



**MINORITY AND JUSTICE
COMMISSION**
AOC SEATAC OFFICE
18000 INTERNATIONAL BLVD, SUITE 1106, SEATAC, WA
FRIDAY, APRIL 5, 2019
9:00 A.M. – 2:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE G. HELEN WHITENER, CO-CHAIR

Teleconference: 1-877-820-7831
Passcode: 358515#



MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair
Judge Helen Whitener, Co-Chair
Judge Veronica Alicea-Galvan
Mr. Jeffrey Beaver
Judge Johanna Bender
Ms. Ann Benson
Ms. Elizabeth Castilleja
Judge Faye R. Chess
Judge Linda Coburn
Ms. Grace Cross (phone)
Ms. Theresa Cronin
Judge Mike Diaz
Assistant Chief Adrian Diaz (phone)
Judge Theresa Doyle (phone)
Professor Jason Gillmer
Judge Bonnie Glenn
Ms. Kitara Johnson
Ms. Annie Lee
Judge LeRoy McCullough
Ms. Karen Murray
Ms. P. Diane Schneider
Judge Lori K. Smith
Mr. Travis Stearns
Justice Debra Stephens (phone)
Ms. Katherine Svoboda (phone)
Ms. Leah Taguba

Guests

Ms. Esperanza Barboa, *ATJ Board Liaison*
Mr. Jordan Butler
Ms. Cecile Garner
Ms. Elly Krumwiede, *Embedded Law Librarian*
Ms. Chanel Rhymes

Student Liaisons Present

Ms. Lia Baligod
Ms. Alyssa Garcia
Ms. Ester Garcia
Ms. Briana Ortega
Ms. Beverly Tsai

AOC Staff Present

Ms. Michelle Bellmer
Ms. Cynthia Delostrinos

CALL TO ORDER

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

The November 30, 2018 and February 8, 2019 meeting minutes were approved.

CO-CHAIRS REPORT

2019 Symposium Update – Justice Mary Yu

The 2019 Supreme Court Symposium will be held on May 10, at the Temple of Justice. This year's topic will be on the use of Artificial Intelligence in the public arena. The Commission has been engaging in issues related to the use of AI, such as in the context of pretrial risk assessment tools, and how racial bias can be perpetuated through the use of these tools if we aren't asking the right questions and paying attention.

TVW will be streaming the symposium live and also providing a link of the recording so it can be watched later. Justice Yu is currently reviewing several articles related to AI, and if any commission member has come across articles that may be good to incorporate, please send them to Justice Yu.

ACTION:

- Coordinate with Commission members in Spokane to host a live streaming of the Symposium, possibly at Gonzaga School of Law. Professor Gillmer and Theresa Cronin will help organize.
- Coordinate with Commission members at UW to also host a live streaming. Connect with Lisa Castilleja.
- Create a Facebook event for the Symposium

Personnel Update

Justice Stephens and Judge Whitener excused themselves from participation in the discussion due to possible conflicts.

The Administrative Office of the Courts made the decision to terminate Chanel Rhymes, staff to the Minority and Justice Commission. Many Commission members felt that the termination went against the mission and the work of the Minority and Justice Commission, and expressed their concerns at the meeting.

Commission members wanted to better understand how they could voice their concerns to AOC leadership, and whether there was an opportunity to have Chanel reinstated. They asked about the AOC's policies around hiring people with criminal histories. They inquired into whether the issue was a systemic issue related to policies and practices dealing with people with criminal histories. Commission members were concerned about future staff and whether something like this could happen to the Commission again. Many projects were in progress and there was a concern about who would help move the projects forward in Chanel's absence.

Commission members asked questions about the Commission's role, and whether we still fit within the Administrative Office of the Courts. What happens when the work of the Minority and Justice Commission outgrows the AOC – when the Commission wants to progress but the rest of the system does not?

What is the role of the Commission's Workforce Diversity Committee as it relates to personnel issues? How can the WFD Committee have an influence around policies related to individuals who have criminal histories?

ACTION - The WFD Committee will coordinate the drafting of a letter to the State Court Administrator. They will also discuss systemic issues related to individuals with criminal histories working in/for the justice system.

June 14 Commission Meeting

The Commission meeting scheduled for June 14 will be held in Spokane in conjunction with the 20th Annual Access to Justice Conference: *Amplifying the Power of Community*, at the Spokane Convention Center. We will be meeting jointly with the Access to Justice Board from 10:00 am – 12:00 pm. Members are encouraged to sign up for the conference, however, the Commission cannot pay for conference registration. We can only cover the flight/travel costs to attend the meeting on Friday. Cost of registration for the conference is \$250.

