



## COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

First Quarterly Report: March 31, 2024

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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. Executive Order No. 2020-15 further provides that “the committee shall seek to identify and remediate bias and prejudice, both conscious and unconscious, in the administration of justice in this State. It should also work to develop programs and protocols for education and training with respect to racial justice, unconscious bias, and fairness, and make recommendations regarding the impact of race on various court processes.”

The following mission statement has guided the Committee’s work since it was established in 2020:

*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.*

The Chief Justice initially designated twelve (12) judicial officers, representing each court within the unified judicial system, to be the inaugural members of this important body.

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 M. Matos, Associate Justice, R.I. Superior Court  
*Term: October 20, 2020 – October 19, 2023*

Hon. Christopher K. Smith, Associate Justice, R.I. Superior Court  
*Term: October 20, 2020 – October 19, 2023*

Hon. Lia N. Stuhlsatz, Associate Justice, R.I. Family Court  
*Term: October 20, 2020 – October 19, 2023*

Hon. Edward H. 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. Keith Cardoza, Jr., 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*

All currently active judicial officers continue to serve beyond the expiration of the first term; the Hon. Colleen M. Hastings, Associate Judge, R.I. District Court has begun serving as a member; and the Hon. Edward C. Clifton continues to engage in the work of the Committee in an informal capacity. The Committee continues to invite the engagement and input of all judicial officers in its important work, including by attending monthly meetings

On November 16, 2023, the Chief Judge of the U.S. District Court for the District of Rhode Island issued a General Order Regarding Appointment to the Committee on Racial and Ethnic Fairness in the Rhode Island Courts and subsequently appointed three judicial officers to serve as full members of the Committee for staggered three-year renewable terms.

Hon. John J. McConnell, Jr., Chief Judge  
Hon. Mary S. McElroy, District Judge  
Hon. Patricia A. Sullivan, Magistrate Judge

Executive Order No. 2020-15 authorizes invitations to members outside of the Committee to participate in its work; accordingly, the Committee holds joint meetings, on quarterly basis, with the Committee on Diversity, Equity and Inclusion (DEI) of the Rhode Island Bar Association. The two Committees collaborate on projects aimed at addressing areas of disparate impact and inequities in our legal system.

The following Rhode Island Judiciary staff work with the Committee:

Julie P. Hamil, State Court Administrator

Kathleen Kelly, General Counsel

Alexandra (Lexi) Kriss, Asst. State Court Admin., Community Outreach & Public Relations

Sara Gilkenson, Diversity Coordinator

## **Committee Activities**

Themes and ideas that emerged at the Community Engagement Symposium for Justice, held on December 8, 2022, continue to drive current Committee projects. The Committee has continued to prioritize education and training; community engagement and collaborations; and data collection and analysis as a means of identifying inequities and areas of disparate impact. Additionally, with respect to self-examination and policy initiatives, the Committee has continued to explore options for broadening the diversity and inclusivity of Rhode Island's jury panels; it has also begun to focus on identifying aspects of the justice system that negatively impact the well-being of families, particularly for families in communities of color.

### **Education and Training**

#### *Turning Pages*

The third season kicked off on January 11, 2024, with discussion of A Raisin in the Sun, by Lorraine Hansberry, followed by discussion of Go, Went, Gone, by Jenny Erpenbeck on February 16, 2024. The discussion group also met on March 29, 2024 to view and discuss Made in Dagenham, a film directed by Nigel Cole. The third book selection is A Fever in the Heartland: The Klu Klux Klan's Plot to Take Over America, and the Woman Who Stopped Them, by Timothy Egan. Discussion is planned for May 2, 2024.

