

WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



TVW: [HTTPS://WWW.TVW.ORG/WATCH/?
EVENTID=2021011252](https://www.tvw.org/watch/?eventid=2021011252)

FRIDAY, JANUARY 15, 2021
9:00 A.M.–12:00 P.M.



MINORITY AND JUSTICE COMMISSION

BIMONTHLY GENERAL MEETING

JANUARY 15, 2021

9:00 A.M. – 12:00 P.M.

JUSTICE MARY YU, CHAIR

ZOOM LINK: [HTTPS://WACOURTS.ZOOM.US/J/92839297225](https://wacourts.zoom.us/j/92839297225)

MEETING ID: 928 3929 7225

AGENDA

CALL TO ORDER 9:00 – 9:15 a.m. (15 minutes)

- Welcome and Introductions
- Minority and Justice Commission Renewed Through 2025 (p.15)
- Approval of November 14 Meeting Minutes (p.4)
- Personnel and Membership Update
 - **Special Recognition:** honoring Justice G. Helen Whitener for her time as Commission Co-chair.
 - Welcome DMCJA Representative Judge Karl Williams as newest Commission member.
 - Discuss Membership Composition and Community Inclusion

CHAIR & STAFF REPORT 9:15 – 9:30 a.m. (15 minutes)

- **Racial Justice Initiative: A Judicial Branch Commitment to Race Equity in the Courts (p.19)**
 - Discuss status of Racial Justice Initiative collaboration with judiciary stakeholder organizations.
- **Staff Report**
 - **MJC Research Project Updates**
 - LFO Work Updates – Cynthia Delostrinos (p.22)
 - Ongoing MJC Research Update – Frank Thomas

COMMISSION LIAISONS & COMMITTEE REPORTS 9:30 – 12:00 p.m. (150 minutes)

- **Education Committee** – Judge Lori K. Smith and Justice G. Helen Whitener
 - Recap January 8th Webinar, “*End of the Eviction Moratorium: Issues Facing the Judiciary and Use of Discretion*” (attached)
 - **Judicial College 2021**
 - **Emerging Through Bias** – Judge Veronica Alicea-Galvan, and Justice Helen Whitener
 - **DMCJA 2021 Spring Conference**
 - *Proposed: “Legal Status” of LFO Collections, and Legal Debt as a Historical Means of Oppression*
 - **SCJA 2021 Spring Conference**
 - 2020 Rollover: Immigrant Families Tool Kit
 - 2020 Rollover: Juvenile Justice Session
- **Rules and Legislation Committee** – Judge Theresa Doyle (ret.) and Justice Mary Yu
 - Discuss Letter Concerning Uniform Pretrial Defense Reform Act (p.27)
 - Discuss Ongoing LFO Discussions

- **Juvenile Justice Committee** – Annie Lee
 - Announce Publication of [Special Report: Girls of Color in Detention in Washington State](#)
 - Update on Juvenile Points Legislation – Annie Lee and Judge Theresa Doyle
 - Discuss Curriculum Plan for Newly Enacted Juvenile Laws

- **Jury Diversity Task Force**
 - Update on Jury Diversity & Community Engagement Pilot Project – Cynthia (p.29)

- **MJC Liaisons**
 - **Gender Justice Study** – Judge Bonnie Glenn (p.42)
 - **Sentencing Task Force** – Judge Veronica Galvan (Dec. 2020 report attached)
 - **Access to Justice Board** – Esperanza Borboa (p.43)
 - **Office of Equity Task Force** – Kitara Johnson (p.46)
 - **SCJA Self-Represented Litigants Workgroup** – Theresa Cronin and Josh Treybig (p.50)
 - **Race and Criminal Justice System Task Force 2.0** – Lorraine Bannai
 - **Bar Licensure Task Force** – Frank Thomas

Next MJC meeting: Friday, March 19, 2021 @ 9:00 a.m. (via Zoom).

Minority and Justice Commission

2021 Meeting Dates

Virtual Meetings held via Zoom Videoconference

Date	Time	Location
Friday 01/15/21	9:00 AM – 3:00 PM	Zoom Videoconference (KCBA MLK luncheon at noon)
Friday 03/19/21	9:00 AM – 1:00 PM	Zoom Videoconference
Friday 05/14/21	9:00 AM – 1:00 PM	<i>TBD</i>
Friday 06/02/21 Supreme Court Symposium	8:30 AM – 1:00 PM	<i>Temple of Justice Olympia, WA</i>
Friday 07/30/21	9:00 AM – 1:00 PM	<i>TBD</i>
Friday 09/24/21	9:00 AM – 1:00 PM	<i>TBD</i>
Friday 11/5/21	9:00 AM – 1:00 PM	<i>TBD</i>

Please contact Frank Thomas at Frank.Thomas@courts.wa.gov or 206-316-0607 if you have any questions. MJC Teleconference Number: 1-877-820-7831 | Passcode: 358515#

CALL TO ORDER

Welcome and Introductions

- The meeting was called to order at 9:00 a.m.
- Attendance was taken via roll-call due to the full agenda.
- Justice Yu thanked TVW for being present, and reminded attendees that the meeting is being recorded and broadcasted live.

Approval of September 18th Minutes

The September 18th minutes were approved as presented.

Personnel and Membership Update

- Welcome Judge Ketu Shah (king county superior court) and WAPA Representative Chad Enright as newest Commission members
- MJC has now brought on 6 new members in 2020 – Justice Raquel Montoya-Lewis, Joshua Treybig, Briana Ortega, DMCMA Rep. LaTricia Kinlow, Judge Shah and Chad Enright.
- As of November 13, MJC has 33 of 35 Commission seats filled. Judge Diaz will depart the Commission at the end of the year and open another seat, and we are uncertain what will happen with Chief Diaz' member role. There are a group of members up for reappointment in 2021. MJC does not have any tribal representation at this time.
- Congratulations Justice Whitener and Justice Montoya-Lewis for winning their first re-elections to the Supreme Court.
- Diversifying the judiciary has always been a priority of this Commission. Last week Justice Gonzalez was elected as Chief Justice. He will be the first man of color elected to be Chief Justice. Congratulations!

LEGISLATIVE PRIORITIES - GUEST PRESENTATIONS

The Commission invited legal advocacy groups from throughout Washington to present at today's meeting. We are interested in hearing what their legislative agendas are for this session so that the new policy Committee may begin to develop their priorities for the 2021 legislative session.

The following groups were invited to present but could not attend the meeting:

- Washington Association of Sheriffs and Police Chiefs
- Civil Survival
- Washington Race Equity & Justice Initiative
- Black Prisoners' Caucus
- Seattle Urban League
- Washington State Coalition Against Domestic Violence
- Asian Pacific Directors Coalition
- Equal Justice Coalition

The following groups presented before the Commission and identified legislative priorities for the 2021 session:

Columbia Legal Services – Antonio Ginatta, Policy Director

Columbia Legal Services is working to dismantle and transform racist structures of justice in Washington.

They have identified 4 legislative priorities:

1. Addressing the unavoidable harms of debt
 - Concerned with the unavoidable piling of debt caused by the COVID-19 pandemic. As collections begin, we are concerned with how this will impact our communities. Debt collections disparately effect black Americans more than white Americans – addressing the harms of debt is a race equity issue.
 - Legislative proposal: Automatic protection of funds from garnishment. California has already implemented this policy.
2. Driver's license suspensions
 - CLS is working with a broad coalition to address this issue with legislative change.
 - Legislative proposal: End poverty as a reason to revoke licenses. Oregon removed failure to pay as grounds for license suspension this year, as have other states.
3. Legal Financial Obligations
 - Looking to expand upon 2018 LFO bill. LFO 2.0 bill would include components like waiving non-restitution interest, waiving restitution to non-victim entities, incarcerated people could receive relief, and reforming oppressive interest on LFO debt.
4. End statewide ban on distribution of civil legal aid funds to undocumented individuals
 - This policy was originally designed to take away political power from farm workers – the racist prohibition should be removed. The fix is a simple one line strikeout in OCLA's authorizing stature.

Housing Justice Project – Edmund Witter

The Housing Justice Project is prioritizing issues that impact rental housing in particular. Most evictions happen for one month of rent or less. Eviction and housing is racially disparate and impacts black Americans more than white Americans, with the racialized impact becoming more apparent due to COVID. With COVID, unemployment filings and areas with high rental housing intersect in more racially diverse areas. The majority of landlords are white, and the majority of those being evicted are BIPOC. The decision might be neutral on its face but impacts groups unevenly.

The Housing Justice Project will be targeting the following areas:

- Rental Assistance
 - Most rent assistance across Washington will be unavailable after December 30, 2020. The federal government could extend this deadline without passing a new stimulus bill. It would save lives. A small safety net makes a large difference.
- Payment Plans
 - The Governor's order does not currently provide for it.
- Right to Counsel in Eviction Cases
- Mandatory Mediation and Housing Court
 - It would greatly help to have more of a problem solving mentality from the judiciary on housing issues - This is how CA, OR, and NY does it. Shifting perspectives to see evictions as a social problem and not just a legal problem.
- Just Cause Eviction Protections
 - This bill has passed in four cities in Washington. We are currently the only state on west coast that does not have just cause protections statewide.

Northwest Justice Project – Vanessa Torres Hernandez, Director of Advocacy

Northwest Justice Project's primary practice areas are housing and family law, among others. They also serve the community through operation of the CLEAR legal aid hotline and the Washington Law

Help website. While NJP cannot actively lobby, they have identified 5 areas that will greatly improve race equity:

1. Housing Stability and Homelessness Prevention.
 - a. COVID has magnified existing disparities in housing. The priority is to prevent filings of evictions in the first place. There will need to be attention given to accessibility of legal services.
2. Foreclosure and Home Ownership.
 - a. A significant racial gap in home ownership exists in this country that disparately impacts black Americans, specifically in creating inter-generational wealth. This was very apparent for BIPOC during the last economic crisis. Nearly a decade after the last crisis, black American home ownership has not increased. The current COVID crisis will increase foreclosure amongst BIPOC communities. Washington is a non-judicial foreclosure state, with a program to support homeowners with foreclosure mediators effectively zeroed out. There is a significant likelihood that black and brown homeowners will disproportionately face eviction without any statewide funding for programs to assist homeowners.
3. Individual and Family Safety
 - a. There has been a rise in domestic violence, sexual assault, and intimate partner violence during COVID-19 – both in regards to frequency and severity, with a lack of supports due to people being stuck at home and WA statutes being confusing to navigate.
4. Consumer Protections
 - a. People use debt during periods of economic downturns, such as COVID, and that debt cycle spirals out of control. More needs to be done to protect people's basic existence.
5. Legal Financial Obligations
 - a. Washington has not done enough. For example, certain non-restitution LFOs like the victim penalty assessment are not eligible for waiving or reducing. Restitution cannot be waived or reduced. Older convictions that otherwise could be vacated are creating barriers to employment and housing that are disproportionality imposed in Washington.

