



MINORITY AND JUSTICE COMMISSION

AOC SEATAC OFFICE

18000 INTERNATIONAL BLVD, SUITE 1106, SEATAC, WA

FRIDAY, APRIL 5, 2019

9:00 A.M. – 2:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE G. HELEN WHITENER, CO-CHAIR

Teleconference: 1-877-820-7831

Passcode: 358515#

AGENDA

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

- Welcome and Introductions
- Approval of November 30th and February 8th Meeting Minutes

CO-CHAIRS' REPORT 9:05 – 10:15 a.m. (70 minutes)

- **2019 Supreme Court Symposium Update** – May 10 @ 8:30am-12:30pm, at the Temple of Justice
- **Personnel Update**
- **June 14 Commission Meeting** – 20th Access to Justice Conference: Amplifying the Power of Community @ Spokane Convention Center, June 14-16

STAFF REPORT 10:15 – 10:45 a.m. (30 minutes)

- **Staff Report**
 - **Jury Diversity Grant Update** – Cynthia Delostrinos
 - **LFO Grant Update** – Michelle Bellmer
 - **Shout Outs**

BREAK 10:45 – 10:55 a.m.

LAW STUDENT LIAISON PROJECT UPDATE 10:55 – 11:30 a.m. (35 minutes)

- **Gonzaga University**
 - Filling the Gap: Getting to Law School as a Minority Student
- **University of Washington**
 - Amplifying Stories: Community Perceptions of the Judicial System/Process
- **Seattle University**
 - LFOs: Tackling the Modern Day Debtor's Prison

COMMISSION MEMBER, COMMITTEE REPORTS & WORKING LUNCH 11:30 – 2:00 p.m.

- **LGBTQ Judicial Officer Directory – Judge Johanna Bender**
- **Jury Diversity Task Force – Judge Johanna Bender**
 - Preliminary Report
 - Update on SB 5162 – *Clarifying Qualifications for Jury Service*
- **Outreach Committee – Lisa Castilleja and Judge Michael Diaz**
 - Artwork for Annual Report
 - The Dignity, Fairness, and Respect PSA Update
- **Juvenile Justice Committee – Annie Lee and Asst. Chief Adrian Diaz**
 - SB 5290 – Concerning Valid Court Orders
 - Fall Judicial Conference – Equal Justice Overview: Youth, the Eight Amendment & the Law
- **Education Committee – Justice Debra Stephens and Judge Lori K. Smith**
 - Update: Appellate Judges’ Spring Program: March 24 – 27, 2019, Alberbrook, Union, WA
 - *Judicial Writing in the 21st Century: Culturally Informed Opinions in an Increasingly Diverse Society*
 - Update: County Clerk’s Spring Program: March 17th – 19th, Leavenworth, WA
 - *Poverty Simulation*
 - Annual Judicial Conference: September 22 – 25, 2019, The Heathman Lodge, Vancouver, WA
 - *Surviving the Big Waive: a look at how courts can and must respond to defendants’ legal right to readdress legal financial obligations (LFOs) – MJC*
 - *Equal Justice Overview: Youth, the Eighth Amendment & the Law – MJC and GJC*
 - *Pre-Trial Justice: Bail, Risk Assessments, and Reforms – MJC and GJC*
 - *Crisis of Missing and Murdered Indigenous Women – MJC, GJC, and TSCC*
- **Workforce Diversity Committee – Judge Veronica Alicea-Galván & Judge Bonnie Glenn**
- **Tribal State Court Consortium – Judge Lori K. Smith**
 - New Staff to TSCC
 - Regional Meeting TBD at Supreme Court
 - Annual Fall Conference Education Session

Next MJC meeting: Friday, June 14, 2019, - Spokane, in conjunction with the Access to Justice Conference

Please complete, sign, and mail your travel reimbursement forms to Commission staff.



**Washington State Minority and Justice Commission
(WSMJC)**

Friday, February 8, 2018

8:45 am – 12 pm

University of Washington (Tacoma Campus)

University Y Student Center

1710 Market St, Tacoma, WA 98402

Room UWY 304

Teleconference: 1-720-707-2699

Passcode: 655 433 206##

Video Conference Link: <https://zoom.us/j/655433206>



MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair (phone)
Judge Helen Whitener, Co-Chair
Judge Veronica Alicea-Galván (phone)
Professor Lorraine Bannai (phone)
Judge Johanna Bender (phone)
Ms. Lisa Castilleja (phone)
Judge Faye Chess (phone)
Ms. Theresa Cronin
Judge Linda Coburn (phone)
Asst. Chief Adrian Diaz (phone)
Judge Mike Diaz
Judge Lisa Dickinson
Ms. Kitara Johnson
Judge LeRoy McCullough
Judge Lori K. Smith (phone)
Mr. Travis Stearns (phone)
Justice Debra Stephens (phone)
Ms. Katherine Svoboda (phone)

AOC Staff Present

Ms. Mary Lou Boles
Ms. Cynthia Delostrinos
Mr. Curtis Dunn
Ms. Chanel Rhymes
Ms. Andrea Valdez

Guests

Ms. Tarra Simmons (phone)
Mr. Josh Treybig (phone)

Student Liaisons Present

Ms. Bailey Russell (phone)
Ms. Beverly Tsai

CALL TO ORDER

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

The approval for the November 30, 2018 meeting minutes was postponed. The meeting minutes will be sent out to the commission members for approval via e-mail.

CO-CHAIRS REPORT

2019 Symposium Update – Justice Mary Yu

The Symposium Planning Committee will meet on February 14, 2019, from 12:15 p.m. to 1:15 p.m., to discuss the logistics and content for the upcoming Symposium on Artificial Intelligence and its impact on minority populations in the courts. The Symposium will take place at the Temple of Justice on June 10, 2019, from 9 a.m. to 12 p.m., with a reception to follow.

PRESENTATIONS & REMARKS

Spokane Youth and Justice Forum Update – Ms. Kitara Johnson

Ms. Johnson shared an update on the planning details for the next Spokane Youth and Justice Forum on April 19, 2019. They are expecting around 150 students and most of the speakers are confirmed. Spokane Public Schools is paying for transportation and the Excelsior Youth Center is providing swag bags. Ms. Johnson requested assistance from the Minority and Justice Commission to pay for lunch.

ACTION: Chanel will provide Ms. Johnson with a Minority and Justice Commission sponsorship request form for funds to provide lunch at the Spokane Youth and Justice Forum.

New Hope Act ([HB 1041](#)) Update – Ms. Tarra Simmons

The New Hope Act (HB 1041) takes several important steps to reduce barriers to reentry by:

- Improving the procedure for certifying sentence completion (i.e. obtaining a Certificate of Discharge).
- Adding certain misdemeanors to the list of offenses that can be vacated.
- Adding certain additional felony offenses to the list of offenses that can be vacated.

Ms. Simmons provided an update on the progress of HB 1041. The bill passed out of the House Public Safety Committee on February 7, 2019, with no opposition. LFOs will be required to be paid in full before convictions are eligible for vacation. A previous version of the bill did not require LFOs be paid prior to vacating convictions.

STAFF REPORT

Courts Engaging Communities Grant (Jury Diversity) – Ms. Chanel Rhymes

The National Center for State Courts did not select the Commission's proposal related to jury diversity and community engagement forums for the Court Engaging Communities Grant. The proposal sought to pull together community focus groups in Pierce County to understand why people weren't responding to jury summons and/or the reasons for needing to be excused from jury duty.

The purpose for partnering with Pierce County was to build on the extra efforts they have been undertaking to better understand their population and the responses to jury summons through heat maps. The proposal would also enhance the work of the Jury Diversity Task Force. Ms. Rhymes also mentioned that we are now pursuing possible funding for the project from the Washington Pattern Instructions Committee. We submitted the same proposal to the Committee and are currently waiting to hear back.

Co-sponsorship Request – Judge Johanna Bender

The Commission approved a sponsorship request from the Judicial Institute for the 2019 Judicial Fellows Clinic, in the amount of \$500.

