



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Fourth Quarterly Report: December 31, 2021

I. Overview

On October 20, 2020, Chief Justice Paul A. Suttell issued Executive Order No. 2020-15 establishing the Committee on Racial and Ethnic Fairness in the Rhode Island Courts. The Committee is charged with identifying and confronting areas where racism, inequality and discrimination may exist in our judicial system and being the driving force of change within the Rhode Island Judiciary. The Chief Justice designated a total of twelve (12) judicial officers, representing each court within the unified judicial system, to be the inaugural members of this important body. The Committee was directed to submit quarterly reports detailing the Committee's activities and accomplishments over the preceding three (3) months. The following constitutes the fourth quarterly report submitted by the Committee on Racial and Ethnic Fairness in the Rhode Island Courts.

The following mission statement guides the Committee's work:

To enhance public confidence in the independence, integrity, and impartiality of the Rhode Island Judiciary, and to promote a fair and bias-free justice system by: 1) engaging in self-examination, education, and public outreach; and 2) identifying areas of systemic racism, unconscious bias, disparate impact, and socioeconomic and other inequities; and 3) taking affirmative steps to self-monitor and combat inequities, so as to ensure a system that is accessible to all and treats all persons equally.

II. Committee Membership

Hon. Paul A. Suttell, Chief Justice (ex officio), R.I. Supreme Court

Hon. Melissa A. Long, Associate Justice, R.I. Supreme Court*

*Chair

Term: October 20, 2020 – October 19, 2023

Hon. Edward C. Clifton, Associate Justice (ret.), R.I. Superior Court

Term: October 20, 2020 – October 19, 2023

Hon. Luis Matos, Associate Justice, R.I. Superior Court

Term: October 20, 2020 – October 19, 2023

Hon. Lia Stuhlsatz, Associate Justice, R.I. Family Court

Term: October 20, 2020 – October 19, 2023

Hon. Edward Newman, Magistrate, R.I. Family Court

Term: October 20, 2020 – October 19, 2023

Hon. Alberto Aponte-Cardona, Magistrate, R.I. Family Court
Term: October 20, 2020 – October 19, 2023

Hon. Pamela Woodcock Pfeiffer, Associate Judge, R.I. District Court
Term: October 20, 2020 – October 19, 2023

Hon. Melissa DuBose, Associate Judge, R.I. District Court
Term: October 20, 2020 – October 19, 2023

Hon. Christopher Smith, Associate Judge, R.I. District Court
Term: October 20, 2020 – October 19, 2023

Hon. Keith Cardoza, Associate Judge, R.I. Workers’ Compensation Court
Term: October 20, 2020 – October 19, 2023

Hon. Susan Pepin-Fay, Associate Judge, R.I. Workers’ Compensation Court
Term: October 20, 2020 – October 19, 2023

Hon. Alan R. Goulart, Magistrate, R.I. Traffic Tribunal
Term: October 20, 2020 – October 19, 2023

Judiciary Staff Assigned to work with the Committee:

Julie P. Hamil, Esq., State Court Administrator
Kathleen Kelly, Esq., General Counsel
Craig N. Berke, Assistant State Court Administrator
Dorca M. Paulino, MPA, Diversity Director

III. Committee Activities

The Committee met eight (8) times from September through December, with additional subcommittee meetings taking place in the interim. The Committee welcomed Kathleen Kelly, Esq., General Counsel, in early November and held a joint meeting with the Rhode Island Bar Association’s Diversity Task Force (Diversity Task Force) on November 30, 2021. The Committee and the Diversity Task Force look forward to future collaborations consistent with the mission of each group.

“When Justice Works” campaign.

Members of the Committee continue to communicate with various community partners and organizations, including representatives from the Thurgood Marshall Law Society, the Rhode Island School of Design, and the Rhode Island Hispanic Bar Association, regarding potential projects to engage members of the public in conversations on the concept of justice. Additionally, Cox Communications has begun airing public service announcements featuring the four judicial officers and their personal reflections on justice.

