



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

**Friday, February 8, 2018
8:45 am – 12 pm**

**University of Washington (Tacoma Campus)
University Y Student Center
1710 Market St, Tacoma, WA 98402
Room UWY 304**

Teleconference: 1-720-707-2699

Passcode: 655 433 206##

Video Conference Link: <https://zoom.us/j/655433206>



MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair (phone)
Judge Helen Whitener, Co-Chair
Judge Veronica Alicea-Galván (phone)
Professor Lorraine Bannai (phone)
Judge Johanna Bender (phone)
Ms. Lisa Castilleja (phone)
Judge Faye Chess (phone)
Ms. Theresa Cronin
Judge Linda Coburn (phone)
Asst. Chief Adrian Diaz (phone)
Judge Mike Diaz
Judge Lisa Dickinson
Ms. Kitara Johnson
Judge LeRoy McCullough
Judge Lori K. Smith (phone)
Mr. Travis Stearns (phone)
Justice Debra Stephens (phone)
Ms. Katherine Svoboda (phone)

AOC Staff Present

Ms. Mary Lou Boles
Ms. Cynthia Delostrinos
Mr. Curtis Dunn
Ms. Chanel Rhymes
Ms. Andrea Valdez

Guests

Ms. Tarra Simmons (phone)
Mr. Josh Treybig (phone)

Student Liaisons Present

Ms. Bailey Russell (phone)
Ms. Beverly Tsai

CALL TO ORDER

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

The approval for the November 30, 2018 meeting minutes was postponed. The meeting minutes will be sent out to the commission members for approval via e-mail.

CO-CHAIRS REPORT

2019 Symposium Update – Justice Mary Yu

The Symposium Planning Committee will meet on February 14, 2019, from 12:15 p.m. to 1:15 p.m., to discuss the logistics and content for the upcoming Symposium on Artificial Intelligence and its impact on minority populations in the courts. The Symposium will take place at the Temple of Justice on June 10, 2019, from 9 a.m. to 12 p.m., with a reception to follow.

PRESENTATIONS & REMARKS

Spokane Youth and Justice Forum Update – Ms. Kitara Johnson

Ms. Johnson shared an update on the planning details for the next Spokane Youth and Justice Forum on April 19, 2019. They are expecting around 150 students and most of the speakers are confirmed. Spokane Public Schools is paying for transportation and the Excelsior Youth Center is providing swag bags. Ms. Johnson requested assistance from the Minority and Justice Commission to pay for lunch.

ACTION: Chanel will provide Ms. Johnson with a Minority and Justice Commission sponsorship request form for funds to provide lunch at the Spokane Youth and Justice Forum.

New Hope Act ([HB 1041](#)) Update – Ms. Tarra Simmons

The New Hope Act (HB 1041) takes several important steps to reduce barriers to reentry by:

- Improving the procedure for certifying sentence completion (i.e. obtaining a Certificate of Discharge).
- Adding certain misdemeanors to the list of offenses that can be vacated.
- Adding certain additional felony offenses to the list of offenses that can be vacated.

Ms. Simmons provided an update on the progress of HB 1041. The bill passed out of the House Public Safety Committee on February 7, 2019, with no opposition. LFOs will be required to be paid in full before convictions are eligible for vacation. A previous version of the bill did not require LFOs be paid prior to vacating convictions.

STAFF REPORT

Courts Engaging Communities Grant (Jury Diversity) – Ms. Chanel Rhymes

The National Center for State Courts did not select the Commission's proposal related to jury diversity and community engagement forums for the Court Engaging Communities Grant. The proposal sought to pull together community focus groups in Pierce County to understand why people weren't responding to jury summons and/or the reasons for needing to be excused from jury duty.

