practices.
- Monitor grant projects and prepare Federal reports.
- Coordinate the development of annual reports.

**A designated Administrative Secretary will:**

- Manage meeting logistics.

- Arrange committee conference calls.
- Prepare bill tracker reports.
- Prepare materials for meetings, educational programs, and Commission and committee projects.

**TEAM OPERATIONS**

- There will be a weekly meeting of the team to review the work for the week and discuss any challenges that may prevent completion and progress on any work or project.
- The Lead staff will ensure that each Commission is informed of the work of the other Commission.
- Selection and prioritization of projects will be determined by the Commissions Chairs.
- The lead staff, in consultation with other staff, will develop and monitor execution of the work plan for the Commissions.
- The AOC Manager will be responsible for all personnel actions of staff and staff leaves and regularly advise the Commissions Chairs of any staff issues or conflicting priorities regarding workload or priorities. The allocation of staff and time shall be distributed equally between the Commissions as much as possible.
- The Lead and the two Court Program Analysts will staff most of the committees, and assignments will be according to ability, special knowledge of the subject area, and resources.
- The Court Program Assistant will maintain a matrix of existing and proposed project work, responsible parties, and progress that will be provided to Commission Chairs and members.

This approach will be reviewed twice annually by the Administrative Committee, Chairs, and AOC leadership to determine whether adjustments need to be made and to explore and recommend additional efforts that will lead to a more effective and unified response to ensuring diversity, cultural competency, and inclusion in our court system.

Barbara Madsen 7/5/12  
 Chief Justice Barbara Madsen Date

Gender and Justice Commission Chair

Alicia Nakata 7-9-12  
 Judge Alicia Nakata Date

Gender and Justice Commission Vice-Chair

Callie L. Dietz 7/11/12  
 AOC State Court Administrator Date

Charles Johnson 7/6/12  
 Justice Charles Johnson Date

Minority and Justice Commission Co-Chair

Mary Yu 6/27/12  
 Judge Mary Yu Date

Minority and Justice Commission Co-Chair









# STATE OF WASHINGTON MINORITY AND JUSTICE COMMISSION

## COMMISSION MEMBERS

July 5, 2012

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

**Judge Mary I. Yu**  
King County Superior Court  
Co-Chairperson

**Judge Vickie I. Churchill**  
Island County Superior Court

**Judge Deborah D. Fleck**  
King County Superior Court

**Judge LeRoy McCullough**  
King County Superior Court

**Judge Stephen R. Shelton**  
Puyallup Municipal Court

**Judge Mariane C. Spearman**  
King County Superior Court

**Judge Greg D. Sypolt**  
Spokane County Superior Court

**Judge Vicki J. Toyohara**  
Judge Pro Tem

**Judge Dennis D. Yule, Retired**  
Benton-Franklin County Superior Court

**Jeffrey A. Beaver**  
Attorney at Law

**Robert C. Boruchowitz**  
Seattle University School of Law

**Bonnie J. Glenn**  
Special Assistant to Secretary, DSHS

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

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

**Jeffrey C. Sullivan, Retired**  
United States Attorney

The Honorable Justice Charles H. Johnson  
The Honorable Judge Mary I. Yu  
Co-chairs, Washington State Supreme Court  
Minority and Justice Commission

Dear Justice Johnson and Judge Yu,

On June 29, 2012, from 3pm-5pm, the Minority and Justice Commission Juvenile Justice Committee convened its first meeting.

Consistent with your direction to prioritize the Task Force on Race and Criminal Justice recommendations (TFR) 2, 5, and 6 at pages 14-15 of the *Juvenile Justice and Racial Disproportionality* publication, which is based upon the presentation to the Washington State Supreme Court on March 28, 2012, at the Temple of Justice; the group discussion focused on the best way to implement the prioritized recommendations.

The group also discussed implementing other recommendations in order of priority and whether there is a need to expand committee members to facilitate the implementation process.

After a thorough discussion and review of the prioritized TFRs, the Committee agreed to table the membership discussion for a future meeting and to begin the implementation process by first focusing on TFR 2. Therefore, we recommend:

1. The Minority and Justice Commission<sup>1</sup> endorse the Washington State Center for Court Research (WSCCR) Administrative Office of the Courts (AOC) publication "*Collecting Race and Ethnicity Data in the State of Washington's Juvenile Courts*." Zipoy, J. (2010), Olympia: Washington State.
2. The Minority and Justice Commission request that by September 30, 2012, AOC to make publicly available via the Internet and published reports disaggregated race & ethnicity indicator data focusing on identifying the rate of Disproportionate Minority Contact (DMC) at the key decision points (arrest, referral,

<sup>1</sup> Consistent with objectives to collaborate with other juvenile justice stakeholders and partners, the Juvenile Justice Committee will also ask the Washington State Partnership Council on Juvenile Justice (WA-PCJJ) to consider endorsing the WSCCR publication.

**Administrative Office of the Courts ♦ Post Office Box 41170 ♦ Olympia, Washington 98501-1170**

**Telephone (360) 705-5327 ♦ Telefacsimile (360) 357-2111**

**E-mail: [Minority.Justice@courts.wa.gov](mailto:Minority.Justice@courts.wa.gov)**

**Website: [www.courts.wa.gov](http://www.courts.wa.gov)**



diversion, detention, filing charges, adjudication, probation/community supervision, secure confinement, declination) within the juvenile justice system.

3. The Minority and Justice Commission request that the Washington State Supreme Court allocate sufficient resources on an annual basis to sustain the collection and annual publicizing of disaggregated race & ethnicity juvenile justice data by jurisdiction and at each key decision point on the juvenile justice continuum.

We believe the recommendations above are an important first step to implementing the TFRs and in addressing the complex issues impacting the juvenile justice system. The Commission's vote to approve these recommendations will allow the Juvenile Justice Committee to comply with your direction and to commence the work identified in the DMC Resolution unanimously adopted by the Commission on November 17, 2011.

Thank you for the opportunity to assist you in continuous and ongoing efforts to maintain a fair and equitable juvenile justice system. We look forward to discussing the recommendations further at the July 27, 2012 Commission meeting.

Sincerely,

*Carla C. Lee*

Carla C. Lee  
Chair, Juvenile Justice Committee

Cc: Committee Members:  
Judge Michael Trickey  
Judge Leroy McCullough  
Carl McCurley  
Anne Lee  
Kim Ambrose  
Monto Morton  
Myra Downing ✓  
Cynthia Delostrinos

Attachments (1): *Collecting Race and Ethnicity Data in the State of Washington's Juvenile Courts*. Zipoy, J. (2010), Olympia: Washington State.