“Lunch-and-Learn.”

On October 28, 2021, the Committee, in collaboration with the Supreme Court Diversity Office, and the newly formed Access to Justice Office, offered a well-attended lunch-and-learn session titled *Inclusive Courtrooms: Serving the Deaf and Hard of Hearing*. The guest speakers were Tamera Rocha, Esq., coordinator of the Access to Justice Office; Cat Dvar, Esq.; Carol-Lee Aquiline; and Christine West. Panelists provided an overview of the Americans with Disabilities Act (ADA) and the Rhode Island Judiciary’s ADA accommodations policy for litigants, court users, and employees. Panelists also explored the everyday experiences of the deaf community and

discussed the challenges and best practices relative to ensuring access to equal justice for the deaf and hard-of-hearing community. The inspiration for *Inclusive Courtrooms: Serving the Deaf and Hard of Hearing* webinar was the August 16, 2021, event hosted by Rhode Island College and the Rhode Island Commission on the Deaf and Hard of Hearing, where members of the deaf community and victim advocates shared their experiences interacting with professionals in the legal field.

Follow-up Survey: Neuroscience of Judicial Decision-Making.

The Committee distributed a brief survey to the in-person and remote-access attendees of the Fall Judicial Conference, held on September 24, 2021. Eighty-six percent of survey respondents indicated interest in further learning opportunities to explore tools and methodologies aimed at eliminating unconscious bias and implicit impulses in decision-making.

Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project

On October 1, 2021, the Judicial Purchasing Office issued an award letter addressed to the National Center for State Courts (NCSC), the successful bidder to RFP No. B2021004. Under the project, made possible thanks to a grant award from the Rhode Island Foundation, NCSC is facilitating internal conversations and trainings on racial and ethnic fairness, equity, and inclusion. Phase I of the project launched on November 15, 2021, with invitations to participate in Courageous Conversations, small-group discussions about race, diversity, equity, and inclusion in the workplace and the legal profession. Eighty members of the Judiciary's workforce, including 30 judicial officers, volunteered to participate in twelve Courageous Conversations. Phase I concludes in January 2022. During Phase II, NCSC will disseminate an internal survey to measure employee perceptions of diversity and inclusion in the workplace. The data gathered will inform NCSC's efforts to develop a new training curriculum for members of the Judiciary's workforce. NCSC will implement the training curriculum during Phase III.

The goals of the project are: (1) to promote and foster a culture that values diversity, equity, and inclusion; (2) to ensure that members of the public receive fair and just treatment when interacting with court employees; (3) to enhance the cultural competence of judicial officers and Judiciary employees; and (4) to create a space where participants can have open conversations about their perceptions of diversity and inclusion in the workplace.

Rhode Island Superior Court Debt Review and Traffic Tribunal Informational Event

In response to feedback received during multiple meetings throughout 2021, the Committee worked with the Center for Health and Justice Transformation and the Reentry Campus Program to plan and hold a "Costs and Fines" event at the Nonviolence Institute in Providence on November 18, 2021. One hundred ninety-nine people with outstanding court-related debt and suspended driver's licenses registered to appear virtually before a justice of the Rhode Island Superior Court or a magistrate from the Rhode Island Traffic Tribunal; the virtual hearings provided an opportunity for three Superior Court judges to review outstanding debt and ability to pay, and for the magistrate from the Traffic Tribunal to outline the process for driver's license renewal. The Committee greatly appreciates the efforts of the judicial officers and all judiciary staff who made the event a success.

Court Cost Calculator

The Supreme Court's Judicial Technology Center has launched the Court Cost Calculator, which is available on the homepage of the Judiciary's website. The Calculator enables attorneys and the public to ascertain the court costs and other fees associated with certain civil and criminal dispositions. As of the date of this report, the Calculator is programmed to provide information associated with most civil traffic offenses under the jurisdiction of the Traffic Tribunal; criminal offenses are still being programmed with a target completion date in the spring.

