

1 MINORITY AND JUSTICE COMMISSION

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COMMUNITY FORUM

JULY 30, 2004

GONZAGA LAW SCHOOL
SPOKANE, WASHINGTON

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1 JUSTICE CHARLES Z. SMITH: Welcome again. For those
2 of you who do not know, my name is Charles Z. Smith. I am
3 Co-chairperson with Justice Charles W. Johnson of the Washington
4 State Minority and Justice Commission. At this afternoon's
5 session, we are conducting what we refer to as a community
6 forum. The purpose of the community forum is to hear from the
7 community and legal representatives concerning their
8 observations, perceived problems, or systemic problems in the
9 Washington State Justice System as it pertains to minorities and
10 justice.

11 The proceedings are being recorded by Ms. Joan M.
12 Snover, a Certified Court Reporter, who will address us at a
13 later time concerning Realtime Reporting. You will note some
14 sophisticated equipment in the courtroom which she is using, but
15 she will explain that later. The proceedings also are being
16 recorded by our wonderful television system TVW available on
17 Channel 5 in the Spokane area, and these will be available for
18 archival purposes.

19 The subcommittees of the Minority and Justice
20 Commission, we have five, will review the transcripts of these
21 proceedings so that the subcommittees can contemplate future
22 work projects for the Commission. I would like to especially
23 acknowledge two members of our Commission who have been
24 instrumental in setting up our programs for today. Judge
25 Gregory D. Sypolt, Spokane County Superior Court. Is Greg not

1 in the room? And Judge James M. Murphy, Spokane County Superior
2 Court (Retired). For us retired people, that's very important.

3 We could not be in Spokane in the Inland Empire at
4 Gonzaga University without acknowledging one of the most
5 significant citizens of this area by the name of Carl Maxey.
6 One of our members has some brochures. In the library there is
7 a magnificent sculpture commissioned by the Dean and his wife,
8 which is in my opinion, as a person who knew Carl Maxey for many
9 many many years, it is an apt likeness of the spirit of Carl
10 Maxey.

11 And if you have not seen that sculpture, it is a
12 bust-type sculpture. Before you leave, please go and view
13 and touch it. Yemi Flemming Jackson has the brochures.
14 She can hand them out now.

15 The process we will follow is this: We will call
16 upon persons who have signed up to participate in the forum.
17 We are allowing not more than ten minutes per presentation.
18 As we call upon presenters, I will briefly identify the person.
19 The person is asked to identify themselves on the record because
20 the court reporter needs to have an accurate record, and TVW
21 needs to have an accurate record.

22 If you run over ten minutes, I will cut off your
23 microphone. In all seriousness though, please do limit your
24 presentations to ten minutes. The first person we are asking to
25 appear, and that means come to the table, sit and there's a

1 microphone here. Mr. Uche Umuolo, a lawyer in Spokane.

2 Sir, would you come forward, identify yourself again,
3 and then tell us what it is you want us to hear.

4 MR. UCHE UMUOLO: Thank you, sir.

5 (Applause.)

6 MR. UCHE UMOLO: Good afternoon. My name is Uche
7 Umuolo. I'm an attorney in Spokane, Washington. I'm honored to
8 be here. My part of this process is to encourage us to take
9 back the debate on affirmative action. Because I think we are
10 losing that debate. Earlier today I came across a news flash in
11 San Francisco where the city has adopted a law that just passed
12 where they've eliminated the minority contracting process.

13 When I say we should take back the debate, what I'm
14 talking about is we seem to be forgetting the most important
15 aspect of the affirmative action process. And that is, that you
16 have to be a qualified individual. That aspect of that debate
17 is completely lost in this process. No one is talking about it.
18 No one has talked about it. No one wants to talk about it.
19 And it's our responsibility, including the lawyers, the law
20 firms, the big ones, to take on the debate.

21 We need to now encourage those who are part of this
22 process to get involved in the admissions processes. You don't
23 understand the debate until you get involved with the admissions
24 processes to really see what they go through in the process.
25 It's very important because we need to, particularly in

1 Spokane -- When I came here there were about five or six black
2 lawyers.

3 Ten years later, there's probably about five now.
4 Nothing has improved in that respect. And it saddens me because
5 I have seen black students come through this school, and I
6 couldn't talk them into staying. Very fine students. They
7 would not stay a day after graduation. This is a fine
8 community. I have wonderful children and I have wonderful
9 friends. I know quite a few people here, but something is
10 getting lost in this process.

11 If everybody goes to Seattle, there won't be very
12 much room in Seattle. So we need to bring up the debate as far
13 as that process is concerned that this is about qualification.
14 Whatever the end result is, you still have to qualify. And that
15 is what I think we need to do. The big law firms do not have a
16 legal obligation, but they do have a moral obligation. I don't
17 see them doing a whole lot in that respect, and that is sad. We
18 need to encourage them to do that, especially in Spokane,
19 Washington. Thank you.

20 JUSTICE CHARLES Z. SMITH: Thank you, sir.

21 (Applause.)

22 JUSTICE CHARLES Z. SMITH: Next we will have a team
23 of two persons, Ms. Karen S. Lindholdt, and Mr. Dave Edwards who
24 will identify themselves and will speak together -- or at the
25 same platform.

1 MS. KAREN LINDHOLDT: Hi. Thank you for inviting me
2 today, for listening to me speak. I'm sort of intimidated in
3 being here. Yolanda, who is my interpreter -- asked me to come
4 today. I am an attorney, and I do primarily public interest and
5 environmental law. However, my background includes serving as a
6 public defender in Spokane County both representing adults and
7 youth. And also I'm presently on the Criminal Justice Act Panel
8 which means if the Federal Public Defenders has a conflict, I
9 represent the client.

10 That's how I know Yolanda. It was during our
11 conversations about my representation and the difficulties I've
12 had representing clients who have different backgrounds than
13 myself, that I was put up to this today. And with me here is
14 David Edwards. He will and can speak for himself.

15 David is the Community Building Manager of the
16 Community Building here in Spokane. The Community Building
17 houses several nonprofit groups, including the Center for
18 Justice. And I was a lawyer for the Center for Justice.

19 Anyway, what I want to say regarding my experiences
20 as a lawyer is obviously, my main goal, is to represent my
21 clients to the best of my capability, and that means getting
22 them the best deal or advocate for them at trial. It's very
23 important to establish a bond with a client in order for them to
24 either take your advice on which is the best deal for them,
25 which may mean a ten-year sentence less than they would

1 otherwise get if they go to trial. It can be very difficult if
2 you can't get a bond with that client.

3 I notice especially in juvenile court if a kid
4 sitting across the table doesn't look like you, talk like you,
5 think like you, it's really hard to establish that bond and give
6 them the necessary guidance. It's really very frustrating for
7 me. I continue to struggle with that and figure out what's the
8 best way to reach my clients.

