

WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



TVW: [HTTPS://WWW.TVW.ORG/WATCH/?
CLIENTID=9375922947&EVENTID=2021111118](https://www.tvw.org/watch/?CLIENTID=9375922947&EVENTID=2021111118)

FRIDAY, NOVEMBER 12, 2021
9:00 A.M.—12:00 P.M.

Minority and Justice Commission

2022 Meeting Dates

Virtual Meetings held via Zoom Videoconference
Available to the public online at TVW.org

Date	Time	Location
Friday, January 28 th , 2022 01/28/22	9:00 AM – 1:00 PM	Zoom Videoconference
Friday, March 25 th , 2022 03/25/22	9:00 AM – 1:00 PM	Zoom Videoconference
Friday, May 13 th , 2022 05/13/22	9:00 AM – 1:00 PM	Zoom Videoconference
Wednesday, June 1 st , 2022 <i>Supreme Court Symposium</i> 07/01/22	9:00 AM – 12:00 PM	Zoom Videoconference
Friday, July 22 nd , 2022 07/22/22	9:00 AM – 1:00 PM	Zoom Videoconference
Friday, September 30 th , 2022 09/30/22	9:00 AM – 1:00 PM	Zoom Videoconference
Friday, December 9 th , 2022 12/09/22	9:00 AM – 1:00 PM	Zoom Videoconference

Please contact Frank Thomas at Frank.Thomas@courts.wa.gov or 206-316-0607 if you have any questions.



MINORITY AND JUSTICE COMMISSION

BIMONTHLY GENERAL MEETING

NOVEMBER 12TH, 2021

9:00 A.M. – 12:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE VERONICA GALVÁN, CO-CHAIR

[HTTPS://WACOURTS.ZOOM.US/J/96790009002](https://wacourts.zoom.us/j/96790009002)

AGENDA

CALL TO ORDER 9:00 – 9:10 a.m. (10 minutes)

- Welcome and Introductions
- Approval of October 1 Minutes
- Congratulate New AOC Supreme Court Commissions Manager, Kelley Amburgey-Richardson
- Welcome MJC's New Embedded Law Librarian, Wanda Barrett
- Congratulate Commission Member and Seattle District Court Judge-Appointee Leah Taguba

GUEST PRESENTATION 9:10 – 9:30 a.m. (20 minutes)

- **Uninsured Motorist Fines and Fees** – Martha Ramos, Jenna Robert, Nat Jacob
 - Presentation on racialized impact of uninsured motorist penalties, and Court's jurisdiction over fine and fee schedules.

CHAIR & STAFF REPORT 9:30 – 10:15 a.m. (45 minutes)

- **Introduce Dr. Lisette Garcia as WSCCR Equity Researcher** – Dr. Carl McCurley, Director, WSCCR
- **Staff Report**
 - Jury Diversity Study – Cynthia Delostrinos
 - Pretrial Research Project(s) – Frank Thomas
 - 2022 Annual Supreme Court Symposium on Reparations – Frank Thomas

BREAK 10:15 – 10:30 (15 minutes)

COMMISSION LIAISONS & COMMITTEE REPORTS 10:30 – 12:00 p.m. (90 minutes)

- **Education Committee** – Judge Lori K. Smith
 - DMCJA Spring Conference Proposal – Judge Ketu Shah and Judge Kimberly Walden
 - Judicial College – Judge Veronica Galván and Judge Ketu Shah
 - DMCMA Spring Conference Proposals – LaTricia Kinlow
 - Discuss Education Retreat Plan
- **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

- **Outreach Committee** – Judge Bonnie Glenn and Lisa Castilleja
 - Judges of Color Directory [Survey](#) – Judge Faye Chess, Esperanza Borboa, and Moriah Freed
 - Gender Justice Study MJC Follow-up – Judge Bonnie Glenn
 - Youth and Law Forum Events – Lisa Castilleja and Judge LeRoy McCullough
 - Annual Artwork 2022 – Judge Anthony Gipe, Judge Dennis Yule, and Moriah Freed
 - Gavel Gap Reception 2022 – Judge Bonnie Glenn

- **Juvenile Justice Committee** – Frank Thomas
 - FY22 Priority: Juvenile Diversions Research
 - FY22 Priority: Juvenile Dispositions and Alternatives to JR incarceration

 - **MJC Liaisons**
 - **Access to Justice Board** – Esperanza Borboa

Next MJC meeting: Friday, January 28th, 2022 @ 9:00 a.m. (via Zoom).



