



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Fourth Quarterly Report: December 31, 2022

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 2022 fourth 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, 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 Director

III. Committee Activities

The Committee met six times from October through December, with additional subcommittee meetings taking place in the interim. The Committee welcomes Alexandra (Lexi) Kriss and Sara Gilkenson to the Rhode Island Judiciary. Lexi is the new Director of the Office of the Community Outreach and Public Relations, and Sara is the new Diversity Director.

Education and Training

On October 5, 2022, the Committee hosted a virtual lunch-and-learn event titled, "What it means to be Latino/a, Latin, Latinx, Hispanic, Chicano/a or Spanish," in collaboration with the Community Outreach and Public Relations Office. Angelo Garcia, Founder and Head of School at Segue Institute for Learning, moderated a

panel discussion with the following members of Rhode Island's Hispanic/Latino/Latina/Latinx community: the Hon. Elizabeth Ortiz, Associate Justice, R.I. Family Court; the Hon. Alberto Aponte Cardona, Sr., Magistrate, R.I. Family Court; the Hon. Diony Garcia, Associate Judge, City of Providence Housing Court; the Hon. Anastasia P. Williams, R.I. House of Representatives, District 9; and Betty Bernal, Diversity Outreach Coordinator, Residential Construction Workforce Partnership and founding member of the R.I. Latino Political Action Committee and R.I. Latino Civic Fund. The exceptional lineup of speakers explored the rich history of Latinos in the Ocean State and educated nuestros hermanos y hermanas (our brothers and sisters) on the sheer complexity of defining the Latinx identity.

Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project

The National Center for State Courts (NCSC) researcher/consultant Dr. Andrea Miller, who conducted the year-long Bias and Cultural Sensitivity Assessment and Training Project, has been working to finalize the project report. The goals of the project were (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.

The capstone of the project was the production and delivery of an internal training curriculum for judicial officers and staff which consisted of two pre-recorded lessons and one in-person lesson.

- “Race in History and the Present,” a pre-recorded lesson, explored race as a social construct and within the context of American history; considered legal definitions to inspire self-reflection; and addressed areas of concern that judiciary employees raised in the workforce survey.
- “Intent and Impact,” also a pre-recorded lesson, examined the key findings of the workforce survey. Dr. Miller, as the facilitator, discussed memory activity, automatic associations, deliberate decision making, microaggressions, and cultural responsiveness.

- “Inclusive Practices: Tools for Racial Equity in the Workplace,” the in-person lesson, instructed attendees on how (1) to develop skills for establishing inclusive workplace practices; (2) to identify and respond to in-the-moment events like microaggressions; and (3) to have productive conversations related to race in the workplace.

Thirty members of the Judiciary’s workforce participated in the in-person instruction of “Inclusive Practices: Tools for Racial Equity in the Workplace”, and Dr. Miller reported that 226 members of the Judiciary’s workforce were logged as having participated in the pre-recorded lessons.

Conference on Racial & Social Justice in the Federal Courts

On Friday, October 28, 2022, the Hon. John J. McConnell, Chief Judge of the United States District Court for the District of Rhode Island, welcomed attendees to the 2022 District Conference on Racial and Social Justice in the Federal Courts, featuring speakers and panelists from across the United States. Justice Long was invited to moderate “Diversity in the Workplace including Law Firms,” a panel discussion with the Hon. William Trezvant, Associate Judge, R.I. District Court; Tobey M. Daluz, Esq., litigation partner and Practice Co-Leader of Ballard Spahr’s Bankruptcy and Restructuring Group in Wilmington, DE; and Dr. Stefanie Johnson, Director of the Ann and John Doerr Institute for New Leaders and professor at Rice University.

Debt Review and Traffic Tribunal Informational Hearings

In response to feedback received during multiple meetings throughout 2021, the Committee continued to work with the Center for Health and Justice Transformation to hold virtual cost review and license restoration information hearings in October and November of 2022. The first “Cost and Fines” event was held at the Nonviolence Institute in Providence on November 18, 2021; since that time, eight additional virtual events have been held at various community centers. In all, the Superior and District Courts have remitted or eliminated more than \$2 million in outstanding debt after conducting virtual ability-to-pay hearings. Additionally, the Rhode Island Traffic Tribunal has held multiple license restoration information sessions.

Blueprint for Racial Justice

NCSC features Rhode Island’s collaboration with the Center for Health and Justice Transformation regarding debt review as an example of how state courts can effectively [engage with community members](#) in furtherance of working towards

racial justice. Additionally, NCSC sought input and feedback from the Committee on NCSC's forthcoming Racial Justice Organizational Assessment Tool for Courts.

