



**MINORITY AND JUSTICE
COMMISSION**
ZOOM VIDEOCONFERENCE
FRIDAY, MAY 29TH, 2020
9:00 A.M. – 1:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUSTICE G. HELEN WHITENER, CO-CHAIR



MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair
Justice Helen Whitener, Co-Chair
Judge Veronica Alicea-Galvan
Professor Lorraine Bannai
Mr. Jeffrey Beaver
Judge Johanna Bender
Ms. Annie Benson
Professor Robert Boruchowitz
Judge Faye Chess
Judge Linda Coburn
Ms. Theresa Cronin
Ms. Grace Cross
Assistant Chief Adrian Diaz
Judge Mike Diaz
Ms. Karen Murray
Judge Theresa Doyle
Professor Jason Gillmer
Judge Anthony Gipe
Judge Bonnie Glenn
Ms. Anne Lee
Judge LeRoy McCullough
Ms. Briana Ortega
Mr. Christopher Sanders
P. Diane Schneider
Judge Lori Smith
Mr. Travis Stearns
Ms. Katie Svoboda
Mr. Joshua Treybig
Judge Dennis Yule (ret.)

Guests

Justice Raquel Montoya-Lewis
Ms. Gail Stone
Mr. David Armstead
Ms. Jenny Wu
Ms. Jaime Hawk
Ms. Rachel Sanford

Student Liaisons Present

Ms. Cloie Chapman
Mr. Israel Medina Carranza
Ms. Dalia Pedro Trujillo
Mr. Casey Yamasaki

AOC Staff Present

Ms. Cynthia Delostrinos
Mr. Frank Thomas
Dr. Amanda Gillman

CALL TO ORDER

The meeting was called to order at approximately 9:00 AM.

The March 13th meeting minutes were not approved, and will be presented at the July 31 meeting.

ROUNDTABLE DISCUSSION

COVID-19 and the Courts

Judge Gipe notes that Kent is one of the most diverse jurisdictions in the State, which implicates a number of unique challenges. Showing signs of getting to a workable place.

Annie Benson of WDA is hopeful to make the most of this disruptive moment, in longstanding practical challenges like failure to appear and access to justice.

Annie Lee and TeamChild team is working remotely with their young clients. Seeing a huge reduction in juvenile detention statewide.

Judge Glenn and the Office of Administrative Hearings changed to paperless shortly before the pandemic arose, so they have been able to continue with remote hearings. Huge increase in the number of unemployment cases and other financial assistance claims and modifications.

Judge Glenn has taken solace in teaching, and sharing the history of the struggle for justice with young students.

Briana Ortega has been very busy in private practice assisting small businesses navigate the new laws and financial circumstances. Briana is grateful to be having a Commission meeting this week, and to share this space with fellow concerned citizens.

Liaison Casey Yamasaki graduated law school this year, and had to endure the shuttering of the semester and graduation ceremony. Liaison Cloie Chapman just graduated from Seattle U Law.

Chris Sanders explains that federal courts are not anticipating a return to trials until 2021. 65 clients in the Federal Bureau of Prisons have died of COVID-19, including a client from Chris' office.

Cynthia Delostrinos is navigating her first term as Tukwila City Councilperson in light of the impact of COVID.

Judge Mike Diaz is working to help children avoid interaction with detention centers. Judge Faye Chess at Seattle Municipal has been working in the one open courtroom. SMC has a large backup of cases, and they are trying to devise a plan for the backup, while dealing with the prospect of a budget cut.

Liaison Israel Carranza congratulates the recent graduates and Justice Whitener for their achievements. Will be serving with KCPD remotely as an intern this summer.

Professor Gilmer of GU Law finished their semester a few weeks ago, and is currently working on an article about slavery in CA during the Gold Rush era. Professor Gilmer grew up in Minneapolis, so his heart is heavy today with the pain of his hometown.

Jeffrey Beaver is very distressed at the suffering in Minnesota, and is reminded of his own anxiety when encountering law enforcement as an African-American man.

Judge Johanna Bender is also feeling overwhelmed at the injustices in Minnesota, and is glad to convene with the Commission at this time. King County is one of the largest court systems in the country.

Josh Treybig has been working with clients at KCPD who are trying to navigate this new environment. Josh is also president of QLAW organization, who had to cancel their annual banquet. The QLAW legal clinic has innovated to bring about virtual weekly clinics and far exceeded their previous capacity to rise to the occasion.

Katherine Svoboda is here on behalf of WAPA (WA Prosecutors association). Ms. Svoboda is running unopposed for Grey's Harbor County Superior Court.