## Collecting Race & Ethnicity Data in the State of Washington's Juvenile Courts A Best Practice Review

### ***Disproportionate Minority Contact***

Disproportionate minority contact (DMC) refers to the overrepresentation of minority youth in the justice system. Reduction of DMC is a mandate in the 2002 reauthorization of the Federal Juvenile Justice and Delinquency Prevention Act. In most jurisdictions, according to a 2009 OJJDP publication, "disproportionate juvenile minority representation is ... evident at nearly all contact points of the juvenile justice system continuum." Assessing the level of DMC is the first stage in developing and implementing reforms that reduce the minority overrepresentation in each phase of the process<sup>1</sup>. Once the extent of the DMC is understood, then questions can be asked about the reasons why and to what extent DMC exists in Washington's juvenile courts and solutions can be proposed.

### ***Data are the Building Blocks***

Reducing disproportionate minority contact within the juvenile justice system requires a clear understanding of the problem informed by valid and reliable data. Data standards, staff training, and regular feedback through a quality assurance process are needed to ensure that high-quality data are collected and accurate numbers support decision-making intended to promote racial and ethnic fairness. Implementing a common data collection practice in juvenile courts statewide would begin to improve the accuracy of reports on the nature of the DMC problem in Washington.

### ***Defining Race and Ethnicity***

Identifying an individual's race and ethnicity is the first step in descriptive analysis of DMC. It must be kept in mind that racial and ethnic categories should not be primarily understood as being biological or genetic, but should include social and cultural characteristics as well as ancestry.<sup>2</sup> Race and ethnicity categorizations are intended to summarize a person's ancestry, social characteristics, and cultural characteristics in order to allow administrators and practitioners to describe the population being served — 1) to know whom the system is serving, 2) what services or resources are needed to appropriately respond to the system's "customers" with culturally appropriate services and programs, adequate training for staff, and sufficient interpreters, bilingual staff, and translated materials, 3) to monitor and examine how the system responds to different groups, and 4) to share this information with stakeholders and the community. Common definitions for data elements allow for comparisons across courts, programs, counties, and states.

### ***Federal Policy and Recommended Standards***

In 1997, the Federal government published revised standards of classification for Federal data on race and ethnicity. The current standards have separated race and ethnicity into two components, and recommend that separate questions for race and ethnicity should be used. When separate questions are used, ethnicity is to be collected first. Minimum standards require two categories in the ethnicity question and five categories in the race question. These standards state that "Hispanic or Latino" is an ethnicity, not a race, and is the primary ethnicity recognized in the United States. The National Center for Juvenile Justice (NCJJ) and the Center for Children's Law and Policy (CCLP) have proposed standards for collecting race and ethnicity data which were adopted by the Office for Juvenile Justice and Delinquency Prevention (OJJDP), and which are consistent with the 1997 Federal policy.

To ensure that reporting is locally relevant, the OJJDP technical assistance manual recommends that DMC reports for local jurisdictions contain calculations for only those minority groups containing 1% or higher of the total youth population. For example, if American Indians/Alaska Natives make up less than 1% of the population, DMC reports would not be required to report calculations for this group.

The 2008 statewide racial breakdown for youth aged 0-17 in Washington State appears in Exhibit 1 :

### ***EXHIBIT 1<sup>3</sup>***

<b>RACE</b>	<b>Percent of Population</b>
White	80.1%
Asian/Pacific Islander	7.0%
Mixed (two or more)	6.3%
Black	4.5%
American Indian/Alaska Native	2.2%
<b>ETHNICITY</b>	<b>Percent of Population</b>
Hispanic	15.7%
<i>State Population, Youth 0-17, April 1 2008</i>	<i>1,577,661</i>

### Racial Coding Guidelines

NCJJ and CCLP developed guidelines to assist data collectors in applying the standards in a consistent manner.

NCJJ<sup>4</sup> recommends that the question format, fixed order of the questions, and fixed coding structure in Exhibit 2 be used to collect the essential data for analysis and reporting. Interviewers should present in verbal or written form the five options for race and ask the youth to choose all that apply. An optional third question provides flexibility to counties that wish to accommodate local preferences for capturing different affiliations while ensuring that the Federal government's standards for minimum race categories are met first.

The following guidelines should assist in the decision-making process when questions are encountered.

1. Self-identification is the preferred method for collecting this type of data. It is best accomplished by a face-to-face interview with the youth. In the event that a face-to-face interview is not conducted and the intake determination is made on review of documentation (such as an arrest report), the data collector should code race and ethnicity based on the referring agency's report. If no information is provided by the referring agency, it is acceptable to mark unknown. However, if further action is taken on the case, every effort should be made to obtain the missing information.

2. If the youth has difficulty answering the race question, interviewers should repeat the question and response options and encourage the youth to select a response that falls within the five existing categories. Question prompts considered to be offensive and ineffective should not be asked; they include "In addition to being Hispanic, can you describe yourself as [repeat race categories]?" or "Hispanic or Latino is generally considered an ethnicity rather than a race. Hispanic or Latino persons can be of any race".

3. If a youth initially responds that his or her ethnicity or race is unknown, interviewers should clarify the definitions of the ethnicity or racial categories (see Exhibit 3). If the youth continues to respond that he or she does not know his or her ethnicity or race, that his or her ethnicity or race is something "other" than the available categories, or there is no conversation with the youth and no information provided by another source, interviewers should infer the answer to the question (based on observation or information provided by another source). The logic behind this decision is that it is better to have inferred data (although it might be incorrect) than missing data, because the inferred data can still be used and later corrected, while missing data cannot.

### EXHIBIT 2 Best Practice

Ask three questions in a strict order, and get youth to self-identify.

#### Ordered Questions

1. *Ethnicity*: "Are you Hispanic or Latino/a?"  
Answers: "Yes, Hispanic" or  
"No, Not Hispanic"
2. *Race*: "What is your race?"  
Answers: American Indian/Alaska Native,  
Asian,  
Black/African American,  
Native Hawaiian/Pacific Islander,  
White
3. *OPTIONAL: National Origin*: "Do you identify primarily with a particular country of origin, ancestry or if you are Native American, a particular tribe?"  
Answers: (open-ended)

4. If the question about national origin is asked and the youth chooses not to respond, interviewers should not infer an answer. Missing data for this question does not have the policy relevance associated with race and ethnicity.

