



MINORITY AND JUSTICE COMMISSION

ZOOM VIDEOCONFERENCE
FRIDAY, JANUARY 20TH, 2023
9:00 A.M. – 12:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE VERONICA GALVÁN, CO-CHAIR



MEETING NOTES

Commission Members

Justice Mary Yu
Professor Robert Boruchowitz
Lisa Castilleja
Professor Mark A. Chinen
Judge Linda Coburn
Grace Cross
Professor Jason Gillmer
Judge Bonnie Glenn
Kitara Johnson
Justice Raquel Montoya-Lewis
Karen Murray
Judge Leah Taguba
Jeremy Walker
Judge Karl Williams
Judge Cadine Ferguson-Brown

Liaisons

Leslie Burnett
Stephanie Chavez
Monica Mendoza-Castrejon
Angel Torres Mann
Donald Peters

Guests

Judge Sara Dannen
Sammie Alizadeh
Kelsey Jandoc
SaNni Lemonidis
Judge Jennifer Forbes

AOC Staff

Kelley Amburgey-Richardson
Cynthia Delostrinos
Avery Miller
Frank Thomas

CALL TO ORDER

The meeting was called to order at 9:00 AM

Welcome and Introductions

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

Approval of December 22nd Meeting Minutes

- The minutes were approved as presented.

GUEST PRESENTATIONS

2022 Jury Demography Study Interim Report – Peter Collins, Brooke Gialopsos, Judge Steve Rosen

- In SB 5092 required AOC to provide courts with a demographic survey for jurors. In 2016-2017 there was a paper survey issued in 33 counties and in 2021 an electronic survey was issued to 3 counties.
- Some overall findings: Key demographic groups of historically marginalized communities and individuals experience a variety of hurdles to jury participation including financial barriers and childcare.
- Current project: began with the initial passage of the bill, first phase of surveys and data collection, issuing an interim report and on June 30, 2023, there will be a final report.
- The current survey also included an optional barrier question: have you experienced any of the following barriers, the options were drawn from some of the initial survey responses. The interim report only includes the online responses, the paper surveys are being analyzed separately.
- Section 1: Key Findings from Clark, King, Pierce, Spokane
 - Significant numbers of responses (~9,000 in Clark County, 68,000 in King County, 38,000 in Pierce)
 - Black and Native Washingtonians are underrepresented by 46%. Jurors generally have annual household income above average for the county, higher levels of education, as income categories increase the proportion of white respondents increase.
 - 64% of jury respondents cited work and dependent care were most common hardships and women were substantially more likely to report dependent care barriers.
 - Some trends are similar to other survey efforts in WA state, multi-race demography continues to grow.
 - The survey was unable to specifically capture remote conferencing based juror participation effects, but will be ongoing to study the effects of COVID changes.
- Section 2: Detailed findings in Pierce County:
 - Pierce County data studied juror participation at every stage of the process. Stage 1 is the online check in, then report to courthouse, then voir dire, then (stage 4) assigned to case as a sworn juror.
 - Black respondents are underrepresented at every stage, but are more represented at stage 4 then stage 1.

- Women are overrepresented at stage 1, while men are overrepresented at stage 4. 72% of survey respondents reported at least 1 conflict. Similarities across demographic groups to have a work-based conflict and women all racial groups report higher levels of dependent care. 75% of those excused for care reasons were women.
- Next steps: What do they need from the Commission?
 - It's very important to make sure we keep collecting data on the issue.
 - Race, gender and class are all affecting jury compensation. Anything that will have an impact on those affects would help. In particular, focus on increasing juror pay.

