



MINORITY AND JUSTICE COMMISSION
SEATTLE UNIVERSITY SCHOOL OF LAW, SEATTLE, WASHINGTON
FRIDAY, FEBRUARY 5, 2016 (8:45 A.M. – 1:00 P.M.)
JUSTICE MARY YU, CO-CHAIR
JUSTICE CHARLES W. JOHNSON, CO-CHAIR

AGENDA

CALL TO ORDER - 8:45 a.m. – 9:00 a.m.

- Call to Order and Introductions
- Approval of December 4, 2015, Meeting Minutes

CO-CHAIRS' REPORT – 9:00 a.m. – 9:45 a.m.

- **Renewal of the Commission**
- **Re-appointment of Members** – Professor Bob Boruchowitz & Jeffrey Beaver
- **Revisions to Bylaws** – Vote on Amended Bylaws
- **2016 Supreme Court Symposium** – May 25
- **LFO Study**
- **National Consortium on Race and Ethnic Fairness** – May 25-27, Williamsburg, VA, Courts Engaging Communities: Building Trust and Increasing Confidence

PRESENTATIONS – 10:00 a.m. – 12:00 p.m.

- **Statewide Relicensing Program** – Karen Campbell, Northwest Justice Project
- **Proposed Rule Changes: Rule 35 on Jury Selection** – Sal Mungia, Gordon Thomas Honeywell, LLP
- **Washington State Truancy Report** – Carl McCurley, Washington State Center for Court Research
- **OJJDP Grant: Youth Access to Justice Reform Planning Grant** – George Yeannakis and Joanne Moore, MJC Juvenile Justice Committee Members

STAFF & COMMITTEE REPORTS – 12:00 p.m. – 1:00 p.m.

- **STAFF REPORT** - Cynthia Delostrinos
- **Judicial College** – Judge Veronica Alicea-Galvan
- **Juvenile Justice Committee** – Annie Lee
- **Law Student Liaisons**
 - Gonzaga
 - Seattle U & UW
- **Education Committee** – Justice Stephens
 - **Appellate Judges' Spring Conference – Topic: Mass Incarceration** – Justice Stephens
 - **SCJA Spring Conference – Topic: Bail** – Judge Doyle; **Ron Davis** – Judge McCullough
 - **DMCJA Spring Conference – Topic: Relicensing** – Judge Coburn & Judge Walden
- **Workforce Diversity Committee** – Bonnie Glenn
- **Outreach Committee** – Judge Yule

ADJOURNMENT

NEXT MEETING: Friday, April 1, 2016 – 8:45 a.m.-12:45 p.m.



Washington State Minority and Justice Commission (WSMJC)
Friday, December 4, 2015
8:45 a.m. – 12:45 p.m.
Tukwila Community Center, Tukwila Washington



MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair
 Ms. Manal Al-ansi
 Judge Veronica Alicea-Galvan
 Judge Lisa Atkinson
 Prof. Lori Bannai
 Ms. Annie Benson
 Prof. Robert Boruchowitz
 Judge Linda Coburn
 Sgt. Adrian Diaz
 Mr. Mike Diaz
 Judge Lisa Dickinson
 Judge Theresa Doyle
 Ms. Marie Eggart
 Ms. Sara Erickson
 Ms. Bonnie Glenn
 Mr. Russell Hauge
 Ms. Angela Jones
 Ms. Anne Lee
 Ms. April Liu
 Judge LeRoy McCullough
 Ms. Karen Murray
 Mr. Frank Ovono
 Ms. Desiree Phair
 Ms. Harkiran Sekhon
 Judge Lori Smith
 Mr. Travis Stearns
 Justice Debra Stephens
 Ms. Sara Taboada
 Mr. Joshua Treybig
 Judge Kimberly Walden

Members Not Present

Justice Charles Johnson, Co-Chair
 Mr. Jeffrey Beaver
 Mr. Steve Clem
 Prof. William Covington
 Prof. Jason Gillmer
 Mr. Uriel Iñiguez
 Ms. Yemi Jackson
 Ms. Carla Lee
 Commissioner Joyce McCown
 Ms. P. Diane Schneider
 Judge Gregory Sypolt
 Mr. John Yasutake
 Judge Dennis Yule, Ret.

AOC Staff Present

Ms. Cynthia Delostrinos

Guests

Ms. Jaime Hawk
 Ms. Leticia Hernandez
 Judge Steve Rosen

APPROVAL OF MINUTES

The meeting minutes from the October 9, 2015, meeting were approved.

CO-CHAIRS REPORT

Staff Changes/Transitions

Ms. Cynthia Delostrinos is the new Manager for Supreme Court Commissions. Interviews for the Minority and Justice Commission replacement is in progress and the applicant pool is promising.

New Membership Guidelines – Proposed Changes to Bylaws

Justice Yu discussed proposed amendments to the bylaws regarding membership. Proposed changes include: (1) If you are a member and miss three consecutive meetings, unexcused, then you will be removed from the Commission; (2) In order to ensure members are participating in the work of the Commission, all members must participate in at least one standing or ad hoc committee; (3) the bylaws require 6 meetings per year and there are many Commission sponsored events each year. The chairs would like to be able to deem Commission sponsored events as designated meetings.

This is a second reading of the changes. The Bylaws Committee discussed even further changes to the document which are in the back of the packet.

Judge McCullough made a motion to accept the newly proposed changes to the bylaws for approval at the next meeting. Seconded. The Commission agreed unanimously.

Justice Yu made a motion to table all bylaw changes until next meeting. Commission agreed unanimously. A summary of bylaw changes will be sent to the Commission after the meeting for additional review.

Legislative Members of Color Work Session

The Minority and Justice Commission was invited to participate in a legislative work session put together by Senator Bob Hasegawa. Senator Hasegawa is a member of the Legislative Members of Color Caucus, a bipartisan group of lawmakers. Justice Yu spoke on behalf of the Commission in support of Racial Impact Statement Legislation. Other presenters at the hearing included Dave Boerner from the Sentencing Guidelines Commission, John Clayton from the Juvenile Rehabilitation Administration, Jim Bamberger from the Office of Civil Legal Aid, and Dr. Alexes Harris from the University of Washington to discuss legal financial obligations.

You can review video recordings from the hearings here:

- Pt. 1: https://youtu.be/zKblIfs_0uE
- Pt. 2: <https://youtu.be/Q4P-CxwIZDg>
- Pt. 3: <https://youtu.be/bwjQedrW37I>

SCJA Letter Re: LFO Report/Study

The co-chairs received a letter from the president of the Superior Court Judges' Association, Judge Harold Clarke, regarding a proposed study to look at legal financial obligations (LFOs) and their impact on minority and disenfranchised populations. The letter was a formal request for the Commission to conduct the study, and the co-chairs were pleased that the superior court judges care about this issue. The Commission has been and will continue to be a leader in LFO reform in the state.

Ms. Cynthia Delostrinos noted that there is about \$3500 allocated in this fiscal year's budget for research and for work on LFOs. Judge McCullough noted that per Commission bylaws, additional funding can be sought from outside sources if necessary.

A motion was made to have the Minority and Justice Commission take on a study, in support of the SCJA letter, to look at the disproportional impact of LFOs, with the constructs of such a study yet to be determined. Seconded. Unanimously approved.