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.

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



Transportation Equity Workgroup

October 6, 2021



WA Drivers Relicensing Taskforce
Working to restore your driving rights

The Honorable Justice Mary Yu
The Honorable Judge Veronica Alicea-Galván
Co-Chairs, Minority and Justice Commission
Administrative Office of the Courts Post Office Box 41170 Olympia, WA 98504-1170
AOCMIN/JUS@courts.wa.gov

Re: Transportation Equity—Monetary Penalty Schedule for Infractions

The Washington Drivers Relicensing Taskforce and the Transportation Equity Workgroup in partnership with Seattle and King County ask that the Minority and Justice Commission advocate with us to the Washington State Supreme Court to make immediate changes to the Base Penalty for the Failure to provide proof of motor vehicle insurance (No Insurance) infraction and initiate a process to examine the monetary penalty schedule set by the Supreme Court for all infractions.¹

Pursuant to RCW 46.63.110(3), the Washington Supreme Court prescribes by rule the schedule of monetary penalties for designated traffic infractions. One of these traffic infractions is the No Insurance infraction. RCW 46.30.020. The Base Penalty for this infraction is the maximum dollar amount allowed for the infraction, \$250. IRLJ 6.2. By the time all the penalties, fees and assessments are applied, the total for the infraction is \$553.² Instead, we recommend that the base penalty is no greater than \$33, subject to an individual's ability to pay. With all the penalties, fees and assessments, the maximum for the infraction would be \$113.³ As the Washington Supreme Court recently recognized, the Eighth Amendment and many courts suggest that considering ability to pay is constitutionally required.⁴ "The homelessness crisis and widespread use of fines to fund the criminal justice system also fully support an ability to pay inquiry."⁵

In 2017, Seattle Municipal Court conducted a comprehensive inventory and assessment of its fines and fees. The Court concluded that Black defendants received costlier traffic infractions than other race groups. One of the primary factors attributing to the disparity was issuance of No Insurance infractions.⁶ In a recent assessment of all unpaid infractions at Seattle Municipal Court, 35% of the No Insurance infractions were owed by individuals identified as Black in a City

¹ See Attachment A: Group Descriptions for more information about these groups.

² See Attachment B: No Insurance Statutes.

³ *Id.*

⁴ *City of Seattle v. Long*, 493 P.3d 94, 111-112 (2021).

⁵ *Id.* at 113.

⁶ See Attachment E: Seattle Municipal Court Inventory at pg. 98.

that is only about 7% Black. This disparity is especially stark given that only 41% of the infractions were owed by individuals identified as white in a city that is 67% white.⁷

It's important to note there is a system's failure to capture race and ethnicity. As one example, it is unclear how many individuals labeled "white" were actually of Hispanic/Latino origin, thus masking the extent of disproportionality and its impact on this community. Not only that, because by effectively addressing the issue of ethnicities being excluded in the demographics, we'll be able to get a better picture of the inequities that the judicial system may have in all the different BIPOC (Black, Indigenous, People of Color) communities across the state.

To elaborate on the issue, in Seattle Municipal Court, of the people who did not pay their infraction on time from 2015-2019, almost 40% of them remained unpaid. Judging by the fact that very few individuals seem to pay after the two year mark (3%), it is unlikely that a substantial portion of these individuals will ever pay under the current penalty and payment structure.⁸ When individuals experiencing poverty cannot pay their traffic tickets, fees and interest accrue that have cascading negative consequences for the individual, their family, and our community which ultimately can include loss of housing and loss of jobs.

The existence of this infraction does not further the legislature's goal of ensuring that all drivers are insured, nor does it help advance Washington State's Target Zero and similar local jurisdictional efforts that work toward ending traffic deaths and serious injuries.⁹ Instead, as shown by Seattle Municipal Court's data, the law has a disproportionate effect on BIPOC individuals and a fine of \$553 only further exacerbates the ability to obtain insurance.

We appreciate the work of the Minority and Justice Commission and your time in considering our request. We are hoping to address the Commission further at your next regularly scheduled meeting on November 5, 2021.

Best Regards,

WA Drivers Relicensing Taskforce, The Transportation Equity Workgroup, the Seattle/King County Cities & Counties for Fine and Fee Justice Grant Team, the Seattle City Attorney's Office and the Seattle Department of Transportation.

c/o

Martha Ramos, mbramos@comcast.net

Jenna Robert, jenna.robert@seattle.gov

⁷ See Attachment C: Unpaid No Insurance Infractions By Race—Seattle Municipal Court 8.17.21.