The Judicial Institute is a Washington non-profit organization that prepares qualified diverse attorneys for judicial positions. Through their efforts, they strive to make the path to the judiciary more accessible, and to increase the number of diverse attorneys seeking and securing judicial positions. The Judicial Institute is partnering with Seattle University School of Law to conduct the Judicial Fellows Clinic on March 22-23. The Judicial Fellows Clinic will bring in 20 fellows to participate in a two-day interactive course, taught by instructors that are judges, MBA judicial evaluation committee members, and other representatives from appointing authorities. They cover topics including judicial ethics, the judicial appointment process, and preparing for a judicial campaign.

The fellows were recruited through various legal communities. The Judicial Institute also maintains an active social media presence. This year their class contains 23 people, with 14 who identify as persons of color. All of the applicants of color who applied were admitted this year. The other applicants include women from communities that have never had women on the bench before and individuals who identify as LGBTQ. Ms. Delostrinos mentioned that the current turnover rate for judges is very high due to the number of judges retiring. Efforts like the Judicial Institute and the DMCJA Diversity Committee's Pro Tem Training are now more important than ever.

LFO Grant Update - Ms. Cynthia Delostrinos

The Commission's grant funding to support work on the LFO Calculator and LFO Consortium will be ending in September 2019. Ms. Delostrinos is working with the Arnold Foundation to try to secure additional funding to continue working on the LFO Calculator and Consortium work for another year.

Justice Yu asked about the progress on the Administrative Office of the Courts (AOC) inheriting the LFO Calculator. Ms. Delostrinos stated, AOC has utilized a Business Analyst to review the possibility of AOC owning the LFO Calculator. They have finished the analysis and are preparing the final report.

Judge Coburn worked with RC Carter from Microsoft to produce videos on how to use the LFO Calculator. The videos were presented during the Sentencing sessions at the 2019 Judicial College. Next year, we may want to have the judges watch the videos as homework before the session, and then use the time during the session for any follow up questions about the Calculator. Justice Stephens mentioned that the LFO proposal for the annual Judicial Conference was accepted and generated the most enthusiasm.

Judge Coburn has been asked by the Washington Defender Association to give a presentation at their Annual Defender Conference in April 2019. She will present on how to use the LFO Calculator, since a lot of defense attorneys were not aware of it. Justice Yu recommended that Judge Coburn also present at the Washington Association of Prosecuting Attorneys Conference in June 2019.

Pretrial Reform Taskforce – Ms. Andrea Valdez

The Pretrial Reform Taskforce is getting ready to release their final report and findings. The report will be released on February 21, with fact sheets and other materials provided to the various commissions, associations, and legal networks. The goal of releasing the final report is to help courts start conversations with local jurisdictions about their pretrial process and services.

The Washington State Auditor's Office is currently conducting an audit on state bail reform and practices that will be released on February 28, 2019. There will be a legislative hearing on March 13, where state auditors will present their findings.

Minority and Justice Commission 2019 Bill Tracking – Ms. Chanel Rhymes

Ms. Rhymes discussed three bills of importance to the Minority and Justice Commission:

- [House Bill 1086 – Increased appropriated funding for the Office of Public Defense](#)
 - Phases in state reimbursement of county and city public defense costs by 2029.
 - Requires the Office of Public Defense (OPD) to disburse appropriated funds, establish policies for the distribution of funds, and monitor trial-level public defense services to determine eligibility for reimbursement.
 - Repeals the county formulas for the OPD public defense services grant.
 - The bill passed out of the Civil Rights and Judiciary Committee, and was referred to the Appropriations Committee on January 29.

Mr. Stearns mentioned that funding in this bill isn't set at county levels which does not address the disparity between the wealthy and low-income counties. He recommended watching HB 1109 and SB 5153, as these bills achieve equal disbursement of funds that the Office of Public Defense already pays.

- [House Bill 1282 / SB 5328 – Decriminalizing of DWLS 3rd Degree](#)
 - Concerning driver's license suspensions and revocations.
 - In the past there was discussion about the Attorney General's Office supporting this bill. Ms. Rhymes contacted a staff member at the Attorney General's Office and was told that they are still analyzing House Bill 1282 / Senate Bill 5328. There were concerns about the lack of funding and limited staff support upon passage of these bills. The Attorney General's Office is supporting a similar bill ([House Bill 1489](#)).
 - This bill was first reviewed on January 18, and was referred to the Transportation Committee for further review.
- [House Bill 1495 – Creating Joint Task Force on Criminal Sentencing](#)
 - Establishes the Joint Legislative Task Force on Criminal Sentencing for the purpose of reviewing sentencing laws and making recommendations to the Governor and the Legislature.
 - We will need a commission member to serve on this task force if it passes.
 - The majority of the Public Safety Committee voted to pass this bill on February 7.

Ms. Rhymes also mentioned that [House Bill 1489](#) has been introduced. HB 1489 will create a program for the consolidation of traffic-based financial obligations to facilitate reinstatement of driving privileges that are suspended because of failure to pay.

LAW STUDENT LIAISON PRESENTATIONS

Seattle University Project Proposal – Ms. Beverly Tsai

Ms. Tsai presented a revised project proposal by the Seattle University law student liaisons. Their project, titled "LFOs: Tackling the Modern Day Debtor's Prison," focuses on legal financial obligation

reform and relief in Washington state. LFOs are emerging as an issue that perpetuates poverty, inequity, and injustice within our criminal justice system. In recent conversations with other law students, they discovered that many people are unfamiliar with what LFOs are and how they affect communities.

The law student liaisons want to create a video comprised of various interviews with the purpose of introducing the issues related to seeking relief from LFOs, and recent efforts to reform Washington's LFO laws. They have secured a videographer to film and edit the footage. The video will be published on YouTube and they will gauge the impact of the project by checking counts, comments, shares, and likes. They will also debrief with the interviewees and collaborators from minority student organizations.

ACTION: Judge Alicea-Galván motioned to approve this project. Judge Dickinson seconded the motion. The rest of the Commission unanimously approved.

University of Washington Project Update – Ms. Bailey Russell

Ms. Russell mentioned that their project is coming along well. They have decided to provide \$500 to the chosen artist for their graphic recording. They are currently trying to coordinate their first focus group to gather opinions on the justice system. They discussed the possibility of providing focus group participants with Starbucks gift cards. Ms. Delostrinos stated that AOC will need to verify if it's possible to reimburse the law student liaisons for purchasing gift cards.

Gonzaga University Project Update – Judge Lisa Dickinson

Judge Dickinson has been working with the Gonzaga University law student liaisons and stated that they are still proceeding with their speaker series, but are arranging different dates for the events.

COMMITTEE REPORTS

Juvenile Justice Committee – Assistant Chief Diaz and Judge LeRoy McCullough

The Juvenile Justice Committee is working on developing an accreditation program for judicial officers practicing in juvenile court. Judge McCullough mentioned the recent Supreme Court case of [State v. Houston-Sconiers](#). The discussions that have occurred in response to this case indicate a need for further examination and training around judicial discretion in determining appropriate sentencing in juvenile cases.

The Committee's proposal to the 2019 Annual Judicial Conference session titled "Equal Justice Overview: Youth, the Eighth Amendment and the Law," was accepted. This session will offer tools that will enhance and encourage the use of judicial discretion in decision-making for juvenile cases. This session will challenge attendees to adopt a more global view of issues affecting juveniles and their families by envisioning them as having potential for success as youth and young adults. Jeffrey Robinson, Deputy Legal Director and Director of the Tyrone Center for Justice and Equality at the American Civil Liberties Union (ACLU), will be the keynote speaker for the session.

