

WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



TVW: [HTTPS://WWW.TVW.ORG/WATCH/?
CLIENTID=9375922947&EVENTID=2020071128](https://www.tvw.org/watch/?CLIENTID=9375922947&EVENTID=2020071128)

FRIDAY, JULY 31, 2020
9:00 A.M.— 1:00 P.M.

Minority and Justice Commission

2020 Meeting Dates

Teleconference Number: 1-877-820-7831

Passcode: 358515#

Date	Time	Location
Friday 01/31/20	9:00 AM – 12:00 PM	Tukwila Community Center 12424 42nd Ave S. Banquet Room #C Tukwila, WA 98168
Friday 03/13/20	9:00 AM – 12:00 PM	Zoom Videoconference
Friday 05/29/20	9:00 AM – 12:00 PM	Zoom Videoconference https://wacourts.zoom.us/j/98052440551 Meeting ID: 980-5244-0551
Friday 06/03/20 Supreme Court Symposium	8:30 AM – 1:00 PM	<i>Postponed</i> until June 2, 2021
Friday 07/31/20	9:00 AM – 12:00 PM	<i>Link:</i> https://wacourts.zoom.us/j/95974360620 <i>Meeting ID: 959 7436 0620</i>
Friday 09/18/20	9:00 AM – 12:00 PM	<i>TBD</i>
Friday 11/13/20	9:00 AM – 12:00 PM	<i>TBD</i> <i>(Previously AOC SeaTac Office, SeaTac, WA)</i>

Please contact Frank Thomas at Frank.Thomas@courts.wa.gov or

360-705-5536 if you have any questions.



MINORITY AND JUSTICE COMMISSION

BIMONTHLY GENERAL MEETING

JULY 31, 2020

9:00 A.M. – 1:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUSTICE G. HELEN WHITENER, CO-CHAIR

TVW: <https://www.tvw.org/watch/?clientID=9375922947&eventID=2020071128>

AGENDA

CALL TO ORDER 9:00 – 9:05 a.m. (5 minutes)

- Welcome and Introductions
- Approval of March 13th Meeting Minutes and May 29th Minutes

STAFF REPORT & GUEST PRESENTATION 9:05 – 10:00 p.m. (55 minutes)

- **Presentation by Seattle U Law Fellows:** *Reparations in Washington State*
- **Presentation by Drivers' Relicensing Task Force**
- **Announcement of Race and Criminal Justice System Task Force 2.0** – Robert Chang
- **Staff Report**
 - Shout Outs

CO-CHAIRS' & COMMITTEE REPORTS 10:00 – 10:20 a.m. (20 minutes)

- **Personnel and Membership Update**
 - Announce LaTricia Kinlow as DMCMA Representative.
 - Request for Volunteers – Legislation & Rules Committee.
- **2020 Symposium Steering Committee**
 - The Symposium, "*Behind Bars: The Mass Incarceration of Women and Girls*," has been suspended until June 2nd, 2021.
 - Symposium hours expanded to 8:45 a.m.-1:00 p.m. to accommodate 5 panels.
 - Update on Research Projects: *Girls of Color Detention Report* and *LFO Reconciliation Day Survey*
- **Tribal State Court Consortium** – Judge Lori K. Smith
- **Education Committee** – Judge Lori K. Smith and Justice G. Helen Whitener
 - Professor Lorraine Bannai and Christopher Sanders have joined the Education Committee.
 - Session Proposals:
 - DMCJA 2021 Spring Conference *due September 30th*
 - **Cancelled: Annual Fall Judicial Conference, September 13-16:**
 - Co-Sponsor of Holocaust Museum's "*Law, Justice, and the Holocaust: How the Courts Failed Germany*" with Gender and Justice Commission
 - Co-Sponsor of "*Working with DisAbled Jurors*" with Interpreter's Commission
 - *Jurisdiction: CR 82.5 Where State and Tribal Court Intersect*. A Discussion of Overlapping Jurisdiction and GR 82.5 by NWTJA.

BREAK 10:20 – 10:30 (10 minutes)

LISTENING SERIES: COMMUNITY PANEL 10:30 – 1:00 (150 minutes)

➤ **Panelists**

- Nikkita Oliver, *Co-Director, Creative Justice NW (Seattle)*
- Corwin Scott, *CEO, Evergreen Empowerment Group (Tacoma)*
- Brianna Rollins, *Census Outreach, The Carl Maxey Center (Spokane)*
- Chukundi Salisbury, *CEO, Seaspot Media Group (Seattle)*
- Dominique Davis, *CEO/Founder, Community Passageways (Seattle)*

Next MJC meeting: Friday, September 18, 2020 @ 9:00 a.m. (via Zoom).