9 In a case that I'm working with Yolanda on, my client
10 is a hispanic man who doesn't speak any English. I speak
11 limited Spanish. I would like to learn to speak better Spanish.
12 Given everything that I have in my life, it's very complicated.
13 It is frustrating feeling that I can't give the best
14 representation because I don't understand what he's saying and
15 he doesn't understand what I say.

16 In addition, there are subtle differences in our
17 culture and communications. Having somebody like Yolanda is
18 critical, but it would be better if I came from that culture
19 obviously. And so therefore obviously I feel if there was a
20 lawyer who came from the same cultural background as the client,
21 that would greatly benefit.

22 And I see Roger Peven here. And Roger does have in
23 his office, he has individuals who do come from different
24 cultures. I think that's the best way to result in very very
25 capable representation. Having said that, I am going to turn it

1 over to David Edwards.

2 And given my experiences, I am trying to assist David
3 in getting a program off the ground out of the Community
4 Building where he serves as a mentor for youth at risk, minority
5 children from juvenile detention or from Crosswalk or something
6 in our community. And he is here to meet people and see what he
7 can find out.

8 MR. DAVID EDWARDS: Hello. Good afternoon. I'm
9 David Edwards. I work at the Community Building as probably
10 everything, negotiator, lawyer. I also have worked there a the
11 same time I worked at Roosevelt as a teacher's aide. My job was
12 working with kids with a physical or mental disability, kids
13 with bad behavior. What I would like to do is being an advocate
14 between the lawyers and the kids.

15 I know how to speak their talk, and children seem to
16 trust me. I have a way with kids. I don't know. I understand
17 them, from where they're coming from. I know how it is to live
18 in poverty. I know what it is to be a minority. I can relate
19 to them in their world. I think the lawyers have one reality,
20 and the children will look at a lawyer from a whole different
21 aspect. I would like to somehow be in the middle of that, the
22 advocate between the lawyer and the child. We need to eliminate
23 that space in between.

24 I've never spoke in front of people before, being
25 kind of nervous. I just need to find a way that I can meet

1 people and get to know people and work with the children to make
2 a better way. If a child has hope and a direction to go in,
3 even though they might fall off some time, but if they have some
4 direction they need to go in, we can kind of keep them on that
5 path. And I would like to find a way that I can advocate for
6 the children in a positive way and be a mentor at the same time
7 and to be kind of firm and have fun all in one.

8 (Applause.)

9 QUESTION FROM THE FLOOR: I'm wondering what can the
10 judiciary or the legal community do to assist you in your
11 endeavors or even the --

12 JUSTICE CHARLES Z. SMITH: We will allow that one.
13 This is not a question forum. Ms. Chung is our Director and
14 you may answer her question. Did you hear it?

15 MR. DAVID EDWARDS: No. Go ahead.

16 QUESTION FROM THE FLOOR: I'm wondering how the
17 judiciary, the legal community, can assist you in your
18 endeavors. And also, Ms. Lindholdt, how can the legal community
19 fulfill this bond? It's a two-part question.

20 MS. KAREN LINDHOLDT: Sure. From a lawyer's
21 perspective, having individuals in the community available, such
22 as in this particular case working with Yolanda, obviously I
23 have an immediate bond with my client. It's harder in other
24 situations where there isn't a language barrier, but there may
25 be a cultural barrier. I'm not quite sure how I would address

1 that.

2 With respect to David I know in working with him we
3 have a situation where there may be a potential -- I know this
4 is an unusual situation, but we are looking for the community to
5 help David figure out how his resources can best be utilized.
6 It's sort of a combination of programs. We're basically trying
7 to create some type of job for him or loose affiliation with him
8 that would best serve the children. He is here to meet
9 individuals, and we've gotten his names on lists at meetings.
10 Feel free for anybody to approach David so we can get this off
11 the ground.

12 JUSTICE CHARLES Z. SMITH: Thank you very much.
13 In America, the great nation that it is, we have many languages
14 other than English being spoken. In the Seattle Public Schools,
15 for example, 44 languages other than English are commonly spoken
16 in the home. We have a number of languages that come before the
17 courts, but the most specific one because of the cultural
18 dynamics is the Spanish language.

19 We have today a language interpreter who is going to
20 address us briefly on the need for language interpreters in the
21 court. Ms. Yolanda Valasco, would you come forward, please.

22 MS. YOLANDA VALASCO: Good afternoon. I can't sit
23 when I talk. I'm an interpreter. I have to pace around when I
24 talk, and I talk with my hands. Good afternoon. I'm very glad
25 to be here, and I'm very glad to see some faces that I know and

1 also some new faces. Spokane is a very beautiful city. I hope
2 in your visit you'll have an opportunity to go downtown and just
3 enjoy the lovely weather and so on.

4 The reason I accepted this challenge, to me this is a
5 challenge, to address people in the legal world and for people
6 to be aware of the needs of different languages and different
7 cultures is I would like to share with you what I have
8 experienced as an interpreter. Sometimes I feel that I am
9 serving two masters. It's a little bit confusing. When I'm
10 training and as I am training to be a better interpreter, always
11 in my mind is omit nothing, change nothing, add nothing.

12 And here's the key, here's the key point that bothers
13 me: Register, do not change the "register". And I'm asking
14 myself, well, that's a tricky one. Because how can I serve two
15 masters? For the most part, the people that I serve, the
16 individuals that are not from this country and obviously do not
17 speak English fluently, they are not educated as many of you
18 gentleman and ladies are. Not because they wouldn't want to or
19 not because they did not choose to, they simply did not have the
20 opportunity.

21 They have the intelligence and maybe the desire.
22 But that's another story. Bottom line, I'm dealing with a
23 person that needs to be addressed very carefully because he is
24 nervous. He's in a different country. He is challenged with a
25 different language and a different culture, which is very very

1 important. And I'm told not to change the "register", omit
2 nothing, change nothing. How can I convey what the attorney or
3 the judge is saying if he does not comprehend?

4 He may hear the words and he may answer yes or no.
5 But is he answering yes or no because he understands the
6 question, or simply because he's in fear, he's intimidated, and
7 he feels that's his obligation or what is expected of him is to
8 say yes. And how am I going to sleep at night thinking whether
9 this person actually did comprehend and whether I did my job
10 sufficiently well, if I broke any rules? And then I go back to
11 change nothing, omit nothing. There's just something that
12 doesn't make sense.

13 So I know that there's improvement everywhere we can
14 go in our lives. There's always space for improvement. And I
15 believe that in this case the improvement would consist in two
16 options. First of all, simplicity. I would encourage the
17 people that are in the courts, the attorneys, the judges, so on,
18 to simplify their language, to tailor their language to the
19 person who is going to hear these words.

20 Fancy legal talk, this is not the place for fancy
21 legal talk. Sometimes I don't even understand it. But that
22 would be the first one. And the second part would be how we can
23 as an interpreter -- how I can comfortably approach the judge
24 and ask the judge how would you like me to interpret. Would you
25 like me to do it consecutive, simultaneous? Do you want me to

1 pause? Do you want me to raise my hand when I have not
2 understood?

