



**Washington State Minority and  
Justice Commission (WSMJC)**  
Gonzaga University School of Law  
Friday, September 28, 2018  
9:00 a.m. – 11:45 a.m.



**MEETING NOTES**

**Commission Members Present**

Justice Mary Yu  
Judge G. Helen Whitener  
Rina-Eileen Bozemman  
Curtis  
Maddison Alexander  
Ester Garcia  
Bailey Russell  
John Sather Gowdy  
Briana Ortega  
Lia Baligod  
Justice Debra Stephens  
Jeffrey Beaver  
Judge Faye Chess  
P. Diane Schneider  
Judge Leroy McCullough  
Lorraine Bannai  
Travis Stearns  
Judge Mike Diaz  
Kitara Johnson  
Lisa Castilleja  
Judge Johana Bender  
Judge Lisa Dickinson  
Judge Linda Coburn  
Theresa Cronin  
Anne Lee  
Asst. Chief Adrian Diaz  
Judge Bonnie Glenn (on phone)  
Judge Linda Lee (phone)  
Intisar Surur (phone)

**Members Not Present**

Judge Veronica Alicea-Galvan  
Judge Lisa Atkinson  
Ann Benson  
Diana Bob  
Steven Clem  
Grace Cross  
Judge Theresa Doyle  
Jason Gillmer  
Anthony Gipe  
Kimberly Morrison  
Karen Murray  
Rosalba Pitkin  
Jasmin Samy  
Judge Lori K. Smith  
Leah Taguba  
Lisa van der Lugt

**AOC Staff Present**

Chanel Rhymes  
Cynthia Delostrinos  
Curtis Dunn

**GUESTS**

Jacob Rooksby - Dean of Gonzaga Law  
Sandy Williams – Black Lens  
Pam Wilson – SCAR  
Curtis Hampton – SCAR  
Mary Ann Murphy  
Walter Kendricks Pastor  
Cam Zorrozuva (Center for Justice)

**APPROVAL OF MINUTES**

The meeting was called to order at approximately 9:10am

The meeting notes were approved with the following changes to listed attendees: Judge Mike Diaz and Justice Stephens were present at the meeting.

## CHAIRS REPORT

### Changes to Co-Chair Leadership

Thank you to Justice Johnson for his many years of service on the Commission. Welcome to Judge Helen Whitener, Pierce County Superior Court, as the new co-chair. Justice Yu was first appointed as co-chair when she was a trial court judge. It made sense to go back to that model, which was one that was voted on by the Commission at the time. The structure is important for a lot of reasons. Judge Whitener brings to the Commission a strong sense of courage. Working on behalf of the Commission requires it. She is not afraid to stand up and speak the truth. Always stand for equality, human dignity, and access to justice. Judge Whitener has demonstrated her commitment to these values.

### Staff Changes

Welcome Chanel Rhymes, the new MJC Court Program Analyst. Chanel joined the Commission on August 7<sup>th</sup>. She comes to us from Freedom Education Project Puget Sound, where she facilitated a college program for women incarcerated at the WA Correction Center for Women (WCCW).

The Commissions are seeking a new Administrative Secretary. Nichole Kloepfer's last day was August 31<sup>st</sup>. She has taken a position with DSHS. We will be hiring a new administrative support person as soon as possible, but in the meantime the Commission will be short staffed.

### New Commission Members

Welcome to Ms. Grace Cross, Skamania County Clerk, who is replacing Ms. Kim Morrison. Ms. Theresa Cronin, from Spokane County, is replacing Ms. Angela Jones in one of the Community Member positions. Ms. Leah Taguba will be replacing Ben Santos, and is also from the King County Prosecutor 's Office. Judge Johanna Bender from King County Superior Court will serve as the new SCJA representative, taking the place of Judge Lori Smith who was recently appointed to the Court of Appeals.