#### *Holocaust Remembrance Day, Lunch & Learn*

The Committee, in collaboration with the Judiciary's Diversity Office and the Community Outreach and Public Relations Office, co-hosted the first Lunch &

Learn event on January 30, 2024. The Holocaust Remembrance Day is observed annually on January 27. This year's virtual event moderated by Assistant State Court Administrator, Community Outreach and Public Relations Alexandra Kriss, and featured an introduction given by Superior Court Judge Richard Licht, welcoming featured panelists, Family Court Magistrate Ed Newman, Rabbi Sarah Mack at Temple Beth-El and Executive Director of the Sandra Bornstein Holocaust Education Center, Wendy Joering. Magistrate Newman shared reflections as the son of Holocaust survivors, and the group spoke about their experiences with anti-Semitism, as well as personal and professional dedication to civics education. The group also discussed the collaboration of the R.I. Judiciary and RIBAR on the Center's Leadership Institute for Teens (LIFT) program on how to be an 'upstander.'

### *Black History Month, Lunch & Learn*

The Committee, in collaboration with the Judiciary's Diversity Office and the Community Outreach and Public Relations Office, co-hosted its annual presentation of Black History Month on February 8, 2024. The event, "Hope Unborn: The Struggle for African Heritage and Indigenous Peoples' Equal Rights in Providence, R.I. (1620-2020)," featured an introduction given by Committee member Superior Court Judge Christopher Smith, welcoming featured speaker, the Vice President of the Black Heritage Society, Keith Stokes. Mr. Stokes discussed "A Matter of Truth," a book and exhibit (sponsored by the R.I. Heritage Society and Gregg M. Amore, the Secretary of State) that chronicle the struggle of African heritage and indigenous people for equal rights in Rhode Island.

### *Justice Unbound: The Judge's Duty to Address Bias & Inequality*

On February 17, 2024, Justice Long attended a Symposium at Duke University School of Law, co-sponsored by the North Carolina Commission on Racial & Ethnic Disparities and the National Consortium on Racial & Ethnic Fairness in the Courts. [\*Justice Unbound\*](#) explored a different vision for the role of judges in pursuing equal justice and helping to reestablish the norms of judicial engagement. The day-long conference included a [Keynote](#) Address by the Hon. Nancy Gertner (ret.) (D.Mass.); a Supreme Court Justices panel featuring the Hon. Chief Justice Shannon Bacon (New Mexico Supreme Court), the Hon. Carla Wong McMillan (Georgia Supreme Court), and the Hon. Patricia Timmons-Goodson (ret.) (North Carolina Supreme Court); and a conversation on [Restoring Faith in the Judiciary](#) with the Hon. James Wynn (4th Cir.) and Professor James E. Coleman, Jr.

### *Fireside Chat: the relevance and impact of state constitutional law*

On March 7, 2024, the Committee and Roger Williams University School of Law co-hosted a program featuring the Honorable Jeffrey S. Sutton, Chief Judge of

the United States Court of Appeals for the Sixth Circuit and Harvard Law School Louis D. Brandeis Professor of Law Nikolas Bowie, who approach state constitutional law from conventionally opposing ideologies. The event modeled academic and professional dialogue with individuals with diverse legal and political perspectives.

### *Blueprint for Racial Justice – Phase 2*

- Judge DuBose participated in a workshop, held March 21, 2024, for an upcoming white paper on criminal record expungement policies and procedures. Along with the white paper, the group is contemplating the development of an interactive digital dashboard with a state-by-state snapshot and analysis of best practices and trends.
- Education Workshop for Racial Justice: The National Center for State Courts (NCSC) Institute for Court Management continues to develop an in-person Education Workshop for Racial Justice to expand, strengthen and improve DEI training in state courts nationwide. NCSC aims “to build a national cohort of knowledgeable and skilled judicial faculty” by inviting three-person teams from 15 states to attend the workshop. Justice Long, Judge Karen Lynch Bernard and Sara Gilkenson will represent Rhode Island at the workshop, to be held April 29-30, 2024 in Phoenix, Arizona.
- Four topics have been identified for *Blueprint* Learning Labs. Each of the four Learning Labs is a focused series of virtual workshop meetings designed to support state courts actively working on implementing specific court DEI improvement; each meeting series will take place over 6-9 months in 2024:

### **Developing Your Blueprint: Leading & Implementing Change**

This Learning Lab is designed for court leaders who are seeking to better understand their state court systems, identify opportunities to improve diversity, equity, and inclusion in their systems, and take actionable steps to implement change. It will assist court leaders with creating a vision to implement change and provide them with tools to communicate that vision for system-wide engagement and buy-in. Through a series of seven monthly virtual workshop meetings, Learning Lab participants will explore various approaches to implementing change and work through a process of assembling a team, conducting a system review, identifying priorities and developing a strategic plan, and communicating that plan with key court community stakeholders.