CHAIR & STAFF REPORT

Staff Report— Frank Thomas

- The Racial Justice Consortium convened for one year to develop its action plan, which addressed six areas of law or court administration ripe for opportunities to reform.
- Since the action plan, Cynthia Delostrinos and the rest of AOC. The big update is that a couple key organizations have signaled embrace for the road map in the action plan.
 - The DMCJA legislation work group took it under consideration as policy priorities moving forward. Cynthia and Frank presenting to BJA in February on status report on coordination and focusing on noting relevant initiatives in the state aligned with the action plan recommendation. Particularly legislative proposals, they are seeking to show areas of alignments with other recent reports.
 - Improved data collection is needed in the state, since there's a dearth of reliable information and allow us to reliably tailor reforms.
 - Some priorities: improving language access, keeping families together, eliminating court fines and fees and increasing transparency and examination of pretrial sentencing process and more services for re-entry.
 - The pretrial detention research included two data sets (county jail and WSP statewide data) and there were very clear inconsistencies between them, raising concerns about data integrity.

LAW STUDENT LIAISON ANNUAL PROJECT PROPOSALS

Seattle University School of Law— *Community Courts and the Need for Alternatives to Incarceration*, Leslie Burnett, Stephanie Chavez, Monica Mendoza-Castrejon

- Law student liaisons from Seattle University present on their training on community courts, alternative to traditional justice systems, emphasizing rehabilitation over incarceration for those with low level offenses. This is different from therapeutic courts and involve resource centers, collaborative center with different agencies, with assessments conducted for all participants to provide challenges and strengths.
- The purpose is to break cycles of poverty and crime by connecting people with housing substance use counseling, health care, employment, etc. and build trust and understanding between justice system and community.
- The plan is for a community event, panel discussion, benefits, lessons learned and potential expansion to rural or less populated areas in WA state. This will be a hybrid event and highlight the benefits of implementation and share first hand experiences of these courts.

- The purpose: Provide judges, legal professionals, students, community stakeholders with the necessary tools to implement community courts in their respective counties.
- Some potential panelists: representatives from OPD, KCPAO, Seattle Municipal Court, Renton City Council, Community Leader Nicole Thomas Kennedy, Community Passageways Organization, King County Council Members, etc.
- Timeline: February will be the beginning of planning, March will have preparation, April is the event date (4/29)
- Questions?
 - Judge Gipe suggests filling out the panel with as many different types of community courts as possible.
 - Judge Galvan asks if the audience is only judges? There are many local justice stakeholders and one difficulty is that not all communities have the same resources. How do you tailor this to counties? Perhaps look at smaller jurisdictions that may not have King County's resources.
 - Judge Coburn suggests to bring other people into the room, ie social services provider and impacted/ lived experiences to expand the scope. Some success stories?
 - Lisa Castilleja suggests an MC or moderator from the local community. Jason Gillmer suggests that in Spokane, Francis Adelwale is a great option.
 - Judge Doyle emphasizes the importance of not allowing the community courts to become an incarceration model, but have it rooted in the community.
- Lisa offers a friendly amendment to increase the requested funding from \$785 to \$1000 and for supplemental expenses that may arise. Judge Glenn seconds motion. None in opposition and the motion passes. \$1000 is approved for funding.

COMMISSION LIAISONS & COMMITTEE REPORTS

National Consortium on Racial Equity and Fairness in the Courts— Judge Veronica Galván

- WA is one of the founding states of NCREF, and Justice CZ Smith was the impetus for founding. WA is the host of the national consortium this year for the first time in 20 years.
- The planning committee is close to finalizing the education sessions and met with the NCREF Board yesterday.
- The committee welcomes Carolyn Cole to assist in finalizing the logistics, thematic and education content for this conference.
- The planning committee is trying to raise at least \$30,000 to fund reception and some social events. The event will take place May 21st- 24th and the Annual Symposium is part of the event.
- Carolyn is still developing the plan for the conference, getting a timeline and fleshing out themes, objectives, measures of effectiveness. Will be sending out an RFP for equitable programming to hear from more voices.

