



**Washington State Minority and Justice Commission
(WSMJC)**

Friday, September 22, 2017

8:45 am – 2 pm

Hibulb Cultural Center

6410 23rd Ave NE, Tulalip, WA 98271

Teleconference: 1-877-820-7831

Passcode: 358515#



MEETING NOTES

Commission Members Present

Justice Charles Johnson, Co-Chair
Justice Mary Yu, Co-Chair
Justice Debra Stephens
Judge Lisa Atkinson
Professor Lorraine Bannai
Mr. Jeffrey A. Beaver
Ms. Diana Bob
Ms. Lisa Castilleja
Mr. Steve Clem
Judge Linda Coburn
Lieutenant Adrian Diaz
Mr. Mike Diaz
Judge Lisa Dickinson
Judge Theresa Doyle
Professor Jason Gillmer
Mr. Anthony Gipe
Ms. Kitara Johnson
Ms. Annie Lee
Judge Linda Lee
Judge LeRoy McCullough
Ms. Karen Murray
Ms. Jasmin Samy
Mr. Benjamin Santos
Ms. P. Diane Schneider (emeritus)
Judge Lori K. Smith
Mr. Travis Stearns
Ms. Lisa van der Lugt
Judge Helen Whitener

AOC Staff Present

Ms. Carolyn Cole
Ms. Michelle Bellmer
Ms. Cynthia Delostrinos
Mr. Monto Morton

Guests

Chief Justice Daniel Raas
Ms. Wendy Church
Councilwoman Bonnie Juno
Ms. Sarah Freeburg
Ms. Lisa Nowlin
Ms. Brooke Pinkham
Mr. Josh Treybig

Student Liaisons Present

Mr. Seth Brickey-Smith
Ms. Maddie Flood
Ms. Catalina A. Saldivia Lagos
Ms. Maia Crawford-Bernick
Mr. Nick McKee
Mr. Peter Gale
Ms. Briana Ortega
Ms. Rina-Eileen Bozeman
Mr. Sather Gowdy

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

The meeting minutes from the June 30, 2017 meeting were approved as presented.

CO-CHAIRS REPORT

2018 Meeting Dates

Updated January 3, 2018

Conference Number: 1-877-820-7831, Participant Code 358515#

Date	Time	Location
Friday, January 19, 2018	8:45 a.m. – 2 p.m.	University of Washington School of Law William H. Gates Hall 4293 Memorial Way Seattle, WA 98195 Room 138
Friday, April 6, 2018	8:45 a.m. – 2 p.m.	AOC SeaTac Office 18000 International Blvd. Suite 1106 SeaTac, WA 98188
Supreme Court Symposium Wednesday, June 6, 2018	9:00 a.m. – 12 p.m. with a reception to follow	Temple of Justice Olympia, WA
Friday, June 29, 2018	8:45 a.m. – 2 p.m.	AOC SeaTac Office 18000 International Blvd. Suite 1106 SeaTac, WA 98188
Friday, September 28, 2018	8:45 a.m. – 2 p.m.	TBD
Friday, November 30, 2018	8:45 a.m. – 2 p.m.	AOC SeaTac Office 18000 International Blvd. Suite 1106 SeaTac, WA 98188

Please contact Carolyn Cole at Carolyn.Cole@courts.wa.gov or 360-704-5536 if you have any questions.

BJA Task Forces Seeking MJC Representatives

The co-chairs explained the importance of MJC member representation on the task forces to maintain a commitment for funding. Anthony Gipe volunteered to serve as the MJC representative on the Interpreter Services Funding Task Force and Judge Lori K. Smith volunteered to serve as the MJC representative on the Court System Education Funding Task Force. Carolyn will let Jeanne Englert, BJA staff, know.

PRESENTATIONS & REMARKS

[Chief Justice Daniel A. Raas](#) – Tulalip Tribal Court of Appeals

[Wendy Church](#) – Tulalip Tribal Court Director

[Tulalip Tribal Court Website](#)

Judge Lisa Atkinson introduced Wendy Church, Tulalip Tribal Court Director. Ms. Church shared that the [Tulalip Healing to Wellness Court](#) will start this year. The Wellness Court will offer comprehensive services in the areas of medical, mental health, and chemical dependency treatment, housing, jobs skills and placement. These services will be provided through an intensely-supervised court program of support and accountability.

Criminal defendants charged with non-violent offenses arising from drug abuse and/or mental health conditions will be eligible to participate in the Healing to Wellness Court and thereby avoid criminal prosecution. An assessment and intake interview will be conducted and an individualized treatment plan developed for each program participant.