ACLU WA – Jaime Hawk

ACLU WA has chosen to present on criminal and racial justice priorities to the Commission. ACLU WA's legislative agenda is still under development.

- Voting Rights Restoration
 - Proposed bright line rule will create automatic voter rights restorations when people are released from prison, instead of waiting until they complete community supervision.
- Sentencing Reform
 - ACLU WA released a report earlier this year called "[About Time](#)" that shows how long and life sentences have been a driver of mass incarceration in WA. A few legislative priorities are a post-conviction review bill, as well as several other sentencing reform bills that will help shorten sentences and decrease prison populations. There needs to be a mechanism to give people hope. ACLU WA will be partnering with Disability Rights Washington.
- Substance Use Disorder Assistance
 - The proposed Treatment and Recovery Act will increase state funding for treatment and recovery programs using existing marijuana tax revenues and will remove existing insurance barriers. The bill will reclassify personal use drug offenses from

crimes to civil infractions to connect people with resources to get back on track. The goal is to move Washington towards a public health approach.

- Policing Bills
 - These will include topics such as: collective bargaining, qualified immunity, repeal felony bar, data collection on use of force, etc.
- Juvenile Justice
 - ACLU WA will be partnering with other organizations like Team Child.

LegalVoice – Riddhi Mukhopadhyay, Courtney Chappell

LegalVoice is on the path towards becoming an anti-racist organization. This includes pivoting the way we approach work by making sure we are centering those impacted/marginalized voices, community lawyering through co-creating solutions, and believing that those closest to the problem are closest to the solution.

The legislative agenda will be drastically reduced from past years due to the virtual legislative session and refocus on community lawyering. Legislative priorities for 2021 include:

- Economic Justice
 - There needs to be systemic relief for workers, such as the 40 million dollar Immigrant Relief Fund for those shut out from CARES act funding and unemployment due to immigration status. Other opportunities are being explored for expanded funding – there is interest in creating a long term fund for economic justice.
- Maternal Health
 - Maternal death disproportionately impacts BIPOC women and they face more barriers in accessing quality care. It is being recommend to extend Medicaid coverage postpartum past the current 60 days to 12 months.
 - SB 6128 regarding maternal health was passed last session, then vetoed by Governor Inslee due to COVID. A similar bill will be introduced this upcoming session.
- Safety and Access
 - Align protection order statutes to make them more consistent because they currently are not consistent in how survivors are able to access them. Currently, there is a huge disparate impact with survivors of color. Courts implicitly expect more from BIPOC survivors, so the hope is that consistency across orders creates greater equity.
- Language Access
 - RCW 2.42 allows for interpretation in legal proceedings. It does not account for all the steps individuals must take to get to the court process. Example: law enforcement – interpretation is not required in this interaction. Language access is related to safety and access.

Access to Justice Board – Esperanza Borboa

The ATJ Board presented 8 priorities, which are included in the meeting packet:

1. Work with statewide partners to actively promote and secure state funding to achieve greater access to civil legal aid and stimulate new and effective innovations.
2. Address the civil legal needs of people without lawful immigration status.
3. Promote systemic and internal race-equity practices working toward a vision that race or color does not determine the availability and quality of services, fairness of outcomes, or the opportunities for communities and individuals.

4. Support and uplift partnerships among legal aid providers and with justice-related community-based organizations.
5. Support work designed to assist unrepresented litigants.
6. Promote, support and lead collaborative efforts to bridge the civil-criminal divide.
7. Support efforts to ensure the effective and appropriate use of technology in the justice system and within the Alliance for Equal Justice in order to provide meaningful and equitable access to justice.
8. Reevaluate organizational identity to develop stronger mission, vision and value statements that align with the current priorities.

Washington Association of Prosecuting Attorneys – Russell Brown

RCW 36.27 - Prosecuting Attorneys shall seek to reform and improve the administration of criminal justice and stimulate efforts to remedy inadequacies.

WAPA has identified the following legislative items of interest:

- Criminal Sentencing Task Force
 - Supervision – Washington currently utilizes a surveillance model of supervision where someone is surveilled waiting for them to make a mistake. Another model to consider is a “coach” model with an advocate.
 - Re-entry – Education, vacating crimes, assisting individuals as they re-enter society. WAPA is in support of many of these reforms.
 - Enhancement reforms – firearms and deadly weapons
 - Racial Disproportionality of weapon enhancements are even greater than comparable felony sentences
 - WAPA supports a proposal that would allow current weapon enhancements to be run concurrent
 - Support it being eligible for good time – currently it is not
- Officer Use of Force
 - Proposed independent agency to investigate and prosecute. Focused on not immunizing conduct worthy of investigation and possible prosecution. Concern about an actual new agency, which risks creating jurisdictional immunity.
- Voting Rights
 - WAPA supports the reintroduction of SB 6228 from 2020 to restore voting rights

TeamChild Juvenile Justice Bills – Judge Theresa Doyle and Anne Lee

TeamChild provides civil legal aid for young adults and teens. In 4 counties, they also work with incarcerated young people. The legal needs of young people are being met in a fragmented system of representation.

TeamChild supports the following legislative priorities:

- Raising the age of juvenile court jurisdiction
 - A health impact statement has been requested from the Board of Health. There is research recognizing that children are not adults and that the juvenile justice model should not follow the adult model. It is unclear if a bill addressing these issues will be introduced this session.
- Agency request by DCYF to expand electronic home monitoring for JR youth to finish sentences at home
 - Support initiatives to move young people out of carceral settings.
 - Not available to everybody, and youth with many community needs are not able to access these alternatives.
- Proposal to remove juvenile points in adult sentencing consideration

- The bill addressing this issue might be revived this year.
- Juvenile offenses should not be used in adult sentencing due to young people's development.

TeamChild recognized the following recent successes in Washington for juvenile justice:

- There has been movement around Washington's ability to expand diversion of young people. Shifting resources towards community diverging options; restorative community pathways. State level change can lead to local level advancements.
- Taking a hard look at incarceration, when and why we use it. Phasing out incarceration for status offenders. Incarceration rates at county level are drastically reduced due to COVID. Youth detention has decreased. What can we do to institutionalize the practice of keeping young people in the community and out of the carceral experience?
- JuCR 7.16 successfully passed by Supreme Court. Prohibits judges from issuing arrest warrants for probation or FTA violations, unless the youth presents a serious threat to public. 80% of such warrants in 2018 were issued against youth of color. Rule takes effect Feb 2021.

Washington Defender Association – Annie Benson

Washington Defender Association takes a collaborative approach of working with the community, other organizations, and impacted individuals.

WDA and WACDL priorities include the following:

- Protect Public Defense Funding
- Breaking Through Bias Legislation
 - Not debatable that legal actors and law enforcement have implicit and explicit biases. Studies cannot show the level of misconduct that contributes to disparities in lesser offense cases. Law enforcement bias can greatly impact the outcome of a case. These biases have a huge impact on BIPOC communities, the mentally ill, homeless, etc.
 - Breaking bias proposal – suggesting certain misdemeanors be repealed. Crimes in which law enforcement is both the defendant and reporting the crime. When the narrative is written and submitted, the terms of what happens is largely dictated by law enforcement that includes their own biases. *Repeal not reform*. Challenging a law enforcement narrative is nearly impossible.
 - If this is not palatable to the legislature, make them civil infractions instead of misdemeanors.
- 50/20 Sentencing Project
 - Intended to reverse damage of mass incarceration. Shown that victims of crime support more alternative sentencing and alternatives to incarceration instead of longer sentences. Increased incarceration has not served public safety.
 - Legislatively reverse sentencing laws:
 - 50% cut in sentence lengths
 - Cap sentence lengths at 20 years
 - Sentencing grids advisory only
 - Eliminate / severely curtail sentencing enhancements
 - Increase good time back to 33% for all crimes
 - Make all changes retroactive

WDA Resources on the health impacts of incarceration:

- <https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2020-15-S-6720.1.pdf?ver=2020-10-06-095727-300>

- <https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2020-15-S-6720.1-esum.pdf?ver=2020-10-01-113623-147>
- <https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2020-15-S-6720.1.pdf?ver=2020-10-06-095727-300>
- <https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2020-15-S-6720.1-esum.pdf?ver=2020-10-01-113623-147>
- <https://www.courts.wa.gov/index.cfm?fa=home.sub&org=wsccl&page=publication&layout=2&parent=Publications>

Disability Rights WA – Rachael Seevers

Disability Rights WA has identified this year as an opportunity to take on mass incarceration, since DOC needs to reduce incarceration to capture necessary cost savings.

The following legislative priorities have been noted:

- Broad Based Earned Time Bill
 - DOC has put out proposed legislation that would increase earned time for certain prisoners without violent offenses, sexual offenses, etc. DRA is looking at a more increased model of earned time, and to step away from the distinction of violent vs. nonviolent offenses that is rooted in racism. Incarcerated population is interested in this earned time accrual rate reform bill, as is DRA.
- Aging Prison Population
 - There is a goal to enact some type of review system for people serving extended sentences and giving the older incarcerated population a chance to ask for review. This is a way to address long term disparity in sentencing, provide relief and hope – It is something people who are incarcerated are asking for, and would be assessed through an independent board. Roughly 1000 people would be eligible for review.
- Solitary Reform Legislation
 - DRA has been working on this issue for about 10 years. There are about 800 people currently in solitary in just prisons. About 400 people are in maximum security indefinitely – many with mental health problems. Real systemic change has not been seen for these people, despite work with partner organizations. Legislation action would be based on New Jersey reforms, and international standards that ban solitary past 15 days.
- Permanent Affordable Housing
 - In order to truly divert people from incarceration, affordable housing needs to be increased. Current placement system for committed offenders results in over placement in certain counties. Legislation must not limit people in the SCC who are eligible for release to have a real opportunity for release.

