



# MINORITY AND JUSTICE COMMISSION

ZOOM VIDEOCONFERENCE  
FRIDAY, OCTOBER 1, 2021  
9:00 A.M. – 12:00 P.M.  
JUSTICE MARY YU, CO-CHAIR  
JUDGE VERONICA ALICEA-GALVÁN, CO-CHAIR



## MEETING NOTES

### Commission Members

Justice Mary Yu, Co-Chair  
Judge Veronica Alicea-Galván, Co-Chair  
Jeffrey Beaver (emeritus)  
Judge Johanna Bender  
Annie Benson  
Professor Bob Boruchowitz (emeritus)  
Lisa Castilleja  
Judge Faye Chess  
Professor Mark A. Chinen  
Judge Linda Coburn  
Theresa Cronin  
Chief Adrian Diaz  
Chad Enright  
Professor Jason Gillmer  
Judge Anthony Gipe  
Judge Bonnie Glenn  
LaTricia Kinlow  
Anne Lee  
Justice Raquel Montoya-Lewis  
Karen Murray  
Christopher Sanders  
Judge Ketu Shah  
Joshua Treybig  
Jeremy Walker  
Judge Karl Williams

### Liaisons

Esperanza Borboa, *Access to Justice Board*  
Denise Chen, *SU Law*  
Sarah Max, *SU Law*  
Margarita Esquivel Torres, *Gonzaga Law*  
Gloria Ixtaly Herrera, *Gonzaga Law*  
Whitney Wakefield, *Gonzaga Law*  
Alicia Chaudry, *Gonzaga Law*  
Wendy Martinez Hurtado, *UW Law*  
Priyanka Menon, *UW Law*  
Kenneth Nelson, *UW Law*  
Angel Torres Mann, *UW Law*

### Guests

Chris Gaddis  
Pete Collins  
Brooke Gialopsos  
Jaime Hawk  
Katherine Hurley  
Judge Steve Rosen  
Danielle Wingfield-Smith

### AOC Staff

Kelley Amburgey-Richardson  
Cynthia Delostrinos  
Moriah Freed  
Patty Lally  
Frank Thomas

## CALL TO ORDER

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

### Welcome and Introductions

- Justice Yu and Judge Galván welcomed everyone to the meeting.

- Justice Yu congratulated Cynthia Delostrinos on her promotion to Associate Director of the Office of Court Innovation. Cynthia Delostrinos thanked the Commission for giving her the opportunity to pursue her passion in the law and addressing racial equity.
- Attendance was conducted via roll call.

#### **Approval of July 30 Meeting Minutes**

- The minutes were approved as presented.

#### **Welcome Newest Commission Member Jeremy Walker**

- Minority Bar Association Liaison Jeremy Walker was welcomed to the Commission.

### **GUEST PRESENTATIONS**

#### **Jury Diversity Report – Judge Steve Rosen, Brooke Gialopsos, Chris Gaddis, and Peter Collins**

- Justice Yu introduced Judge Rosen, of King County Superior Court.
- Cynthia Delostrinos provided background on previous MJC jury diversity work. Judge Rosen approached the MJC in 2015 after pursuing the issue on his own. This resulted in the release of the first ever reporting on jury demographics in Washington. The findings prompted attention at the symposium and other events. Since then, MJC has been active in addressing the issue. Circled back during COVID with Seattle University to examine changes in access due to remote proceedings.
- Judge Rosen highlighted the following areas of both jury diversity surveys:
  - 2016/2017 survey was done on paper and then digitized via scanning.
  - 2021 survey was conducted in King, Pierce and Snohomish counties digitally. Not many responses from Pierce County.
  - Cannot tell why jury pool demographics changed, but can tell they did. Possibly due to COVID factors, federal aid, etc.
  - Jury Diversity Task Force – created recommendations, such as continuous monitoring of jury diversity in WA.
  - Funded mandate from legislature to conduct survey statewide because of positive results of surveys.
  - King County was running a pilot project that just ended where potential jurors were forced to click through the survey before registering for jury duty. This increased response rate.
  - Challenges in how to roll this out statewide.
- Professor Pete Collins highlighted the following areas from the research:
  - Included more inclusive categorizations in the recent survey instead of just using a binary. Learned this from analyzing old data for Gender Justice Study.
  - Learned about delivery and how to get a better response rate.
  - Asked about barriers to service in the recent survey, which was new.
- Brooke Gialopsos added that several common barriers were identified, such as child care and poor juror pay. These findings were unsurprising.