Ms. Church introduced Chief Justice Raas. He explained the organization of the Tulalip Tribal Court of Appeals. The Court is a statutory court and justices are appointed by the tribe's Board of Directors. There are six justices. Associate justices serve a four-year term and the chief justice serves a two-year term. The Court is mandated by ordinance to hear oral arguments within 90 days of filing and issue opinions within 90 days of oral arguments. Recent cases heard have involved tribal sovereignty disputes, extent of the tribe's criminal and civil jurisdiction, and exercise and enforcement of tribal court orders against Indians and non-Indians. State courts and the Commission should address lack of tribal court access to JIS and NCIC; full faith and credit of tribal court enforcement orders by state courts, law enforcement, and school districts; and tribal court orders not being entered into state or federal systems. [Court Rule 82.5](#) already requires full faith and credit, but it is not being followed. The Tribal State Court Consortium (TSCC) will continue to work on relationships between state court system and tribal courts.

[Brooke Pinkham, Esq.](#) – Staff Director, Center for Indian Law and Policy, Seattle University School of Law

Ms. Pinkham discussed disproportionate representation of Indian children in the justice system. Native American males have the second highest rate of incarceration and Native American women have the highest rate of incarceration among women. Schools disproportionately discipline Indian children and they are more likely to be labeled special needs or live in poverty. Native American students are three times more likely than their white peers to be homeless. Many students are caught in the school-to-prison pipeline because they lack a support network or advocate, there is a lack of trauma-informed practices, cultural competency, and implicit and explicit racism in schools. Department of Education is not properly equipped to combat this and there are no consequences for discrimination. Inaccurate history and stereotypes and lack of awareness by the dominant society of Native American history and culture drives negative interaction between students. There is also a lack of continuity in federal and state language on who is classified as "Indian," which limits access to services.

Diana Bob and Judge Atkinson Presentations

Diana Bob gave a presentation to Commission members and guests on key terms in Federal Indian Law and Judge Lisa Atkinson gave a presentation on the Violence Against Women Act. Please see

attached presentation slides. The Commission found the presentations to be very informative and thanks Diana Bob and Judge Atkinson for providing their expertise.

STAFF REPORT

Tribal State Court Consortium (TSCC)

The Tribal State Court Consortium (TSCC) is a collaboration of the Minority and Justice Commission, Gender and Justice Commission, Administrative Office of the Courts, and tribal courts across Washington State. Created in 2013, TSCC aims to expand and increase communication and cooperation between state and tribal court judicial officers. TSCC provides an open, transparent forum where state and tribal court judicial officers can come together and discuss jurisdictional issues, gaps in services, and ways to develop lasting partnerships.

The TSCC Eastern Regional Meeting was held at the Colville Tribal Government Center in Nespelem, Washington, on July 21, 2017. While this was our fourth Regional meeting, it was the first meeting of the consortium held on the eastern side of the state, but certainly will not be the last. The Colville and Kalispel Tribes graciously hosted the meeting and provided a beautiful setting, wonderful food, and a very warm welcome to all who attended! Consortium members were delighted with the reception and very grateful to our hosts.

The meeting was well attended by both state and tribal court judges. Chief Judge BJ Jones was the presenter. Judge Jones has been a tribal court judge for over 25 years and currently serves as the Chief Judge for Sisseton-Wahpeton in South Dakota, and Prairie Island in Minnesota. He is also the Director of the Tribal Judicial Institute at the University of North Dakota Law School.

Judge Jones gave a lively presentation on the value of Tribal State Court Consortiums. This was followed by a group discussion of various issues that arise in Washington and suggestions on how we might address them. The meeting concluded with a tour of both the Colville Tribal Court and the Colville Tribal Court of Appeals which included both history and new innovations and plans for the future. Attached you will find meeting notes and a PDF of Judge Jones' presentation. Thank you to the Confederated Tribes of the Colville Reservation and the Kalispel Tribe of Indians for hosting the first regional meeting on the eastern side of the state, and to the Minority and Justice Commission, the Gender and Justice Commission for their ongoing support of the Consortium.

The 5th Annual TSCC Meeting took place at Fall Judicial Conference on September 18, 2017. Co-chair Judge Lori K. Smith reported that participants had the opportunity to watch the film *Tribal Justice* and discuss restorative justice practices. She also reported that TSCC will begin convening two workgroups to explore 1) transfer of ICWA cases and 2) creation of a court rule regarding the communications between state and tribal court judges. Please let Carolyn know if you are interested in joining a workgroup.