NW Immigrant Rights Project – Malou Chavez

NW Immigrant Rights Project has no legislative or policy director, and mainly participates legislatively through WAISN and other partners. Their legislative priorities will be consistent with WAISN.

- Advocate against any cuts to programs that support NWIRP client communities and continue to defend state funded programs.
- Make \$40m COVID relief fund a permanent system of assistance.
- Support OCLA bill to remove restrictions on funding to undocumented residents.
- Detention Bill – remove private prisons, including immigration detention facilities
- Continue to support communities in regards to police accountability.

MICROSOFT FELONY SENTENCING DASHBOARD - GUEST PRESENTATION

Seattle Clemency Project & Microsoft Felony Sentencing Dashboard – Kim Gordon, Kate Sigafoos and Jonica Couweleers

The effort is a public private collaboration seeking to provide new criminal justice information in the form of a collaborative online tool that makes Washington sentencing data available to the public and other stakeholders. The goal is to make this information transparent and available. The prototype tool combines 20 years of CFC sentencing data, census and population data, and information about legal and legislative changes that affect criminal sentencing. Future steps include the incorporation of data from other points in the criminal justice process. Over 30 people from Microsoft worked on this project during “hackathon,” with ongoing interest from the team at Microsoft to continue work on the tool. The team is seeking input and feedback from the Commission.

Staff from Microsoft shared their screen via Zoom to demonstrate the tool.

The following questions were posed from the Commission:

- How will the tool be maintained?
 - This depends on data sources and how data comes in, as well as who ultimately is in charge of maintaining the tool.
- When will tool be available?
 - Unsure. The tool is still private on the Microsoft dashboard. This partially depends on interest in stakeholder groups, and there has also been interest from other states as well.

ACTION: Frank Thomas will reach out to the Microsoft team to set up additional presentations for possibly the Supreme Court and SCJA. He will also put the Microsoft team into contact with the center for court innovation and WSCCR.

CO-CHAIR & STAFF REPORT

Racial Justice Initiative – A Judicial Branch Commitment to Race Equity in the Courts – Justice Yu and Cynthia Delostrinos

All of the court associations have expressed interest in joining a larger judicial branch effort to address systemic racism in the courts, under the MJC umbrella. This will likely have a structure similar to the LFO Consortium, with many members and entities coming to the table, and a steering committee. We are hoping that it will create a strategic plan for the judicial branch, and actions for each of the associations to take to get closer to racial equity in the courts.

We are looking into opportunities for funding for a full-time temporary facilitator position to help lead the work. Looking at true reform, not just education. MJC will be a key resource in moving work forward in this effort of the entire branch to look internally.

MJC Research Project Updates

- **LFO Reconsideration: A deeper look at Pierce County’s LFO Reconsideration Day** – Dr. Karin Martin & Matthew Fowle

Dr. Karin Martin and Matthew Fowle presented on their preliminary findings from their LFO Reconsideration Day research conducted at the Pierce County event 2019:

- Traffic offenses dominate LFOs.
- Repayment amounts do not differ substantially by race.
- Criminal cases have the lowest repayment rates, at 17%. Traffic infractions have the highest rate at 73%.

- Evidence suggests justice involved people are not representative of Pierce County's population at large.
- Most participants were the main earners of their household. More than half of survey participants were struggling to afford basic human needs.
- Data from the courts showed how much debt was waived during the Reconsideration Day event. At the beginning of the day, participants owed \$5.3m. The court that day reduced debt by \$3.3m, or 53%. There was a large disparity between court levels, where municipal court reduced 95% of debt, and the majority of district court debt was removed. A minority of superior court debt was removed, despite this accounting for most of the LFO debt.
- Full debt waiver is much more protective than a partial waiver.

The following policy recommendations stemmed from the LFO Reconsideration Day research:

- Extending COVID moratorium. Generally extending the time before punitive enforcement measures take place.
- Reduce the use of driver's license sanctions for non-payment. Possibly limiting sanctions to high offenses.
- Provide more information to individuals owing LFOs
- Expand support and financial counseling
- Preemptive cancellation of uncollectable debt – the court and state could take a proactive stance.

ACTION: Frank Thomas will follow up with Dr. Martin about presenting on the LFO research to other groups.

➤ **Incarceration Research Update – Frank Thomas**

Three incarceration projects from MJC and our AOC colleagues – Juvenile Justice Girls of Color report, Adult Incarcerated Women's report from GJC, and COVID-impact data prepared by WSCCR for the Supreme Court. The plan is to coordinate with AOC to produce a press release that ties together the findings of all three reports to paint a complete picture of incarcerated females in the state.

COMMISSION LIAISON & COMMITTEE REPORT

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

- Judicial College 2021 – Emerging Through Bias, Judge Alicia-Galvan and Justice Whitener
- DMCJA 2021 Spring Conference – Proposed “Legal Status of LFO Collections, and Legal Debt as a Historical Means of Oppression”
- SCJA 2021 Spring Conference
 - 2020 Rollover: Immigrant Families Tool Kit
 - 2020 Rollover: Juvenile Justice Session
- Housing Justice Emergency Webinar with SCJA & Housing Justice Project

Outreach Committee – Lisa Castilleja and Judge Bonnie Glenn

- CZ Smith Award will be held virtually, hosted by UW. Possible March 2021 date.
- Time to solicit artwork for the 2021 MJC poster. Judge Gipe, our 2020 artist, will lead that initiative.
- The Gavel Gap Reception will continue virtually.
- Judges of Color Directory will be updated to reflect the recent election.

Jury Diversity Task Force – Cynthia Delostrinos

A flyer for the Jury Diversity & Community Engagements Pilot Project is included in the meeting packet. We are planning two separate days to conduct the event, but are waiting to see if we have ample participation. Contact Cynthia with any questions.

MJC Liaisons

- **Gender Justice Study – Judge Bonnie Glenn and Sierra Rotakhina**
 - The final report is due in June of 2021.
 - Four pilot projects are currently underway, including the evaluation of courthouse childcare centers, the workplace harassment survey, evaluation of CFC data, and the DV MRT evaluation.
 - CFC data is currently being analyzed at the intersection of race and gender, including beyond the binary.
 - 27 topic areas are all in the process of being written – currently working to get them out for broader stakeholder feedback.
- **Race and Criminal Justice System Task Force 2.0 – Lorraine Bannai**
 - The task force met today. More groups have joined since the last meeting.
 - The recommendations and implementation task force has met.
 - There are two new workgroups: one on policing, and one on alternatives to policing.

The meeting was adjourned at approximately 1:00 PM.

The next Minority & Justice Commission meeting will take place on Friday, January 15th at 9:00 AM.



2020 Commission Members

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

Justice G. Helen Whitener
Co-Chairperson
Washington State Supreme Court

Judge Veronica Alicea-Galván
King County Superior Court

Professor Lorraine Bannai
Seattle University School of Law

Mr. Jeffrey A. Beaver
Miller Nash Graham & Dunn LLP

Judge Johanna Bender
King County Superior Court

Ms. Ann Benson
Washington Defender Association

Ms. Esperanza Borboa
Access to Justice Board

Ms. Lisa Castilleja
University of Washington School of Law

Judge Faye Chess
Seattle Municipal Court

Judge Linda Coburn
Edmonds Municipal Court

Ms. Theresa Cronin
Community Member

Ms. Grace Cross
Skamania County Clerk

Chief Adrian Diaz
Seattle Police Department

Judge Mike Diaz
King County Superior Court

Judge Theresa Doyle
King County Superior Court

Professor Jason Gillmer
Gonzaga University School of Law

Judge Anthony Gipe
Kent Municipal Court

Judge Bonnie J. Glenn
Office of Administrative Hearings

Ms. Kitara Johnson
Excelsior Youth Center

LaTricia Kinlow
District and Municipal Court Managers Association

Ms. Anne Lee
TeamChild

Judge LeRoy McCullough
King County Superior Court

Justice Raquel Montoya-Lewis
Washington State Supreme Court

Ms. Karen Murray
King County Associated Counsel for the Accused

Briana Ortega
Stamper Rubens, P.S.

Mr. Christopher Sanders
Loren Miller Bar Association

Judge Ketu Shah
King County Superior Court

Judge Lori K. Smith
Washington State Court of Appeals

Mr. Travis Stearns
Washington Defender Association

Mr. Chad Enright
Washington Association of Prosecuting Attorneys

Ms. Leah Taguba
King County Prosecutor's Office

Mr. Joshua Treybig
King County Department of Public Defense

Chief Justice Debra L. Stephens
Washington State Supreme Court Temple of Justice
PO Box 40929 Olympia, WA 98504-0929

RE: Order of Renewal – Minority and Justice Commission

Dear Chief Justice Stephens,

The Washington State Supreme Court Minority and Justice Commission was established in 1990 by an Order of the Washington State Supreme Court. Since its creation, it has been renewed by the Court five times, in 1995, 2000, 2005, 2010 and 2015, each for an additional period of five (5) years. The Commission is scheduled to expire on December 31, 2020.

The Court established the Minority and Justice Commission to identify concerns and make recommendations regarding the equal treatment of all, without regard to gender, in the State courts. Many of the issues that were faced in 1990, and indeed in 1987 when Washington State Minority and Justice Task Force was established, are still prevalent today. Racial bias and disparities continue and will continue to exist, and the Commission is committed to continuing its work to address these issues.

As Chair and Vice Chair of the Minority and Justice Commission, we are requesting that this matter be brought before the court for immediate attention and action. Enclosed you will find an Order of Renewal asking the Court to establish the Minority and Justice Commission for a period of five (5) years beginning on January 1, 2021 and ending December 31, 2025.

Very Truly Yours,


Justice Helen Whitener
Co-Chair


Justice Mary Yu
Co-Chair

THE SUPREME COURT OF WASHINGTON

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

ORDER

NO. 25700-B-654

1. *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. *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. *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 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,

September 8, 2010, and January 6, 2016. 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. 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 2025 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. 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. 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. 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. 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. 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.

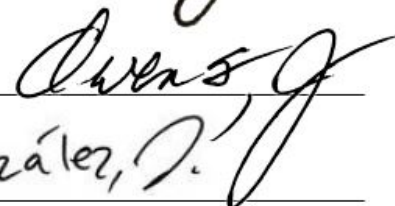
10. Annual Report. The Commission shall prepare and file an annual report with the Governor, Legislature, Supreme Court and the Administrator for the Courts concerning its activities and shall recommend appropriate action to promote equal justice for racial, ethnic, cultural and language minorities in the state judicial system. This shall include continuing education on cultural diversity for judges and other court personnel.