3 All of this clears away all of the rubbish that I
4 don't need in my head when I'm interpreting because I have to do
5 it fast. I have to think. I have to establish in my conscious
6 if actually the eye contact with the individual with limited
7 English tells me I understood. That is my opinion. That is my
8 thought. And if there is any suggestion here for anyone
9 present, that would be great. If you can bring it up in the
10 future and get the ball rolling so to speak, that would be
11 great.

12 And I don't remember if I said, but my name is
13 Yolanda. I think Karen said it a couple of times. I was born
14 in Texas, raised in Mexico. I love my culture. I understand
15 both cultures. I was also in Europe for a couple of years.
16 So I've been on the other side of the stick where I needed an
17 interpreter, and I'm wondering if the interpreter did a good job
18 and whether he didn't. And I don't know if I still have time to
19 just add a short story.

20 JUSTICE CHARLES Z. SMITH: You can add a short story.

21 MS. YOLANDA VALASCO: Okay. This is a short story
22 and it's meant just to lighten things up. Maniche was the first
23 interpreter in Mexico. She was a hired by Amacqua Fids who came
24 to Mexico and wanted gold. They wanted gold from Montezuma.
25 Amacqua Fids tells the interpreter to tell Montezuma, "He has to

1 tell me where the gold is or I'm going to burn his feet." So
2 the interpreter tells Montezuma, "This guy wants to burn your
3 feet."

4 Montezuma says, "Nothing, I will say nothing." So
5 she says no, he doesn't want to talk. Montezuma is there
6 standing. And he asks again, "Tell him this is final, he has to
7 tell me where the gold is or I'm going to kill him." So the
8 interpreter repeats that, and Montezuma says, "Well, the gold is
9 under the pyramid, on the north side. And he can have the gold,
10 but he will not have my soul." Okay.

11 Amacqua Fids asked the interpreter, "What did he say?
12 What did he tell you?" The interpreter said, "He's not going to
13 tell you. You can kill him. You can burn him. He's not giving
14 up the gold."

15 (Laughter.)

16 JUSTICE CHARLES Z. SMITH: The next speaker I've
17 known since she was a student at Gonzaga. I consider her sort
18 of a protege, Ms. Juliana Repp. She is one of my favorite
19 people in all of the world, and she's going to talk to us.

20 JULIANA REPP: Thank you, Justice Smith. I'm very
21 pleased to be here. I was asked to speak only about an hour
22 ago, so I've tried to think of some of the most compelling
23 issues I could think of to discuss with you today. As Justice
24 Smith said, my name is Juliana Repp. I'm an attorney here in
25 Spokane. I have been in the legal services area for about six

1 years.

2 I just left Columbia Legal Services when the office
3 closed down here in Spokane. I'm a member of the Nez Perce
4 Tribe of Idaho. I'm admitted to practice in about five area
5 Tribal Courts, and of course the State Court, Supreme Court of
6 Washington, and the Federal Courts. When I tried to think of
7 some of the issues that I found to be glaring, it was kind of
8 hard to maybe prioritize them.

9 One of the issues I wanted to talk about though was
10 the issues involving the Indian Child Welfare Act of 1978 and
11 its applicability to cases in Spokane County Superior Court or
12 the juvenile court system. The Act as many of you know was put
13 in place because of the large scale unwarranted removal of
14 Indian children from their homes. There's a lot of historical
15 precedent for that.

16 But anyway, I've over the years practiced, had
17 several cases that have come before judges in various court
18 systems in the state. And I just want to tell you about one of
19 them which we just ended up coming to a very nice result in.
20 Anyway, this case involved an Indian child with a traditional
21 Indian name. The case went to Superior Court. A guardian ad
22 litem was appointed. There was a prosecutor involved in the
23 case.

24 This case started out as a parentage action and sort
25 of wove its way into a third party custody action, although a

1 petition was never filed, and the child was placed with a
2 nonindian custodian. Anyway, my point is, to make this story
3 short, is that all three of the attorneys that played a major
4 role in this case missed the Indian Child Welfare Act issue.
5 The judge did; the commissioner did; the guardian ad litem did
6 as did the prosecutor.

7 So I filed a motion to vacate the orders in that
8 case, which we didn't even get to that point based on violations
9 of the ICWA because a third party petition was not filed. The
10 orders were vacated. The Native American mother now has custody
11 of the child again. That case is an example of, I guess, how
12 wrong things can go because there are huge legal ramifications.
13 I consider them a malpractice issue, I guess, myself.

14 The mother because of the way the orders were entered
15 was denied her right to counsel, was denied assistance through
16 rehabilitative services. The tribe was not notified. The
17 mother actually was not properly notified. And an expert was
18 not called in to testify about these temporary, nonparental
19 third party custodian orders being entered.

20 The Indian Child Welfare cases were -- I think there
21 were a lot more problems than there are now. There's been a lot
22 of changes in Spokane County especially. I'm really pleased
23 with those. There are some forms that you need to file when you
24 file these actions, especially third party custody actions that
25 will have you identify if the child is indian or thought to be

1 indian. And so that there is a whole different area of process.

2 There are some background checks that are now
3 required for third party custody placements by DSHS, CPS and
4 Washington State Patrol. The one issue I see with those
5 background checks, and I brought this up in a family law CLE
6 recently, is that they don't make any provisions for tribal
7 court, law enforcement background checks, or tribal court CPS
8 checks. I'm hoping that will get addressed.

9 Another topic I'd like to talk about is many of the
10 tribes in the area are now developing their own programs such as
11 TANF programs. These are sort of a new thing to many of the
12 area tribes. The Spokane Tribe has their own TANF program.
13 The judge stopped me in superior court and said I have to tell
14 you about this. I guess it was a person that came before her,
15 and the judge asked her if she was receiving TANF benefits.
16 And the person said, no, they were tribal TANF benefits. The
17 judge said, no, you are receiving state TANF benefits.

18 The judge had not been aware that there are such
19 practices and programs out there. One of the things I was going
20 to recommend later on is that when you have CLE's at these
21 judges trainings to be sure to invite tribal court judges and
22 tribal representatives so that these new developments can be
23 sort of discussed and you can talk about solutions if there's
24 any issues. I think that's real important.

25 I haven't really had many incidents in court. I've

1 represented a lot of Native clients. I did have a case in
2 another county where I was representing a tribal member. I was
3 representing him on a visitation issue. He wanted to take his
4 son to Colorado to the Sundance, and the Superior Court Judge of
5 course kept referring to Sundance as the Sundance Festival,
6 which is Robert Redford's film festival, and I had to correct
7 him about three times. I guess that's something else.

8 We all need to listen. I know that what we think we
9 hear is not necessarily what we hear with regard to different
10 cultures and their religious or cultural ceremonies.

