

WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



TVW: [HTTPS://TVW.ORG/VIDEO/WASHINGTON-STATE-MINORITY-AND-JUSTICE-COMMISSION-2022091208/?EVENTID=2022091208](https://tvw.org/video/washington-state-minority-and-justice-commission-2022091208/?eventid=2022091208)

FRIDAY, SEPTEMBER 30, 2022
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> 06/01/22	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

2023 Meeting Dates

All Meetings Available Virtually via Zoom Videoconference

Date	Time	Location
Friday 01/20/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
Friday 03/17/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
Friday 05/12/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
NCREF National Conference Sun. 5/21-Wed. 5/24 Supreme Court Symposium Monday 5/22/23	Symposium: Monday, 8:30 AM – 1:00 PM	<i>TBD</i>
Friday 07/21/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
Friday 09/15/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
Friday 11/17/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>

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

SEPTEMBER 30TH, 2022

9:00 A.M. – 12:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE VERONICA GALVÁN, CO-CHAIR

[HTTPS://WACOURTS.ZOOM.US/J/88091344951](https://wacourts.zoom.us/j/88091344951)

MEETING ID: 880 9134 4951

AGENDA

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

- Welcome
- Introductions and Acknowledgements
- Approval of July 22 Minutes

CHAIR & STAFF REPORT 9:15 – 10:00 a.m. (45 minutes)

- **Staff Report**
 - Jury Diversity Study Update – Frank Thomas
 - Racial Justice Consortium Implementation – Cynthia Delostrinos Johnson and Frank Thomas
 - Research Update – Frank Thomas
 - GR 31 and CrR 2.1 Update – Judge Veronica Galván, Frank Thomas and Annie Lee

LAW STUDENT LIAISONS 2022 INTRODUCTION 10:00 – 10:30 (30 minutes)

- **Seattle University School of Law** - Leslie Burnett, Stephanie Chavez, Mónica Mendoza-Castrejon, Faculty Advisor Professor Mark Chinen
- **Gonzaga University School of Law** - Whitney Wakefield, Alicia Chaudry, Gloria Herrera, David Normoyle, Faculty Advisor Professor Jason Gillmer
- **University of Washington School of Law** – Angel Torres Mann, Donald Peters, Ciera Phung-Marion, Roberto White, Faculty Advisor Lisa Castilleja

BREAK 10:30 – 10:40 (10 minutes)

COMMISSION LIAISONS & COMMITTEE REPORTS 10:40 – 12:00 p.m. (80 minutes)

- **NCREF National Conference 2023** – Judge Veronica Galván
 - Date selected: May 21-24, 2023
 - Supreme Court Symposium Date: May 22nd, 2023

- **Education Committee** – Judge Lori K. Smith
 - SCJA Spring Conference Proposal Submissions – Judge Lori K. Smith, Judge LeRoy McCullough, Trish Kinlow

- **Outreach Committee** – Judge Bonnie Glenn and Lisa Castilleja
 - 2022 Artwork Poster Update – Frank Thomas
 - CV Johnson Youth & Law Forum, October 22nd, at the Tukwila Community Center – Chris Sanders and Lisa Castilleja
 - Tri-Cities Youth and Law Forum, November 4th, at the Federal Courthouse in Richland, WA – Lisa Castilleja
 - BJA Innovating Justice Award – Judge Bonnie Glenn

- **MJC Liaisons**
 - **Sentencing Task Force** – Judge Veronica Galván
 - **Washington State Bar Licensure Task Force** – Frank Thomas
 - **BJA Alternatives to Incarceration Task Force** – Judge Ketu Shah
 - **Access to Justice Board Liaison Position** – Esperanza Borboa
 - **WPIC Jury Instruction Video** – Judge Leah Taguba

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



**MINORITY AND JUSTICE
COMMISSION**
ZOOM VIDEOCONFERENCE
FRIDAY, JULY 22ND, 2022
9:00 A.M. – 12:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE VERONICA GALVÁN, CO-CHAIR



