



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Second Quarterly Report: June 30, 2024

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. Executive Order No. 2020-15 further provides that “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.”

The following mission statement has guided the Committee’s work since it was established in 2020:

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.

The Chief Justice initially designated twelve (12) judicial officers, representing each court within the unified judicial system, to be the inaugural members of this important body.

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

All currently active judicial officers continue to serve beyond the expiration of the first term; the Hon. Colleen M. Hastings, Associate Judge, R.I. District Court has begun serving as a member; and the Hon. Edward C. Clifton continues to engage in the work of the Committee in an informal capacity. The Committee continues to invite the engagement and input of all judicial officers in its important work, including by attending monthly meetings. Additionally, the Committee congratulates the Hon. Kas DeCarvalho, on his recent investiture as Associate Judge, R.I. District Court.

On November 16, 2023, the Chief Judge of the U.S. District Court for the District of Rhode Island issued a General Order Regarding Appointment to the Committee on Racial and Ethnic Fairness in the Rhode Island Courts and subsequently appointed three judicial officers to serve as full members of the Committee for staggered three-year renewable terms.

Hon. John J. McConnell, Jr., Chief Judge
Hon. Mary S. McElroy, District Judge
Hon. Patricia A. Sullivan, Magistrate Judge

Executive Order No. 2020-15 authorizes invitations to members outside of the Committee to participate in its work; accordingly, the Committee holds joint meetings, on quarterly basis, with the Committee on Diversity, Equity and Inclusion (DEI) of the Rhode Island Bar Association. The two Committees collaborate on projects aimed at addressing areas of disparate impact and inequities in our legal system.

The following Rhode Island Judiciary staff work with the Committee:

Julie P. Hamil, State Court Administrator

Kathleen Kelly, General Counsel

Alexandra (Lexi) Kriss, Asst. State Court Admin., Community Outreach & Public Relations

Sara Gilkenson, Diversity Coordinator

Committee Activities

Themes and ideas that emerged at the Community Engagement Symposium for Justice, held on December 8, 2022, continue to drive current Committee projects. The Committee has continued to prioritize education and training; community engagement and collaborations; and data collection and analysis as a means of identifying inequities and areas of disparate impact. Additionally, with respect to self-examination and policy initiatives, the Committee has continued to explore options for broadening the diversity and inclusivity of Rhode Island’s jury panels; it has also begun to focus on identifying aspects of the justice system that negatively impact the well-being of families, particularly for families in communities of color.

Education and Training

Turning Pages

The third season concluded on May 2, 2024, with a discussion of Fever in the Heartland: The Ku Klux Klan’s Plot to Take Over America, and the Woman Who Stopped Them, by Timothy Egan, the final book selection of the most recent book/film discussion series.

Blueprint for Racial Justice – Phase 2

On April 29-30, 2024, the National Center for State Courts (NCSC) Institute for Court Management held the first in-person Workshop for Racial Justice Education in Phoenix, Arizona. The goal of the workshop was to expand, strengthen and improve DEI training in state courts nationwide by convening three-person teams from multiple states who would “build relationships ... to increase their ability to work together on racial justice education.” Justice Long, Judge Karen Lynch Bernard, and Sara Gilkenson represented Rhode Island at the workshop and further participated in efforts

to develop a Northeast Region Workgroup for Racial Justice Education, consisting of the three-person teams from Connecticut, Delaware, the District of Columbia, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Vermont. The Northeast Region Workgroup will meet virtually on a monthly basis and hopes to expand to include Maine, Maryland, New Hampshire, and New York; the Workgroup's first monthly meeting was held on June 27, 2024. Sara Gilkenson offered to explore a means of creating a digital library to share helpful resources.

Yale Law Journal Symposium on State and Local Governance

On April 26-27, 2024, the Yale Law Journal hosted a Symposium on State and Local Governance to supplement its Special Issue on the same topic. Justice Long joined a panel of supreme court justices from Connecticut, Maryland, New York, North Carolina, and Washington for Comparative Lessons from State Supreme Courts to discuss different avenues of judicial selection and opportunities for vindicating rights through state supreme courts. Justice Long discussed the ongoing work of the Committee on Racial & Ethnic Fairness in the Courts.