11 Jurisdiction is a huge area. It's very complex. There's UCC JEA
12 in place which I think helps tribal courts and state courts to
13 resolve some jurisdictional issues over child custody matters.

14 I was real pleased, I had a case about three years
15 ago where the father that I represented filed for custody in the
16 Colville Tribal Court, and the mother filed one day later in
17 Spokane County Superior Court. And in the end the great thing
18 about this case was that the Chief Judge of the Colville Tribal
19 Court and the Superior Court Commissioner talked on the phone
20 several times. There was briefing, and we ended up resolving
21 the jurisdictional issue in favor of the tribe. In this case I
22 think everything was weighed, and it seemed to be in the best
23 interest and an appropriate place to have jurisdiction. Thank
24 you very much.

25 (Applause.)

1 JUSTICE CHARLES Z. SMITH: We've heard some testimony
2 concerning language interpreting. We are aware that in our
3 population there are persons who are hearing impaired or
4 profoundly deaf who must communicate through other processes,
5 particularly the American Sign Language. Our court reporter,
6 Ms. Joan M. Snover, in addition to her many skills as an
7 outstanding court reporter has developed an interest in court
8 reporting and realtime reporting for hearing impaired or
9 profoundly deaf persons.

10 She obviously cannot report her own testimony. So we
11 are going to excuse her from reporting so she can come to the
12 table and give some testimony. It will be recorded on TVW
13 nevertheless.

14 MS. JOAN M. SNOVER: I was asked to speak just a
15 little bit today about my experiences with deaf and hard of
16 hearing. My name is Joan Snover, and I am a freelance court
17 reporter here in Spokane, and I've been reporting for about 18
18 years now. I had the honor to be Judge Sypolt's first court
19 reporter when he first took the bench.

20 We had set up, Judge Sypolt and I, in his courtroom a
21 realtime courtroom which I enjoyed greatly, and I know the Judge
22 really enjoyed it. My experience with the deaf with Judge
23 Sypolt was a murder trial where the victim, her son, the only
24 child, the son and his wife were deaf. And they, of course,
25 wanted to participate in the proceedings.

1 With my ability to do realtime, we hooked them up as
2 they sat in the front row. And I took the trial in the normal
3 way that I do take it down so they could see on their screen
4 exactly what was being said. They could participate live
5 without having to hire an ASL interpreter. That was a good
6 thing for that situation, but I don't recommend that in other
7 situations.

8 The court reporters working for the judges in the
9 courtroom are wearing one hat. The CART reporter, which is a
10 Computer Aided Realtime Reporter, is working as an advocate for
11 the deaf and the hard of hearing. They have two different
12 responsibilities. As Yolanda was saying, her responsibility is
13 toward her client, that nonspeaking client -- non-english
14 speaking client.

15 My responsibility as a CART reporter is for my deaf
16 client. I need to make sure that they understand what's going
17 on. That is, both exactly what is being said and what is
18 happening around them. There may be a commotion in the back of
19 the room and everyone stands to look. The hard of hearing
20 person may not know what's going on, what's happening here. My
21 job is to keep them informed of what's going on.

22 My job as a CART reporter is not necessarily to get
23 everything down verbatim. It's to make sure that they
24 understand. As you see when I'm working here, my job is to take
25 everything down verbatim. As you see I'm not getting everything

1 down verbatim. At a convention like this I cannot interrupt, so
2 I'm doing the best that I can. But a legal court reporter
3 cannot wear both hats.

4 His/her job is to get a legal transcript out and a
5 verbatim transcript out for the record. A CART reporter is to
6 work as an advocate for that hard of hearing person or deaf
7 person. In Spokane Superior Court there has been a couple of
8 instances where the court reporter has been asked to do both. I
9 did it, and it was fine. It worked out really well. But there
10 can be a problem if you need to get something across to your
11 client, your hard of hearing client.

12 The legal court reporter, what's most important for
13 that job is the record and not if this person is not
14 understanding. It's important that they understand what's going
15 on around them. So I may change what someone said. If it's not
16 going to come out in English, as you probalby have seen
17 sometimes it does not come out in English or has come out wrong.
18 I can change what is being said. In a legal proceeding I can't.

19 The point is to get them to understand. For example,
20 I may change the name "Mikhail Barishnikov" to "Russian ballet
21 dancer" so that they understand. That's just my experience. I
22 have worked with the deaf and hard of hearing in Spokane at some
23 meetings doing realtime for them and captioning.

24 Most of you probably understand what a court reporter
25 is and hopefully understand what realtime is. That is simply

1 what I am doing, taking down what everyone is saying and having
2 it come up on the computer. The deaf and hard of hearing group
3 in Spokane is not quite as proactive as I think they should be
4 because they're not receiving a lot of the services they are
5 entitled to.

6 In some of the bigger cities I've been in, I'm from
7 Boston and worked there with the deaf and hard of hearing for a
8 number of years, the deaf community is very proactive and they
9 insist and receive the services that they are entitled to
10 especially since the implementation of the ADA. I would hope
11 that the deaf and hard of hearing people hear in town avail
12 themselves more of services like this or at least the legal
13 community can try to offer those services to the deaf and hard
14 of hearing. Thank you very much.

15 JUSTICE CHARLES Z. SMITH: The next person is
16 Ms. Nancy Nelson Fletcher, Eastern Washington University.

17 NANCY NELSON FLETCHER: Good afternoon. I am Nancy
18 Nelson Fletcher. I am Director of the African American
19 Education Program at Eastern Washington University. I'm a
20 member of the Racial Disproportionality Board for the juvenile
21 court. I'm also a member of the Children's Justice Commission,
22 and I've work with as a volunteer in Airway Heights Correction
23 Center for just a little over two years.

24 I thank you for the opportunity to be here to address
25 the forum today, and I'm very happy to see the creation of the

1 diversity section within the Spokane County Bar Association. I
2 am doing mine in the form of questions. My first question is
3 for the Minority Justice Commission to consider, and they were
4 developed after looking at the website.

5 And first is should the Commission consist only of
6 one section of the employees of the justice system? And can
7 they effectively determine whether racial or ethnic bias exists
8 in the courts in which they are a part as opposed to having an
9 outside group looking at this?

10 I am also wondering if the subcommittees are meeting.
11 Also according to the website all of the committees haven't met
12 since 2001. I also would like to ask them how is the question
13 of whether racism exists measured, and how is improvement
14 measured for that?

15 My second set of questions is for the justice system
16 in general because I'm very concerned about disproportionality
17 in the court system, the prison system and the effect it's
18 having on the African American community and the United States
19 society as a whole. For one thing for justice to be equal, all
20 persons are guaranteed to have a right to have a jury of their
21 peers as I understand it.

22 Somehow that needs to be accomplished here in Spokane
23 where people of color are pretty much guaranteed not to have
24 anyone on the jury that looks like them. And since that's the
25 case, are the people on the jury, are they questioned as to what

1 their biases may be and whether they have racial biases or not
2 before they're put on these cases with people of color. And if
3 they do, how is this addressed? Are they eliminated from the
4 jury? Are they educated in some way, or do they continue to
5 serve?