The purpose for partnering with Pierce County was to build on the extra efforts they have been undertaking to better understand their population and the responses to jury summons through heat maps. The proposal would also enhance the work of the Jury Diversity Task Force. Ms. Rhymes also mentioned that we are now pursuing possible funding for the project from the Washington Pattern Instructions Committee. We submitted the same proposal to the Committee and are currently waiting to hear back.

Co-sponsorship Request – Judge Johanna Bender

The Commission approved a sponsorship request from the Judicial Institute for the 2019 Judicial Fellows Clinic, in the amount of \$500.

The Judicial Institute is a Washington non-profit organization that prepares qualified diverse attorneys for judicial positions. Through their efforts, they strive to make the path to the judiciary more accessible, and to increase the number of diverse attorneys seeking and securing judicial positions. The Judicial Institute is partnering with Seattle University School of Law to conduct the Judicial Fellows Clinic on March 22-23. The Judicial Fellows Clinic will bring in 20 fellows to participate in a two-day interactive course, taught by instructors that are judges, MBA judicial evaluation committee members, and other representatives from appointing authorities. They cover topics including judicial ethics, the judicial appointment process, and preparing for a judicial campaign.

The fellows were recruited through various legal communities. The Judicial Institute also maintains an active social media presence. This year their class contains 23 people, with 14 who identify as persons of color. All of the applicants of color who applied were admitted this year. The other applicants include women from communities that have never had women on the bench before and individuals who identify as LGBTQ. Ms. Delostrinos mentioned that the current turnover rate for judges is very high due to the number of judges retiring. Efforts like the Judicial Institute and the DMCJA Diversity Committee's Pro Tem Training are now more important than ever.

LFO Grant Update - Ms. Cynthia Delostrinos

The Commission's grant funding to support work on the LFO Calculator and LFO Consortium will be ending in September 2019. Ms. Delostrinos is working with the Arnold Foundation to try to secure additional funding to continue working on the LFO Calculator and Consortium work for another year.

Justice Yu asked about the progress on the Administrative Office of the Courts (AOC) inheriting the LFO Calculator. Ms. Delostrinos stated, AOC has utilized a Business Analyst to review the possibility of AOC owning the LFO Calculator. They have finished the analysis and are preparing the final report.

Judge Coburn worked with RC Carter from Microsoft to produce videos on how to use the LFO Calculator. The videos were presented during the Sentencing sessions at the 2019 Judicial College. Next year, we may want to have the judges watch the videos as homework before the session, and then use the time during the session for any follow up questions about the Calculator. Justice Stephens mentioned that the LFO proposal for the annual Judicial Conference was accepted and generated the most enthusiasm.

Judge Coburn has been asked by the Washington Defender Association to give a presentation at their Annual Defender Conference in April 2019. She will present on how to use the LFO Calculator, since a lot of defense attorneys were not aware of it. Justice Yu recommended that Judge Coburn also present at the Washington Association of Prosecuting Attorneys Conference in June 2019.

Pretrial Reform Taskforce – Ms. Andrea Valdez

The Pretrial Reform Taskforce is getting ready to release their final report and findings. The report will be released on February 21, with fact sheets and other materials provided to the various commissions, associations, and legal networks. The goal of releasing the final report is to help courts start conversations with local jurisdictions about their pretrial process and services.

The Washington State Auditor's Office is currently conducting an audit on state bail reform and practices that will be released on February 28, 2019. There will be a legislative hearing on March 13, where state auditors will present their findings.

Minority and Justice Commission 2019 Bill Tracking – Ms. Chanel Rhymes

Ms. Rhymes discussed three bills of importance to the Minority and Justice Commission:

- [House Bill 1086 – Increased appropriated funding for the Office of Public Offense](#)
 - Phases in state reimbursement of county and city public defense costs by 2029.
 - Requires the Office of Public Defense (OPD) to disburse appropriated funds, establish policies for the distribution of funds, and monitor trial-level public defense services to determine eligibility for reimbursement.
 - Repeals the county formulas for the OPD public defense services grant.
 - The bill passed out of the Civil Rights and Judiciary Committee, and was referred to the Appropriations Committee on January 29.