11. 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.

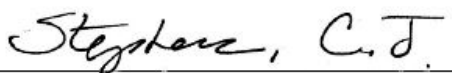
Dated at Olympia, Washington this 8th day of January, 2021, effective *nunc pro tunc* to January 1, 2021.




Madsen, J.




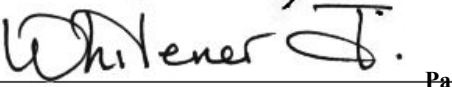
Gonzalez, J.











Washington State Racial Justice Consortium: Working Together to Eradicate Systemic Racism and Reform Our Judicial Branch

“The legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will.”
Open Letter from the Washington State Supreme Court, June 4, 2020

In an effort to support the various responses to the Supreme Court’s invitation to take specific and concrete steps to eradicate racism, especially the devaluing of Black lives, a consortium of entities that make-up the judicial branch is hereby established.

Purpose:

The purpose of the Racial Justice Consortium is to maximize opportunities for collaboration and mutual support of judicial branch entities in exploring:

- a) Education of our workforce on racism, the causes of racism, and how it shows up in the courts and legal system;
- b) A comprehensive review of policies and practices that contribute to racial disproportionality and systemic racial injustice; and
- c) Meaningful reform of those policies and practices that can be measured and tracked for accountability and progress.

The goal of the Consortium is to meet over the course of one year to develop specific plans that will result in structural change within the various judicial entities relying upon the principles and objectives outlined in the Supreme Court’s letter on racial justice.

Organizational Support & Capacity:

The Racial Justice Consortium will be supported by the Supreme Court’s Minority and Justice Commission but shall remain distinct from the Commission and its governing structure. The Commission, through the Administrative Office of the Courts will secure funding to hire a temporary staff person for this initiative. The hired staff person will be an individual familiar with the breath and diversity of the various entities within the judicial branch, a deep skill set for facilitating difficult conversations about race, and a resilient personality that is sensitive to the independent thinking of judicial officers but also grounded in a commitment to equity.

Budget & Funding Structure

Direct Costs	Amount
Salary for Race and Equity Staff/ Consultant	\$100,000
Benefits	\$40,000
Stipends for Community Representatives - 4 Representatives x 12 meetings @ \$100/meeting	\$4,800
TOTAL	\$144,800

Funding Sources	Amount
Minority and Justice Commission	\$10,000
Other Judicial Branch Entities (18 separate entities)	\$60,000*
Grants	\$74,800
TOTAL	\$144,800

*Each entity should contribute what they can. Baseline estimate is \$5,000 per entity. Some can give more and some can give less or none. The amount that each entity contribute will help us determine how much we will need to seek out in grant funding.

List of Consortium Members to Date:

- **Supreme Court** - Mary Yu, Raquel Montoya-Lewis, J.J.
- **Court of Appeals** - Cecily Hazelrigg, J. (Div. I)
- **Superior Court Judges Association (SCJA)** - Judith Ramseyer, J. (King Co.)
- **District and Municipal Court Judges’ Association (DMCJA)** - Michelle Gehlsen, J. (King Co. Dist. Ct.)
- **Board for Judicial Administration (BJA)** - Gregory Gonzales, J. (Clark Co.) & Michael Scott, J. (King Co.)
- **Public Trust and Confidence Committee, BJA** - Kathryn Loring, J. (San Juan Co.)
- **Association of Washington Superior Court Administrators (AWSCA)** - Jessica Gurley (Clark Co.)
- **District and Municipal Court Management Association (DMCMA)** - Cynthia Davis (Seattle Muni.) & Lea Garner (Yakima Co. Dist. Ct.)
- **Washington Association of Juvenile Court Administrators (WAJCA)** - Christine Simonsmeier (Clark Co.) & TJ Bohl (Pierce Co.)
- **Washington State Association of County Clerks (WSACC)** - Grace Cross (Skamania Co.)
- **Gender and Justice Commission** – Dua Abudiab & Rebecca Glasgow, J. (Ct. of Appeals Div. II)
- **Interpreter Commission** – Florence Adeyemi & Naoko Inoue Shatz
- **Commission on Children in Foster Care** – Justice Barbara Madsen & Cindy Bricker
- **Tribal State Court Consortium** – Judge Lori Smith (Div I.), Judge Cindy Smith (Suquamish Tribal Court)
- **Access to Justice Board** – Francis Adewale (Spokane)
- **Office of Public Defense** – Barbara Harris
- **OCLA** – Jim Bamberger & Dana Boales
- **Administrative Office of the Courts** - Dawn Marie Rubio & Cynthia Delostrinos
- **Community Representatives** – (4 from each of the state’s 4 quadrants (NW, NE, SW, SE))

Preliminary Timeline of Activities:

Month 1-3:

- Develop the schedule for convening the Racial Justice Consortium.

- Host the first meeting to bring all the partners together to establish the goals, objectives, timeline, and commitment to participation.
- Connect with the designated group members to learn more about their association’s role in the branch, and where racial equity support is most needed.
- Design workshops for hands-on racial equity muscle building for Consortium members.
- Develop plans for communication, trainings, workshops and services that will go out to justice system partners.
- Present frameworks and tools that will be used for continued conversations on racial equity.
- Begin review of policies and practices that contribute to racial disproportionality and systemic racial injustice.

Month 4-7:

- Continue Consortium meetings and trainings.
- Continue review of policies and practices that contribute to racial disproportionality and systemic racial injustice.
- Begin identifying solutions for reform and methods for tracking accountability—will culminate into a public Racial Equity Initiative that will guide the Courts’ racial equity commitment and efforts.
- Create strategy for seeking feedback from local communities on the judicial branch’s Racial Equity Initiative. One example could include public listening sessions with members of local communities across the state.

Month 8- 12:

- Continue Consortium meetings and trainings.
- Complete review of policies and practices.
- Complete development of a public Racial Equity Initiative to guide the Courts’ racial equity commitment and efforts.
- Seek feedback from local communities on the Racial Equity Initiative—amend plans as needed.
- Complete plans for communication, trainings, workshops and services that will go out to justice system partners.
- Pilot the creation of Racial Equity Internal Change Teams to support continued racial equity efforts within each of the judicial branch associations.
- Create and support a train-the-trainer cadre to carry out future racial equity trainings.

Preliminary Tasks:

Launch Racial Justice Consortium - (November 2020 – January 2021)

- Fill out the list of representatives from the remaining entities and identify community representatives
- Select representatives for a Steering Committee and meet to plan official launch
- Secure sufficient funds to hire Racial Equity employee
- Collect racial equity plans/goals each association already has in place

Living with Conviction
Proposal for Partnership with the Minority & Justice Commission
December 22, 2020

This proposal requests support, in the amount of \$7,030, for a partnership between Living with Conviction (LwC) storytellers/trainers and the Minority & Justice Commission (MJC). This partnership would consist of: (1) LwC storytellers/trainers’ facilitated review of information gathered during MJC’s LFO Stakeholder Consortium; (2) facilitated discussions during which storytellers/trainers generate and prioritize recommendations for LFO reform, and (3) the creation of policy recommendations for continued LFO reform, derived from those most impacted, thus reducing the burden of LFOs on successful reentry into Washington State communities. The policy recommendations will complement the final report of the Minority and Justice Commission’s LFO Stakeholder Consortium.

Living with Conviction storytellers are formerly incarcerated individuals, who generously shared their personal experiences about the impacts of LFOs to educate state legislators and their constituents. Before and during the 2018 legislative reform efforts, their stories were shared broadly among the legislature and constituents by members of the coalition advocating for LFO reform, including ACLU-WA and the Statewide Poverty Action Network. LwC trainers are formerly incarcerated individuals who have been trained on LFO law and procedure, and then train their peers on how to prepare and file motions to reduce their LFO burden, consistent with the 2018 reforms.

Given Living with Conviction storytellers’/trainers’ direct experiences with LFOs, they are uniquely suited to consider the information generated during the LFO Stakeholder Consortium and provide their own recommendations for prioritizing continued LFO reform.

The timeline for this proposed partnership is January through April 2021. The phases of the project are:

- Month 1: LwC team recruits storytellers/trainers, who sign a volunteer agreement; MJC mails hard copy of the report to storytellers/trainers.
- Month 1 & 2: LwC attorneys create visual summaries of report’s key findings, reviewed by LwC storyteller facilitator for understanding and accessibility.
- Months 2 & 3: Team conduct two virtual, two-hour sessions, during which attorneys/facilitator present findings, and storyteller facilitates discussions, based on the visual summaries and other topics raised by storytellers.
- Month 4: Conduct final virtual session for collaborative decisions on priority reforms; team drafts final report and sends to MJC.

The requested sum of \$7,030 will be used as follows:

LABOR	Tasks / Est’d hours	Est’d Hours	Rate	Total
Espinosa – project manager / attorney	Logistics for recruiting storytellers, calendaring meetings, drafting and securing storyteller signatures, etc. = 6 Review MJC report = 2 Meeting w/ team to discuss report = 2 Co-create summary and visuals for meetings = 6 Attend 3 meetings = 6	28	1000	\$1,000

LABOR	Tasks / Est'd hours	Est'd Hours	Rate	Total
	Debrief after each meeting = 3 Co-draft and finalize report = 5			
Bosch - attorney	Review MJC report = 2 Meeting w/ team to discuss report = 2 Co-create summary and visuals for meetings = 6 Attend 3 meetings = 6 Debrief after each meeting = 3 Co-draft and finalize report = 5	24	1000	\$1000
Storyteller facilitator - Pacheco-Jones -- Honorarium	Read MJC report = 2 Meeting w/ team to discuss = 2 Review summary and visuals = 1 Create agendas / discussion questions = 2 Prep for 3 storyteller meetings = 1.5 Facilitate 3 storyteller meetings = 2 Debrief after each mtg = 3 Review and comment on draft report = 2	15.5	930	\$930
Storytellers' honoraria	Review MJC report (optional) Attend and participate in 3 2-hour meetings = 6	6	360	\$3,600
DIRECT COSTS				
Tech grant for storyteller facilitator	Laptop	1	500	\$500
TOTAL		-	-	\$7,030

Thank you for your consideration. For questions about this proposal, please contact Living with Conviction founder/director Deborah Espinosa at: deb.espinosa8@gmail.com.