6 We also need to continue to address the problem of
7 traffic stops. Being a director of African American Education,
8 I talk with many -- actually all of our male students have been
9 stopped several times. One young man who is in the military
10 came here in the winter and was stopped three times. Our
11 advisor to students has been stopped so many times he stopped
12 counting. They even called for back up before they even
13 approached his car.

14 None of them have even been given a ticket. So we
15 need to continue to look at that. We also need to examine how
16 people of color are perceived by the police, and how is racism
17 being examined, and eliminating it in the police force. Is
18 there education taking place?

19 Even for someone like me, when I bought my house in
20 Cheney, I turned on my signal to make a turn into my driveway,
21 and a police officer was driving up. He looked up and saw me
22 and suddenly he jumped to attention. And I said what on earth
23 am I doing? I'm sitting here. I know my signal is on. I know
24 I've come to a complete stop, and I waved for him to pass so I
25 could turn into my driveway.

1 Also I was talking to a young man who says he now
2 asks police when he they talk to him how come you're afraid of
3 me. He wants to know how come you're afraid of me. And if a
4 policeman answers him honestly, he actually shakes their hands
5 and thanks them for letting him know. One time when he called
6 for assistance, he was addressed and told to take his hand out
7 of his pocket. He said, "I called you, how come I have to take
8 my hands out of my pocket?" He said that's the procedure.

9 Well, his wife was standing next to him with her
10 hands in her pocket, and she had a weapon. But she was not told
11 to take her hand out of her pocket. She is a European American
12 woman. So we need to continue to look at how is this being
13 addressed within the police system.

14 Also since we're looking at the word "perceived", if
15 racism is "perceived", any perception of racism is real to the
16 person who perceives it. It may be the word "perceived" that
17 gives the idea that it's not real, but it is to that person.
18 And also we need to look at the ways in which the media reports
19 events and how they give descriptions of people involved in
20 those events.

21 We just had a recent one in Cheney where the first
22 report was a black male. That's the whole description. That's
23 everybody on my campus who works there, all the students,
24 everybody. So we need to look at what the media is doing and
25 why and how we can correct what they are doing. They need to be

1 aware of the impact of how they report, what the impact is on
2 innocent people.

3 And lastly I want the people to know that in our
4 department, I am a professor, we study African American History,
5 cultural issues constantly. We are available, Dr. Finnie will
6 be -- it won't be for another six months. After that time we
7 will be available to assist in any way we can. So I encourage
8 you to telephone us or come by and see us. Thank you very much.

9 JUSTICE CHARLES Z. SMITH: All of a sudden my age has
10 caught up. Mr. Roger Peven, P E V E N.

11 ROGER PEVEN: My name has stuck in the throats of a
12 lot of people.

13 (Laughter.)

14 ROGER PEVEN: My name is Roger Peven. I'm the
15 Federal Defender of Eastern Washington and Idaho. Our offices
16 are located in Yakima, Spokane, the Death Penalty Habeus Unit in
17 Moscow, Idaho, and two traditional offices in Pocatello and
18 Boise. Let me say that more than 40 percent of our clients are
19 hispanic, Spanish speaking, mostly men, and that goes throughout
20 the district.

21 These people have extraordinary needs. They are
22 faced with a language barrier, with a cultural barrier. And
23 most of these cases are called Alien in the United States after
24 deportation. I don't like to use the word "alien", but that's
25 what the law says. These are mostly young men who have come

1 back to the United States after being deported for criminal acts
2 and face years and years in prison for the mere fact that they
3 returned often solely to be with their families.

4 These individuals when sentenced to prison are sent
5 to the worst of the federal prisoners, segregated from most
6 other federal prisoners, and also are not given privileges of
7 other federal prisoners to be at work camps, allowed to get an
8 education, allowed to get jobs because they are not citizens.

9 We are extraordinarily sensitive to their needs.
10 Our minority recruitment within my office I consider excellent
11 and very successful, both with minority employees as well as
12 Spanish speaking lawyers of all races. These clients within the
13 Eastern District of Washington are even treated differently than
14 in the Western District of Washington or Oregon where the
15 sentences are vastly higher in this district than those other
16 two which is a prosecution decision and not a judicial one.

17 I would also say that within the jurisdiction of my
18 office are a number of truly great Native American tribes, the
19 seals of those tribes I note are above my head behind me. And
20 those cases, too, are extraordinarily difficult to defend. I
21 will say this, although it pains me to do so, there are a large
22 number of under-prosecutions within those districts -- within
23 those Native American tribes, where especially Native American
24 victims are facing white alleged perpetrators.

25 The jurisdictional aspects means that often times the

1 tribe has no jurisdiction over a white alleged defendant. The
2 state for a variety of reasons won't take the case, and the
3 United States Attorney's Office who may have jurisdiction
4 chooses not to prosecute. That's a real problem.

5 I think I can finally say that both for hispanic,
6 black american, and for native americans while their judges,
7 their clerks, their staff, the prosecution office are almost
8 predominantly or are exclusively white, the juries, too, are as
9 well.

10 The Supreme Court of both the United States and of
11 Washington have addressed the very important issue of excluding
12 jurors by lawyers within a trial setting. But that doesn't do
13 much good if there are no minorities on the panel. So grand
14 juries and trial juries, we need to be extraordinarily sensitive
15 to get a better representation of native american, hispanic, and
16 other minorities. Thank you.

17 JUSTICE CHARLES Z. SMITH: Next we will have
18 Ms. Terry Scott, S C O T T. I don't know what happened to my
19 voice. It has never happened to me before.

20 TERRY SCOTT: Good afternoon. Thank you for allowing
21 me to make a few comments. My name is Terry Scott. I'm from
22 Washington State University. I volunteer in such organizations
23 such as the Division for Children and Family Services, as the
24 past Chair for that organization. And many other organizations
25 that touch the lives, that affect the lives of people of color

1 and children in this community.

2 My comments today shall be based upon my reflections
3 as a community volunteer and in specific as they pertain to the
4 justice system. My first comment is to continue to look at why
5 there's a disproportionate number of people of color in the
6 system. This is not just an issue that is a single agency or
7 department, but it has multiple levels, and it also affects
8 multiple systems and then develop and implement steps for a
9 change.

10 With the disproportionate number of people of color
11 in the justice system, it is important to have a strong Public
12 Defender program. I would also add a Federal Defender Program
13 as well. It is important that the defendant system provide
14 strong representation for those in the community who need it.

15 My third point is the consideration and
16 implementation of culturally relevant placement options as
17 alternatives to confinement for offenders and for the foster
18 care system in dependency cases. In the foster care system I
19 have seen this work. It is important to consider relative
20 placement as an option than relying on parents to provide this
21 type of support.

