



EQUAL JUSTICE

Through awareness, education and action

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An official publication of the Washington State Minority and Justice Commission

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MINORITY AND JUSTICE COMMISSION SEEKS NORTHWEST ART

The Washington State Minority and Justice Commission, since its creation, has regularly chosen works by Pacific Northwest artists for reproduction as a Commission poster that reflects a dimension of the racial and ethnic diversity of the communities served by Washington State courts. The posters have proven to be popular and grace the walls of many courtrooms, judges' chambers and public offices in courthouses throughout the state.

The most recent acquisition, with the right to reproduce as a poster, was the oil painting by Beaverton, Oregon artist Joachim McMillan, titled "The Flag," (pictured below) which was donated by Mr. McMillan in 2010. "The Flag", and the other pieces of work that have been selected by the Commission, can be viewed on Washington State Courts Web site at www.courts.wa.gov, under "boards and commissions" and "Minority and Justice Commission."



The Commission is currently soliciting offers from Pacific Northwest artists to donate limited reproduction rights pieces of their work for consideration and possible selection by the Commission. Although budget constraints prevent the Commission from providing monetary compensation for a selected piece, publication and dissemination of posters of the selection will provide substantial exposure throughout the state. Submissions, accompanied by contact information for the artist, should be transmitted electronically to montomorton@courts.wa.gov by November 1, 2011. It is expected that a final selection will be made and announced in December 2011.

BECOMING A JUDGE: A NEW GUIDEBOOK EXPLAINS THE PROCESS

The Washington State Minority and Justice Commission has released "Diversifying the Bench Guidebook: How to Become a Judicial Officer," which demystifies and explains the process of becoming a judge.

"Diversifying the Bench" is a practical guidebook which explains jurisdiction, judicial eligibility, terms of office, salaries, campaigning and selection processes (for mid-term replacements) for each court level in Washington, as well as evaluations of judicial applicants by the Governor's office (also for mid-term judicial replacements), evaluations of judicial candidates by state and local bar associations, and more.

The guide was developed by the Commission's Workforce Diversity Committee, co-chaired by King County Superior Court Judge Deborah Fleck and

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EQUAL JUSTICE

Equal Justice is the official publication of the Washington State Minority and Justice Commission. It serves as a communications and networking tool providing information about programs, projects and issues concerning the Washington State legal community.

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As we seek to make *Equal Justice* more relevant and helpful to our readers, your responses and suggestions, as well as information concerning programs and activities occurring in Washington State's legal community, are critically important. We encourage your comments. They should be sent to Mr. Monto S. Morton, Executive Director of the Washington State Minority and Justice Commission, at: monto.morton@courts.wa.gov, or Administrative Office of the Courts, Post Office Box 41170 Olympia, Washington 98504-1170.

Website:

http://www.courts.wa.gov/programs_orgs/index.cfm

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Department of Social and Health Services Special Assistant to the Secretary Bonnie Glenn.

“It can be difficult for non-judges to learn all of the details about the requirements, selection and campaign processes for becoming a judge,” Fleck said. “The Workforce Diversity Committee members wanted to bring all of this information together in one guidebook that could be used by any group as a training and educational tool to help diversify the bench in Washington State. An important element in ensuring trust and confidence in Washington’s court system, diversity on the bench would mean the public could walk into courtrooms and see the diversity of the community reflected in the judges who oversee their cases.”

The guidebook includes a “Judges’ Insight” section which gathers experiences and lessons learned by many Washington state judges on their way to the bench. A diverse group of judges from around the state gathered to engage in a discussion, guided by King County Superior Court Judge LeRoy McCullough and Bonnie Glenn. The Guidebook can be found online at: <http://www.courts.wa.gov/committee/pdf/Diversifying%20the%20Bench%20Guidebook.pdf>. For more information contact Monto Shan Morton, executive director of the Minority and Justice Commission, (360) 705-5327 or monto.morton@courts.wa.gov.

