



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Second Quarterly Report: June 30, 2023

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 2023 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), 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, 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

Judiciary Staff Assigned to work with the Committee:

Julie P. Hamil, State Court Administrator

Kathleen Kelly, General Counsel

Alexandra (Lexi) Kriss, Assistant State Court Administrator

Sara Gilkenson, Diversity Coordinator

III. Committee Activities

The Committee met six times from April through June.

Education and Training

In April, the Committee and the Office of Community Outreach and Public Relations launched the Rhode Island Black Heritage Society's travelling exhibit *Before Malcolm & Martin: The Fight for Civil Rights in RI, 1865-1968*. The exhibit explores the seminal role that Rhode Islanders, including Reverend Mahlon von Horne and restaurateur George T. Downing, played in advocating for civil rights for people of color in Rhode Island for the period after the Civil War until the mid-twentieth century. The travelling exhibit premiered on the fifth floor of the Licht Judicial Complex, outside of the Clerk's office, before relocating to the third floor

of courthouse. The next stop for the travelling adventure will be at the Rhode Island Traffic Tribunal.

AAPI Heritage Month & The Law

On May 17, 2023, the Committee, in collaboration with the Office of Community Outreach and Public Relations and the Diversity Office, hosted a lunch-and-learn event in honor of Asian American and Pacific Islander Heritage Month. The hosts welcomed Newport Mayor, Xaykham (Xay) Khamsyvovong, R.I. State Senator Linda Ujifusa (Bristol, Portsmouth), and District Court Deputy Clerk Samnang Becker for a virtual panel discussion. All spoke of their heritage, upbringing, legal background, and experiences in state service.

2023 Conference of the First Circuit Court of Appeals

The 2023 Conference of the First Circuit Court of Appeals was held in Boston, Massachusetts from April 19-20, 2023. Justice Long and the Honorable Carlton Reeves of the U.S. District Court of the Southern District of Mississippi, along with moderator, Professor Cornell Brooks of the Harvard Kennedy School, participated in the opening panel discussion, “*Confronting Racial Injustice in the Past and Moving Forward.*” Other conference highlights included a fireside chat with Justice Stephen Breyer, and a presentation by Harvard Radcliffe Institute Dean Tomiko Brown-Nagin on her recent biography of the Honorable Constance Baker Motley.

“Allies, Not Adversaries”

On May 5, 2023, Judges Matos and DuBose participated in interdisciplinary training co-hosted by the Center for Health and Justice Transformation (CHJT), Brown University’s Alpert Medical School, and the R.I. Association of Criminal Defense Lawyers. The three-part series was designed for physicians, lawyers, social workers, community health workers and peers in Rhode Island and nationwide who are interested in working collaboratively to improve health outcomes and prevent re-incarceration for patients involved in the criminal-legal system.

2023 National Consortium on Racial and Ethnic Fairness in the Courts Conference

The National Consortium on Racial and Ethnic Fairness in the Courts (NCREFC) National Conference and Annual Meeting is a valuable opportunity to gather to discuss current challenges to race equity and racial fairness in the courts and to share practical strategies for advancing equal access to courts and eliminating structural, systemic, and institutional barriers to justice through the courts. The NCREFC partners with organizations whose efforts relate to the work of eliminating bias in the administration of justice and promoting public trust and confidence in courts.

This year's conference was hosted by the Washington State Minority and Justice Commission (MJC) in Seattle, WA on May 21 through May 24, 2023. The conference theme was "***Justice: Promises to Keep.***" Supported by the Washington Supreme Court, the MJC had an informative, engaging, and timely educational program planned.

Judge DuBose and Tamera Rocha, Director of the Access to Justice Office, attended and presented the 2023 NCREFC Achievement in Equity Award to CHJT, which the Committee had successfully nominated for the annual award. NCREFC recognized CHJT for its work to advance health equity in the criminal justice system that brings together criminal justice stakeholders to envision smarter, more compassionate approaches to justice, with a focus on racial equity. Through research, collaborations, advocacy, and educational initiatives, CHJT seeks to transform the criminal justice system to one that "centers equity, is less punitive, and redefines public safety." CHJT was a key partner in the successful Court Debt Review Program, as well as the Committee's "When Justice Works" campaign.