### 2017-18 Annual Report

The Annual Report for 2017-2018 is nearly completed. Copies of the annual report will be distributed once the report is finalized. Please contact Chanel if you would like copies.

### Welcome New Law Student Liaisons

- **Seattle University School of Law:** Lia Baligod, Alyssa Garcia, Tran Dinh, and Beverly Tsai.
- **University of Washington School of Law:** Bailey C. Russell, Ester Garcia, Maddisson F. Alexander, Weichen Zhu
- **Gonzaga University School of Law:** John Sather Gowdy, Rina-Eileen H. Bozeman, Briana Ortega, Francis dela Cruz

## PRESENTATIONS & Q&A

### **Presentation from Spokane MJC Representatives**

Kitara Johnson gave a presentation on work that the Commission may be interested in that is happening in Spokane:

- **Spokane Youth and Justice Forum** – Lisa Dickinson helped pull together a group of individuals to talk about reinvigorating the efforts of the Spokane Youth and Justice Forum. Thank you to Judge McCullough for sharing expertise with the committee.
- **Race Equity and Inclusion Committee** – The Race Equity and Inclusion Committee is a committee of the Spokane Law Regional Justice Council. The Committee is chaired by Carmen Pacheco and Francis Adewale. The Committee was created because community members did not feel like they were being heard by the larger Council. Community members would show up to every meeting. They were trying to get implicit bias training for all members of the justice system in Spokane. As many may already know, racial disproportionality is an issue in Spokane. Issues of race were pushed to the side by the Council. The Committee was successful in getting the Council to agree to racial equity training, and they had Ada Shen-Jaffe from Just Lead Washington do a series of trainings with the Committee, Council, and then to 350 individuals who work in the justice system in Spokane. The Committee recently was awarded a \$200,000 grant which is dedicated to race equity and inclusion work. They would like to create a train-the-trainer program to continue to build on the earlier trainings. It is important to note that the success was not without constant struggle.
- **LFO Payment Kiosks** – There are efforts by the Spokane County Clerk to install kiosks where individuals can make LFO payments in places in the community that are not the courthouses. (Please reach out to Kitara to find out more information about this)
- The Commission on Asian Pacific American Affairs will be meeting tomorrow at Gonzaga Law School.
- **Carl Maxey Center** – A challenge in Spokane is pulling together a critical mass of individuals who are doing work around racial equity, particularly racial equity in the criminal justice system. Studies have shown that work around racial equity is more easily accomplished when there is a place to go to. A small group of individuals got together to purchase a space to turn into a cultural center to honor the legacy of Carl Maxey. They spent 8 weeks raising enough money to purchase the building. The focus areas of the Center will be racial and social justice, cultural enrichment, economic and workforce development, and education advocacy. They brought in members of the community to envision what they want in the center, which involved people of all ages. There are more meetings scheduled. The Center will be a game changer for Spokane. The vision is that it will be transformative. Carl Maxey was the first African American attorney in Spokane. He changed the direction of Spokane in addressing racial justice issues in the community. His legacy is huge for the community, and they are still trying to recover from his loss. The community felt it was time that he be recognized for what he did to shape Spokane.
- **Spokane Community Against Racism (SCAR)** was founded by Pastor Kendricks in response to the shooting of William Pointdexter, who was shot in the back by police and a jury found that the officer was acting in self-defense. There were a lot of issues surrounding the case, and a lot of anger and frustration arose in the community. Pastor Kendricks pulled together a meeting which developed into SCAR. SCAR regularly participates in the Spokane Regional Justice Council meetings to ensure that the voices of the community are a part of the policy making process.