MEETING NOTES

Commission Members

Jeffrey Beaver
Professor Bob Boruchowitz
Judge Johanna Bender
Lisa Castilleja
Judge Faye Chess
Professor Mark Chinen
Judge Linda Coburn
Grace Cross
Judge Theresa Doyle (ret.)
Chad Enright
Judge Anthony Gipe
Judge Bonnie Glenn
LaTricia Kinlow
Judge LeRoy McCullough
Karen Murray
Christopher Sanders
P. Diane Schneider
Judge Ketu Shah
Travis Stearns
Judge Leah Taguba
Josh Treybig
Jeremy Walker

AOC Staff

Kelley Amburgey-Richardson
Cynthia Delostrinos
Frank Thomas

Liaisons

Wanda Barrett, *Embedded Law Librarian*
Esperanza Borboa, *Access to Justice Board*
Sarah Max, *SU Law*
Leslie Burnett, *SU Law*
Stephanie Chavez, *SU Law*
Monica Mendoza-Castrejon, *SU Law*
Angel Torres Mann, *UW Law*

Guests

Judge Sara Dannen
Dr. Lisette Garcia
Jaime Hawk
Martha Ramos
Magda Baker
Corliss Samaniego
Kayley Corillo
Michelle Enright
Mark Cooke
Larry Jefferson
Chanel Rhymes
Kirsten Wysen

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 May 12th Meeting Minutes

- The minutes were approved as presented.

Recognition of Service: Frank Thomas

- Justice Yu recognized MJC Program Analyst Frank Thomas for his service to the Commission.
- An engraved gavel from the Supreme Court was presented to symbolize his contributions to change in the law.

GUEST PRESENTATION – Drivers Relicensing Task Force (WDRT), Martha Ramos, Jaime Hawk, Magda Baker, Corliss Samaniego, and Mark Cooke

- Proposed GR 9 Amendment: Changes to Infraction Rules for Courts of Limited Jurisdiction
- Materials Included in Meeting Packet
- Data shows that “failure to pay” infraction offenses are enforced with a high degree of racial disproportionality. This is despite the poor documentation of Latin/Hispanic race and ethnicity that often get truncated in the data into white categories.
- Unpaid debt is associated with poor health outcomes.
- For most people, reliable transportation is a requisite for work, and thus a drivers’ license is essential. Many clients ignore payment because they do not know about payment plans and cannot manage the stress of a bill they cannot afford. An “inability to pay” option would alleviate this initial reaction and provide a means of responding to the court.
- Courts “should have guidance” when a person is unable to pay, and have an alternative plan. Payment plans as low as \$10/mo. are rarely applied but would be hugely beneficial to clients living in poverty.
- IRLJ Proposal: require payment plan if driver lacks current ability to pay, as determined by GR 34(a)(3), (4). One option is to make payment plans mandatory if determined within 21 days that person cannot pay in full. If driver does not return petition, then court would be obliged to establish payment plan. If driver is not contacted to have a plan established within 90 days, ticket goes to collections.
- Part of the goal is to have uniform systems. SB5226 made significant changes to moving violations policy, specifically that inability to pay is not a reason to suspend a driver’s license. The legislation state that payment plans and recourse need to be passed via Court Rule. Settled case in Thurston Cty. Recognized suspensions for inability to pay violated due process rights.
- Would add a line to tickets that says yes, I did commit the infraction, but I have an inability to pay.

- There is no interest rate associated with the payment plans or collections clause.
- Question: does this court rule address those who do not speak English? A: if a person doesn't speak English and doesn't respond to initial notice, they still have 90 days to establish the payment plan. Justice Yu: worthwhile for Frank Thomas to note this court rule to the Interpreter's Commission.
- Questions: why do traffic infractions have only 30 or 33 day establishment period, where others have 90? Answer: the 30 days is statutory from the legislature, and the policy rationale for longer periods is to allow more leeway to respond.
- Judge Coburn: placing the notice on the initial citation has less impact on jurisdictions, whereas the follow-up establishment notice will place a larger burden on court staff. A: the legislation itself requires that information be on the notice of citation.
- Justice Yu: any discussion of changing the citation form so that courts do not have to do the secondary notice? Answer: will certainly need to have updated forms. The Task Force Coalition has draft revisions to forms which correspond to the changes.
- Trish Kinlow: excited about the proposed changes, because frontline staff are having to deal with the court customers directly. The King County Unified Payment Plan has the same objective to set clients up on a payment plan. The reality is that many court customers have to choose between legal debts and other necessities. UPP sets up customers on \$25/mo. plans. In the spirit of "Equal access to justice" not simply "access" to justice. Losing a license puts a hindrance on everything else in life. Customers often appreciate communications via email, and updated websites relating to payment plan policies help provide another resource to direct court customers to manageable alternatives. For this same reason, want as many courts as possible in WA to sign up for UPP program.