BOARD FOR JUDICIAL ADMINISTRATION RESOLUTION

The Board for Judicial Administration (BJA) is the policy making body of the judicial branch of government in Washington State. It exists to adopt policies and provide strategic leadership for the courts at large, enabling the Judiciary to speak with one voice.

The BJA unanimously adopted a resolution relating to race and the justice system at the July 2011 Board meeting (see resolution below). The Resolution reflects the BJA’s strong commitment to ensuring that all people are treated fairly and impartially in Washington courts and that all people perceive that they have received equal justice under the law.

To achieve these goals, the Resolution identifies specific and practical steps that must be taken through a well-coordinated effort by the judicial branch, the Washington State Bar Association, the minority bar associations, law schools and other interested stakeholders, including the executive and legislative branches of government.

Judge Deborah D. Fleck, King County Superior Court, stated, “It is my hope that this Resolution reflecting the Washington judiciary’s commitment to equal justice for everyone will inspire us to review, analyze and correct policies, practices, and laws that interfere with

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the reality and the perception of equal and impartial justice under the law, a cornerstone of our democratic form of government.”

RESOLUTION of the BOARD FOR JUDICIAL
ADMINISTRATION
of the State of Washington

WHEREAS, equal justice is fundamental to the American system of government under law; and

WHEREAS, racial and ethnic bias have no place in the justice system; and

WHEREAS, facially neutral policies and practices that have a disparate impact on people of color contribute significantly to disproportionalities in the criminal and civil justice system, and

WHEREAS, racial and ethnic bias distort decision-making at various stages in the criminal and civil justice system, thus contributing to disproportionality and disparate treatment in the criminal and civil justice system, and

WHEREAS, racial and ethnic bias matter in ways that are not fair, that do not advance legitimate public safety objectives, that produce disproportionality, disparate treatment and disparate impact in the criminal and civil justice system, and that undermine public trust and confidence in our legal system; and

WHEREAS, the judiciary, consistent with its obligation to administer justice fairly, efficiently and effectively, has a vital role to play in ensuring that existing and proposed rules, policies and practices are fair and do not result in racial or ethnic disproportionality and disparate impact in the criminal and civil justice system; and

WHEREAS, the Board for Judicial Administration as the policy-making body of Washington’s judicial branch of government plays a leadership role to ensure fairness in the justice system,

NOW THEREFORE, BE IT RESOLVED that the Board for Judicial Administration endorses and strongly advocates a well-coordinated effort by the judicial branch, the Washington State Bar Association, minority bar associations, law schools and interested stakeholders to accomplish the following:

- (1) Educate the public and those in the justice system on racial and ethnic disproportionality, disparate treatment and disparate impact occurring in the justice system;
- (2) Evaluate existing and proposed rules, policies and practices to determine whether they contribute to racial and ethnic disproportionality or disparate impact in the justice system, and if so, how such impacts can be avoided or corrected;
- (3) Identify corrective measures and pursue system-wide improvements in racial and ethnic fairness;
- (4) Measure and evaluate progress in addressing these issues that are critical to a fair and impartial system of justice in Washington; and
- (5) Develop and implement action plans to accomplish the objectives above to eliminate racial and ethnic disproportionality, disparate treatment and disparate impact in the justice system; and

BE IT FURTHER RESOLVED that the Board for Judicial Administration encourages the judicial branch, the Washington State Bar Association, minority bar associations, law schools and interested stakeholders to work with members of the executive and legislative branches, as appropriate, to promote the adoption of laws, policies and evidence-based practices shown to be effective in reducing racial and ethnic disproportionality and disparate impact in the criminal and civil justice system.

