



MINORITY AND JUSTICE COMMISSION

ZOOM VIDEOCONFERENCE
FRIDAY, MAY 13TH, 2022
9:00 A.M. – 12:30 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE VERONICA ALICEA-GALVÁN, CO-CHAIR



MEETING NOTES

Commission Members

Jeffrey Beaver
Annie Benson
Professor Bob Boruchowitz
Judge Johanna Bender
Lisa Castilleja
Judge Faye Chess
Professor Mark Chinen
Judge Linda Coburn
Thresa Cronin
Grace Cross
Chad Enright
Judge Theresa Doyle (ret.)
Jason Gillmer
Judge Anthony Gipe
Judge Bonnie Glenn
Kitara Johnson
LaTricia Kinlow
Anne Lee
Judge LeRoy McCullough
Karen Murray
P. Diane Schneider
Judge Ketu Shah
Judge Lori K. Smith
Travis Stearns
Judge Leah Taguba
Josh Treybig
Jeremy Walker

AOC Staff

Kelley Amburgey-Richardson
Cynthia Delostrinos
Moriah Freed
Frank Thomas

Liaisons

Wanda Barrett, *Embedded Law Librarian*
Esperanza Borboa, *Access to Justice Board*
Margarita Esquivel Torres, *Gonzaga Law*
Gloria Ixtaly Herrera, *Gonzaga Law*
Whitney Wakefield, *Gonzaga Law*
Alicia Chaudry, *Gonzaga Law*
Wendy Martinez Hurtado, *UW Law*
Angel Torres Mann, *UW Law*
Priyanka Menon, *UW Law*
Ken Nelson, *UW Law*

Guests

Megan Berry-Cohen
Riley Burton
Judge Sara Dannen
Dr. Lisette Garcia
Jaime Hawk
Patty Lally
Dontay Proctor-Mills
Cherif Sidiali

CALL TO ORDER

The meeting was called to order at 9:00 AM

Welcome and Introductions

- The MJC Co-chairs introduced themselves.
- Attendance was called via roll-call

Approval of March 25th Meeting Minutes

- The minutes were approved as presented.

Recognition of Service: Annie Benson

- Justice Yu recognized Annie Benson as one of the longest serving MJC members. As a long time immigration law expert, she has remained dedicated to guiding the Commission's work in these areas.
- Annie Benson will be retiring. The Commission formally thanked her for her tireless work supporting the Commission's goals, including advocating for immigrant communities.
- An engraved gavel from the Supreme Court was presented to symbolize her contributions to change in the law.
- Commission members shared stories recognizing Annie Benson's mentorship and dedication.

CHAIR & STAFF REPORT

NCREF National Conference – Judge Galvan and Frank Thomas

- The 2022 National Consortium on Racial and Ethnic Fairness in the Courts (NCREF) Annual Conference was held in North Dakota from May 1-4. Judge Galvan, Frank Thomas, P. Diane Schneider, Judge Sara Dannen and Dr. Lisette Garcia attended. This year's conference was held in conjunction with the North Dakota judge's association conference.
- This year's conference theme "Moving from Conversation to Action" continued discussion of ongoing initiatives, current activities and reforms taking place across the country addressing cultural competence, equity, and other related topics. Attendees remarked on the differences between training levels on issues of race and bias between jurisdictions, and how this observation can inform the conference hosted in Seattle next year.
- The National Center for State Courts (NCSC) will be handling administrative assistance and logistics for planning.
- A topic for next year's conference has not been decided. NCREF has committed to doing a session on Japanese Incarceration. Deb Haaland, United States Secretary of the Interior, will be doing national tour on healing and reconciliation during this timeframe. The NCREF conference might be a good platform for her to speak.
- Commission members additionally voiced support for the topic of wellness for people working against systemic racism and oppression while working in the system.

ACTION: The 2023 NCREF Conference will be hosted in Washington. Planning will begin soon through the MJC Education Committee. If you are interested in joining the planning Committee, let Frank Thomas know.

Debrief SCJA Spring Conference Colloquium – Judge Johanna Bender and Frank Thomas