### **Understanding Court Experiences to Improve Trust and Confidence**

Through methods like surveys, focus groups, and other thoughtfully designed community engagement interventions, this Learning Lab will help court leaders identify the right questions to ask, collect the data needed to better understand their communities, and use the information collected to produce actionable insights about how to make the court a more accessible, inclusive, and equitable space.

### **Building Court Data Capacity**

Court leaders need good data to better understand their systems, make informed decisions about policy and practice changes, and know whether what they are doing is working. How can courts collect, manage, and use their own administrative data to answer critical questions about court diversity, equity, and inclusion? This Learning Lab will provide detailed, hands-on instruction and a collaborative learning environment for court professionals committed to building internal capacity to do this work. This Learning Lab is ideal for court data specialists, court leaders seeking to transform their courts into data-driven organizations, and any court professional who wants to become a more informed consumer and user of data.

### **Building a Diverse Court Workforce**

This Learning Lab will help court leaders build a workforce that represents the diverse makeup of its community. Learning Lab participants will discuss the benefits of a diverse workforce, learn what barriers exist in recruiting diverse candidates, discuss strategies courts and other organizations have used to promote workforce diversity, unpack the unique recruitment challenges that are specific to courts, and explore ways to promote a hiring culture that embraces diversity. Through a mixture of webinars, presentations, facilitated discussion, and activities, this Learning Lab will guide participants through a collaborative learning process that includes the creation of your own court-specific strategic plan to increase diversity of new hires.

### *Justice Riders*

Members of the Committee on Racial & Ethnic Fairness in the Courts are planning a judicial education trip to Montgomery, AL, as a joint project involving state and federal judges. The tentative itinerary includes visits to the [Legacy Sites in Montgomery](#), the [Frank M. Johnson, Jr. Institute](#) at the U.S. District Courthouse in the Middle District of Alabama, the [Freedom Rides Museum](#). A self-funded trip, the project will be a collaborative learning opportunity for state and federal judges

circuit-wide about this important aspect of American History. To-date, 86 state and federal judges have expressed interest in attending.

### **Community Engagement and Collaborations**

#### *Esek Hopkins Middle School Career Fair*

Committee member Judge DuBose welcomed to her courtroom students from Esek Hopkins Middle School on January 9, 2024. Esek Hopkins M.S., a Providence public school that serves primarily students of color, learned about opportunities and shared pathways to become judges, attorneys and other professions within the legal field.

#### *Rhode Island Bar Association Committee on DEI*

The Committee continues to work collaboratively with the Bar Association’s Committee on DEI toward expanding civics outreach and education (1) to foster better understanding of civic rights and responsibilities and (2) to encourage greater civic participation. The Sandra Bornstein Holocaust Education Center invited the Committees to present to students in its Leadership Initiative For Teens (LIFT) program on January 22 and 29, 2024. The LIFT program uses lessons learned from the Holocaust and other genocides to promote human dignity and justice. With the creativity and invaluable assistance of the Executive Director and staff of the Rhode Island Bar Association, the two committees presented “Upstanders: Why We Need Them and How to Be One” and engaged with LIFT students.

#### *Ministers Alliance of Rhode Island*

On January 15, 2024, Committee members attended the Ministers’ Alliance of Rhode Island’s (MARI) annual MLK Jr.’s Scholarship Breakfast in celebration with scholarship recipients. Additionally, the Committee and MARI have begun holding meetings to develop a collaborative outreach plan and discuss other efforts related to improving the diversity of Rhode Island’s jury panels.

#### *Visit to Arraignment Calendar*

On January 29, 2024, physicians from Brown University visited the arraignment calendar at Rhode Island District Court.