**PILOT JUDICIAL DIVERSITY PROGRAM
COMING TO WASHINGTON IN OCTOBER**

The Lawyers’ Committee for Civil Rights Under Law, a national nonprofit, nonpartisan legal organization, will launch a yearlong pilot Judicial Diversity Program in October, 2011, for those interested in pursuing a career on the bench in Washington State. The Program will pair selected lawyers with an active or retired Washington state judge who will mentor them by (1) demystifying the judicial appointment and election process, (2) providing professional guidance and support, (3) increasing awareness regarding what it is like to serve as a judge, and (4) increasing understanding and knowledge of the judicial system. Throughout the program, quarterly workshops and panels will be organized to enrich participants’ understanding of the judicial process.

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Applicants must have at least 5 years of experience as a licensed attorney. More information and application forms are available on the Committee's website at: <http://www.lawyerscommittee.org/issues?id=0008>.

OFFICE OF ADMINISTRATIVE HEARINGS TO PROVIDE TRAININGS

The Washington State Office of Administrative Hearings (OAH) will be conducting support staff cultural competency trainings and group viewings of OAH produced mock hearing videos. Similar sessions were provided to all Washington administrative law judges in 2010.

OAH is also developing a CLE on *Ensuring Equal Access for People with Disabilities: A Guide for Washington Administrative Proceedings Manual*. The manual was prepared by the Justice Without Barriers Committee of the Washington State Access to Justice Board and has been endorsed by all three law schools in the state and a number of other organizations. This project was initiated after the adoption of General Rule 33: Requests for Accommodation for Persons with Disabilities, applicable in Washington state Courts. More information is available at the OAH website <http://www.oah.wa.gov>.

CITY OF YAKIMA REQUIRES E-VERIFY

A divided Yakima City Council recently approved the requirement that all businesses contracting with the city verify the legal status of their employees by using the E-Verify system operated by, the US Department of Homeland Security. The requirement has been opposed by members of Yakima's Latino population and was rejected by the council last year following testimony that the online verification program was prone to error and that its imposition could alienate Yakima's growing Latino communities. For more information, visit: <http://www.yakima-herald.com/stories/2011/06/7/yakima-city-council-approves-use-of-e-verify>

SECURE COMMUNITIES PROGRAM OF IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY STIRS CONTROVERSY

The Immigration and Customs Enforcement (ICE) Agency of the Department of Homeland Security

(DHS) began its Secure Communities program in 2008 with the goal of identifying serious criminals who are non-citizens in the country without an immigration status or with deportation orders through the sharing of finger prints obtained as part of the booking process at local jails. Persons identified under the program are placed on detainers by ICE, which require jails to hold them for 48 working hours after the criminal process is completed or the person is released on bail. Participation in the program by local law enforcement agencies is voluntary. As of July 2011, one county in Washington, Yakima County, has begun participating in Secure Communities, and 12 other counties are considering joining.

The program has drawn significant opposition and criticism. The Congressional Hispanic Caucus, the Congressional Progressive Caucus, and the Los Angeles Congressional Delegation have called for a moratorium on Secure Communities. Illinois, New York, and Massachusetts have respectively terminated, suspended, or declined to participate in the Secure Communities program.

Critics, including law enforcement officials have raised serious concerns that the program encourages racial profiling and sweeps up many undocumented persons who have no or very minor criminal histories, including often particularly vulnerable victims of crime, and the critics point to ICE statistics that confirm that such persons represent a sizeable majority of those identified and detained under the Safe Communities program.

UW LAW STUDENTS TAKE ASSISTANCE TO RURAL ALASKAN NATIVES

For a week in the dark month of February, UW law student volunteers and representatives of the Alaska Business Development Center (ABDC), travel to the farthest reaches of Alaska, where temperatures can fall below -20, to help native villagers with their taxes.

These students make the journey to help solve a problem. Many Alaskan Natives derive their incomes from sole proprietor commercial fishing businesses. With minds often focused on the catch, retaining receipts and timely filing of tax returns can easily be overlooked by local residents. These oversights raise the specter of IRS collection against commercial fishing permits and other assets held by Alaska Natives living in these communities, which could potentially lead to devastation of the fragile village economies. In

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addition, tax credits – particularly the Earned Income Tax Credit – can provide much-needed funds to the villages.