### **Questions from Community Members**

- Curtis Hampton a member from the Community who attended the meeting asked a question about why cases are postponed. There is not enough transparency when trials are postponed. How does he know that these are postponed for legitimate reasons? The issues that this raises are ones around delays in justice and speedy trial rules. This is an area that we would like to investigate further.
- **TRANSPARENCY** – This issue should be assigned to a committee. Notion of public confidence in courts is really something we need to pay more attention to. Look at what processes are around state in keeping people abreast of what is going on in court, maybe we can make a recommendations statewide. There are many courts who have a bailiff. There are processes that we can make statewide. If a case is being continued, do you have list of people to contact? Do you have a website so people know how to track your case? If you a have case dealing with race and ethnic issues, people need to understand we are not trying to hide the ball –but are there processes we should consider?

**MOTION/ ACTION:** Move forward on a study looking at improving community and public access to court processes and information. Judge McCullough and Kitara Johnson are interested in working on this particular project. Need to place on agenda for what subcommittee will take it on. The motion passed unanimously.

## STAFF REPORT

### ➤ Staff Report – Chanel Rhymes & Cynthia Delostrinos

#### ○ Courts Engaging Communities Grant – Jury Diversity

The Minority and Justice Commission applied for a community engagement grant through the National Center for State Courts. The “Increasing Jury Diversity Through Community Engagement Project” application packet was provided to Commission members. It would be a project in partnership with the Pierce County Superior Court, Lakewood Municipal Court, local Pierce County community groups, business groups, and schools, and TV-W. We will be finding out whether the Minority and Justice Commission was selected as a grant recipient in mid-October, and will report back to the Commission at our next meeting in November. The requested budget for the proposed project is \$30,000.

There was a suggestion that we engage the general business community in the project, since many people who show up for jury duty are there because their employers pay for them to be there.

There was also a suggestion that we look at whether this project is one that a foundation might be interested in funding. If anyone has contacts with granting entities, please pass them along to Chanel.

#### ○ Legal Financial Obligations (LFO) Grant

The LFO Stakeholder Consortium will be meeting on Monday, October 8, at the AOC SeaTac office. They are currently working on developing a multi-stakeholder survey that will go out early next year. They are also working on pulling together data and information related to how much it costs to collect LFOs. The LFO Calculator is up and running and available for the public to use. We hope that Commission members can help us spread the word about the calculator, and pass along information to any groups that might be interested in using it. The MJC’s Education Committee has

developed proposals for education at the different Spring Judicial Conferences, and we are looking for other opportunities to present to different stakeholder audiences. It is important that we encourage usage because it is being monitored and will make a difference in whether the tool should be implemented and maintained by the AOC.

The Commission produced new updated LFO Benchcards based on the recent law changes from HB 1783. There was a suggestion to mesh the DMCJA and SCJA benchcards.

o **Shout-outs**

- **Judge Johanna Bender** is continuing the work of the Judicial Institute – They are hosting a 2-day workshop next year on March 22-23, 2019. Please share invitation widely.

There was a question as to why the Institute is only open to attorneys who are at least 8 years into practice. Don't we want younger attorneys of color to know this information so that when they reach 8 years they are ready? Judge Bender explained that the purpose of that requirement was to be able to capture people who are ready now and are getting closer to being able to launch a campaign. Their goal is to eventually be able to expand their reach.

- **Justice Stephens** did an outstanding job chairing this year's Fall Judicial Conference. The MJC sponsored 3 different programs that all received great reviews.
- **Annie Lee** presented on a panel at Fall Conference, sharing with the judges about the work she does with TeamChild & supporting the civil legal needs of youth.
- **Judge Coburn** is now at 500+ hours of volunteer work helping to develop the LFO Calculator. It will soon include the multi-charge function.

➤ **Upcoming Youth Events:**

- o **Color of Justice – Thurston County:** October 16<sup>th</sup> @ Thurston County Superior Court & Yakima: November 2<sup>nd</sup> @ Yakima County Juvenile Court, Yakima, WA
- o **Tri-Cities Youth and Justice Forum:** November 2<sup>nd</sup> @ Columbia Basin College, Pasco, WA
  - **ACTION:** Send out an email asking members to let staff know who plans on attending the different events. We also need to know who will be requesting accommodations.

