



MINORITY AND JUSTICE COMMISSION

AOC SEATAC OFFICE
18000 INTERNATIONAL BLVD, SUITE 1106, SEATAC, WA
FRIDAY, SEPTEMBER 13, 2019
9:00 A.M. – 12:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE G. HELEN WHITENER, CO-CHAIR



Teleconference: 1-877-820-7831
Passcode: 358515#

MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair
Judge Helen Whitener, Co-Chair
Professor Lorraine Bannai
Judge Johanna Bender
Ms. Annie Benson
Professor Robert Boruchowitz – phone
Ms. Lisa Castilleja
Judge Linda Coburn
Ms. Theresa Cronin – phone
Ms. Grace Cross – phone
Chief Adrian Diaz
Judge Mike Diaz
Judge Lisa Dickinson
Judge Theresa Doyle
Professor Jason Gillmer
Mr. Anthony Gipe
Judge Bonnie Glenn
Ms. Kitara Johnson
Ms. Anne Lee
Judge LeRoy McCullough
Ms. Karen Murray
Mr. Christopher Sanders
P. Diane Schneider
Judge Lori K. Smith
Mr. Travis Stearns
Justice Debra Stephens
Ms. Leah Taguba – phone
Judge Dennis Yule, Ret.

Guests

Ms. Esperanza Barboa, *ATJ Board Liaison*
Ms. Laura Edmonston, *Embedded Law Librarian*
Ms. Shaunita Felder
Ms. Cecile Garner
Mr. Anson Huang
Ms. Victoria Mena
Ms. Khang Nguyen
Mr. Ruddy J Salas
Mr. Jarmaine Santos
Mr. Marcus Stubblefield
Mr. Joshua Treybig
Mr. Roberto White

Student Liaisons Present

Mr. Hisrael Medina Carranza
Ms. Cloie Chapman
Ms. Denise Chen – phone
Mr. Rigo Garcia
Ms. Peggy Rodriguez
Ms. Mary Ruffin
Mr. Furhad Sultani
Ms. Dalia Trujillo
Ms. Beverly Tsai

AOC Staff Present

Ms. Cynthia Delostrinos
Ms. Moriah Freed

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

The April 5th meeting minutes were approved.

CO-CHAIRS REPORT

Personnel Update

We have been without a staff person since mid-March. We've completed recruitment and initial interviews for the position, and will be conducting final interviews at the end of today's meeting.

New Commission Members and Member Acknowledgments

The Commission welcomes Christopher Sanders as the new Minority Bar Association Representative. He will serve a 2 year term. Mr. Sanders is the former president of the Loren Miller Bar Association.

P. Diane Schneider has been re-appointed as a Commission member. She has been on the Commission for several years. A couple years ago she was transitioned to an emeritus member, but has consistently attended and participated in MJC work. We appreciate her consistency and commitment, and want to make sure she has a voice at the table by restoring her membership.

Judge Yule continues to be an active emeritus member. We thank him for his efforts in supporting the commission's legislative efforts this past session.

Symposium Debrief and Planning

This year's Symposium was on the intersection of technology, race, and the courts. It was very well attended and well received by the court.

Next year's Symposium will take place on June 3, 2020 at the Temple of Justice. The Gender and Justice Commission has agreed to co-sponsor the Symposium with the Minority and Justice Commission. A topic of overlapping interest is currently being explored related to the intersection of race and gender.

Justice Yu acknowledged that the Temple of Justice location creates some limitations. Feedback from the 2019 Symposium will be taken into consideration during planning.

- **ACTION** – Email Ms. Delostrinos or Justice Yu if you would like to help plan the 2020 Symposium. Most meetings will be held via phone.

Office of Equity Task Force

The Commission received a letter from the Governor's Interagency Council on Health Disparities. They are convening a Task Force that will be working on developing a proposal creating a Washington State Office of Equity, with the goal of promoting access to equitable opportunities and resources to reduce disparities and improve outcomes across all sectors of government.

They are looking for a representative from the Commission who can give the perspective of the judicial branch on the Task Force.

- **ACTION** – Kitara Johnson expressed interest in participating as a representative from the Commission. Ms. Delostrinos will connect Ms. Johnson with the organizers of the Task Force.