For youth who answer "Hispanic" to the race question, there may be some resistance to identifying with a racial group. Prompting with a statement such as "Hispanic is considered to be an ethnicity not a race; Hispanic persons can be of any race — are you able to identify with one group or another" may help, but ultimately Hispanic youth may refuse to answer the race questions. In this situation, interviewers may record race as "unknown". However, "Hispanic" should be marked in response to the ethnicity question.

#### Judicial Information System Business Process

The state Administrative Office of the Courts manages and maintains the Judicial Information System (JIS), which contains court data for all courts statewide. The JIS has a standard business process specific to race and ethnicity data. Recognizing that Hispanic is considered an ethnicity and not a race, the system automatically recodes Hispanic entered in the race field to Unknown race, and Hispanic ethnicity.



### **Current Court Practices Supporting Data Integrity**

The following recommendation is shared for information purposes. It is often helpful to see what other courts are doing and more effective to implement existing practices rather than reinventing the wheel.

Pierce County's Juvenile Court has a very low percentage of unknown race and ethnicity data for their juvenile offenders. Because of their work with the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative and the MacArthur Foundation's Models for Change Initiative regarding DMC, they have implemented a juvenile court policy that ensures that all youth are asked to self-identify their race and ethnicity to the probation officer at intake. Administration regularly reviews reports and asks officers with cases missing race and ethnicity information to complete the missing fields as soon as they are able. Regular quality assurance review allows for missing information to be corrected in a timely manner, prior to formal reporting.

This process allows courts to begin focusing on data quality as a component of their regular administrative activities. It develops an ownership among the probation officers for the accuracy of the data they enter and a commitment to high-quality data. It is the first step in becoming a data-driven court.

### **Build the Foundation for DMC Reduction**

In order to address DMC in Washington's juvenile justice system, the Pierce County Juvenile Court practices can be used as a model for other courts seeking to improve the quality of their race and ethnicity data. If juvenile courts are interested in further data development training, researchers from the Washington State Center for Court Research will work directly with each court.

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1. Feyerherm, W., Snyder, H. N., and Villarruel, F. (2009) DMC Technical Assistance Manual, 4th Edition. Chapter 1: Identification and Monitoring. OJJDP, Washington DC Retrieved from: [http://www.ncjrs.gov/html/ojjdp/dmc\\_ta\\_manual/index.html](http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/index.html)
2. Office of Management and Budget (1997) Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Federal Register, October 30, 1997 available at: [http://www.whitehouse.gov/omb/fedreg\\_1997standards/](http://www.whitehouse.gov/omb/fedreg_1997standards/)
3. Washington State Office of Financial Management. April 1 Population Estimates by County by Age, Gender, Race, and Hispanic Origin: 2008 Retrieved 10/15/2009 from: <http://www.ofm.wa.gov/pop/race/default.asp>
4. Torbet, P., Hurst, H., and Soler, M. (October 2006) Guidelines for Collecting and Recording the Race and Ethnicity of Juveniles. National Center for Juvenile Justice.

### **EXHIBIT 3 Categories and Definitions**

(source: Federal Register Vol. 62, No. 210, Thursday, October 30, 1997.)

- Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Black or African American: A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" can be used in addition to "Black or African American."
- Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Citation: Zipoy, J. (2010), *Collecting Race and Ethnicity Data in the State of Washington's Juvenile Courts*. Olympia: Washington State Center for Court Research





# STATE OF WASHINGTON MINORITY AND JUSTICE COMMISSION

## COMMISSION MEMBERS

July 11, 2012

Justice Charles W. Johnson  
Washington State Supreme Court  
Co-Chairperson

Judge Mary I. Yu  
King County Superior Court  
Co-Chairperson

Judge Vickie I. Churchill  
Island County Superior Court

Judge Deborah D. Fleck  
King County Superior Court

Judge LeRoy McCullough  
King County Superior Court

Judge Stephen R. Shelton  
Puyallup Municipal Court

Judge Mariane C. Spearman  
King County Superior Court

Judge Greg D. Sypolt  
Spokane County Superior Court

Judge Vicki J. Toyohara  
Judge Pro Tem

Judge Dennis D. Yule, Retired  
Benton-Franklin County Superior Court

Jeffrey A. Beaver  
Attorney at Law

Robert C. Boruchowitz  
Seattle University School of Law

Bonnie J. Glenn  
Special Assistant to Secretary, DSHS

Jeffrey E. Hall  
Administrative Office of the Courts

Sandra E. Madrid, Ph.D.  
University of Washington School of Law

Jeffrey C. Sullivan, Retired  
United States Attorney

Honorable Steven J. Tucker, President  
Washington Association of Prosecuting Attorneys  
206<sup>th</sup> 10<sup>th</sup> Avenue SE  
Olympia, WA 98501

Dear Mr. Tucker,

As you may recall, the Task Force on Race and the Criminal Justice System convened a forum at the Supreme Court in March of 2012 on the topic of racial disparity in the juvenile justice system. The Task Force offered a set of recommendations addressed to each segment of the system, including the courts, prosecutors, and law enforcement. The Supreme Court has referred some of the recommendations to the Washington State Supreme Court Minority and Justice Commission for implementation. Thus, as Co-chairs of the Commission, we are writing to invite the Washington Association of Prosecuting Attorneys to join us in exploring implementation of the recommendations, including the possibility of a future presentation to the Supreme Court in March of 2013 as a response to the Task Force recommendations.

As you know, the problem of over-representation by minority and ethnic youth in the juvenile justice system is complex. One of our first tasks is attempting to review our data so we have the most accurate picture of what is currently occurring within our system. We know that poverty influences these findings but we also know that race and ethnicity plays a role. As the Task Force presentation made clear, each entity within the justice system must examine its own practices, but we cannot ignore the interconnectedness of the system actors. Addressing the issue requires us to work together in finding solutions that can have a positive influence on reducing disproportionality.