Outreach Committee – Professor Lisa Castilleja and Judge Mike Diaz

The Outreach Committee identified four items they will accomplish this year:

1. PSA Video with KCBA and TVW
 - a. The script for the PSA is finalized.

- b. The video will feature historic courthouses and will start shooting footage at the end of February 2019. The committee hopes to review the footage in March 2019.
2. Ms. Castilleja has agreed to respond to the community member in Spokane who raised concerns about how court staff communicates to the public about high profile criminal matters. This matter raised a robust discussion and suggested a need for outreach. Ms. Castilleja will define the issue and gather resources to prepare a response to the Spokane community member.
3. The committee will develop bylaws to define their committee tasks, work, and audience. The committee would like to provide a consistent presence and support at community events like the Youth and Justice Forums as well as more interaction with other legal associations like WAPA.
4. Solicit artwork for the next annual report. Judge Diaz shared an art piece titled D I V E R S I T Y by commission member Mr. Anthony Gipe.

Education Committee – Justice Debra Stephens

Justice Stephens mentioned that the Minority and Justice Commission will be sponsoring possibly the highest number of programs that it has ever sponsored, for this year's 2019 Annual Judicial Conference. A list of all of the sessions it will be sponsoring was provided in the agenda.

The Minority and Justice Commission and Gender and Justice Commission will be co-sponsoring a session at the 2019 Appellate Judges Conference titled "Judicial Writing in the 21st Century." The Commissions will be working with Professor Bannai and Professor Bob Chang, from Seattle University School of Law, to coordinate the program. Professor Bannai has been writing about racial bias within written and oral legal arguments for the past few years.

Judge Whitener and Judge Alicea-Galván re-capped their Judicial College plenary session titled "Emerging Through Bias: Towards a More Fair and Equitable Courtroom." Judge Whitener highlighted the LGBTQ and immigrant perspective within the presentation. Numerous judicial officers did not realize how privileged they were in regards to positional privilege and access. Ms. Rhymes attended and mentioned the task activity during the session was eye opening. She will be reviewing the attendee evaluations next week.

Ms. Delostrinos and Ms. Rhymes have been working on the Poverty Simulation for the Clerks Association Conference on March 18, in Leavenworth WA. The Poverty Simulation needs volunteers that would be willing to act as social services providers, government agencies, courts officers, police, grocery store owners, etc. to ensure the simulation is successful. Please contact Ms. Rhymes if you are interested in participating, and please share the need for volunteers with your networks.

Tribal State Court Consortium – Judge Lori K. Smith

Judge Smith discussed the planning details for the next Tribal State Court Consortium (TSCC) Regional Meeting. We would like to explore the idea of hosting the next Regional meeting at the Temple of Justice in Olympia. The TSCC is in the process of contacting local tribal courts near Olympia, Washington to see if one of them would be willing to allow the TSCC to tour its court.

Ms. Delostrinos submitted a proposal to the AOC leadership team to hire a part-time staff person to help coordinate the TSCC. The STOP Grant that the Gender and Justice Commission receives allocates 40% of its annual grant funding to the TSCC. Next year, the amount set aside for tribal courts will increase to 50%, which will help fund this proposed staff person. A staff person would help support the TSCC and allow them to continue to build its infrastructure.

The Meeting was adjourned at 11:41 a.m.

NEXT COMMISSION MEETING:		
Friday, April 6, 2018	9:00 a.m. – 2 p.m.	AOC SeaTac Office 18000 International Blvd. Suite 1106 SeaTac, WA 98188



**Washington State Minority and Justice Commission
(WSMJC)**
Friday, November 30th, 2018
8:45 a.m. – 2:00 p.m.
AOC SeaTac Office
18000 International Blvd., Suite 1106, SeaTac, WA
Teleconference: 1-877-820-7831
Passcode: 358515#



MEETING NOTES

Commission Members Present

Justice Mary I. Yu, Co-chair
Judge Helen Whitener, Co-chair
Judge Veronica Alicea-Galván
Judge Lisa Atkinson (phone)
Professor Lorraine Bannai (phone)
Mr. Jeffrey Beaver
Judge Johanna Bender (phone)
Ms. Ann Benson
Ms. Diana Bob
Professor Robert C. Boruchowitz (emeritus)
(phone)
Ms. Lisa Castilleja (phone)
Judge Linda Coburn
Ms. Grace Cross
Ms. Theresa Cronin (phone)
Assistant Chief Adrian Diaz
Judge Mike Diaz
Judge Lisa Dickinson (phone)
Judge Theresa Doyle
Professor Jason Gillmer
Mr. Anthony Gipe
Judge Bonnie Glenn
Ms. Kitara Johnson
Ms. Anne Lee
Judge LeRoy McCullough
Ms. Karen Murray
Ms. P. Diane Schneider (emeritus)
Judge Lori K. Smith
Mr. Travis Stearns
Justice Debra Stephens
Ms. Katherine Svoboda
Ms. Lisa van der Lugt (phone)

Guests

Ms. Esperanza Barboa – ATJ Liaison
Ms. Carolyn Cole
Ms. Callie Dietz
Representative Drew Hansen
Ms. Angela Jones
Mr. LaVonne Jones
Ms. Elly Krumwiede – Library Liaison
Ms. Kimberly Morrison
Ms. Dory Nicpon
Judge Steve Rosen
Ms. Dawn Marie Rubio
Ms. Tarra Simmons
Ms. Amanda Stephen
Mr. Joshua Treybig
Ms. Jessica Tsao

Student Liaisons Present

Ms. Maddisson Alexander
Ms. Lia Baligod
Ms. Tran Dinh
Ms. Ester Garcia
Mr. John Sather Gowdy
Ms. Briana Ortega

AOC Staff Present

Ms. Mary Lou Boles
Ms. Cynthia Delostrinos
Mr. Curtis Dunn
Ms. Chanel Rhymes
Ms. Andrea Valdez (phone)

CALL TO ORDER

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

The meeting notes from the September 28th, 2018 Commission meeting were approved with the following changes to the listed attendees: P. Diane Schneider, Dean Jacob Rooksby, and Anthony Gipe.

CO-CHAIRS REPORT

Recap of Commission Meeting in Spokane – Judge Helen Whitener

Judge Whitener re-capped the last Commission meeting in Spokane. Community members from Spokane presented to the Commission plans for a new Carl Maxey Center, a multicultural center supported by Spokane Community Against Racism (SCAR).

- Mr. Curtis Hampton, attending as a guest, asked why cases are postponed and questioned the impact of postponed cases on community members. A motion was made to have the Commission look into the issue.
- Justice Yu suggested resurrecting a research committee to see if the Washington Court Research team had already done a study on the impact of postponed cases.

ACTION: Motion to approve was made by Judge McCullough and seconded by Ms. Johnson for the Commission to investigate the impact of postponed cases on community members. The motion passed unanimously.

Supreme Court Symposium – Justice Mary Yu

Justice Yu proposed that the annual Supreme Court Symposium address artificial intelligence and how it impacts minority populations.

- It has been proven that artificial intelligence is not always accurate and may misinterpret skin complexion and vocal accents. This creates a high margin of error when analyzing people of color, causing racial disproportionality.
- Darker skin and accents make it harder for artificial intelligence to generate accurate facial and voice detection.

ACTION: Justice Yu requested volunteers to help plan and gather research for the symposium.

PRESENTATIONS & REMARKS

New Hope Act – Ms. Tarra Simmons and Rep. Drew Hansen

Ms. Simmons and Rep. Hansen gave a presentation on a bill entitled the New Hope Act which will:

- Streamline the process for obtaining a certificate of discharge.
- Make it easier for people to vacate certain misdemeanors.
- Make it possible to vacate some of the most commonly charged felonies.

When the bill was introduced, Ms. Simmons discussed the skepticism from some members of the legislature due to the amount of time a person would need before they would be eligible to vacate their charges. In addition, she also highlighted the disproportional racial and poverty impact from this, specifically for women of color and victims of domestic violence.

The bill also highlights the difficulty of paying court fees if a person is unable to vacate their criminal record. Ms. Simmons mentioned that there are numerous people eligible for financial relief, but there are not enough lawyers to assist them.

