



Washington State Minority and Justice Commission  
(WSMJC)  
Friday, September 24, 2016  
8:30 a.m. – 12:00 p.m.  
Seattle University of Law  
Seattle, Washington



## MEETING NOTES

### Commission Members Present

Justice Charles Johnson, Co-Chair  
Justice Mary Yu, Co-Chair  
Prof. Lori Bannai  
Ms. Anne Benson  
Prof. Robert Boruchowitz  
Mr. Steve Clem  
Judge Linda Coburn  
Mr. Mike Diaz  
Sgt. Adrian Diaz  
Judge Lisa Dickinson  
Judge Theresa Doyle  
Ms. Marie Eggart  
Ms. Bonnie Glenn  
Prof. Jason Gillmer  
Mr. Uriel Iñiguez  
Ms. Anne Lee  
Ms. P. Diane Schneider  
Judge Lori Smith  
Mr. Travis Stearns  
Judge Dennis Yule, Ret.  
Judge Kimberly Walden

### AOC Staff Present

Ms. Cynthia Delostrinos  
Ms. Nichole Kloepfer

### Members Not Present

Judge Veronica Alicea-Galvan  
Judge Lisa Atkinson  
Mr. Jeffrey Beaver  
Prof. William Covington  
Mr. Russell Hauge  
Ms. Yemi Fleming-Jackson  
Ms. Carla Lee  
Commissioner Joyce McCown, Ret.  
Judge LeRoy McCullough  
Ms. Karen Murray  
Justice Debra Stephens  
Judge Gregory Sypolt  
Mr. John Yasutake

### Guests

Ms. Annette Clark  
Ms. Jaime Hawk  
Ms. Breanne Schuster  
Mr. Miguel Willis

### Student Liaisons Present

Mr. Peter Alexander Gale  
Ms. Sara Erickson  
Ms. Astor Kidane  
Ms. Katherine Sanburn  
Mr. Jamison Nichols  
Ms. Maia Crawford-Bernick  
Ms. Renee Ambacher  
Ms. Camille M. McDorman  
Ms. Jodilyn Gilleland  
Ms. Erica Freelong  
Ms. Sara Freeburg

## APPROVAL OF MINUTES

The meeting was called to order at 8:50 a.m.

The meeting minutes from the June 24, 2016, meeting were approved.



## CO-CHAIRS REPORT

### Pre-trial Justice Task Force – 3 Day Count Campaign

Judges interpret a presumption of release in Rule 3.2, but many feel that they don't have enough information to make these important decisions of whether to order release or not. An important question is how to change current practices to be more in line with Rule 3.2. Judge Sean O'Donnell, SCJA incoming president, took the initiative to contact two organizations to help get the SCJA involved in pretrial reform. The first SCJA meeting is next week and next steps, parameters, and the role of SCJA to disseminate the information is in the planning stages. SCJA and DMCJA will collaborate with the Commission on these efforts. Risk assessment tools have been developed to evaluate bias in terms of how it contributes to over-incarceration. A judge will present next week to explain how it works in jurisdictions. We are looking for an extern to work on this project. Professor Bowen, a University of Seattle faculty member, has indicated an interest in partnering on this effort, and has also recruited students to help.

### 2017 Supreme Court Symposium – Theme Brainstorm

**Date of event: Wednesday, May 24, 2017**

- Mental health in the judicial system
- 50<sup>th</sup> Anniversary of In Re Gault – Juvenile Justice
- Jury Diversity

➤ Generate a list and email confirmation, then get the committee started.

50<sup>th</sup> Anniversary of Gault – One idea that was mentioned was to partner with the law schools to do a moot court reenactment of In re Gault. We could do one presentation in the Seattle area and then one at Gonzaga Law.

### Commission Awards

Justice Smith's memorial service is on Sunday. There has been a request for a resolution to honor him. Ms. Bonnie Glenn, Judge McCullough, and Mr. Kaelen Brodie have volunteered to edit. Copies of the resolution were disseminated for final review. Judge McCullough asked if there was a more appropriate time to deliver the resolution, aside from the memorial. On the last sentence of the third paragraph of the resolution, it should specifically identify him as the first African-American Supreme Court justice in Washington state history. Additional suggestions can be sent to [kaelen.brodie@courts.wa.gov](mailto:kaelen.brodie@courts.wa.gov). Professor Boruchowitz commented that Justice Smith also ran the first free legal services clinic at UW.