MINORITY AND JUSTICE COMMISSION

ZOOM VIDEOCONFERENCE

FRIDAY, MARCH 13, 2020

9:00 A.M. – 12:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE G. HELEN WHITENER, CO-CHAIR

<https://zoom.us/j/127203057>

Meeting ID: 127 203 057



MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair
Judge Helen Whitener, Co-Chair
Professor Lorraine Bannai
Mr. Jeffrey Beaver
Judge Johanna Bender
Ms. Annie Benson
Professor Robert Boruchowitz
Ms. Lisa Castilleja
Judge Faye Chess
Judge Linda Coburn
Ms. Theresa Cronin
Ms. Grace Cross
Judge Mike Diaz
Judge Theresa Doyle
Professor Jason Gillmer
Judge Anthony Gipe
Ms. Anne Lee
Judge LeRoy McCullough
Ms. Briana Ortega
Mr. Christopher Sanders
P. Diane Schneider
Mr. Travis Stearns
Ms. Leah Taguba
Mr. Joshua Treybig

Guests

Ms. Laura Edmonston, *Embedded Law Librarian*
Ms. Gail Stone
Ms. Alice Coil
Mr. David Armstead
Ms. Jenny Wu

Student Liaisons Present

Ms. Cloie Chapman
Ms. Denise Chen
Mr. Israel Medina Carranza
Mr. Rigo Garcia
Ms. Dalia Trujillo

AOC Staff Present

Ms. Cynthia Delostrinos
Ms. Moriah Freed
Mr. Frank Thomas
Dr. Andrew Peterson

CALL TO ORDER

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

The January 31st meeting minutes were approved with modification.

GUEST PRESENTATION – RACIAL AND ETHNIC DISPARITIES IN JUVENILE ARRESTS

Racial and Ethnic Disparities in Juvenile Arrests – Dr. Andrew Peterson, WSSCR and Alice Coil, OJJ

Dr. Peterson and Ms. Coil presented on findings from local, county, and statewide juvenile arrest data to the Commission. The data is included as part of the Governor’s Report every 2 years and is based on the most recent NIBRS data from 2016. The current administration does not prioritize this data, and so more recent NIBRS data from the FBI is not yet available. The data can be broken down by race and gender, however data collection is dependent on the arresting officer. For example, if they do not ask about race, the information is not collected. Dr. Peterson explained that in examining the data, white representation is used as a baseline to determine minority under or over representation.

Theresa Cronin notes Spokane County’s unwillingness to adopt race equity resolution because they weren’t sold on the “why” behind the racial disparities. LE in Spokane is no longer noting race at the time of arrest, because they did not want to guess and are not asking. DSHS data can add risk factors beyond median income, but otherwise the contextual data is limited. At the arrest level, there is no ability to incorporate ACES data or other needs assessments; in the court, that becomes a possibility (i.e. youth who end up on probation and receive a risk assessment).

The Commission noted that due to the ability to break down the data further by demographics, it would be helpful for the 2020 Symposium. Dr. Peterson agreed to assist in answering questions and providing information to the Commission in preparation.

ACTION: Dr. Peterson will work with the Commission on providing research relevant to the Symposium related to juvenile arrest data.

CO-CHAIRS’ REPORT

Personnel and Membership Update

Joshua Treybig has been appointed to a two-year term, from March 1, 2020, to February 28, 2022. Briana Ortega has been appointed to a four year term, from March 1, 2020, to February 29, 2024. The Appointment of Ms. Ortega and Mr. Treybig brings the number of Commissioners to 30. There are 35 available member positions on the Commission, so 5 are currently open. Recruiting will be done to fill the additional Commission openings.

The Commission is in the process of onboarding Justice Raquel Montoya-Lewis, and are likely to bring on Tukwila Court Administrator Latricia Kinlow shortly thereafter. The Co-chairs are in the process of evaluating other membership recommendations, including Nicole Jenkins-Rosenkrantz, Marcus Stubblefield, Nick Allen of CLS, and Professor Michele Fukawa of GU Law.

ACTION: Send Minority and Justice Commission membership suggestions to the chairs.

Legislative Committee

In light of the obstructions to providing testimony on HB 2567 that AOC Staff faced, the Co-Chairs believe it is in the best interest of the Commission to create a Legislative Committee who can represent the Commission’s positions on outstanding legislation.

The Commission does not need take the same stance as the Board for Judicial Administration (BJA), however, AOC employees are prohibited from taking a stance contradictory to the BJA. This means Commission staff cannot lobby or express opinions to the legislature.

HB 2567 passed the legislature and is on the Governor's desk. Thank you for the last minute rallying efforts, and to those who were available to testify and gather support.

ACTION: Let Frank Thomas know if you would like to serve on the Legislative Committee. Members of the Committee do not need to be Commission members.

2020 Symposium Planning – *Mass Incarceration of Women and Girls of Color*

The Symposium will be held on June 3rd, 2020, from 9:00 a.m.-12:00 p.m. at the Temple of Justice. To date, the Temple of Justice remains the location for the 2020 Symposium. The Planning Committee should decide if a venue change is warranted given feedback from last year's event.

The Planning Committee has narrowed down subtopics, and has begun the process of selecting speakers from its prospective list. The subtopic was selected in partnership with the Gender & Justice Commission, who is embarking on a major study to examine gender bias in the courts through the lens of race equity. A formal title has yet to be selected.

The Symposium Planning Team is assembled, and includes members of MJC, GJC and community members. They have convened twice as of March 13th. As planning moves forward, we will have to keep the coronavirus in mind and re-evaluate the event at a later date.

Immigration Enforcement at Courthouses – Annie Benson & Judge Michael Diaz

- **Update on SHB 2567**
SHB 2567 passed the legislature and is now on the Governor's desk awaiting signature.
- **Update on GR 38 and RPC 4.4 Rule Change Submission**
The comment period closed on March 3rd. Most of the comments were supportive, and the WSBA supports the rule change.
The Rules Committee meets Monday, March 16th. The Supreme Court will meet in April for full en banc to discuss the rule change. Justice Yu is hoping for a positive recommendation, but anticipates question as to why a court rule is needed given the passage of SHB 2567.

