



**Washington State Minority and Justice Commission (WSMJC)**  
 Friday, March 21, 2014  
 8:45 a.m. – 12:00 p.m.  
 Schwabe, Williamson, & Wyatt, Seattle, WA



**MEETING NOTES**

**Commission Members Present**

Justice Charles W. Johnson, Co-Chair  
 Judge Mary I. Yu, Co-Chair  
 Prof. Lori Bannai (via teleconference)  
 Ann E. Benson  
 Jeffrey A. Beaver  
 Prof. Robert C. Boruchowitz  
 Prof. William Covington  
 Judge Deborah D. Fleck  
 Bonnie J. Glenn  
 Russell Hauge  
 Carla C. Lee  
 Karen W. Murray  
 P. Diane Schneider  
 Judge Mariane C. Spearman  
 Travis Stearns  
 Justice Debra Stephens

**Members Not Present**

Judge Alicea-Galvan  
 Jennifer Davis-Sheffield  
 Callie Dietz  
 Prof. Jason Gillmer  
 Uriel Iñiguez  
 Yemi Jackson  
 Commissioner Joyce J. McCown  
 Judge LeRoy McCullough  
 Rosa Melendez  
 Judge Gregory D. Sypolt  
 Judge Vicki J. Toyohara  
 Judge Dennis D. Yule, Ret.

**AOC Staff Present**

Cynthia Delostrinos  
 Kathy Bradley

**APPROVAL OF MINUTES**

The meeting was called to order at approximately 8:45 a.m.

The meeting notes from the January 31, 2014, meeting were approved. There was a change to the minutes in regards to the budget allocation for what was listed as the Seattle Youth and Law Forum. The minutes needed to be changed to reflect that the \$500 allocated by the Commission was for printing of the Youth and Law Forum Guidebook, not the Seattle Youth and Law Forum. The Seattle Youth and Law Forum received \$1,500 from the Commission.

**STAFF UPDATES**

**Budget**

The Commission has roughly \$18,000 in unallocated funds left to spend by the end of this fiscal year June 30, 2014.

When considering requests for funds, the focus should be on the core work of the Commission. This past year, the Commission has underspent on education and research, which are two core areas of our work. It is also important to consider whether the funds requested can be spent within the current fiscal year to avoid having excess unspent funds at the end of the year.

There was a proposal for increasing the funding approved for the Youth and Law Forum Guidebook (YALF Guidebook) from \$500 to \$3,000. The YALF Guidebook would contain

detailed information about some of Washington's Youth and Law programs, with the purpose of giving all of the information one needs to implement a program in one's own community. Funding for the YALF Guidebook would cover the printing of the books, costs for sending the book to judges around the state, and the costs associated with putting together a presentation at the next Judicial Conference. Bonnie Glenn will put together a budget for the YALF Guidebook and propose it at the next Commission meeting.

The Perception of Justice Study subcommittee also requested that funds be set aside for the public release of the study. Funds are needed to cover the travel and lodging of the researchers and a potential public release event. The subcommittee will put together a proposed budget to be considered at the next Commission meeting.

There also have been two requests from the Initiative for Diversity Governing Council (IDGC) and the District and Municipal Court Judges' Association (DMCJA) Education Committee that will be considered at the next meeting.

The Commission requested that staff put together a more detailed budget showing all of the expenditures up until March 2014. By June 1, 2014, the Co-chairs would like to have a clear outline of what the Commission will spend for this fiscal year. All requests for funds at this meeting were put on hold until the next meeting where a more detailed budget of expenditures will be provided by AOC staff.

#### **LSAC Grant – “Road to a Diverse Bar and Bench”**

The Minority and Justice and Gender and Justice Commissions jointly submitted a grant to the Law School Admission's Council (LSAC) for a project entitled, “The Road to a Diverse Bar and Bench.” The grant was submitted about one year ago and the Commission just got word back from LSAC of its acceptance. The purpose of the project is to pull together information from all of Washington's youth and law programming from around the state, create an online database of that information, hire a national consultant to evaluate the programs for effectiveness and impact, and to develop a report on best practices.