STAFF REPORT

13th Annual Tri-Cities Youth and Justice Forum

Ms. Cynthia Delostrinos reported back on the 13th Annual Tri-Cities Forum, which took place at Columbia Basin College in Pasco, WA, on November 6, 2015. It was the largest group of students that the forum has ever accommodated, with around 280 students registered to attend. The agenda was slightly changed this year to allow for more conversation between students and volunteers, with round tables set up throughout the room and designated times for discussion.

Comments from Commission members who attended the forum included:

- It was wonderful being able to sit and interact with the students
- The scenarios this year around social media really engaged the students in thoughtful conversations
- 280 students attended, one of the biggest forums to date
- It was recommended that we should use the same format for next year's forum

2016 Proposed Meeting Dates

Ms. Cynthia Delostrinos proposed the new meeting dates for 2016. There was emphasis on the fact that many of the meetings do not have locations set yet due to the lack of availability at the SeaTac AOC office.

The Outreach Committee recommended that the June 24 meeting be held in Yakima or the Tri-Cities area. The intent is to have our meetings be community based. Please put the 2016 dates on your calendars and be aware that many meeting locations are still TBD. We will do our best to get you updated locations as soon as possible. If anyone has any connections to certain venues in the community, please let staff know.

Some possible venue recommendations:

- Annex and Seattle University
- Delridge Community Center

Jury Demographic Survey Report

At the last Commission meeting it was reported that the Commission had begun conducting a survey to collect data on juror demographics throughout the state. The purpose of the study is to get a snapshot of the demographics of jury pools, and to see if the jury selection process we have in place now reflects the diversity of our state. There were some questions about the survey process that Commission members had, and so we invited Judge Steve Rosen, Seattle Municipal Court, to come present to us about the origin of the survey and its intended outcomes.

Judge Rosen noticed the lack of diversity amongst the jury pools in his court, and so he began to look into the issue. He called together a group of stakeholders around the issue to develop the best approach to tackle the problem of lack of juror diversity, and the group helped develop the survey that is now being used.

The surveys were sent out in September 2015 to selected courts, based on number of jury trials held and geographic diversity. One of the main concerns was that not all jurors in participating courts are filling out the form, and we have been internally looking at the data in order to figure out the rate at which jurors were actually filling out the surveys. We will be working with courts on how to increase their response rates.

We have been working with Seattle University and have been able to identify a professor who is willing to help us run a report on the data.

Pretrial, Detention, and Reform – Jaime Hawk, ACLU

Ms. Jaime Hawk came to the meeting to present on the work that she is involved in related to the criminal pretrial process. She currently serves as the Smart Justice director at the ACLU.

She identified three areas for progress: First, there are national efforts being undertaken by the Pretrial Justice Institute (PJI). They have launched "Three Days Count", a national initiative by PJI to raise awareness about the number of people who are detained pretrial, not due to risk of flight or danger to the public, but that are just too poor to post bail. PJI is working to implement smarter pretrial practices for public defenders, reducing unnecessary arrests, replacing cash money bail, and reducing the detained population to a small number of high risk/flight risk pretrial holds. PJI has been asked to administer some federal grant projects and Yakima County was selected as one of those sites.

Secondly, there is work being done around the state on these issues. This year, Yakima County has been looking at reducing their prison population by looking at a new risk assessment tool. By February 1, they will be ready to implement the tool. The hope is that the tool will be a model for other counties and jurisdictions across the state. Spokane County received funding from the MacArthur Foundation for safety and justice planning. They began looking at the pretrial detention population in the jail, how long are folks being detained, and whether there is racial disparity. Also, the Board of Commissioners in Thurston County approved funding to establish and expand an area for pretrial services that will do a better job of assessing pretrial risks and needs.

Lastly, the Washington State Bar Association's Council on Public Defense is also looking at pretrial issues. They formed a workgroup looking at bail. They are particularly looking at best practices and alternative models and the different possibilities to reform the current bail system.

For further questions, Ms. Jaime Hawk can be contacted at jhawk@aclu-wa.org.

COMMITTEE REPORTS

Juvenile Justice Committee

The Juvenile Justice Committee met yesterday. One of the areas the group is looking into is juvenile auto-decline. Another issue that the workgroup is interested in looking into are youth between the ages of 8-12 who are referred to the juvenile justice system, as there is not much that is known about 8-11 year olds or the race/ethnicity of that group. The committee is also interested in the Washington State Center for Court Research (WSCCR) report on truancy. Dr. Carl McCurly will be presenting at the next Juvenile Justice Committee meeting and perhaps attending the Commission meeting in February.

Supreme Court Symposium 2016 – Possible Topics

The date for the Supreme Court Symposium for 2016 is set for May 25th at the Temple of Justice. There were several ideas floated around at the meeting in regards to possible topics for the upcoming Symposium. As a reminder, the audience for the Symposium are the members of the Supreme Court.

Potential topics for the Symposium

- Dynamic between police and the community
- School to prison pipeline / Disproportionality in school discipline
- Front-end of the criminal justice system (bail, plea bargaining, misdemeanors, etc.)
- Healthcare and justice (mental health)
- Firearms
- Juvenile auto-decline (treating juveniles as adults)
- Jury diversity

Justice Yu invited the Commission to email her comments on the potential topics for further deliberation and decision.

Minority and Justice Commission – 25th Anniversary

Ms. Cynthia Delostrinos noted that this idea was brought up at the last meeting. It was mentioned how the Judges of Color Reception went very well, and doing something like that could probably work, with a short program and small reception. It was proposed that we pull together a committee that is interested in working on it and coming back with a proposal. Law firms in town have been instrumental in the past with hosting Commission events and might be willing to host this event. There should be a press release about the Minority and Justice Commission's work over the last 25 years, which should go out around the same time as the reception and the work should be highlighted at the reception.

Education Committee

Spring conference planning is heavy in the works. The Commission will be sponsoring trainings at each of the different court associations' spring conferences. Judge Doyle is organizing the SCJA presentation on bail. It is important for judges to understand how bail and securing bail works. Judge Doyle met with Jaime Hawk and was connected with the Pretrial Justice Institute, which is ready to come out to the conference and collaborate on the presentation. The focus will be to show cost effective alternatives to money bail. There are two pages that were included in the meeting materials on the presentation topic for review. The Yakima County and Spokane County pretrial projects will also be discussed. Justice Stephens is planning the Appellate conference, which will be a presentation on mass incarceration. Judge Walden and Judge Coburn are working on the DMCJA conference presentation on relicensing. The intent of the training is to give the judges the nuts and bolts for a comprehensive outlook on the relicensing process, how to set up a regional process, and what some courts across the state are doing.

Workforce Diversity Committee

Two items that are in the works are the Judges of Color Directory and the follow-up to the LSAC grant and Youth and Law Stakeholder Meeting. Justice Smith got a copy of the photos from the Judges of Color Reception and was very happy to be able to see the turnout. The Youth and Law Stakeholder meeting brought together groups around the state that plan youth and law type programming. The meeting was well attended with over 20 people. We were able to share

information about each others' programs and what we are hoping is to gather all of the information about the different programs and create a resource guide that will help others duplicate these forums across the state and in different jurisdictions where there may not be such programs offered.

Outreach Committee

Ms. Cynthia Delostrinos reported in the absence of Judge Yule. One of the things discussed was the meeting dates and locations. The Committee is also wanting to work on updating the website. Commission member bios and pictures are still missing; you may be getting an email from Judge Yule if your information is still missing.

