

WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



TVW: [HTTPS://WWW.TVW.ORG/WATCH/?
EVENTID=2022121175](https://www.tvw.org/watch/?eventid=2022121175)

FRIDAY, DECEMBER 9, 2022
9:00 A.M.—11:30 A.M.

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

DECEMBER 9TH, 2022

9:00 A.M. – 11:30 A.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE VERONICA GALVÁN, CO-CHAIR

<https://wacourts.zoom.us/j/88980128993>

Meeting ID: 889 8012 8993

AGENDA

CALL TO ORDER 9:00 – 9:30 a.m. (30 minutes)

- Welcome
- Introductions and Acknowledgements
- **New Member Welcome**
 - Judge Cadine Ferguson-Brown, Mason Co. Superior Court, *SCJA Representative*
 - Judge Sara Dannen, Bureau of Industrial Insurance Appeals
 - Sumeer Singla, Williams Kastner
 - Samaneh Alizadeh, King County Prosecuting Attorney's Office
 - Mike Chin, *ATJ Board Liaison*
- Approval of September 30 Minutes

GUEST PRESENTATIONS 9:30 – 10:30 (60 minutes)

- **SCJA Unrepresented Litigants Work Group, Court-Based Help Center Pilot Program** – Judge Jennifer Forbes
- **WSBA DEI Council, Definition of Diversity Work Group** – SaNni Lemonidis
- **Berkeley Law Policy Advocacy Clinic, Youth LFO Legislative Proposal** – Gus Patel-Tupper, Liz Trautman

CHAIR & STAFF REPORT 10:30 – 11:00 a.m. (30 minutes)

- **Staff Report**
 - Jury Diversity Study Update – Frank Thomas
 - NCREF National Conference 2023 Update – Frank Thomas
 - Research Update – Frank Thomas

Next MJC meeting: Friday, January 20th, 2023 @ 9:00 a.m. (via Zoom).



MINORITY AND JUSTICE COMMISSION

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



MEETING NOTES

Commission Members

Judge Veronica Alicea-Galván,
Lisa Castilleja
Judge Faye Chess
Professor Mark Chinen
Judge Linda Coburn
Grace Cross
Chad Enright
Professor Jason Gillmer
Judge Anthony Gipe
Judge Bonnie Glenn
Kitara Johnson Jones
Latricia Kinlow
Judge LeRoy McCullough
Justice Raquel Montoya-Lewis
Karen Murray
Christopher Sanders
Judge Ketu Shah
Judge Lori K Smith
Judge Leah Taguba

AOC Staff

Kelley Amburgey-Richardson
Cynthia Delostrinos
Frank Thomas
Avery Miller
Dr. Carl McCurley
Mishani Jack-Gonzalez

Liaisons

Wanda Barrett, *Embedded Law Librarian*
Esperanza Borboa, *Access to Justice Board*
Leslie Burnett, *SU Law*
Stephanie Chavez, *SU Law*
Monica Mendoza-Castrejon, *SU Law*
Angel Torres Mann, *UW Law*
Donald Peters, *UW Law*
Ciera Phung-Marion, *UW Law*
Roberto White, *UW Law*
Whitney Wakefield, *Gonzaga Law*
Alicia Chaudry, *Gonzaga Law*
Gloria Herrera, *Gonzaga Law*
David Normoyle, *Gonzaga Law*

Guests

Diane Schneider
Zoe Elliot
Sammie Alizadeh
Bob Boruchowitz
Sumeer Singla
Judge Sara Dannen
Dennis Yule

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 July 22nd Meeting Minutes

- The minutes were approved as presented.