Judicial Courage and Decision-making

On May 17, 2024, Justice Long attended a program organized by the Flaschner Judicial Institute at the John W. McCormack Post Office and Court House in Boston. Held on the seventieth anniversary of *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), the Hon. Margaret H. Marshall, retired Chief Justice of the Massachusetts Supreme Judicial Court, discussed *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003). Other speakers included the Hon. Sydney Hanlon (ret.) (Mass. Appeals Court), the Hon. Nancy Gertner (ret.) (D. Mass.), the Hon. Karen F. Green (ret.) (Mass. Superior Court), the Hon. Carlton W. Reeves (S.D. Miss.), the Hon. Patti B. Saris (D. Mass.), and the Hon. Douglas H. Wilkins (ret.) (Mass. Superior Court).

2024 National Consortium on Racial & Ethnic Fairness in the Courts Conference

The State of Utah Judiciary co-sponsored the 36th annual conference, held in Salt Lake City from May 19 through May 22, 2024. The theme of the conference was "*The Way to Right Wrongs is to Turn the Light of Truth Upon Them.*" Topics discussed included *Judging Juries*, a [documentary](#) that explores barriers to jury service. Diversity Coordinator Sara Gilkenson attended the four-day conference.

2024 Rhode Island Bar Annual Meeting

On June 14, 2024, Justice Long provided remarks at the Annual Meeting Luncheon to report on the ongoing work of the Committee and the Rhode Island Bar Association's Committee on DEI. She explained that Rhode Island will provide a forum for committees, commissions, judges and lawyers from across the country to learn about and discuss continuing efforts to address inequities in the American legal

system: Rhode Island will welcome attendees of the 37th Annual Conference of the National Consortium on Racial & Ethnic Fairness in the Courts to Providence in April 2025. Justice Long proudly described the role of Rhode Island’s legal community as follows:

We all know, as Martin Luther King, Jr., told us, that the arc of the moral universe is long, but it bends toward justice. Here in Rhode Island, we have a growing group of *leaders* – judges and lawyers – who are jumping up and down on the arc, trying to get it there a little faster.

Pride Month 2024: A Conversation with David Cicilline

The Committee co-hosted a Lunch & Learn Event on June 26, 2024, with the Office of Community Outreach & Public Relations and the Diversity Office to acknowledge and celebrate Pride Month. Judge Melissa DuBose welcomed and introduced featured speaker, David Cicilline.

Justice Riders

Members of the Committee on Racial & Ethnic Fairness in the Courts continue to plan a judicial education trip to Montgomery, AL, as a joint project involving state and federal judges. The itinerary includes visits to the [Legacy Sites in Montgomery](#) and the [Frank M. Johnson, Jr. Institute](#) at the U.S. District Courthouse in the Middle District of Alabama, as well as a day trip to Selma. A self-funded trip, the project is a collaborative learning opportunity for state and federal judges circuit-wide about this important aspect of American History. To-date, 100 state and federal judges from Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island have registered to attend the three-day trip in October 2024. (Additionally, two judges from beyond New England and the First Circuit will join, as will 46 guests of the judges, for a total of 148 attendees.)

Community Engagement and Collaborations

Rhode Island Bar Association Committee on DEI

The Committee continues to work collaboratively with the Bar Association’s Committee on DEI.

- As a follow up to “Upstanders: Why We Need Them and How to Be One,” the January presentation to participants of the Sandra Bornstein Holocaust Education Center’s Leadership Initiative For Teens (LIFT) program, members of the two Committees returned to the Dwares Center on April 8, 2024. Attendees participated in the production of LIFT’s TikTok video in celebration of the conclusion of the year-long program.

- The two Committees held a joint meeting on April 16, 2024, to discuss new and ongoing projects. Members of the Committee on Racial & Ethnic Fairness in the Courts will support the Committee on DEI in its work on Leadership Pathways by participating in an upcoming CLE, From Attorney to Judge: A Roadmap to the Bench. Additionally, representatives of the Women’s Bar Association who attended the joint meeting discussed their efforts to study barriers to bar admission in Rhode Island. (As a follow up to that discussion, on June 18, 2024, the Women’s Bar Association submitted a letter regarding initial findings and proposed next steps to CREF@courts.ri.gov.)

R.I. Secretary of State Civic Leadership Summit

On April 18, 2024, the Judiciary collaborated with Rhode Island Secretary of State to provide Rhode Island high school students the opportunity to participate in a robust and interactive deep dive into the role and function of Rhode Island’s judicial branch. Members of the Committee attended a student dinner held at the Providence Marriott; judicial officers dined with students, spoke with small groups about the work of the judiciary, and gave a brief presentation about the work of the Committee.