The grant was approved for up to \$7,500, which was considerably less than what was asked. There were also certain conditions that needed to be met upon acceptance of the grant, including that the project needs to be completed by April 2015. We have until April 4, 2014, to make a decision on whether or not we are going to accept the \$7,500.

Commission members expressed an interest in reviewing the grant and the conditions prior to its acceptance. There were questions about the evaluation piece and whether it was going to measure the impact that the youth and law forums have on the community at large, and not just the students who participate. Commission members expressed an interest in having the evaluation be inclusive of all of the various impacts the programs have on both youth and the community.

The grant will be sent out to the Commission in the near future, and those Commission members who are interested in weighing in on the grant will be asked to participate in a phone conference.

#### **Gender and Justice Commission & Interpreter Commission Possible Collaborations**

##### **Tribal State Court Consortium**

The Tribal State Consortium would be a collaboration between the Gender and Justice Commission, Minority and Justice Commission, and tribal and state courts. It is an effort to bring together tribal court judges and state court judges to foster communications and build relationships between the two groups, and to try to resolve any jurisdictional conflicts that may exist. It is also an effort to ensure that the state courts are following Court Rule 82.5, which was passed to clarify jurisdictional issues between the tribal and state courts and to give full faith and credit to tribal court orders.

Chief Justice Madsen, Judge Theresa Pauley, and Judge Patricia Clark, and many others have been working diligently on getting this Consortium created. There was a large meeting held at the 2013 Judicial Conference that brought together 11 tribal court judges and 17 state court judges to discuss the potential for establishing a Consortium, and there was great support in moving forward. The Commissions were asked to take a lead in helping to support these efforts as they move forward.

A Consortium of this sort is long overdue. CR 82.5 has not been fully implemented around the state, except for in Snohomish County. This may be due to the resistance that it received at its passing, and the lack of education and cooperation amongst the state courts. This is troubling because if a tribal court enters an order of protection, it ought to be recognized everywhere and not just on tribal land.

The Commission was supportive of the efforts to establish the Consortium. Specifically, there was interest in expanding the validity and understanding around the state of CR 82.5. At this point, the structure of the Consortium has not yet been established and that is where the efforts are at this point. It was suggested that the Commission have someone as a liaison to help push these efforts forward. Danielle Pugh-Markie, Supreme Court Commissions Manager, was recommended.

#### **Domestic Violence Interpreter Training**

The Gender and Justice and Interpreter Commissions are sponsoring three trainings on interpreting in domestic violence and sexual assault cases in May. The training is for interpreters from across the state and will be held in 3 locations: Seattle, SeaTac and Spokane. The costs for the interpreters' lodging and travel will all be covered. When asked, the Commission was in agreement to co-sponsor this event.

#### **Future Commission Meeting Dates – 2014**

The meeting scheduled for July 18, that is being hosted by the King County Prosecutor's Office, will be held at their Kent office at the Maleng Regional Justice Center.

The date of the meeting currently scheduled for November 7, is contingent on the Tri-Cities Youth and Justice Forum, and may be changed to October 31. The date of the Forum is still to be determined, but is likely to be either on the first weekend of November or the last week in October.

### **CO-CHAIR REPORTS**

#### **Bylaws Amendments**

Amendments to the bylaws were approved to increase the limit on membership to 35, and to make any AOC staff ex-officio members.

**New Commission Member Appointments**

The Washington State Association of County Clerks (WSACC) nominated Marie Eggart as their representative on the Commission. Marie Eggart is the current County Clerk for Asotin County. The Commission voted to approve her appointment.

The Superior Court Judges' Association recommended two judges, Judge Lori K. Smith and Judge Theresa Doyle. It was mentioned that it would be a good thing to have two superior court judges on the Commission to allow for more participation from the superior courts since it is hard for judges to be off the bench to attend meetings. There was concern that the Commission does not have representation from areas outside of King County. However, the call out for interest went out to all superior court judges, but no one from outside of King County applied for the position. The Commission voted to approve both Judge Smith and Judge Doyle's appointment.