22 Fourth, there is a great need to develop and
23 implement strong recruitment and retention programs for the
24 entire justice system that is reflective of our society at
25 large. With this the systems would have familiar faces that

1 would encourage engagement and trust building within these
2 systems.

3 And my last comment is training around the issues
4 of -- around cultural competency for all staff. I think that's
5 been reflected in some of the comments that you've heard
6 earlier. As our society, community continues to become more
7 diverse, it is important to understand, develop, and implement
8 strategies that are successful for intervention and make changes
9 that will benefit all.

10 There are so many other issues that could be
11 addressed and are being addressed by other folks that are
12 speaking today. I appreciate the Commission's visit to Spokane
13 and hope there is continued dialogue around all of the issues
14 that have been presented today. Thank you.

15 (Applause.)

16 JUSTICE CHARLES Z. SMITH: We next have a team of two
17 persons, Mr. Rafael Gray and Mr. Floyd Rhodes. Would you come
18 forward, please. Would you introduce yourselves each and then
19 proceed.

20 FLOYD RHODES: Hi. My name is Floyd Rhodes.

21 RAFAEL GRAY: My name is Rafael Gray. I'm a Juvenile
22 Corrections Officer at the Spokane Juvenile Detention Center.

23 FLOYD RHODES: Like I said my name is Floyd Rhodes.
24 I'm a Juvenile Probation Officer. I'm a Supervising Juvenile
25 Probation Officer. As a supervising probation officer I'm

1 responsible for monitoring the court order that the judge has
2 set forth. If the judge says no drugs, if the judge sets a
3 curfew, go to school, my job is to go out and ensure. I go to
4 the homes. I go to the schools. I talk to the principals. I
5 talk to the counsellors. And I love doing what I do. As a
6 Supervising Probation Officer, we play a major, major part in a
7 juvenile's life almost like a parent in some aspects.

8 One thing I notice in the juvenile system here in
9 Spokane, I have several hispanic kids in my case load, I have
10 some Native Americans. They ask me occasionally how come
11 there's nobody that looks like me. I really don't have an
12 answer for them. What they're looking for is somebody they can
13 identify with. They're looking for somebody they feel they can
14 trust.

15 So I think from my observations, my perception is we
16 need to recruit. In other words so they feel they can trust,
17 they can't trust a caucasian on appeal. It's not necessarily
18 true, but that's their perceptions. Recently I also volunteered
19 at the Spokane County Jail. I go over there and do bible study.
20 I walked through the door about a month ago. There's two
21 African American guys asked me, they said we're glad you're
22 here. I said why's that. He said because everybody that comes
23 here is white.

24 I was thinking to myself, the white preachers spread
25 the same gospel that I spread. But basically they say in their

1 mind, they can trust what's coming out of my mouth. They feel
2 comfortable with what's coming out of my mouth. I think it's
3 the same thing with the juveniles here. They feel as though
4 they can trust what comes out of culturally somebody who looks
5 like them.

6 So my observation is I think we need to recruit.
7 When I say recruit, I don't mean let's go out and get anybody.
8 I mean let's go out and get qualified applicants. Recruiting
9 means everybody is equal with the same plate. I think that's
10 very needed here in Spokane County. Thank you very much.

11 RAFAEL GRAY: I'm a corrections officer working at
12 juvenile detention. I see many of the people you're talking
13 about today. I started in 1983, and at the time I was the only
14 African American working in the Juvenile Detention Center. Now
15 I would have to say probably out of all the organizations in the
16 county, we reflect -- the detention center reflects the
17 community more than probably anybody else. But that's inside
18 locked doors.

19 Outside of those doors I haven't seen minority
20 secretaries all through the building. When you have parents
21 come in, they look around for comfort. If they don't see
22 anybody that looks like them, then they may be nervous. They
23 may not talk about things they should be talking about.

24 Recruitment is important. But also posters that say
25 you're welcome here. Maybe sayings in different languages that

1 say we're going to try to understand what you want. I've heard
2 a lot about interpreters. But are we interpreting the cultures
3 that we're dealing with, how the law is going to deal with them
4 and their families?

5 Because it's not just the kid. A lot of times it's
6 the families that also suffer. And are we interpreting with the
7 culture that they came from and how that's going to affect them
8 because it does. The Equal Justice Commission used to come and
9 help kids of color, and they lost their grant. And now we have
10 kids that sit in detention because there's no place for them.
11 There aren't placements in foster homes for kids of color.

12 I wear a lot of different hats. And one is a mentor
13 and one is a role model. Because when you ask a young man in
14 detention what a successful black man looks like in Spokane, a
15 lot of times he's a pimp. He drives a long car and has lots of
16 gold and all this kind of thing, and he's a criminal. And
17 that's not the perceptions that we want.

18 But they also look around themselves because they're
19 in the facility. And they only see Floyd and a couple of other
20 people that look like them, and most of us are line staff. The
21 first ones you -- you get your foot in the door, and sometimes
22 it stays there. I've been in Spokane a long time, and I felt
23 like at first that Spokane was trying to chase me away. But I
24 decided to stay in Spokane because Spokane -- You hear a lot
25 about pioneers. Well, I'm a pioneer.

1 I chose to stay here, claim my stake, and try to make
2 a difference. And I think that's what we need to do in our
3 community. We need to recruit people who want to make a
4 difference, who want to be pioneers. Pioneers are the first,
5 and they also are the ones that have to suffer the most
6 sometimes. It's a hard road, but the reward is a great one.

7 We don't need to lose any more kids to gang banging
8 or anything else. I also see kids taking offer pleas who don't
9 know exactly what they're doing until it's too late. I don't
10 see that as a good thing in the juvenile system. A lot of these
11 kids don't understand exactly what they're doing, and they don't
12 have the families to ask, or they don't want to ask questions to
13 people they perceive to be the enemy.

14 We need to know these kids a little better. Having
15 these kind of Commissions and forums are great, but it's the
16 kids and the parents that need to see the change. Maybe if they
17 were sitting here with us discussing these issues and what they
18 want, maybe it would be a little different.

19 But I appreciate these times. I've made every effort
20 to make all the Equal Justice Commission things they have here
21 at Gonzaga. I try to stay active in the community. And we all
22 know without reservation that there's more that needs to be
23 done. We know that.

24 It's time for action. I am great on talk and I love
25 to talk, but I'd rather act. I'd rather come out here to the

1 law school and ask those kids that want to be correction
2 officers, ask me some questions, ask me what it's like. We have
3 all these colleges. We have the Air Force. And yet we don't
4 have people applying for jobs. Why is that? Our doors are
5 open, but people aren't walking through those doors, and we need
6 to find out why.

7 There has to be a reason why people aren't coming
8 down and asking for jobs and looking for jobs. Are they getting
9 screened out? I think a lot are getting screened out, but you
10 can't screen everybody out. You have to take a chance on some
11 people. I welcome the opportunity to speak. Thank you very
12 much.

13 (Applause.)