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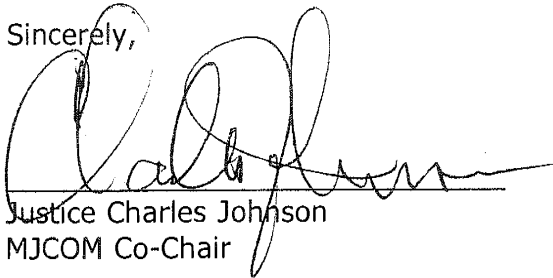


Honorable Steven J. Tucker  
July 11, 2012  
Page 2


We have asked Ms. Carla Lee to Chair our newly formed Juvenile Justice Committee that will be taking the lead on the March 2013 program. She will be in contact with you within the next couple of weeks with the hope that you will accept our invitation. Please do not hesitate to contact her if you have any questions. She can be reached at (206) 696-7503, ext 20.

Thank you for your interest in working with us.

Sincerely,



Justice Charles Johnson  
MJCOM Co-Chair



Judge Mary Yu  
MJCOM Co-Chair

cc: Chief Justice Barbara Madsen  
Ms. Carla Lee  
Mr. Tom McBride, Executive Secretary  
Honorable Russell D. Hauge, Kitsap County Prosecuting Attorney  
Honorable Steven J. Tucker, Spokane County Prosecuting Attorney



# **The Washington State Minority and Justice Commission**

## **Mission Statement**

The Washington State Minority and Justice Commission was created by an Order of the Washington State Supreme Court to determine whether racial and ethnic bias exists in the courts of the State of Washington. To the extent that it exists, the Commission is charged with taking creative steps to overcome it. To the extent that such bias does not exist, the Commission is charged with taking creative steps to prevent it.

## **Education Committee**

### **Mission Statement**

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

### **Goals 2010 thru 2015**

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







**Washington State Minority and Justice Commission (WSMJC) – Education Committee**  
Wednesday, April 11, 2012 (12:00 p.m. – 1:00 p.m.) Teleconference



**MEETING MINUTES**

**Members Present:**

Judge LeRoy McCullough, Chair  
Judge Gregory Sypolt, Vice-Chair  
P. Diane Schneider  
Judge Vicki Toyohara

**Members Not Present:**

Ann Benson  
Judge Donald Horowitz

**AOC Staff Present:**

Myra Downing  
Monto Morton  
Pam Dittman

The meeting was called to order by Judge LeRoy McCullough.

2012 ATJ and Bar Leaders Conference

The Conference is scheduled for June 8-10, 2012, and located in Yakima, Washington. Mr. Morton reported that he tried to contact the presenters of the two sessions of interest to the Education Committee listed below:

- “Lessons Learned in Family and Juvenile Court” Presented by Dr. Carl McCurley, Washington Center for Court Research, and Carla Lee, Center for Children & Youth Justice.
- “Child Welfare Reform, the Washington State Indian Child Welfare Act and What Lies Ahead for Indian Children and Families” Presented by Presiding Judge Tom Tremaine, Kalispel Tribal Court, and Chief Justice Anita Dupris, Colville Tribal Court of Appeals.

He stated that Judge Tom Tremaine responded that he would check with Chief Justice Anita Dupris and let him know how they thought the Commission could be a participant or co-sponsor of their session.

Mr. Morton will contact the Commission Co-Chairs to get authorization to attend the Conference and reimbursement for Committee members who attend the Conference. He will also contact the coordinators of the Conference to see if the Commission could get a display table.

Hispanic National Bar Association 2012 Annual Convention

The Convention is scheduled for August 22-25, 2012, located in Seattle, Washington. Mr. Morton will check to see if the Commission could be advertised in the handout materials for the event. He will also check to see if the Commission could secure a display table. Judge McCullough also requested information about the Convention containing a youth component.

#### A Benchguide for Washington Criminal Courts on Immigration Law

Ms. Downing reported that Ann Benson is working on two bench guides, a civil and criminal. She stated that Ms. Benson is planning on having the judges that review the bench guides be the presenters for the 2012 Annual Conference session which is scheduled for Tuesday, October 2, 2012, from 8:30 a.m. to 12:00 noon (3 hour choice session). The session is co-sponsored with the Gender and Justice Commission. A meeting will be scheduled with the presenters to discuss session content. Ms. Downing will send the latest draft of the bench guides to the Committee.

It was recommended that participants be brought in that would talk with the judges about their experiences in the justice system. Pramila Jayapal was recommended as a contact person to help find participants. It was recommended that a mixed ethnic group of participants be utilized for the session. An organization called Eretria in Seattle was recommended also as a contact.

#### MBA Judicial Education Needs Survey

Mr. Morton reported that the Commission met with minority bar leaders and Executive Branch minority commission representatives and discussed topics of interest in educating judicial officers. Given this information, it was recommended that the Commission not survey the minority bar associations.

#### 2012 Annual Judicial Conference – Judicial Education Needs Survey

It was stated that judicial officers do not always know the issues relating to racial and ethnic bias in the courts, so it was recommended that the survey questions be phrased in a way that would get judicial officers to think about what is happening in their courtroom that is a problem, such as ICE being in the courtroom arresting people and what issues come up in arrangement. Also details could be asked about demographics, location, and type of court could be collected. It was recommended that the topics be divided into groups such as juvenile, adult, and family law. It was also recommended to ask the judicial officers what they do to diversify their courts. AOC staff will draft something for the Committee's review in the next two weeks. The goal is to produce it on Survey Monkey and get the results of the survey by the next Committee meeting, June 13, 2012.

#### Meeting Schedule for 2012

Teleconferences are typically held the second Wednesday of every other month at 12:00 p.m., and the following are currently scheduled for 2012:

- June 13, 2012
- August 8, 2012
- October 10, 2012.
- December 12, 2012
- NOTE: Commission meeting Friday, April 27, from 8:45 a.m. to 1:00 p.m., SeaTac Office Center, 18000 International Boulevard, Suite 1106, SeaTac, Washington.