Judge Coburn reports the Edmonds Municipal has reopened for all remote hearings, the first jurisdiction to do so. When courtroom reopens, they will continue to provide remote hearings in order to promote greater access to justice. Judge Coburn is running unopposed in the First Division Court of Appeals.

Judge Smith at the Court of Appeals have been sped up because they've had to navigate the crisis while managing the same number of cases.

Professor Lorraine Bannai is literally stuck in West Seattle with the closing of the bridge. She is concerned both with the issues ongoing nationwide, and for her students who are navigating internships and post-graduate work in the midst of this shutdown.

Karen Murray feels grateful for her well-being through this time, and is making the most of the opportunity to become closer to her family. Courts and hospitals have been working together to get legal representation to those who need it.

P. Diane Schneider notes the challenges of setting up video hearings. Courts are exploring creating a video presentation to help guide access to justice issues for people for whom English is not their first language.

Professor Bob Boruchowitz has the Defender Initiative and other programs at Seattle U law that address race equity issues directly. Bob has dealt with the loss of a public defender colleague due to COVID-19.

Theresa Cronin has been inspired by the effort to find creative, long term solutions to the challenges presented by COVID-19 and the awakening of racial violence ongoing throughout the country. NWJP and TeamChild and Unemployment Law projects have been busy assisting many people in this time of need.

Travis Stearns is thankful that Division II Ct. of Appeals has been open to Zoom proceedings, but he is hopeful it is only temporary. Largest challenge for Mr. Stearns is communicating with all his clients in prison.

Judge Alicea-Galvan is thankful for the intellectual nourishment of the Commission, but feels the topics in the news are a stark reminder of how far we have to go. Judge Galvan is Chief at MRJC, and notes that this has caused us to question the status quo approach, such as how we use detention. Support systems are as important as anything else when we consider use of detention as a last resort. Notes that we have made a “generational shift” in the last 75 days to adapt out of the necessity caused.

Judge Theresa Doyle is stressed about the recent shooting and inequitable consequences of COVID-19, but grateful for the work she is able to do in her capacity. Judge Doyle notes this is a great opportunity to educate about alternatives to jail and the need for reform.

Justice Montoya-Lewis was on a nationwide panel last night assembled by the Chisolm Leadership Academy, with many State’s attorneys and other legal authorities.

Asst. Chief Adrian Diaz is appreciate of the Commission members’ commitment to service. Chief Diaz signed up to be a police officer to help and make a difference 23 years ago, and feels that he owns “the history of policing, and the future of policing.”

Dr. Amanda Gillman will produce the supplemental detention report with MJC.

Liaison David Armstead has been appreciative of the community support and embrace he’s received in these times of stress and deep concern. David is considering convening a town hall with black community members to continue driving the conversation around racial equity forward.

Courts were determined to be essential services, so the courts have been working through these very difficult circumstances. The Court took some actions we ordinarily would not as a non-unified court system. Justice Yu was astonished and appreciative that the Court Order was successful in filling the void in terms of providing guidelines to courts around the state, in particular the decision to move to remote hearings. The Courts is also very sensitive to the burden placed on public defenders during this time. The two newest members of the Supreme Court, Justice Whitener and Justice Montoya-Lewis, have breathed life into the Court, and Justice Yu is happy to have them as colleagues. The attorneys at the Court have adapted well to the less-than-perfect circumstances. It is impossible for courts to ensure the safety of people amidst COVID-19.

CO-CHAIRS’ REPORT

Update from Supreme Court on Essential Court Matters

The Washington Supreme Court has deemed courts as essential. The courts have been called to do things they normally

Personnel and Membership Update

- Justice G. Helen Whitener was appointed to the Washington Supreme Court
- Just Raquel Montoya Lewis has been appointed as the newest Minority and Justice Commission Member
- Judge Theresa Doyle will be stepping down from the Superior Court Bench in King County
- Judge Linda Coburn is anticipating a move to the Court of Appeals

ACTION: Send any recommendations for new Commission members to Frank Thomas.

2020 Symposium Steering Committee

The Symposium, “*Behind Bars: The Mass Incarceration of Women and Girls*” has been suspended until June 2nd, 2020. The Symposium will still be held from 9:00 AM – 12:00 PM at the Temple of Justice. If an in-person Symposium is not feasible in 2021, the Commission will decide whether to proceed with an online event.

The funds set aside for the 2020 Symposium have been reallocated to the Juvenile Detention Supplemental Report in order to advance the topical research on mass incarceration of girls of color in Washington. This research could support the topic of the rise of incarceration of women and girls, particularly women and girls of color. MJC has been able to partner with the Washington Center for Court Research on a project looking at girls in detention. The report will review the 2018 detention report and explain what will be included in the Supplemental Report (data on detained girls of color, broken down by race, for each county in WA; four-year review.)