ACTION: Justice Yu proposed submitting a letter of support from the Minority and Justice Commission. Rep. Hansen said a bill number would be created by Tuesday 12/4/18 and they will reach out to the Minority and Justice Commission once they are ready to receive the letter.

LAW STUDENT LIAISON PRESENTATIONS

Gonzaga Proposal:

Filling the Gap: Getting to Law School as a Minority Student – Ms. Briana Ortega

Purpose: To bridge the gap in educating undergraduate minority students on how to get into law school.

- Offer four to five discussion sessions during the Spring 2019 semester to create relationships between undergraduate students and pre-law advisors, and to educate them about obtaining and funding a law school degree.
- Will focus on Gonzaga students and then reach out to Eastern Washington University and Spokane Falls Community College.
- Will offer coffee and snacks to encourage undergraduate students to attend the sessions.
- Plans on asking lawyers and judges to participate and discuss the various types of jobs within the legal field.

The cost of the project is \$1,490 and most of the money will be spent on providing food during the sessions.

ACTION: Motion to approve was made by Judge McCullough and seconded by Judge Coburn. The motion passed unanimously.

University of Washington Proposal:

Amplifying Stories: Community Perceptions of the Judicial System/Process – Ms. Maddisson Alexander and Ms. Ester Garcia

Purpose: Highlight perceptions that people have about the criminal and civil judicial system.

- Utilize two discussion groups to gather community perceptions of the criminal and civil judicial system.
- Will capture those perceptions to inspire a mural that will permanently be displayed in the community.
- In the process of securing a local artist through Art of Resistance and Resilience.
- Coordinate a showcase event to present the mural and publish the graphic recording in different community newspapers such as the UW Daily, La Raza del Noroeste, Black Lens, Asian Weekly, The Stranger, and Seattle Times.

Mr. Beaver suggested that the student liaisons contact Rick T. Williams who is a local woodcarver and artist.

The cost of the project is \$1,000 which will cover food expenses for the discussion groups, artist compensation and materials for the showcase event.

ACTION: Motion to approve was made by Judge Coburn and seconded by Judge Alicea-Galván. The motion was unanimously approved, with the suggestion of increasing the project cost to \$1,500 in order to increase the artist compensation.

Seattle University Proposal:

Changing the Face of the Judiciary – Ms. Lia Baligod, Ms. Tran Dinh, Ms. Alyssa Garcia, and Ms. Beverly Tsai

Purpose: Educate the community about voting and the judiciary in Washington State by highlighting judges and WSMJC members through published articles in local newspapers and magazines.

Phase 1: Article

- Publish a spotlight feature in various community newspapers about a current judge that contributes to improving diversity in the legal community. Also to discuss community involvements, roles in the judiciary, and the process of becoming a judge.

Phase 2: Reception at Seattle University of Law on 3/14/19

- Anyone interested within the community will be welcome to attend.
- Will co-sponsor with various student groups that support racial diversity.
- Purpose of reception is to introduce judges that are underrepresented in the judicial system, to discuss their roles, and how they became judges.
- Provide networking opportunity for judges, students, and community members.

Judge Coburn stated that most newspapers will not easily accept a non-staff written freelance piece without a strong hook. Justice Yu shares Judge Coburn's concern about the lack of impact of community newspapers. She suggested creating a Twitter or Facebook page to easily share their content with a broader audience.

Judge Alicea-Galván suggested a new medium such as a podcast, to easily grab the attention of a larger community.

Judge Whitener pointed out that numerous commission members did not agree with newspapers being the primary medium for this project. She also stated that the cost associated with newspaper subscriptions may deter people of color from accessing their content.

The cost of this project is \$435.25 which will cover the food expenses for the reception.

Justice Yu suggested that the student group refine their proposal given the feedback from the commission.

ACTION: The Seattle University liaisons will meet and consider the comments and refine their proposal with the hope of providing a presentation to the commission members at the next Commission meeting.

STAFF REPORT

Update on LFO Grant – Ms. Cynthia Delostrinos

- As the Commission may recall, the 2018 Symposium was on the topic of LFOs. The video-recording and the written materials are available on the MJC's website. There is a report with preliminary data on LFOs that was compiled by Joel McAllister and there is also a PowerPoint presentation by Dr. Alexes Harris which includes new data on racial disproportionality.
- As part of the DOJ grant, staff are currently compiling surveys to different stakeholder groups that will enable us to gather information on LFO practices across the state.
- The LFO Calculator is being piloted with ten judges across the state.
- Preliminary data is showing that the LFO Calculator is significantly reducing the amount of LFOs imposed on individuals based on ability to pay.
- Judge Coburn has been conducting a series of workshops with public defenders on how to use the LFO Calculator.
- We have plans to continue to spread awareness and increase usage of the LFO Calculator.

Justice Debra Stephens suggested coordinating with the deans at Judicial College to share information about the LFO Calculator, especially during segments involving criminal sentencing.

Courts Engaging Communities Grant – Ms. Chanel Rhymes

- Ms. Rhymes is currently waiting to hear back from the National Center for State Courts on the Jury Diversity Grant proposal that was submitted in August.
- Ms. Rhymes helped coordinate and host a training on Participatory Defense on November 10-11, 2018. The training was based on a community organizing model to educate participants and their families on how to impact the outcomes of cases and transform the landscape of power in the courtroom during the pretrial stage.

COMMITTEE REPORTS

Jury Diversity Task Force Report – Judge Steve Rosen

The Jury Diversity Task Force is finalizing their report and recommendations for the Commission. Some of the initiatives to improve jury diversity statewide that they were considering include:

- Recommending that courts use a one-step summons process where the summons and jury eligibility questionnaire are combined.
- Sending text/email reminders, increasing juror compensation, and providing childcare support for jurors.
- Providing tax write-offs or some form of employee compensation to easily allow jurors to fulfill their duty without fear of repercussions from missing work.
- Allowing ex-felons in good standing to serve on juries.

Judge Rosen discovered a problem while seeking information from his court. In King and Pierce counties, the juror source lists are reporting higher numbers of participants than the actual number of eligible jurors. For example, 1.9 million jurors are reported in King County but only 1.7 million people are over 17 years old. A similar problem is present in Pierce County. Judge Rosen and Chris Gaddis were going to review why the numbers are inflated. They are working with a professor to review the demographics in Pierce and King Counties.

Justice Yu asked what the timeline was for collecting and reviewing the data. Judge Rosen stated 2-6 months should be enough time if they are given additional support from the AOC. Judge Bender was asked to help co-chair the Task Force moving forward.

ACTION: Chanel Rhymes and Cynthia Delostrinos volunteered to assist with reviewing the juror eligibility data.

ACTION: Justice Yu asked if the Law Library could assist us in researching alternative ways that juror summons could be provided to jurors.

Pre-Trial Reform Task Force – Ms. Andrea Valdez

- The Minority and Justice Commission, Superior Court Judges' Association, and District and Municipal Court Judges' Association came together in July 2017 to convene the Pretrial Reform Task Force. The goal of this Task Force is to examine current pretrial practices in Washington and develop consensus-driven recommendations for jurisdictions to improve their pretrial systems in order to reduce incarceration.
- Three subcommittees and workgroups are addressing the following areas of focus: pretrial services, pretrial risk assessment, and data collection. This effort will conclude in January 2019, with a report and recommendations made available to the public.

Juvenile Justice Committee – Judge LeRoy McCullough

The committee is currently focusing on the following projects:

- Spring 2019 Webinar focusing on the exercise of judicial discretion and sentencing disproportionality.
- Building a curriculum for an accreditation program for judges and court staff that work in juvenile courts.
 - Request to build a work group to help with curriculum content.
 - Planning to offer first educational session at Fall 2019 Judicial Conference.
 - Work with youth partners to develop relevant content and language suitable for juveniles.

Education Committee – Justice Debra Stephens and Judge Lori Kay Smith

- The committee was not successful in getting programs onto the DMCJA and SCJA Spring Conferences. The two that were not selected were Managing Immigrant Families and Legal Financial Obligations because the content strayed from the main theme (mental health) of the Superior Court Judge's Spring Program.