## PROPOSED EDUCATION SESSION PROPOSAL

<b>Proposed by:</b> Washington State Minority and Justice Commission			
<b>Topic/Title:</b> A Benchguide for Washington Criminal Courts on Immigration Law			
<b>53<sup>rd</sup> Annual Judicial Conference</b> September 30 – October 3, 2012	<b>TYPE:</b>	<b>TIME:</b>	<b>SIZE LIMIT?</b>
	<input checked="" type="checkbox"/> Plenary <input checked="" type="checkbox"/> Choice	<input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	Open
<b>TARGET AUDIENCE:</b>			
<input checked="" type="checkbox"/> All Court Levels <input type="checkbox"/> Appellate Court Level <input type="checkbox"/> CLJ Court Level <input type="checkbox"/> General <input type="checkbox"/> Part-time <input type="checkbox"/> Other: <input type="checkbox"/> New Judges <input type="checkbox"/> Mid-career Judges <input type="checkbox"/> Senior Judges			
<b>Has any preparatory work been completed?</b>			
Preparatory work has been completed by the Gender and Justice and Minority and Justice Commissions.			
<b>Recommended persons to be involved in planning:</b>			
Judge Mary I. Yu; Judge Linda Lee; Judge Susan Craighead; Judge Veronica Alicea-Galvan; Ann Benson; and Myra Downing.			
<b>Potential Faculty:</b>			
Judge Mary I. Yu; Judge Linda Lee; Judge Susan Craighead; and Judge Veronica Alicea-Galvan.			
<b>Description of session articulating key issues to be presented.</b>			
The Gender and Justice and Minority and Justice Commissions collaborated to produce <i>A Benchguide for Washington Criminal Courts on Immigration Law</i> (2012). The benchguide is designed to provide Washington criminal court judges with analysis of relevant concepts in immigration law and procedure, as well as recommendations for best practices for handling cases involving noncitizen defendants.			
<b>Objectives for the Course (participants will be able to)?</b>			
<ul style="list-style-type: none"> <li>• Provided with an introduction to the benchguide and an overview of the concepts and issues addressed in it, including:               <ul style="list-style-type: none"> <li>○ Judicial implications of <i>Padilla v. Kentucky</i> and <i>State v. Sandoval</i> and recommended best practices;</li> <li>○ The impacts of ICE detainers on criminal proceedings;</li> <li>○ The impact of the record of conviction on removal proceedings;</li> <li>○ Judicial considerations at sentencing;</li> <li>○ Issues regarding article 36(b) of the Vienna Convention on Consular Affairs;</li> </ul> </li> <li>• Exposed to best practices for addressing current, relevant issues;</li> <li>• Encouraged to engage in discussion of the issues and share insights, challenges and experiences related to the impact of immigration issues in their work.</li> </ul>			
<b>Materials: Are there obvious materials for the session, i.e., case law, rules, seminal law review articles, etc. –</b>			
<ul style="list-style-type: none"> <li>• Benchguide on Washington Criminal Courts &amp; Immigration Law;</li> <li>• PowerPoint developed by planning group and presenters.</li> </ul>			
<b>ANTICIPATED COST?</b>	<b>Do you have funding available, please describe:</b>		
\$1000 Honorarium: \$0 Travel: \$500 Lodging: \$500 Other: \$0	Funding will be provided by the Gender and Justice and Minority and Justice Commissions.		



# **The Washington State Minority and Justice Commission**

## **Mission Statement**

The Washington State Minority and Justice Commission was created by an Order of the Washington State Supreme Court to determine whether racial and ethnic bias exists in the courts of the State of Washington. To the extent that it exists, the Commission is charged with taking creative steps to overcome it. To the extent that such bias does not exist, the Commission is charged with taking creative steps to prevent it.

## **Outreach Committee**

### **Mission Statement** (adopted August 3, 2007)

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

### **Goals for 2010 thru 2015**

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





**Washington State Minority and  
Justice Commission (WSMJC) –  
Outreach Committee**  
Monday, April 9, 2012 (4:30 p.m. – 5:30 p.m.)  
Teleconference



**MEETING MINUTES**

**Members Present:**

Judge Dennis Yule, Chair  
Commissioner Joyce McCown  
Judge Donald Horowitz, Retired  
Rosa Melendez

**AOC Staff Present:**

Monto Morton

**Members Not Present:**

Eric Jones  
Judge Mariane Spearman

The meeting was called to order by Judge Dennis Yule.

Update from the Executive Director

Mr. Morton reported that the Administrative Office of the Courts hired a new Court Services Manager, Ms. Jennifer Creighton, and she will be attending the next Commission meeting scheduled for Friday, April 27, 2012, at the SeaTac Office Center.

The Co-Chairs of the Commission established the Juvenile Justice Committee, and Ms. Carla Lee, Models for Change Project Coordinator, Center for Children & Youth Justice, was selected as Chairperson.

Equal Justice Newsletter

Mr. Morton reported that the Commission's intern, Matthew Sanders, has been gathering the content for the *Equal Justice* Volume 16 Number 1 newsletter. He stated that he will have a draft for Judge Dennis Yule and Commissioner Joyce McCown next week.

It was recommended that the Access to Justice and Bar Leaders Conference be added to the newsletter. Also, the newsletter should include the Spokane County Bar Association Diversity Committee Annual Luncheon event. On April 27, 2012 the Spokane County Bar Association will sponsor a CLE session on institutional bias at Gonzaga University.

2011 Annual Report

Mr. Morton reported that a draft of the 2011 Annual Report has been completed. The Committee reports will be sent to the Chairs for their review.

### 2011 Commission Artwork

The Committee members unanimously selected Al Doggett's "We Are America" as the artwork that will be presented to the Commission for selection.

### Access to Justice and Bar Leaders Conference

Judge Horowitz stated that he will contact Dean Kellye Testy to let her know that Judge Yule would like to talk about Commission participation in the Conference.

Mr. Morton reported that there are two sessions being presented at the conference that is of interest to the Commission:

- "Lessons Learned in Family and Juvenile Court." Presented by Dr. Carl McCurley, Washington Center for Court Research, and Carla Lee, Center for Children & Youth Justice.
- "Child Welfare Reform, the Washington State Indian Child Welfare Act and What Lies Ahead for Indian Children and Families." Presented by Presiding Judge Tom Tremaine, Kalispel Tribal Court, and Chief Justice Anita Dupris, Colville Tribal Court of Appeals.

Mr. Morton stated that he has reached out to the presenters, as requested by the Education Committee, asking how the Commission may participate and/or be of support to their sessions. He stated that he has heard back from Judge Tremaine who will let him know after checking with Chief Justice Dupris.

Judge Yule stated that he will contact Carla Lee.

### Annual Judicial Conference

Judge Yule reported that Judge LeRoy McCullough, Chair of the Commission's Education Committee, has contacted Justice Susan Owens and asked that James Bell, Founder and Executive Director of the W. Haywood Burns Institute, be invited to speak at the Conference. Mr. Bell was one of the speakers at the presentation given to the Washington State Supreme Court by the Task Force on Race and the Criminal Justice System on juvenile justice.