The Detention Report and the Supplemental Report will complement the adult detention data that GJC compiles through their grant-funded Gender Justice Study.

A preliminary report will be available by July 1, at least a draft which will be sent to Co-Chairs and symposium steering committee. Final report to share with commission by next meeting.

LFO Reconsideration Days Update

MJC has contracted with Dr. Karin Martin for analysis on the trove of data that stemmed from LFO reconsideration days in Pierce County. The data analysis will hopefully help us see who came in that day to have LFOs reconsidered. A report would be useful to the legislature.

With the changing landscape due to COVID-19, LFO reconsideration days might need to be held online. Edmonds has been providing LFO Reconsideration directly online that anyone can fill out. Judge Coburn could possibly do an education session via webinar to explain how these online sessions are conducted.

The new Spokane LFO consideration day will tentatively be held on January 1, 2021. There are law firms that might be willing to help provide a space to support these efforts. A checklist could be compiled with instructions on how to conduct a LFO reconsideration day via Zoom, while also noting that not everyone has internet access for remote participation.

LAW STUDENT LIAISON REPORTS

University of Washington, *Pathways to the Law* – Sydney Bay, Mary Ruffin, Furhad Sultani, Casey Yamasaki

The UW student project focuses on challenges and biases that exist in attaining a legal education for people of color. They intend to take their message out to local community colleges in order to

prepare students for this reality and take affirmative steps to reduce and eliminate the impact of racial bias on the law school experience. The students hope to equip college students with knowledge of the application process and alternative paths to the profession, barriers to entry, various practice areas and the challenges surrounding their access, and other careers that become accessible with a J.D.

The holdover students are interested in possibly hosting their planned event in the Fall, when school returns. They have received feedback from Community Colleges that the programming will be more fruitful when classes are in session again. Students will review the proposal to see whether it can move forward via online at a later date, or possibly in person in the fall.

Gonzaga University, *Restoring Faith in the Justice System for Marginalized Voices* – Israel Carranza, Francis Dela Cruz, Rigoberto Garcia, Dalia Pedro Trujillo

The Gonzaga students were planning a series of events designed to engage and educate communities who are overrepresented in the criminal justice system about civic engagement and ways to combat disenfranchisement. The group hoped to target two separate audiences/events – high-school students from communities who face higher rates of civil disenfranchisement, and formerly incarcerated persons whom the students might help inform about civic engagement or the restoration of their various civil rights.

The program is on pause. Many liaisons are 2Ls, and hope to continue the work next year. One possibility is to incorporate things are happening now, and highlight why civic engagement is so important. If the pandemic continues to be a limitation, other forms of online community engagement should be explored.

Seattle University, *The Mass Incarceration of Transgender People of Color* – Beverly Tsai, Cloie Chapman, Denise Chen, Peggy Rodriguez

The Seattle University group is addressing the unique issues facing incarcerated transgender persons. They hope to cover all aspects of their carceral experiences, from police interactions to incarceration and reentry. The students have run into obstacles and cannot finish their project by June 30. The new liaisons and remaining ones who have not graduated have decided to resume the project once school comes back, and could possibly get turned back into an event.

They are developing infographics to prompt the audience to engage and promote trans rights issues on social media and elsewhere. MJC is helping to cover the costs of the video and infographic production, as well as incidental costs to access the J-Pay communication system used to communicate with incarcerated individuals.

COMMISSION LIAISON & COMMITTEE REPORTS

Outreach Committee – Judge Bonnie Glenn, Judge Michael Diaz and Lisa Castilleja

- **Workforce Diversity Subcommittee** – Judge Bonnie Glenn
 - The annual event to present the Justice CZ Smith award has been cancelled this year due to COVID-19. The NCREF Nation Conference was also cancelled due to the pandemic.
 - The Judges of Color Directory update will be done after the upcoming election.
- **Communications Subcommittee** – Lisa Castilleja, Judge Michael Diaz and Judge Bonnie Glenn

- The newly formed Outreach Committee will meet this summer to discuss pathways forward. The will be able to maximize collaboration moving forward together since there was already existing overlap in the work.