Mr. Stearns mentioned that funding in this bill isn't set at county levels which does not address the disparity between the wealthy and low-income counties. He recommended watching HB 1109 and SB 5153, as these bills achieve equal disbursement of funds that the Office of Public Defense already pays.

- [House Bill 1282 / SB 5328 – Decriminalizing of DWLS 3rd Degree](#)
 - Concerning driver's license suspensions and revocations.
 - In the past there was discussion about the Attorney General's Office supporting this bill. Ms. Rhymes contacted a staff member at the Attorney General's Office and was told that they are still analyzing House Bill 1282 / Senate Bill 5328. There were concerns about the lack of funding and limited staff support upon passage of these bills. The Attorney General's Office is supporting a similar bill ([House Bill 1489](#)).
 - This bill was first reviewed on January 18, and was referred to the Transportation Committee for further review.
- [House Bill 1495 – Creating Joint Task Force on Criminal Sentencing](#)
 - Establishes the Joint Legislative Task Force on Criminal Sentencing for the purpose of reviewing sentencing laws and making recommendations to the Governor and the Legislature.
 - We will need a commission member to serve on this task force if it passes.
 - The majority of the Public Safety Committee voted to pass this bill on February 7.

Ms. Rhymes also mentioned that [House Bill 1489](#) has been introduced. HB 1489 will create a program for the consolidation of traffic-based financial obligations to facilitate reinstatement of driving privileges that are suspended because of failure to pay.

LAW STUDENT LIAISON PRESENTATIONS

Seattle University Project Proposal – Ms. Beverly Tsai

Ms. Tsai presented a revised project proposal by the Seattle University law student liaisons. Their project, titled "LFOs: Tackling the Modern Day Debtor's Prison," focuses on legal financial obligation

reform and relief in Washington state. LFOs are emerging as an issue that perpetuates poverty, inequity, and injustice within our criminal justice system. In recent conversations with other law students, they discovered that many people are unfamiliar with what LFOs are and how they affect communities.

The law student liaisons want to create a video comprised of various interviews with the purpose of introducing the issues related to seeking relief from LFOs, and recent efforts to reform Washington's LFO laws. They have secured a videographer to film and edit the footage. The video will be published on YouTube and they will gauge the impact of the project by checking counts, comments, shares, and likes. They will also debrief with the interviewees and collaborators from minority student organizations.

ACTION: Judge Alicea-Galván motioned to approve this project. Judge Dickinson seconded the motion. The rest of the Commission unanimously approved.

University of Washington Project Update – Ms. Bailey Russell

Ms. Russell mentioned that their project is coming along well. They have decided to provide \$500 to the chosen artist for their graphic recording. They are currently trying to coordinate their first focus group to gather opinions on the justice system. They discussed the possibility of providing focus group participants with Starbucks gift cards. Ms. Delostrinos stated that AOC will need to verify if it's possible to reimburse the law student liaisons for purchasing gift cards.

Gonzaga University Project Update – Judge Lisa Dickinson

Judge Dickinson has been working with the Gonzaga University law student liaisons and stated that they are still proceeding with their speaker series, but are arranging different dates for the events.

COMMITTEE REPORTS

Juvenile Justice Committee – Assistant Chief Diaz and Judge LeRoy McCullough

The Juvenile Justice Committee is working on developing an accreditation program for judicial officers practicing in juvenile court. Judge McCullough mentioned the recent Supreme Court case of [State v. Houston-Sconiers](#). The discussions that have occurred in response to this case indicate a need for further examination and training around judicial discretion in determining appropriate sentencing in juvenile cases.