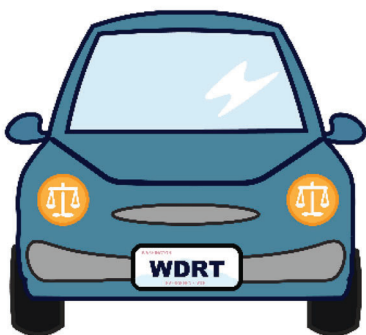
⁸ See Attachment D: Length of Time to Pay Default Penalty—Seattle Municipal Court 2015-2019.

⁹ Motor Vehicle Liability Insurance—Required Coverage, S.B. 5499, Washington Laws §353 p.1764 (1989).

Attachment A: Group Descriptions



The Transportation Equity Workgroup was formed by the Seattle Department Of Transportation pursuant to Resolution 31773 and is composed of 10 individuals from communities historically and currently underinvested by government working to develop transportation equity values and priorities with the purpose of providing safe, environmentally sustainable, accessible, and affordable transportation options that support Black, Indigenous and People of Color (BIPOC) and vulnerable populations to thrive in vibrant and healthy communities, and mitigate racial disparities and the effects of displacement.



WA Drivers Relicensing Taskforce
Working to restore your driving rights

The Washington Drivers Relicensing Taskforce is a community-based group working to create a more equitable and accessible system for all Washington state drivers. For too long the system has disproportionately penalized people for “Driving while Poor” which has had devastating impacts on BIPOC communities. The Taskforce is committed to working with courts, legislators, and other institutional stakeholders to undo the harmful practices of the past and create transportation equity for all.

Seattle/King County Cities & Counties for Fine and Fee Justice Grant Team

Seattle and King County have been members of the Cities & Counties for Fine and Fee Justice network since April 2020 and have pledged to meaningful fine and fee reform. One of the types of fees the Seattle/King County team committed to reforming were those associated with traffic infractions.



Seattle City Attorney

Peter S. Holmes

The Seattle City Attorney’s Office is committed to making Seattle a safe, healthy, empowered and thriving community for everyone. The Office strives to address historical injustices within the court system with self-examination and to pursue justice in Seattle with integrity, creativity, and fairness.



Seattle Department of Transportation

Sam Zimbabwe

The Seattle Department of Transportation believes that transportation must meet the needs of communities of color and those of all incomes, abilities, and ages. The Department seeks to partner with communities to build a racially equitable and socially just transportation system.