- I. Current State of Inequity in the Housing Crisis – *Edmund Witter***
 - a. Demographics of Tenancy and Housing Crisis Data. Historical Perspective of Racial Housing Inequity.
 - b. Discuss Obligations under Tenancy Preservation Program and other Longstanding Statutory Relief

- II. Brief Description of Eviction Resolution Program – *Edmund Witter, Judge Jackie Shea-Brown, Commissioner Clint Johnson, and Commissioner Jacalyn Brudvik***
 - a. Discuss Requirements under Pilot Program
 - b. Availability of Hybrid Approach in Absence of ERP: ERP as Tool to Encourage Dispute Resolution
 - c. Discretion as a two-fold process: DRC certification requirement to file petition.
 - d. Examples of DRC Snohomish work: what do dockets look like now during COVID?

- III. Practical Applications of Discretion in Unlawful Detainer – *Commissioner Clint Johnson and Commissioner Jacalyn Brudvik***
 - a. Fact-finding and proper pleading standards.
 - b. Hypothetical Post-moratorium Nonpayment Case – 60 notice to sell; occupy as primary residence; properly pleading back rent; 20-day no cause notice vs. repayment plan. Limitations of COVID-impact moratorium.

- IV. Use of Judicial Discretion in Unlawful Detainer Proceedings – *Reiko Callner***
 - a. Legal Error Generally Not Considered Ethical Misconduct
 - b. Rule 2.2 Comment 4 Impartiality and Fairness implications.
 - c. Rule 2.6 Ensuring Right to be Heard.
 - d. Ethical Use of Discretion Consistent with June 4 Court Letter to Address Historic Racial Inequities; importance of explaining your process

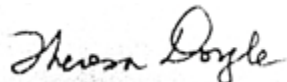
remain ever so hopeful that our branch will be the one to stand up for inclusivity and access to *actual* justice for all. The protests of this past summer served to remind us that the need for change is urgent and that the opportunity to support that change is now.

We pledge our support to assisting you as you navigate through a myriad of legislation. We have a committee that will also be reviewing legislation and meeting with community groups to assess the impact of proposed legislation. Thus, we would be happy to answer any questions you might have about specific bills.

Finally, thank you for your support of the Minority and Justice Commission and our ongoing effort to eradicate racism in our courts. We welcome and look forward to deepening our relationship with the BJA.



Justice Mary Yu
Co-Chair, Minority and Justice Commission



Judge Theresa Doyle
Chair, Minority and Justice Commission Legislative & Rules Committee

cc: Chief Justice Elect Steven González
Judge Kevin Ringus, Chair, BJA Legislative Committee
Jeanne Englert, Manager, BJA



2020 Commission Members

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

Justice G. Helen Whitener
Co-Chairperson
Washington State Supreme Court

Judge Veronica Alicea-Galván
King County Superior Court

Professor Lorraine Bannai
Seattle University School of Law

Mr. Jeffrey A. Beaver
Miller Nash Graham & Dunn LLP

Judge Johanna Bender
King County Superior Court

Ms. Ann Benson
Washington Defender Association

Ms. Esperanza Borboa
Access to Justice Board

Ms. Lisa Castilleja
University of Washington School of Law

Judge Faye Chess
Seattle Municipal Court

Judge Linda Coburn
Edmonds Municipal Court

Ms. Theresa Cronin
Community Member

Ms. Grace Cross
Skamania County Clerk

Chief Adrian Diaz
Seattle Police Department

Judge Mike Diaz
King County Superior Court

Judge Theresa Doyle
King County Superior Court

Professor Jason Gillmer
Gonzaga University School of Law

Judge Anthony Gipe
Kent Municipal Court

Judge Bonnie J. Glenn
Office of Administrative Hearings

Ms. Kitara Johnson
Excelsior Youth Center

LaTricia Kinlow
District and Municipal Court Managers Association

Ms. Anne Lee
TeamChild

Judge LeRoy McCullough
King County Superior Court

Justice Raquel Montoya-Lewis
Washington State Supreme Court

Ms. Karen Murray
King County Associated Counsel for the Accused

Briana Ortega
Stamper Rubens, P.S.

Mr. Christopher Sanders
Loren Miller Bar Association

Judge Ketu Shah
King County Superior Court

Judge Lori K. Smith
Washington State Court of Appeals

Mr. Travis Stearns
Washington Defender Association

Mr. Chad Enright
Washington Association of Prosecuting Attorneys

Ms. Leah Taguba
King County Prosecutor's Office

Mr. Joshua Treybig
King County Department of Public Defense

Judge Karl Williams
District and Municipal Court Judges Association

January 11, 2021

Dear Senator Pedersen,

Thank you for the opportunity to comment on your proposed modified version of the Uniform Pretrial Release and Detention Act (UPRDA). We agree that the views of the community and all the stakeholders must be considered in order to achieve transformative change. The Minority and Justice Commission (MJC) appreciates your consideration of our views, which are guided by our racial justice and equity perspective.

Pretrial detention is of great concern to MJC because it is the portal to disproportionate incarceration of Black and brown Washingtonians. Thank you for your interest in reducing the jail pretrial populations, which would reduce the numbers of Black and brown people incarcerated.

The UPDRA, if implemented, could help achieve this racial justice goal by introducing many important procedural safeguards before unaffordable money bail could be ordered. Chief among these safeguards is the requirement of an evidentiary hearing. A concern, however, is that implementation would require a massive increase in public defense funding, as well as more financial resources for prosecutors and judges. Without money for additional investigators and attorneys and judges, the promise of a robust evidentiary hearing would be an empty one.

MJC has long recognized that adequately funded public defense is key to reducing racially disproportionate incarceration. We applaud many of the system improvements contained in the UPRDA and the light it sheds on the need for a robust and fully funded public defense system in order to achieve equal justice for all.

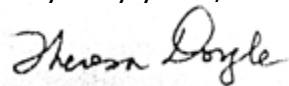
Inadequate public defense funding has been a serious impediment to taking full advantage of the safeguards of existing pretrial law. Criminal Rule (CrR) 3.2 is among the strongest in the country. However, it is not self-executing. Public defenders must argue for strict application of its provisions, make an adequate record, and seek review, if necessary, by filing a writ. That requires a fully funded defender system. It's not the law that's the problem.

The court rule could certainly be strengthened through amendments incorporating some of the provisions of your UPRDA. As you know, the process would go through our Supreme Court Rules Committee

after a lengthy public comment period. Going this route could achieve the same progressive goals without a wholesale change in the law. Stability and incremental change in the law is important to attorneys and judges. It is best achieved by the process that the court rules afford. Legislation, in contrast, could change dramatically year to year, as we have seen in felony sentencing law, and be confusing. Conflicts between the UPRDA and CrR 3.2 would be inevitable and require appellate and trial judges to sort it out. Finally, we recognize that a fundamental question in adopting the UPRDA is whether it is the best mechanism for achieving the desired result vis a vis a court rule. There are several views on this topic and we believe it is an important policy question that the Board for Judicial Administration may wish to address.

Thank you again for reaching out and considering these preliminary concerns. We welcome the opportunity to continue our discussions with you as you refine your legislative proposal,

Very truly yours,

A handwritten signature in cursive script that reads "Theresa Doyle".

Judge Theresa Doyle (ret.)
Minority and Justice Commission
Chair, Rules and Legislation Commission

Cc: Justice Mary Yu, Judge Kevin G. Ringus, Cynthia Delostrinos

Jury Summons Survey Project

Proposed Scope of Work

1/7/2021

Peter A. Collins, Ph.D.
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Phone: 206-296-5474
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Brooke Gialopsos, Ph.D.
Criminal Justice Department
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Project Overview:

In 2016-2017, the Minority and Justice Commission conducted a year-long statewide juror demographic survey in which jury pool data was collected from 33 courts across the state. The findings of the survey were presented to the Supreme Court at a Symposium on Jury Diversity, and the researchers had found that majority of the courts did not have jury pools that were racially reflective of the demographics of their population. Sponsored by the Gender and Justice Commission, additional analyses were recently conducted on whether there are also disparities when it comes to women, women of color, and people who are LGBTQ. With a new system of juror processing in place in King (and possibly Pierce) County, the current study seeks to expand on these earlier efforts by surveying jury summons respondents to shed light on two important questions: 1) to answer whether jury pool demographics have changed significantly since moving to a virtual rather than traditional in-person process; and, 2) what barriers and solutions potential jurors face in participating in the court process.

Scope of Work:

The goal of this project is twofold. First, we will compare previous demographic survey data that was collected prior to COVID-19 social-distancing restrictions to new demographic survey data that will be collected under a different system where some or all of a juror's service is conducted virtually via online video conferencing software. Second, we have significant anecdotal evidence about the barriers people face when considering to or participating in their civic duty of serving as a juror. Using just a handful of questions, we will – for the first time in Washington State – collect empirical data on barriers to jury participation. Like with our recent and previous efforts, we hope to uncover whether and to what degree disparities in jury service exist within subpopulations in Washington State, such as by race, ethnicity, employment status, and for women, women of color, and people who are LGBTQ. We will also investigate possible solutions.

There are three distinct stages for this project: 1) survey preparation and delivery; 2) data cleaning and analysis; and, 3) drafting a final technical report.

***Note on survey security, confidentiality and anonymity: We intend to use the well known and standard research software Qualtrics for data collection. Qualtrics uses Transport Layer Security (TLS) encryption (also known as HTTPS) for all transmitted data and requires a password to access the data. Only the two researchers, Dr. Collins and Dr. Gialopsos, will have the password and can access the raw data. The survey will be set up to anonymize responses, which means that it will not record any personal information (i.e., IP addresses) and removes any contact association. No direct identifiers will be collected. There will be no way for anyone, including the researchers, the Court, or litigants to tie any survey data to any juror, jury panel, or jury pool.

***Note: Please find proposed survey questions at the end of this document.

Project Timeline: (dates subject to change)

Survey Design, Survey Delivery, Data Preparation and Analysis: Effective date of contract agreement

We propose sending each juror a link via email or embedding the link in another pre-existing juror qualification questionnaire. This should require almost no court resources to implement. We will make it clear on the verbiage surrounding the link and on the survey page itself that the questionnaire is completely voluntary.