CHAIR & STAFF REPORT

Equity Research Update – Frank Thomas and Lisette Garcia (WSSCR)

- Research priorities for MJC include two ongoing projects:
 - Collecting and analyzing pretrial detention data in the 10 largest counties in the state.
 - Working with Dr. Peterson, WSSCR, on this.
 - It has been a yearlong process to gather data. Robust data set.
 - Excited to analyze and move forward with making recommendations.
 - Hope to deliver preliminary findings late summer/early fall, followed by a full report later in the year.
- Plea bargaining:
 - Measure racial disproportionality in incarceration as a result of this process.
 - Thurston County has agreed to participate.
 - Will be looking to measure racial disproportionality in a number of ways.
 - Will try to isolate effect on sentence length. Will be dealing with only a few data points, and will try to isolate effects as much as possible given the data set.
 - Historically researchers have looked at initial charge to final sentence, which leaves a black box over plea bargaining process and its impacts. Hope that in analyzing data, will be able to isolate what other information we need to collect and analyze.
- It is a challenge to provide data and the historical context. Often when data is presented in the context of race, racial disproportionality, there is no explanation of the cause of what we are seeing. We want to provide this context when presenting data analyses.

- Want to take a larger scope look at this to show the underlying issues. Professor Muhammed's presentation to the SCJA is an example of showing the historical context that current issues are built from and on.
- Goals: provide historical context for the data, provide explanation from a policy standpoint.
- Examples of this work: Girls of Color in Detention report, LFO Consortium report and accompanying Living with Conviction report from impacted individuals.

- **Jury Diversity Study Update** – Frank Thomas and Lisette Garcia
 - Statewide jury survey is in progress. This was legislatively mandated. Reaching out to every court in the state but it is optional to participate. 170,000 responses so far. This will be the largest jury survey in our state to date.
 - Survey asks about race, other factors such as sexual orientation, and barriers.
 - At each phase of the process, it appears we are losing diversity.
 - One challenge in doing race-based research is race data is not collected or recorded in a uniform way. Asking for race with specificity and asking for perception data – what do they think other people view them as?
 - Cynthia Delostrinos Johnson noted that they worked closely with courts. Some courts have decided not to participate. Others have decided to add additional variables. Report will indicate which courts declined to participate. Shout out to Pierce County and Chris Gaddis – they have been wonderful to work with.
 - Goal of the research team that this will be mandatory, analyze data over time. Have submitted a legislative proposal to the BJA that this be ongoing and mandatory.
 - Data collection ends at the end of 2022. Report is due June 2023. Aiming to get them a preliminary report before 2023 legislative session.
 - Not providing findings at this time for the integrity of the research and reporting process. It is too early to identify findings and trends.
 - LaTricia Kinlow clarified that some courts may have chosen not to participate because they do not have jury data, having not held a jury trial during the pandemic. The research team will conduct a survey of courts that declined to participate to understand the different reasons why they declined.
 - It's a yearlong survey. Started a bit early in December 2021. Happening right now, in real time. If you get a jury summons today in a participating jurisdiction, it will come with a link to our survey.
 - Karen Murray asked if there are certain areas of the state that are not participating.
 - It is more difficult for rural courts to participate, due to lack of jury trials or technological constraints.
 - They are offering a paper survey, but this can still be a challenge for small courts. Hopeful to onboard more rural jurisdictions in the future.