The Committee's proposal to the 2019 Annual Judicial Conference session titled "Equal Justice Overview: Youth, the Eighth Amendment and the Law," was accepted. This session will offer tools that will enhance and encourage the use of judicial discretion in decision-making for juvenile cases. This session will challenge attendees to adopt a more global view of issues affecting juveniles and their families by envisioning them as having potential for success as youth and young adults. Jeffrey Robinson, Deputy Legal Director and Director of the Tyrone Center for Justice and Equality at the American Civil Liberties Union (ACLU), will be the keynote speaker for the session.

Outreach Committee – Professor Lisa Castilleja and Judge Mike Diaz

The Outreach Committee identified four items they will accomplish this year:

1. PSA Video with KCBA and TVW
 - a. The script for the PSA is finalized.

- b. The video will feature historic courthouses and will start shooting footage at the end of February 2019. The committee hopes to review the footage in March 2019.
2. Ms. Castilleja has agreed to respond to the community member in Spokane who raised concerns about how court staff communicates to the public about high profile criminal matters. This matter raised a robust discussion and suggested a need for outreach. Ms. Castilleja will define the issue and gather resources to prepare a response to the Spokane community member.
3. The committee will develop bylaws to define their committee tasks, work, and audience. The committee would like to provide a consistent presence and support at community events like the Youth and Justice Forums as well as more interaction with other legal associations like WAPA.
4. Solicit artwork for the next annual report. Judge Diaz shared an art piece titled D I V E R S I T Y by commission member Mr. Anthony Gipe.

Education Committee – Justice Debra Stephens

Justice Stephens mentioned that the Minority and Justice Commission will be sponsoring possibly the highest number of programs that it has ever sponsored, for this year's 2019 Annual Judicial Conference. A list of all of the sessions it will be sponsoring was provided in the agenda.

The Minority and Justice Commission and Gender and Justice Commission will be co-sponsoring a session at the 2019 Appellate Judges Conference titled "Judicial Writing in the 21st Century." The Commissions will be working with Professor Bannai and Professor Bob Chang, from Seattle University School of Law, to coordinate the program. Professor Bannai has been writing about racial bias within written and oral legal arguments for the past few years.

Judge Whitener and Judge Alicea-Galván re-capped their Judicial College plenary session titled "Emerging Through Bias: Towards a More Fair and Equitable Courtroom." Judge Whitener highlighted the LGBTQ and immigrant perspective within the presentation. Numerous judicial officers did not realize how privileged they were in regards to positional privilege and access. Ms. Rhymes attended and mentioned the task activity during the session was eye opening. She will be reviewing the attendee evaluations next week.

Ms. Delostrinos and Ms. Rhymes have been working on the Poverty Simulation for the Clerks Association Conference on March 18, in Leavenworth WA. The Poverty Simulation needs volunteers that would be willing to act as social services providers, government agencies, courts officers, police, grocery store owners, etc. to ensure the simulation is successful. Please contact Ms. Rhymes if you are interested in participating, and please share the need for volunteers with your networks.

Tribal State Court Consortium – Judge Lori K. Smith

Judge Smith discussed the planning details for the next Tribal State Court Consortium (TSCC) Regional Meeting. We would like to explore the idea of hosting the next Regional meeting at the Temple of Justice in Olympia. The TSCC is in the process of contacting local tribal courts near Olympia, Washington to see if one of them would be willing to allow the TSCC to tour its court.

Ms. Delostrinos submitted a proposal to the AOC leadership team to hire a part-time staff person to help coordinate the TSCC. The STOP Grant that the Gender and Justice Commission receives allocates 40% of its annual grant funding to the TSCC. Next year, the amount set aside for tribal courts will increase to 50%, which will help fund this proposed staff person. A staff person would help support the TSCC and allow them to continue to build its infrastructure.

The Meeting was adjourned at 11:41 a.m.

NEXT COMMISSION MEETING:		
Friday, April 6, 2018	9:00 a.m. – 2 p.m.	AOC SeaTac Office 18000 International Blvd. Suite 1106 SeaTac, WA 98188