### Meeting Schedule for 2012

Teleconferences are typically held the second Monday of every other month at 4:30 p.m., and the following are currently scheduled for 2012:

- April 27, 2012 (face-to-face meeting)
- June 11, 2012
- August 13, 2012
- October 8, 2012.
- December 10, 2012
- NOTE: Commission meeting Friday, April 27, from 8:45 a.m. to 1:00 p.m., SeaTac Office Center, 18000 International Boulevard, Suite 1106, SeaTac, Washington.





**Washington State Minority and  
Justice Commission (WSMJC) –  
Race and Justice Research  
Committee**

**Monday, April 10, 2012 (4:15 p.m. – 5:00 p.m.)  
Teleconference**



**MEETING MINUTES**

**Members Present:**

Judge Mary Yu, Chair  
Justice Debra Stephens  
Professor Jon Hurwitz  
Professor Jeff Mondak  
Karen Murray  
Estela Ortega  
Dr. Sarah Veele-Brice  
Kendee Yamaguchi

**Members Not Present:**

Judge Mariane Spearman  
Craig Bill  
Uriel Iñiguez  
Dr. Carl McCurley  
Edward Prince  
Jeffrey Sullivan  
Judge Vicki Toyohara  
Professor Mark Peffley

**AOC Staff Present:**

Monto Morton

The meeting was called to order by Judge Mary Yu.

Project Outline Discussion

**Presentation of Proposed Study Timeline:**

It was reported that YouGov, online survey vendor, will be contracted. It was stated that services for the contract will need to be provided by June 30, 2012 for funds to be drawn from this fiscal year's budget. Mr. Morton will confirm this with John Bell, AOC Contracts Manager, and Myra Downing, Executive Director of the Gender and Justice Commission.

**Computer Assisted Survey:**

YouGov will survey 500 Caucasians, 300 Latinos, 300 African Americans, and 300 Asian Pacific Islanders. The contract cost will be \$30,750. The Commission is considering committing \$28,000 to the project.

It was reported that YouGov's survey process will take twelve business days. A survey should be provided to them by June 1, 2012 at the latest.

Professor Jeff Mondak will provide the survey questions utilized in the previous project for the Committee members' input. He stated that this survey was a thirty minute survey and will need to be cut down to fifteen minutes and also will be reworded to fit the needs of the new survey. The Committee members are asked to identify any missing themes and those questions/themes that are of importance to the new survey. Committee members are asked to respond by April 25, 2012. In the second week of May, a draft survey will be provided to the Committee and members will have a couple of weeks to respond.

Sarah Veele-Brice will contact Dr. Alexis Harris, University of Washington Department of Sociology, and ask her to join the Committee and for her input on developing methodology for the second component of the study, the community based surveying.

## **The Washington State Minority and Justice Commission**

### **Mission Statement**

The Washington State Minority and Justice Commission was created by an Order of the Washington State Supreme Court to determine whether racial and ethnic bias exists in the courts of the State of Washington. To the extent that it exists, the Commission is charged with taking creative steps to overcome it. To the extent that such bias does not exist, the Commission is charged with taking creative steps to prevent it.

### **Workforce Diversity Committee**

#### **Mission Statement**

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

#### **Goals for 2010 thru 2015**

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





**Washington State Minority and  
Justice Commission (WSMJC) –  
Workforce Diversity Committee**  
Wednesday, April 18, 2012 (4:30 p.m. – 5:30 p.m.)  
Teleconference



**MEETING MINUTES**

**Members Present:**

Judge Deborah Fleck, Chair  
Bonnie Glenn, Vice-Chair  
Sandra Madrid, Ph.D.  
Karen Murray  
Jeffrey Sullivan

**Members Not Present:**

Jeffrey Beaver  
Yemi Fleming Jackson  
Carlene Placide

**AOC Staff Present:**

Monto Morton

The meeting was called to order by Judge Deborah Fleck.

Diversifying the Bench Guidebook

Monto Morton reported that the “Diversifying the Bench Guidebook: How to Become a Judicial Officer” has been distributed nationally to law schools, thanks to Dr. Sandra Madrid and her contact Kent D. Lollis, Executive Director for Diversity Initiatives, Law School Admission Council. A request was made to provide a list of guidebook distribution, which is listed below:

Hardcopy Distribution List

Justices (9)  
Governor, and Marty Loesch, and Narda Pierce, legal counsel (3)  
Superior Court Judges’ Association President (1)  
Court of Appeals Presiding Judges (3)  
Superior Court Presiding Judges (32)  
DMCJA Officers, Board, and staff (15)  
Law School Deans (3)  
Minority Bar Leaders (15) (<http://www.wsba.org/minority+bar+associations.htm>)  
Chief Administrative Law Judge (1)  
Washington State Bar Association, Exec. Dir. Paula Littlewood (1)  
Washington State Bar Association Diversity Committee, Exec. Dir. Chach Duarte White (1)  
King County Bar Association, Exec. Dir. Andrew Prazuch (1)  
Commission and Technical Support Members (30)  
Gender and Justice Commission Staff (1)  
Extra Copies (10)

(126 copies)

Digital Distribution List

Justices  
National Center for State Courts  
District and Municipal Judges  
District and Municipal Court Administrators/Clerks

Superior Court Judges  
Superior Court Administrators  
Superior Court Commissioners  
Court of Appeals Judges  
Administrative Law Judges  
Legislature (House and Senate)  
MJC Mailing List (624)

Commission Members  
Educational Institutions  
Minority Groups  
Libraries  
Government Agencies  
Bar Associations  
Minority Media  
Tribal  
Community Groups  
Individuals

American Bar Association - Paula Bog  
Minority Bars, Nationally  
National Bar Associations  
Law Schools, Nationally

Mr. Morton will look into contacting the Judicial Division of the ABA, Judge Eileen Kato. He will also look into asking national bar associations to put a link to the guidebook on their Web sites.

It was recommended that groups that sponsored a training session regarding diversifying the bench be contacted to see if an evaluation was completed. The evaluation would show the Committee if there were areas that needed further attention.

#### Minority Law School Extern/Intern/Law Clerk-Bailiffs

Jeffrey Sullivan contacted Judge Mary Yu. He stated that Judge Yu utilizes several externs. He also stated that Judge Yu feels that law schools are making students available for externships, but not many judges are utilizing this resource.