PRESENTATIONS – IMMIGRATION ENFORCEMENT AT COURTHOUSES

Immigration Enforcement at Courthouses – Annie Benson, Judge Michael Diaz, and the Washington Immigrant Solidarity Network, Mr. Roberto White

The Commission has historically addressed issues relating to immigration and the courts. This topic has been brought back to the forefront because of the ICE and CBP arrests that have been taking place at our state courthouses. We devoted our last meeting in June to addressing this issue, and heard from several people who have witnessed and/or worked with clients who have been arrested or are afraid to appear in court. There was also a recent incident of people who were immigrants being afraid to enter the Temple of Justice. Arrests at courthouses have become more frequent in Washington. This is an issue that heavily concerns the Commission.

➤ **Memo on State Action Concerning ICE Enforcement at Courthouses** – Mr. Roberto White

Mr. White interned with the Commission during the summer. One of his projects was creating a memo that discussed different methods of court response to immigration enforcement taking place at state courthouses. Mr. White shared the highlights of his memo to open up a discussion with the Commission on this topic.

➤ **Update on proposed rule and protocol changes** – Ms. Annie Benson

There is an access to justice crisis happening on the ground. It is a public safety issue, beyond just our courts. The Commission has been playing a role in supporting efforts to ensure that courthouses are safe and accessible to immigrants. Currently, there are 3 proposed rule and protocol change strategies.

- **RPC 8.4 Revision** - If adopted, this change would prevent all lawyers from sharing information with ICE.
- **Proposed Court Rule** – The court rule would aim to prevent arrests from taking place inside or around courthouses without a judicial warrant.
- **Proposed Court Protocol** – The protocol would help guide courts in how to implement the court rule if passed. Commission members expressed that the rule and protocol could create issues for courts that exist within a mixed-use building, such as facilities housing both courts and police departments. Judges can control their courtroom, but cannot extend protocols to other departments.

➤ **Washington Immigrant Solidarity Network** – Ms. Victoria Mena

The Washington Immigrant Solidarity Network (WAISN) was founded after the last presidential election in response to increased threats against Washington's immigrant community. WAISN encourages communities to take action by combatting ICE action with rapid response, including reporting incidents, text message alert systems, and through community training. So far, they have trained over 800 people across Washington.

So far, they have documented arrests in 18 counties across Washington. They suspect there is ICE activity in more counties. WAISN has launched multiple efforts to combat immigration enforcement activity, including a policy table, labor immigration table, fair fight bond fund, and an accompaniment program. They are responding by building a strong statewide coalition.

➤ **Update on current arrest incidents and litigation** – Judge Mike Diaz

This is not a new issue, and is a serious area of concern that needs addressing in order for people to access justice. We are currently working with the Gender and Justice Commission Ad-Hoc Committee on reviewing court rules surrounding the courthouse arrests.

The issue has also been discussed with the Attorney General's office regarding response actions. A best practices memo will be sent out by May 2020 because of the Keep Washington Working act. We are hoping to get more information as litigation efforts progress.

Additionally, there will be a meeting in early October between the Chief Justices of Oregon and Washington, and the district courts to discuss concerns of the courts and action they can take to promote safety and access to justice.

Questions and concerns from Commission members were raised. Judge Whitener inquired if any data has been collected regarding immigration enforcement against non-latinx immigrant communities. The focus seems to be on latinx immigration enforcement, but other immigrant communities in Washington are also scared to access courthouses. It is hard to measure people who are "hiding" and not accessing services. It was noted that Eastside Legal Services is currently working on to address this concern.

Assistant Chief Diaz raised concern of collaborating with Sheriff's departments who also operate jails, especially in more conservative communities. Some of these communities may be more likely to cooperate with ICE.

- **ACTION** – The Commission would like to form a group of interested parties to work on arrest issues and response. Contact Ms. Annie Benson if interested in assisting.
- **ACTION** – Ms. Annie Benson and Ms. Victoria Mena will circulate resources to the Commission. They also shared the WAISN reporting hotline (1-844-724-3737) to report ICE activity throughout Washington.
- **ACTION** – Contact Ms. Annie Benson or Judge Mike Diaz if you can help with proposed rule and protocol changes.