Tribal State Court Consortium – Judge Lori Kay Smith

- The Tribal State Court Consortium is working on a proposal for a project that will address the enforcement of tribal court protection orders. They are looking to hire a part-time staff to support the work of the Consortium and the project.
- They also proposed a regional meeting that could be held at Temple of Justice, inviting one of the nearby tribal courts to co-host with the Supreme Court.

Outreach Committee – Judge Michael Diaz

- Judge Diaz recommended that the Outreach Committee assist with Justice Yu's prior request for a research committee.
- Currently moving forward with PSA which is in the production stages.
- Attended the Tri-Cities Youth and Justice Forum and highlighted a youth led presentation called *Jenny Did What*, a skit and discussion forum that revolved around cyber bullying.

Judge Whitener requested that the Outreach Committee come up with ways to document their efforts. Facebook, event updates, and including law library information on their website was suggested.

Workforce Diversity Committee – Judge Bonnie Glenn

The committee is putting together a proposal for the Commission to host a future National Consortium on Race and Ethnic Fairness in the Courts Conference.

They will also create materials and begin planning for the following projects:

- Gavel Gap Reception
- Prison Privatization
- Judges of Color Directory

The meeting was adjourned at 2:00 p.m.

NEXT COMMISSION MEETING:		
Friday, February 8th, 2019	9:00 a.m. – 2:00 p.m.	University of Washington (Tacoma Campus)



Washington State Supreme Court Minority and Justice Commission

SUPREME COURT SYMPOSIUM MAY 10, 2019

8:30 A.M. – 12:30 P.M. RECEPTION TO FOLLOW

ARTIFICIAL INTELLIGENCE **A Critical Review of Its Use in Public Decision-Making**

The Symposium will explore the use of artificial intelligence in various public decision-making settings, including policing and the justice system. Is it compatible with fairness and justice? Can it ever be sufficiently transparent and accountable to warrant public confidence? What are the privacy concerns? Who wins and who loses?



Supreme Court Symposium

Artificial Intelligence: *A Critical Review of Its Use in Public Decision-Making*

May 10, 2019, 8:30 a.m. – 12:30 p.m.

Temple of Justice, Olympia

Draft Agenda

Time	Title / Topic	Speaker(s)
8:30 – 9:00	Welcome and Setting the Context	Justice Yu & (Judge Whitener?)
9:00 – 10:00	Understanding Artificial Intelligence and Bias within AI – An Overview	Shankar Narayan, ACLU RC Carter, Microsoft
10:00 – 10:30	Pretrial Risk Assessments	Logan Koepke, Upturn
10:30 – 11:00	Equity and Policing Technologies – <i>The use of body cameras, predictive policing, and face surveillance</i>	Laura Moy, Georgetown University
11:00 – 11:15	Break	
11:15 – 12:30	Panel Discussion on Broader AI Topics	Prof. Solon Borocas, Cornell University Dave Heiner, Microsoft Prof. Elizabeth Joh, UC Davis School of Law

To: MJC members

From: Judge Bender

Re: LGBTQ Judges Directory

Date: March 26, 2019

The Workforce Diversity Committee had a recent discussion about the utility of an LGBTQ Judges Directory. Following that discussion, I reached out to QLaw President Dan Shih to discuss this concept. Mr. Shih was very interested and brought the topic before the QLaw Board. QLaw already maintains a publicly accessible directory of QLaw members, but the QLaw Board was supportive of developing a separate directory of LGBTQ judges. In consultation with Mr. Shih, I make the following proposal:

- MJC will distribute a brief on-line survey (attached here: <https://docs.google.com/forms/d/e/1FAIpQLScnwrL9n-OLtVuAriGaf8Cpl liNrXxvAKEev7h5b-5tqV21Q/viewform>). This tool will allow Washington State judicial officers to self-identify if they are a member of a sexual or gender-identity minority community. It also allows judges to indicate whether they are available to officiate over adoptions and/or weddings, to act as mentors, and/or to accept speaking engagements.
- The resulting data will be published in two formats: 1) a hard-copy directory which will be distributed to judges at judicial conferences; and 2) a web-based directory which will be publicly available. Judges responding to the on-line survey will have the opportunity to select whether they are willing to have their responses made publicly available or distributed only in hard copy format to other judges.
- QLaw will maintain the web-based directory and will handle the printing of the hard copy directory.¹

¹ All decisions about QLaw bearing financial responsibility were made by Mr. Shih in consultation with the QLaw Board and were not the result of any request for funding brought by the Court.

Minority and Justice Commission Jury Diversity Task Force

2019 Interim Report

BACKGROUND

On May 24, 2017, the Washington State Minority and Justice Commission (“MJC”) and Washington Appleseed co-hosted the annual Supreme Court Symposium (“Symposium”) on the topic of jury diversity. Following the Symposium, Chief Justice Mary Fairhurst requested, on behalf of the Court, that MJC further explore the recommendations put forward at the Symposium. MJC created the Jury Diversity Task Force (“Task Force”) as a Commission subcommittee and appointed Judge Steve Rosen as chair. The Task Force consisted of the following individuals representing the identified groups:

Ms. Aimee Sutton	Latino/a Bar Association of Washington President; The Marshall Defense Firm
Ms. Angeline Thomas	Washington Appleseed
Ms. Anita Khandelwal	King County Department of Public Defense
Ms. Barbara Serrano	Washington Women Lawyers
Ms. Blanca Rodriguez	Northwest Justice Project
Mr. Chris Gaddis	Pierce County Superior Court Administrator; AWSCA
Mr. Darrell Cochran	Washington State Association for Justice (Civil Plaintiff's Bar)
Mr. David Morales	Northwest Justice Project
Ms. Heidi Percy	Judicial Operations Mngr. Snohomish County Clerk's Office
Ms. Jennifer Creighton	Court Administrator, Thurston County District Court
Judge Linda Coburn	Edmonds Municipal Court; DMCJA; Washington State Minority & Justice Commission
Judge Steve Rosen (Chair)	King County Superior Court
Mr. Justin Bingham	Spokane City Prosecutor
Mr. Michael E. Chait	Washington Defense Trial Lawyers (Civil Defense Bar)
Mr. Morgann Halencak	Jury Manager, Clallam County Superior Court
Ms. Pam Loginsky	Washington Association of Prosecuting Attorneys
Mr. Peter Collins	Seattle University
Representative Javier Valdez	Washington State Legislature
Mr. Sean McAvoy	District Court Executive/Clerk of the Court US. District Court Eastern District of Washington
Senator Manka Dhingra	Washington State Legislature
Mr. Tim Johnson	King County Department of Public Defense
Mr. Todd Bowers	Attorney General's Office
Mr. Tom McBride	Washington Association of Prosecuting Attorneys
Mr. Travis Stearns	Washington Appellate Project
Ms. Vonda Sargent	American Civil Liberties Union

TASK FORCE OBJECTIVE

Examine a range of policy proposals that might have the effect of increasing minority representation on Washington State juries, and make recommendations to MJC about which approaches, if any, to pursue.

TASK FORCE PROCESS

The first full Task Force meeting was held on January 31, 2018. Prior to that meeting, Washington Appleseed circulated a detailed policy memorandum entitled *Tactics to Increase Jury Diversity* (“WA Appleseed memo,” attached as Exhibit A). The WA Appleseed memo identified six major factors that resulted in minority underrepresentation on juries:

- **Factor 1—Source Lists:** Whether minorities receive a summons depends on what source lists are used and how frequently those lists are updated.
- **Factor 2—Economic Hardship:** Given the correlation between race and poverty, minorities are disproportionately likely to seek economic hardship excusals and few jurisdictions have programs to alleviate this burden.
- **Factor 3—Eligibility:** Minorities may not meet eligibility requirements to serve.
- **Factor 4—Felon Disenfranchisement:** Felon disenfranchisement disproportionately affects minority jurors.
- **Factor 5—Summons Processes:** Inefficiencies in the summons process could be having a negative effect on minority representation.
- **Factor 6—Data Collection:** Though data collection does not have a direct impact on whether diverse jurors make it through courthouse doors, it is crucial that we are able to monitor the nature and extent of the problem in order to determine which solutions have the most promise.