Attachment B: No Insurance Statutes

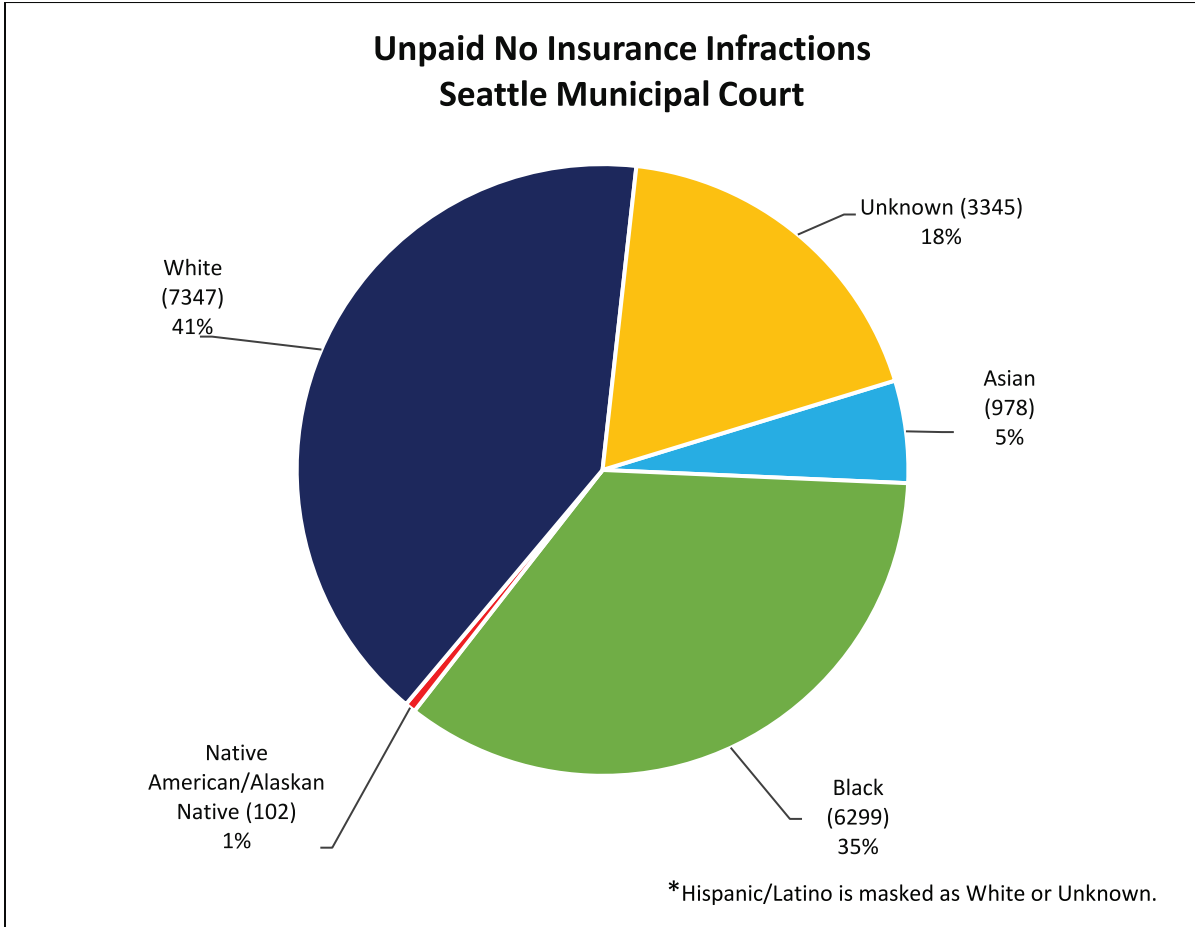
INFRACTIONS—No Insurance Example

- **Revised Code Washington (RCW) 46.30.020 Liability insurance or other financial responsibility required—Violations—Exceptions**
 - 1(d) Failure to provide proof insurance subject to penalties per 46.30.110
- **RCW 46.63.110 Monetary penalties**
 - (3) Supreme Court shall prescribe by rule monetary penalties
 - (7)(a) \$5 emergency medical services and trauma care system— *shall not be reduced/ waived*
 - (7)(b) \$10 auto theft prevention account— *shall not be reduced/ waived*
 - (7)(c) \$5 traumatic brain injury account— *shall not be reduced/ waived*
 - (8)(a) \$20 penalty—*may be reduced/waived if found indigent*
- **Infraction Rule Limited Jurisdiction (IRLJ) 6.2 Monetary Penalty Schedule for Infractions**
 - (a) Round to greatest even dollar total
 - (d) Penalty Schedule=~~\$250 no insurance~~ *If reduced to maximum base penalty \$33*
- **RCW 3.62.090 Public safety and education assessment—Amount**
 - (1) Must assess a public safety and education assessment equal to 70% of penalty which *shall not be waived*=~~\$175 for no insurance infractions~~ *If reduced base penalty \$23.10*
 - (2) Must assess an additional public safety and education assessment equal to 50% of penalty which *shall not be waived*=~~\$87.50 for no insurance infractions~~ *If reduced base penalty \$16.10*

Total=\$553 *Total if Reduced to Maximum Base Penalty of \$33=\$113 maximum*

Attachment C:

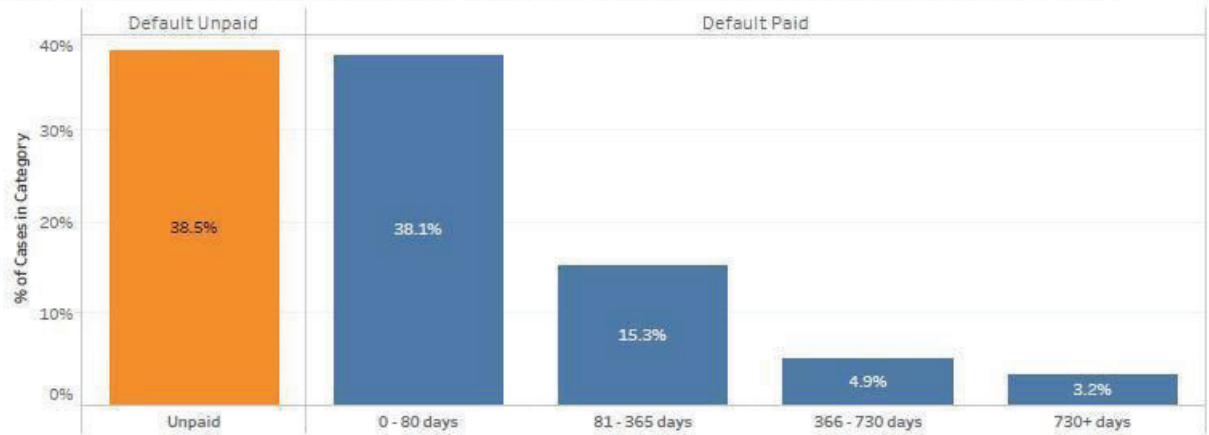
Unpaid No Insurance Infractions By Race— Seattle Municipal Court 8.17.21