**Supreme Court Symposium on Juvenile Justice – May 20, 2014**

The Symposium is a presentation to the Supreme Court on the recent developments in adolescent brain science. The event is sponsored by the Minority and Justice Commission, the MacArthur Foundation, and the Center for Children and Youth Justice. This is one of the annual forums to the Supreme Court following up on the past presentations by the Race and Criminal Justice Task Force. It is really important to have every Minority and Justice Commission member present. The event is at the Temple of Justice from 8:30 am to 12:00 pm, with a light reception afterwards. The event is free and open to the public.

The MacArthur Foundation is sponsoring Dr. BJ Casey to present on the advancements in adolescent brain development and behavior. There will also be presentations featuring projects around the state that are transformative in how they address juvenile justice issues. One of the presentations will be on the 180 Program by the King County Prosecutor's Office. It is a pre-filing effort to divert youth away from the court system; a majority of those youth are youth of color. Pat Escamilla, Clark County Juvenile Court Administrator, will present on restorative justice practices in Clark County. There will also be a presentation by a panel of young people that is being organized by Kim Ambrose.

Invitations have been extended to all legislators, elected officials, prosecutors, defenders, and more. Judge Yu has two law students putting together a briefing book for the Justices that will be a summary of the efforts around the state that are being done to address racial disproportionality in the juvenile justice system.

Please help us in spreading the word about this event!

**Initiative for Diversity Governing Council (IDGC) Request**

The IDGC has requested \$1,000 from the Commission for their upcoming Legal Executives Summit. No requests for funding were entertained at this meeting and therefore no vote was made on this request. Materials on this request will be provided at the next meeting.

The IDGC runs programming designed to encourage inclusiveness in hiring and retention of lawyers of color in the judiciary, businesses, and law firms. The IDGC has always had a liaison from this Commission. Judge Spearman has stepped down from her position as liaison and the spot still needs to be filled.

## **GUEST PRESENTATIONS**

### **American Civil Liberties' Union (ACLU) & Columbia Legal Services' (CLS) Report on Legal Financial Obligations**

Vanessa Hernandez from the ACLU's Second Chances Project and Nick Allen from Columbia Legal Services, presented on the joint report by ACLU and CLS on Legal Financial Obligations (LFOs). The report was released in February 2014, after a multi-month investigation on legal financial obligation practices across Washington State. The focus of the report was on the four counties where they had received the most complaints about how LFO's were imposed and collected by courts.

One of the big issues they found was that in some Washington counties, hundreds of people are incarcerated for non-payment of LFOs, essentially creating modern day debtor's prisons. What they also found is that in many instances, when a judge imposes LFOs, defendants are not questioned on their ability to pay. Counties in Washington are differing in practice from county to county, even from judge to judge in their practice on imposing discretionary LFOs. In some counties, certain costs are routinely imposed with no inquiry at all into the financial situation of the defendant. Additionally, there is tremendous variation in how courts assess ability to pay.

There is a meaningful opportunity for the Commission to get involved in helping to address some of these issues. One way is by sponsoring judicial education sessions around this topic, another is by creating a court rule and creating bench cards for judges that they can turn to when making decisions on LFOs.

The ACLU and CLS have already been in discussions with superior court judges who believe there is an opportunity to do judicial education around this topic. Historically, the Commission has offered education programs to all levels of court personnel, and not just judges. The Commission should try to reach as many people who are involved in this issue, i.e., County Clerks, defenders, prosecutors, and other court personnel, and provide them with an opportunity for education around this topic.

Some jurisdictions have already produced bench cards that act as guides for judges in inquiring into one's ability to pay. Ohio in particular, issued bench cards that outlined the costs, fines, and fees that are discretionary, and the appropriate inquiry judges must consider before imposing fines. Currently, there is no easy resource for Washington's judges that could help them make their determinations when imposing LFOs, that is why a bench card would be a helpful tool.

It would be an appropriate function of the Commission to draft a court rule and submit it to the Rules Committee. The Commission was encouraged to move forward, despite any pending cases on this issue, in drafting a proposed rule and to circulate it with the group after it has been drafted. There was a consensus by the Commission members that we work with ACLU and CLS on pushing forward these efforts.