➤ **Pretrial Reform Task Force – Intisar Surur (via phone)**

Intisar Surur serves as Policy Analyst to the Superior Court Judges Association, and is the main staff to the Pretrial Reform Task Force. She gave an update on the work of the Pretrial Reform Task Force. The group has been focusing on three key issues: 1) Pretrial Services, 2) Best Practices for Assessing Risk, and 3) Data Collection. The Risk Assessment Subcommittee divided into three workgroups to capture the depths of specific issues involved in risk assessments. The group is drafting a comprehensive report which will be available by the end of the year. The Task Force's next meeting is on Monday.

The big debate is around risk assessment tools. We know from Yakima's experience that the risk assessment tool that they are currently using has significantly reduced the number of people held in jail and has been effective in reducing the number of minorities in jail. The end goal is to reduce incarceration. It is important for people to understand that any risk assessment tool is not a substitution for judicial discretion. On the other hand, there are arguments that a risk assessment tool further creates racial disparities because they rely

heavily on criminal history, and we know that communities of color are more heavily policed and disproportionately impacted by criminal records.

- **ACTION:** Chanel will send information about Yakima's risk assessment findings to Commission members.

## COMMITTEE REPORTS

### ➤ **Jury Diversity Task Force – Travis Stearns** 10:30 – 10:45 a.m.

The Jury Diversity Task Force was created after the symposium. The Commission appointed Judge Steve Rosen to chair the Task Force. The group identified three areas of possible change – new methods to increase the jury pool, different ways to address economic hardship, and returning service eligibility. The Task Force is made up of a broad group of people that are representative of the different justice system stakeholders. The group is working on putting together recommendations on priorities that the Minority and Justice Commission should focus on pursuing. The next meeting of the Task Force is scheduled for Oct. 24<sup>th</sup>, and the goal is to have the recommendations finished at the meeting. The next step will be to present the recommendations to the Commission.

### ➤ **Education Committee – Justice Debra Stephens and Judge Lori K. Smith** 10:45 – 11:00 a.m.

#### ○ **2018 Programs**

##### ▪ **Debrief / Recap – Fall Judicial Conference**

Fall Conference took place earlier that week. The Commission sponsored 4 programs at the Conference. We have been working more collaboratively on issues of joint interest with the other Commissions. Our sessions included: 1) Immigration Consequences and New Evidence Rule 413, which was a collaboration with the Gender and Justice Commission. Professor Ann Murphy from Gonzaga, Grace Huang, Judge Ketu Shah, and Judge Shelly Speir participated as faculty; 2) Justice for All Program – A panel of legal aid advocates and community action partners presented about “how judges can stop being part of problem and start being part of the solution.” We took a risk and invited someone from the Community Action Partnerships to talk about how the courts interact with people who live in poverty. We had a great speaker, Jessie Quintana, who shared his personal story about growing up in poverty and going in and out of the courts – and his story was very powerful. We really admire his willingness to share so much of his experience with the judges. He talked about how we act within our roles really makes an impact on the individuals in front of us; 3) Muslim Bias in America – The presentation involved a panel who took a deep dive into what it means to be Muslim in America, the constant challenges they face, and uncovering common myths and misperceptions; 4) Language Access for LEP Children and Juvenile Justice Issues – This was a program that was co-sponsored with the Interpreter Commission.

