



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

Second Quarterly Report: June 30, 2021

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### 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 second 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), RI Supreme Court

Hon. Melissa A. Long, Associate Justice, RI Supreme Court\*

\*Chair

*Term: October 20, 2020 – October 19, 2023*

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

*Term: October 20, 2020 – October 19, 2023*

Hon. Luis Matos, Associate Justice, RI Superior Court

*Term: October 20, 2020 – October 19, 2023*

Hon. Lia Stuhlsatz, Associate Justice, RI Family Court

*Term: October 20, 2020 – October 19, 2023*

Hon. Edward Newman, Magistrate, RI Family Court

*Term: October 20, 2020 – October 19, 2023*

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

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

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

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

Hon. Keith Cardoza, Associate Judge, RI Workers' Compensation Court  
*Term: October 20, 2020 – October 19, 2023*

Hon. Susan Pepin-Fay, Associate Judge, RI Workers' Compensation Court  
*Term: October 20, 2020 – October 19, 2023*

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

*Judiciary Staff Assigned to work with the Committee:*

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

### **III. Committee Activities**

The Committee met four (4) times from April through June, with additional subcommittee meetings taking place in the interim. The Committee also hosted a welcome reception for new judicial officers on May 5, 2021. In addition to Chief Justice Suttell, who gave brief remarks, Presiding Justice Gibney, Chief Judge LaFazia, Chief Judge Ferrieri, and Chief Magistrate DiSandro joined Committee members in welcoming Justice Lynch Prata, Judge Raspallo, Judge Rekas Sloan, Judge Cruise, Judge Ortiz Whited, Magistrate Ballirano, Magistrate Finkelman, and Judge Reall. The Committee was pleased and honored to introduce its work to, and invite participation from, the newest members of the Rhode Island Judiciary.

Several members of the Committee participated in the 2021 Conference and Annual Meeting of the National Consortium on Racial and Ethnic Fairness in the Courts. *From Promise to Practice: The Role of Courts in Ensuring Equal Protection, Due Process, and Access to Justice in the 21<sup>st</sup> Century*, a three-day virtual conference, featured presentations from judicial officers, legal practitioners, academics, clinicians and other professionals from jurisdictions across the United States. Presenters highlighted model practices relevant to the administration of justice, including, for example, Washington's Legal Financial Obligations Calculator ([lfcalculator.org](http://lfcalculator.org)) and Pennsylvania's trauma informed courtroom initiative, as well as best practices for increasing diverse representation on juries and implicit bias training for judicial officers and court staff.

Consistent with our mission, nine of the Committee's judicial officers also participated in one or more of four Judicial-Medical Partnership webinars sponsored by the New England Regional Judicial Opioid Initiative. Coinciding with the 50<sup>th</sup> Anniversary of the War on Drugs, the workshops focused on Justice-Involved Individuals with Substance Use Disorders and included

discussions of how judges should consider “changing the script” to reduce stigma and bias in the justice system, and incorporating trauma-informed practices into courtroom routines.

#### **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.*

- Developed a public-facing racial justice and ethnic fairness webpage and resource guide.
- As noted in the last quarterly report, the PES has been exploring the impact of court-issued fines and fees with various community stakeholders, including a listening session hosted and facilitated by the Center for Health and Justice Transformation on March 29, 2021. A recording of that listening session is available on the Committee’s webpage.
  - Participation in Costs and Fines Working Session hosted by the United Way on June 28, 2021. This three-hour program facilitated breakout groups comprised of judicial officers, public defenders, prosecutors, probation officers and court users with a goal of generating a list of recommendations aimed at making court-ordered costs and fines more transparent, equitable and streamlined.
- The Committee has been monitoring an e-mail address where members of the public 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](mailto:CREF@courts.ri.gov).
- As this quarterly report was about to be published, the PES was preparing for a public campaign to be introduced at a press conference on June 30, 2021 at the headquarters of the Rhode Island Public Transit Authority (RIPTA). Advertisements prominently displayed on a number of RIPTA buses will bring the Committee’s message to the public, that the Judiciary is committed to justice, fairness, and equal treatment. The “When Justice Works” campaign is the catalyst for an eight-month conversation with Rhode Islanders on what justice means to them in their daily lives.