Attachment D:

Length of Time to Pay Default Penalty— Seattle Municipal Court 2015-2019

Length of Time to Pay Default Penalty for SMC Cases with Default Imposed between 2015 - 2019



2021 Access to Justice Conference Report

Crisis and Reckoning: A Call to Dismantle Unjust Systems



August 11-13, 2021
Virtual
atj@wsba.org



“It is imperative that we, as an equity and justice community and movement, mobilize to take the fullest possible advantage of the strong winds of change at our backs.”
- Michele Storms, ACLU-WA Executor Director and Access to Justice Conference Keynote Speaker

Executive Summary

The 2021 Access to Justice Conference took place during a historic period for our nation and the access to justice community. The theme of this year’s conference, *Crisis and Reckoning: A Call to Dismantle Unjust Systems*, reflects this critical moment. The COVID-19 crisis and the national reckoning with systemic racism have both laid bare and deepened systemic inequities. Against the backdrop of these crises and the Washington State Supreme Court’s call to root out systemic racism in the justice system, the conference planning committee recognized that the conference must center the perspectives of impacted communities, particularly people of color accessing Washington’s legal system.

Centering community was a hallmark of the conference, from its program to its participants. With the support of generous sponsors, including the Legal Foundation of Washington and Office of Civil Legal Aid, the conference planning committee was able to financially compensate people presenting from their lived experience and offer free registration for community members and low-cost registration for attorneys seeking CLE credits. This, coupled with targeted outreach to community-based advocates, resulted in the highest-ever number of registrants and the greatest degree of community participation in any Access to Justice Conference. Non-legal community advocates, including sessions from the Black Prisoner’s Caucus, Civil Survival, NAACP Youth Council, and the ATJ Community Advisory Panel offered nearly half of the sessions.

The conference itself, despite being virtual, offered a powerful opportunity to build community and accountability to impacted people and movements. The conference reinforced several messages critical to our work in these times:

- Our work as legal advocates must be in solidarity with and accountable to those communities most harmed by systemic oppression, and;

BY THE NUMBERS

1st virtual Access to
Justice Conference

781 registrations
(record breaking!)


36 webinars over 3
days

4,686 unique logins

93% of evaluation
respondents
recommend this
conference

- We must dismantle silos of legal practice and call each other in to the hard work of dismantling oppression in our systems and organizations.

The community members willing to share their lived experience, the dedication and hard work of the conference planning committee, including its co-chairs Jaime Cuevas, Jr. and Vanessa Hernandez, and the partnership and support from the Washington State Bar Association and Foundation staff made the success of this conference possible.



HEARING FROM LEADERS IN THE
LEGAL SYSTEM WHO WORK FOR
JUSTICE FOR ALL IN COMBINATION
WITH LEADERS OF GROUPS WITH
LIVED EXPERIENCE OF INJUSTICE
WAS VERY EFFECTIVE. I WAS
ESPECIALLY IMPRESSED WITH THE
WISDOM AND GUIDANCE PROVIDED
BY SOME OF THE LIVED EXPERIENCE
PRESENTERS.
2021 ATJ Conference Attendee

Centering Community

This year's conference built on the momentum of our 2019 Access to Justice Conference where the theme was *Amplifying the Power of Community*. The 2019 conference represented the first year that the conference planning committee made a concerted effort to focus on bringing more community members and partners to the conference who have not historically attended. In 2019 almost 40% of attendees represented community organizations and non-traditional partners (i.e., outside of civil legal aid and pro bono organizations). The planning committee created a precedent to further centering community voices at the heart of the conference.