Judge Fleck will ask Judge Yu about having a short presentation on externships at the June King County Superior Court Judges meeting.

#### Youth and the Law Pipeline

Mr. Morton reported that a content outline for the youth and law forum notebook was sent to Judges LeRoy McCullough, Dennis Yule, and Frank Cuthbertson for their review and input. He state that Judge Yule replied with additions to the content outline and recommended that the Commission's Outreach Committee work with the Workforce Diversity Committee in producing the notebook. Ms. Glenn stated that she will talk with Judge Cuthbertson tomorrow at a meeting. She also stated that there is a Youth and Law Forum: Faces of the Law scheduled on Saturday, April 21, 2012, at the MLK FAME Community Center, in Seattle.

Judge Fleck stated that materials were provided by Lorrie Thompson, Administrative Office of the Courts, for court open houses and those materials could be used in the notebook.

It was recommended that Judge T. W. "Chip" Small, Chehalis County Superior Court Judge, be contacted for notebook input since he has participated in youth and law forum programs.  
[Building a Diverse Court Education Session Proposal](#)

Mr. Morton provided a list of conferences and chairs/staff of planning committees. He will provide cut-off dates for 2013 proposals for Committee members.

#### Race and the Criminal Justice System Task Force

Bonnie Glenn thanked Committee members for their help with providing recommendations for invitees to the Task Force on Race and the Criminal Justice System presentation on Juvenile Justice at the Washington State Supreme Court which was held on March 28, 2012. The presentation was recorded by TVW and can be found on their Web site or at the Seattle University School of Law Web site at:  
[http://www.law.seattleu.edu/Centers and Institutes/Korematsu Center/Race and Criminal Justice/Juvenile Justice System.xml](http://www.law.seattleu.edu/Centers_and_Institutes/Korematsu_Center/Race_and_Criminal_Justice/Juvenile_Justice_System.xml)

#### National Hispanic Bar Association Convention

Mr. Morton will look into obtaining a way to provide the *Diversifying the Bench Guidebook: How to Become a Judicial Officer* and *Building a Diverse Court: A Guide to Recruitment and Retention, Second Edition, June 2010* to attendees. He will also see about the costs involved in placing an ad in the convention materials.

#### Meeting Schedule for 2012

Teleconferences are typically held the second Wednesday of every other month at 4:30 p.m., and the following are currently scheduled for 2012:

- June 20, 2012
- August 15, 2012
- October 17, 2012.
- December 19, 2012
- NOTE: Commission meeting Friday, April 27, from 8:45 a.m. to 1:00 p.m., SeaTac Office Center, 18000 International Boulevard, Suite 1106, SeaTac, Washington.







# The Supreme Court

State of Washington

BARBARA A. MADSEN  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2037  
FAX (360) 357-2085  
E-MAIL J\_B.MADSEN@COURTS.WA.GOV

May 25, 2012

Honorable Charles W. Johnson  
Washington State Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

Dear Justice Johnson:

Thank you for participating in the April 12 leadership meeting concerning judicial branch strategic planning. I hope you found the session engaging and enlightening. I strongly believe that the ability of the judicial branch and its key stakeholders to come together to forge consensus on how we meet the challenges of the future will be the single most important factor in determining the effectiveness of our judicial system in the years ahead. The challenges we face are substantial, but they are not insurmountable. By making thoughtful decisions and working together we can create an opportunity to not merely overcome these challenges, but to create a 21st century court system that meets the needs of citizens for generations to come.

If you have not done so already, I hope that you will consider placing the issue of judicial branch planning on the agenda of the Minority and Justice Commission or address it informally. As I see it, in addition to briefing your members, the essential questions are: does the body support the concept of a planning initiative for the judicial branch, do they have any particular concerns or suggestions they would like to put forward at this time, and can the group be expected to participate as appropriate? Participation might mean recommending members for the planning body, hosting or otherwise assisting with outreach to your members, and taking the results of the process under review. Needless to say participation does not assume endorsement of the outcome

or commitment to the results, just an agreement to join in the process. Please communicate back to me the results of your discussions.

Please find enclosed a short document that summarizes where we are with respect to judicial branch planning. It articulates the need for collaborative planning and outlines what we hope to do in the coming months. Please feel free to circulate the document as you see fit. Also, as discussed on April 12 we would be happy to make AOC staff available to meet with you or your commission to provide a briefing. If invited we could possibly arrange for myself or perhaps Dean Testy to meet with you.

Over the next few months we will be working out the details of the planning initiative. I hope that we can count on your support. If you have any suggestions, concerns or input please communicate them to me or AOC staff Steve Henley ([steve.henley@courts.wa.gov](mailto:steve.henley@courts.wa.gov)). You can anticipate hearing more as we move forward.

Thank you again.

Sincerely,



Chief Justice Barbara Madsen

Enclosure

cc: Steve Henley

# JUDICIAL BRANCH STRATEGIC PLANNING

## The Need to Plan

The environment within which Washington's judicial system operates is changing in significant ways that will affect the ability of the courts to provide timely justice well into the 21st century. Most obviously, the recent recession and slow recovery are likely to adversely impact the ability of state and local governments to fund basic court and justice system operations for the foreseeable future. Government will be similarly challenged to provide critical services to residents, including education, health care, public safety, and assistance to families in need.

The slow economy also continues to place damaging stress on Washington's families, businesses and non-profit organizations. Younger workers entering the job market will be severely impacted for years to come. Other trends relate to ongoing shifts in the state's population, including rapid growth of the elder population, an increasingly diverse racial, ethnic and social/cultural mix, lower rates of family formation with more single-parent households, and continuing high growth in urban areas with low growth in many rural areas.

The ongoing explosion of technology brings with it both challenges and opportunities. People will increasingly expect institutions to provide fast and convenient access online and through mobile device applications, and can be expected to lose patience with, and confidence in, those institutions that fail to keep up with generally available technology. The internet and social media continue to transform the public sphere and blur traditional lines between public and private activities, replacing traditional mass media with forms of news dissemination and civic discourse that are far faster and highly participatory. Exponential gains in microprocessing speed and bandwidth at decreasing cost continue to revolutionize the workplace, including those of courthouses and legal offices, creating opportunities for improvements in speed and efficiency that were unimaginable a few years ago.

In light of these and a host of other considerations, Chief Justice Barbara Madsen has called on the judicial branch of Washington to undertake a long-range planning initiative designed to articulate a shared vision of the future, to identify critical challenges facing our state's judicial branch, and to create strategies to effectively respond to them.

