

Supreme Court

No. 2020-15

## **EXECUTIVE ORDER**

The American legal system is predicated on the consistent, just, and equitable application of the laws to all peoples within our country's borders, regardless of their differences. Both the United States and Rhode Island Constitutions guarantee the individual right to equal protection before the law. Judicial officers, lawyers, and other officials are trained to apply the law fairly and impartially, and to treat all parties with the dignity and respect befitting a democratic society. Indeed, the United States Supreme Court, the highest court in the land, has inscribed over the doorway of its courthouse this indelible promise: "Equal justice under law."

Ongoing national events have, however, sadly demonstrated the disparate application of these noble ideals across our society. Black and minority communities have been particularly rocked by the cruel and brutal loss of young lives. Although the popular responses to these senseless tragedies have been principally directed at the conduct and character of law enforcement, the structure and functioning of our larger justice system, criminal and civil, deserves equal scrutiny if we are to ever eradicate the scourges of racism, prejudice, and intolerance from our civic life.

In recent years, Rhode Island's judicial officers across our unified judicial system have worked diligently within their individual spheres of influence to combat and correct these systemic failings. To organize and enhance their commendable ad hoc efforts and mobilize the full resources of the Rhode Island Judiciary to identify, understand, mitigate, and rectify any and all threads of racism, inequality, and disparate treatment in our legal system today, I hereby establish a Committee on Racial and Ethnic Fairness in the Rhode Island Courts pursuant to the

authority vested in me by § 8-15-2 of the Rhode Island General Laws. The naming of such a committee evinces the Rhode Island Judiciary's substantial, vigorous, and abiding commitment to the fair, equitable, and just treatment of all defendants, victims, litigants, witnesses and members of the public. The appointment of this body also recognizes that the crucial work of making vital and alive the foundational words inscribed above the United States Supreme Court's doorway requires a continuous process of self-evaluation, education, and change. The work of the committee shall be the driving force behind the Rhode Island Judiciary's efforts to achieve these objectives.

The Committee on Racial and Ethnic Fairness in the Courts shall initially be comprised of twelve (12) members, all of whom shall be current or retired judicial officers of this State. The committee's initial membership is as follows: Superior Court Associate Justice Melissa A. Long, a member of the National Consortium on Racial & Ethnic Fairness in the Courts advisory board, who will serve as chair of the committee; retired Superior Court Associate Justice Edward C. Clifton, a former president of the National Consortium; Superior Court Associate Justice Luis M. Matos; Family Court Associate Justice Lia N. Stuhlsatz and Magistrates Edward H. Newman and Alberto Aponte-Cardona; District Court Associate Judges Pamela Woodcock Pfeiffer, Christopher Smith, and Melissa DuBose; Workers' Compensation Court Associate Judges Susan Pepin Fay and Keith A. Cardoza, Jr.; and Rhode Island Traffic Tribunal Magistrate Alan R. Goulart. The Chief Justice of the Supreme Court shall serve as an ex officio member. Committee members shall be appointed for terms of three (3) years and may be reappointed for additional terms. It is contemplated that the appointment of new members to the committee or the reappointment of current members shall be for terms that are staggered. Further, no member who has served nine (9) consecutive years shall be eligible for re-appointment. The committee

in its discretion may appoint subcommittees and invite members from outside of the committee to participate as it deems appropriate.

It will be the charge of the committee to identify and confront areas where racism, inequality, and discrimination may exist in our judicial system. Areas of attention may include, but shall not be limited to, issues such as the ability to pay court fines and fees, jury service, digital and language access, community engagement, expungements, simplifying court processes, pretrial detention for nonviolent offenses, and plea bargains. In addition, 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. Once the current COVID-19 pandemic subsides, the committee shall endeavor to reach out to the community at large, both to listen to their concerns and explain what efforts the Judiciary is making to achieve a fairer system of justice for all. In carrying out these objectives, the committee shall make every effort to collect, organize, utilize, and present relevant data culled from the Judiciary's electronic case management system or other sources.

The committee shall meet as needed to generate a mission statement informed by the goals identified herein, and then to pursue that mission in earnest. The Chairperson of the committee shall submit quarterly reports to the Chief Justice, by March 31st, June 30th, September 30th and December 31st, respectively, that shall include a summary of the committee's activities and any recommendations that it may have for securing a more just future for all Rhode Islanders. These quarterly reports shall be available to the public.

Entered as an Executive Order this 20th day of October 2020.

BY ORDER:

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Paul A. Suttell  
Chief Justice