Fall Judicial Conference/Bridging Justice Judicial Reception/Judges of Color Directory

Fall Judicial Conference was recently held in Vancouver, Washington, and it was a great time for the Commission. On Sunday, September 17th, we hosted our Bridging Justice Judicial Celebration to celebrate diversity and inclusion on the bench with our Oregon and Washington colleagues. In addition, we officially released the 2017 update to the Judges and Commissioners of Color Directory at the reception. On Monday, the Commission received the William Nevins Award from the Washington Judges Foundation for significant contributions to youth education ([Press Release](#)), sponsored a program on the science of bias-free decision making with Professor Jerry Kang and Dr. Tony Greenwald, and co-hosted the annual Tribal State Court Consortium meeting later that evening with the Gender and Justice Commission. On Tuesday, we sponsored a session on ER 609 with

Professor Anna Roberts. Our judicial education programs continue to provide invaluable information to our judges across the state about issues of racial bias and disproportionality.

[See all of our photos!](#)

[Download 2017 Washington Judges and Commissioners of Color Directory](#)

Co-sponsorship Requests

The Criteria for Support or Co-sponsorship Request Form has been finalized and is available from Carolyn. The Commission discussed submitted requests:

1. Implicit Bias Training for Administrative Law Judges
 - Support (Level 1) Requested: Publicity (WSMJC listed as a “supporter” on all promotional materials and helps advertise)
 - Requester: Judge Laura Bradley, Access to Justice Board, Justice without Barriers Committee
 - Date of event: October 30, 2017, 9 am – 4:30 pm

Judge Doyle motioned to grant support as requested. Judge Smith seconded the motion.

Unanimous vote to approve.

2. Public Service Announcement
 - Co-sponsorship (Level 2) Requested: Publicity, funding, and planning support
 - Requester: Catherine Brown and David Johnson, BJA Public Trust & Confidence Committee
 - Date of project: 2018

Unanimous vote in favor of deferring vote until more information is provided from the requester. Catherine Brown reached out to the Commissions along with TVW. Cynthia, Carolyn, and Kelley Amburgey-Richardson (GJCOM staff) had a phone meeting with them to discuss. The BJA Committee would be collaborating with the Commissions on the script. The Commission has worked with the in the past on a PSA. The Commission would like to know how much other co-sponsors would be contributing (including the BJA Committee) and the tentative overall budget of the project. The Commission would also like to know if there are any outlines or plans for the script and how long the PSA will run. **Would like BJA Committee representatives to attend the next meeting so they can field questions.**

Pretrial Reform Task Force

Carolyn reported that all three subcommittees (Data Collection, Risk Assessment, and Pretrial Services) have met and are starting to collect data and refine objectives. Judge Doyle shared that the group is looking for a subject matter expert to unpack the difference between risk assessment tools being “race-neutral” and racially disproportionate impact.

LFO Consortium

Cynthia reported that the next meeting will be October 23, 2017, 10 am – 2pm, at the AOC SeaTac office. Subcommittees are continuing to meet and collect data. Judge Coburn’s LFO Calculator Subcommittee has begun meeting with Microsoft to start developing the calculator prototype. A panel of community members participating in the “Living with Conviction” project have been invited to the next LFO Consortium meeting.

Eliminating the Pipeline School Discipline Series

Judge Gaines Phelps and Jamila Taylor spoke as guests of MJC at the last workshop on September 14, 2017. They discussed recent reports regarding disproportionate discipline experienced by black girls in U.S. public schools, resources for parents, and legal system perspective of the school to prison pipeline. The next workshop will take place at the Tukwila Community Center on November 9, 2017, 5:30-8:30 pm. Carolyn will send the flyer.

Institutional Challenge Grant

Final application for the grant was submitted. The research questions will be:

- 1) To assess whether diversion programs and strategies specifically tailored to cultural groups are more effective as measured by youth engagement, youth criminal desistance, and reduced racial/ethnic disparities prior to prosecutor filing; and
- 2) 2) To assess whether pre-filing diversion strategies are effective for youth charged with more serious criminal offenses (e.g., felony offenses and previous criminal history).

Final selection of the grant winner will be made by the William T. Grant Foundation in March 2018.