In the wake of the uprisings spurred by the murder of George Floyd and countless others, in 2020 the Access to Justice Board and JustLead WA formed the Community Advisory Panel (CAP) to provide expertise, perspective, and guidance on how to equitably pursue right relationships with our most impacted communities. The Community Advisors were explicit that the people who are closest to the impact should


Over half of the 126 conference presenters shared from their lived experience. Presenters with lived experience included individuals from communities directly impacted by poverty, racism, and other forms of oppression.

be engaged from the onset of processes and decisions, not just as additional perspectives to consider once strategies or ideas have been developed. Taking this pivotal message, the CAP was integral to the Access to Justice Conference planning and participation as they helped ensure the intentional integration of community voice, participation, and leadership in the conference.

Conference Planning Committee

Centering community voices on the conference began with the intentional recruitment of planning committee members. The 37 member planning committee represented 10 regions across the state to promote statewide participation and accessibility. The committee included a mix of community advocates and legal professionals with demonstrated commitments to equity and justice. The committee was responsible for identifying the theme, promoting accessibility, selecting sessions, identifying keynote speakers, conducting outreach to potential speakers and attendees, soliciting sponsorships, and serving as advisors to the overall scope of the conference.

The planning committee worked in collaboration with staff from the Washington State Bar Association and Washington State Bar Foundation who provided project management, logistical and technological leadership.



LASER LIKE FOCUS ON DEVELOPING
ACCOUNTABILITY TO AND
PARTNERSHIPS WITH THOSE
COMMUNITIES MOST HARMED BY
STRUCTURAL RACISM, WHO KNOW
BEST WHAT MUST CHANGE, AND
WHO CAN LEVERAGE OUR LAW &
JUSTICE SYSTEM KNOWLEDGE AND
ACCESS TO EFFECTUATE THAT
CHANGE.

2021 ATJ Conference Attendee

Accessibility

From the onset, the planning committee prioritized accessibility. Due to very generous donations from our sponsors, including the Legal Foundation of Washington and the Office of Civil Legal aid, we were able to make the conference free of charge for anyone. Attorneys seeking Continuing Legal Education (CLE) credits paid an optional \$100. Offering the conference virtually and free of charge allowed us to grow our community outreach and attendance. This conference boasts a record-breaking 781 registrations following the previous record of 350 registrations in 2019.

While technology was valuable in growing attendance, the planning committee also explored ways to ensure that access to technology or other needs would not be a barrier for attendance. We advertised on the registration the following:

The WSBA is committed to full access and participation by all persons. If you have questions about accessibility or require accommodation, including ASL interpretation, please contact us.

As we plan our first ever virtual event, we are committed to addressing technology as a barrier to participation. If you anticipate requesting technology assistance, please let us know at your earliest convenience and no later than July 30, 2021. And, if you anticipate requesting language interpretation, please let us know at your earliest convenience and no later than July 30, 2021. All aforementioned requests can be sent to atj@wsba.org.

However, we did not receive requests to this nature. It is unclear if folks who wanted to attend simply did not have obstacles or if those who did have those barriers were still not able to access the conference or communicate their needs for other reasons. As we continue to pursue more community integration and centering their voices, this is an area of growth for the planning committee to continue exploring for future conferences.

Future Conference Planning Committees are encouraged to continue asking the questions: How do we proactively create an accessible space, prioritizing the needs of the communities we are centering? How do we move beyond offering “reasonable accommodation” and move towards accessibility?

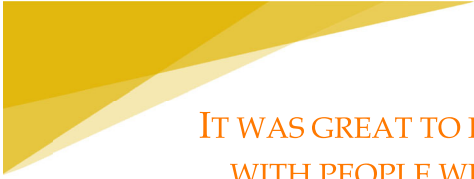
Technology

The planning committee created a technology subcommittee to identify how best to use technology to ensure accessibility and a smooth conference experience. Below is a brief description of the platforms used. Prior to the conference we equipped attendees with a two-page document with tips and tricks on how to use these platforms, including troubleshooting issues. We also offered optional drop-in sessions prior to the conference to address questions about connecting to the platforms.

Zoom: The conference was delivered through Zoom Webinar. Initially the planning committee had envisioned offering sessions through Zoom Meeting, which offers additional interactive components like breakout rooms and video participation (see the differences between Zoom Webinar and Zoom Meeting here). However, given the potentially large attendance size per session, we chose to proceed with Zoom Webinar as it allowed more streamlined audience management. Each webinar sessions included two Washington State Bar Association staff who served as logistical support to the conference presenters.