CHAIR & STAFF REPORT

- **Jury Diversity Study Update – Frank Thomas**
 - Jury Diversity Study created by the legislature and now on its 4th iteration, a demographic survey recording 250,000 statewide responses. Ideally, this will give us greater breadth, depth and multiple levels of data.
 - Jury Survey team (Seattle University, Cynthia Delostrinos <>) went over the initial responses and did some preliminary work, advised on best course moving towards the overarching goal to improve representation on juries.
 - Data will serve as a baseline from which we can measure interventions proposed by advocates. The policy wing of the courts has submitted to legislature on jury diversity to explore pilot projects such as increases in juror pay, onsite childcare centers, expand jury pool
 - Note that this survey is occurring during virtual selection of juries. Acknowledging that we're not operating in normal times, but still hoping that we will be able to ID trends in participation based on the use of virtual/ in-person jury pools of different demographics
- **Racial Justice Consortium Implementation – Cynthia Delostrinos Johnson and Frank Thomas**
 - The Racial Justice Consortium was formed by MJC to bring together institutional stakeholders in the judiciary to create a path towards systemic reform on racism in the justice system. The result of the yearlong endeavor was the RJC Action plan, with six different issue areas. Implementation now falls on AOC and MJC. Many recs implicate different parties inside and outside the judiciary.
 - Frank recently attended conference at UW about anti-racist policy leadership, embraced a number of frameworks. Ask for Commission members to check out the action plan, think about the ways your work or your expertise fits into it.
 - Gearing up for the legislative session in January, transmitted a memo to courts that outlines commonalities between the RJC Action Plan and various other system-wide reports, including the GJC Study, the Race and Criminal Justice Task Force to find synergies as we work through the recommendations.
- **Research Update – Frank Thomas**
 - Carl McCurley, the Washington State Center for Court Research present to discuss ongoing research work.

- Most of the focus is on one project: the research on pre-trial detention. National literature indicated an increased proportionality of incarcerated women and girls, primarily driven by an increased use of pre-trial detention, need data to interrogate this question. Dr. Andrew Peterson obtained county jail data and statewide data from WSP, from 2014- Present from 9 largest counties in the state.
 - There are a number of different research questions to explore: evaluating the topline demographic proportionality, advocating for more accountability, reliability, transparency. More update on Dec. 9th.
- **GR 31 and CrR 2.1 Update – Judge Veronica Galvan and Annie Lee**
 - No update to report on either topic, Annie Lee not present.
 - Issue will be tabled to Dec. 9th Meeting

COMMISSION LIAISON & COMMITTEE REPORTS

- **Outreach Committee – Judge Glenn and Lisa Castilleja**
 - Outreach Committee voted unanimously to nominate Trish Kinlow for the Board of Judicial Administration Innovating Justice Award for the Unified Payments Program, which allows anyone owing money in a LFO in any participating court to combine into one payment plan.
 - Lisa Castilleja discussed the upcoming annual Youth and Law Forums. Tukwila event is October 22nd, Spokane event will be November 4th and both will need volunteers, the Commission can reimburse travel expenses. The forums are about meeting the community, inspiring young people to see what legal impacts on the community, allows young people to meet cops in a safe environment, gives them advice on how to keep their records clean and know their rights.
 - Need to authorize Commission support and funding for both of these programs. Judge Gipe moves for an action item to split the \$3,000 budgeted between the Tukwila and Spokane, Judge Muccullough seconds. Motion carries.
 - Artwork: MJC artwork is drafted up for printing and in the production phase, hoping to have a proof to Judge Gipe and the artist hopefully to share at upcoming events.
- **National Conference Planning Committee – Judge Veronica Galvan**
 - Met initially to put together a few sub-committees to work on planning for the National Conference coming up next year. Will form a PR and Engagement Subcommittee and a Curriculum Subcommittee.
 - Opportunity to show the entire country what we're doing in WA, work with other states. Conference will coincide with the Supreme Court Symposium, will additionally need to decide on a topic/ subject area.
- **Education Committee – Judge Lori K. Smith**
 - The Education Committee proposed three sessions for SCJA:
 - 1. Commissioner Jonathan Lack's plenary session on canon rule prohibiting bias based on gender ID and expression. The session will provide the legal basis, instructions, best practices, etc. There will be a chance to interact with lawyers from the trans community to better

understand purpose and application. Cost: \$500-\$700 for lodging and travel for panelists.