Education Committee – Judge Lori K. Smith & Justice G. Helen Whitener

- **Cancelled Education Events in 2020 Due to COVID-19**
 - Appellate Judges’ Spring Program, March 22-25, “*All the Real Indians Have Died Off and 20 Other Myths About Native Americans*” – Roxanne Dunbar-Ortiz
 - SCJA Spring Program, April 26-29, “Immigrant Families Tool Kit” and “Juvenile Justice”
 - DMCMA Annual Conference, May 17-20, “Preparing for the Big Waive: Re-addressing LFOs”
 - DMCJA Spring Program, May 31-June, “Poverty Simulation” – Co-sponsored with the Gender and Justice Commission. The Poverty Simulation has been guaranteed a place in the 2021 DMCJA Spring Program if it takes place in-person.
- **TBD: Annual Fall Judicial Conference, September 13-16**
 - Co-Sponsor of the Holocaust Museum’s “Law, Justice, and the Holocaust: How the Courts Failed Germany” with the Gender and Justice Commission
 - Co-Sponsor of “Working with DisAbleD Jurors” with the Interpreter Commission
 - Jurisdiction: CR 82.5 Where State and Tribal Courts Intersect. A Discussion of Overlapping Jurisdiction and GR 82.5 by NWTJA.

Juvenile Justice Committee – Annie Lee and Assistant Chief Adrian Diaz

- **Update on Juvenile Justice Education Session**
 - Annie Lee and AOC’s education staff are working to move the original SCJA Spring Program session to an online curriculum.
 - The Juvenile Justice Committee had been working on an educational session surround the new laws implemented recently, race equity, and adolescent development. Development has paused in part because implementation of these laws have been disrupted by court closures. Prosecutors resentencing youth may present another relevant opportunity for the Committee.

Jury Diversity Task Force – Cynthia Delostrinos

- **Update on Jury Diversity & Community Engagement Pilot Project**
 - COVID has impacted the ability to gather people, as was planned for the Jury Diversity Community Engagement Project. There is also an uncertainty about what jury trials will look like when they start up again in July. We will be continuing to look at when and how we can move forward with the project.
 - There was mention about the pending video project MJC was doing in collaboration with the Public Trust and Confidence Committee. The video was put on hold because of the issues related to immigration arrests at courthouses, and we could not ensure that all people would be safe coming to courts. Maybe we could now move forward with the project and incorporate encouragement for participating on juries. We should continue to partner with PTC Committee on the video project.

MJC Liaisons

- **Gender Justice Study** – Judge Bonnie Glenn
 - There are a total of 4 pilot projects currently underway as part of the Study: courthouse childcare center evaluations, evaluating existing data on incarcerated

women, DVMRT program evaluation, and WA courts workplace harassment survey. The final report is due July 2021.

- **Sentencing Task Force** - Judge Veronica Alicea-Galván
 - The Task Force has not convened in the interim, but they have been working on workgroups.
- **SCJA Self-Represented Litigants Workgroup** – Theresa Cronin and Joshua Treybig
 - The Workgroup last met in March, and the subsequent meeting was cancelled. The next meeting is currently being scheduled, date TBD. The work of this subcommittee is going to become increasingly important.
 - Theresa Cronin attended a conference on self-represented litigants in Nashville. Membership in the Self-Represented Litigants Network is free, and covers all sorts of topics.
- **BJA Education Task Force** – Justice Yu and Justice Whitener
 - The workgroups will reconvene in June. Staff will be reaching out.

STAFF REPORT

MJC Budget Update – Frank Thomas

Concern was expressed over how potential budget cuts could impact the Commission. Justice Yu is confident that the Courts recognize the importance of the Minority and Justice Commission.

LFO Updates – Cynthia Delostrinos

The original grant that provided funding for the LFO Calculator expired. AOC has continued support of the LFO Calculator up until the end of the next legislative session. Long term funding for the LFO Calculator is being work on through an AOC decision package.

Shout Outs

- Kitara Johnson, for setting up our meeting at the new Excelsior Wellness Center in Spokane, WA. Hopefully we will have another chance to visit soon!
- Josh Treybig for becoming new QLaw President!
- Judge Coburn who has decided to run for a seat on the Div. 1 Court of Appeals, currently unopposed.
- Judge Doyle on her announced retirement after 20+ years as a trial judge.
- Judge Alicea-Galvan who was named Presiding Judge of the Maleng Regional Justice Center earlier this year!
- Katie Svoboda who is running unopposed in Grays Harbor County – first woman elected to bench!
- The Law Student Liaisons who graduated this year, Cloie Chapman (3L), UW - Sydney Bay (3L), Casey Yamasaki (3L), Gonzaga - Francis Dela Cruz (3L)
- Beverly Tsai who passed the bar exam!

The meeting adjourned at approximately 1:00 PM.

Next MJC meeting: Friday, July 31, 2020 @ 9:00 a.m. (via Zoom)