Rules and Legislation Committee— Frank Thomas, Judge Theresa Doyle, Chris Sanders

- Larry Jefferson at OPD regarding the bill for post-conviction access to counsel. The bill is out of committee and passed a procedural hurdle. There are about 1000 cases a year this will impact. Prosecuting attorneys are already working these types of cases when they get referred to them at the appellate level, but they're not referred to defense counsel. Incarcerated people are writing these personal restraint petitions on their own, who don't have law school training and may not have access to the correct documents.

- Gives the example of an individual pled guilty in 1997 and was sentenced incorrectly and spent 25 years wrongly imprisoned.
- There's an especial concern around juveniles, as there's no law library and so they may not even find out about PRP's until they get to adult prison and then the one-year deadline has elapsed.
- Larry expressed the importance of being able to pay lawyers, especially BIPOC led post-conviction law firms.
- The bill is heading to Ways and Means, looking at a fiscal cost of \$6.5 million a year.
- Frank Thomas reports on HB 1169, a bill concerning legal financial obligations (LFOs). A portion of the LFO bill was implemented last year, this expands it by eliminating the VPA and replacing it with general fund money.
- SB5128, regarding jury diversity research, Frank reports the package is going well and the entire judiciary is behind the bill, including DMCJA, SCJA, BJA. There are 5 different proposals that include making the survey permanent and increasing juror pay via means testing, as well as pilot projects tackling childcare and email summons.

Education Committee— Judge Lori K. Smith

- The education committee is working on the presentation for the fall conference. Chris Sanders proposal; A panel entitled the Color of Justice, Confronting Witness Bias in Civil Proceedings, including broader discussion on Henderson v Thompson. There's a lot of focus on racial bias in criminal law, want to shine a light on civil as well.
 - The purpose is to identify implicit bias in lay and expert witnesses, and how bias undercuts testimony. It's important to understand the consequence of administration of justice based on biased testimony, especially subject matter experts.
 - Ideally, the panel can help audience members acquire skills to respond to racial bias and explore alternative approaches re bias testimony. Cultivate responsible and courageous decision making.
 - This could be in a civil lawsuit, family law, eviction proceedings, etc. Please reach out to Chris with questions or thoughts.
- Justice Whitener has ensured each of the Supreme Court Commissions get a spot at Fall Conference.
- There will also be a CLE next Friday at 10 AM, a long form presentation on the jury Diversity Study.
- For the DMCJA Spring Conference, Judge Gipe is serving on the Diversity Committee on race and the justice system. If anyone's interested in participating, Judge Gipe welcomes them.

MJC Liaisons

- **Gender and Justice Commission Liaison**
 - Gender and Justice is asking for a liaison to their commission. Judge Glenn expresses interest and is selected.
- **Sentencing Task Force and Sentencing Guidelines Commission**
 - The final report from the sentencing task force which comprised stakeholders from every community, incarcerated individuals, defense, prosecutors, police, victims, etc. to have frank and involved discussions on sentencing in WA state. The task force worked on a consensus basis, to help the system change and grown.

- Consideration given to the purpose of sentencing—punishment? Rehabilitation? Deterrence?
- **Washington State Bar Licensure Task Force**
 - The Bar exam was suspended during Covid and now that it's gone, the WSBA is evaluating. Courts pivoted from the test to diploma privilege and the fallout/ lessons learned amidst the recognition in 2020 that we need to do more to ensure equitability in law. Bar licensure is an impediment to equity. 9/10 white applicants pass and 1/3 black applicants are disqualified by bar exams.
 - The Task Force has been extended another year and will develop a final report and recommendations. The goal is to use the team to focus on general equity concerns and highlight final work product.
- **BJA Alternatives to Incarceration Task Force**
 - Judge Shah, the MJC Liaison to the Alternatives to Incarceration Task Force reports that they are working on creating a survey to send to presiding judges and court administrators of what alternatives people have available to them. Will be collecting data and information to understand what programs currently exist.

ADJOURNMENT

The meeting was adjourned at 12:00 PM