LAW STUDENT LIAISON REPORTS

University of Washington, *Pathways to the Law* – Sydney Bay, Mary Ruffin, Furhad Sultani, Casey Yamasaki

The University of Washington students have submitted a new proposal, titled Pathways to the Law. They have shifted their focus to highlight the real challenges and biases that exist in attaining a legal education for people of color. They intend to take their message out to local community colleges in order to prepare students for this reality and take affirmative steps to reduce and eliminate the impact of racial bias on the law school experience. The students hope to equip college students with knowledge of the application process and alternative paths to the profession, barriers to entry, various practice areas and the challenges surrounding their access, and other careers that become accessible with a J.D.

ACTION: A vote on the new project proposal will be sent via email.

Gonzaga University, *Restoring Faith in the Justice System for Marginalized Voices* – Israel Carranza, Francis Dela Cruz, Rigoberto Garcia, Dalia Pedro Trujillo

The Gonzaga University students are planning a series of events designed to engage and educate communities who are overrepresented in the criminal justice system about civic engagement and ways to combat disenfranchisement. The group is hopeful to target two separate audiences, high-school students from communities who face higher rates of civil disenfranchisement, and formerly incarcerated persons whom the students might help inform about civic engagement or the restoration of their various civil rights.

The students' project proposal has been approved, with a tentative date for April completion. It might be pushed to the fall given the public health outbreak so that the project can still be completed in-person. Their budget request has been submitted and needs to be approved.

MOTION: Motion to approve Gonzaga University's budget request by Judge Diaz, seconded by Judge Whitener. Unanimously approved.

ACTION: Staff will check with AOC fiscal to see if money can be allocated to Gonzaga now, instead of waiting into the fall and new fiscal year. The Spokane County Bar Association could be another option to disperse the funds.

Seattle University, *The Mass Incarceration of Transgender People of Color* – Beverly Tsai, Cloie Chapman, Denise Chen, Peggy Rodriguez

The Seattle University students are planning to host a speaking panel addressing the unique issues facing incarcerated transgender persons. The event is tentatively planned for April 6, 2020 from 12:00-12:45 PM. The hope to cover all aspects of their carceral experiences, from police interactions to incarceration and reentry. They plan to accompany the discussion with the production and dissemination of infographics related to the plight of incarcerated transgender persons, and use the infographics as a prompt to get attendees to engage and promote trans rights issues on social media and elsewhere.

The students are exploring a switch to an informational video. This approach would mimic the panel, include infographics, and be able to include content from others who would not be able to attend panel. The video could be centered on the experience of a particular incarcerated individual. Other alternatives, such as a podcast, have also been discussed.

ACTION: Seattle University students will submit a revised budget for the video to the Commission.

COMMISSION LIAISON & COMMITTEE REPORTS

Tribal State Court Consortium – Judge Lori K. Smith

An infographic update has been included on page 15 of the packet.

Workforce Diversity Committee – Judge Bonnie Glenn & Judge Alicea-Galvan

➤ **Update on NCREF 2022 Conference Proposal**

The planning group is coordinating with AOC to evaluate the viability of hosting an event that would require considerable outside fundraising. Prior hosting states need to be contacted to discuss how they avoided conflicts and appearances of impropriety in their fundraising process. NCSC handles the hotel accommodations for NCREF.

➤ **May 29th Commission Meeting: Excelsior Wellness Center, Spokane, WA**

Kitara Johnson offered to host the May 29th Commission Meeting at Excelsior Integrated Care Center in Spokane, WA.

Judge Whitener and Judge Glenn expressed interest in hosting a meeting in Tacoma. The September 18th meeting location is still undecided. Two possible meeting locations have been proposed for meetings in 2021: 1) Echo Glenn and 2) Pioneer Human Services.

➤ **Bridging the Gavel Gap**

Judge Glenn is interested in hosting next year's Bridging the Gavel Gap reception adjacent to the 2020 Fall Conference.

Outreach Committee – Lisa Castilleja, Judge Michael Diaz, & Judge Bonnie Glenn

Frank Thomas met with the Co-chairs of the Outreach and Workforce Diversity Committees to discuss the idea of absorbing the Workforce Diversity Committee into the Outreach Committee. The new Committee would have two workgroups, Workforce Diversity and Communications, to continue on the work of the past committees. Outreach would also house the Law Student Liaisons projects and provide mentorship to the liaisons. The Co-chairs of the committees support the restructure.

An updated Outreach Committee Mission Statement and Goals is included on page 19 of the packet for review.

There are no objections from the Commission about going forward with the restructure of the Committees.