- 2. Judge Mccullough/ Trish Kinlow proposal for session on management of court staff and court administration. The purpose is to address that post-Covid, the courts are different, consider access to justice issues and learning more about what justice looks like to average court user. Ideally, participants will leave more knowledge of barriers and more ideas on equitable innovation, make the courts more attractive to new employees.
 - 3. Session on the lens with which experts conduct evaluations, ie assessments, evaluation, treatments, etc. and whether there is a discrepancy for litigants of color. There will be a panel of service providers from different communities, a CASA, judicial officers, a GAL. Decision making is only as good as information, and this session will train participants to critically evaluate the evaluations.
- **Access to Justice Board Liaison – Mikael Chen, Office Civil Rights Spokane**
 - Dates set for the Access to Justice Conference next year: September 28-30 in Tacoma, will be finalizing the theme soon, getting lots of diverse input. Including from the citizen panel put together and four new board members coming on in October.
 - Have been working with folks w lived experience, recruited some diverse, community-rooted folks across the state.
 - In Yakima, funding a survey to see what the needs are that the Access to Justice Board will respond to, getting input directly from the community. Hoping to replicate this in other counties.
 - **Sentencing Task Force – Judge Veronica Galvan,**
 - This was originally supposed to be a 1-year task force but has expanded to 3 year. Working on reimagining the sentencing grid, which has led to robust discussion with the police, the Washington Association of Prosecuting Attorneys, representatives, incarcerated people, public defenders.
 - Working on getting compromise from all stakeholders, looking at changes on the proposed grid, making it a bit more logical and predictable.
 - Questions to answer: what purpose are we serving with incarceration? Retribution? Punishment and rehabilitation? Community safety? How do we re-integrate people back into society. Weighing accountability for crime vs. practicalities of bringing incarcerated people back into society.
 - **BJA Alternatives to Incarceration Task Force – Judge Ketu Shah**
 - The BJA sponsored a broad based committee to look at alternatives to incarceration. They recently met for their first meeting, very productive, and will be meeting regularly throughout next year. Still working on organizing the scope and priorities. The end product of the committee will be report and recommendations.
 - **WPIC Jury Instruction Video – Judge Leah Taguba**
 - Washington Pattern Instructions Committee is working to create a new Jury instruction video. They have provided the Supreme Court with their proposal and estimated breakdown of costs of refilming some aspects of the jury video that the court will consider at their next session en banc.

- Some edits proposed to the video was to replace the current moderator and refilm jury scene with the goal of having more diversity, make scenes inside jurors homes more representative of different demographics, remove some scenes that appear to be racially biased, replace with graphics/scenes from archive that do not ID specific racial groups.
 - There was an unconscious bias section addendum, which was moved closer to the beginning so it makes more sense, so understanding bias can flow through the whole process and expand the discussion.
 - With all changes and new actors hired, the costs is \$22,850. Video will be updated again within 3-5 years as technology changes, this project started in 2017 and a lot happened between initial conceptualization and final.
- **Washington State Bar Licensure Task Force – Frank Thomas**
 - Task Force created last year and re-invigorated with the appointment of a new co-chair to support Judge Montoya Lewis, the newly appointed dean Anthony Varona of Seattle University School of Law, presented to the Task Force as part of the history subcommittee on the history of bar licensure.
 - Anticipate the task force will start presenting by the end of the year. Recognizing how the bar exam created challenges for students at the height of the Covid pandemic, decision by the Supreme Court to provide emergency diploma privilege in July 2020, grappling with the challenges/relief and what disproportionately hurts Black and Native students.

LAW STUDENT LIAISONS 2022 INTRODUCTION

- Each Law Schools faculty advisor facilitated brief introductions from new law students joining as Liaisons:
 - **Seattle University School of Law** – Leslie Burnett, Stephanie Chavez, Monica Mendoza-Castrejon
 - **Gonzaga University School of Law** – Whitney Wakefield, Alicia Chaudry, Gloria Herrera, David Normoyle
 - **University of Washington School of Law** – Angel Torres Mann, Donald Peters, Ciera Phung-Marion, Roberto White

ADJOURNMENT

The meeting was adjourned at 12:03 PM

PROPOSED DEFINITION OF DIVERSITY

*Updating Description of At-Large
Governor Position in WSBA Bylaws*



AGENDA

- Overview of purpose of At-Large Governor Position
- Work of DEI Council as it relates to the At-Large Governor Position
- Proposed definition of diversity
- Discussion



WORK OF DEI COUNCIL



End of 2020, began interviewing all applicants for the At-Large Governor position



Forward at least 3 candidates to be placed on the ballot



End of 2021, formed Definition of Diversity Workgroup

PURPOSE OF AT-LARGE GOVERNOR POSITION

“Candidates have the experience and knowledge of the needs of those members whose membership is or may be historically underrepresented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the Board of Governors will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow.”