Community Engagement Symposium for Justice

On Thursday, December 8, 2022, the Committee hosted a Community Engagement Symposium for Justice. Community leaders were invited to share information about the organizations they work with. Participants also shared the ways their constituencies interact with the judicial system and brainstormed how those relationships and court services can improve; many highlighted the court user experience and the need to ensure that members of the public receive fair and just treatment when interacting with court employees. Nineteen judiciary staff and 27 community partners attended. Themes that emerged from the event include more judicial officer interaction with non-profit organization clients and with middle school students, making expungement processes more clear, continuing to address concerns about fines and fees, creating a pipeline for and retaining diverse lawyers and judicial staff, and improving demographic data collection. Additionally, partners suggested future collaborations related to building civic awareness, as well as co-hosting future lunch-and-learn events and other training opportunities.

Project ECHO for the Judiciary

Consistent with our mission, four of the Committee's judicial officers completed Project ECHO for the Judiciary, a pilot project of the New England Regional Judicial Opioid Initiative. Project ECHO – an acronym for Extension for Community Healthcare Outcomes – originated in 2003 as a training program for medical professionals confronting the hepatitis C virus. Over the course of seven one-hour videoconferencing sessions with addiction experts, judges learned about substance use disorder and its connection to the social determinants of health, including systemic racism, and shared best practices for reducing disparities.

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 fourth quarter of 2022, the Committee received one e-mail regarding a court user experience. At the Committee's request, the Court Administrator acknowledged the e-mail and stated that all employees are required to participate in customer service and diversity training to ensure that everyone who utilizes or requires the assistance of the court is treated equally and fairly.

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

- Deepening partnerships with community stakeholders to build on the work of the year-long Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project. Specifically, the PES is interested in engaging in facilitated community-based conversations to ensure that members of the public receive fair and just treatment when interacting with court employees.
- 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 (RIDE) and Providence Student Union in developing a hands-on “Understanding the Rhode Island Courts” civic curriculum. Judge Cardoza is the subcommittee’s liaison to RIDE and Providence schools.
- Latino Community outreach and “listening session.” Magistrate Aponte-Cardona is spearheading this initiative. One particular area of focus will be a public service campaign to address the disparate impact of the unauthorized practice of law for immigrant populations.

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 Committee’s tasks will be to guide the upgrade and expansion of the collection of demographic data. The DS is actively participating in this process.

Members of the DS have also begun working with the Self-Examination/Policy Subcommittee to explore ways to increase diversity on state jury panels. (See discussion under Section C below.)

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.

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. General Counsel Kathleen Kelly has presented a memo outlining other states’ actions taken to improve jury diversity and inclusivity.

Several states identified increasing the scope and accuracy of the master lists as a means of enhancing diversity of the jury pools. Rhode Island’s jury pools are derived from state income tax returns, unemployment lists, driver’s license and state-issued identifications lists, and the registered voter rolls. The subcommittee developed a proposal to submit legislation in the upcoming General Assembly session to expand the state’s jury lists to include records from public assistance agencies. In other states this information has proven to enhance both accuracy of addresses and other information, as well as identify a more diverse pool of potential jurors.

Another proposal is the expansion of unemployment insurance to individuals who are selected to sit on a jury. Lack of compensation is nationally recognized as a substantial impediment to a diverse jury pool because many perspective jurors

simply cannot afford the financial hardship of jury duty. Removing this barrier to jury participation would bring forth a more diverse group of potential jurors.

On October 25, 2022, the subcommittee met with Presiding Justice Alice B. Gibney, Jury Commissioner Eugene McCaffrey, III and Superior Court Administrator Marisa Brown to discuss the current jury selection process and seek guidance surrounding these possible initiatives. Presiding Justice Gibney and her staff expressed support for these proposals and offered to assist the subcommittee where needed. Additionally, Mr. McCaffrey and Associate Jury Commissioner William Maguire attended the Community Engagement Symposium for Justice on December 8, 2022.

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

During the onboarding of Sara Gilkenson, the Judiciary's new Diversity Director, the Committee will continue to request staff support for ongoing and upcoming projects.

- Deepening partnerships with community stakeholders to build on the work of the year-long Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project. Specifically, the Committee is interested in engaging in facilitated community-based conversations to ensure that members of the public receive fair and just treatment when interacting with court employees.
- Partnering with attendees of the Community Engagement Symposium for Justice and others who are interested in proposing projects and collaborations related to themes and ideas discussed on December 8th.
- Supporting efforts to collect data from court users relative to their experiences when utilizing our courts.
- Equity and Access community listening session with members of the Latino/Latina community.

- *Turning Pages*: The Committee will kick off a second book/film discussion series in February 2023. Judicial officers are invited to participate in discussions of Robert E. Lee and Me: A Southerner’s Reckoning with the Myth of the Lost Cause, by Ty Seidule; “Jubilee Singers: Sacrifice and Glory” (a film in The American Experience series); and The Great Dissenter: The Story of John Marshall Harlan, America’s Judicial Hero, by Peter S. Canellos.

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 March 30, 2023.

Respectfully submitted,

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

December 31, 2022