Law Student Liaisons

Gonzaga

Ms. Angela Jones and Frank Ovono were present on behalf of the Gonzaga Law Student Liaisons. Their proposal focused on putting together a culture, ethics, and law symposium. The purpose is to bring legal practitioners together around these topics. The date is tentatively set for March 2016, and they are working with students and faculty to determine the best time. The symposium would be located at the law school. The target audience would be students and local legal practitioners, students and faculty from the University of Idaho, and interested community members. The format would include workshops for dialogue. Potential topics would include tribal courts and restorative justice, disproportionality in the justice system, immigration, and legal system demographics. The largest anticipated expense would be lunch. Perhaps molding the symposium to allow CLE credits or having some of the justices attend can serve as an incentive for people to attend. Judge McCullough suggested connecting with Gloria Ochoa and Commissioner McCown.

There was a motion to accept the proposal from Gonzaga for their spring event, and to allow them to use the \$1500 funding allocated for their project. Unanimously approved.

Seattle University and University of Washington

Student Liaisons from SU and UW came together in September. Much of their discussion looked into micro aggressions. The Campus Climate survey that was conducted by SU indicated that 30% of the students felt like they wanted to leave the school because there was not a sense of belonging. The student liaisons proposed the idea of hosting a summit in the spring with all three law schools. They would like to create a survey to help structure the topics of the summit. There was a discussion around how to involve students and faculty who normally would not choose to attend an event of this sort. Justice Yu requested that a concrete proposal be developed and shared prior to any decisions being made by the Commission on a summit.

NEXT COMMISSION MEETING

Friday, February 5, 2016, from 8:45 a.m. – 1:00 p.m. location TBD.

THE SUPREME COURT OF WASHINGTON

ORDER RENEWING THE WASHINGTON)
STATE MINORITY AND JUSTICE)
COMMISSION)
_____)

No. 25700-B-563 Filed
Washington State Supreme Court
ORDER
JAN - 6 2016
Ronald R. Carpenter
Clerk

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

729/124

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, September 13, 2005, and September 8, 2010. 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 in year 2020 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 up to thirty-five (35) members, appointed by this Court, and shall be comprised of judges from all levels of courts, including a justice of this Court, tribal courts, members of the Washington State Bar Association, the Administrator for the Courts, trial court administrators, college or university professors, and non-lawyer representatives from the general population. Appointments to the Commission shall reflect racial, ethnic, gender, cultural, geographic, and other appropriate diversity.

6.0 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.

7.0 Terms of Appointment to Commission. Appointments to the Commission shall be for terms of four (4) years, unless otherwise stated in the Commission's Bylaws, staggered according to the tenure established under the October 4, 1990 Order. 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.

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.

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 January 6th, 2016.

Madsen, C. J.

Johnson, J.

Wiggins, J.

Quinn, J.

Corrales, J.

Fairhurst, J.

Geoff McLeod, J.

Stephens, J.

Lee, J.

**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 Consistent with the Preamble herein, the Minority and Justice Commission exists to foster and support a fair and bias-free system of justice in the Washington State courts and judicial systems.
- 1.2 To that end, the Commission is charged with identifying bias of racial, ethnic, national origin and similar nature that affects the quality of justice in Washington State courts and judicial systems.
- 1.3 The Commission shall take affirmative steps to address and eliminate such bias, and shall take appropriate steps to prevent any reoccurrence of such bias.
- 1.4 In furtherance of these principles, the Commission shall work collaboratively with the other Supreme Court Commissions and other justice system partners.

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 thirty-five (35) 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 thirty-five (35) active members, all of whom shall be appointed by the Washington State Supreme Court. This active membership shall seek

to include representation of judicial officers from all levels of Washington courts, and shall include representation from the tribal courts.

- 2.3.1 Commission membership shall consist of additional representatives from the Washington State justice systems, and no less than one representative from one of the designated minority bar associations.
- 2.3.2 Commission membership will also consist of non-lawyer representatives from the general population. These representatives shall be members of the public with a variety of skills who fully embrace the Commission goals and principles.
- 2.3.3 Commission membership shall reflect racial, ethnic, gender, cultural, geographic, and other appropriate diversity.
- 2.3.4 All AOC staff on or assigned to the Commission shall be considered ex officio members. They will not be included in the count of the 35 active members.
- 2.3.5 The Commission may designate at least one student from each of the three Washington State law school as student liaison members. These members may participate in the discussions and projects of the Commission but are non-voting Commission members. The law school members are not subject to the tenure and other membership guidelines of Section 2.4 - 2.7.
- 2.4 Attendance at meetings is expected. If a member misses three (3) consecutive meetings, he or she will be deemed to have resigned from the Commission, unless meetings were missed due to unavoidable or unplanned reasons (such as illness or injury). If a Commission member knows in advance that she or he is unable to attend three (3) consecutive meetings for any reason, he or she shall notify the Commission Chairs and tender his or her resignation. The Commission Chairs have discretion to choose to accept or decline the resignation. A member may be excused from attending a meeting for good cause, upon approval by one of the Co-chairs.
- 2.5 All appointments of the thirty-five (35) members, with the exception of the Minority Bar Association (MBA) representative, shall be for a four (4) year renewable term. Vacancies shall be filled by the Supreme Court upon recommendations made by the Commission. The MBA position shall be for a term of two (2) years, and shall be a rotating position amongst the different MBAs.
- 2.7 All members must participate on at least one (1) of the Standing or Ad Hoc committees.

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 or co-chairs for each Standing committee, who shall serve at the pleasure of the Chair(s).

ARTICLE IV

Ad Hoc Committees

- 4.1 The Commission Chair(s) may appoint such Ad Hoc committees as the work of the Commission shall from time-to-time require. The Commission 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 thirty-five (35) 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 thirty-five (35) 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 Commission Chair or Co-chair or 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 or designee of the Commission shall serve as recording secretary for the Commission.

- 6.2 Commission meetings should be held at least six (6) times a year. The precise number of and any additional meetings may be scheduled or specially called at the discretion of the Commission 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. The Commission Chair or Co-chairs may designate Commission sponsored events as meetings.

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 by majority vote at any regular or special Commission meeting at which a quorum is present. Advance notice of any proposed Amendment is required.
- 8.2 No motion or resolution for amendment may be considered at the meeting at which said proposed amendment is initially proposed.

Adopted: August 12, 2010

Amended: July 15, 2011 & November 2, 2013

Adopted: March 21, 2014



COMMISSION MEMBERS

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

Justice Mary J. Yu
Co-Chairperson
Washington State Supreme Court

Judge Veronica Alicea-Galvan
King County Superior Court

Judge Lisa Atkinson
Shoalwater Bay Tribal Court

Professor Lori Bannai
Seattle University School of Law

Mr. Jeffrey A. Beaver
Miller Nash Graham and Dunn

Ms. Ann Benson
Washington Defender Association

Professor Robert C. Boruchowitz
Seattle University School of Law

Judge Linda Coburn
Edmonds Municipal Court

Mr. Steve Clem
Douglass County Prosecuting Attorney

Professor William Covington
University of Washington School of Law

Sergeant Adrian Diaz
Seattle Police Department

Mr. Mike Diaz
Attorney at Law

Judge Lisa Dickinson
Judge Pro Tem

Judge Theresa Doyle
King County Superior Court

Ms. Marie Eggart
Asotin County Clerk's Office

Professor Jason Giltner
Gonzaga University School of Law

Ms. Bonnie J. Glenn
Rehabilitation Administration

Mr. Russell Hauge
Liquor Control Board

Mr. Uriel Iñiguez
Commission on Hispanic Affairs

Ms. Yemi Fleming-Jackson
Microsoft Corporation

Ms. Anne Lee
TeamChild

Ms. Carla C. Lee
King County Prosecuting Attorney's Office

Commissioner Joyce McCown
Court of Appeals, Division III

Judge LeRoy McCullough
King County Superior Court

Ms. Karen Murray
Associated Counsel for the Accused

Ms. P. Diane Schneider
WA State Coalition for Language Access

Judge Lori K. Smith
King County Superior Court

Mr. Travis Stearns
Washington Defender Association

Justice Debra L. Stephens
Washington State Supreme Court

Judge Greg D. Sypolt
Spokane County Superior Court

Judge Kimberly Walden
Tukwila Municipal Court

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

STATE OF WASHINGTON MINORITY AND JUSTICE COMMISSION

January 13, 2016

VIA EMAIL

Honorable Harold D. Clarke, III, SCJA President
Spokane County Superior Court
116 W Broadway Ave
Spokane, WA 99260