At the meeting, Task Force members were divided into three working groups to explore the issues identified under each factor:

- **Summons** (Factors 1, 5, and 6)
- **Economic Hardships** (Factor 2)
- **Jury Service Eligibility** (Factors 3 and 4)

During the spring and summer, the three working groups met independently to discuss their assigned factors and prepare recommendations for the Task Force. At meetings on August 22, 2018, and October 24, 2018, the Task Force heard final reports and recommendations from all of the working groups and voted on whether each proposed recommendation should be considered high, medium, or low priority. The list of recommendations receiving at least 50% high-priority votes is presented below. The next step is for the Minority and Justice Commission to decide which recommendations will move forward to the Board for Judicial Administration (BJA) for approval or other further action.

TASK FORCE RECOMMENDATIONS—HIGH PRIORITY

These recommendations were voted **high priority** by Task Force members in attendance at the meetings where votes were casted.

1. Source List Expansion and Frequency (Factor 1)

Expanding source lists beyond the traditional “motor/voter” list is expected to result in more minority and low income populations being summoned for jury duty. According to a research project conducted by Washington Appleseed at the Task Force’s request, a few other states have expanded source lists beyond the traditional lists. These other states include property owners, social service recipients, and information from tax rolls. However, none of those states track juror diversity or demographics, so it is impossible to tell how these changes have affected juror diversity, or exactly how they will change Washington’s juror diversity if enacted.

Currently, Washington court jurisdictions receive updated source lists annually. Approximately 10-15% of the US population moves annually,¹ change of address databases are not always updated, and approximately 40-50% of summons are returned as undeliverable or never receive a response. Data shows that the most mobile populations are minority groups,² and the committee believes that updating source lists more often is likely to be effective in increasing minority juror turnout.

Task Force Recommendations:

- a. Increase the number of source lists in Washington beyond lists of registered voters and driver’s license & state ID card holders. (High=11, Medium=4, Low=1)³
 - i. Determine resources needed to expand source lists.
 - ii. Analyze and research any obstacles to including additional source list information (e.g. privacy statutes, multiple addresses for utilities).
- b. Update source lists more often than annually. (High=8, Medium=5, Low=3)
 - i. Research costs (state and local) of creating source list two or four times per year.

2. Ensuring Adequate Juror Compensation and Job Security (Factor 2)

The Task Force recognized that juror compensation in Washington is inadequate. Data shows that financial hardship is the second highest reason to excuse a potential juror, behind undeliverable summonses. The Task Force believes that lower income and minority populations are disproportionately affected by the financial hardships of jury service. There was a robust discussion within the Task Force

¹ <https://www.census.gov/newsroom/blogs/random-samplings/2017/01/mover-rate.html>

² For example, “The highest mover rates by race were for the black or African-American alone population...”
<https://www.census.gov/newsroom/press-releases/2016/cb16-189.html>

³ The reader of this paper may note that there were 17 voting members of the committee, but that the total number of votes for many of the recommendations do not equal 17. This is due to absences and abstentions.

about initiating a pilot project, in select jurisdictions, to study the effect of increasing juror compensation, provided that potential jurors are made aware of the increase. However, the idea of instituting a pilot project was almost unanimously rejected by the Task Force. Instead, the Task Force recommended pursuing a statewide juror pay increase, as well as exploring the feasibility of tax credits or deductions for jury service.

Task Force Recommendations:

- a. Increase juror compensation statewide. (High=unanimous)
- b. Research the feasibility of tax credits or deductions for jury service. (High=unanimous)

3. Providing Childcare for Potential Jurors (Factor 2)

Ensuring adequate childcare for jurors, and making that information known to potential jurors, was identified as a high priority. Providing childcare would alleviate economic burdens and barriers to juror participation, particularly for minority and low income populations. The working group noted that King County currently offers childcare at the Regional Justice Center in Kent, although it was not known whether juror summonses let potential jurors know about the existence of this service.

Task Force Recommendations:

- a. The Task Force supported the concept of all courts providing childcare for jurors. However, it recommended first looking into how childcare is set up at the King County Regional Justice Center (i.e. operational costs and where the funding comes from), and determine whether it is a model that other courts across Washington could implement. Also look into whether jurors receive notice that childcare is available at the time they receive their summons. (High=13, Medium=1, Low=0)

4. Felon Disenfranchisement (Factor 4)

The Task Force recognized that minority populations, specifically African American males, were more likely than any other group to have a felony conviction. RCW 2.36.070 states that a person is eligible for jury service unless they are a felon and have not had their “civil rights restored.” This phrase is not defined, but the Washington Association of Prosecuting Attorneys and caselaw strongly suggest that it refers to voting rights. In their juror qualification questionnaires, many courts ask whether a potential juror is a felon and has had his/her civil rights restored. This question, while legally accurate, has created a lot of confusion for individuals who have felony convictions, as many do not know if their civil rights were restored, if they are eligible to vote, or if they have a certificate of discharge from their felony case. Adding to the confusion, RCW 2.36.070 is not clear that an individual with a felony conviction who may still have outstanding legal financial obligations (LFOs), but who is not under DOC supervision, is eligible for jury service.⁴

⁴ All Task Force members agreed that the statute allows felons who are not actively being supervised to be jurors regardless of outstanding LFO obligations. However, the Task Force strongly believes that this section, and the lack

Task Force Recommendations:

- a. Pursue a statutory amendment to define the phrase “civil rights restored” in RCW 2.36.070. (High = unanimous). The statutory change has already been drafted, and Sen. Dhingra has introduced the change as SB 5162. The bill adds a new section 13 to RCW 2.36.010 which states, “(13) "Civil rights restored" means a person's right to vote has been provisionally or permanently restored prior to reporting for jury service.”
- b. Regardless of whether this statute passes, the AOC or Minority and Justice Commission should pursue an educational campaign to courts asking them to change the wording of their juror qualification questionnaire to make it clear that individuals who have felony convictions can serve as jurors, unless they are still under DOC supervision. For example, the question could be worded as, “Do you have a felony conviction and are currently being supervised by the DOC? (If your only obligation is monetary, you should answer NO.) ____ Yes ____ No” (High=unanimous)

5. Summons Streamlining and Follow-up (Factor 5)

Currently, there are different practices around the state for juror summoning, how jurors are qualified, and what type of procedure is used when a juror fails to appear. Each court drafts its own summons, and these forms vary dramatically from court to court. Some courts qualify jurors in one step (where a summons and questionnaire are sent together), and other courts summon in two steps (where the court first sends out questionnaires, and then, if the juror is qualified, later sends a summons). When a summoned juror does not appear for service, some courts do nothing, others send a second summons, and others send a notice to appear in front of a judge to explain the absence.

The Task Force ultimately determined that the best practice would be a one step process and using follow up mailings to non-responders to encourage a response. The Task Force believes that these steps are likely to increase responses in general, and particularly among minority populations.

In Washington, all summons must be sent via US mail or personal service. RCW 2.36.095. The Task Force considered whether summoning could be done via other means. Many business and service providers provide notices via email, through mobile device applications, and text message based notifications, reminders, bills, and even payments. The Task Force discussed using automated messaging (text, email, phone calls)⁵ to remind jurors of their service and increase response rates. We know that Asian and African American populations appear for jury service at approximately 50% of what would be expected

of a definition of “civil rights restored,” is creating unnecessary confusion that disproportionately affects communities of color.

⁵ Many doctors and dentists use reminder services: <https://simpletexting.com/industry-guide/text-appointment-reminders-for-doctors-and-dental-offices/>, and courts are starting to adopt these reminders and are finding that they save money: <http://www.spokesman.com/stories/2018/sep/14/with-automated-warning-system-public-defenders-off/>

based on census data.⁶ So, increasing juror response rates through reminders or more effective summoning is likely to increase the participation rates for minority jurors more than any other group.