- **Racial Justice Consortium Implementation Team** – Cynthia Delostrinos and Frank Thomas
 - Cynthia provided an overview of the Consortium's founding and participants.
 - Goal to address system racism in the courts following the killing of George Floyd.
 - Patricia Lally led us through a yearlong effort. The last meeting was in May. Created an action plan.

- Internal team is assessing how to implement action plan, keep court partners connected.
 - Looked at six key areas. View website for more detail: <https://racialjusticeconsortium.net/>
 - Seeing a shift in the courts. E.g., DMCJA put out their annual priorities and one of them is to address these recommendations.
 - Anticipate that implementation of RJC priorities and recommendations will intersect with all MJC activities.
- **Race Equity in Child Welfare Colloquium Update** – Frank Thomas
 - Frank discussed the ongoing effort to create a full Colloquium series on race and child welfare, and Cynthia will join to discuss the commonalities between the Colloquium and RJC reform work identified in child welfare.
 - Interested in this colloquium fitting in with RJC recommendations re: child welfare, and with MJC's spring programming, specifically the national conference and other education.

COMMISSION LIAISON & COMMITTEE REPORTS

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

- Discuss status of recently-adopted court rules applying best-practices for confidentiality to state juvenile records.
 - MJC Joined OPD in proposing rule modifications to GR 31 and CrR 2.1. It went through ordinary public comment process and was adopted by Court in March, 2022. Following adoption, there was significant pushback from parties impacted by or tasked with implementing the changes, namely media representatives and Clerks.
 - In May, the Court placed the rule on hold, as the Court devises a process to review and understand the challenges to implementation. The rule remains on hold until the Court can assess the proper path forward.

NCREF National Conference – Judge Galvan and Frank Thomas

- Date selected: May 21-24, 2023
- Supreme Court Symposium Date: May 22nd, 2023
- MJC will host the National Conference of the NCREF. NCREF was founded in 1989 by four states – NY, NJ, Michigan, and WA. Was inspired by Justice CZ Smith.
- Members from the NCREF National Board will participate alongside Commission members on planning the Conference.
- Have committed to a program highlighting the historical and legal context surrounding Japanese internment during WWII.
- Plan to offer multimedia informative programs, such a films on racial justice and US history (i.e. Jeff Robinson's film on US history of racism).

Education Committee – Judge Lori K. Smith

- Recap: DMCJA Spring Conference Program, *Racial Equity Tool Kit* – Judge Anthony Gipe

- Keynote program at DMCJA Spring Conference. Topic was proposed by Judge Walden and Judge Leone jointly by DMCJA Education Committee and MJC. Judge Chang gave an hour-long presentation on the impact of race on criminal justice. Then presented a series of shorter, focused presentations to create a tool kit of issue knowledge for the attendees. Court Customer Service; Reform of sentencing and supervision; LFOs; implementation issues; and how to be a good ally and cultural competence.
- What differs this year from previous years is that this was not a one-off program; the presenters from the program will lead lunch-time discussions on the areas of interest identified in the program tool kit series.

Outreach Committee – Judge Bonnie Glenn and Lisa Castilleja

- 2022 Artwork Poster Update – Frank Thomas
 - Frank is working with AOC Communications staff and the artist to finalize the proof of the poster. Rollout of the final poster is expected in the coming months.
- CZ Smith Award Recap – Lisa Castilleja
 - Virtual program has been a great opportunity to highlight the events throughout campus. UW Law hosted the 2022 virtual program. SU will host next year's program, and it is yet to be determined whether that program will include an in-person element.
 - Online registration for October Youth & Justice Forum is open. Save the Date for November 4th Tri-Cities YnJ Forum is now available.