2023 Rhode Island Bar Annual Meeting

On June 1, 2023, Judge DuBose and Tamera Rocha presented "Access Granted: A Discussion on the Access to Justice Gap, Strategies to Eliminate Access to Justice Barriers, and Engaging Meaningfully with Self-Represented Litigants." The session highlighted steps taken by the Committee and the Judiciary to ensure meaningful access, access to justice programs and services offered by the Judiciary, and how attorneys can help under-served communities by engaging meaningfully with self-represented litigants.

On June 2, 2023, Justice Long provided remarks at the Annual Meeting Luncheon to acknowledge the third anniversary of the death of George Floyd and to inform attendees about the work of the Committee following the issuance of Executive Order No. 2020. The Committee noted in particular the outstanding leadership of Chief Justice Suttell, who received the Bar Association's 2023 Award of Merit in grateful recognition of his commitment to access to justice and numerous diversity, equity, and inclusion initiatives, as well as his dedication to serving the needs of the R.I. community through the unprecedented challenges of the pandemic. Congratulations Chief Justice Suttell!

Community Engagement and Collaborations

- On April 3, 2023, CHJT hosted a License Suspension Roundtable Discussion at the Lifespan Workforce Development location in South Providence. Approximately 40 individuals spoke to judges from the R.I. Traffic Tribunal and

members from R.I. Department of Motor Vehicles (DMV). Judicial officers from the Traffic Tribunal and officials from DMV listened to motorists speak about the detrimental impact of license suspension. Chief Magistrate DiSandro and Committee member Magistrate Alan Goulart provided general advice on the suspension process and a worksheet and pathway toward license reinstatement. Chief Darren Stewart from the Adjudication Division at the DMV also addressed the attendees in attempt to demystify the process of license reinstatement at the DMV.

- The Access to Justice Office launched a 12-week Access & Fairness Survey. Committee members shared information about the survey with partner organizations that attended the December 8, 2022 Community Engagement Symposium for Justice in an effort to promote broad data collection throughout the 12-week survey period.
- On April 17, 2023, Committee members attended the 40th *Yom Ha'Shoah* Holocaust Remembrance Day, which coincides with the anniversary of the April 19, 1943 uprising. The program opened with a candlelight procession of Holocaust survivors and survivors' children that moved down the aisle in the social hall at the Alliance's Dwares Jewish Community Center. The Committee looks forward to partnering with the Holocaust Education Center on future educational endeavors.
- On May 1, 2023, Committee members met with Rhode Island Bar Association leaders and members of its Committee on Diversity, Equity, and Inclusion to discuss future collaborative efforts. The two Committees agreed to hold joint meetings on a quarterly basis to brainstorm and pursue projects aimed at addressing areas of disparate impact and inequities in our legal system. Our first collaborative project will build on the very successful Law Day Program: we will seek to expand civics outreach and education, initially by identifying speaking opportunities at schools that serve diverse or disadvantaged student populations in celebration of Constitution Day 2023. (An overwhelming majority of Committee members participated in Rhode Island Law Day on May 5, 2023, the theme of which was *Cornerstones of Democracy: Civics, Civility, and Collaboration* and focused on issues of direct relevance to students in rebuilding trust in our institutions, respect for one another, and our willingness to collaborate to address the challenges that face our nation.)

- On the recommendation of the Committee, the Rhode Island Foundation awarded the 2023 Civic Leadership Award to the Honorable O. Rogeriee Thompson of the U.S. First Circuit Court of Appeals. The award recognizes Judge Thompson’s exemplary leadership, both within the Rhode Island legal community and beyond. A video tribute is available [here](#).
- Judge Dubose attended the 5th Annual Juneteenth R.I. Festival on Sunday, June 18, 2023 at the Roger Williams Park Temple of Music.