#### *Listening Session – Economic Progress Institute*

On February 1, 2023, the Committee met with representatives from the Economic Progress Institute, and the authors of the March 2023 Criminal Justice Report Policy Recommendations to Reduce the Disproportionate Impact of the Criminal Justice System on Black Rhode Islanders to discuss the findings contained

in the March publication. The representatives stressed the importance of and need for data collection and analysis.

### **Data Collection**

Following upgrades to the court management system, the District, Family and Superior Courts initiated a pilot launch of the demographic data collection forms proposed by the Data Governance Committee. The Deputy Court Administrator will meet with members of the Committee to discuss the pilot launch. Additionally, the Committee has shared information about the *Blueprint Learning Lab on Building Court Data Capacity*.

### **Self-Examination & Policy**

#### *Jury Diversity*

The General Counsel has presented proposed statutory changes to promote greater jury diversity and is working to move the bills, H7831 and S2913, through this legislative session.

Committee members have been working with MARI to hold a listening session of community leaders and justice involved participants who would address judicial officers on the barriers to jury participation. Sarah Martino of Amos House will facilitate the listening session, tentatively scheduled for April 23, 2024.

#### *Focus on the Family*

The first pilot group to participate in Caring Dads completed the seventeen week curriculum in March. As noted in the previous quarterly report, undertaking to bring this program to Rhode Island reflects the concern of Committee members about the increase in domestic violence and the disparate impact this has among families of color. The pilot group of eight participants launched in the fall through a collaboration between the Family Court and DCYF. Formal evaluation is underway, but anecdotally the positive feedback from the participants and facilitators who were part of this first effort was overwhelming. All eight of the participants completed the program and there were no new episodes of family violence reported for any of them. Feedback from the “mother contact” facilitated through the Coalition Against Domestic Violence was also universally positive.

The next step is to learn from DCYF which agency will be awarded the contract to add this worthy program to their service array, so that additional facilitators may receive training, thus allowing for expansion of the work. DCYF



intends to have a contract in place with a provider beginning in April. Notably, this project was underway and reached this stage in less than a year.

In a related matter, members of the Committee concerned with the absence of effective services for domestic violence perpetrators adjudicated in criminal cases have sought to expand the use of the Strength at Home program as an alternative to Batterers' Intervention. Strength at Home is well established and presently used in the Veterans' Court. There is great support for expanding use of this program throughout the criminal calendar. The creator of this program, Professor Casey Taft of Boston University, has received a federal grant to conduct a five-year study through the Patient-Centered Outcome Research Institute to compare outcomes from Batterers' Intervention to recidivism results from those who participate in Strength at Home. His team is partnering with Jeff Wisinger, BIP Manager at Gateway Healthcare/Lifespan to conduct this clinical trial. Dr. Taft is also in the process of conducting research to examine the effectiveness of this modality. The view of the program is that the benefits of virtual groups (increased attendance, reduced barriers to participation, medical and psychiatric impairment and disabilities) outweigh the cons (difficulties dispersing and gathering homework assignments), and the facilitation of a cohesive and supportive group environment is possible virtually.

The Committee supports seeking to bring this program to Rhode Island for broader use, and recently members attended a presentation by Professor Taft to explain the structure of the class and the answer questions. The Committee is hopeful that this will be available as a sentencing option as soon as possible and will continue to work with the Batter's Intervention Program's Oversight Committee on recommendations for improvement.

## **A Look Ahead**

- Quarterly meeting with the Rhode Island Bar Association Committee on DEI on April 16, 2024.
- Civic Leadership Summit: Collaboration with the Rhode Island Secretary of State to provide Rhode Island high school students the opportunity to participate in a robust and interactive deep dive into the role and function of Rhode Island's Judicial Branch; April 18, 2024.
- Listening session with the Rhode Island Ministers' Alliance: April 23, 2024.

- *Turning Pages* discussion of A Fever in the Heartland: The Klu Klux Klan's Plot to Take Over America, and the Woman Who Stopped Them; May 2, 2024.
- Annual Meeting of the National Consortium on Racial & Ethnic Fairness in the Courts: May 19-22, 2024.

## **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 June 30, 2024.

Respectfully submitted,

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

March 31, 2024.