Technical Report Due: June 30, 2021

Budget and Expenses:

Expenses for this project are tied directly to time and effort for researchers (costs below reflect an equal division of work between both researchers). Using the federal maximum rate for individual consulting services (\$650/day; [found here](#)), we estimate that our total time will be divided across the stages by:

1) Survey Design, Oversight, and Delivery: Due by January 31, 2021

-2 days total @ \$650/day = \$1,300

2) Data Preparation and Analysis: Due by May 31st, 2021

-2 days total @ \$650/day = \$1,300

2) Report Preparation and Delivery (brief literature review, methods, findings, discussion: Due by June 30, 2021

-4 days total @ \$650/day = \$2,600

Total Costs: \$5,200

An Exploration of Barriers to Responding to Jury Summons

Survey Flow

Block: Default Question Block (16 Questions)

Page Break

Start of Block: Default Question Block

We're inviting you to participate in a research study that aims to identify the impact of the COVID-19 pandemic on jury service and what barriers potential jurors face in participating in jury service. We hope to use this information to identify service gaps and to help guide future policy changes.

This short online survey will ask you to provide some very basic demographic information as well as your experience with jury service. This survey should only take about 5 minutes to complete. Participation in this survey is completely voluntary, and you may stop at any time without any consequences.

We will not collect any direct identifiers, like your name or IP address, for this study, but we will be asking for your age, gender, race/ethnicity, and some other basic demographic information. This information is necessary for us to identify whether different communities experience any barriers to participating in jury service.

Your answers on this survey will be confidential and completely anonymous. Only the research team will have access to the information you provide. If we share our findings in publications or presentations, the results will be presented in aggregate only.

Financial support for this research is provided to the researchers by Washington State Administrative Office of the Courts. If you have any questions about this research, contact Dr. Peter A. Collins at 206-296-5474 / collinsp@seattleu.edu. If you have any questions about your rights as a research participant, contact the SU Institutional Review Board at 206-296-2585 / irb@seattleu.edu

If you agree to participate, please continue to the survey.

Q1 How many times have you been **summoned** before for jury duty in Washington State?

- This is my first time (1)
 - One time (2)
 - Two times (3)
 - Three times (4)
 - Four times (5)
 - Five or more times (6)
-

Q2 How many times have you **served** on a jury before in Washington State?

- If selected, this will be my first time (1)
 - One time (2)
 - Two times (3)
 - Three times (4)
 - Four times (5)
 - Five or more times (6)
-

Q3 Have you ever experienced any barriers that impact your ability to attend jury service?
Examples include but are not limited to: lack of child or dependent care, lack of transportation,
or work-related issues.

- Yes (1)
 - No (2)
-

Display This Question:

If Q3 = Yes

Q3A Please describe the barriers that you experienced.

Display This Question:

If Q3 = Yes

Q3B Please describe any possible solutions that could help you overcome those barriers to improve your response to your jury summons and/or serve on a jury.

Display This Question:

If Q3 = No

Q3C Do you have any suggestions for improving the jury service experience? If no, please proceed to the next question.

The following items deal with demographics. We understand that the categories listed do not capture all possible identities; this was not intentional. In the event that the categories do not accurately reflect your identities, please consider writing them in the space provided.

Q4 What is your age?

Please move the slider to your age, in years.
()



Q5 What is your gender identity? Please select all that apply.

- Agender (1)
 - Gender queer or gender fluid (2)
 - Man (3)
 - Non-binary (4)
 - Questioning or unsure (5)
 - Transgender man (6)
 - Transgender woman (7)
 - Woman (8)
 - An identity not listed: (9) _____
 - Prefer not to answer (10)
-

Q6 What is your sexual orientation? Please select all that apply.

- Asexual (1)
 - Bisexual (2)
 - Gay (3)
 - Heterosexual (straight) (4)
 - Lesbian (5)
 - Pansexual (6)
 - Queer (7)
 - Questioning or unsure (8)
 - An identity not listed: (9) _____
 - Prefer not to answer (10)
-

Q7 What is your race? Please select all that apply.

- African-American or Black (1)
 - American Indian, Alaskan Native, or Indigenous (2)
 - Asian Indian (3)
 - Cambodian (4)
 - Chinese (5)
 - Filipino (6)
 - Guamanian or Chamorro (7)
 - Japanese (8)
 - Korean (9)
 - Middle Eastern or North African (10)
 - Native Hawaiian or Other Pacific Islander (11)
 - Other Asian (12)
 - Vietnamese (13)
 - White (14)
 - A category not listed: (15) _____
 - Prefer not to answer (16)
-

Q8 Are you Spanish/Hispanic/Latinx?

- No, not Spanish, Hispanic, or Latinx (1)
 - Yes, Mexican, Mexican American, Chicano (2)
 - Yes, Puerto Rican (3)
 - Yes, Cuban (4)
 - Yes, another Hispanic, Latinx, or Spanish origin (5)
 - A category not listed: (6) _____
 - Prefer not to answer (7)
-

Q9 What is your current employment status? Please select all that apply.

Employed full-time (40 or more hours per week) (1)

Employed part-time (up to 39 hours per week) (2)

Furloughed due to COVID-19 (3)

Military - Active Duty (4)

Homemaker (5)

Retired (6)

Self-employed (7)

Student (8)

Unable to work (9)

Unemployed and currently looking for work (10)

Unemployed and not currently looking for work (11)

A category not listed: (12) _____

Prefer not to answer (13)

Q10 What is your annual income?

- Less than \$10,000 (1)
 - \$10,000 - \$19,999 (2)
 - \$20,000 - \$29,999 (3)
 - \$30,000 - \$39,999 (4)
 - \$40,000 - \$49,999 (5)
 - \$50,000 - \$59,999 (6)
 - \$60,000 - \$69,999 (7)
 - \$70,000 - \$79,999 (8)
 - \$80,000 - \$89,999 (9)
 - \$90,000 - \$99,999 (10)
 - \$100,000 - \$149,999 (11)
 - More than \$150,000 (12)
 - Prefer not to answer (13)
-

Q11 What is your highest level of education?

- Some high school (1)
- High school degree or GED (2)
- Trade school (3)
- Some college but no degree (4)
- Associate degree (5)
- Bachelor degree (6)
- Masters degree (7)
- Doctorate degree (8)
- A category not listed: (9) _____
- Prefer not to answer (10)

End of Block: Default Question Block

Gender Justice Study Update

November 2020

In October we hit an important milestone, taking the first step in gathering broader stakeholder input on draft sections. We have already distributed a draft of the section on domestic violence and sexual assault, and anticipate circulating all of the other draft sections for feedback through the first quarter of 2021.

Pilot Projects:

Evaluation of Domestic Violence Moral Reconciliation Therapy (DV-MRT)

We contracted with Dr. Amelie Pedneault with Washington State University to conduct the evaluation. Dr. Amanda Gilman with the Washington State Center for Court Research is also providing significant support for this pilot project. We conducted a brief survey of the Courts of Limited Jurisdiction in an effort to identify all of the DV-MRT programs being offered in the state. Erica Magana, a Ph.D. student at Washington State University working with Dr. Pedneault on this evaluation, mapped out all of the DV-MRT programs we learned about through the survey, along with the courts that refer individuals to each program. While we did not receive a 100% response rate from surveyed courts, this is still a fundamental step in beginning to understand how many programs exist statewide and in determining which programs to include in the evaluation. There is no centralized list of DV-MRT programs in the state, and many programs do not have a web presence. Therefore, this mapping alone is a meaningful step toward understanding how many DV-MRT programs exist in Washington State, and which courts are, or are not, referring domestic violence perpetrators to DV-MRT programs.

Study of existing data to better understand mass incarceration of women in Washington State

Elizabeth Hendren led this work in partnership with the University of Washington and Dr. Tatiana Masters. Dr. Masters conducted the data analysis and delivered the final report at the end of October. The Gender Justice Study Co-Chairs are currently reviewing the final report and discussing how the findings will be shared.

Washington State courts workplace harassment survey

Dr. Arina Gertseva with the Washington State Center for Court Research is leading the development and administration of this survey. We have sent the survey out for pre-testing to a small group of individuals representative of the survey population. As part of pre-testing, individuals who complete the survey will also be asked a short list of questions about their experience completing the survey and issues they had with any particular survey questions. Pre-testing will allow us to identify weaknesses in the survey tool and make modifications as needed before we administer it broadly.

The Delivery System Committee (DSCo)'s mission is to assist the Access to Justice (ATJ) Board in tracking the effectiveness and development of Washington's civil legal services delivery system, including recommending ways to better meet the needs of underserved client groups.

A critical part of that assessment is considering the civil legal aid needs of undocumented immigrants, who are specifically excluded from significant portions of our statewide delivery system. These longstanding access to justice issues have become even more profound and urgent in light of the COVID-19 pandemic. Undocumented immigrants are experiencing higher rates of COVID-19 illness and mortality, housing instability, and income loss. They are also excluded from federal stimulus efforts and safety net programs like unemployment.

From March - July 2020, the subcommittee assessed current system capacity, priority legal aid gaps, and met with legal service and community organizations to identify methods for expanding to meet the short and long term needs of undocumented Washington residents. Based on that work, we have developed the following recommendations for how, under direction from the ATJ Board, the Alliance for Equal Justice can address this profound equity issue in our legal services network.

1. **The Alliance should significantly increase resources dedicated to serving undocumented community members. Specifically, the Alliance should:**
 - a. Explicitly name the undocumented community as an underserved client population to which we prioritize dedicating legal aid resources.
 - b. Actively participate in an effort to amend the Office of Civil Legal Aid (OCLA) statute (RCW 2.53.030(5)(g)) to remove immigration status-based restrictions on state legal aid funding in the next legislative session.
 - c. Specifically integrate expanded access for undocumented communities into the goals and strategies reflected in the State Plan for the Coordinated Delivery of Legal Services for Low-Income People.
 - d. Prioritize dedicating and raising additional unrestricted funds, and increase the allocation of funds through current funding mechanisms that impose no immigration based restrictions. Increases in funding for this client population should be implemented even if total funding levels remain the same. This should happen even as we advocate for the elimination of restrictions on other funding streams.