Turning Pages

The Committee concluded its second book/film discussion series. Judicial officers discussed *Robert E. Lee and Me: A Southerner’s Reckoning with the Myth of the Lost Cause*, by Ty Seidule, on February 21, 2023; gathered on March 28, 2023, to watch “*Partners of the Heart*,” a documentary in The American Experience series; and closed out the series on April 27, 2023 with a discussion of *The Great Dissenter — The Story of John Marshall Harlan, America’s Judicial Hero*, by Peter S. Canellos.

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.

The Committee continues to monitor 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.

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

- Continuing to engage in community-based conversations, including with non-profit organizations that primarily serve the Latino community, to ensure that members of the public receive fair and just treatment when interacting with court employees.

- Developing a Judiciary-wide Speakers’ Bureau and content for a hands-on “Understanding the Rhode Island Courts” civics curriculum, with a focus on teaching the importance of jury service and jury diversity. As discussed above, creation of a Speakers’ Bureau would also help streamline requests for judicial officers to participate in various pathway-building events statewide.
- Monitoring and modelling public engagement best practices as implemented in National Consortium member states and jurisdictions.

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. The Supreme Court has established a Data Governance Committee, the mission of which is “to ensure that the rules relating to the collection, use, storage and disposal of data are consistent and outline uniform quality standards across the unified court system.” One of the Data Governance Committee’s tasks is to guide the upgrade and expansion of the collection of demographic data. The DS continues to participate in this process.

Goals. The primary focus of the DS will remain on the improvement of the demographic data collection process to be incorporated into the judicial case management system. Feedback from the December 8, 2022 Community Engagement Symposium for Justice included discussion of data needed to support efforts to increase the number of attorneys with diverse backgrounds who practice in Rhode Island. The DS will explore the possibility and manner in which demographic information about our current and future members of the Bar can be collected. This includes examining how other state judiciaries do so and making recommendations for doing so to our Supreme Court later this year.

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. In September 2022, members of SEPS began working with members of Data Subcommittee to explore options for broadening the diversity and inclusivity of Rhode Island's jury pools.

On February 15, 2023, the Judiciary submitted proposed legislation to expand the state's jury lists to include records from public assistance agencies. Additionally, on February 21, 2023, attorney Michael DiLauro of The Justice Criminal Justice Group spoke to Committee members about past efforts to diversify the ethnic and racial makeup of grand and petit jury panels through legislative reform in 2003. Attorney DiLauro also discussed 2006 constitutional and statutory changes to restore voting rights for those with a felony record.

The General Counsel continues to evaluate the feasibility of presenting statutory changes to the General Assembly to promote greater jury diversity. This includes working with the Dept. of Human Services over the next few months to create legislation that adds individuals on public assistance to the jury roles. Also, the Office of General Counsel is currently researching methods utilized in other jurisdictions to improve the number and diversity of potential jurors, including increasing jury compensation, paying jurors minimum wage, and offering employer tax credits.

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

V. Upcoming Initiatives

- The Committee is undertaking research to determine what alternatives may exist to the present Batterers Intervention Program. This effort arises from the recognition that the present statutorily required program may not be as effective as other options and offers little flexibility in terms of tailoring services to individual cases. An evidence-based program for domestic involved parents, Caring Dads, is being piloted in Family Court beginning in the fall. The Committee looks forward to learning about programs used in criminal dispositions in other jurisdictions in the hope of positive outcomes and reducing recidivism in this sensitive area which impacts family safety on all calendars.

- Continuing collaboration with the R.I. Bar Association’s Committee on Diversity, Equity, and Inclusion in pursuit of projects aimed at addressing areas of disparate impact and inequities in our legal system.
- Listening session with the Economic Progress Institute to discuss the findings of the State of Black Rhode Island Policy Research for the Prosperity of R.I.’s Black Communities project.
- Fall reception to welcome new Judicial Officers.
- Lunch and Learn event in recognition of Hispanic Heritage Month.

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, 2023.

Respectfully submitted,

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

June 30, 2023