There was mention of a bill from the last legislative session that would lower the interest rate on all court fines and fees, except for restitution. The bill was not passed. There will be working groups over the summer that will continue to work on the bill in preparation of having it proposed again next session.

A question was asked whether the presenters had any data on how many individuals were or were not represented by an attorney when the court imposes LFOs, or when a defendant appears in front of a judge after not paying their LFOs. There is no comprehensive data on this issue. However, what they found is that many jurisdictions did not give enough time for individuals to obtain counsel. Individuals are notified of their right to counsel at the point where the court is going to impose sanctions.

### **Women's Wellness and Integrated Social Health (WWISH) Foundation**

It is important for the Commission to get updates on projects and efforts going on around the State that fall within our mission. One area that we should be paying attention to is reentry: How do we assist individuals after incarceration to help them become productive contributors to society?

Laura Pavlou is the founder and CEO of WWISH. WWISH is a non-profit organization that has been working with women in prison since 2009. The organization's focus is on helping women get through adversity, crisis, and transition. Since the program began, Ms. Pavlou has worked with thousands of women in both the Mission Creek Corrections Center and the Washington Corrections Center for Women, in Purdy, WA.

WWISH runs a 12-week program and weekly support groups for women in prison, working with nearly 80 women a week. What Ms. Pavlou realized in working with women in prison is that while there is a huge desire in the women to change, there is not enough support for the women to do so. When they are released, they are not given enough tools to survive on their own. The women need help and support from someone other than their correction officers. In recognizing this need, WWISH supports women's reentry by helping women navigate the system to get their basic needs met.

One way the legal community can help WWISH is by raising awareness about the program, and also by encouraging the court to be creative with sentencing practices and looking to nonprofits like WWISH when considering options for rehabilitation. The program also needs funding.

Since the program has started, not one woman who has gone through the program has recidivated. WWISH is creating healthy communities and safer communities by helping to eliminate the obvious barriers to help formerly incarcerated women move forward with their lives. Learn more about WWISH on their Web site at <https://ourwwish.com>

### ***Related to Reentry***

The King County Prosecutor's Office has been engaged in dialogue and efforts around the issue of reentry, and it was in those efforts that they came across Laura Pavlou and WWISH. What they have been noticing is that there are a lot of grassroots organizations that are helping formerly incarcerated individuals with reentry, but that there are no institutional resources going into these programs. The Prosecutor's Office has an overarching goal to work together with these grassroots organizations on reentry to help prevent individuals from cycling back into the system. They are also looking to the community for options for diversion within one's own community. The system as a whole needs to work collaboratively on this issue of reentry. There are people in the community that are stepping up to do this work, when it should really be a collaborative effort between systems and the community.

The Washington Defender Association, Seattle University School of Law, University of Washington, and the Washington State Office of Public Defense has jointly created the Incarcerated Parents Project. The project is focused on helping mothers and fathers continue their relationships with their children while they are incarcerated. Lillian Hewko will be the attorney on board assisting other attorneys who are working with incarcerated parents. The clinic will be housed at Seattle University School of Law and University of Washington students will be able to participate. It will be one of the first collaborative projects between the two law schools and the organizations involved.

## COMMITTEE REPORTS

I. **Civil Legal Needs Study** (David Keenan – Liaison)

David Keenan is the liaison from our Commission to the Committee working on the Civil Legal Needs Study. The Study's Committee has reached an agreement with Washington State University Social and Economic Sciences Research Center to move forward. The researchers from the Washington State University (WSU) are now working on creating the questionnaire that will be used to obtain information for the study. Mr. Keenan has been working with Judge Yu and Jim Bamberger on making sure the questionnaire incorporates language that will help in identifying areas of racial disproportionality and the needs of minority populations, as requested by the Commission.