RE: LFO Study

Dear Judge Clarke:

Thank you for your letter of November 20, 2015, regarding your request for the Minority and Justice Commission to pursue a study on legal financial obligations (LFOs). As you may know, the Commission has been very invested in the topic of LFOs, and we remain invested in updating information related to the collection of LFOs and the impact on minority and disadvantaged communities. Because the imposition and collection of such sanctions occurs at the trial level, might the SCJA consider collaborating with us on the project? Your input and assistance would be invaluable to ensuring that we properly frame the questions and subsequent data. The Commission's staff would be happy to meet with you or your designee to help develop the preliminary scope of a study.

We appreciate you reaching out to us and look forward to your partnership on this and other future efforts to improve our trial courts in Washington State.

Sincerely yours,

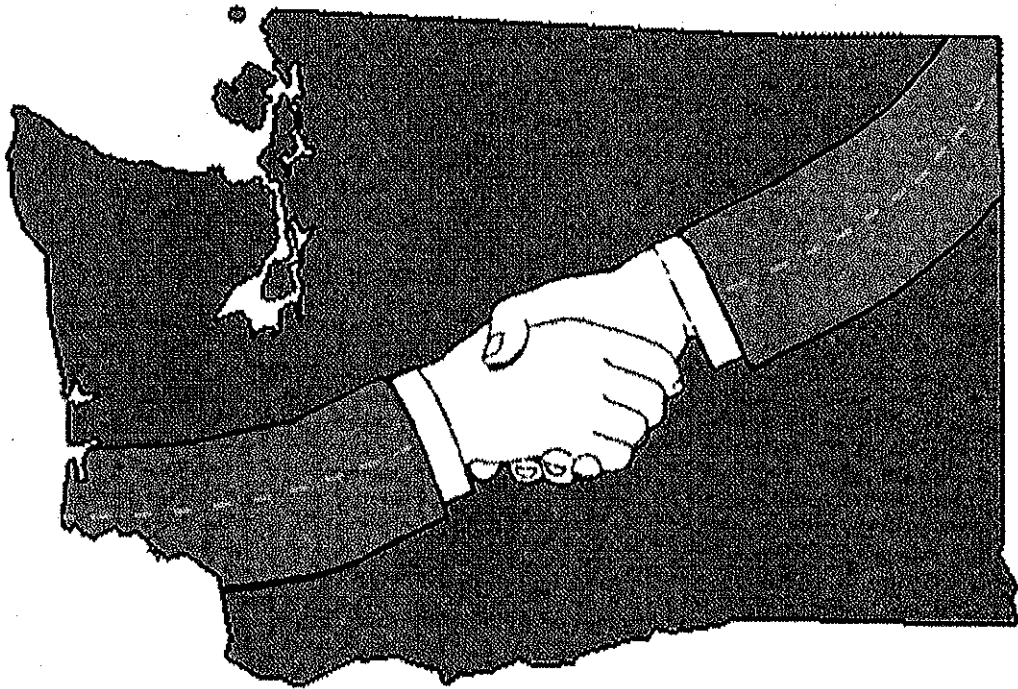
Justice Charles Johnson
Co-Chair

Justice Mary Yu
Co-Chair

cc: Ms. Janet Skreen

Administrative Office of the Courts ♦ Post Office Box 41170 ♦
Olympia, Washington 98504-1170
Telephone (360) 705-5327 ♦ Telefacsimile (360) 956-5700
E-mail: Minority.Justice@courts.wa.gov ♦ Website: www.courts.wa.gov

Reinstate Washington



Statewide Driver's Relicensing Program

MISSION

To safely reduce the number of drivers whose licenses are suspended and collect more traffic fines and legal financial revenue for courts.

GOAL

Design a statewide relicensing program that would enable drivers whose licenses are suspended for delinquent fines to consolidate their fines into simple and affordable payment plans

PROGRAM ELIGIBILITY

As a general rule, the more types of fines a driver can consolidate into a payment plan, the more effective a relicensing program will be in advancing its dual goals to collect more fines and reduce the number of suspended drivers. Guidelines for eligibility should be:

- 1) Allow participating drivers to consolidate any kind of traffic fine that causes a license suspension (but especially moving violations and Driving While License Suspended 3 fines) into a single payment plan.
- 2) If non-suspending fines are included in the payment plan, the model should either give the driver the option of excluding those fines or require that payments be posted to suspending fines first.
- 3) The existence of other license holds (e.g. child support, accident judgments, HTO, etc.) would not disqualify a person from participating in the relicensing program on their unpaid tickets.

ADMINISTRATION

The program should carry out a handful of basic functions such as:

- 1) *Enrolling drivers in the licensing program.* Enrollment should be easy and efficient. At most, steps should include:
 - A. Establishing an application process
 - B. Advertising the program to likely participants
 - C. Processing applications that are received
- 2) *Establishing payment plans with participants.* While every driver may have individualized needs, an efficient approach to setting up payment terms with applicants could be through creating a matrix or other established policy with stated criteria and reducing those terms to written forms.
- 3) *Report the existence of a payment plan.* The program should have a system for reporting to courts, collection agencies, and the Department of Licensing that a driver has entered into a payment plan so that the fines are recalled from collections and the suspension is removed from the driver's license.
- 4) *Collecting payments and disbursing funds.* The program will need the infrastructure to receive and account for payments that drivers make. Then, once the funds are received, there could be many different ways to divide payments as they arrived. Funds could be divided evenly between jurisdictions, applied on a pro-rata type basis toward the outstanding fines, or applied first to suspending fines and then to other fines, etc. These issues will need to be determined when the statewide program system is created. The program should also have a system in place by which participating drivers can receive an accounting of amounts paid and fines satisfied.
- 5) *Cancelling payments on default.* Inevitably, some participants will fail to make the payments as they come due. The program will need some way of sending notices and canceling plans for drivers who fail to bring their account current. A good system should provide:
 - A. Notice of default, with some clearly defined opportunity to catch up on a delinquent plan.
 - B. An opportunity to voluntarily cancel a plan (and thereby avoid disqualification and other sanctions associated with involuntary termination of payment plan)

ADMINISTRATION CONTINUED

- C. Procedures for canceling a plan when a driver has been given notice of default and failed to bring the plan current.