IV. Subcommittees

A. Public Engagement Subcommittee (PES)

Charge. The first step in meaningful public engagement is listening. To that end, the PES has been engaged in and will continue to participate in bi-directional conversations with community stakeholders.

Activities to date. In addition to the events and activities discussed above, on November 17, 2021, members of the Committee attended UMOJA, a BIPOC Unity Networking event for Roger Williams University (RWU) Law students, alumni and members of the legal community. This networking event was sponsored by the RWU School of Law and the Rhode Island Legislative Black and Hispanic Caucus.

The PES continues to monitor an e-mail address where members of the public, as well as judiciary employees, are welcome to send their thoughts, suggestions, stories and any other input that they wish to be considered in connection with the Committee's mission: CREF@courts.ri.gov.

Goals. Informed by the foregoing conversations, the PES is planning to reach out more broadly to the public via:

- Deepening partnerships with community stakeholders.
- Engaging in facilitated community-based conversations.
- Monitoring and modelling public engagement best practices as implemented in member states and jurisdictions of the National Consortium on Racial and Ethnic Fairness in the Courts.
- Law Day 2.0 – Partnering with the Rhode Island Department of Education and Providence Student Union in developing a hands-on “Understanding the Rhode Island Courts” civic curriculum. Judge Cardoza is the subcommittee's liaison to RIDE/PPSD.
- Latino Community outreach and “listening session”. Magistrate Aponte-Cardona is spearheading this initiative.

B. Data Subcommittee (DS)

Charge. The primary focus of the DS remains on the Supreme Court's upgrade of its case management system regarding the future collection of demographic data. In addition, based on input from continuing community listening sessions and Committee discussions, the DS will be identifying and exploring additional projects related to the judicial systems' demographics.

Activities to date. The Supreme Court approved the Committee's recommendation regarding upgrading and modifying the Judiciary's case management system to support the collection of demographic data. The Judiciary is in the process of establishing a Data Governance Committee, which will include representatives of the Data Subcommittee. In addition, Committee members continued to engage in an informational exploration regarding the current jury selection process utilized in our state courts. The DS will be reviewing this information in January.

Goals. The primary focus of the DS will remain on the improvement of the demographic data case management system. Moving forward the DS will also be exploring the possible collection of demographic data on attorneys registered in the State of Rhode Island, as such information could potentially assist in efforts to diversify the bar and, as a result, the bench in the future.

C. Self-Examination/Policy Subcommittee (SEPS)

Charge. To engage in thoughtful evaluation and internal conversations to identify areas where changes to Judiciary policies and/or procedures are warranted due to the unintentional but nevertheless very real disparate impact, unfairness or inequity such policies and/or procedures perpetuate on racial and ethnic minority communities.

Activities to Date. The SEPS has worked with the Diversity Director and NCSC to kick off the Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project. The SEPS is also working with the Diversity Director to launch a discussion group for interested judicial officers who will read and discuss literature focused on concepts of justice specifically related to the Black experience in America.

Goals. The SEPS will continue to promote internal conversations and policy/procedure reviews based on feedback received from the community through the outreach efforts of the PES.

V. **Upcoming Initiatives**

The following are initiatives that will be the focus of the next quarter:

- "When Justice Works" Statewide Essay Project – Magistrate Newman in partnership with the Jewish Alliance is leading this effort.
- The Public Engagement Subcommittee is planning and discussing the logistics of additional "Costs and Fines" community events.

- Phase II of the Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project.
- Equity and Access community listening session with members of the Latino/Latina community.
- Public conversation co-hosted by the Thurgood Marshall Law Society and the Institute for Non-Violence.

VI. Conclusion

The Committee wishes to thank the Chief Justice for identifying the need for this important work and his commitment to ensuring that the Committee will succeed in its mission. The Committee looks forward to reporting its progress in the next quarterly report, due on March 31, 2022.

Respectfully submitted,

The Committee on Racial and Ethnic Fairness in the Rhode Island Courts

December 31, 2021