*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 National Consortium member states and jurisdictions.
- 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.
- Latino Community outreach and “listening session”.

#### B. Data Subcommittee (DS)

*Charge.* The DS has focused its attention on two areas to date: to explore and understand the status of our current in-house data collection practices and to determine if such data can assist the Committee in fulfilling its overall goals, both now and moving into the future.

*Activities to Date.* As noted in the last quarterly report, the DS found that the Judiciary’s present ability to capture the type of demographic information needed to assist in fulfilling our Committee goals is inadequate to meet the challenge. This has been found to be a common situation nationwide.

*Goals.* The primary focus of the DS must remain on the overall demographic data collection system, as it is a key component to fulfilling our Mission Statement and therefore the goals of our Supreme Court. Going forward, this will require continuing efforts to educate ourselves, our colleagues, and our administration regarding potential resources for implementing best practices, including the efforts of fellow state judiciaries. We are pleased to report that the Judicial Technology Center is already formulating plans for the upgrading of our computer system; as such, the primary goal of the DS is to inform, encourage, and support this process.

#### 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.*

- *Rhode Island Foundation Grant.* The SEPS submitted a proposal to the Rhode Island Foundation, seeking funding for one or more consultants who will facilitate internal conversations and trainings on racial and ethnic fairness, equity, inclusion and implicit bias.

- *Judicial Education.* The SEPS has identified a nationally recognized educator on neuroscience and its relationship to decision-making to present at a judicial conference in the fall.
- *Ability to Pay (ATP).* Internal discussions on the issues of defendants' ATP, uncollectable court debt, outstanding bench warrants and ways to address these topics have been ongoing. Both the Superior and District Courts modified the financial assessment tool (available on the Forms page of the Judiciary's website) and have begun engaging in ATP conversations with defendants and counsel (Superior), or have begun planning for an ATP calendar (District) to be implemented this summer.

Goals.

- Draft and publish an RFP for one or more consultants who will facilitate internal conversations and trainings on racial and ethnic fairness, equity, inclusion and implicit bias in fulfillment of the Rhode Island Foundation grant.
- 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:

- *The official launch of "When Justice Works" public service campaign.*  
In partnership with the Center for Health and Justice Transformation, this multimedia campaign will serve as catalyst for an 8-month statewide conversation reflecting on the concept of "justice" and what it means in the day to day lives of Rhode Islanders. Phase 1 of the campaign will highlight four sitting judicial officers and their reflections on justice.
- *"Lunch-and-Learn."*  
In partnership with the Supreme Court Diversity Office, this lunch-and-learn session, titled Teaching Asian American and Pacific Islander (AAPI) Perspectives and Experiences in the Legal Community and Beyond, will explore the historical events that have shaped the AAPI community and will provide bystander intervention tips to help participants address the rise in anti-Asian violence. The virtual event will take place on July 20, 2021, from 12:00PM-1:00PM. Panelists include Superior Court Associate Justice Linda Rekas Sloan, former Mayor Allan W. Fung, partner at Pannone Lopes Devereaux & O'Gara LLC, Channavy Chhay, Director of the Center for Southeast Asians, and Ralph E. Tavares, Director of Diversity and Outreach, Roger Williams University School of Law. Participants will be eligible for one general CLE credit upon training completion. The target audience consists of judiciary employees (e.g., staff attorneys, court interpreters, social workers, and other professionals who generally interact with the public).

- Inform, encourage, and support pending upgrades to the Judiciary’s computer system.
- Plan and facilitate a fall judicial conference focused on neuroscience and its relationship to decision-making.
- Issue RFP for consultants who will facilitate the Judiciary’s *Diversity, Inclusion, and Equity Education Series*.
- Support and promote staff attendance at “Trauma Informed Practices in the Courtroom,” a two-hour training focused on best practices for professionals in the legal field interacting with individuals who have experienced trauma. The training will take place on Friday, July 30, 2021, via WebEx.
- Participate in community conversations to identify areas where policy/procedural reforms are needed.
- Once areas of needed reform are identified, establish a communication and workplan to socialize the needed changes and create implementation strategy.

## **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 September 30, 2021.

Respectfully submitted,

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

June 30, 2021