- A group of justice system stakeholders have been meeting over the past year to brainstorm “deeper dive” ideas related to race. The program that resulted from these sessions was selected as the keynote for the SCJA conference.
- Interested in exploring the concept of the “myth of neutrality” as judicial officers. Judge Bender used the example of using past convictions as an indicator of moral character at later prosecutions. Brings into question who is over policed and over represented in justice system, which is not neutral.
- Speakers included Professor Khalil Muhammad, Judge Ernestine Gray, Dr. Rita Cameron Wedding, and Jeff Robinson. Breakouts in family, dependency, child welfare law.
- Utilized polling during the program to get feedback from participants. Most participants found this program to be the highlight of the conference. Pleasantly surprised there were very few negative comments related to judicial activism.
 - Got one comment about the mandatory use of camera being on and BIPOC individuals being on display.
- Attendees provided the following feedback for future related trainings:
 - Incorporate this session (or something similar) into Judicial College.
 - Bench guides and other “nuts and bolts” tools for implementing the ideas presented during the sessions.
 - Trainings on assessment of credibility- who we believe and why
 - Creation of a better clearinghouse of information we can rely upon. This could include an update to AOC website to make materials more easily accessible.
 - Improved GAL trainings.
 - More cultural competency training. Example: How do different cultures approach the use of physical discipline in parenting?
- Suggestions for future partnerships included highlighting “success stories” from lenient sentences; outreach to media about release decisions; use program to further train prosecutors and defenders; better data collection related to justice system outcomes and better distribution of data.
- Judge Gipe shared that DMCJA will have sessions that overlap with the SCJA session.

ACTION: Justice Yu asked Judge Bender to put her feedback notes from the session into memo form so that the recommendations can be memorialized and actionable.

Jury Diversity Study – Frank Thomas

- The project stems from a legislative request to capture jury diversity data for future consideration. The survey is up and running in Pierce, King, and Clark County Superior Courts and will be rolled out to numerous other jurisdictions in the coming months. 17 jurisdictions about to go live or up and running, including some of the largest jurisdictions in the state.
- In some counties information collected has already surpassed any data ever collected.
- Will continue to reach out and onboard new jurisdictions, giving all jurisdictions the opportunity to participate.
- Have already learned lessons on implementation, such as technological hurdles of smaller jurisdictions. Have partnered with Brittany Gregory, AOC Legislative Director, to make suggestions to the legislature to further implement the study.
- Preliminary findings will be shared in the coming months; final report at end of year.

LFO Calculator Update – Frank Thomas

- Frank Thomas is working with Judge Coburn and AOC web development staff to implement the changes resulting from the passage of HB 1412. Cynthia Delostrinos and Frank Thomas also meet regularly with RC Carter of Microsoft's strategic development project to discuss pathways to accessible LFO relief using technology.
- Hoping to have updates complete by July 1 implementation date of HB 1412.

Annual Supreme Court Symposium - Frank Thomas

- This year's offering is on the topic of *Reparations for African Americans*.
- Wednesday, June 1st, 2022; 8:30 AM – 12:35 PM via Zoom
- Registration and agenda flyer was attached with meeting materials. Please share widely with your network, both legal community and other interested parties. Reparations topic is broadly relevant to a variety of groups.

GR 31 AND CrR 2.1 RULE CHANGE – JUVENILE RECORDS

GR 31 & CrR 2.1: Relating to Juvenile Records – Justice Yu

- Justice Yu provided context to the rule change discussion of GR 31 and CrR 2.1. Local news outlets have recently focused on the rule changes the state supreme court has passed. MJC joined the Office of Public Defense (OPD) in acting as a proponent of the rule change. MJC has a history of being active in the court rule process, and this policy arena is not new for the Commission. The Juvenile Justice Committee reviewed the rule change, with support of committee members consisting of state experts on juvenile justice issues.
- Rule change was proposed to the Supreme Court Rules Committee. The Rules Committee published the rules for comment for 4 months to collect comments. The Committee recommended the rules be adopted. GR 31 passed 7-1. Modifications to CrR 2.1 passed unanimously.
- There has been considerable pushback once the rule went into effect, and public opinions have aimed to slow down the process. The court put a pause on the implementation date. The Rules Committee will make a recommendation to the court on how to proceed.
- Washington trails most other states in juvenile justice issues. Currently, juvenile records have open access for the public online.

Juvenile Justice Committee Presentation on GR 31 and GR 2.1 Rule Changes

- Two changes to GR 31. The purpose of the change is to codify long standing policy of not disseminating juvenile offender records on publicly accessible Internet sites.
 - Adds the following language to section **(d) Access**
 - *(2) Information from an official juvenile offender court record shall not be displayed on a publicly accessible website. The only exception to this rule is if the website is accessed from a physical county clerk's office location.*
 - Adds the following language to section **(g) Bulk Distribution of Court Records**:
 - *(2) Dissemination contracts shall not include the dissemination or distribution of juvenile court records.*

