



## CALL TO ORDER

The meeting was called to order at 9:01 AM.

### Welcome and Introductions

- Justice Yu welcomed everyone to the meeting.
- Frank Thomas called roll. Members, guests and staff introduced themselves.

### Approval of October 1<sup>st</sup> Meeting Minutes

- The minutes were approved as presented.

### Recognition of Members and Staff

- Congratulations to the new AOC Supreme Court Commissions Manager, Kelley Amburgey-Richardson.
- Welcome to the Commission's new Embedded Law Librarian, Wanda Barrett.
- Congratulations to Commission member and Seattle District Court judge-appointee Leah Taguba.
- Congratulations to Frank Thomas on being sworn in as a Washington attorney.

## GUEST PRESENTATION

### Uninsured Motorist Fines and Fees – Martha Ramos, Jenna Robert, Nat Jacob

The Washington Drivers Relicensing Taskforce and the King County Transportation Equity Committee presented a combined advocacy initiative to the Minority and Justice Commission on the court's jurisdiction over and race equity impact of fines and fees related to uninsured motorist citations. Members of both groups took turns presenting before the Commission.

- A letter to the Commission Re: Transportation Equity – Monetary Penalty Schedule for Infractions is included in the meeting packet on page 7.
- Myra shared her story paying exorbitant fees related to being an uninsured driver and how the debt has impacted her life.
- Kirsten Wysen, from King County Public Health, shared new public health research about how unpaid debt can be linked to a myriad of health problems. LFOs have been shown to have adverse effects on the health of the individual and their family, including periods of homelessness.
- King County Transportation Equity Workgroup member Yordanos Teferi introduced herself and the group. The group believes that transportation inequity and criminalization through punitive fines has racially disparate roots and outcomes.
- Cesar highlighted the flaw in data collection representing the Latino and Hispanic demographics. There is no distinct Hispanic or Latino group, and these individuals were categorized as 'white' and 'other.'
- Jen Lombardi shared how the increase in fees does not incentivize individuals to obtain insurance. The overwhelming debt from the fees makes them further unable to obtain insurance. She also shared the disparate fines imposed on BIPOC individuals and the disparate impact in who is stopped.
- Nat Jacob echoed the comments of his colleagues. He recognized that cases have addressed criminal LFOS, but not civil infractions. The group has a specific policy ask addressing this issue.

- Jenna Robert presented the policy ask from the group and are seeking the Minority and Justice Commission’s support and assistance with the policy change. They see opportunity for the Supreme Court to take action by reducing the amount to the maximum base penalty.

**Discussion**

- The proposed change was based on an initiative enacted in San Francisco that found if the uninsured motorist fees are reduced to a more reasonable amount that individuals were more likely to pay them. Jenna Robert will share the findings with MJC staff to circulate.
- Judge Coburn added that there is a fee taken out for the AOC JIS that is not in the statute.
- Increasing the fines and fees does not result in further funding of the courts. The individuals do not have the money to pay.
- Judge Coburn spoke to the judicial discretion on imposing civil infractions, and how individuals at the courts for civil infractions and without legal representation likely have no knowledge of judicial discretion. She suggested judicial education might be needed on the topic.
- Lack of representation on civil side is leading to things falling through the cracks – increases in fines and fees, etc.

Justice Yu asked Commission members if they had any concerns with the Commission moving forward in addressing the policy ask.

**VOTE:** The Commission approved moving forward in exploring how to address the policy change requested by the Transpiration Equity Workgroup and the Washington Drivers Relicensing Taskforce. It will be taken before the Court Rules Committee first.

**ACTION:** Martha Ramos and the task force will provide supplemental materials to Frank Thomas and Justice Yu to assist in presenting the policy change.

**CHAIR & STAFF REPORTS**

**Introduce Dr. Lisette Garcia as WSCCR Equity Researcher – Dr. Carl McCurley, WSCCR**

- Two years ago, Cynthia Delostrinos and Carl McCurley began meeting to discuss the Commission’s research needs. It was decided that a new position would be needed to address the research needs addressing issues of equity.
- Dr. Lisette Garcia’s position will be to carry out, oversee, and conduct equity research; establish a baseline; and track policy changes that the court makes based on inequities. Justice Yu thanked Dr. McCurley for his ongoing commitment to justice issues and for bringing Dr. Garcia on board.

**Jury Diversity Updates – Cynthia Delostrinos and Frank Thomas**

Jury Diversity Study

- After our last MJC meeting the researchers went back to run numbers on the race data and noticed that they had made a miscalculation. The miscalculation led to a different

finding that there was actually underrepresentation of jurors of color, when they reported over representation.

- The amended report is included in the packet. It was additionally reviewed by WSCCR, and the researchers at Seattle University will be incorporating some feedback from WSCCR's manager Dr. Carl McCurley. The final report will be posted and shared once the report is finalized.
- This was an opportunity for us to look at our processes of finalizing research reports. It comes at great timing now that we have Dr. Lisette Garcia on our team as the new Commissions and WSCCR Equity Researcher who can play a key role in this process.

#### Continued Collection of Juror Data

- The 2021 legislature provided a budget proviso to the AOC for statewide collection of Juror Demographic Data, recognizing the importance having juries that are representative of their communities.
- The proviso provides funding for one years' worth of data collection.
- We are continuing to work with Seattle University researchers on this endeavor, as they have been our consistent partner in this effort since we did our first study in 2016.
- We are currently doing outreach to courts across the state about how to implement this data collection effort, recognizing that there may be different methods of data collection necessary to get every court onboard.
- Our goal is to collect data from January 2022 to December 2022. A report on the efforts will be due to the legislature in June of 2023.