While some period of disqualification may be necessary to ensure that deadlines are taken seriously and to minimize administrative burdens (e.g. 6-12 months preceding the application), drivers should not be permanently barred from the program based on prior defaults. The driver would regain eligibility once the period of disqualification expires.

- 6) *Dispute resolution/due process.* A person negatively affected by some act or decision made by the program would presumably have a due process right to dispute that matter. Disputes could arise regarding eligibility for admission to the program, inclusion of particular fines in a payment plan, repayment terms or conditions, processing, servicing issues, and so forth. Some type of review mechanism would be needed to accommodate these disputes.
- 7) *Administrative fees.* The statewide relicensing program must be self sustaining to ensure that it is effective. There are many ways to accomplish this; such as allocating a percentage of the amount collected to the program or charging participating drivers a small administrative fee. A nominal monthly surcharge could be added to each account to avoid disproportionate treatment based on either the amount of fines or duration of the payment plan.
- 8) *Community service.* The statewide relicensing program will not directly provide community service alternatives for participating drivers. However, the model should allow drivers who obtain community service in particular courts, to exclude the fines worked off on community service from the payment plan. Courts should be explicitly encouraged to allow community service in appropriate cases when feasible, and the existence of the statewide relicensing program should not discourage or deter courts from allowing community service in lieu of fines for drivers with limited financial resources.
- 9) *Outcomes:* The program should create a means of measuring its success and review of outcomes.

REPAYMENT TERMS

The goals of the statewide relicensing program would be best served by requiring small payments that participating drivers can reasonably be expected to make. Establishing a one-size-fits-all rule for payment plans is likely impossible, given that every participant's circumstances will differ—and will often change during the life of a payment plan. Income-contingent or other adjustable payment plan terms may better accommodate a driver's circumstances, but impose much higher burdens on the administering entity. However, establishing a formula that takes into consideration income, and household size, would help assure uniformity with respect to persons similarly situated. A small, fixed monthly payment thus best enables participating drivers to remain in compliance with their payment plans, while requiring minimal staff resources to adjust or renegotiate plans with drivers encountering hardships.

As an example of good policy, a matrix or formula could establish basic payment terms consistent with an applicant's monthly income and household size (using a reasonable threshold, such as 5% of the applicant's monthly income). A payment plan established properly under the matrix, with the initial payment being no greater than the monthly installment payments (i.e., no large up-front payment that may deter enrollment), would be presumed reasonable. The initial balance on such a plan would be the sum total of all traffic fines the applicant owes to all of the participating courts, plus any amounts the applicant owes to the administering entity, on a monthly basis. Pre-payment of all amounts owing should be allowed without penalty. The license suspension would be lifted upon receipt of the driver's first payment.

Applicants who disagreed with the payment amount (whether due to hardship, calculation error, etc.) should have a right to dispute the amount (albeit with minimal review process). Participating drivers should also have opportunities at reasonable intervals to seek adjustments in their monthly payments, such as for income fluctuations or personal hardships. Alternatively, the program could impose a low, flat rate on participants (such as \$10, \$25, \$50, or \$100 depending on the duration of the payment plan) and not make individual assessments of drivers. This type of policy would eliminate much of the administrative burden associated with individual assessments.

GROUPS NOT COVERED

Suspensions for reasons other than unpaid Washington traffic fines. Suspended Drivers whose suspensions would not be resolved by this program are those suspended for reasons other than delinquent Washington fines. This group includes:

- 1) Drivers with delinquent out-of-state fines
- 2) Drivers who owe unpaid judgments from auto accident cases
- 3) Drivers whose licenses are suspended due to unpaid child support
- 4) Drivers whose licenses are suspended because of serious traffic offenses, such as DUI
- 5) Drivers suspended due to habitual traffic offender status.

Some of these suspensions may be warranted on public policy or safety grounds and are thus outside the scope of this project.

INCREASED COLLECTION RATES

The Spokane Relicensing Program: A Success Story

Over \$5 Million collected since the Community Relicensing Program's inception in 2008.

In contrast, only \$623,471.98 has been collected from drivers assigned to the collection agency.

Over 10,000 individual drivers with 33,000 cases have been assigned to the program since inception.

- ♦ Upon enrollment in the relicensing program, the driver's license is immediately reinstated and an affordable payment plan is put in place.
- ♦ Collection fees and interest are waived.
- ♦ All payments are made to a single accounts receivable program: PAR.
- ♦ PAR collects all of the money owed to participating courts at no cost to the courts.
- ♦ Six jurisdictions participate: Cheney, Medical Lake, Airway heights, Spokane, Spokane County, and Pend Oreille County.

RACIAL DISPARITY

Data from several localities shows that police disproportionately make traffic stops of people of color, particularly African-Americans.¹ This problem has received recent national attention in the wake of the events in Ferguson, Missouri and elsewhere.² Recent data from the Washington State Administrative Office of the Courts also shows that people of color are heavily burdened by an inability to pay traffic infraction fines.

¹ Bender, Alex, Esq., Stephan Bingham, Mari Castaldi, EBCLC, Elisa Della Plana, EBCLC, Merideth Desauties, LCCR, Michael Harold, WCLP, Endria Richardson, LSPC, Jesse Stout, LSPC, and Theresa Zhen, ANWOL. Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California. Rep. Lawyers' Committee for Civil Rights of the San Francisco Bay Area, n.d. Web. 20 May 2015. <http://www.lccr.com/not-just-ferguson-problem-how-traffic-courts-drive-inequality-in-california>, citing, Alexander, Michelle. *The California DWB Report: A Report from the Highways, Trenches, and Halls of Power in California*. Rep. American Civil Liberties Union Foundation of Northern California, 2002. Web. 20 May 2015. <http://research.policyarchive.org/96062.pdf>.

² Kumodzi, Karl, and Brad Lander. "How Cities' Funding Woes Are Driving Racial and Economic Injustice—And What We Can Do About It." *The Nation: Investigating Progress Daily*. The Nation, 28 Apr. 2015. Web. 20 May 2015. http://www.thenation.com/article/205433/how-cities-funding-woes-are-driving-racial-and-economic-injustice-and-what-we-can-do-utm_source=facebook&utm_medium=socialflow.

	Cases Filed	Cases Paid	Cases FTA	Percent of Cases Paid	Percent of Cases FTA
American or Alaskan Native (Indian) Hispanic	90	39	54	43.33%	60.00%
American or Alaskan Native (Indian) Non Hispanic	19739	12228	10097	61.95%	51.15%
Asian or Pacific Islander Hispanic	136	111	50	81.62%	36.76%
Asian or Pacific Islander Non Hispanic	144727	122193	26166	84.43%	18.08%
Black Hispanic	105	62	62	59.05%	59.05%
Black Non Hispanic	138737	91996	64485	66.31%	46.48%
Unknown Hispanic	171568	141434	54063	82.44%	31.51%
Unknown Non Hispanic	148995	121386	36691	81.47%	24.63%
Unknown	61	53	1	86.89%	1.64%
White Hispanic	9608	6706	4048	69.80%	42.13%
White Non Hispanic	1819270	1482006	466271	81.46%	25.63%
Blank	57		19	0.00%	33.33%
		1978214			

Traffic Infraction Data by Race/Ethnicity
Percentage FTA versus Paid (non-graph data)
2012-2014



QUICK SUMMARY

MISSION

Safely reduce the number of suspended drivers and collect more traffic infraction and legal financial revenue for courts as demonstrated by the Spokane relicensing program

GOAL

A statewide relicensing program that will enable drivers whose licenses are suspended for delinquent fines to consolidate their fines into simple and affordable payment plans

ELIGIBILITY

- Any driver who has traffic fines (criminal traffic and infraction penalties) that are suspending the driver's license.
- Drivers have option to include non-suspending tickets fines (e.g. for non-moving violations).
- Holds other than traffic fines (e.g. child support, accident judgments, HTO) are not eligible for the program.