Education Committee – Judge Lori K. Smith & Judge G. Helen Whitener

➤ **Recent 2020 Education Events**

- Judicial College, January 26-31, "*Emerging Through Bias*" – Judge Whitener and Judge Galvan

➤ **Upcoming Education Events in 2020**

- Appellate Judges' Spring Program, March 22-25, "*All the Real Indians have Died Off and 20 Other Myths About Native Americans*" – Roxanne Dunbar-Ortiz
 - The Appellate conference has been cancelled. Faculty will be contacted about future collaboration.
- SCJA Spring Program, April 26-29, "*Immigrant Families Tool Kit*" & "*Juvenile Justice*" – Judge Gipe and Annie Lee
 - Planning is moving forward with anticipation that the conference might be cancelled.
 - The Tool Kit was given 90 minutes instead of the requested 3 hours. 2 speakers cancelled, so the presentation is being restructured.
- DMCMA Annual Conference, May 17-20, "*Preparing for the Big Waive: Re-addressing LFOs*"
- DMCJA Spring Program, May 31-June 3, "*Poverty Simulation*" – Co-sponsored with the Gender and Justice Commission
- Annual Fall Judicial Conference, September 13-16
 - Co-Sponsor of Holocaust Museum's "*Law, Justice, and the Holocaust: How the Courts Failed Germany*" with the Gender and Justice Commission
 - Co-Sponsor of "*Working with DisAbled Jurors*" with the Interpreter Commission
 - *Jurisdiction: CR 82.5 Where State and Tribal Court Intersect*. A Discussion of Overlapping Jurisdiction and GR 82.5 by NWTJA.

➤ **Book Club Update**

The book club is a great way to stay connected with fellow Commission members in times of social isolation.

ACTION: Cynthia Delostrinos will reach out to members in Spokane to assist with the poverty simulation.

ACTION: Frank Thomas will recirculate the book club group lists.

Juvenile Justice Committee – Annie Lee and Assistant Chief Adrian Diaz

The Juvenile Justice Committee took up the planning for the juvenile justice program at SCJA Spring Conference after original proposal authors dropped out. Planned topics for SCJA program include review of case law; exercise of judicial discretion; implicit and systemic bias; reduction of disproportionality; collaboration; and reforms needed to deal with these developments.

The Committee needs to reach out to judicial officers to see who can sit on a “focus group” and provide feedback on judicial curriculum that will eventually accompany a juvenile court certification. A finalization call for the SCJA program will take place on March 18th. The Committee is moving forward as though conference will be taking place until further notice

Jury Diversity Task Force – Judge Steve Rosen and Judge Mike Diaz

The budget and Advisory Committee flyer, prepared by Cynthia Delostrinos, Pierce County Administrator Chris Gaddis, and intern Ruddy Salas is in meeting packet on page 24. The project will cost approximately \$3000, depending on the number of sessions convened and the number of participants who ultimately join. They are currently working on getting feedback of community members, although the April Advisory groups have been postponed.

ACTION: Cynthia Delostrinos will be reaching out to Commission members for volunteers to serve as small group facilitators.

MJC Liaisons

- **Domestic Violence Workgroups** – Theresa Cronin
Another workgroup has been formed to address disparity and recommendations moving forward regarding rules. A lot of the work comes back to access to data, and the decentralized judicial system. There has been pushback on reports due to racial disparity and risk assessment.
- **Sentencing Task Force** – Judge Veronica Alicea-Galvan and Frank Thomas
The Sentencing Task Force had a meeting on December 6th where Frank Thomas attended the morning session and Judge Galvan attended in the afternoon after finishing her bench calendar. The bipartisan task force will have trouble accomplishing anything meaningful in terms of sentencing reductions. Some members of the task force are unwilling to vote for any recommendation that will result in reduced sentences. The Minority and Justice Commission and other representatives must also run interference against proposed recommendations for sentencing enhancements, which were raised numerous times in the December meeting. Mostly administrative changes are expected, as any ‘no’ vote can end a deliberative recommendation. The task force is not an avenue for advanced reforms. The preliminary report is included on page 31 of the packet.
- **Office of Equity Task Force** – Kitara Johnson
An update is included on page 34 of the packet.

- **WPI Jury Orientation Video** – Leah Taguba
Sandbox has been selected as the vendor. Next steps include details of what the video will look at, with the federal video being reviewed as a resource.
- **SCJA Self-Represented Litigants Workgroup** – Theresa Cronin and Josh Treybig
The common issue of access to data continues to appear. A sub-committee has been formed consisting of Jim Bamberger, Judge Bradley, Judge Forbes, and Theresa Cronin. They will recommend values and principles as a starting point to move forward with other recommendations.

SCJA has also informed Theresa Cronin that her travel for workgroup participation will not be reimbursed. The Minority & Justice Commission will cover her travel so that she can continue to participate in the workgroup.
- **BJA Education Task Force** – Justice Yu and Judge Whitener
Efforts have been successful in getting funding for remote training for judges.

STAFF REPORT

LFO Updates – Cynthia Delostrinos

- **LFO Report**
Michelle Bellmer and Cynthia Delostrinos are preparing the LFO Consortium final report. They are hoping to have a draft by the end of March that is a culmination of all work and data from the consortium.
- **LFO Calculator**
Temporary funding is needed for the LFO calculator, while long term funding is being worked on through an AOC decision package for the 2021 legislative session. Current funding for the calculator from AOC ends in March, although continued funding through June 2021 is being discussed.
- **LFO Reconsideration Days**
Cynthia Delostrinos and Frank Thomas met with Tarra Simmons to discuss how the Minority and Justice Commission can support her grassroots LFO Reconsideration Days initiative. While the Reconsideration Days will continue to be led by formerly incarcerated people, the Commission's assistance is welcome in other areas. Tarra Simmons mentioned the need for CLE training and CLE instructions. The LFO Toolkit is in development and could be leveraged for CLE instruction. She also mentioned a need for better research and data about the reconsideration days, including the amount expunged, funds collected on the days, and follow-up data as to whether those who received reconsideration of LFO debt went on to pay their LFO obligations at a higher, lower, or similar rate as the general population.

