



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Third Quarterly Report: September 30, 2023 (amended)

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 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 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

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 four times from July through September, including its quarterly meeting with the Committee on Diversity, Equity, & Inclusion (DEI Committee) of the Rhode Island Bar Association.

Education and Training

The Rhode Island Black Heritage Society's exhibit *Before Malcolm & Martin: The Fight for Civil Rights in RI (1865-1968)* relocated to the Garrahy Judicial Complex in August and will move to the Rhode Island Traffic Tribunal in the coming months. 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.

LGBTQ+ Pride Month '101

On June 28, 2023, the Committee, in collaboration with the Office of Community Outreach and Public Relations and the Diversity Office, hosted the first lunch-and-learn event in honor of the LGBTQ+ Pride month. The Judiciary and its Diversity Coordinator continue efforts to create a safe environment and opportunities that (1) emphasize diversity, equity, inclusion, and belonging and (2) ensure a safe and open community for all. The lunch-and-learn hosts welcomed neighbors from the Brown University LGBTQ Center, providing an overview of the Center's work. Presenters also shared stories of acknowledging diverse gender identities and sexual orientations to foster understanding and respect amongst our colleagues and our court users.

Blueprint for Racial Justice

On August 29, 2023, the National Center for State Courts (NCSC) hosted a meeting to kick off Phase 2 of the *Blueprint for Racial Justice*, a national initiative of the Conference of Chief Justices and Conference of State Court Administrators. Meeting participants reviewed Phase 1-accomplishments, including the Court Opportunity Recruitment for All (CORA) project. Participants also helped to identify potential topics for future Learning Labs, both through breakout discussions and a follow-up survey.

Thurgood Marshall Memorial Lecture

On September 13, 2023, Dean Gregory Bowman and the Roger Williams University School of Law welcomed Danielle M. Conway, Dean of Penn State Dickinson Law, to deliver a lecture regarding the roots of antiracism in the Reconstruction Amendments and the second founding of America.

The Hidden Biases of Good People: Implications for Court Personnel

On September 18, 2023, NCSC hosted a webinar featuring Reverend Dr. Bryant T. Marks, Sr., founder and chief equity officer at the National Training Institute on Race & Equity and professor of psychology at Morehouse College, who described the science behind the causes and consequences of implicit bias and its implications for court personnel and processes. Dr. Marks also offered practical strategies for managing and potentially mitigating implicit bias at the personal and organizational levels.

Community Engagement and Collaborations

In July and August, members of the Committee worked with the DEI Committee and staff of the Rhode Island Bar Association on the first joint initiative: expanding civics outreach and education to foster better understanding of civic rights and responsibilities and encourage greater civic participation, both of which are key to a healthy democracy. Working in collaboration with the Providence After School Alliance (PASA), the two committees planned a pilot Constitution Day program to commemorate the signing of the United States Constitution on September 17, 1787.



The inaugural program, held on Friday, September 15th, was a success. Designed to bridge the gap between students from diverse backgrounds and the legal community,



the pilot program provided students at Central High School, Classical High School, PVD Preparatory Middle School, Sophia Academy Middle School, and Westerly High School with a unique opportunity to engage with a diverse group of lawyers and judicial officers. This year's program focused on the First Amendment and its relevance to social media and the issue of bullying.

Diversity Business Exhibit

On September 16, 2023, Judge Matos participated in the opening panel discussion, "Diversity in Government." Launched in 2023 by DBE Productions and Platforms, LLC, a 501(c)(3) organization, the Diversity Business Exhibit is a networking event for the racially diverse business and nonprofit communities in southern New England. Dorca Paulino-Smalley, Director of the Office of Equal Opportunity at URI and former Diversity Director for the Judiciary, moderated the panel discussion.

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. During the third quarter of 2023, the Committee received one e-mail regarding subject matter beyond the scope of the Committee's mission and referred the matter to the appropriate office within court administration.

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 remains 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. With the assistance of the DEI Committee of the Rhode Island Bar Association, the DS has been exploring 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 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 Department of Human Services 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.

Additionally, there is an emerging focus on identifying aspects of the justice system that impact the well-being of Rhode Island families, often disproportionately so for families in communities of color. A widely-acknowledged problem in this area centers around criminal justice and family law response to domestic violence, which surged during the pandemic. There is consensus among Committee members and many of our colleagues in the greater judiciary that not only are the services available to domestic violence involved families woefully inadequate, but they also do not appear to have much, if any, impact on recidivism. In addition, Committee members on the Family Court bench have noted that even the services available through the child welfare system overseen by DCYF have many gaps in terms of what is available for parents identified as perpetrators of domestic violence.

These discussions led to an effort to determine what other services and programs are being utilized in other jurisdictions. A work group within the Family Court was established in January to research possible programs, leading to the identification of the Caring Dads program, a seventeen-week, evidence-based class for fathers identified as having engaged in family violence that has impacted their

children. Developed in Canada, Caring Dads has existed for more than twenty years and is used in many jurisdictions within the United States, including Connecticut, as well as internationally. The basic premise is to enable fathers to confront their own past trauma in order to focus on their violent behavior in terms of its impact on their children, rather than only through the lens of conflict with their partner.

Chief Judge Forte and Administrator Pagliarini of Family Court used Court Improvement grant funds to facilitate an invitation to Sarah Webb, a program representative, to travel from Canada and provide a two-day training to court staff, community service providers and DCYF staff. Ms. Webb also presented to a work group that includes representatives from the judiciary, community agencies, the Coalition Against Domestic Violence and private providers. Including all these stakeholders from the very beginning has proven effective in achieving adoption of the program, as the work group has been able to troubleshoot issues and concerns in real time as plans got underway to offer a pilot Caring Dads group here in Rhode Island. As a result, the first pilot group, funded by DCYF, is set to begin October 6, 2023. Additionally, three community agencies involved in the work group have responded to an RFP from the state with the goal of incorporating Caring Dads into their service array. All parties will be carefully monitoring the feedback and results from the pilot group.

Relatedly, on the criminal side, members of this same work group also heard a presentation from Strength at Home, the domestic violence program offered by the VA in conjunction with the Veterans' Court. Not unlike Caring Dads, this program considers the past trauma of participants as a foundation for teaching different behavior strategies relative to overcoming family violence. Although the VA program is tailored to issues unique to veterans, a more mainstream version of Strength at Home is also available. Members of the work group are in the process of learning about the feasibility of offering this program as an alternative to Batterers' Intervention here in Rhode Island.

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

- Continuing collaboration with the DEI Committee of the R.I. Bar Association in pursuit of projects aimed at addressing areas of disparate impact and inequities in our legal system, including the expansion of civics outreach and

education to foster better understanding of civic rights and responsibilities and encourage greater civic participation. Plans are underway to continue working with PASA, as well as with the Sandra Bornstein Holocaust Education Center, Leadership Initiative For Teens (LIFT) program. LIFT uses lessons learned from the Holocaust and other genocides to promote human dignity and justice.

- Monitoring feedback and results of the Caring Dads pilot group.
- Exploration of the Blueprint for Racial Justice CORA project.
- November 6, 2023 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 events in recognition of Hispanic Heritage Month and Native American Heritage Day.
- The Committee plans to launch the third season of *Turning Pages* in 2024.

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 31, 2023.

Respectfully submitted,

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

September 30, 2023