A request by the Alaska Native Corporations and community organizations that ABDC provide tax preparation and counseling services in rural communities led to the formation of a partnership between ABDC and the UW Law Graduate Taxation Program under the leadership of Roberta Armstrong, then a third-year law student at the University of Washington. Serving as volunteers, Armstrong and other UW Law students assisted sole proprietors, commercial fishers, and individuals who need assistance due to low income, language barriers and isolation.

In 2011, the program grew to include twelve students on the UW Law team. Together they prepared 995 tax returns resulting in tax refunds totaling \$1,506,679.

In addition to these remarkable returns, the program offers students a multi-disciplinary, educational experience. Link: <http://issuu.com/uwschooloflaw/docs/uwlawp22> (Elizabeth Coplan, Director of Media Relations & Marketing, University of Washington School of Law)

MIDDLE EASTERN LEGAL ASSOCIATION OF WASHINGTON SEEKS ATTORNEY VOLUNTEERS FOR ITS VIRTUAL LEGAL CLINIC

The Middle Eastern Legal Association of Washington, through a virtual clinic it launched on October 1, 2010, provides a phone line that persons may use to leave a message requesting a half hour consultation with an attorney. MELAW board members match requests with volunteer attorneys and set up half hour phone consultations. The clinic has recently become a member of King County Bar Association's neighborhood legal clinic program. Consultation requests extend over a large range of legal areas, especially relating to domestic violence, divorce, bankruptcy, garnishment and passport assistance. MELWA is currently seeking additional volunteer attorneys to meet the demand for telephone consultations, and is particularly in critical need of volunteers who speak a Middle Eastern or East African language. Attorneys interested in volunteering for the clinic may send their name, email address, business address, phone number, bar number, and specialty of law to sahar@melegal.org or kerem@melegal.org. More information about MELWA and its virtual clinic program is available at: www.melegal.org.

KOREAN AMERICAN BAR ASSOCIATION RECRUITS VOLUNTEERS FOR ITS LEGAL CLINICS IN PIERCE AND KING COUNTIES

The Korean American Bar Association (KABA) is recruiting volunteer attorneys and law students to provide free legal assistance to needy clients at two locations. KABA provides two pro bono legal clinics: one in Pierce County and one in King/Snohomish Counties.

The Pierce County KABA, in partnership with the *Multicultural Self-Sufficiency Movement* (formerly known as *My Service Mind*) and the Tacoma Pierce County Bar Association, holds a legal clinic at *Multicultural Self-Sufficiency Movement* offices in Lakewood, Washington on a weekly basis. Persons interested in more information or in volunteering for the Lakewood clinic, should contact Sunni Ko at: Sunni.Ko@usdoj.gov.

Serving King and Snohomish Counties, KABA operates a newly reestablished clinic in partnership with the *Korean Community Services Center* in Edmonds, Washington every second Thursday from 6:00 p.m. to 8:00 p.m. and every fourth Saturday from 9:00 a.m. to 11:00 a.m. The clinic is a neighborhood legal clinic recognized by King County Bar Association and Snohomish County Bar Association.

Persons interested in more information or in volunteering for the Edmonds clinic may contact John Chung at jchung92@gmail.com. Korean interpreters are available at both clinics to assist non-Korean speaking volunteers.

GRANT COUNTY DISTRICT COURT BEGINS REMOTE VIDEO INTERPRETING

A project providing video remote interpreting has been started in Grant County District Court. InDemand, a company based in Wenatchee that employs a court certified interpreter, has collaborated with Grant County and the Administrative Office of the Courts to launch a 3-month pilot project.