The Spokane LFO Reconsideration Day is scheduled for April 17th, with 700 people signed up. Postponement is currently being discussed due to the coronavirus. The Thurston County date will likely be postponed.

Shout Outs

- Judge Theresa Doyle spoke on behalf of the Minority and Justice Commission at the Seattle University Annual Conference on Public Defense on February 28th and at a panel hosted by Seattle University Journal for Social Justice titled: *Jails and Prisons: Rights, Re-Entry, and Reform* on March 6th.

- Jude Mike Diaz and Annie Benson for their work on issues related to immigration enforcement.
- Christopher Sanders for his work coordinating the minority bar associations' support of HB 2567.
- Trish Kinlow and Judge Walden for hosting the January 31st meeting at the Tukwila Community Center.
- Moriah Freed for setting up videoconferencing for today's Commission meeting.

The meeting adjourned at 12:02 PM

CALL TO ORDER

The meeting was called to order at approximately 9:00 AM.

The March 13th meeting minutes were not approved, and will be presented at the July 31 meeting.

ROUNDTABLE DISCUSSION

COVID-19 and the Courts

Judge Gipe notes that Kent is one of the most diverse jurisdictions in the State, which implicates a number of unique challenges. Showing signs of getting to a workable place.

Annie Benson of WDA is hopeful to make the most of this disruptive moment, in longstanding practical challenges like failure to appear and access to justice.

Annie Lee and TeamChild team is working remotely with their young clients. Seeing a huge reduction in juvenile detention statewide.

Judge Glenn and the Office of Administrative Hearings changed to paperless shortly before the pandemic arose, so they have been able to continue with remote hearings. Huge increase in the number of unemployment cases and other financial assistance claims and modifications.

Judge Glenn has taken solace in teaching, and sharing the history of the struggle for justice with young students.

Briana Ortega has been very busy in private practice assisting small businesses navigate the new laws and financial circumstances. Briana is grateful to be having a Commission meeting this week, and to share this space with fellow concerned citizens.

Liaison Casey Yamasaki graduated law school this year, and had to endure the shuttering of the semester and graduation ceremony. Liaison Cloie Chapman just graduated from Seattle U Law.

Chris Sanders explains that federal courts are not anticipating a return to trials until 2021. 65 clients in the Federal Bureau of Prisons have died of COVID-19, including a client from Chris' office.

Cynthia Delostrinos is navigating her first term as Tukwila City Councilperson in light of the impact of COVID.

Judge Mike Diaz is working to help children avoid interaction with detention centers. Judge Faye Chess at Seattle Municipal has been working in the one open courtroom. SMC has a large backup of cases, and they are trying to devise a plan for the backup, while dealing with the prospect of a budget cut.

Liaison Israel Carranza congratulates the recent graduates and Justice Whitener for their achievements. Will be serving with KCPD remotely as an intern this summer.

Professor Gilmer of GU Law finished their semester a few weeks ago, and is currently working on an article about slavery in CA during the Gold Rush era. Professor Gilmer grew up in Minneapolis, so his heart is heavy today with the pain of his hometown.

Jeffrey Beaver is very distressed at the suffering in Minnesota, and is reminded of his own anxiety when encountering law enforcement as an African-American man.

Judge Johanna Bender is also feeling overwhelmed at the injustices in Minnesota, and is glad to convene with the Commission at this time. King County is one of the largest court systems in the country.

Josh Treybig has been working with clients at KCPD who are trying to navigate this new environment. Josh is also president of QLAW organization, who had to cancel their annual banquet.

The QLAW legal clinic has innovated to bring about virtual weekly clinics and far exceeded their previous capacity to rise to the occasion.

Katherine Svoboda is here on behalf of WAPA (WA Prosecutors association). Ms. Svoboda is running unopposed for Grey's Harbor County Superior Court.

Judge Coburn reports the Edmonds Municipal has reopened for all remote hearings, the first jurisdiction to do so. When courtroom reopens, they will continue to provide remote hearings in order to promote greater access to justice. Judge Coburn is running unopposed in the First Division Court of Appeals.

Judge Smith at the Court of Appeals have been sped up because they've had to navigate the crisis while managing the same number of cases.

Professor Lorraine Bannai is literally stuck in West Seattle with the closing of the bridge. She is concerned both with the issues ongoing nationwide, and for her students who are navigating internships and post-graduate work in the midst of this shutdown.

Karen Murray feels grateful for her well-being through this time, and is making the most of the opportunity to become closer to her family. Courts and hostpitals have been working together to get legal representation to those who need it.

P. Diane Schneider notes the challenges of setting up video hearings. Courts are exploring creating a video presentation to help guide access to justice issues for people for whom English is not their first language.

Professor Bob Boruchowitz has the Defender Initiative and other programs at Seattle U law that address race equity issues directly. Bob has dealt with the loss of a public defender colleague due to COVID-19.

Theresa Cronin has been inspired by the effort to find creative, long term solutions to the challenges presented by COVID-19 and the awakening of racial violence ongoing throughout the country. NWJP and TeamChild and Unemployment Law projects have been busy assisting many people in this time of need.

Travis Stearns is thankful that Division II Ct. of Appeals has been open to Zoom proceedings, but he is hopeful it is only temporary. Largest challenge for Mr. Stearns is communicating with all his clients in prison.

