



Supreme Court of Rhode Island

Providence

June 23, 2020

To the Members of the Judiciary and the Bar:

Once again our nation is rocked by the wanton and violent death of young, black lives. Once again, we are deeply saddened and angered as we grieve with the families of George Floyd, Breonna Taylor, Ahmaud Arbery, and Rayshard Brooks. Yet as we mourn the needless loss of life, those of us in the legal community must face the painful reality that racism continues to infect our system of justice.

The lodestar of our legal system is engraved above the front entrance of the United States Supreme Court: "Equal justice under law." Equal justice, however, is not a prize to be won and then displayed proudly. Rather, it is a challenge that we must confront each and every day in our courts, our law offices, our boardrooms, and wherever it is that we practice or seek to adhere to the law.

Although the primary focus of recent demonstrations and protests has been on law-enforcement, it behooves us to constantly re-examine our role in the criminal justice system. We believe our system of justice is the finest in the world, but it is not perfect. It is created and applied by men and women, each of whom brings to their responsibilities all of their life experiences, including their biases, both conscious and unconscious.

Overt prejudice may be relatively easy to identify and eradicate: implicit racism is far more insidious. In society at large, its consequences can be seen in inadequate housing, educational, health, and employment opportunities. In the criminal justice system, it results in a disproportionate number of people of color in our prisons, either under sentence or awaiting trial for lack of ability to post bail, critically because of greater arrests compared with society at large.

Our goal must be to achieve a system of justice that is accessible to all and treats all persons equally. We ought not lose sight of the fact that our courts are largely populated by dedicated attorneys, efficient court personnel, honest jurors, and fair-minded judicial officers. Yet bias does exist, and we all must remain vigilant to recognize it and ensure that it plays no role in our court proceedings.

Lawyers have the opportunity to truly level the playing field merely by providing pro bono or limited scope representation to those least able to afford legal services. Judicial officers have the opportunity, indeed the responsibility, to ensure that all persons are treated fairly, impartially, and with dignity and respect. We cannot allow "equal justice under law" to become a mere platitude. We must instead strive to confront prejudice and racism, implicit or otherwise, wherever it lurks. It will undoubtedly require uncomfortable conversations and honest introspections. Only