2. **The Alliance should actively encourage and support member organizations in adapting their methods of service to ensure that they become accessible and responsive to undocumented communities. COVID-19 has forced many service providers to change how we serve clients, and as such has created an opportunity to rectify long standing**

inequities in our delivery models. Specifically, the Alliance should:

- a. Provide organizations with technical assistance and additional funding to conduct outreach, client engagement, and representation in manners that are more accessible and responsive to the needs of this client population, particularly in the midst of the COVID-19 pandemic. This includes conducting education and outreach through trusted media and community partner resources.
- b. Resource the expanded use of culturally responsive and appropriate remote service delivery, to expand equal access to representation for immigrant communities living in more rural parts of the state as well as to improve outcomes for clients being served remotely as a result of the pandemic.
- c. Support the development of improved practices for assessing whether a program is using effective methods to reach undocumented clients, including actively engaging with other trusted institutions and service providers. Once developed, the Alliance should encourage members to track those practices in their organization's work.

3. The Alliance should develop strategies to address the specific services needs and shortcomings reflected in the committee's field survey: economic security, employment, housing, immigration, domestic violence, family law, and language access.

- a. Some of the other recommendations reflect some of the strategies that should be incorporated into a comprehensive plan. In addition, the Alliance should continue initiatives that map our delivery system's current infrastructure, including the varying levels of representation that are currently available in different geographic regions in the state. While it is clear that capacity needs to be expanded, more detailed data is needed to better understand the regional differences that impact capacity limitations.

4. The Alliance should encourage active partnerships between legal services providers and trusted immigrant community organizations, particularly the Washington Immigrant Solidarity Network. Specifically, the Alliance should:

- a. Explore opportunities to coordinate with the WAISN hotline and referral program to create an additional trusted screening mechanism statewide that would not require sharing information about immigration status. This should include identifying funding to support WAISN's capacity to partner with us. We acknowledge that CLEAR is an essential tool for the Alliance; however, the fact that it is required to ask callers about immigration status creates a barrier for undocumented clients seeking services.
- b. Support renewed local and regional community outreach and education initiatives adapted to the COVID-19 pandemic, to increase community member awareness of service capacity in their area.

5. **The Alliance should actively explore opportunity to advocate for expanded direct economic support for undocumented communities. Considering the disproportionate impact of the pandemic on immigrants and the substantial exclusion from other safety net and stimulus efforts, expanded access to legal aid alone may be inadequate to address the needs of this client population. Rental assistance in addition to support for food and other basic needs are especially urgent priorities.**

About the Subcommittee's Formation & Process

Earlier this spring, DSCo affirmed its commitment to addressing the needs of undocumented immigrants through a dedicated subcommittee. This subcommittee was tasked with conducting a needs assessment and providing recommendations to DSCo. This report reflects that work.

From March - July 2020, the committee met on a nearly weekly basis to discuss the gaps in services available to undocumented people in Washington. In the short-term, our goal was to identify priorities for potential new funding, as OCLA was in the midst of securing funding to meet the pandemic-related legal needs of Washingtonians. We also sought to develop longer-term recommendations to DSCo and the ATJ Board about how to address this profound inequity in our legal services network.

We developed a survey for legal services providers and the organizations who work closely with them across the state, which was distributed through the ATJ listserv and other networks between April 23rd and May 5th, 2020. The survey asked providers to share their knowledge of:

1. The unmet legal needs for undocumented people
2. The models they believed would be most effective in meeting those needs
3. Their organization's capacity to expand to meet needs were funding available
4. How best to communicate with undocumented people in their community

That survey elicited information both about general service gaps as well as new needs resulting from the COVID-19 pandemic. We also held a focus group via Zoom on April 28th as an alternative opportunity for legal service providers and community partners to provide survey responses.

Recognizing that other advocates also have important insights into the needs of undocumented community members, the committee also met with the Washington Immigrant Solidarity Network (WAISN). WAISN operates a statewide hotline that originally focused primarily on responding to instances of immigration enforcement. during the pandemic, it has expanded to also address and respond to a substantial increase in the number of calls related to other needs impacting the undocumented communities throughout the state. The survey and focus group findings underpin our recommendations.

WASHINGTON STATE OFFICE OF EQUITY

Read the Full Proposal on [our website](#).

Guiding Statements for the Office of Equity:

EQUITY (definition)

Developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes.

It requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression.

Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.

VISION



Everyone in Washington has full access to the opportunities, power, and resources they need to flourish and achieve their full potential.

MISSION

The Office of Equity will promote access to equitable opportunities and resources that reduce disparities and improve outcomes statewide across government.



Anti-racist State Government


The Office of Equity should lead the state toward becoming a truly transformed government enterprise—one that **embeds equity and justice into every action**, and where doing so is simply the default.



We believe that such a system is achievable and that a critical step forward is to **declare and manifest WA State as an anti-racist government system**. Doing so will send a powerful message across the state and help communities hold the enterprise accountable to change that is neither incremental nor reactionary—but rather—**change that is transformative**.

Building Synergy with Partners in Diversity, Equity, and Inclusion (DEI)

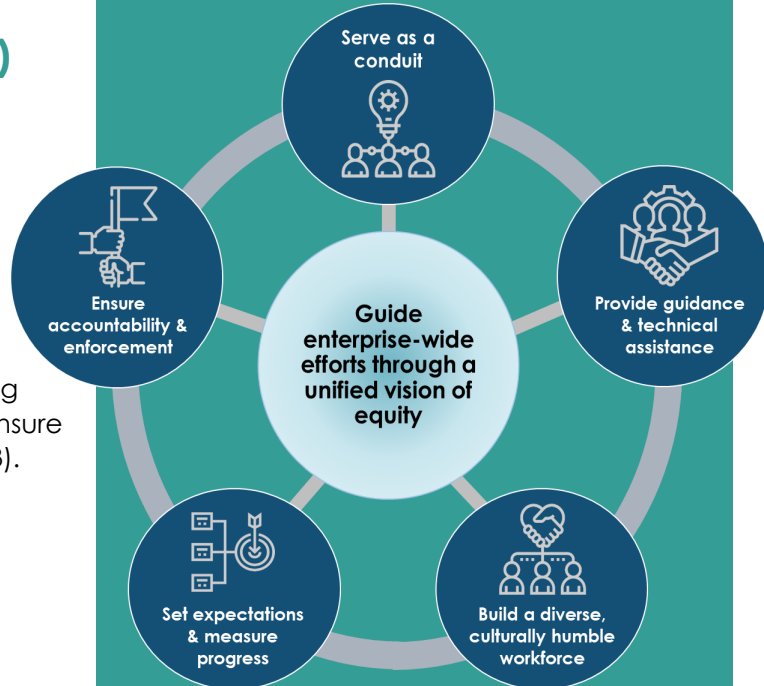
The Office of Equity should:

-  **build collaborative, complementary relationships** with commissions, committees, and other groups that have missions centered on employee and community representation, protection of human and civil rights, and the promotion of equitable, inclusive government.
-  **serve as a hub for resources and guidelines**, weaving together efforts and strategies among partners to ensure coordination and forward momentum (see page 83).

The Office of Equity's mission and responsibilities are **non-duplicative**. It should work with key partners to:

- Provide guidance and assistance to agencies
- Facilitate spaces for discussion and planning
- Co-create shared resources with communities
- Standardize equity-related language and competencies
- Inform workforce development and training in DEI and cultural humility
- Ensure all communities and identities are represented in processes
- Identify policy and systems barriers & make recommendations to eliminate them

ROLES & RESPONSIBILITIES for a Fully Resourced Office of Equity



The Office's scope should be internal to state government and focused on: dismantling systems of racism and oppression, and rebuilding systems of equitable opportunity. Decision makers should resist the urge to charge the Office with programmatic work and service delivery that should be led by respective state agencies, as it could detract from the Office's core mission and set the Office up for failure.

Immediate Actions for the Governor and Legislature

1. Declare and manifest WA State as an anti-racist government system
2. Adequately fund the Office of Equity
3. Establish the Community Advisory Board in statute
4. Resource the Office of Equity and state commissions to conduct community outreach and engagement
5. Prescribe agency responsibilities in statute
6. Give the Office rulemaking authority

Leading with Community

Community voice must be at the center of all decision making. All agencies should engage with communities in meaningful ways to ensure priorities and solutions are community-generated.

The Office should **conduct outreach and engagement in partnership with state entities that serve as focal points in government for their represented communities.** These efforts must ensure engagement is barrier-free, fully inclusive of all identities, and does not replicate systems of oppression. (For additional recommendations, see pages 80-83.)

Community engagement requires:

- time and resources
- going into communities
- working with grassroots organizations
- practicing cultural humility and an open mindset
- sharing power in all phases of work
- community-driven conversations and solutions
- agencies to continuously innovate in order to meet communities where they are
- barrier-free access and digital equity

(see pages 64-67)

What's your greatest hope or dream for your community?

Community member responses:

"That every parent's dreams for their children will have a fair opportunity to be fulfilled."

"I dream of a place with sincere, compassionate, and sensitive conversation between decision-makers and community members and laws that reflect this."

"That each individual can aspire to be what they want to be and will see themselves represented in Government, leadership and in all types of careers."

"That Latinx immigrant, Yakama indigenous, and AAPI voices would be centered in decision-making."

"That black and brown persons are no longer systematically disenfranchised."

"My greatest hope is to be a part of a truly inclusive community."

ableism	DISRUPT					xenophobia
cisgenderism						antisemitism
heterosexism	classism	colorism	genocide	microaggressions	colonialism	
sexism	racism	erasure	homophobia	ageism	transphobia	
religious imperialism	stigma	ethnocentrism	hate	white supremacy	anti-Black racism	
appropriation	DISMANTLE					assimilation
prejudice						patriarchy
discrimination	bias	exclusion	inequity	oppression	persecution	
segregation	violence	disparity	dominance	stereotype	exploitation	
RE-ENVISION & REBUILD						
community	justice	accountability	equity	humanity		
dignity	unity	diversity	intersectionality	access		
health	opportunity	healing	wellbeing	inclusion		
respect	representation	understanding	human rights	safety		
pride	reconciliation	security	compassion	support		



Community engagement means building relationships



Government must share power and resources with communities

Transparency and Accountability

To remain **accountable to communities**, the Office of Equity should convene a **Community Advisory Board** that sets the Office's priorities and timelines. (see pages 72 and 81-82)



Re-envisioning Data: In true partnership with communities, the Office of Equity and agencies should collect data and stories in ways that **unmask inequities and shed light on solutions.** (see pages 95-99)

Measuring Progress: The Office of Equity should **systematically measure agency progress**, using statewide and agency-specific process and outcome measures. Performance information should be displayed on an **online dashboard.** (see pages 95-99)



WASHINGTON STATE OFFICE OF EQUITY

Read the Full Proposal on [our website](#).