#### **Discussion - All**

- Commission members raised concern over the use of the word 'overrepresentation' in reference to minority representation on juries due to the concern it could be

misinterpreted. The research team explained that this is partly due to inconsistencies in categories. Survey results need to be compared to population data in some way, and census data was used, which is less comprehensive than survey questions asked.

- Important to continue looking at trends to establish a baseline
- It was noted that an over representative jury pool does not equate to a diverse jury pool.
- Questions were asked about if access to technology impacted survey participation. Those without technology were not represented in the survey. Hopefully this will change moving forward, and there is an understanding that it could have had an impact on diversity. There is hope that remote access increases representation for everyone.
- It was discussed that courts are not required to collect data on who actually sits on the jury panels, or who moves past the jury pool. This would be an important data point to track who is actually selected, and also track who does not respond to a jury summons.
- Chris Gaddis added that Pierce County is trying to mirror King County's requirement of clicking through the survey to increase response rate. Trying to approve adding a juror badge number box to assist in tracking.
- Commission members raised concern over the inequity in education and income level. The research team was not aware of historical data on education in jury pools, but added that lower income people tend to move more often and are less likely to receive jury summons, because summons are only sent via mail. Could also be related to lists that the contact information is drawn from.
- The Commission is interested in staying engaged on this issue, and invited the research team and Judge Rosen to reach out to staff if they can be of assistance.

**ACTION:** Judge Rosen asked if Justice Yu could talk at the King County Executive Committee about jury diversity changes. He will contact Justice Yu to schedule a time.

**ACTION:** Professor Pete Collins encouraged Commission members to contact him with any additional questions at [collinsp@seattleu.edu](mailto:collinsp@seattleu.edu).

## **CHAIR & STAFF REPORTS**

### **Racial Justice Consortium – Patty Lally**

- The Consortium is working on applying the racial equity tool kit to various areas of the court where reform is needed.
- This month the group will be looking at re-entry.
- There is an emphasis of understanding “othering and belonging.”
- Goal is to have an action plan drafted by February 2022 for each court level in Washington.
- Patty Lally emphasized the importance of “influencers” to promote equity and the ongoing action plan when things get pushback.
- Cynthia Delostrinos spoke to the importance of having individuals with lived experience at the table.

### **LFO Stakeholder Convening – Cynthia Delostrinos and Frank Thomas**

- Wednesday, October 6th roundtable discussion and presentation about legal financial obligations (LFOs) - Court fines and fees given for every criminal case.

- The event will be chaired by Judge David Keenan, Kelley Olsen of Civil Survival, and Deborah Espinosa of Living with Conviction.
- Bringing together individuals doing reform on these issues and centering the voices of individuals with lived experience. Registration flyer is on page 8 of the packet.
- TVW has been contact to cover the event.
- Hoping to move forward on LFO issues in a more collaborative, connected way.

### **2021-2022 Law Student Liaison Introductions**

Frank Thomas introduced the 2021-2022 law student liaisons. A few are returning from last year, and the Commission is excited to meet the new ones. Students introduced themselves and shared why they are interested in the Commission. Commission members are excited to welcome the students and collaborate with them. Justice Yu added that this is an opportunity for the students to connect with a diverse group of professionals who care about race equity.

#### **Gonzaga University School of Law**

- Maggie Esquivel Torres , Gloria Herrera, Whitney Wakefield, Alicia Chaudry

#### **Seattle University School of Law**

- David Armstead, Denise Chen, Sarah Max

#### **University of Washington School of Law**

- Wendy Martinez Hurtado, Priyanka Menon, Kenneth Nelson, Angel Torres Mann

### **COMMISSION LIAISON & COMMITTEE REPORTS**

#### **Education Committee – Judge Lori K. Smith**

- Discussions have started about conducting a half-day retreat to plan educational programs.
- Gratitude was extended to Judges Smith and McCullough for pushing MJC in developing programming and assisting in the move to a more accessible virtual medium.