MJC Liaisons

- **Sentencing Task Force – Judge Veronica Galván'**
 - Task Force is back meeting at hybrid basis. Are now looking at the state sentencing grid. The consensus structure of work makes it challenging, because one objection vetoes any proposal. However, consensus process gives more persuasive power to make change at the legislature. Expect more information on consensus decisions at September meeting.
 - A question in chat about whether bringing back parole has been discussed. A: not specifically, but have been discussing corresponding issues with cases of similar offense having disparity in where they appear in the grid.
- **Access to Justice Board – Esperanza Borboa**
 - Board members take on various liaison responsibilities. ATJ Board has lots of turnover recently which has presented challenges to maintaining those obligations.
 - Internal Equity work group has improved intentionality with how the Board conducts itself and its administrative processes.
 - Delivery systems committee has been extremely busy.
 - Completed healthy alliance assessment to determine how best to change how ATJ functions with the alliance overall.
 - Eviction Rights Council demographic data collection program.
 - Law School Deans presented to the ATJ Board.
 - Report on perception of young people's experience with civil legal aid.
- **WPI Jury Instruction Video – Judge Leah Taguba**

- Cost to recast and improve diversity of original edited video is doable, estimated at \$20,000. Overall, the delay from COVID caused a conceptual disconnect from the Court's original priorities. Obstacles encountered resulted in lost opportunities. WPI is committed to incorporating the changes.

ADJOURNMENT

The meeting was adjourned at 12:03 PM

**SAVE THE
DATE!**



THE 18th ANNUAL TRI-CITIES YOUTH AND JUSTICE FORUM

Friday, November 4, 2022

**Richland Federal Building
and U.S. Courthouse**

825 Jadwin Ave. Richland, WA 99352

Each year, up to 200 students (grades 8-12) are encouraged to pursue higher education and careers in the justice system. Students meet with judges, lawyers, law enforcement officers, probation officers, court reporters & interpreters, law students, college recruiters, and more.

SAVE THE DATE – NOVEMBER 4, 2022

Questions? Contact Lisa Castilleja at
ecc93@uw.edu

**Justice System Professionals: You can
make a difference in a young person's life.**

Volunteer for the Youth and Justice Forum!

Consider sponsoring the event and promote your organization.
Every donation (or swag!) helps.

Washington State Bar Licensure Task Force

Responses to the Dean's Questions Posed on September 9, 2022

Justifications for use of the Bar Exam as a vehicle for bar licensure?

[Summary of materials that Frank Thomas, Task Force History Subcommittee, provided to the Task Force]

Historical Justifications

- First WA State Bar News Oct 1934 described bar exam purpose: “these applicants have the **necessary general and legal education**”
- ABA and NCBE offered the following reasons for their continued opposition to diploma privilege
 - Lack of uniform standards among law schools, esp. length of study
 - Impracticality of having the privilege for some law schools within a state, but not for all law schools within that state
 - Desire to have state authorities, rather than academicians, help determine which applicants are admitted to practice
 - Prevention of low standard law schools escaping the high standards imposed by the bar examiners
 - Sincere public desire to raise admissions standards
- Bar Exam’s “obvious purposes” test applicant’s
 - Analysis of legal problems
 - Knowledge of law
 - Ability to apply knowledge to work out a rational solution in a lawyer-like fashion
 - Analyze facts, recognize legal points, apply proper legal principles, and give wellreasoned answers

Current Justifications for the Bar Exam

- Consumer protection
- Bar exam motivates students to work hard and schools to maintain high standards
- Bar exam provides applicants with a beneficial/comprehensive review of the law
- Bar exam generates competition for licensure which is good because it causes students to strive to be their best
- Absent BE, only law faculty determine who gets admitted law faculty too removed from practice to know what’s needed to be good in practice

How is Bar Exam Falling Short?

[Quoting Summary of findings from Minnesota’s Working Group on Bar Licensure]

- In 2020, 66% of Black law school graduates passed the bar exam on their first try, as contrasted to 76% for Latinx candidates and 88% of White candidates. The disparity only got worse in 2021.