Proposed Roles and Responsibilities for a Fully Resourced Office of Equity

<p>REC 1</p> <p>Guide Enterprise-wide Efforts through a Unified Vision of Equity</p> <p>(page 78)</p>	<ul style="list-style-type: none"> ◆ Establish a shared understanding of 'equity' that relates to government and communities ◆ Adopt an intersectional, multi-dimensional framework ◆ Promote a shared understanding of equity-related terms and concepts ◆ Get ongoing community guidance on definitions and statements ◆ In partnership with GOIA, establish the appropriate level of communication and consultation with tribal governments, non-federally recognized tribes, and American Indian organizations
<p>REC 2A</p> <p>Serve as a Conduit between Government & Communities</p> <p>(page 80)</p>	<ul style="list-style-type: none"> ◆ Maintain a feedback loop with communities ◆ Share power and resources, and promote meaningful opportunities for engagement ◆ Build connectivity with communities that are underrepresented or isolated ◆ Convene a Community Advisory Board to set the Office's priorities and timelines ◆ Review and recommend changes to policies that govern board/commission membership and compensation ◆ Recommend strategies on how to center community voice in order to deliver barrier-free access to government services
<p>REC 2B</p> <p>Build Synergy with Partners in DEI</p> <p>(page 83)</p>	<ul style="list-style-type: none"> ◆ Build collaborative, complementary relationships with partners in DEI ◆ Co-create resources and strategies ◆ Weave together efforts to ensure coordination and forward momentum ◆ Ensure all communities and identities are represented
<p>REC 2C</p> <p>Serve as a Conduit for State Institutions</p> <p>(page 85)</p>	<ul style="list-style-type: none"> ◆ Facilitate collaboration between agencies ◆ Facilitate systems and policy change ◆ Coordinate/convene workgroups to establish standards and produce innovative solutions ◆ Maintain an inventory of DEI efforts within and across agencies
<p>REC 3</p> <p>Provide Guidance & Technical Assistance to Foster Systems & Policy Change</p> <p>(page 86)</p>	<ul style="list-style-type: none"> ◆ Serve as a clearinghouse for tools and resources ◆ Provide guidance and technical assistance to agencies on language assistance services ◆ Promote an 'upstream' approach focused on root causes ◆ Promote equitable decision-making practices ◆ Require every agency to have a DEI plan, and assist with plan development ◆ Require each agency to designate a 'DEI Liaison' who reports directly to the executive ◆ Establish a community of practice for mutual support and resource sharing ◆ Work with GOIA to uphold the significance of government-to-government relations and the expectation for working with sovereign nations <p style="text-align: right;">[Continues on the next page.]</p>

(Continued)

Proposed Roles and Responsibilities for a Fully Resourced Office of Equity

<p>REC 4</p> <p>Build a Diverse, Culturally Humble Workforce (page 92)</p>	<ul style="list-style-type: none">◆ Collaborate with OFM and DES to identify workforce development needs, and develop policies and training on maintaining a diverse, inclusive, and culturally sensitive workforce◆ Engage agency leadership and support their development in DEI-related areas◆ Help ensure practices in DEI are applied to the full employment life cycle<ul style="list-style-type: none">◆ Elevate employee voices and work on equity issues that are important to them
<p>REC 5</p> <p>Set Expectations, Measure Progress, and Ensure Accountability (page 95)</p>	<ul style="list-style-type: none">◆ Lend visibility to important issues that are unheard or unseen◆ Build the infrastructure to measure and show progress in a transparent way:<ul style="list-style-type: none">◆ Establish standards that apply across the enterprise◆ Work with Results WA (or the equivalent performance management department within the Office of the Governor) and agencies to create agency-specific performance measures and a public dashboard to publish outcomes◆ Shine a light on how data should be collected and used, and convene a workgroup to establish standards for the collection, analysis, and reporting of disaggregated data◆ Work with OFM and DES to coordinate messages on the prospects and use of workforce data◆ Model a supportive and engaging approach when working with agencies◆ Support performance improvement process◆ Publish each agency's performance and progress over its baseline◆ Use rule-making authority to establish regulations around DEI plans, performance reviews, and other accountability processes◆ Report directly to the Governor and submit a report to the Legislature every biennium◆ Ensure the appointment process for the Office of Equity's Executive Director safeguards the Office's credibility and resiliency
<p>REC 6</p> <p>Reconvene the Task Force to: (page 100)</p>	<ul style="list-style-type: none">◆ Evaluate the state's implementation of an Office of Equity, including the level of funding provided for its operation◆ Review guidance from the Community Advisory Board, the Office of Equity's strategic plan, strategic goals and standards for the enterprise, agency-specific performance measures and outcomes, and the state of DEI efforts across the enterprise◆ Recommend any needed changes to the Office of Equity's operation and strategies

EQUITY OFFICE TASK FORCE (2019-2020)



Links:

- [Task Force Information](#)
- [Meeting Materials](#)
- [Legislation \(E2SHB 1783\)](#)

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CONTACT

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January 11, 2021

To: Minority and Justice Commission

From: SCJA – SRL Workgroup

Re: Update

The SCJA Self-Represented Litigant Workgroup met on January 4, 2021.

1. Self-Help Subgroup is working on a pilot Self-Help Center in Spokane County Superior Court
 - a. Partnership with the Spokane YWCA modeled on King County.
 - b. Spokane YWCA is applying for a Youth and Justice Grant for funding.
 - c. Additional information and timeline attached.
2. Judicial Education Subgroup is working on proposed language for a comment to the Code of Judicial Conduct Canon 2.
 - a. Current draft edits are attached.
 - b. Language not finalized, but when completed will be seeking support and buy-in from MJC and other stakeholders.
 - c. Comments on language appreciated, can be sent to Theresa Cronin and Josh Treybig (tk@dccronin.com and treybig@gmail.com).

Unrepresented Litigant Work Group
Proposed Comment Language for CJC – Canon 2

Rule 2.2 – Impartiality and Fairness. A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

...

[4] ~~It is not a violation of the Rule for a judge to make reasonable accommodations to ensure pro se litigant the opportunity to have their matters fairly heard.~~ Increasingly, judges have before them unrepresented litigants whose lack of knowledge about the law and about judicial procedures and requirements may inhibit their ability to be heard effectively. A judge's obligation under Rule 2.2 to remain fair and impartial does not preclude the judge from making reasonable accommodations to protect an unrepresented litigant's right to be heard, so long as those accommodations do not give the unrepresented litigant an unfair advantage. This Rule does not require a judge to make any particular accommodation.

Rule 2.6 – Ensuring the Right to be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

(B) Consistent with controlling court rules, a judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but should not act in a manner that coerces any party into settlement.

[4] Judges should endeavor to ensure unrepresented litigants have a fair opportunity to participate in proceedings. Steps judges may find consistent with these principles and helpful in facilitating the right of unrepresented litigants to be heard include but are not limited to:

1. Making referrals to any resources available to assist the unrepresented litigants.
2. Informing unrepresented litigants with limited-English proficiency of available interpreter services.
3. Providing brief information about the proceeding and evidentiary and foundational requirements.

4. Using available courtroom technology to assist unrepresented individuals to access and/or understanding the proceedings (e.g. remote appearances, use of video displays to share court rules, statutes, and exhibits).
5. Asking neutral questions to elicit or clarify information.
6. Attempting to make legal concepts understandable by minimizing use of legal jargon.
7. Starting the hearing with a quick summary of the case history and of the issues that will be addressed.
8. Explaining at the beginning of the hearing that you may be asking questions and that this will not indicate any view on your part. It will merely mean that you need to get the information to decide the case
9. Working through issues one by one and move clearly back and forth between the two sides during the exploration of each issue
10. Inviting questions about what has occurred or is to occur.
11. Permitting narrative testimony.
12. Allowing parties to adopt their pleadings as their sworn testimony.
13. Asking questions to establish the foundation of evidence, when uncertain
14. Clarifying with the parties whether they have presented all of their evidence and explaining that no additional testimony or evidence will be permitted once the evidentiary portion of the case is completed.
15. Prior to announcing the decision of the Court reminding the parties that they have presented all of their evidence and that they will be given an opportunity to ask questions once the Court has issued its ruling and that they should not interrupt the Court.
16. If unable to do what a litigant asks because of neutrality concerns, explaining the reasons in those terms.
17. Announcing the decision, if possible, from the bench, taking the opportunity to encourage the litigants to explain any problems they might have complying.

18. Explaining the decision and considering acknowledging the positions and strengths of both sides.
19. Making sure, by questioning, that the litigants understand the decision and what is expected of them, while making sure that they know you expect compliance with the ultimate decision.
20. Where relevant, informing the litigants of what will be happening next in the case and what is expected of them.
21. Making sure, if practicable, that the decision is given in written or printed form to the litigants.
22. Directing the parties to any resources that are available to assist with compliance or enforcing the order.
23. Thanking the parties for their participation and acknowledging their efforts.

December 23, 2020

To: SCJA – URL Workgroup
From: Self-Help Sub Committee
Re: Update

The self-help committee met on December 21, 2020 to discuss next steps and have the following to report:

1. The Spokane YWCA is applying for a Youth and Justice Grant, which could be used to fund this effort. If Superior Court signs Letter of Intent – grant could be up to \$600,000. Deadline is 1/25/2021.
2. Dennis Cronin has submitted a GR 9 to Supreme Court for Informal Domestic Relations Trial.
3. Why self-help? Parties are standing in line waiting to talk to court facilitator, who only see parties by appointment. Parties buying form packets without understanding what they really need. Anecdotal evidence from King County suggests this model really eases the burden on the judges.
4. We propose the following time line for the Self-Help Center:

Date	To be completed
1/31/2021	Meet with Stakeholders and Confirm Model
1/31/2021	Confirm space for center in or near courthouse
2/28/2021	Establish SHC as business entity 501(c)(3) or unit/program of an existing entity
2/28/2021	Establish Steering Committee or Board of Directors if independent entity and identify court liaison
3/31/2021	Develop Budget and Pilot Parameters
3/31/2021	Develop Policies and Procedures
4/30/2021	Hire Director
5/31/2021	Obtain Equipment
5/31/2021	Hire employees/recruit volunteers
6/14/2021	Stand up Center