Youth Events

Color of Justice – August 17, 2017

Judge Whitener shared a heartwarming letter she received from a mother of a student who participated in the event thanking her for inspiring her daughter to become a judge. The Commission had the privilege of co-sponsoring the Color of Justice Event at Pierce County Superior Court. The program was adapted by Judge Whitener from the National Association of Women Judges' Color of Justice Event with the goal of connecting girls from marginalized communities to female judges who can mentor and empower them. Women judges representing all court levels in Washington encouraged over 60 minority girls between the ages of 11-18 to consider legal and judicial careers. The event featured networking and empowerment panels on the law and the legal profession and why diversity and minority perspectives matter. The girls had the opportunity to hear inspirational speeches from Justice Mary Yu, Judge Linda Lee, and Judge Veronica Alicea-Galvan. The event was sponsored by: Pierce County Superior Court, National Association of Women Judges, Washington State Gender and Equality Commission, WA State SCJA: Equality & Fairness Committee, Gonzaga University School of Law, University of Washington School of Law, Seattle University School of Law, and The Law Firm of Miller, Nash, Graham & Dunn, and the Loren Miller Bar Association.

Tri-Cities Youth & Justice Forum ("How Science and Technology Can Help Us in Our Quest for Justice") – November 3, Columbia Basin College, Pasco, WA

The drone demonstration has been confirmed. We are still in the process of confirming colleges and volunteers for the career fair. Topics that will be covered will include social media monitoring/prosecution/defense, crime scene forensics, and more TBD. Miguel Willis, recent Seattle University law school graduate, is confirmed to speak about the Access to Justice Technology Fellowship and the Social Justice Hackathon.

UW Tech Law Summit for Girls will take place on October 25, 2017. Contact Lisa Castilleja for more details. They are seeking volunteers.

Jeffrey Beaver encouraged the youth forum planning groups to approach the Loren Miller Bar Foundation and King County Bar Association for funding.

Budget Update

As of August 2017, the Commission has spent \$2,831.60 of its \$70,000.

Shout-outs:

- Thank you, Judge McCullough, for nominating the Commission for the William Nevins Award for its work with youth and justice forums.
- Judge Whitener's outstanding leadership in organizing the Color of Justice event. [Shout-out from Attorney General Ferguson.](#)
- Justice Yu was appointed Chair of the BJA Public Trust and Confidence Committee.
- Professor Gillmer was recently appointed Director of Gonzaga Law School's Center for Civil and Human Rights. His book, *Slavery and Freedom in Texas: Stories from the Courtroom, 1821-1871* (Athens: University of Georgia Press, 2017), is now available. [Copies can be found at Amazon and your favorite bookstore.](#)
- Adrian Diaz of the Seattle Police Department was promoted from Sergeant to Lieutenant.
- Justice Stephens, Judge Smith, Judge Doyle for their leadership and support of our Fall Judicial Conference sessions.
- Judge Glenn, Judge Galvan, Mike Diaz, and Judge Adrienne Nelson for their leadership and support of our Bridging Justice Judicial Reception at Fall Conference.
- Cynthia for her work with the Joint Commissions Education Committee.
- Commission members with perfect attendance in 2017: Justice Charles Johnson, Justice Mary Yu, Justice Debra Stephens, Lisa Castilleja, Steve Clem, Judge Linda Coburn, Mike Diaz, Judge Lisa Dickinson, Judge Theresa Doyle, Kitara Johnson, Annie Lee, Judge Linda Lee, Jasmin Samy, and Judge Lori K. Smith.

LAW STUDENT LIAISONS INTRODUCTIONS

The Commission is proud to announce its law student liaisons for 2017-2018:

University of Washington School of Law

Seth W. Brickey-Smith sbrickey@uw.edu

Maddie Flood mcflood@uw.edu

Amira M. Mattar amiram@uw.edu

Catalina A. Saldivia Lagos (catasl@uw.edu)

Seattle University School of Law

Lia Baligod baligodl@seattleu.edu

Maia Crawford-Bernick bernickm@seattleu.edu

Geraldine Enrico enricog@seattleu.edu

Nick McKee mckeen@seattleu.edu

Gonzaga University School of Law

Rina Bozeman rbozeman@lawschool.gonzaga.edu

Peter Gale pgale@lawschool.gonzaga.edu

Sather Gowdy jgowdy@lawschool.gonzaga.edu

Briana Ortega bortega2@lawchool.gonzaga.edu

The students were selected by their law schools for their commitment to eliminating racial bias and disproportionality in our legal system. We are grateful to have them and look forward to working with them on their projects!

COMMITTEE REPORTS

Education Committee – Justice Stephens and Judge Smith

Fall Judicial Conference Sessions

9/18 The Science of Bias-Free Decision Making

Dr. Anthony G. Greenwald, Department of Psychology, University of Washington
Dr. Jerry Kang, University of California, Los Angeles, School of Law

This program addressed the question as two leading scholars led us through the growing body of research that helps explain mental processes involved in forming opinions and the role of unconscious bias in decision-making. In conversation, they critically evaluated the strategies of (1) changing mindsets, (2) debiasing, and (3) decoupling the causal connections between implicit bias and discriminatory behavior. Building on their work in the justice system, Dr. Greenwald and Dr. Kang then engaged a panel of judges and the audience in an interactive “Fred Friendly” style forum to explore specific methods and strategies for minimizing bias and promoting fair, informed decisions in a variety of court settings.