Mighty Networks: Mighty Networks is an online community platform that served as the “conference venue.” Mighty Networks was the location where attendees could find and join sessions, connect with other conference attendees in social media type environment,

and receive information from the conference planners. Joining Mighty Networks was not required in order to participate in the conference as an accommodation measure. We provide all pre-registered attendees with a PDF conference agenda with links to each session. Nevertheless, 565 attendees accessed the conference through Mighty Networks.



IT WAS GREAT TO HAVE PANELS
WITH PEOPLE WHO HAD BEEN
DIRECTLY IMPACTED; VERY
POWERFUL. THIS SHOULD BE A
MODEL FOR FUTURE CONFERENCES.
2021 ATJ Conference Attendee

Outreach

The outreach subcommittee primarily focused on spreading the word to impacted communities to encourage submitting conference proposals and attending the conference. Subcommittee members utilized direct emails, listservs, and social media to solicit proposals from the following communities:

- Indigenous and Tribal Communities
- Immigrant and Refugee Groups
- Racial Justice Groups
- Faith Based Groups
- Educational Institutions and Student Groups
- Social Justice Organizations
- LGBTQ Organizations
- Farm Worker Groups
- Criminal Justice and Reentry Organizations
- Legal Aid and Court Entities

As noted, the outreach efforts were successful in doubling the conference attendance record. Individuals representing the above-mentioned communities presented over half of the sessions.

The conference evaluation asked if there “were any groups that should have been better included”. Respondents suggested: communities working to lower youth incarceration, disability rights groups, more central Washington representation, groups addressing language access issues, more migrant workers and farmworkers, refugee groups, more BIPOC trans and queer presenters, more youth presenters, and more government workers (i.e., prosecutors, social workers, administrators, tribes).


Call for Proposals and Selection

The call for proposals was written with a diverse audience in mind and encouraged participation from community members and legal system professionals who can work together to move towards a system that supports the work of and centers the expertise of impacted communities. The committee received 58 proposals. There were 38 sessions during the conference, which included the combination of some proposals. When selecting the proposals, the planning committee prioritized:

1. Sessions designed, led, or facilitated by individuals or groups from communities directly impacted by poverty, racism, and other forms of oppression.
2. Sessions that advance race equity, improve community education, improve engagement with underserved communities, encourage application of holistic approaches, or coordinate systemic advocacy.
3. Sessions that are formatted for online learning. This includes panels that are limited to 3 people (plus a moderator), and panels that are at most 90 minutes, including audience Q&A.

The conference was then organized into the following tracks:

- **Racial Justice:** Community movements to advance racial justice, combatting anti-Asian hate, building coalition to advance racial equity, intersectional impacts of race and disability and other topics, community engagement, land acknowledgements, and other topics.
- **Youth:** Racism in schools, combatting the school to prison pipeline, the child welfare system, and holistic representation for youth with disabilities, and other topics
- **Immigrant's Rights:** Mutual aid in immigrant communities, grassroots advocacy and access to legal services, and other topics.
- **Criminal Justice and Reentry:** Reentry after long periods of incarceration, alternatives to the criminal legal system, legal financial obligations, restorative justice, healing families impacted by incarceration, and other topics
- **Gender Justice:** Serving criminalized survivors, self-represented litigants in family court, tech-enabled abuse, gender inequities in Washington's legal system, LGBTQ+ survivors of violence, and other topics.
- **Housing and Homelessness:** Housing law post-eviction moratorium and right to counsel, community-based services for homeless people, and other topics.



THIS IS PROBABLY THE MOST
CLIENT/COMMUNITY-INCLUSIVE
LEGAL CONFERENCE I HAVE
ATTENDED IN THE PAST +10 YEARS
AS A LAWYER. CONGRATS! KEEP
UP THIS MODEL.
2021 ATJ Conference Attendee

Compensating for Lived Experience

Speakers who shared from their lived experience and were not working professionally in the justice or intersecting systems (i.e. attorneys) qualified for honorarium payments for their time spent at the conference. Speaker payments were at a rate of \$80 an hour (including prep and presentation time). Payment Caps were \$300 with a guaranteed minimum of \$100. Speakers were compensated per individual session. Sixty-five presenters received the honorarium payment.

2021 was the first year that we were able to pay speakers for sharing from lived experience. The Washington State Bar Association processed the payments using funds raised from sponsorships. There were administrative hurdles to overcome because this was a new process for the Bar. Bar staff will continue to improve procedures to ensure that the honorarium payment process will continue smoothly.