14 CHARLES Z. SMITH: According to my list we have run
15 out of scheduled speakers. However, because we have some time
16 remaining, I will vary from our previous rule that Commission
17 members may not speak, and I would allow an opportunity for any
18 member of the Commission to speak or ask rhetorical questions.

19 SPEAKER: Justice Smith, thank you. I just wanted to
20 answer one of the questions that was asked earlier about the
21 subcommittees on the website because the website information is
22 not current. Subcommittees are meeting regularly. In fact, at
23 least two of them have met in the last couple of weeks. And so
24 we are meeting, and we should try to get our website up to date
25 so you can find out what we're up to. I'd be happy to answer

1 detailed questions about that if you'd like.

2 ERICA CHUNG: I will act on that. I apologize for the
3 website. We've been trying to update it. But because the
4 website is not user friendly, we've been trying to reconfigure
5 the website first before we actually update. That's the reason
6 for the fact that the website is not up to date.

7 JUSTICE CHARLES Z. SMITH: It's still bad public
8 relations.

9 ERICA CHUNG: Yes. I apologize. I will try to get
10 the notes from the subcommittees as soon as possible.

11 JUSTICE CHARLES Z. SMITH: All right. Other
12 comments, observations, or questions? Yes, ma'am?

13 RUTH NICHOLS: Justice Smith, I'm not a member of the
14 Commission. However, I am a member of the community.

15 JUSTICE CHARLES Z. SMITH: Well, you're entitled.

16 RUTH NICHOLS: Thank you. Do I come up front or just
17 speak with a loud voice from here? Let me stand from here. My
18 name is Ruth Nichols. And I am here at the invitation of Pastor
19 Lonnie Mitchell of Bethel African Methodist Episcopalian Church
20 here in Spokane. We certainly welcome you to our community.
21 I've heard a lot said, and many things are pertinent. Oh -- and
22 I might mention that somebody mentioned pioneers. I am a member
23 of the Northwest Black Pioneers. I was born in Spokane. I'm
24 the original article.

25 (Applause.)

1 RUTH NICHOLS: And talking about originality, I've
2 mentioned to some individuals that my sister Frances Scott was
3 the first African American woman to graduate from Gonzaga
4 University, and that was in the '70s. Honey, Gonzaga didn't
5 come of age until late. But be that as it may, I had not heard
6 one word about prevention. Or if there was something said about
7 prevention, I didn't hear it. Now, in about a week I'm going to
8 kiss my 70's goodbye. And the last --

9 (Applause.)

10 RUTH NICHOLS: I'm well-preserved. Thank you. Now,
11 it's not fun and games with me. However, I've heard a lot said
12 about cultural sensitivity, about the anglos, the whites, the
13 caucasions. That's the real world. And I think we need to look
14 at a number of things. How long is that excuse going to work?
15 And I know not everyone is going to agree with what I say.
16 However, cultural sensitivity is a two-way street.

17 And as I look and as I observe in Spokane -- I live
18 on the northeast side. We've been property owners over there
19 for well over a half century. And I see gang graffiti. And
20 there's shooting. And there's drugs. And this is recent. By
21 recent I would say in the past five years. Now, something is
22 happening to this city. We are of age as far as drugs and gangs
23 and thuggery is concerned.

24 So we need to teach our children something. They
25 wouldn't be in the predicament that all of you are talking about

1 if they stayed out of jail. So when are we going to start
2 teaching them to stay out of jail and out of the juvenile
3 justice system?

4 The other thing is I said this was the real world.
5 And as I kiss my 70's goodbye, I remember the time -- I'm a
6 veteran. I'm a veteran. I have two masters degrees. I
7 remember the time when I graduated from college here in Spokane,
8 I have a Catholic education. And I was offered a job as a
9 housekeeper for the Chief of Police. Well, it was necessary for
10 me to leave town in order to get a job.

11 I was a trained occupational therapist. And I went
12 to Alaska. So there was a time when we couldn't get a job in
13 Spokane. So there are a lot of things, a lot of things that we
14 need to teach to our people of color, all colors, and really
15 start to take a look at some of the excuses that I've heard here
16 today. They're not going to work much longer. They are not
17 going to work much longer.

18 And maybe we need to take a look at, consider these
19 factors: How frequently do we see any Asian, Chinese or
20 Japanese, of which we've had in this community all the years of
21 my life, in the juvenile or adult systems? So maybe we need to
22 take a look at some of the other cultures, what are they doing?
23 Our excuses are not going to work too much longer, folks. It
24 ain't that kind of world anymore, not the world I came up in.
25 Amen. Thanks for letting me speak.

1 (Applause.)

2 JUSTICE CHARLES Z. SMITH: Yes, sir. Lonnie
3 Mitchell.

4 PASTOR LONNIE MITCHELL: First of all, I'd just want
5 to take this opportunity to welcome the Loren Miller Bar
6 Association over here. One of my good friends is part of the
7 organization and that is the Judge McCullough. We're so glad
8 you're over here. Spokane is a place where there's lots of
9 opportunities. And we have to continue to -- we have to
10 continue to do our part in partnering with individuals so that
11 we can make a better place here in Spokane.

12 We are just about -- let's see, this is our 10th year
13 as sponsors of the Unity and Community Celebration which is
14 going to be this August 7. And we're going to continue to
15 showcase our diversity out in the park. The Equal Justice
16 Project that was helping the kids to sort of have alternative
17 means to detention has just lost its grant. Meaning that it
18 just ran out. And so right now we're in the process of trying
19 to find more grant money.

20 However, what we're going to do in the meantime,
21 we're going to train volunteers that will do that work so that
22 we can continue that fine work that our advocates did. So those
23 of you who are here today that might want to be advocates for
24 youth, this is a great opportunity where we can all step up and
25 help out. The grant is gone, but that doesn't mean that we have

1 to stop doing the good work that we're doing to help youth to
2 get out of the juvenile system and get on a good road.

3 So I'm just standing up and saying to those of us who
4 are here in Spokane, let's do something. And I know we're
5 talking about prevention. We're here to do things about
6 prevention in terms of getting our youth educated, doing some
7 things to help the youth, to have a better life, to partner with
8 the police department in such a way that our youth are not
9 always targeted as thugs.

10 A lot of our youth here in the City of Spokane are
11 good kids, wonderful kids. And so we have to continue to
12 partner with the police department and look for ways to
13 eliminate that DWB, driving while black. I think if we continue
14 to do the work that we're doing through cooperation and
15 partnership, I believe that we're going to be better off.

16 So we have a lot of work to do, but I think that we
17 can do it because the great people that we have here in Spokane
18 that are working together to make this a better place. Thank
19 you very much. And we really appreciate you being over here in
20 our fine city.

21 JUSTICE CHARLES Z. SMITH: Thank you very much.

22 (Applause.)

23 SUSAN CARY: Thank you. My name is Susan Cary. I'm
24 a Volunteer Programs Coordinator at Spokane County Juvenile
25 Court. Speaking of volunteers, thank you for bringing it up.