STAFF REPORT

MJC Summer Intern – Ms. Cynthia Delostrinos

The Minority and Justice Commission has been working with Roberto White this summer. He is a junior at the University of Chicago, but grew up in Seattle and is back this summer to intern with the Commission and the Northwest Immigrant Rights Project.

Mr. White prepared a memo related to ICE and CBP enforcement at courthouses, and how other states and communities have been responding, which is in the meeting packet and will be shared at the meeting. He also worked with Ms. Delostrinos on jury diversity issues, and created a profile for Judge Bender. This interview will be posted on the MJC Facebook page.

- **ACTION:** Post Judge Bender's profile on MJC Facebook page.

LFO Grant Updates – Ms. Cynthia Delostrinos

The LFO grant will be ending this September. We will be working on analyzing all of the data we've collected and strategizing on the next steps on how to continue to support and fund the LFO Calculator. AOC will fund the LFO calculator until December, with a grant pending from the Arnold Foundation. We will be working on a final report and will begin after the last LFO Consortium meeting on September 16. Judge Coburn just returned from a presentation at the Court Technology Conference this past week, where she was able to report on the LFO Calculator.

The work around reforming the LFO system will continue, and is far from done. There are many others working on tackling it from other angles. There was a CLE for attorneys to teach them about relief, remission, and waivers. There are LFO Reconsideration Days taking place all over the state, with the next one happening in Pierce County on September 25. The Pierce County LFO Reconsideration Day is at capacity, with over 1000 people registered!

Even though the grant is ending, the work is just beginning. We need to continue to be vigilant on these issues.

2020 Meeting Schedule

The meeting schedule is in the packet. We will no longer create outlook invites for the meetings, so Commission members will need to add them to their calendars on their own.

Shout Outs

- Justice Mary Yu – Crosscut Courage in Elected Office
- Judge Helen Whitener – APEX Justice CZ Smith Award
- Judge Veronica Alicea-Galvan – Elected to Board for National Consortium on Race and Ethnic Fairness in the Courts
- Judge Linda Coburn – For work on the LFO Calculator
- Annie Benson & Judge Mike Diaz – For their work on responding to immigration issues
- Judge Johanna Bender – For her work on the LGBTQ Bench Guide

LAW STUDENT LIAISONS

New Law Student Liaisons

The Commission welcomed the new law student liaisons, and the law student liaisons introduced themselves to the Commission. An open invitation was extended for the students to participate in Committee work and be active during their time with the Commission.

Gonzaga University

- Hisrael Medina Carranza (2L), Francis Dela Cruz (3L), Rigoberto Garcia (2L), Dalia Trujillo

University of Washington

- Sydney Bay (3L), Mary Ruffin (2L), Furhad Sultani (2L), Casey Yamasaki (3L)

Seattle University

- Beverly Tsai (3L), Cloie Chapman (3L), Denise Chen (1L), & Peggy Rodriguez (2L)

COMMISSION MEMBER AND COMMITTEE REPORTS

Tribal State Court Consortium – Judge Lori K. Smith

➤ **Welcome New Staff**

The Tribal State Court Consortium has welcomed a new staff person, Ms. Kathryn Akeah. She has hit the ground running!

➤ **Missing and Murdered Indigenous Women session**

The annual Tribal State Court Consortium meeting will be on September 22 at 12:00 pm in Vancouver, WA before the Fall Conference. The TSCC will also be sponsoring a session at the Fall Conference on the issue of Missing and Murdered Indigenous Women. The session will highlight the ongoing issue, lack of documentation and action by State courts. Ms. Annita Luchessi, Sovereign Bodies Institute, will be the speaker.

➤ **2020 Regional Meeting**

Next year, The Regional meeting will be held at the Temple of Justice. A final date is still being decided.

Workforce Diversity Committee – Judge Veronica Alicea-Galván and Judge Bonnie Glenn

Judge Glenn and Judge Galvan both attended the National Consortium on Race and Ethnic Fairness in the Courts Annual Conference in Miami, FL. Judge Galvan was recently named to serve on the board. The next meeting will be in New Brunswick, NJ in 2020.

Judges of Color Directory and Reception - The WFD Committee is looking at doing an update to the Judges of Color Directory and would like to host a reception next year.