- Rule change does not impact public or media access to records. The rule also does not limit the ability of criminal justice agencies to obtain court records not publicly accessible.
- Second change speaks to use of initials. Purpose of this change is to have a consistent approach to protecting the youth's identity. Use of initials is currently practice in appellate courts. Rule change aligns practices.
 - GR 31(e)(1)(D) **Personal Identifiers Omitted or Redacted from Court Records.** *For juvenile offender cases, a youth's initials shall be used in captions, pleadings and briefing filed in the case.*
 - CrR 2.1 provides for the required contents of the indictment and information filed by the prosecutor in a criminal case. *The change in this rule requires initials rather than name of the juvenile respondent in the indictment/information. CrR 2.1(a)(2)(i).*
- The Committee provided an overview of JIS functions with the proposed JUVIS number identifiers.
 - Access to JIS is different than public access. All counties enter case information into JIS. Clerks have access to information in JIS
 - JUVIS number and WIP – personal identifiers
 - When a juvenile offender case is referred to the prosecutor and/or filed against a youth for the first time, a “well identified person” (“WIP”) record is created and a JUVIS number, which are both unique identifiers, is assigned in JIS.
 - Once the WIP is created by the court (typically probation) and a JUVIS number is assigned, the JUVIS number can be used to search the youth's record within JIS.
 - CrR 2.1 (2) already requires the Complaint to include a great deal of identifying information (date of birth, address, gender) and the youth's JUVIS number.
 - The JUVIS number can easily be included on all documents, just like the cause number and the attorney's bar number.
 - Juvenile records have gone down in WA significantly – hoping this will decrease administrative burden. Volume in cases is a manageable number.
- Rule proponents are asking dispositions to contain JUVIS number. This will make it searchable in other places, like WSP background check.
- Odyssey will have to be configured

Discussion - All

- County Clerks on the call expressed concern with identifying the person for public records requests, and how the initials can be unclear. JUVIS number is not transmitted to the clerk's system.
 - Clerks cannot seal a case with public file without court order.
 - One clerk shared that they cannot see JIS to get JUVIS number or name.
- Discussion brought up concerns over implementation not policy. Clerks would like clarification on implementation. Judge Galvan suggested a workgroup to discuss implementation of the rule change.
- CrR LJ – Will JUVIS number be brought to district court for juveniles that have significant traffic violations with collateral consequences, such as DUIS.
 - Katie Hurley shared that this is currently not being considered but may be expanded in the future.

- Sometimes when MJC supports a policy change there will be pushback. Sees it as part of the Commission’s mission to lead on these issues related to race. The Juvenile Justice Committee was thanked for their leadership on this issue. Rules Committee will meet Monday and offer a recommendation.

LAW STUDENT LIAISON PROJECT UPDATES

University of Washington School of Law Project Proposal: *Trauma Informed Anti-Racist Approach to Legal Advocacy* – Angel Torres Mann, Kenneth Nelson, Priyanka Menon, Wendy Martinez Hurtado

- *Date:* Tuesday, May 10th, 3:00 – 5:00 PM, via Zoom Videoconference
- Webinar had about 100 attorneys and 30 non attorneys attend. Participants found the event valuable, and wanted to host the speaker at their own organizations.
- Attorneys have been sent information to submit CLE credits and a feedback form.
- Were informed that UW will not host an immigration clinic this upcoming year due to funding. Students are very disappointed and have drafted a petition. They are hoping for transparency from the school. The news is especially disappointing for students who attended UW to study immigration law specifically.
 - A petition has been circulated. Members were asked to sign in their personally capacity, although if MJC could sign in its official capacity it would be welcomed.
 - Clarification was asked about what funding is needed to sustain the clinic. The Clinic professor has historically been responsible for fundraising to sustain the program and position.
 - In the past 2 years the school has lost 2 other public interest law clinics. Next year UW will be short 4 public interest programs.

Gonzaga University School of Law Project Proposal: *Equity Through Accessibility* – Maggie Esquivel Torres, Gloria Herrera, Alicia Chaudry, Whitney Wakefield

- “One stop shop” to aid family law with resources that are county specific.
- Since the presentation, have met with AOC staff in the equity and access team and are working on printed resources.
- The group has targeted working in smaller Eastern Washington areas – high need areas, and will be placing physical pamphlets in places with high foot traffic – courthouses, community centers, etc.

Seattle University School of Law – *Expungement Clinic Project Update* – Denise Chen, Sean Dong, Sarah Max

- 50 students signed up for clinic, but there were only 27 spots available. The clinic helped 5 clients seal 18 convictions. Seattle University and Microsoft are interested in holding the clinic again.
- The students thanked Commission member Josh Treybig for his inspirational presentation at the event.

COMMISSION LIAISON & COMMITTEE REPORTS

2022 MJC Artwork Selection: *Sea of Red by Kathleen Gale* – Judge Anthony Gipe

- MJC has selected its 2022 Annual Artwork, *Sea of Red* by Kathleen Gale. From the artist's statement, "*Sea Of Red* highlights the Field Workers of The Skagit Valley. Their hard work, in challenging conditions, is often ignored or unappreciated by most consumers. I hope to bring their story forward."
- Each year, MJC selects a piece of artwork representative of the values of the Commission. Judge Gipe led the subcommittee that reviewed and selected this year's piece.
- A brief video about the painting of *Sea of Red* was shared along with the selected artwork. Kathy Gale has been painting the migrant workers for 7 years and is incredibly happy to have their voice heard by the Commission.
- Justice Yu thanked the artist for bringing this issue forward. Commission members expressed gratitude towards the artist and her efforts.