9/19 ER 609: Exploring its History and Interpretation to Better Understand its Racially Disproportionate Effect

Professor Anna Roberts, Seattle University School of Law

ER 609 allows impeachment of criminal defendants and witnesses with certain criminal convictions. This session explored the origins of ER 609, its interpretation, and versions of the rule in other jurisdictions. Professor Roberts and other academics have raised concerns about the effects of the rule on whether the defendants choose to testify at trial or plead guilty, its possible racially disproportionate impact, and any effect on the perceived fairness of the justice system.

WASCLA Summit – October 13-14, Wenatchee, WA

A DISCUSSION OF ETHICAL CONCERNS WHICH MAY OCCUR WHEN PROVIDING SERVICE TO A LIMITED ENGLISH SPEAKER

Judge Coburn, Anthony Gipe, Diane Schneider

Participants for this presentation are focused on certified interpreters, attorneys and judges, but can also be anyone who offers services to a limited-English-speaking person in the justice system. The focus of the presentation will be ethical and legal issues as they pertain to interpreters and the specific challenges represented to minority communities and the justice system, and the impact of effective interpreter services on communities of color.

Institute for New Court Employees Bridges for Cultural Competency – October 24, Bellingham, WA

Faculty: Ms. Jessica Gurley and Ms. Laurie Tuff

As front-line members of the courts, the behaviors and actions of court employees often represent the justice system to users of the courts. This workshop provides a safe harbor to explore and discuss cultural competency and its importance to the administration of justice. Through lecture, experiential and interactive exercises, and group discussion, attendees will be able to identify current issues related to race, ethnicity, and culture; recognize how diversity, inclusion, and culture competency impacts your perceptions, behaviors, and effectiveness at work; and will provide tools and skills to enhance interactions with users of the courts and with colleagues.

Appellate Conference

Justice Stephens shared that the session will focus on collateral consequences of conviction. The first hour will be an overview of collateral consequences of convictions. The next part of the session will be a presentation on Legal Financial Obligations: applicable statutes/laws, effects on people, and procedures employed by the appellate courts in awarding/assessing LFOs. The last portion will be a panel discussion involving people who have served their time, participated reentry programs, and actually reintegrated themselves into non-custodial society. MJC is co-sponsoring this session with the Gender and Justice Commission.

SCJA & DMCJA 2018 Spring Conference Proposals

A Batson session proposal was submitted for both conferences in addition to a cosponsored proposal for a reentry simulation with the SCJA Equity and Fairness Committee for the SCJA Conference. We should know if the proposals were accepted by November.

Joint Commissions Education Committee

Cynthia shared that the chairs of each of the Commission education committees met and discussed more ways that we can cover equity topics in other judicial education settings in addition to providing our traditional equity programs at conferences. The group will connect with Judith Anderson to discuss the best approach to train judges who will be serving as conference faculty so they have the tools to incorporate equity issues into their presentations.

State Law Library Partnership

Judge Coburn introduced Elly Krumwiede, a librarian at the Washington State Law Library. Judge Coburn would like to continue to work with Elly to receive regular literature reviews on issues or topics the Commission would be interested in.

Workforce Diversity Committee

Judges and Commissioners of Color Directory and Bridging Justice Reception

Carolyn reported that the directories were provided in hardcopy at the reception. The reception was a success. Justices Nakamoto and Kistler from Oregon Supreme Court attended, as well Oregon judges from all court levels and attorneys. The reception had the largest attendance to date. Approximately 100 people attended. Judge Galvan and Mike Diaz emceed. Special guest speaker Judge Adrienne Nelson discussed importance of role as bridges to underrepresented communities and hope for future collaboration between the states on these issues. **Directories will be sent shared through listservs, copies mailed to legal and community organizations.**

Justice C.Z. Smith Awards

WSBA hopes to vote on the name change of the Diversity Award at their September meeting.

Outreach Committee

Carolyn announced that the co-chairs have selected Lisa Castilleja to serve as new chair of the Outreach Committee. Thank you to Judge Yule for his many years of service.

Meeting adjourned at 1 p.m.

NEXT COMMISSION MEETING:		
Friday, January 19, 2018	8:45 a.m. – 2 p.m.	University of Washington School of Law William H. Gates Hall 4293 Memorial Way Seattle, WA 98195