#### **Pretrial Research Projects – Frank Thomas**

- The MJC is currently underway with two research projects stemming from Symposium.
- We are proceeding with analysis that will combine the county-level bail data where we can attain it, and 10 years of statewide pretrial detention data from the Washington Police Chiefs and Sheriffs. 9 of the 10 largest counties in Washington have now supplied data. The data will allow us to measure for racial disproportionality and gender on release/remand decisions and setting of bail. In reviewing the bail amount data from AOC, Dr. Andrew Peterson has discovered that the data is incomplete and cannot be used to measure the bail decisions.
- Pretrial data project has received 10 years of data and is ongoing.
- Plea bargaining and racial disproportionality project will begin now that Dr. Lisette Garcia is hired. The research group will meet with the MJC Co-Chairs to set a timeline.

#### **2022 Annual Supreme Court Symposium on Reparations – Frank Thomas**

- 2022 Symposium planning Committee will begin meeting soon, with an initial meeting on November 16<sup>th</sup>.
- The selected topic of reparations was proposed by the Seattle University Calhoun Fellows.

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

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

##### Conference Proposals

- DMCJA Spring Conference Proposal – Judge Ketu Shah and Judge Kimberly Walden
  - A proposal was submitted and is pending acceptance. The proposal will look at different DEI tools that can be adopted with real world application and how they can be implemented. The presentation will also touch on the Racial Justice Consortium’s work.
  - The goal is to empower judges to feel more comfortable talking about race and become leaders in community on the issue.
- Judicial College – Judge Veronica Galván and Judge Ketu Shah
  - For the past 6/7 years, MJC has sponsored a curriculum about bias at Judicial College.
  - The presentation is revised slightly each year as presenters change. Judge Shah and Judge Galvan are further revising the program now that more incoming judges have a base level knowledge on bias.
  - The session duration has been shortened due to the online format, and hopefully will return to in-person next year.
  - Focusing on how judicial decision impact communities.
- DMCMA Spring Conference Proposals – LaTricia Kinlow
  - LaTricia Kinlow brought 3 proposals forward to the Education Committee:
    - Racial assessment tool – courts would receive this tool and be provided education. Courts in other states are using it to assess how courts serve BIPOC communities.
    - Tribal courts model presentation of restoring individual to the tribe and the restorative justice approach.
    - Journey to Change – would be taught by a retired Superior Court Judge from California. Takes you on a journey of racial injustice, including laws that are the foundation of systemic racism.

Education Committee Retreat

- The Committee is planning an education retreat to discuss proposals and the Committee’s work. They will look at the mission statement and role the Committee plays for MJC. A half-day retreat will help the group expand and move in a new direction, such as how COVID has presented new ways to learn and reach a greater audience.

**SCJA Spring Conference Colloquium 2022 – Frank Thomas**

- Colloquium Judicial Education Series on Facially Neutral Laws with Racialized Impact; Racial Disproportionality as Evidence of Racism and Systemic Racism
- Update Colloquium Plans and SCJA Spring Conference 2022 Program – Judge Johanna Bender
- 3 breakout sessions running concurrently. Working with presenters to maximize reach and effectiveness.
- Keynote will address issue of false neutrality – the idea will be further explored in the breakouts.

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

Judges of Color Directory Project – Judge Faye Chess and Esperanza Borboa

- The form for the Judges of Color Directory project has been circulated to Washington Judicial Officers. MJC judges, please complete the survey and encourage your colleagues to complete the survey
- The goal is to publish at the beginning of 2022. Many judges of color will be appointed or elected and take the bench in January 2022. The deadline is being slightly pushed back to include them.
- Judge Chess is spearheading personal reach outs to participate in the directory.
- Judge Chess and Esperanza Borboa are taking a slightly new approach, and are hoping everyone appreciates the uniqueness of the new directory.

#### Gender Justice Study MJC Follow-up – Judge Bonnie Glenn

- A group led by Judge Bonnie Glenn and Karen Murray has met to discuss follow-up from the Gender Justice Study recommendations.
- The group is identifying next steps and areas of concern from the study in relation to MJC areas of interest.

#### Youth and Law Forum Events – Lisa Castilleja and Judge LeRoy McCullough

- The 2021 Youth and Law Forum events are finished for 2021. This year was the first attempt at a hybrid event due to COVID.
- The Tri-Cities event had over 100 students and over 40 volunteers both live and virtually. Justice Whitener and Justice Montoya-Lewis gave great presentations.
- Seattle also was successful as a fully virtual this year. A play was performed that discussed jury selection and deliberations.
- Both programs went forward with success thanks to the Commission's support.

#### Annual Artwork 2022 – Judge Anthony Gipe and Judge Dennis Yule

- The planning group will be meeting soon to discuss outreach and planning for the 2022 artwork.

#### **Juvenile Justice Committee** – Frank Thomas

- The Committee has identified two priority areas for FY22: Juvenile Diversions Research and Juvenile Dispositions and Alternatives to JR incarceration.
- Currently, not all juveniles are eligible for diversions, usually most serious offenses. The group is looking at extending diversion to these youth who need additional help but are prohibited from receiving it.

#### **MJC Liaisons**

- **Access to Justice Board** – Esperanza Borboa
  - ATJ Conference Report is included in the meeting packet on page 13.
  - All of their programming is on video and accessible online.

#### **ADJOURNMENT**

**The meeting was adjourned at 11:24 AM**