Judge Alicea-Galvan is thankful for the intellectual nourishment of the Commission, but feels the topics in the news are a stark reminder of how far we have to go. Judge Galvan is Chief at MRJC, and notes that this has caused us to question the status quo approach, such as how we use detention. Support systems are as important as anything else when we consider use of detention as a last resort. Notes that we have made a "generational shift" in the last 75 days to adapt out of the necessity caused.

Judge Theresa Doyle is stressed about the recent shooting and inequitable consequences of COVID-19, but grateful for the work she is able to do in her capacity. Judge Doyle notes this is a great opportunity to educate about alternatives to jail and the need for reform.

Justice Montoya-Lewis was on a nationwide panel last night assembled by the Chisolm Leadership Academy, with many State's attorneys and other legal authorities.

Asst. Chief Adrian Diaz is appreciate of the Commission members' commitment to service. Chief Diaz signed up to be a police officer to help and make a difference 23 years ago, and feels that he owns "the history of policing, and the future of policing."

Dr. Amanda Gillman will produce the supplemental detention report with MJC.

Liaison David Armstead has been appreciative of the community support and embrace he's received in these times of stress and deep concern. David is considering convening a town hall with black community members to continue driving the conversation around racial equity forward.

Courts were determined to be essential services, so the courts have been working through these very difficult circumstances. The Court took some actions we ordinarily would not as a non-unified court system. Justice Yu was astonished and appreciative that the Court Order was successful in filling the void in terms of providing guidelines to courts around the state, in particular the decision to move to remote hearings. The Courts is also very sensitive to the burden placed on public defenders during this time. The two newest members of the Supreme Court, Justice Whitener and Justice Montoya-Lewis, have breathed life into the Court, and Justice Yu is happy to have them as colleagues. The attorneys at the Court have adapted well to the less-than-perfect circumstances. It is impossible for courts to ensure the safety of people amidst COVID-19.

CO-CHAIRS' REPORT

Update from Supreme Court on Essential Court Matters

The Washington Supreme Court has deemed courts as essential. The courts have been called to do things they normally

Personnel and Membership Update

- Justice G. Helen Whitener was appointed to the Washington Supreme Court
- Just Raquel Montoya Lewis has been appointed as the newest Minority and Justice Commission Member
- Judge Theresa Doyle will be stepping down from the Superior Court Bench in King County
- Judge Linda Coburn is anticipating a move to the Court of Appeals

ACTION: Send any recommendations for new Commission members to Frank Thomas.

2020 Symposium Steering Committee

The Symposium, "*Behind Bars: The Mass Incarceration of Women and Girls*" has been suspended until June 2nd, 2020. The Symposium will still be held from 9:00 AM – 12:00 PM at the Temple of Justice. If an in-person Symposium is not feasible in 2021, the Commission will decide whether to proceed with an online event.

The funds set aside for the 2020 Symposium have been reallocated to the Juvenile Detention Supplemental Report in order to advance the topical research on mass incarceration of girls of color in Washington. This research could support the topic of the rise of incarceration of women and girls, particularly women and girls of color. MJC has been able to partner with the Washington Center for Court Research on a project looking at girls in detention. The report will review the 2018 detention report and explain what will be included in the Supplemental Report (data on detained girls of color, broken down by race, for each county in WA; four-year review.)

The Detention Report and the Supplemental Report will complement the adult detention data that GJC compiles through their grant-funded Gender Justice Study.

A preliminary report will be available by July 1, at least a draft which will be sent to Co-Chairs and symposium steering committee. Final report to share with commission by next meeting.

LFO Reconsideration Days Update

MJC has contracted with Dr. Karin Martin for analysis on the trove of data that stemmed from LFO reconsideration days in Pierce County. The data analysis will hopefully help us see who came in that day to have LFOs reconsidered. A report would be useful to the legislature.

With the changing landscape due to COVID-19, LFO reconsideration days might need to be held online. Edmonds has been providing LFO Reconsideration directly online that anyone can fill out. Judge Coburn could possibly do an education session via webinar to explain how these online sessions are conducted.

The new Spokane LFO consideration day will tentatively be held on January 1, 2021. There are law firms that might be willing to help provide a space to support these efforts. A checklist could be compiled with instructions on how to conduct a LFO reconsideration day via Zoom, while also noting that not everyone has internet access for remote participation.

LAW STUDENT LIAISON REPORTS

University of Washington, *Pathways to the Law* – Sydney Bay, Mary Ruffin, Furhad Sultani, Casey Yamasaki

The UW student project focuses on challenges and biases that exist in attaining a legal education for people of color. They intend to take their message out to local community colleges in order to prepare students for this reality and take affirmative steps to reduce and eliminate the impact of racial bias on the law school experience. The students hope to equip college students with knowledge of the application process and alternative paths to the profession, barriers to entry, various practice areas and the challenges surrounding their access, and other careers that become accessible with a J.D.

The holdover students are interested in possibly hosting their planned event in the Fall, when school returns. They have received feedback from Community Colleges that the programming will be more fruitful when classes are in session again. Students will review the proposal to see whether it can move forward via online at a later date, or possibly in person in the fall.

Gonzaga University, *Restoring Faith in the Justice System for Marginalized Voices* – Israel Carranza, Francis Dela Cruz, Rigoberto Garcia, Dalia Pedro Trujillo

The Gonzaga students were planning a series of events designed to engage and educate communities who are overrepresented in the criminal justice system about civic engagement and ways to combat disenfranchisement. The group hoped to target two separate audiences/events – high-school students from communities who face higher rates of civil disenfranchisement, and formerly incarcerated persons whom the students might help inform about civic engagement or the restoration of their various civil rights.