Washington State Bar Licensure Task Force

Responses to the Dean's Questions Posed on September 9, 2022

- These results are reinforced by a study by the AccessLex Institute confirming that bar exam results are largely a function of the applicants' resources. **Those most likely to pass are candidates who have the resources to study full-time for two months after graduation, purchase expensive bar preparation courses and materials, and not be distracted by family obligations.**
 - These results are linked to the stark racial disparities produced by the bar exam, since candidates of color have been less likely to have the financial resources necessary for bar exam success.
 - Stereotype threat – the impact on performance caused by concern of reinforcing stereotypes of ability linked to one's identity – may intersect with other aspects of the exam, including speediness, to exacerbate the challenges for BIPOC applicants
- Bar exam does not test other critical aspects of lawyering competence (e.g., conducting research, interacting effectively with clients, acting professionally, seeing the “big picture” of matters and determining the importance of the information to the overall client matter, managing a law-related workload, coping with the stresses of law practice, and pursuing self-directed learning). In effect, it tests the ability of applicants to take the test, not the ability to practice law.
 - Bar exam relies heavily on memorization of many detailed legal rules and application of those legal rules in contexts divorced from how they would be used in law practice. As the IAALS study documented, new lawyers do not rely on memory; they research the law.
 - Bar exam also relies heavily on multiple choice questions, which does not mirror problem-solving in practice. In addition, bar exam questions are based on statements of facts written by the bar examiners, but that does not reflect how clients present legal problems or how lawyers go about answering those problems.
 - Bar exams measure a variable unrelated to law practice: test-taking speed.
 - Test-makers provide only general statements of the subject areas that will be tested, not complete statements of the principles of law themselves. This leaves test-takers uncertain about exactly what law they must learn and therefore dependent on purchasing extensive outlines developed by commercial test preparation companies, detailing the law that those companies predict will be tested.
 - In addition to the test itself the costs of the test reinforce historical inequities in our professions.
 - Despite these issues, data indicates that the bar exam is minimally effective at best for ensuring competent lawyers. Among the deficiencies and common complaints about the bar exam is that it bears little resemblance to actual practice and tends to simply restate the same results already provide by law school grades.
 - Whether bar exam is an effective tool for protecting the public from incompetent attorneys is not clear.

Washington State Bar Licensure Task Force

Responses to the Dean's Questions Posed on September 9, 2022

- Maintaining a high cut score does not result in greater public protection as measured by disciplinary statistics but does result in excluding minorities from admission to the bar and the practice of law at rates disproportionately higher than Whites. AccessLex Institute, October 2020.
- Lawyers admitted without a bar passage requirement receive public sanctions at similar rates to lawyers admitted after passing a bar exam for the first decade of their careers, but small differences begin to emerge after a decade, and larger but modest differences emerge after two decades. Kyle Rozema, Does the Bar Exam Protect the Public? (2021).
- The NextGen bar examination being developed by the National Conference of Bar Examiners will respond to some of the concerns that are raised here. But it will still not assess a number of the critical skills for minimum competence (e.g., interacting directly with clients, conducting rather than knowing about how to do research, coping with the stresses of law practice, managing a law-related workload, communicating orally) and when it focuses on skills, the test will necessarily focus on knowledge about the skills rather than performing them in actual practice. It will likely continue to test through multiple-choice questions at least in part, a particularly problematic way to test lawyering competence. It is also unclear whether the test will remain speeded, and whether it will continue to have disparate outcomes as a high-stakes exam.

Driving concerns around bar licensure right now as state bar?

- Lack of parity between population demographics of state and demographics of licensed attorneys.
- Legal desert in eastern WA and other rural areas.
- Nothing suggests that a general lack of competence among newly licensed attorneys is a driving concern.

Have other task force subcommittees reported out?

- The Box folder does not include any minutes from previous meetings. Below is a brief survey of the subcommittee's work thus far based on materials uploaded to the box and my recall of past meetings
 - History—submitted materials to Box in June 2022; presented to Task Force
 - Research and Data—presented to Task Force and submitted materials to Box in May 2022
 - Character and Fitness—presenting today
 - Lawyer Competencies—has submitted materials to Box, but not presented them
 - NCBE Study—has submitted materials to Box, but not presented them
 - Reciprocity—submitted materials to box, but not directly presented them; topic arose in discussion to alternatives to the exam
 - General Equity Concerns—materials submitted to Box in 2021 and discussed in most Task Force meetings, but not presented
 - Alternatives to the Exam—materials submitted to box; presented at August 2022 meeting