WHAT IS MEANT BY “UNDERREPRESENTATION” AND “DIVERSE ELEMENTS”?



“Underrepresentation and diversity may be based upon, but not limited to age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership, provided that no single factor will be determinative.”

CURRENT PROPOSED LANGUAGE


Diversity refers to meaningful representation of, and equal opportunities for, individuals who have a lived experience as a member from one or more underrepresented communities in the legal profession. Underrepresentation encompasses and is not limited to, race, disability, sex, age, ethnicity, religion, sexual orientation, socio-economic status, geography, gender identity, and gender expression. Preference will be given to those who identify as a member of one or more of these groups while recognizing that the intersection of race with other groups exacerbates inequities.

DISCUSSION



What's New?

The TSCC is in the process of revitalizing work for TSCC workgroups and updating focus areas. There is intention in bringing to fruition a 2023 spring regional meeting.

If you are interested in the planning workgroup please feel free to reach out. 

November is Native American Heritage Month

Here are a few ways to celebrate and pay tribute:

- Recognize what land you're on.
- Visit a local, tribal museum.
- Attend events centered around Native American storytelling.
- Purchase a book written by a Native American author.

this issue

TSCC- What's happening? **P.1**

November Spotlights **P.2**

Updates & Events **P.3**

Welcome Back!

It has been some time since our last update and the TSCC is excited to be back with you. If you recall the first update was published in February 2020 and the goal of the update is to place an informational spotlight on tribal courts, TSCC workgroups, opportunities, and other relevant information. This information will be distributed directly through the listserv emails, if you haven't signed up yet and would like to subscribe please e-mail Mishani Jack-Gonzalez at mishani.jack-gonzalez@courts.wa.gov.

Let's hit the refresh button.

The Tribal State Court Consortium (TSCC) is a joint effort between state and tribal court judicial officers and other judicial branch members to expand communication and collaboration. The primary focus areas include domestic violence and sexual assault issues, dependency cases involving Indian children and the disproportionate number of Indian youths in the juvenile justice system.

These are all very important topics and we will continue monitoring and find working solutions to these areas. Likewise, integration of new programs such as ICWA courts, healing-to-wellness courts, and behavior health are newer moving parts that the TSCC would also like to explore. With that in mind, you may see these related topics in our newsletters and as upcoming agenda items for future TSCC meetings and workshops.

We look forward to working with you!

Indigenous Podcast

November Spotlight

Podcasts have been on the rise for the past few years- gaining popularity all over the world. They are an effective way to tell stories, stay updated on current news, and learn important content from a new perspective. If you have a few minutes on your morning commute, give this indigenous-led podcast a listen.



War Cry is a podcast created, hosted, and produced by an all Indigenous team.

All hosts are female, Yakama tribal members either residing on or near the Yakama reservation. They explore stories, issues, and historical connections about Missing and Murdered Indigenous Women, Men and LGBTQ 2-Spirit community members.

Their focus is centered around the Pacific Northwest. None of their stories are published without the permission of the families. The culture and protocols are paramount.

Find the podcast and more information here:

<https://www.warcrypodcast.com/>

NOVEMBER'S ACTIVE ROLE SPOTLIGHT

ICWA Court



Clallam County Family Court

The Clallam County Superior Family Court is the 17th ICWA court established in the United States. The goal is to increase attention to these particular cases that move through the dependency process by creating a specific calendar each month where these cases will be heard.

Tribes have often voiced their concerns when it comes to applying ICWA standards in the court system and this is a step forward for indigenous children and families.

On October 21, 2022, Commissioner Brandon Mack and the Clallam County Dependency Court Improvement team were the recipients of the 2022 Innovating Justice Award for their collaborative work as they developed the ICWA and Infant-Toddler Dependency Courts.