## The Need to Collaborate

The judicial system of Washington is complex and decentralized, with multiple organizations operating at different geographic (e.g., state, regional, county, municipal) and

jurisdictional levels. No single entity or person has the constitutional authority to dictate the direction of the branch, or direct that organizations and individual elected officials participate in a coordinated planning. But there is a strong imperative to plan and to act together in a coherent and concerted manner to advance the effective administration of justice. If not, there is great risk that the judicial system will become increasingly antiquated, ineffective, and functionally irrelevant.

Recognizing the strength to be found in a unified effort, the Chief Justice recently convened a meeting of judicial branch organizational leaders and key stakeholders to open a dialog on the need to undertake a comprehensive planning process. Judicial branch participants included past, present and upcoming presidents of the judicial associations, presiding judges and the chief presiding judge of the Court of Appeals, chairs of major court committees and judicial branch commissions, and representatives from court administration, the Washington State Bar Association (WSBA), the Administrative Office of the Courts (AOC), and the judicial branch agencies. Key stakeholders also included representatives of the associations of the county clerks, counties and cities.

Following a discussion of the imperative to plan facilitated by Chief Justice Madsen, Dean Kellye Testy from the University of Washington Law School, and Paula Littlewood, Executive Director of the WSBA, attention shifted to the scope of a planning process and the creation of a forum or structure through which such planning might take place. Several central themes emerged:

First, all agreed that the primary focus of any planning effort must be on the needs of those who will be using our law and justice system over the course of the next few decades.

Second, any planning effort must recognize and respect the interdependence of the components of the judicial branch and key stakeholder institutions as well as the independence of each. The distinct missions of the component and stakeholder entities must be considered within the larger framework. Specific courts, committees, branch agencies and other component parts of the judicial branch remain responsible for their own governance, including planning.

Third, a planning project should be grounded in a common sense of purpose and basic objectives. As such it must be collaborative and voluntary. It will achieve legitimacy and influence through adequate representation and support of the participating organizations. It should not attempt to impose mandates but seek to forge consensus. It should be planning *of* and *by* the judicial branch, in consultation with its stakeholders, with a focus of the people it serves.

Fourth, the scope of planning should be high level. It should address system design and capacity rather than define the direction of operational systems. The purpose is to reach agreement on a common understanding of mission, vision and values, to articulate the nature of the major issues facing the judicial system, and to develop general strategies to respond to them.

A branch-wide process should *not* preempt or deter ongoing planning by the components of the judicial branch, but should seek to provide a unifying framework that will tend to integrate them over time consistent with this common sense of purpose. Operational level planning (i.e., prescribing particular activities) should remain within the purview of the separate entities and institutions to the extent that such decisions fall within their core jurisdictional spheres. The process should be dynamic, creating a framework in which participating organizations coordinate their separate, ongoing planning processes.

Fifth, the process should broadly engage the diversity of the state in all its relevant dimensions. It should reflect the state's rich texture of race and ethnicity along with gender and geography, and make a particular effort to engage younger generations of Washingtonians who have the greatest stake in the long-term future operation and relevancy of the our justice system. It should reach out to court users in all divisions, and consider state-of-the-art outreach techniques that make use of social media and related technology.

The conversation concluded with a commitment by participants to work with and secure the agreement of their organizations to participate in this effort. Over the coming months AOC planning staff will make itself available to assist with these discussions. A second convening—and formal kickoff of the process—is anticipated for early fall.

### **Structure, Scope and Level**

While the precise framework of a planning approach will continue to be discussed and adjusted, an outline of what its basic dimensions might be has emerged.

*Structure.* To achieve the breadth of participation required, the planning process will need to engage a broad universe of individuals and institutions. Some of this engagement might be episodic in nature through targeted outreach. A smaller subset of that universe, representative of internal actors and external stakeholders and constituencies, should be involved in the process in an ongoing manner. To encourage effectiveness and efficiency in the work of the body, a smaller subset of this group, perhaps five to seven members, can be designated as a steering committee. The steering committee would be primarily responsible for providing organizational leadership and ensuring the integrity of the process, while the full body would share responsibility for substantive deliberations. As appropriate, the steering committee may organize committees or subcommittees to focus on particular issues, reaching outside for additional input and subject matter expertise as needed.

*Scope.* The planning initiative should provide long-term guidance to the judicial branch of Washington, including the appellate and trial courts, the Administrative Office of the Courts, the Office of Public Defense, the Office of Civil Legal Aid, the Judicial Conduct Commission,

and the State Law Library. This is in contrast to the larger justice system, or a more narrow scope, such as the judiciary. Uniquely integral to planning for the judicial branch, and deserving of particular attention, is the role of the elected clerks of court in performing functions in support of the courts.

To effectively plan for the judicial branch, the planning effort must contemplate and coordinate with external entities that are not part of the branch but perform functions that are essential to its operations. These entities include the state legislature, counties, municipalities, and the state bar association. The planning process should engage these entities and coordinate with them, in areas that impact the branch.

*Level.* A branch-wide planning effort should be long-range and strategic, as opposed to short term, tactical or operational. Planning is not governance, but rather informs and guides those who govern. The planning initiative should seek to build consensus on the mission and vision of the branch, to build a clear and shared understanding of the major issues facing the branch, and to build consensus on strategic directions to be pursued with respect to those issues. It might set out broad goals, or statements of desired outcomes, and it might make recommendations or referrals for operational activities, but it should not purport to direct the activities of independent entities or duly authorized officials.

In the course of a branch-wide planning process it is likely that issues or ideas will emerge that generate support of short-term study or action by one or more of these entities. A procedure should be developed to capture these ideas and refer them as appropriate for consideration and potential action.

## **The Goal**

We live through institutions. We create them to meet the needs of our society, and over time they shape and define us. Few institutions are as critical as the law and the justice system, and their viability will be critical to the health of our society in the decades ahead. The challenges that the judicial system of Washington will face in those decades are substantial, but they are not insurmountable. By making thoughtful decisions and working together, it is possible to create an effective, efficient, 21st century court system that meets the needs of citizens for generations to come.

The purpose of strategic planning for the judicial branch is to strengthen the vital legal institutions that we have inherited; to move from reacting to circumstances that effect the administration of justice to anticipating those circumstances; to focus and coordinate efforts and energy; to move from short-term fixes to long-term solutions.