ACTION - Cynthia will send out registration information and the flight request form.

STAFF REPORT

Jury Diversity Grant Update – Cynthia Delostrinos

The Commission submitted a grant application to the National Center for State Courts back in the Summer of 2018. The grants were meant to encourage states to engage with communities, particularly communities of color, to improve the perceptions of justice and the courts. The proposal made by the MJC focused on increasing diversity in juror turnout in Pierce County using community engagement strategies.

When receiving notice that the MJC's project was not accepted, Cynthia and Chris Gaddis pursued a different source of funding through the Washington Pattern Jury Instructions Committee. Cynthia and Chris will be presenting to the WPIC Committee on April 6, to discuss possible funding from their committee for this project.

LFO Grant Update – Michelle Bellmer

The LFO Stakeholder Consortium is working on surveys that will look at LFO practices across the state, from the perspectives of judges, legal aid attorneys, prosecutors, and defense attorneys. They are also looking at surveying a select number of courts to map out the cost to courts when collecting LFOs. Staff are also looking into possible future funding sources, as the grant we received from the Department of Justice will be ending this year in September 2019.

Shout Outs

- **Judge Helen Whitener** – SU Law Woman of the Year Award
- **Judge Veronica Alicea-Galvan** – SU Latinx Law Student Association's Joaquin Avila Award
- **Jeffrey Beaver** – University of Oregon School of Law's Frohnmayer Award for Public Service
- **Kitara Johnson** – Top 20 Women in Business

LAW STUDENT LIAISON PROJECT UPDATE

Gonzaga University - *Filling the Gap – Getting to Law School as a Minority Student*

The Gonzaga Law Student Liaisons have been organizing a 4 part series called "Bridging the Gavel Gap," which is aimed at encouraging undergrads, particularly those who come from groups that are historically underrepresented in the legal profession, to go to law school.

So far, they have held 3 events, with their last event taking place on April 25. The last event will focus on the law school admissions process and applying for scholarships and grants.

University of Washington - *Amplifying Stories: Community Perceptions of the Judicial System/Process*

The UW Law Student Liaisons produced a graphic recording that shows a community perspective of the justice system. Stacy Nguyen is the graphic reporting artist they are contracting with. Initially they had planned to host two focus groups, but because of an unexpected challenge in participation, they were only able to host one discussion group on March 14. During the outreach/recruitment process, the students learned that while many were willing to share their views of the justice system in a more informal setting (talking with the students about the event), they were not interested in having their views reported or recorded.

The students will be presenting the graphic recording at an unveiling event on May 15 at the UW Othello Commons from 6pm-7:30pm. They are currently working on producing a digital copy of the graphic recording.

Seattle University – *LFOS: Tackling the Modern Day Debtor’s Prison*

The SU Law Student Liaisons produced an informational video series on LFOs. They found that not a lot of classmates knew what LFOs were, and the liaisons wanted to take an opportunity to educate. The students completed the first video, which was an interview with Judge Linda Coburn. The video was shown at the meeting. They are hoping to do their next video with Nick Allen about filing motions for LFO relief, as well as featuring students who recently went through the new LFO Clinic at SU Law. They hope to have their project completed in June.

COMMITTEE REPORTS

LGBTQ Judicial Officer Directory – Judge Johanna Bender

Judge Bender presented a proposal from QLaw asking for the Minority and Justice Commission's help with sending out the LGBTQ Judicial Officer Directory survey. The survey and Directory are similar to the Commission's efforts in putting together the Judges of Color Directory back in 2017. The survey invites Judicial Officers to identify their sexual orientation and gender identity. They can also identify whether they want their information shared publicly in the Directory or if they'd prefer to keep it confidential and just housed with QLaw.

The co-chairs and Commission were unanimously supportive of the creation of the Directory and asked whether the Commission could be listed as a co-sponsor. QLaw welcomed the co-sponsorship.

Jury Diversity Task Force – Judge Johanna Bender

The Jury Diversity Task Force recently shared the Preliminary Report of findings after 12 months of meeting as a Task Force to look at ways that the state courts can improve diversity on juries. The Commission members were encouraged to take a look at the Preliminary Report and share it with their networks. The Task Force was chaired by Judge Steve Rosen, and now that the Preliminary Report is completed, the findings are in the Commission's hands to develop next steps.

➤ *Update on SB 5162 – Clarifying qualifications for jury service*

Senator Manka Dinghra helped spearhead the passage of SB 5162, which clarifies the circumstances of when someone with a felony on their record can serve on a jury. Before this bill, the language was unclear. The bill made it more clear that a person who has a felony record can serve on a jury unless they are still under DOC custody. They do not need to have paid off their LFOs in full in order to be eligible to serve on a jury.