ACCESS TO JUSTICE CONFERENCE

The Washington State Access to Justice Board works to achieve equal access for all those facing economic and other significant barriers in the justice system. In June of 2011, the Board held its 16th annual Access to Justice Conference in Kennewick, WA. This year's conference

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centered on the theme of “Eliminating Bias in the Justice System: A Call to Service and Action” and sought to educate the over 300 attendees of the myriad ways in which bias can, and does, infiltrate our justice system. Over the course of three days, the conference attendees tackled areas where bias exists in the judicial system, and the deleterious effects such bias has on Hispanic persons, African-American persons, disabled persons, limited English proficiency (LED) persons, and immigrants. The conference also thoroughly discussed ways in which these biases could be ameliorated through the deployment of practical measures.

For more information on the 16th Access to Justice Conference, please visit: <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Access-to-Justice-Board/ATJBLC/ATJBLC-Workshop-Materials>

SPOKANE’S 17TH ANNUAL UNITY IN THE COMMUNITY

The Spokane County Bar Association's Diversity Committee (www.spokanediversitybar.org) participated in Spokane’s 17th Annual Unity in the Community (www.nwunity.org/) event at Riverfront Park. The free event showcased diversity in the Spokane area and promoted awareness and education inclusive to all. The Spokane County Bar joined in on the fun by setting up a booth and held raffles for school supplies. They also offered a civics game where participants could answer questions about our government. They gave out Washington State Minority and Justice Commission posters, called “The Flag,” that depicted a painting created by Joachim McMillan. The Spokane County Bar thanks the Commission for their support.

UPCOMING EVENTS

Washington State Coalition for Language Access (“WASCLA”) Summit VII: The WASCLA Summit VII, Building Systems that Work: Coming Together to Ensure Quality Language Services and to Plan for the Future will be held on Friday, October 14 and Saturday, October 15, 2011, at the Olympia Red Lion Hotel, 2300 Evergreen Park Drive SW, Olympia, WA 98502. For additional information, please visit the website: <http://www.lawhelp.org/program/4192/index.cfm?pagename=homepage>

RiverBank Fall Forum at Gonzaga University: The 3rd Annual RiverBank Fall Forum will be held at Gonzaga University’s McCarthey Athletic Center on Thursday, October 20, 2011, beginning with a buffet breakfast at 7:30 a.m. followed by the forum from 7:50 a.m. to 9:00 a.m. Part of the proceeds from ticket sales to the forum, sponsored by RiverBank, a locally owned Spokane community bank, will benefit the *Carl Maxey Scholarship Award* presented annually by the Spokane County Bar Association Diversity Section to a Gonzaga Law School student(s) who intends to remain in the Spokane area. The special guest speaker at the Forum will be Minnesota Supreme Court Justice Alan Page. Justice Page will share a message titled “*Commitment and Ethics: the Road to Personal and Business Success.*” Many remember Justice Page from his days as a celebrated football player for the Minnesota Vikings. Justice Page has always believed in ethics and commitment to do the best you can at the task in front of you. Never give up, keep moving toward the goal. These beliefs were the impetus behind his placement in the Pro Football Hall of Fame in 1988 and as a justice on the Minnesota Supreme Court. To register for the forum or find more information go to <http://www.spokanebar.org/news-all.html>.

9th Annual Tri-Cities Youth and Justice Forum: The Tri-Cities Youth and Justice Forum is scheduled for October 28, 2011, at Columbia Basin Community College. This year U.S. Supreme Court Justice Sonia Sotomayor has agreed to do a personal video greeting for our participants. The Forum is co-sponsored by the Washington State Minority and Justice Commission, the local and state bar associations, including the Washington State Latina/o Bar association, Columbia Basin College, ESD 123, Columbia Center Rotary Club, and our state’s three law schools. Students from economically disadvantaged and historically underrepresented communities are encouraged to become interested in the professions within the justice system. The Forum brings together 180-200 eighth-through twelfth- grade students from the surrounding school districts and approximately 70 volunteer professionals. The volunteers include judges, attorneys, law enforcement officers, probation officers, court clerks, interpreters, educators, and other professionals. The day is filled with a mix of skits, presentations, work demonstrations, breakout sessions, and a brief mock trial. The objective is to stimulate the students to think about their legal rights and responsibilities, and about possible careers in the justice system.