#### **SCJA Spring Conference Colloquium 2022 – Judge Johanna Bender**

- Judge Johanna Bender and Judge Maureen McKee have been leading an ad-hoc committee of MJC has been meeting monthly. The group has been focusing on educational opportunities, and their recent proposal was accepted for the SCJA 2022 Spring Conference.
- The accepted program grapples with facially neutral laws with racialized impact; racial disproportionality as evidence of racism and systemic racism. It will be a 3 hour event in two parts:
  - 1) Keynote speech on the question of neutrality with historical context
  - 2) Facilitated breakout sessions – criminal justice, family law, dependency
- There is intention to use this work to bring ideas back to MJC.
- MJC, SCJA Education Comm., and Supreme Court funding the program. Have a request before full SCJA for support.

## **Rules and Legislation Committee – Katie Hurley**

- The MJC is sponsoring proposed rule changes to GR 31 and CrR 2.1 related to GR 9 concerning captioning and use of initials in juvenile court proceedings.
- Katie Hurley shared a PowerPoint on juvenile court record practices and why the issue is important to MJC.
- The discussion touched on the impact of LFOs on juvenile cases.
  - YEAR act provided some changes in 2015, but did not go far enough. Disproportionate harm on youth of color.
  - Government funded restitution fund in King County will soon expand to adult cases too.
- The Supreme Court is reviewing proposed rules on Monday. If it is approved, it will go out for public comment.

## **Outreach Committee – Lisa Castilleja and Judge Bonnie Glenn**

- Update on Ongoing Outreach Projects – Judges of Color Directory; Annual Report; Annual Artwork; Youth and Law Forum Events; Gavel Gap Reception 2022.
- Judges of Color Directory – Judge Chess and Esperanza Borboa will be working on updating the directory. Moriah Freed will be providing staff support. Tentative deadline of Jan 2022.
- Gavel Gap Reception – The reception did not happen this year. Diversity “gavel gap” reception happened at Fall Conference. Hoping to have it next year in 2022.
- Artwork – original piece by Franklin HS students is framed and finalized. Will be picked up next week and brought to Olympia to begin court house tour. Printing of posters and notecards will begin shortly. Exploring other fun ways to promote the artwork.
- Youth and Law Forum – 3 events taking place across the state:
  - Seattle - Judge McCullough needs virtual volunteers to participate.
  - Tri Cities, November 5 in Pasco – Hybrid program, with up to 50 students in one location. Seeking volunteers in-person and online.
- Annual report – Lots of good info to look at and share around the country.

**ACTION:** The Seattle and Tri-Cities Youth and Law forums are seeking volunteers. Contact Frank Thomas if interested in participating virtually or in-person.

## **MJC Liaisons**

### ➤ **Access to Justice Board**

- There is a presentation upcoming on the Gender Justice Study.
- ATJ Board liaison assignments are being finalized.
- The Board is continuing with internal race equity work.
- The community advisory panel is going strong. Board has had many discussions on goals.
- Awaiting decision on new community board member. Excited to have ATJ Board reflective of communities served.
- OCLA Right to Counsel program will advise courts that they can start appointing counsel in tenant cases.

### ➤ **Race and Criminal Justice Task Force 2.0**

- The final report was shared with the Commission. The report does not currently have a recommendations section. Some stakeholders felt that it would not be appropriate to publish recommendations not vetted by the entire group. Recommendations working group is reviewing ongoing steps.
- Important findings are still included in the report. Measured racial disproportionality in practically every part of legal system.
- Original task force formed 10 years ago after racist comments by a then sitting justice. Symposium followed.
- Report will be published in all 3 law reviews.
- Presentation now in TVW archives.

➤ **Gender Justice Study**

- Next steps were discussed at the last MJC meeting in looking at recommendations.
- Karen Murray and Judge Bonnie Glenn will be reviewing the report. They invite other members and student liaisons to assist and think about next steps.
- Justice Yu encouraged members and liaisons to get involved because of the vast amount of topics the report touches, particularly on the intersection of gender and race.

**ACTION:** Contact Judge Bonnie Glenn if interested in assisting with identifying MJC's next steps in relation to the Gender Justice Study.

**ADJOURNMENT**

**The meeting was adjourned at 12:00 PM**