ADMINISTRATION

- Need state agency or third party vendor to administer program
- Administrative fee paid by participants to fund the program
- Application process to be established
- Payment plan established through schedule based on income
- Program collects funds and distributes to courts – funds divided equally among courts
- Reports to participants re: accounting of fines paid
- Upon default, payment plan cancelled
- Notice of default with opportunity to cure
- If no cure, period of disqualification (6-12 months) with option to reapply
- Dispute resolution process for disputes with decision making process; miscalculation etc.
- The program should create a means of measuring its success and review of outcomes.

REPAYMENT TERMS

- Monthly payment plans based on formula that is income-based; household size
- Formula should include a threshold based on a certain percentage of monthly income.
- Payments on original fine, not collection fees and interest
- License suspension lifted upon receipt of first payment
- Adjustments permissible due to income fluctuations/personal/ hardships
- Prepayment permitted

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RULE 35. JURY SELECTION

(a) **Scope of rule.** This rule ~~outlines~~ ~~addresses~~ the procedure to be followed in all courts of limited and general jurisdiction during the jury selection ~~process in all~~ ~~for~~ criminal and civil cases.

(b) A party may object to an adverse party's use of a peremptory challenge on the grounds that the minority race or ethnicity of ~~a~~ the prospective juror could be viewed as a factor in the use of the challenge. When such an objection is made, the adverse party must ~~articulate~~ ~~provide~~ ~~on the record~~ the reason for the peremptory challenge.

(c) ~~Utilizing an objective observer standard, the court shall evaluate the reasons proffered for the challenge.~~ If the court determines that an objective observer could view the prospective juror's minority race or ethnicity as a factor in the use of the peremptory challenge, then the challenge ~~shall be denied, is invalid.~~

Comment

[1] The ~~underlying policy of this rule is to eliminate federal Batson standard has failed to prevent~~ the unfair exclusion of minorities from jury service in Washington. This rule provides a different standard than ~~that provided for in~~ *Batson v. Kentucky, 476 U.S. 79, 106 S. Ct. 1712; 90 L. Ed. 2d 69* ~~for in~~ determining whether a peremptory challenge ~~is~~ are invalid. For purposes of this rule, it is irrelevant whether a prospective juror's minority race or ethnicity actually played a motivating role in the exercise of a peremptory challenge.

[2] An objective observer is one who is aware that purposeful discrimination and unintentional, institutional, or unconscious bias have resulted in the exclusion of racial and ethnic minorities from jury service in Washington.

Formatted: Font: Franklin Gothic Medium
Formatted: Font: Franklin Gothic Medium, Italic

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

[3] In determining whether an objective observer could view race or ethnicity as a factor in the use of the peremptory challenge, the Court shall consider the following: (a) the questions posed to the prospective juror; and (b) whether other prospective jurors provided similar answers but were not the subject of a peremptory challenge by that party.

[4] Because historically the following reasons proffered for peremptory challenges have operated to exclude racial and ethnic minorities from serving on juries in Washington, there is a presumption that the following alone are invalid reasons bases for a peremptory challenge: (a) having prior contact with law enforcement officers; (b) expressing a distrust of law enforcement or a belief that law enforcement officers engage in racial profiling; (c) having a close relationship with people who have been stopped, arrested, or convicted of a crime; (d) living in a high-crime neighborhood; (e) having a child outside of marriage; (f) receiving state benefits; and (g) not being a native English speaker.

[5] If any party intends to exercise a use as a basis for the peremptory challenge on the basis that a the prospective juror has been sleeping, not paying attention, or providing unintelligent answers, they must give sufficient advance notice must be provided to the Court court and opposing party so that the behavior can be verified and addressed in a timely manner.



Internet Email: opd@opd.wa.gov

**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164
FAX (360) 586-8165

Youth Access to Justice Reform Planning Grant

GRANT PERIOD:

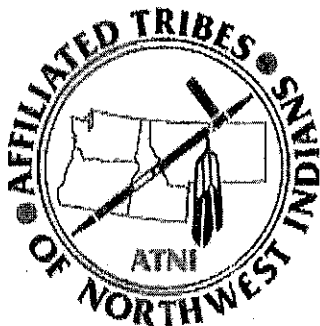
October 1, 2015 through
September 30, 2016

The Washington State Office of Public Defense (OPD) received funding for a one year Youth Access to Justice State Reform Planning Grant from the U.S. Office of Juvenile Justice and Delinquency Prevention. The goal of this federal initiative is to develop a strategic plan to ensure that every youth involved with the criminal justice system in the State of Washington has fair and equal access to quality legal representation. To meet this goal OPD will develop a blueprint for an effective, well-resourced model juvenile indigent defense delivery system with standards of practice and policies for the management of that system. A critical part of this model will include the provision of training and tools to juvenile defense attorneys so they can better represent their clients and connect them to critical civil legal services.

As required by the grant, OPD will:

1. Develop strategies and policies that will ensure that every juvenile receives the guarantees of due process and equal protection and that their constitutional rights are honored.
2. Convene a diverse committee of critical stakeholders, including frontline juvenile defenders, defender supervisors, juvenile court judges, juvenile justice agency leaders (including juvenile probation, detention, and corrections), policymakers, mental health professionals, community advocates, state-level decision-makers, schools, prosecutors, law enforcement, youth- and family-serving organizations, justice-involved youth and their families, and others concerned with the fair administration of justice.

3. Develop and finalize comprehensive statewide strategic plans to:
 - Decrease waiver of counsel,
 - Increase representation at detention hearings,
 - Establish post-disposition legal services addressing collateral consequences,
 - Reduce disproportionate minority confinement, institutionalize specialized juvenile defense practice and training programs, and
 - Examine state policies for transferring youth to adult court in light of the latest research on adolescent development.
4. Deliver five educational programs (four in-person in distinct geographic areas and one online) to juvenile indigent defense attorneys on adolescent development, trauma-informed care, and other topics that would enhance the effective assistance of counsel.
5. Develop a series of recorded web tutorials describing the collateral consequences of juvenile adjudications and demonstrating how community agencies, law schools and bar associations can assist juveniles obtain legal services to minimize the negative impacts in the areas of employment, education, housing, health care, record expungement, and other aftercare needs.