There were two funding requests during the meeting pertaining to the Civil Legal Needs Study. The first request was to increase the amount the Commission is contributing to the study from \$10,000 to \$12,500. That request was voted on and approved. The second request was that any resources left in the Commission's budget at the very end of the fiscal year would be put into the Civil Legal Needs study. That request was voted on and approved.

II. **Perception of Justice Study** (Bob Boruchowitz, Jason Gillmer, and William Covington)

The Subcommittee is working on having the researchers for the Justice in Washington State Survey participate in the Commission's next meeting on May 2. The Subcommittee is also working out details for a public release of the study with a possible press conference in June 2014, and will look into possible organizations to partner with us. A request for funding is likely to come from this sub-committee for the travel costs for flying the researchers to Seattle for the press conference.

Staff will send information about the study in advance of the next Commission meeting so that members can prepare for a discussion on how the report will be publically released.

III. **Law Enforcement Collaboration**

The Subcommittee has been meeting with the Washington Association of Sheriffs & Police Chiefs and the Washington State Criminal Justice Training Commission. There have been discussions around the possibility of training officers to be able to confront implicit bias and for those trainings to start at the very beginning with all of the new officers. There is momentum on changing the philosophy of policing in this

state, from a warrior mentality to a guardian mentality. The Subcommittee will keep the Commission informed of any opportunities to get involved.

The Commission welcomes any recommendations on representation from law enforcement on our Commission.

**IV. Action Conference – May 30, 2014** *(The date has been changed to October 10, 2014)*

The title for the Conference is “Courts Igniting Change: Reconnecting Youth from the Courtroom to the Classroom.” The focus of the Conference is on what the courts can do to stop the school-to-prison pipeline. Some topics of discussion include the decriminalization of youth school behaviors, replacing punitive practices with restorative justice practices, minimizing educational disruption for court involved youth, and much more.

The Conference will be held at Seattle University School of Law. We are collaborating with the Seattle Journal for Social Justice, who will use the topic of the Conference for their Spring 2015 Edition.

The target audience for the Conference will be everyone who works with youth in juvenile courts: prosecutors, defenders, judges, juvenile court administrators, youth, parents, educators, community advocates, probation counselors, etc. However, space is limited to approximately 100 attendees.

During the meeting, there was a question as to whether there will be an opportunity for lawyers to receive Continuing Legal Education (CLE) credits. Staff is currently working on obtaining CLE credits for the event. There was also a suggestion that staff look into offering credits for teachers who attend the event.

**V. Spokane Youth and Justice Forum**

Spokane’s first ever Youth and Justice Forum took place at Gonzaga University School of Law on March 14, 2014. The forum was absolutely amazing. There was great attendance, with over 150 middle and high school students from around the Spokane area, and over 60 volunteers from the legal community and law enforcement community. This is an event the Commission hopes to support every year.

**VI. Seattle Youth and Law Forum**

The Seattle Youth and Law Forum will be taking place on April 26, 2014, at the Martin Luther King FAME Community Center. Commission members are encouraged to attend and participate.

The Youth and Law Forums are examples of the positive partnerships this Commission can have with schools, police, and communities. The forums also offer a really creative way to move around the state and show our presence and passion for these events. It was mentioned that Chelan County has a Youth and Justice Forum has been going on for three years. We would welcome opportunities to work with others putting together events like these.

**VII. Diversifying the Bench – Workforce Diversity**

It was reported that only one out of 50 applications for a judicial position in King County Superior Court was a person of color. The Commission has always been very supportive of efforts to diversify the bench.

This past February, the Commission helped sponsor the 2014 Judicial Institute in an effort to recruit and support attorneys of color who are interested in becoming a judge. Participants were given guidance on how to start the process and what the process entails from judges who have been through it.

The suggestion was made that the Commission do a call out again. We should begin the process of speaking at minority bar association meetings and making other appearances to promote and hand out our “Diversifying the Bench Guidebook.” The conversation also needs to happen at the law schools so that the new young lawyers can start to make a plan to have it become their goal to get onto the bench.

**NEXT COMMISSION MEETING: May 2, 2014**

The next meeting is scheduled for May 2, 2014, at the King County Courthouse, Judicial Conference Room.