The framework for this includes five principles that frame the “gold standard of child welfare,” according to the NCJFCJ. This includes:

- 1) Judicial leadership
- 2) ICWA data collection
- 3) ICWA training (spirit and letter of law)
- 4) Tribal stakeholder collaboration
- 5) Gold Standard lawyering and social work.

You can find more information and webinars at:

<https://www.ncjfcj.org/child-welfare-and-juvenile-law/icwa-courts/#section-resources>

Keep an eye on it

SCOTUS docket:

Brackeen v. Haaland; Docket No. 21-376

Argument: November 9, 2022

Opinion: TBD

Issues: (1) Whether the [Indian Child Welfare Act of 1978](#)'s placement preferences — which disfavor non-Indian adoptive families in child-placement proceedings involving an “Indian child” and thereby disadvantage those children — discriminate on the basis of race in violation of the U.S. Constitution; and (2) whether ICWA’s placement preferences exceed Congress’s Article I authority by invading the arena of child placement — the “virtually exclusive province of the States,” as stated in *Sosna v. Iowa* — and otherwise commandeering state courts and state agencies to carry out a federal child-placement program.

Find all information at: <https://www.supremecourt.gov/>

Upcoming Event of Interest in Washington State

2022 MMIWP Task Force Annual Summit

December 13, 14, 15, 2022.

<https://www.atg.wa.gov/washington-state-missing-and-murdered-indigenous-women-and-people-task-force/summit>

About this Event:

As a result of the advocacy of community members, grassroots organizers, and legislators, the Washington State MMIW/P Task Force was established within the Attorney General’s Office in 2021. The Task Force builds on the work of impacted families, tribal leaders, and advocates to continue addressing the MMIWP crisis. (Report link located to the right)

At this first summit, the Task Force seeks to provide a platform to the Indigenous communities of Washington and the greater Pacific Northwest region to highlight the hard-won successes of this work, and to look toward future opportunities to address community needs.

Please contact mmiwp@atg.wa.gov with any questions or requests for accommodations.

Updated Reports

Reports and studies are a central part of improving the justice system. Here you will find updated links to updated reports distributed in Washington State.



Washington State Office of the Attorney General: Missing and Murdered Indigenous Women and People Task Force distributed the August 2022 Interim Report, find it here:

<https://www.atg.wa.gov/washington-state-missing-and-murdered-indigenous-women-and-people-task-force>

United States DOJ- Office on Violence Against Women distributed an update report (September 2022) on the status of tribal consultation recommendations from the 2021 consultation session.

<https://www.justice.gov/ovw/page/file/1529381/download>

Washington State Bar Licensure Task Force

Working Timeline

Phase	Months Remaining	Month	Date	Goals & Benchmarks
Information Gathering	14	October 2022	10/24	-Competencies Subcommittee Report -Discussion of deadline extension and timeline for remaining work
	13	November 2022	11/28	-LLM Discussion: Terry Price & Kelli Rodriguez Currie -Finalizing conversation related to Ethics Subcommittee -Confirm leaders of each subcommittee
	12	December 2022	No meeting	-Asynchronous working month -Subcommittees begin drafting potential recommendations
		January 2023	1/13 or 14	-Co-Chairs visit WSBA Board of Governors Meeting
Recommendation Drafting	11	January 2023	1/23	-Co-Chairs report back from WSBA Board of Governors Meeting -Subcommittees report back on status
			1/31?	Deadline for sub-committee work?
	10	February 2023	2/27	-Agenda TBD
	9	March 2023	3/27	-Reciprocity Committee Report -TBD
	8	April 2023	4/24	-In-person meeting – “mini retreat” at SU -
Community Input	7	May 2023	5/22	-Finalize draft to send to WSSC
		June 2023	6/7	-WSSC Meeting
	6	June 2023	6/26	-Review feedback from WSSC
			?	-Distribute Recommendations to public
	5	July 2023	7/24	-Public Comment Period
	4	August 2023	8/28	-Public Comment Period
Revisions to final recommendations	3	September 2023	9/25	-Discuss public feedback
	2	October 2023	10/23	-Discuss framework for final recommendations
	1	November 2023	11/27	-Vote on final approval of report to send to WSSC
	Deadline	December 2023	12/31	