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LEGAL OPPORTUNITIES

Judicial Vacancies: Justice Gerry Alexander of the Washington Supreme Court and Judge James Stonier of Cowlitz County Superior Court recently announced their retirement. Governor Christine Gregoire is now seeking interested and qualified members of the Washington State Bar Association to submit applications to fill these positions. Applications can be downloaded at <http://www.governor.wa.gov/judicial/default.asp>.

Northwest Justice Project Board Positions: The Washington State Bar Association Board of Governors is accepting letters of interest and résumés from members interested in serving a three-year term on the Northwest Justice Project Board of Directors (two positions, commencing January 2012). Incumbents are eligible for reappointment. For more information, e-mail Lisa Dickinson, Board Development Chair at: lisa@dickinsonlawfirm.com, or Cesar Torres, Executive Director at: cesart@nwjustice.org. Please submit letters of interest and résumés to Bar Leaders Division, WSBA, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or e-mail barleaders@wsba.org.

Riddell Williams 2L Diversity Fellowship: The law firm Riddell Williams is recruiting diverse candidates for its 2L Diversity Fellowship program. The Fellowship includes a salaried summer associate position and a \$7500.00 scholarship. Applicants must be enrolled as a second year law student in the fall of 2011 and in good standing for a JD degree from an ABA accredited law school. Full program and application details are available at: <http://www.riddellwilliams.com/pdf/diversity-fellowship-2012.pdf>.

LITERATURE OF INTEREST

Chavez, Maria, *Everyday Injustice: Latino Professionals and Racism*, Rowman & Littlefield Publishers, Inc., 2011. This book introduces readers to the challenges facing Latino professionals today. Chavez examines the experiences of many of the most privileged members of the largest racial and ethnic community in the United States, and provides important insights into the challenges facing racialized groups, particularly Latinos, in the United States.

Hurwitz, Jon; Mark Peffley, *Justice in America: The Separate Realities of Blacks and Whites*, Cambridge University Press, 2010. Drawing on data from a nationwide survey of both races, the authors tackle two important questions in this book: what explains the widely differing perceptions of justice, and why do such differences matter? The authors demonstrate that African Americans react much more cynically to incidents of police brutality and racial profiling, and are far more skeptical of punitive anti-crime policies.

Alexander, Michelle, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, The New Press, 2010. Michelle Alexander makes the argument that Jim Crow laws and legal racial segregation have been redesigned as mass incarceration, creating a system of social control. She takes the reader through the racial history of America from the colonies to the Clinton administration and how the war on drugs came about. She analyses the effect of incarceration upon released inmates who experience, for much of their lives, if not all, discrimination by the denial of their basic needs.

Roberts, Dorothy, *Fatal Invention: How Science, Politics, and Big Business Re-create Race in the Twenty-First Century*, The New Press, 2011. Dorothy Roberts is a lawyer and professor of sociology. In the book she examines the development and contemporary consequences of race by bringing together science, law, commerce, and race ideologies. She also examines the issues confronting race as historically manufactured by law and biopolitics.

Murray, Karen, "Words Matter: Make Yours Count," King County Bar Association Bar Bulletin, 2011. In response to the controversial statements of Washington State Supreme Court Justice James Johnson and retired Supreme Court Justice Richard Sanders and the recent Court decision in *State v. Monday*, Karen Murray, a criminal defense attorney for nearly two decades, writes a concise and passionate article in which she explores the relationship between language and racial bias in our criminal courts.

Lanier, Sarah A, *Foreign to Familiar: A Guide to Understanding Hot- and Cold- Climate Cultures*, McDougal Publishing, 2000. Author Sarah Lanier explains how cultures around the world can fit into two basic categories and how these categories differ. Whether you are a cross-cultural worker or simply live in a cross-cultural neighborhood, you'll find this book to be a valuable resource for understanding and relating to others from a different "climate."

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