Listening Session - Ministers Alliance of Rhode Island

On April 23, 2024, the Committee in collaboration with Ministers Alliance of Rhode Island (MARI) held a listening session hosted by Pastor Jenkins and Bethel AME Church. The purpose of the session was to “increase participation and amplify the value of diverse perspectives in the court system, particularly from the Black community.” The session lasted just over an hour and was attended by approximately 15-20 clergy members or congregants of Pastor Jenkins’ church. A handful of the participants had served or were summoned for jury duty and were struck by the lack of diversity in the jury pool. Committee members spent a good deal of time explaining the jury process and the process of how folks are initially selected randomly by the jury commissioner to appear for jury service. There was some skepticism that the process was truly random and agreement that participation by members of the minority community was necessary to ensure defendants truly receive a trial by a jury of their peers. All agreed that better communication and education within the community was critically important to increasing participation. A follow-up action plan includes (1) working with the jury commissioner to include some jury service information with the card that is sent to perspective jurors, (2) ministers actively engaging their congregations on the necessity of jury service participation, and (3) further dialogue through continued meetings and collaboration.

Juneteenth Panel Discussion: Channeling Education & Civic Engagement to Close Equity Gaps

On June 21, 2024, Justice Long participated in a panel discussion with Senator Tiara Mack and Senator Harold Metts (ret.) at the Knight Campus of the Community

College of Rhode Island in celebration and observance of Juneteenth. Justice Long spoke about the civics initiatives of the Committee on Racial & Ethnic Fairness in the Courts and collaboration with the Rhode Island Bar Association, an outstanding partner in the effort to improve civics outreach to and engagement with students.

Data Collection

The data subcommittee has continued to meet on a regular basis with a continued focus on improvement of the demographic data collection process following the updates to the court management system. Now that the system can collect and store demographic data, the focus has turned to the integration of data into the system.

In April, the data subcommittee met with the Chairperson of the Data Governance Committee and the Director of the newly renamed Data Management and Statistics Office to discuss the results of a Pilot Program initiated in late 2023. The Pilot Program concentrated on the collection of race and ethnicity data from select calendars in the Superior, District and Family Courts. The data was collected on a voluntary basis by leaving forms on the tables in the various courts. The subcommittee learned that despite the effort put in by the developers of the program, the Pilot Program was unsuccessful in that it did not garner enough voluntary responses to be statistically relevant. The subcommittee reported back to the full committee on the findings.

In May, the full committee had the pleasure of hearing from Dr. Jack McDevitt, the Director of the Institute on Race and Justice at Northeastern. He provided his thoughts on collecting statistically significant and relevant race and ethnicity data. The committee discussed the distinction between self-identified reporting data versus observational data. The subcommittee is also looking into how the federal court gathers its data since they seem to have a robust data collection process.

In June, the subcommittee met again to discuss making a recommendation to the full committee regarding readdressing the way we monitor and collect data on race and ethnicity. The subcommittee will continue this work into the next quarter.

Self-Examination & Policy

Jury Diversity

The General Counsel worked to move H7831 and S2913 through this legislative session.

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Focus on the Family

A group of stakeholders and participants of the Caring Dads program testified about the success of the pilot program at the House Subcommittee on Child Welfare at the invitation of Representative Julie Casimiro on May 20, 2024, to express support for this program. The Department of Children, Youth & Families (DCYF) has also approved a contract for this program to be offered as part of an established service array through Family Services of Rhode Island, and there is currently a waiting list for the next group.

A companion program, Strength at Home, is also under consideration as an alternative to the Batterers’ Intervention program used in criminal cases.

Members of the Committee who serve on the Family Court will be participating in an upcoming panel and conference on Equity in Child Welfare hosted by Family Services, to be held on July 30, 2024. The panel will also include DCYF Director Ashley Deckert and Child Advocate Katelyn Medeiros.

A Look Ahead

- Continuing collaboration with the R.I. Bar Association’s Committee on DEI in pursuit of projects aimed at addressing areas of disparate impact and inequities in our legal system.
- Second Listening Session with MARI: July 16, 2024.

- Monthly meeting of Northeast Region Workgroup for Racial Justice Education: July 25, 2024
- Conference on Equity in Child Welfare hosted by Family Services: July 30, 2024.
- Outreach in observance of Constitution Day 2024.
- Lunch and Learn event in recognition of Hispanic Heritage Month.

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 September 30, 2024.

Respectfully submitted,

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

June 30, 2024.