The program is on pause. Many liaisons are 2Ls, and hope to continue the work next year. One possibility is to incorporate things are happening now, and highlight why civic engagement is so important. If the pandemic continues to be a limitation, other forms of online community engagement should be explored.

Seattle University, *The Mass Incarceration of Transgender People of Color* – Beverly Tsai, Cloie Chapman, Denise Chen, Peggy Rodriguez

The Seattle University group is addressing the unique issues facing incarcerated transgender persons. They hope to cover all aspects of their carceral experiences, from police interactions to

incarceration and reentry. The students have run into obstacles and cannot finish their project by June 30. The new liaisons and remaining ones who have not graduated have decided to resume the project once school comes back, and could possibly get turned back into an event.

They are developing infographics to prompt the audience to engage and promote trans rights issues on social media and elsewhere. MJC is helping to cover the costs of the video and infographic production, as well as incidental costs to access the J-Pay communication system used to communicate with incarcerated individuals.

COMMISSION LIAISON & COMMITTEE REPORTS

Outreach Committee – Judge Bonnie Glenn, Judge Michael Diaz and Lisa Castilleja

- **Workforce Diversity Subcommittee** – Judge Bonnie Glenn
 - The annual event to present the Justice CZ Smith award has been cancelled this year due to COVID-19. The NCREF Nation Conference was also cancelled due to the pandemic.
 - The Judges of Color Directory update will be done after the upcoming election.
- **Communications Subcommittee** – Lisa Castilleja, Judge Michael Diaz and Judge Bonnie Glenn
 - The newly formed Outreach Committee will meet this summer to discuss pathways forward. They will be able to maximize collaboration moving forward together since there was already existing overlap in the work.

Education Committee – Judge Lori K. Smith & Justice G. Helen Whitener

- **Cancelled Education Events in 2020 Due to COVID-19**
 - Appellate Judges' Spring Program, March 22-25, "*All the Real Indians Have Died Off and 20 Other Myths About Native Americans*" – Roxanne Dunbar-Ortiz
 - SCJA Spring Program, April 26-29, "Immigrant Families Tool Kit" and "Juvenile Justice"
 - DMCMA Annual Conference, May 17-20, "Preparing for the Big Waive: Re-addressing LFOs"
 - DMCJA Spring Program, May 31-June, "Poverty Simulation" – Co-sponsored with the Gender and Justice Commission. The Poverty Simulation has been guaranteed a place in the 2021 DMCJA Spring Program if it takes place in-person.
- **TBD: Annual Fall Judicial Conference, September 13-16**
 - Co-Sponsor of the Holocaust Museum's "Law, Justice, and the Holocaust: How the Courts Failed Germany" with the Gender and Justice Commission
 - Co-Sponsor of "Working with DisAbled Jurors" with the Interpreter Commission
 - Jurisdiction: CR 82.5 Where State and Tribal Courts Intersect. A Discussion of Overlapping Jurisdiction and GR 82.5 by NWTJA.

Juvenile Justice Committee – Annie Lee and Assistant Chief Adrian Diaz

- **Update on Juvenile Justice Education Session**
 - Annie Lee and AOC's education staff are working to move the original SCJA Spring Program session to an online curriculum.
 - The Juvenile Justice Committee had been working on an educational session surrounding the new laws implemented recently, race equity, and adolescent development. Development has paused in part because implementation of these

laws have been disrupted by court closures. Prosecutors resentencing youth may present another relevant opportunity for the Committee.

Jury Diversity Task Force – Cynthia Delostrinos

- **Update on Jury Diversity & Community Engagement Pilot Project**
 - COVID has impacted the ability to gather people, as was planned for the Jury Diversity Community Engagement Project. There is also an uncertainty about what jury trials will look like when they start up again in July. We will be continuing to look at when and how we can move forward with the project.
 - There was mention about the pending video project MJC was doing in collaboration with the Public Trust and Confidence Committee. The video was put on hold because of the issues related to immigration arrests at courthouses, and we could not ensure that all people would be safe coming to courts. Maybe we could now move forward with the project and incorporate encouragement for participating on juries. We should continue to partner with PTC Committee on the video project.

MJC Liaisons

- **Gender Justice Study – Judge Bonnie Glenn**
 - There are a total of 4 pilot projects currently underway as part of the Study: courthouse childcare center evaluations, evaluating existing data on incarcerated women, DVMRT program evaluation, and WA courts workplace harassment survey. The final report is due July 2021.
- **Sentencing Task Force - Judge Veronica Alicea-Galván**
 - The Task Force has not convened in the interim, but they have been working on workgroups.
- **SCJA Self-Represented Litigants Workgroup – Theresa Cronin and Joshua Treybig**
 - The Workgroup last met in March, and the subsequent meeting was cancelled. The next meeting is currently being scheduled, date TBD. The work of this subcommittee is going to become increasingly important.
 - Theresa Cronin attended a conference on self-represented litigants in Nashville. Membership in the Self-Represented Litigants Network is free, and covers all sorts of topics.
- **BJA Education Task Force – Justice Yu and Justice Whitener**
 - The workgroups will reconvene in June. Staff will be reaching out.

STAFF REPORT

MJC Budget Update – Frank Thomas

Concern was expressed over how potential budget cuts could impact the Commission. Justice Yu is confident that the Courts recognize the importance of the Minority and Justice Commission.