Justice Yu asked for someone to make a motion to approve the resolution with the caveat that appropriate amendments be made and not be cost prohibitive. Justice Yule first made the motion, Judge Doyle seconded, and all were in favor (unanimously passed). Judge Yule gave his thanks and asked if there was more than one award from the Commission and Washington State Bar Association. Justice Yu suggested that a group collaborate to discuss the ideas further. Volunteers include: Judge Lori Kay Smith, Ms. Bonnie Glenn, and Ms. Astor Kidane.

### LFO Grant

The Commission applied for and received a three-year \$500,000 grant from the Department of Justice to address LFOs in Washington State. The Center for Court Innovation, based out of New York, was selected as the Technical Assistance provider for the grant. The other states that received the grant include Louisiana, Texas, California, and Missouri. Letters from stakeholders expressing significant support should be credited for helping us secure the grant. They are meeting with the core group and working out the next steps.

The Commission is unique on the national front because we constantly address issues of racial bias in the judicial system. We are one of the few states that pulls together a group that maintains this conversations. It's critical to maintain the trust and confidence of the public and create solutions that other states can embrace. However, there are challenges ahead. Justice Yu encouraged everyone to read the decisions every Thursday, such as the recent decision in *Wakefield* on [www.courts.wa.gov](http://www.courts.wa.gov).

## PRESENTATIONS

### **Team Child Hack: Disrupting the School to Prison Pipeline – Miguel Willis**

On October 7-8, Team Child and Code Fellows are hosting a Hackathon at Seattle University. The TeamChild Hack is one of the first-ever hackathons in the country to specifically address the "school-to-prison pipeline." It's a historic and collaborative event where affected youth, law students, lawyers, legal service providers, coders, and designers will create technology-enabled open source solutions to address the numerous challenges faced by underserved teenagers who cannot afford a lawyer and legal services. The goal of the hackathon is to improve the delivery of services and help students obtain the services that could mean the difference between graduation and incarceration. If you would like more information about the event, please contact Miguel Willis at [Miguel@socialjusticehackathon.com](mailto:Miguel@socialjusticehackathon.com).

### **Voter Rights Restoration – Jaime Hawk, ACLU**

Twenty-five percent of Washington residents surveyed believed that they would never get their rights back after a conviction. It was suggested that there should be a basic bench card for judges. We should contact the Governor's office for movement on this issue. Bonnie Glenn and Judge Theresa Doyle offered to help share resources and connect with ACLU further.

*Special Guest:* Lori Bannai<sup>1</sup> invited Karen Korematsu as a guest. Ms. Korematsu's father challenged the constitutionality of the Executive Order that ordered Japanese internment camps during World War II. She now travels the country to promote civil engagement and fairness. Her father spoke to the University of Puget Sound and felt it was so important to speak to lawyers and judges to further educate them about diversity and injustice. Be the pebbles in the pond and educate others to make the change. Her father would say, "Stand up for what is right and when you see something wrong don't be afraid to speak up."

## STAFF REPORT

### **Staff Report – Cynthia Delostrinos**

The proposed budget is included in the materials. We will be making it a regular practice to present the budget at every meeting. This budget is fluid and changes can be made as needed.

Staffing updates: Stacy Smith resigned her position as Court Program Analyst. We received 28 applications for the position and there are many great candidates. We have completed the first round of interviews and we are moving on to the second round. We hope to have a new Analyst join us by the end of October.

The upcoming Yakima Youth and Justice Forum will be held at Heritage University for the second year. Over 200 students in Yakima came last year. We need volunteers. If anyone wants to go to Yakima, please let Cynthia know. Justice Yu noted that the University of Washington has a very strong presence at this event. Perhaps the other law schools would like to participate? It's a chance

for high school students to learn about the law and experience it. The event will take place on October 6th in Toppenish.

The Youth and Justice Forum in Spokane will take place on Dec 9th.

Our next meeting on December 2nd will be held at the WSBA office from 8:45 a.m. to 12:00 p.m. The joint commission meeting is scheduled first, followed by separate commission meetings. It's another way to connect with the Access to Justice Board.

## COMMITTEE REPORTS

### **Juvenile Justice Committee – Ms. Annie Lee**

The committee discussed various upcoming conferences that may be of interest to the Commission. Please see attachments. If anyone wants to be on the advocacy panel for the Juvenile Reentry Conference, let Annie Lee know.

### **Education Committee – Justice Stephens**

Judge Doyle reported on the fall judicial conference where the Minority and Justice Commission sponsored two presentations. One of the presentations was a follow-up to the Perceptions of Justice Trainings that were done last year, with Greg Taylor as faculty. During Mr. Taylor's presentation, Judge Alicea-Galvan also had a chance to speak to the judges about juror bias. Judges need to be comfortable with having uncomfortable conversations about race if they come up during jury selection. The second presentation was on Jury Diversity. Professor Gillmer began the presentation, Judge Rosen talked about juror demographic survey project. Sal Mungia discussed the proposed general rule that would strengthen *Batson* to allow the court to use subjective standards to determine racial motive. This was followed by a discussion about implementation. Not everyone agreed with the ideas, but it stimulated thinking.

**SCJA Spring Conference 2017** - Judge McCullough has asked Ron Davis to come back to Washington (Spokane) to speak about the Jordan Davis trial, media, and high-profile cases in the 21st century.

**DMJCA Spring Conference** – Judge Walden is working with Judge Logan on ways to combine presentations involving pretrial and risk assessment tools. The groups had originally sent in separate proposals, but we have been asked to combine the sessions, as some of the issues overlap. They are trying to work on the logistics without compromising quality, but there are time constraints.

There was a comment on how we need to take the great education offered to courts and offer it to the advocates and legal partners. The best practices committee chose jury selection and how to avoid jury selection issues as the topic of the conference.

### **Workforce Diversity Committee – Bonnie Glenn**

The Judges of Color Directory is currently being updated. A survey has been created requesting updated information and it will be sent to judicial associations, administrative law judges, and minority bar associations.

The Judges Of Color reception went really well and was well attended. A tribute to Justice Smith was given by Justice Gonzales, Justice Yu, and a recent law grad from Gonzaga. See page 43 for the full agenda. The report at [www.gavelgap.org](http://www.gavelgap.org) used baselines to measure and see who's on state courts, with the idea that the court system should reflect the populations it serves. Frank Ovono gave a great presentation. We hope it's something that can continue.

We would like for the Judges of Color Directory to include federal, tribal, and administrative judges. It will be released after the election, likely sometime in 2017.

### **Outreach Committee – Judge Yule**

The Commission solicits artwork from Northwest artists that reflect the constituency and mission of the Commission.

Commissioner McCown suggested that the tribute painting of Justice Smith, currently hanging at the Supreme Court, should be the poster for 2017.

It was also suggested that the 2017 Annual Report be dedicated to Justice Smith and his portrait can be used as the cover.

Judge Yule noted that the Commission's webpages have undergone major changes over the last couple of years. If you haven't done so already, please submit your photograph and biography to Nichole to put online. We want the webpage to be as fresh and current as possible.

Brief discussion about recognizing the student liaisons. Their photos and biographies will be added to the website.

Reminder to all of the committees that each committee's goals are not current as they are for 2005-2015. Please take a look and submit any changes.

The committee is exploring venues for future Commission meetings outside of the typical area. We want to take geography into account and get outside of the usual geographic meeting area a couple of times a year. Ms. Glenn mentioned Green Hill for example or other appropriate areas and sites.

The Youth Forum in Tri-Cities was supposed to be in December, but it was moved to the end of March. There was one piece of art by a student from Green Hill for the poster. Perhaps the Commission can partner with a traveling art exhibit?

Meeting adjourned at 12:00 p.m.

<b>STUDENT LIAISON ORIENTATION – 12:00 p.m. – 4:30 p.m.</b>
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<b>NEXT COMMISSION MEETINGS:</b>
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- Friday, December 2, 2016, 8:45 a.m.-12:45 p.m., location WSBA Office
- 2017 Commission proposed meeting schedule; 8:30 a.m.-12:30 p.m.; locations TBD  
February 3, 2017, April 7, 2017, June 30, 2017, September 22, 2017, December 1, 2017