2016 Winter Conference Suquamish, Washington

RESOLUTION #16-

"Support the Creation of the Washington Tribal and State Court Consortium"

PREAMBLE

We the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants' rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, Tribal Governments, seeking to address the safety needs of their communities, develop stable economies and provide for basic needs of community

members, recognize that the perception and integrity of tribal courts is vital in the protection and preservation of tribal sovereignty; and

WHEREAS, Tribal justice systems are best situated, and most capable of addressing the needs of our tribal communities and public safety and will be dramatically improved when Native nations have greater freedom to build and maintain their own justice systems; and

WHEREAS, state and federal court systems have historically not been responsive to the needs of tribal communities and may work counter to the goals and culture of tribal people; and

WHEREAS, in its report to Congress and the President the Tribal Law and Order Commission recommended stronger coordination among Federal, State and tribal justice system to make Native nations safer and close the public safety gap with similarly situated communities; and

WHEREAS, Tribal-state court forums that recognize tribal justice systems as full and equal partners with state courts furthers the goal of maintaining a government-to-government relationship between the tribes, the state and federal governments; and

WHEREAS, collaboration between tribal and state court judges is a key strategy to leveraging limited resources, building relationships and bridging jurisdictional gaps to improve safety and justice in Indian Country; and

WHEREAS, Tribal-state court forums lead to increased communication and relationship building across jurisdictions, thereby decreasing jurisdictional misunderstandings and increasing collaboration, as appropriate; and

WHEREAS, The United States Department of Justice has repeatedly identified tribal state court forums as an effective promising strategy for improving tribal-state court relations; and

WHEREAS, Tribal-state court forums work collaboratively on issues such as state court implementation of ICWA, recognition of tribal court orders by state courts, judicial allocation of jurisdiction, coordinated probation, and adoption of uniform court forms; and

WHEREAS, Tribal-state court forums provide unique and important educational opportunities; and

WHEREAS, development of the Washington Tribal and State Court Consortium has been endorsed by the Washington State Supreme Court; and

WHEREAS, the Northwest Tribal Court Judges Association supports the ongoing development of, and participation in, the Washington Tribal and State Court Consortium; and

WHEREAS, state-wide and regional meetings of the Washington Tribal and State consortium have been well attended by representatives from both state and tribal justice systems and participants have pledged on-going support; and

WHEREAS, the mission of the Washington Tribal and State Consortium is to operate in the spirit of mutual respect and cooperation, and to take the lead in resolving civil and criminal jurisdictional issues between tribal and state Courts; and

WHEREAS the key values of the Washington Tribal and State Consortium include equal representation, cooperation, sharing, improving access to justice, and working cooperatively to find mutually acceptable solutions to shared challenges and responsibilities;
now

THEREFORE BE IT RESOLVED, that ATNI strongly supports the ongoing development of the Washington Tribal and State Court Consortium; and

BE IT FURTHER RESOLVED, that ATNI encourages tribal governments to support the efforts of the Washington Tribal and State Court Consortium; and

BE IT FURTHER RESOLVED, that ATNI encourages the participation of tribal court judges and tribal justice systems in the implementation and operation of the Washington Tribal and State Court Consortium.

CERTIFICATION

The foregoing resolution was adopted at the 2016 Winter Conference of the Affiliated Tribes of Northwest Indians, held at, Suquamish, Washington on February 1 -4, 2016 with a quorum present.



COMMISSION MEMBERS

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

Justice Mary I. Yu
Co-Chairperson
Washington State Supreme Court

Judge Veronica Allicea-Galvan
King County Superior Court

Judge Lisa Atkinson
Shoalwater Bay Tribal Court

Professor Lori Bannal
Seattle University School of Law

Mr. Jeffrey A. Beaver
Attorney at Law

Ms. Ann Benson
Washington Defender Association

Professor Robert C. Boruchowitz
Seattle University School of Law

Professor William Covington
University of Washington School of Law

Sergeant Adrian Diaz
Seattle Police Department

Judge Lisa Dickinson
Judge Pro Tem

Judge Theresa Doyle
King County Superior Court

Ms. Marie Eggart
Asotin County Clerk's Office

Professor Jason Gillmer
Gonzaga University School of Law

Ms. Bonnie J. Glenn
Juvenile Justice & Rehabilitation Admin.

Mr. Russell Hauge
Attorney at Law

Mr. Uriel Iniguez
Commission on Hispanic Affairs

Ms. Yomi Fleming-Jackson
Microsoft Corporation

Ms. Carla C. Lee
King County Prosecuting Attorney's Office

Commissioner Joyce McCown
Court of Appeals, Division III

Judge LeRoy McCullough
King County Superior Court

Ms. Karen Murray
Associated Counsel for the Accused

Ms. P. Diane Schneider
National Latino Peace Officers Association

Judge Lori K. Smith
King County Superior Court

Mr. Travis Stearns
Washington Defender Association

Justice Debra L. Stephens
Washington State Supreme Court

Judge Greg D. Sypolt
Spokane County Superior Court

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

STATE OF WASHINGTON MINORITY AND JUSTICE COMMISSION

January 19, 2016

The Honorable Sam Hunt
205A John L. O'Brien
PO Box 40600
Olympia, WA 98504

RE: HB 2076 – Racial and Ethnic Impact Statements

Dear Representative Hunt and Members of the House Committee on State Government:

On behalf of the Minority and Justice Commission (MJC), we write to express our support of HB 2076 regarding racial and ethnic impact statements.

It is not a secret that racial disparities are rampant throughout our court system and all other institutional systems. The Minority and Justice Commission and Sentencing Guidelines Commission, who have taken leadership on addressing racial disparities that exist within the criminal and juvenile justice systems, held two joint meetings in 2013 and 2014, to discuss the viability of racial impact statement legislation as a way to prevent further unintended racial disparities in our state.

The purpose of racial and ethnic impact statements is to predict and prevent racial disparities that may result from pending legislation. Racial impact statements, similar to fiscal and environmental impact statements, may give decision makers the necessary data and impetus to consider alternative policies that have less of a disparate impact on minorities, and to make more informed decisions by anticipating and evaluating the racial disparities that may result from pending legislation.

Under HB 2076, racial and ethnic impact statements would be conducted by the Caseload Forecast Council, who would be able to request data from the Administrative Office of the Courts, Department of Social and Health Services, Department of

Administrative Office of the Courts ♦ Post Office Box 41170 ♦
Olympia, Washington 98504-1170
Telephone (360) 705-5327 ♦ Telefacsimile (360) 956-5700
E-mail: Minority.Justice@courts.wa.gov ♦ Website: www.courts.wa.gov

Corrections, Office of the Superintendent of Public Instruction, and other agencies to produce a statement on any proposed piece of legislation. The bill is based off of a draft created by the Sentencing Guidelines Commission after doing extensive work to find the right entity that would prepare the statements, with input from the Minority and Justice Commission and other community advocates in putting together the final touches on the intent language of the bill.

Racial disproportionality is a problem that many states struggle with. However, states such as Oregon, Connecticut and Iowa have all begun to implement racial impact statements as a way to address disproportionalities, with other states like Minnesota, Arkansas, Florida, Mississippi, and Wisconsin having proposed similar legislation. It has been reported that racial impact statements seemed to be making a difference in Iowa, the first state in the nation to implement racial impact statements.¹

HB 2076 presents us with a unique opportunity to take a proactive step in Washington State to address the racial disparities that exist within our institutional systems. Racial and ethnic impact statements would provide a tool for policymakers to grapple with developing public policy that is both effective and fair, which is a goal that our commission highly supports.

Sincerely,

Cynthia Delostrinos, J.D.
Manager, Washington State Supreme Court Commissions
Administrative Office of the Courts

Cc: Rep. Steve Bergquist
Rep. Jeff Holy
Rep. Luanne Van Werven
Rep. Noel Frame
Rep. Brad Hawkins
Rep. Luis Moscoso
Sean Flynn
Dawn Eychaner
Emily Lake

¹ Foley, R. (2015, January 21). 1st racial-impact law seen as having modest effect in Iowa. *Associated Press*. Retrieved from <http://www.bigstory.ap.org/article/d320d9fdb9794d71b8b6436b808e0b16/1st-racial-impact-law-seen-having-modest-effect-iowa>

HOUSE BILL 2076

State of Washington

64th Legislature

2015 Regular Session

By Representatives Sawyer and Pollet

Read first time 02/11/15. Referred to Committee on State Government.