ACTION – Judge Diaz and Judge Bender will spearhead efforts on behalf of the Commission to determine next steps on what to do with the Jury Diversity Task Force recommendations. Theresa Cronin volunteered to help mobilize efforts in Spokane when needed. At some point we should produce a press release about the Preliminary Report findings.

Outreach Committee – Lisa Castilleja and Judge Michael Diaz

➤ ***Annual Poster and Report***

Each year, the Commission selects artwork that represents the mission of the Commission and is created by an artist that who is from a minority background. The artwork is used as the Commission’s annual poster and is also used as the cover of the Commission’s Annual Report. This year, the Outreach Committee recommended Anthony Gipe’s “Diversity” artwork. The Commission members approved.

➤ ***Dignity, Fairness, and Respect PSA***

Judge Diaz gave an update on the PSA that was a partnership project between the Commissions, TVW, and the BJA Public Trust and Confidence Committee. The Commission recommended that the PSA include two judges, Justice Gonzalez (who was already confirmed), and Judge Whitener.

Juvenile Justice Committee – Annie Lee and Asst. Chief Adrian Diaz

➤ ***SB 5290 – Concerning Valid Court Orders***

SB 5290 passed. Washington State was an outlier in the U.S. with its use of detention for youth accused of non-criminal status offenses (i.e. truancy, ARY, etc.), this bill phases out the use of detention for status offenses. The Commission took a stance of support for SB 5290, and was active in the efforts to help get the bill passed. This position was contrary to that of the Superior Court Judges’ Association. The Commission has been on the forefront of issues related to juvenile justice, advocating for alternatives to incarceration and detention for youth, recognizing that contact with the justice system and especially detention is a traumatic experience for young people, and recognizing the racial disproportionality that exists within the juvenile courts. The Commission will be working on better coordination around legislative efforts and bills that would have a substantial impact on people of color in the justice system. The Co-chairs urged Commission members to weigh in (even if they are not in agreement with one another) when there is an ask for votes on whether to support a bill, or not, during the legislature.

➤ ***Fall Judicial Conference – Equal Justice Overview: Youth, the Eight Amendment & the Law***

The Juvenile Justice Committee’s proposal for a training at the Fall Conference was accepted. The training will be on the 8th amendment and talk about when should judges consider youth and youthfulness in decision making. The session will provide an essential foundation to help judges understand and apply relevant constitutional legal standards. Jeff Robinson from the ACLU will be the keynote speaker.

Education Committee – Justice Debra Stephens and Judge Lori K. Smith

➤ The following are programs that the Commission has/will be sponsoring:

- **Appellate Judges’ Spring Program:** March 24 – 27, 2019, Alberbrook, Union, WA
 - *Judicial Writing in the 21st Century: Culturally Informed Opinions in an Increasingly Diverse Society*
- **County Clerk’s Spring Program:** March 17th – 19th, Leavenworth, WA
 - *Poverty Simulation*

- **Annual Judicial Conference:** September 22 – 25, 2019, The Heathman Lodge, Vancouver, WA
 - *Surviving the Big Waive: a look at how courts can and must respond to defendants' legal right to readdress legal financial obligations (LFOs) – MJC*
 - *Equal Justice Overview: Youth, the Eighth Amendment & the Law – MJC and GJC*
 - *Pre-Trial Justice: Bail, Risk Assessments, and Reforms – MJC and GJC*
 - *Crisis of Missing and Murdered Indigenous Women – MJC, GJC, and TSCC*

Workforce Diversity Committee – Judge Veronica Alicea-Galván & Judge Bonnie Glenn

- Judge Galvan and Judge Glenn will be the representatives from Washington to attend the National Consortium on Race and Ethnic Fairness in the Courts Conference. The Conference will be held in Miami, FL.
- The Committee is still considering the possibility of hosting the National Consortium on Race and Ethnic Fairness in the Courts conference next year.

Tribal State Court Consortium – Judge Lori K. Smith

The Tribal State Court Consortium recently hired a new staff person to TSCC, Kathrn Akeah. Kathryn comes to us from the Office of Minority and Women Owned Businesses. She has also worked at the Department of Health and currently works as a part-time health policy consultant with various tribes across Washington.

There will be no Regional Meeting of the TSCC this year. The TSCC will have its annual meeting at the Fall Judicial Conference. They are also planning an education session for Fall Conference that will be focusing on the epidemic of Missing and Murdered Indigenous Women. There was a request to bring the “Tribal Justice” movie screening to Spokane.