Sponsorships

The fundraising subcommittee were highly successful in sponsorship funds. They began fundraising with a goal to raise \$30,000 and exceeded that goal by raising \$53,000. Sponsorships were used to pay people with lived experiences for their time and expenses associated with presenting and to make it possible for community members to attend the conference for free.

Evaluations and Attendee Data

Conference evaluation respondents rated the conference as follows:

- 90% rated the conference as “good” or “great”
- 93% would recommend this conference to others
- 94% indicated that the conference covered the materials expected, based on the promotional materials

When asked to select the three most valuable elements of the conference, respondents ranked the categories as follows (highest to lowest):

- Educational content (63%)

- Learned about a new area of equity and justice (53%)
- Faculty/Presenters (49%)
- Relevance to my area of work or volunteering (46%)
- Accessibility (23%)
- Number of Continuing Legal Education credit hours (23%)
- Networking opportunity with lawyers and other who work in the justice system (3%)
- Networking opportunity with activists and leaders in communities impacted by the justice system (6%)
- Other (9%) – this included concrete examples of work folks are engaged in to challenge the racialized status quo and uplifting of voices the system intentionally marginalizes; inclusion of impacted individuals; access through virtual platform; free option; personal growth as a white person to understand BIPOC perspectives

Respondents rated the following logistical elements:

- 77% rated staff services as “good” or “great” (the remaining 23% selected NA)
- 78% rated the conference platform Mighty Networks as “good” or “great”
- 87% rated the conference platform Zoom webinar as “good” or “great”
- 90% rated ease of registering as “good” or “great”

A small amount of feedback referenced connection difficulties with the online platforms and miscommunications about how to access to the conference sessions. This feedback will be taken into consideration as we improve processes for the future.

We asked attendees to provide optional information about their backgrounds, including community affiliation and race/ethnicity. Given that the questions were optional and only 170 attendees responded, we were not able to gather a complete picture of the conference audience from these questions. The planning committee should consider ways to gather data that are more accurate on attendees as a means to hold ourselves accountable to effective community outreach. Below is the breakdown of the 170 respondents:

- 132 individuals working in the legal system; 32 community or non-traditional partners
- Race/ethnicity
 - Indigenous: 5
 - Black: 19
 - Latinx or Hispanic: 12
 - Asian or Pacific Islander: 17
 - Multiracial: 10
 - White: 99

Looking Forward

2021 marked a turning point for the Access to Justice Conference as we took big steps to center the voices of individuals with lived experience with poverty, racism, and other forms of oppression. The result was a profoundly impactful conference that set the momentum stronger community connections. It is imperative that we do not lose this momentum. The Access to Justice will engage with the Community Advisory Panel to identify ways to continue the conversations at the conference, and move toward action-oriented next steps for change. This could include, but is no limited to, workshopping various conference session topics, creating space for legal advocates to learn from the community, identify ways to plug in conference presenters with other legal system decision-making, share the conference content through social media, and invite community members to join the conference planning committee for 2023.



ACTUALLY EXCEEDED MY
EXPECTATION FOR THE FIRST
VIRTUAL CONFERENCE AND REAL
ENGAGEMENT OF COMMUNITY
VOICES.
2021 ATJ Conference Attendee

The next Access to Justice Conference will be in 2023. The Access to Justice Board, in coordination with the Community Advisory Panel and the Alliance for Equal Justice, will determine where and when to hold the conference. As we enter a post-pandemic world, we will need to consider a number of factors regarding in person versus virtual gatherings. In past conferences that have been in person, we have received resounding feedback that the networking opportunities are invaluable to attendees. This year we also learned that bringing the conference online contributed to our ability to grow our attendance, prioritize accessibility, and protect the health of all involved. The Access to Justice Board will be intentional and thoughtful in weighing the factors with feedback before making a final decision.

We hope that the 2021 Access to Justice Conference can serve as an example to other legal system organizations looking to be in right relationship with the communities they serve. We will distribute this report to other equity and justice organizations looking to hold conferences and forums.

The majority of conference sessions were recorded and are available free to the public on the Access to Justice Board's YouTube channel at

https://www.youtube.com/channel/UC_kfyopU7JBYLQanPSDPZaQ.

The conference program, including session titles and descriptions, can be found online here:

https://drive.google.com/file/d/1_7_0ZWYo7Hfu48MNiyuzQyMsQt31Z4aw/view?usp=sharing

Questions: atj@wsba.org.

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