1 AN ACT Relating to information concerning racial
2 disproportionality; amending RCW 43.88C.050; adding a new section to
3 chapter 43.88C RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the health,
6 safety, and productivity of all communities is of the utmost
7 importance to the state of Washington, including historically
8 marginalized racial and ethnic communities. All citizens are harmed
9 by unintended racial and ethnic disparities created by legislation.
10 Therefore, the legislature intends to create a proactive tool
11 intended to provide legislators with aggregated and disaggregated
12 demographical data and other information to help legislators
13 understand possible disparate racial and ethnic impacts, and thus
14 better informed and intentional decisions on legislative proposals.

15 **Sec. 2.** RCW 43.88C.050 and 2011 1st sp.s. c 40 s 29 are each
16 amended to read as follows:

17 (1) The caseload forecast council shall appoint a research staff
18 of sufficient size and with sufficient resources to accomplish its
19 duties. The caseload forecast council may request from the
20 administrative office of the courts and the department of social and

1 health services such data, information, and data processing
2 assistance as it may need to accomplish its duties, and such services
3 shall be provided without cost to the caseload forecast council.

4 (2) The caseload forecast council may request from the
5 administrative office of the courts, the department of social and
6 health services, the department of corrections, the office of the
7 superintendent of public instruction, and other agencies, such data,
8 information, and data processing assistance as it may need to
9 accomplish its duties, and these services shall be provided without
10 charge to the caseload forecast council.

11 (3) The caseload forecast council is considered a criminal
12 justice agency within the meaning of RCW 10.97.030.

13 NEW SECTION. Sec. 3. A new section is added to chapter 43.88C
14 RCW to read as follows:

15 (1) The caseload forecast council, in cooperation with
16 appropriate legislative committees and legislative staff, the office
17 of financial management, the department of corrections, the
18 department of social and health services, the administrative office
19 of the courts, the minority and justice commission, the Washington
20 state institute for public policy, and the sentencing guidelines
21 commission shall establish a procedure for the provision of racial
22 impact statements on the effect that legislative bills and
23 resolutions will have on racial and ethnic minority groups, including
24 but not limited to the racial and ethnic composition of the criminal
25 and juvenile justice systems.

26 (2) The caseload forecast council shall provide a racial and
27 ethnic impact statement on any legislative proposal at the request of
28 any legislator.

29 (3) This section shall not prevent either the house of
30 representatives or the senate from acting on any bill before it as
31 otherwise provided by the state Constitution, by law, or by the rules
32 and joint rules of the senate and house of representatives, nor shall
33 the lack of any racial impact statement provided in this section or
34 any error in the accuracy thereof affect the validity of any measure
35 otherwise duly passed by the legislature.

36 (4) For the purpose of this section, the juvenile justice system
37 includes, but is not limited to, all matters based in juvenile court

1 as defined in RCW 13.04.030 and all juvenile court matters related to
2 compulsory school attendance as described in chapter 28A.225 RCW.

--- END ---

**WASHINGTON MINORITY AND JUSTICE COMISSION
GONZAGA UNIVERSITY CULTURE & ETHICS SYMPOSIUM
TENTATIVE AGENDA**

- | | |
|----------------|--|
| 9:00 am | Check-in & Refreshments |
| 9:30 am | Opening Exercise/Welcome – Frank Ovono (confirmed) |
| 9:50 am | Opening Remarks – Professor Jason Gillmer (confirmed) |
| 10:15 am | Keynote Speaker & Dialogue – Judge Saul Mendoza
(awaiting confirmation) |
| 11:30 am | Networking Lunch |
| 12:30 - 1:10 | Round Robin I |
| 1:20 - 2:00 pm | Round Robin II |
| 2:10 | Round Robin III |



LAW STUDENTS, FACULTY, LEGAL PROFESSIONALS AND COMMUNITY MEMBERS

PLEASE JOIN US FOR THE

CULTURE & ETHICS IN LAW SYMPOSIUM

PRESENTED BY THE WASHINGTON STATE MINORITY AND JUSTICE COMMISSION
& GONZAGA UNIVERSITY SCHOOL OF LAW

Friday, April 1, 2015

Time TBD

Barbieri Courtroom
Gonzaga University School of Law
Spokane, WA

- ♦ Learn about culturally competent best practices in the legal system
- ♦ Examine cultural awareness and ethics within the legal practice
- ♦ Dialogue and network with legal experts and professionals
- ♦ Obtain practical skills and strategies to apply in the work setting

AGENDA TOPICS

Disproportionality in the Criminal Justice System
Ethics and Implicit Bias ♦ Immigration ♦ Tribal Courts & Restorative Justice

REGISTRATION

Standard Registration: \$45.00

Law Student Registration: Free*

**Space is limited. Student registrations sponsored by the Washington State Minority & Justice Commission*

Deadline: 5:00pm Friday, March 18

FOR MORE INFORMATION AND TO REGISTER PLEASE VISIT

WWW.LAW.GONZAGA.EDU

Project #1: Establish the Racial Justice Leadership Institute or similar program at the University of Washington School of Law:

Law students at Seattle University have the option to enroll in the Racial Justice Leadership Institute (RJLI), a program designed to enhance cultural competency in the field of law. The program helps students increase language and skills for identifying and discussing racial oppression, gain tools for intervening in racist dynamics in law practice, and experience a deeper commitment in working against racism. The program receives overwhelmingly positive feedback from participants. Because the program empowers future lawyers to actualize the Minority and Justice Commission's mission to eradicate the effects of racial, ethnic, and cultural bias in our state court system, we ask for your support to expand this program to the University of Washington and create a sustainable program for both.

We are working with AORTA, who facilitate the program at SU, and the City of Seattle to compare whether they have—or could create—sustainable programming.

What we need from the Commission: 1) financial support for program costs, 2) sharing with participants an experienced perspective regarding the importance of cultural competency

Project #2: Create a University of Washington/Seattle University LSAT Pipeline Program

Timing: Still in the research phase. We are introducing the idea now, but we plan to return in a few months once we know more about specific funding or other support needed.

According to recent measurements, 88% of all legal professionals are White. While many factors contribute to the underrepresentation of people of color, the LSAT may be one of the biggest barriers potential attorneys of color face. An applicant's LSAT score is often the decisive factor in law schools' choice to admit students. Standardized test scores correlate with socioeconomic status, and income is often correlated with race. Furthermore, even within the same socioeconomic categories, studies demonstrate that minorities who may not draw on the same background life experiences as the majority group will often underperform on "standardized" tests. Blacks and Latinos, on average, score lower than their White peers and consequently are often denied entry to law school.

While administrations and policy makers decide whether to deprioritize law school rankings and de-emphasize LSAT scores, we want to take action *today* to make a difference in the lives of aspiring law students. A free LSAT prep course at the University of Washington is attempting to change the scoring disparity for people of color. The UW "Law Scholars" LSAT Pipeline Program offers free LSAT training to students most likely to benefit from its tailored structure. By expanding this program to Seattle University undergraduate students of color who wish to study law, the liaisons hope to create a more culturally inclusive legal community in Washington State.

What we need from the Commission: 1) financial support for any materials, 2) professional mentorship for scholars