



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Third Quarterly Report: September 30, 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 third 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:

J. Joseph Baxter, State Court Administrator (ret.)¹
Julie P. Hamil, Esq., State Court Administrator
General Counsel (or designee)
Craig N. Berke, Assistant State Court Administrator
Dorca M. Paulino, MPA, Diversity Director

III. Committee Activities

The Committee met seven (7) times from July through September, with additional subcommittee meetings taking place in the interim.

“When Justice Works” campaign.

Chief Justice Suttell and the Committee formally launched “When Justice Works” on June 30, 2021, at a press conference held at the RIPTA headquarters in Providence. Approximately 20 buses are currently in circulation throughout the state (*see* <https://www.providencejournal.com/story/news/courts/2021/06/30/ri-courts-initiative-asks-what-does-justice-look-like/7810829002/>). This multimedia campaign serves as a catalyst for an eight-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 highlights four sitting judicial officers and their reflections on justice.

Members of the Committee have been in touch with various community partners and organizations, including representatives from the Thurgood Marshall Law Society and the Rhode Island School of Design, regarding how to facilitate continued conversations on the concept of justice with members of the public. Additionally, Cox Communications will air public service announcements featuring the four judicial officers and their personal reflections on justice.

¹ J. Joseph Baxter retired in August 2021. Julie P. Hamil, the first woman to be appointed State Court Administrator, succeeds Mr. Baxter.

Members of the Committee also reached out to judicial officers who self-identified on the Committee’s confidential survey – distributed last fall – as well as those who expressed an interest in supporting the work of the Committee, to solicit feedback on how best to encourage continuing internal conversations on this important topic. Several judicial officers joined Committee members over WebEx on July 27, 2021, to share their thoughts.

“Lunch-and-Learn.”

On July 20, 2021, the Committee, in partnership with the Supreme Court Diversity Office, hosted a lunch-and-learn event titled Teaching Asian American and Pacific Islander (AAPI) Perspectives and Experiences in the Legal Community and Beyond. The format of the event consisted of a panel/Q&A. The guest speakers were R.I. Superior Court Associate Justice Linda Rekas Sloan; former Mayor Allan W. Fung, partner at Pannone Lopes Devereaux & O’Gara LLC; Channavy Chhay, Executive Director of the Center for Southeast Asians; and Ralph E. Tavares, Director of Diversity and Outreach, Roger Williams University School of Law. Topics of discussion included an overview of the historical events that have shaped the AAPI community, modern challenges the AAPI community is working to overcome, and bystander intervention resources to help participants address anti-Asian violence.

On July 30, 2021, members of the Committee attended Trauma Informed Practices in the Courtroom, a two-hour training (via WebEx) focused on best practices for professionals in the legal field interacting with individuals who have experienced trauma.

Rhode Island Foundation Grant

The Rhode Island Foundation has approved the Committee’s grant proposal seeking funding for one or more consultants who will facilitate internal conversations and trainings on racial and ethnic fairness, equity, and inclusion.

Fall Judicial Conference

The Committee worked with the Executive Director of the MCLE Commission and Associate Justices Brian Stern and Karen Lynch Bernard to plan the Fall Judicial Conference, held on September 24, 2021. The primary presenter, Kimberly Papillon, Esq., delivered training on the Neuroscience of Judicial Decision-Making: Accuracy, Excellence and Equity. The training was well-attended: there were 55 in-person attendees, and 14 people participated through remote means. The Committee greatly appreciates the efforts of all judiciary staff who made the conference a success, particularly staff from the Judicial Technology Center, who coordinated remote access to Ms. Papillon’s presentation.

Blueprint for Racial Justice

The *Blueprint for Racial Justice* is a national initiative of the Conference of Chief Justices and Conference of State Court Administrators, with support of the National Center for State Courts, “to take immediate and recognizable steps toward improving racial justice, equity and inclusion in the justice system. The *Blueprint’s* goal is to ensure that all court users, litigants, and community members across the country are heard, listened to, and respected by the nation’s justice system.” The Chief Justice has designated members of the Committee to participate in *Blueprint* workgroups that are focused on Equity & Awareness and Systemic Change. The *Blueprint* workgroups, which meet monthly via Zoom, began their work in July.

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 August 16, 2021, the PES participated in an event hosted by Rhode Island College and the Rhode Island Commission on the Deaf and Hard of Hearing. Feedback received during this event has inspired the PES, the Supreme Court Office of General Counsel, the Supreme Court Diversity Office, and the Rhode Island Commission on the Deaf and Hard of Hearing to host a webinar titled *Inclusive Courtrooms: Serving the Deaf and Hard of Hearing*.

The Committee 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. In August 2021, the Committee received a suggestion for an insightful speaker: Kristin Henning, a law professor at Georgetown. She is the author of *The Rage of Innocence: How America Criminalizes Black Youth*.

Goals. Informed by continuing conversations, the PES plans to reach out more broadly to the public by:

- Deepening partnerships with community stakeholders.
- Engaging in facilitated community-based conversations.
- Monitoring and modeling 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. This initial charge has been completed.

Activities to Date. The DS has 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. The DS discussed its findings with the members of the Committee and, incorporating the Committee’s input, composed a formal recommendation to the R.I. Supreme Court in support of modifying and updating the capacities of our data collection system. The Committee will present the recommendation to the Supreme Court within the next 30 days.

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. With this in mind, the DS will assist the Committee and the Supreme Court as inquiries and projects arise. In addition, because the right to a trial by jury is at the core of the American system of administering justice, it is imperative that members of our diverse Rhode Island communities be represented on our jury panels. The DS will therefore undertake a review of the state’s current jury selection process and will report its findings to the Committee for any further consideration.

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 may perpetuate on racial and ethnic minority communities.

Activities to Date. Upon receipt of the generous grant from the Rhode Island Foundation, the SEPS drafted and published an RFP for one or more consultants who will facilitate internal conversations and trainings on racial and ethnic fairness, equity, and inclusion. The bid solicitation period concluded on September 14, 2021. The Judicial Purchasing Commission received one bid submission, which was under review at the time this report was published.

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 currently planning and discussing the logistics of a “Costs and Fines” community event. The initiative is being led by Justice Matos, Judge Woodcock Pfeiffer and Magistrate Goulart.

- The Supreme Court’s Judicial Technology Center is in the process of developing a Court Cost Calculator which will be made available on the Judiciary’s website. The Calculator will enable attorneys and the public to ascertain the court costs and other fees associated with certain civil and criminal dispositions. The Calculator will be available for Traffic Tribunal cases before the end of calendar year 2021, with criminal codes being added thereafter. The expected completion date for all criminal codes to be programmed into the Calculator is June 2022.
- Initiate the Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project. 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.
- Monitor feedback from judicial officers throughout the Judiciary and continue to invite their input and participation in all Committee conversations, activities and initiatives.

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 December 30, 2021.

Respectfully submitted,

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

September 30, 2021