LFO Updates – Cynthia Delostrinos

The original grant that provided funding for the LFO Calculator expired. AOC has continued support of the LFO Calculator up until the end of the next legislative session. Long term funding for the LFO Calculator is being work on through an AOC decision package.

Shout Outs

- Kitara Johnson, for setting up our meeting at the new Excelsior Wellness Center in Spokane, WA. Hopefully we will have another chance to visit soon!
- Josh Treybig for becoming new QLaw President!

- Judge Coburn who has decided to run for a seat on the Div. 1 Court of Appeals, currently unopposed.
- Judge Doyle on her announced retirement after 20+ years as a trial judge.
- Judge Alicea-Galvan who was named Presiding Judge of the Maleng Regional Justice Center earlier this year!
- Katie Svoboda who is running unopposed in Grays Harbor County – first woman elected to bench!
- The Law Student Liaisons who graduated this year, Cloie Chapman (3L), UW - Sydney Bay (3L), Casey Yamasaki (3L), Gonzaga - Francis Dela Cruz (3L)
- Beverly Tsai who passed the bar exam!

The meeting adjourned at approximately 1:00 PM.

Next MJC meeting: Friday, July 31, 2020 @ 9:00 a.m. (via Zoom)

Washington State Supreme Court Gender and Justice Commission

COMMISSION MEMBERS

June 15, 2020

Honorable Sheryl Gordon McCloud, Chair
Washington State Supreme Court

Honorable Marilyn G. Paja, Vice Chair
Kitsap County District Court

Honorable Anita Crawford-Willis
Seattle Municipal Court

Honorable Josie Delvin
Benton County Clerk

Honorable Rebecca Glasgow
Court of Appeals, Division II

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Ms. Gail Hammer
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Northwest Justice Project

Ms. Grace Huang
API Institute on Gender-Based Violence

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Honorable Maureen McKee
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Benton Franklin Superior Courts

Honorable Cindy K. Smith
Suquamish Tribal Court

Ms. Sonia M. Rodriguez True
True Law Group. P.S.

Ms. Victoria L. Vreeland
Vreeland Law PLLC

Dear Members of the Judiciary and Legal Community:

The Washington State Supreme Court has called on every member of our legal community to ask ourselves how we may work together to eradicate racism. As the Court wrote in its June 4, 2020 [open letter](#) “...we continue to see overrepresentation of black Americans in every stage of our criminal and juvenile justice systems...[we must] administer justice in a way that brings greater racial justice to our system as a whole.”

The Gender and Justice Commission is a group of lawyers, judges, academics, students, advocates, and others, established and supported by the Washington State Supreme Court. Our mission is to promote gender equality in the justice system. The Commission recognizes the destructive and heartbreaking impacts of systemic oppression on black, Indigenous, and other people of color in our justice system. We join the Washington State Supreme Court to reaffirm our deepest level of commitment to achieving justice by ending racism.

We want to share a few of the ways that our work has tried to prioritize the combination of race and gender inequality faced by women and girls of color. First, we recognize that our courts have not always recognized the impact of race and gender bias in our decisions. We therefore conduct and support frequent judicial education on how this problem affects the work of the courts, from criminal to civil cases and at all levels of our courts.

We also recognize that our courts do not always reflect the diversity of our communities. We therefore support programs like the National Association of Women Judges’ (NAWJ) Color of Justice Program in our state – it is designed to encourage girls of color to consider legal and judicial careers.

Additionally, we support opportunities for lawyers of color to obtain education and mentorship toward appointment or election to the judiciary.

We further recognize the impact of systemic racism on our criminal justice system; our Incarceration, Gender & Justice Committee therefore sponsors frequent programs to work with this population and to educate the courts on the disproportionate impact of detention, legal financial obligations, lengthy sentences, and separation from children and other family, on them.

In addition, we continue to support our colleagues on the [Minority and Justice Commission](#). They are leaders in the work to eliminate racial bias in the courts, and we have been privileged to be able to partner with them on several efforts.

June 15, 2020
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Barriers faced by women and girls of color when accessing court, in court, and after adjudication are also a primary focus of our pending study on Gender and Justice in the Courts. An essential element of this work is to identify areas where gender disparities are compounded for people of color as a result of the confluence of sexism and racism. At every phase of the study, we are asking researchers and stakeholders to find evidence-based approaches to eliminating these disparities.

With support from the Washington State legislature, and leadership from the Gender and Justice Commission, Domestic Violence Work Groups convened pursuant to E2SHB 1517 are examining racial equity issues by reports to the Legislature on Domestic Violence Perpetrator Treatment and Domestic Violence Risk Assessment. In the treatment realm, equity issues are related to funding, access, and cultural competence in treatment delivery. With regard to risk assessment, racial equity issues are associated with pretrial risk tools based on criminal history and the disproportionate impact of mandatory arrest on communities of color. These reports and recommendations are due by October 2020.

We know that those of us active in gender equality work have not always focused on the problem of systemic racism and its particular and compounding impact on black, Indigenous, and other women of color. There is much more to do in this regard. We are committed to working together to achieve the result that the National Association of Colored Women adopted as their motto at their 1896 formation: “lifting as we climb.”

Sincerely,



Justice Sheryl Gordon McCloud
Co-Chair, GJC



Judge Marilyn G. Paja
Co-Chair, GJC