Outreach Committee – Judge Bonnie Glenn and Lisa Castilleja

Judge Bonnie Glenn and Lisa Castilleja provided an update of ongoing Outreach Committee projects:

- CZ Smith Heritage Symposium
 - Hosted by Gonzaga School of Law this year – flyer in packet
- Charles V. Johnson Youth & Law Forum
 - 32nd annual youth and law forum in Seattle – October 22nd. "Resilience: A Journey to Justice" – flyer will be distributed.
 - The event will be hosted in Tukwila – thanks to Trish Kinlow and Cynthia Delostrinos for providing a physical location.
- Judges of Color Diversity Directory Update
 - There have been some new appointees. Their names will be added to the Directory. This will be an ongoing process – Judge Chess and Esperanza Borboa have agreed to keep it updated and submitted to AOC staff to update the document.
 - Judge Gipe asked about the possibility of a web based directory instead of having to continuously update the document.
 - Judge Chess shared that the directory has been a labor of love, and she is happy to keep updating the document.
- Gender Justice Study MJC Next Steps
 - Jury Diversity Recommendation – Are hoping the jury study will overlap with this recommendation. First step is to evaluate Pierce County data in relation to the recommendation and how it affects women and people of color. Second, through previous MJC surveys, a clear consensus has appeared the shows women face distinct barriers to jury service. One priority will be working with the Board for Judicial Administration (BJA) and legislative directors to communicate and explore pilot programs providing child care or compensation to enable women to secure childcare and attend jury service. Evaluate specific ways women and people of color might be excluded from jury service; and be proponents of specific ways to address these problems.
 - Judge Rosen has agreed to chair the work with MJC Gender Justice Study.
 - Juvenile Study 2.0 – Incarceration of girls of color needs further study. Frank Thomas shared that during a presentation by a UCLA School of Law Scholar at the NCREC Conference that it has been identified that nearly 2/3 of incarcerated girls identify as LGBTQIA+ girls of color.

MJC Liaisons

- **Guidelines and Best Practices for MJC Liaison Reporting** – Judge Veronica Galván
 - Judge Galvan will be working on finalizing what it means to serve as a MJC liaison. Highlighted serving MJC's interests as a delegate of the Commission. Attending as a guest, but ask liaisons to report back and meet expectations.
 - Justice Yu added that if you are asked or invited to attend on behalf of the Commission, recognize the authority to share the MJC mission. Justice Yu and Judge Galvan are happy to serve as a resource on guidance.
 - Expectations will be posted on the website for transparency.

- **WPI Jury Instruction Video** – Judge Leah Taguba
 - Judge Taguba gave background on the ongoing project. In mid 2017, the Committee approached the Supreme Court for permission to update the jury video. It was approved, followed by a project hiatus. The project re-emerged in 2019. A company was selected after a bidding process in 2020.
 - The Video was originally selected in March 2022, and the Committee received a letter from the Supreme Court in April pointing out shortcomings and missed opportunities in the video.
 - When the Committee presented the video to the Supreme Court, concerns were identified:
 - Lack of diversity in jury pool, specifically the homogeneous look of people in the video
 - Grave concerns over video
 - Met with Justice Whitener last weekend. Feedback was relayed to production company and are working to re-shoot and re-edit the video to meet expectations.
 - Judge Taguba spoke to Judge Galvan's comments as liaison expectations and advocating for MJC's interests as liaisons, specifically related to diversity and representation.
 - Justice Yu asked about starting over on the video and working with a BIPOC owned Washington production company.
 - It was suggested that Public Trust and Confidence Committee might be better suited to guide on the video and its production. TVW also as a resource for production.

- **Washington State Bar Licensure Task Force** – Frank Thomas
 - Summer meetings of the Task Force have been scheduled. Members will be meeting in designated subcommittee groups.
 - Frank Thomas has observed that the group is not an explicitly race equity based group, but looks at broader barriers to licensure. Have been thinking about how to interject a race-based analysis of disproportionate licensure pass rates.
 - Commission members shared their personal experience with barriers related to the bar exam, such as one person of color who took the bar twice to pass in Washington before becoming licensed.

- **Sentencing Task Force** – Judge Veronica Galván'
 - The Sentencing Task Force operates by consensus, and is still working towards consensus on recommendations. A report will be coming out later this year.

ADJOURNMENT

The meeting was adjourned at 12:03 PM