1 We have three major volunteer programs at juvenile court. One
2 is the CASA program. Those volunteers advocate for the rights
3 of abused and neglected children within the court system.

4 We have a neighborhood accountability board, a
5 diversion program. Those volunteers meet with first and second
6 time offenders in an attempt to keep them from coming into the
7 system again. Those volunteers can assign contracts to those
8 kids requiring them to do community service, pay restitution,
9 attend counselling. Basically the same conditions they'd be
10 looking at if they were in court. The exception being the kids
11 in the diversion program aren't looking at detention time or
12 probation time.

13 We also have an exceptional mentoring program in our
14 detention facility where kids are matched one-on-one with a
15 positive adult role model who comes in anywhere from 1 to 4
16 times a week to spend time with them. We are dying for people
17 of color as volunteers in juvenile court. As has been mentioned
18 several times here today, kids tend to stand back if they don't
19 see somebody who looks like them.

20 If you've got a group, church group, work group, your
21 business, I don't care what time of day it meets, I don't care
22 where they meet, I will be delighted to come to speak to your
23 group and try to get more folks of color into the juvenile court
24 community. As a volunteer myself and from what I've heard from
25 volunteers for the last 14 years, and I've been at juvenile

1 court for 20 years starting as a volunteer, besides being
2 difficult and challenging work, it is also extremely rewarding.

3 We see light bulbs come on over kids' heads. We've
4 got a lot of Gonzaga students both from the law school and the
5 university as volunteers, especially in our mentoring program.
6 They come and do 30 hours of service learning and they're here a
7 year later. Because what they get from the kids and the
8 interacting with them is more than they ever thought they would
9 experience. They came to serve and end up being served by the
10 kids.

11 So I encourage you. I've got brochures. I've got
12 business cards. Please get them before you leave today. I mean
13 it -- any time of day or night, any place your group meets, I'm
14 there to talk with them. Thank you for the opportunity to
15 speak.

16 (Applause.)

17 MR. RAFAEL GRAY: One of the things I also do is I
18 facilitate diversity class on Saturdays, every Saturday in the
19 juvenile detention center. And one of the things that the
20 children and I saw and have learned is that in the civil rights
21 movement it wasn't done by blacks alone. It was done hand in
22 hand with all the citizens who were interested in that, white,
23 black, yellow, brown. And it seems like we separate a lot of
24 this stuff out.

25 You give me a holiday, great. But that's not my

1 holiday, that's our holiday. It's a national holiday. It just
2 seems like it takes 9/11, a hurricane or something, and you
3 watch TV and you see everybody working together. There's no
4 racial tension. There is no separation. We don't even talk
5 about race. The Olympics are about to start. We look for the
6 winner -- U.S.A., U.S.A. You don't say, hey, it was an African
7 American that won. It doesn't matter.

8 The kids watch what we do. When we separate
9 ourselves, they also separate themselves. They take their lead
10 from ours. I see it in detention. Sometimes the kids will
11 segregate themselves. When we get in there and start talking
12 with them, it's when they start to integrate. So my challenge
13 to you is on Saturdays from 10 to 12 where I do a cultural
14 diversity class. I facilitate because I don't know everything
15 myself. I heard once there are no experts in diversity. Run if
16 you find one. Because it's a lifetime experience.

17 But if you have something to share, we have the kids
18 that want to learn. They're sponges. They want to learn. They
19 want to know. And they do wonderful things. If you give them
20 the chance they will show you wonderful things.

21 These are our kids. And it's just like the saying --
22 I've heard it many times -- it takes a whole village to raise
23 one child. And we've got a lot of children that need to be
24 raised in this detention center. We are the ambassadors. They
25 can also be the ambassadors. If we teach them, they will go out

1 and talk to someone else. And then this Commission will not be
2 necessary because we will have ambassadors all over the
3 community. Thank you.

4 (Applause.)

5 JUSTICE CHARLES Z. SMITH: I think we have pretty
6 much exhausted our attention. I very much appreciate the
7 attendance and the attention with the attendance. But again I
8 wish to especially thank Judge Gregory D. Sypolt of the Spokane
9 County Superior Court and Judge James M. Murphy (Retired), and I
10 could not end this session without acknowledging the presence of
11 another Superior Court Judge, Judge Paul Bastine, who is
12 retiring from the Spokane County Superior Court. And we are
13 grateful for your years of dedicated service in the court.

14 (Applause.)

15 JUSTICE CHARLES Z. SMITH: And although our
16 Commission is heavily weighted with judges, I am looking to see
17 which other judge -- Dennis D. Yule from the Tri-Cities area of
18 the Franklin-Benton County Superior Court. Dennis, we're glad
19 to have you. He's a member of our commission.

20 And Judge Moreno. Oh, you came in. Judge Maryann
21 Moreno, the Spokane County Superior Court. We are delighted.
22 She was in court and out of court. So she left court and came
23 to our meeting and left the meeting and went back to court. But
24 that's what we have judges do. They work from 9 until 12 and
25 1:30 until 4, five days a week. And then they work in the

1 evenings getting ready for the next day.

2 There is no rest for judges in this state. And so we
3 are most grateful to have a Commission such as ours which has
4 Superior Court Judges, Court of Appeals Judges, Federal Judges,
5 Judges of Municipal Courts. And this is not solely a Commission
6 for judges. It is a Commission to help judges to do better in
7 what it is we expect them to do. But we do have laypersons on
8 our Commission. We have lawyers. I will not go through and
9 identify all of them here. But we have young lawyers. We have
10 older lawyers. We have nonlawyers.

11 We have 21 members of the Commission appointed by the
12 Supreme Court and about 25 technical support persons appointed
13 by the Commission itself. And that gives us an opportunity to
14 have a cross-section of persons representing all backgrounds,
15 all ethnic groups, all levels of sophistication. And we really
16 do work. We work harder than having public forums.

17 In fact, our public forums are rare. But we meet on
18 a regular basis. We have subcommittees, five subcommittees that
19 meet regularly. And we publish an annual report. We publish a
20 quarterly newsletter. And Ms. Chung is working with the
21 webmaster and the administrative office of the courts to do a
22 better job of our website. Our website is presently an
23 embarrassment. And until we have a better work done on our
24 website, we will not be totally responsible for what you read or
25 what you don't read.

1 And again thanks to each of you from the community
2 for being here. Thanks to all the members of our Commission who
3 are here. We hope to come back another time, if we are invited.
4 Thank you very much.

5 (Applause.)

6 (Public Forum concludes at 3:30 p.m.)

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I, Joan M. Snover, Registered Merit Reporter and
Certified Realtime Reporter, do hereby certify that the
foregoing transcript is a true and accurate transcription of the
foregoing meeting.

Joan M. Snover
Registered Merit Reporter
Certified Realtime Reporter
CERT NO. SNOVEJM387NA

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