Task Force Recommendations:

- a. Recommend courts use a one step process, which is now a national best practice. (High=16, Low=1)
- b. Create a system for reminder calls, texts and emails for jurors. (High=14, Medium=1, Low=2)
- c. Research whether statutes should be changed to allow summons via methods other than paper. (High=11, Medium=5, Low=1)
- d. Task appropriate AOC staff with working with local courts and court associations to develop statewide summoning best practices, provide education to the courts on best practices, assist courts with data collection, and act as a subject matter expert on juror issues. (High=7, Medium=2, Low=3)

6. Data Collection (Factor 6)

The Task Force unanimously agreed on the importance of collecting jury demographic data and recommends the permanent statewide implementation of a system to collect juror demographics.⁷ The Minority and Justice Commission conducted the juror demographic survey in 2016-17, and could provide assistance in helping to develop a more streamlined process for data collection. Continuing to track demographics will help the state monitor whether and to what extent each proposed change affects minority juror participation.

The Task Force also believes that tracking the demographics of each juror at each phase of jury selection (sent to courtrooms for voir dire, excusals for hardships, challenges for cause, and peremptory challenges) will provide never before seen transparency in the demographics of how jurors are empaneled. Race based discrepancies in challenges for cause, hardship, and peremptory challenges are well documented and should be tracked.⁸ Such transparency may increase minority juror participation due to a renewed belief that the justice system is fair.

Task Force Recommendations:

- a. Begin collecting juror demographic data on a permanent, statewide basis. (High=unanimous)

⁶ See, <https://q13fox.com/2017/05/24/jury-of-your-peers-not-if-youre-a-minority-in-washington-study-shows/>

⁷ The Task Force is aware of only one state, New York that currently collects juror demographic information. See New York Judiciary Law Sec. 528: <https://codes.findlaw.com/ny/judiciary-law/jud-sect-528.html>

⁸ See part IV and VI, as well as the full law review article at: <https://illinoislawreview.org/print/vol-2018-no-4/the-jury-sunshine-project/>

- b. Begin collecting all juror demographic information at each stage of the jury selection process, tracking all hardships, challenges for cause, and peremptory challenges by demographic factor. (High=unanimous)

TASK FORCE IDEAS — NOT RANKED AS HIGH PRIORITY

The Task Force considered a number of ideas for which it did not recommend any action. The following ideas were considered but did not receive a majority of high priority votes:

1. Creating a mechanism (legal and actual) for citizens who are not on the source list to volunteer to be on the master jury list. (High=8, Medium=5, Low=3)
2. Target summons to zip codes with low return rates⁹. (High=7, Medium=8, Low=2)
3. Increase public outreach to minority communities (No one moved this to a vote after discussion – the committee believed other organizations were working on outreach).
4. Improve the movement of juror data between different state agencies and private contractors (No one moved this to a vote after discussion).
5. Improve the readability of summons statewide (No one moved this to a vote after discussion).
6. Allow the use of a modified trial schedule, such as trials from 8 am – 1 pm, to ease the burden on working jurors (No one moved this to a vote after discussion).
7. Move to a one day/on trial system statewide (No one moved this to a vote after discussion).
8. Change state law so that once a person reports for jury service anywhere in Washington, they will not be re-summoned for a set period of time, such as five years (No one moved this to a vote after discussion).
9. Clarify the statutory requirement of being able to communicate in English to be more inclusive or use interpreters. The committee considered a proposed statutory change requiring an in-person review of a juror's English proficiency as it related to the requirements of a specific case. The proposal would have requested AOC to run a pilot project in 4 jurisdictions for 1 year. (High=7, Medium=5, Low=3)
10. Production of a best practices bench card explaining how to interpret and apply current law relating to English proficiency (No one moved this to a vote after discussion).
11. Ask MJC or AOC to create educational materials for court administrators on best practices and practical options relating to English proficiency. (High=2, Medium=4, Low=7)
12. Change state law to allow summonses in multiple languages (No one moved this to a vote after discussion).
13. Production of a bench card and educational materials discussing best practices for following up with non-responders. (High=6, Medium=6, Low=1)

⁹ The committee had a robust discussion related to the legality of this proposal. Proponents of this option supported their position with fair cross section and affirmative action cases. Opponents of this option supported their position with equal protection/equal opportunity cases and Washington Constitution article I, section 21. The MJC and the reader should be aware of this debate as this interim report is considered.

TASK FORCE IDEAS STILL UNDER CONSIDERATION

The Task Force also considered one issue and one idea that are still under consideration but could not be ready in time for this report.

1. Washington's two largest counties, King and Pierce, have both discovered that the number of people on the source list appears to be significantly higher than the number of adults living in each jurisdiction. The overages are between 10-15%. It is unknown why this overage exists, or how it affects minority or any specific demographics' representation. When more information is available, the committee will supplement this report.
2. The committee considered a proposal to change the way jurors are sent to courtrooms so that they are more geographically representative of the jurisdiction. At the committee's request, a University of Washington School of Law professor, as well as a research assistant, are currently reviewing past summoning and distribution patterns to see if and how this idea would change things. This research is in its infancy, and when more information is available, the committee will supplement this report.



WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

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Co-Chairperson
Washington State Supreme Court

Judge G. Helen Whitener
Co-Chairperson
Pierce County Superior Court

Judge Veronica Alicea-Galván
King County Superior Court

Judge Lisa Atkinson
Northwest Tribal Court Judges' Association

Professor Lorraine Bannai
Seattle University School of Law

Mr. Jeffrey A. Beaver
Miller Nash Graham & Dunn LLP

Judge Johanna Bender
King County Superior Court

Ms. Ann Benson
Washington Defender Association

Ms. Diana Bob
Native Law PLLC

Ms. Lisa Castilleja
University of Washington School of Law

Judge Faye Chess
Seattle Municipal Court

Judge Linda Coburn
Edmonds Municipal Court

Ms. Grace Cross
Skamania County Clerk

Ms. Theresa Cronin
Community Member

Assistant Chief Adrian Diaz
Seattle Police Department

Judge Mike Diaz
King County Superior Court

Judge Lisa Dickinson
Northwest Intertribal Court System

Judge Theresa Doyle
King County Superior Court

Professor Jason Gillmer
Gonzaga University School of Law

Mr. Anthony Gipe
Shatz Law Group, PLLC

Judge Bonnie J. Glenn
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Ms. Kitara Johnson
Excelsior Youth Center

Ms. Anne Lee
TeamChild

Judge LeRoy McCullough
King County Superior Court

Ms. Karen Murray
King County Associated Counsel for the Accused

Judge Lori K. Smith
Washington State Court of Appeals

Mr. Travis Stearns
Washington Defender Association

Justice Debra L. Stephens
Washington State Supreme Court

Ms. Katherine Svoboda
Washington Association of Prosecuting Attorneys

Ms. Leah Taguba
King County Prosecutor's Office

Ms. Lisa van der Lugt
Office of Minority and Women's Business Enterprises

March 12, 2019

House Committee on Civil Rights and Judiciary

RE: SB 5162

Honorable Members of the House,

On behalf of the Washington State Minority and Justice Commission, we are writing to express our support of SB 5162. This bill clarifies the qualifications for jury service by removing any confusion about when a person who was convicted of a felony can serve as a juror. The bill makes it clear that a person who was convicted of a felony, who has served his/her time, and has completed community supervision (probation), is eligible to serve on a jury. As a result, we believe our jury pools around the state will be more diverse and reflect the population we serve. Increasing the mix of individuals eligible to serve as jurors will only enhance justice and fairness.

We draw your attention to the broad support of this bill; it was drafted with input from the Washington Association of Prosecuting Attorneys (WAPA), the American Civil Liberties Union (ACLU), criminal defense lawyers, civil lawyers, judges, jury administrators, and representatives from the Washington Attorney General's Office.

We are available to answer any questions you might have about this bill and its impact on our courts.