##### **Upcoming Programs**

- **Institute for New Court Employees:** October 15-18, 2018, Oxford Suites, Yakima, WA
  - *Understanding Our Diverse Communities – Cultural Competence*  
*Faculty: Jessica Gurley and Laurie Tuff*

- **2019 Programs**
  - **Judicial College:** January 27-February 1, 2019, Heathman Lodge, Vancouver, WA
    - *Emerging Through Bias: Towards a More Fair and Equitable Courtroom*  
*Faculty: Judge Veronica Alicea-Galván and Judge G. Helen Whitener*
  - **Appellate Spring Program:** March 24-27, 2019, Alderbrook Lodge, Union, WA  
Sponsoring a session in partnership with the Gender and Justice Commission. We have invited Johnathan Schapiro, who will talk about judicial writing and the power of storytelling.
  - **Superior Court Administrators' Spring Program:** April 28-30, 2019, Spokane, WA
  - **Superior Court Judges' Spring Program:** April 27- May 1, 2019, Davenport Grand, Spokane, WA
    - *Managing Immigrant Families and Non-English Speakers in Family Law: What Judges Need to Know & What You Can Do – IFJC & MJC*
    - *Legal Financial Obligations (LFOs) Update on the law, available tools, research results from 1) an analysis of Washington State LFO data and 2) the national perspective on LFO reform and litigation – MJC*
  - **District and Municipal Court Judges Spring Program:** June 2-5, 2019, Skamania Lodge, Skamania, WA
- **Tribal State Court Consortium – Judge Lori K. Smith 11:00 – 11:15 a.m.**
  - **Annual Meeting**

The Tribal Court Judges' Association had a meeting during the conference where they elected new officers. Judge Cindy Smith will still serve as president, Judge Dickinson serves as vice president.

The Tribal State Court Consortium also met at Fall Conference. They discussed a new proposed court rule that will allow tribal court judges and state court judges to communicate with one another when they have a case involving joint jurisdiction between state and tribal court. They also discussed a new project that will be undertaking involving the equal enforcement of tribal court protection orders.
- **Outreach Committee – Lisa Castilleja and Judge Michael Diaz 11:15 – 11:30 a.m.**

Judge Diaz and Judge Lee serve on a committee that is working on producing a PSA with TVW. In January of 2017, there were a series of news reports on the increased presence of ICE agents showing up at courthouses across the U.S. Chief Justice Fairhurst sent letter to ICE emphasizing that courthouses are places where individuals will be treated with dignity and fairness, and that no arrests should be made inside of Washington's courthouses. This inspired the Public Trust and Confidence Committee to take up putting together a public service announcement in partnership with the Supreme Court Commissions. Over the last several months several folks from each of the Supreme Court Commissions met with representatives

from the Public Trust and Confidence Committee to develop the PSA. They are now at the stage where they are comfortable sharing the concept. The idea was to emphasize that courts strive to be independent and to treat people with dignity, respect, and fairness. The Committee is still in its early stages. Right now they are soliciting comments and feedback. They will next turn towards doing storyboards and developing the actual images and audio.

A comment was made that it is important for the Commission to include and hear from community members. In the future this is something we need to push more for, and when planning events consider how we are engaging the Community.

The Committee would like to work on making changes to the bylaws, particularly in defining what the Outreach Committee does. How do we partner with other committees? Do other Committees have the need for outreach components?

➤ **Workforce Diversity Committee – Judge Bonnie Glenn and Judge Veronica Alicea-Galván 11:30 – 11:45 a.m.**

The Workforce Diversity Committee is still exploring the idea of bringing the National Consortium on Race and Ethnic Fairness in the Courts to Washington. They will provide an update on the status of their proposal to host in 2020 or 2021 at the Commission's next meeting in November.

**Juvenile Justice Committee**

The Juvenile Justice Committee did not meet over the summer. It was announced that Chief Adrian Diaz has agreed to co-chair the Juvenile Justice Committee with Annie Lee. They will be working on setting a schedule for future meetings. The head of WASPC was interested in working with us, and we should follow up with them on where there might be possible areas of collaboration.

**Student Liaisons**

The Student Liaisons will be meeting after lunch for their orientation to the Commission. They will have the opportunity to talk about potential projects to organize at the law schools. In the past they've put on programs within their law schools. They will be also considering projects to engage the community, other than presentations.