Ideas for 2020 meeting location - Bonnie Glenn

- Echo Glenn, Juvenile Detention Facility
- Pioneer Human Services

Education Committee – Justice Debra Stephens and Judge Lori K. Smith

➤ **Upcoming Judicial Education Sessions**

The following are programs that the Commission has/will be sponsoring:

- 2019: Annual Judicial Conference: September 22 – 25, 2019, Vancouver, WA
 - *Keynote Address: Judge Xiomara Torres, Multnomah County Circuit Court*
 - *Crisis of Missing and Murdered Indigenous Women*
 - *Surviving the Big Waive: A look at how courts can and must respond to defendants' legal right to readdress legal financial obligations (LFOs)*
 - *Cruel and Unusual Punishment: Youth, Race and the Law*
 - *Pre-Trial Justice: Bail, Risk Assessments, and Reforms*
- 2019: District and Municipal Court Line Staff Regional Trainings on Implicit Bias, October 4-18
- 2019: Washington State Coalition for Language Access Conference, October 25 - Tacoma
- 2020: Judicial College, January – *Judge Whitener & Judge Galvan*
- 2020: Conference Proposals
 - *Superior Court Judges' Association Spring Program, April 26-29* – Immigrant Families & Juvenile Justice
 - *District and Municipal Court Managers' Annual Conference, May 17-20* - LFOs
 - *District and Municipal Court Judges' Spring Program, May 31-June 3* – Poverty Simulation – proposed with GJC (3 hour program)
 - *Judicial Conference* – TBD

➤ **Book Club in a Box**

The Minority and Justice Commission's 'Book Club in a Box' is an idea that came up this past summer. The first round of books have been purchased after receiving recommendations. They include fiction, non-fiction, and some shorter books. Commission members and student liaisons are invited to lead a book club. They also are hoping to expand the program and purchase more books as book clubs get started.

- **ACTION** – Send book recommendations to Justice Stephens for the Minority and Justice Commission 'book club in a box.'

Juvenile Justice Committee – Annie Lee and Assistant Chief Adrian Diaz

➤ **Equal Justice Overview: Youth, the Eighth Amendment & the Law**

The Commission will be sponsoring a session at Fall Conference entitled "Equal Justice Overview: Youth, the Eighth Amendment & the Law." The session will go in depth for judges transitioning into juvenile courts and cover topics such as juvenile adolescent brain development. The thought is to give judges a core curriculum for handling juvenile cases. History repeats itself, and we need to be diligent and careful to see that our young people are treated fairly in court by trained and qualified judges.

Outreach Committee – Lisa Castilleja and Judge Michael Diaz

➤ **Dignity, Fairness, and Respect PSA**

The Dignity, Fairness, and Respect PSA was put on hold pending ICE courthouse arrests. It does not feel appropriate or honest to tell communities that courthouses are safe at this point in time. Filming will resume once a solution is reached.

➤ **Annual Tri-Cities Youth and Justice Forum**

The annual Tri-Cities Youth and Justice Forum will be held on November 1st in Pasco, WA. Please think about contributing or attending. Some funding has been lost for this event, and we do not want to charge students or lost outreach efforts. We are currently recruiting volunteers for career or college fairs.

➤ **Minority and Justice Commission Poster**

Mr. Anthony Gipe's artwork has been selected for the next Minority and Justice Commission poster. Posters will be printed by the end of the year, and he will be donating a signed print.

Update: LGBTQ Judicial Officer Directory – Judge Johanna Bender

The Directory is completed. Judge Bender will have copies available at the upcoming Fall Judicial Conference. Thank you to QLAW for partnering with us and the Gender and Justice Commission on this effort.

An option was given to LGBTQ identifying judicial officers to opt-in on different levels of information circulation.

Diversity on the Bench Outreach

The Judicial Institute is reaching out to mid-career lawyers in Eastern Washington. They will be visiting Gonzaga University first. The Judicial Institute is currently seeking suggestions for groups to meet with.

- **ACTION** – Send outreach suggestions to Judge Johanna Bender. Ms. Theresa Cronin will connect with Judge Bender.

The meeting was adjourned at 12:13 p.m.