Thank you,

Judge Steve Rosen & Judge Johanna Bender

King County Superior Court
Co-Chairs
Minority and Justice Commission Jury Diversity Task Force

Administrative Office of the Courts ♦ Post Office Box 41170 ♦
Olympia, Washington 98504-1170
Telephone (360) 705-5327 ♦ Telefacsimile (360) 956-5700
E-mail: AOCMIN/JUS@courts.wa.gov ♦ Website: www.courts.wa.gov

SENATE BILL 5162

State of Washington

66th Legislature

2019 Regular Session

By Senators Dhingra, Pedersen, Wellman, Das, Keiser, Palumbo, Carlyle, Darneille, Hasegawa, Saldaña, and Kuderer

Read first time 01/15/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to qualifications for jury service; and amending
2 RCW 2.36.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 2.36.010 and 2015 c 7 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise(~~(+)~~), the
7 definitions in this section apply throughout this chapter.

8 (1) A jury is a body of persons temporarily selected from the
9 qualified inhabitants of a particular district, and invested with
10 power—

11 (a) To present or indict a person for a public offense.

12 (b) To try a question of fact.

13 (2) "Court" when used without further qualification means any
14 superior court or court of limited jurisdiction in the state of
15 Washington.

16 (3) "Judge" means every judicial officer authorized to hold or
17 preside over a court. For purposes of this chapter "judge" does not
18 include court commissioners or referees.

19 (4) "Juror" means any person summoned for service on a petit
20 jury, grand jury, or jury of inquest as defined in this chapter.

1 (5) "Grand jury" means those twelve persons impaneled by a
2 superior court to hear, examine, and investigate evidence concerning
3 criminal activity and corruption.

4 (6) "Petit jury" means a body of persons twelve or less in number
5 in the superior court and six in number in courts of limited
6 jurisdiction, drawn by lot from the jurors in attendance upon the
7 court at a particular session, and sworn to try and determine a
8 question of fact.

9 (7) "Jury of inquest" means a body of persons six or fewer in
10 number, but not fewer than four persons, summoned before the coroner
11 or other ministerial officer, to inquire of particular facts.

12 (8) "Jury source list" means the list of all registered voters
13 for any county, merged with a list of licensed drivers and identicard
14 holders who reside in the county. The list shall specify each
15 person's name and residence address and conform to the methodology
16 and standards set pursuant to the provisions of RCW 2.36.054 or by
17 supreme court rule. The list shall be filed with the superior court
18 by the county auditor.

19 (9) "Master jury list" means the list of prospective jurors from
20 which jurors summoned to serve will be randomly selected. The master
21 jury list shall be either randomly selected from the jury source list
22 or may be an exact duplicate of the jury source list.

23 (10) "Jury term" means a period of time of one or more days, not
24 exceeding two weeks for counties with a jury source list that has at
25 least seventy thousand names and one month for counties with a jury
26 source list of less than seventy thousand names, during which
27 summoned jurors must be available to report for juror service.

28 (11) "Juror service" means the period of time a juror is required
29 to be present at the court facility. This period of time may not
30 extend beyond the end of the jury term, and may not exceed one week
31 for counties with a jury source list that has at least seventy
32 thousand names, and two weeks for counties with a jury source list of
33 less than seventy thousand names, except to complete a trial to which
34 the juror was assigned during the service period.

35 (12) "Jury panel" means those persons randomly selected for jury
36 service for a particular jury term.

1 (13) "Civil rights restored" means a person's right to vote has
2 been provisionally or permanently restored prior to reporting for
3 jury service.

--- END ---



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Ms. Katherine Svoboda
Washington Association of Prosecuting Attorneys

Ms. Leah Tagu ba
King County Prosecutor's Office

Ms. Lisa van der Lugt
Office of Minority and Women's Business Enterprises

March 28, 2019

House of Representatives
248A John L. O'Brien
P.O. Box 40600
Olympia, WA 98504-0600

Dear Representative Chopp,

On behalf of the Minority and Justice Commission, we write to express our support of E2SSB 5290 which addresses the use of detention for youth noncriminal behavior.

While we acknowledge that there are judges actively supporting a court order exception, it is important for you to know that not all judges agree. There are judges on our Commission who care very much about juveniles and their need for social services. However, they have taught us from their experience that incarceration is not the answer. The Commission's juvenile justice subcommittee has been actively addressing the rise of racial disproportionality in our juvenile justice system over the last ten years. We have openly expressed our concerns about the practice of using detention for status offenses, especially for matters involving truancy that make our state an outlier on the national level.

Please be assured that we recognize the fact that a youth can be in crisis and in need of services at any given moment. As tempting as it may be to turn to detention facilities that are readily available, we firmly believe, and research supports, that diverting youth away from juvenile justice involvement results in better outcomes for all youth. Incarceration is not a substitute for youth-centered public or mental health services. There should be no exception for incarcerating youth who have not committed a crime. As challenging as it may be, we encourage the development and funding of services that actually meets the needs of young people and keeps them safe.

The time to act in favor of justice is now. We urge you to support E2SSB 5290 to ensure that youth-centered principles are institutionalized within our juvenile justice system.

Sincerely,

Judge Helen Whitener
Co-Chair

Justice Mary Yu
Co-Chair

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County Clerk's Spring Program Session Evaluation A Day in the Life of the Just Monday March 18, 2019

Please check the appropriate box to indicate your evaluation of this session.

	YES	NO	N/A
1. I gained important information.	24	1	0
2. The session was well organized/coordinated.	25	0	0
3. Made clear connection to the workplace.	24	1	0
4. The presentation kept my interest throughout.	24	1	0

What aspect of the session did you find most valuable and why?

- For an interactive session, I found it to be put together great. It was a good ice breaker to work with people we didn't know. Plus educational.
- Wow-all of it! One of the best (if not the best) trainings I have ever participated in.
- Not aware of the services available.
- The social aspect of it was great. Hearing people's stories were even better. It reminds me that I need to not judge where a person is in life or where they come from.
- The need to establish procedures within the office to allow management and employees to feel comfortable with checks and balances. Appreciate the role play regarding those struggling and perhaps not as knowledgeable accessing services.
- I hate role playing activities but found this activity very realistic and helpful.
- I was surprised at how much I enjoyed this session. It should be shared widely.
- Experiencing and watching the reactions/actions of various role-players as each attempted to be successful in the agenda/goal of the role playing exercise regarding Poverty & Indigence.
- Role play and understanding services, issues people face. Helps understand what services are out there and what the public deals with.
- The simulation was pretty real.
- Great perspective of those struggling with poverty.
- Good reminder of challenges many face.
- The whole session was AMAZING! Please present this to the SCJA.
- Entire exercise, hands on.
- Made me think about the hardships involved with trying to obtain services.
- Loved the whole session.

Please rate the faculty on a scale of 5 to 1 (5 = excellent; 1 = poor)

	Overall Teaching Effectiveness	Engaged Audience	Well prepared and organized	Average Score
Ms. Cynthia Delostrinos	4.76	4.88	4.92	4.85
Ms. Michelle Bellmer	4.67	4.88	4.92	4.82

Comments about the faculty:

- Well organized.
- Excellent job facilitations.

- Great job. Fun activity to bring out your awareness.
- Awesome. Enjoyed the activity.
- 2nd time I've participated in a C.A. simulation. Appreciated the refresher.
- Everyone approachable and friendly.
- Very professional and organized/prepared.
- Very enlightening and true. I lived it as 1 of 5 children with 1 parent working.
- Well prepared and interactive. Speaker was low in voice. Could have been louder.
- They both did an excellent job.
- Did good job.
- I really enjoyed this and think it would be beneficial for staff.
- Very good faculty.
- Michelle spoke too softly.

Where appropriate, were diversity issues (e.g. gender, race, culture, sexual orientation, religion, disability) incorporated within the presentation?

Yes	No
19	0

If you feel diversity issues were not included, let us know where issues come up in your court in this particular area so that it might be addressed in future programming: