



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Third Quarterly Report: September 30, 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 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, 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, Esq., State Court Administrator
Kathleen Kelly, Esq., General Counsel
Assistant State Court Administrator (vacant)
Diversity Director (vacant)

III. Committee Activities

The Committee met six times from July through September, with additional subcommittee meetings taking place in the interim. The Committee dedicated the August 9, 2022 meeting to saying good-bye to Craig Berke and Dorca Paulino, long-time Judiciary staff members who dedicated many hours to working with the Committee over the last two years. Their hard work and commitment to the Committee's mission have been invaluable and undoubtedly contributed to the success of the Committee's initiatives and activities.

Moving forward the Committee will work with the Court Administrator to request staff support for ongoing and upcoming projects. Pending the selection and on-boarding of a new Diversity Director, the Committee will streamline and consolidate its upcoming initiatives, as discussed in Section V below.

Education and Training

The Committee, in collaboration with the Supreme Court Diversity Office and the Rhode Island Black Heritage Society, hosted a virtual event titled "The African Origins of Juneteenth and Emancipation Day." The lunch-and-learn presentation took place on August 1, 2022 and provided an in-depth interpretation of the how, where, and when of the arrival of enslaved Africans to Rhode Island and America, and the evolution of Emancipation Day and Juneteenth celebrations. Forty-nine members of the Judiciary's workforce, including 11 judicial officers, participated in the virtual event.

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

The National Center for State Courts (NCSC) consultant Dr. Andrea L. Miller completed work on the year-long Bias and Cultural Sensitivity Assessment and Training project, the goals of which 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. Derived from data collected in the Rhode Island Judiciary Workforce Survey, administered between March 30, 2022, and April 14, 2022, as well as feedback from the Courageous Conversations conducted in December 2021 and January 2022, the training curriculum consists of two pre-recorded lessons and one in-person lesson.

- “Race in History and the Present,” a pre-recorded lesson, explores race as a social construct and within the context of American history; considers legal definitions to inspire self-reflection; and addresses areas of concern that judiciary employees raised in the workforce survey.
- “Intent and Impact,” also a pre-recorded lesson, examines the key findings of the workforce survey. Dr. Miller, as the facilitator, discusses 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.

Dr. Miller presented three sessions of “Inclusive Practices: Tools for Racial Equity in the Workplace” during the week of July 17, 2022. Thirty members of the Judiciary’s workforce, including seven judicial officers, participated in the in-person sessions with Dr. Miller. Thereafter, on August 11, 2022, court administrators introduced the two pre-recorded lessons to Judiciary personnel via e-mail announcement; Judiciary personnel are to complete the pre-recorded lessons on or before September 30, 2022.

Project ECHO for the Judiciary

Consistent with our mission, four of the Committee’s judicial officers are participating in 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 learn about substance use disorder and its connection to the social determinants of health, including systemic racism, and share best practices for reducing disparities.

Fall Judicial Conference

The Committee worked with the Executive Director of the MCLE Commission and Associate Justices Brian Stern and Karen Lynch Bernard to suggest content for the Fall Judicial

Conference, held on September 23, 2022. Building on prior training regarding opioid and substance use disorders and their relationship to Social Determinants of Health, speakers from the Salus Populi project, a collaboration of the Center for Health Policy and Law at the Northeastern University School of Law and the Institute for Health Equity and Social Justice Research at Northeastern University, delivered training on Population Health & Judicial Decision-Making.

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.

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.

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. The Rhode Island Supreme Court submitted the closeout documents for the Rhode Island Foundation grant that funded the one-year Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project.

The Rhode Island Judiciary extends its thanks to the Rhode Island Foundation for funding this grant to support our diversity and inclusion efforts.

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**

Pending the selection and onboarding of a new Diversity Director, the Committee will streamline and consolidate its initiatives for the remainder of calendar year 2022.

- Host a virtual 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. The lunch-and-learn presentation will take place on October 5, 2022. Angelo Garcia, Founder and Head of School at Segue Institute for Learning will facilitate the event and will include a panel from the Hispanic (Latino, a, x) community. The panelists speaking are: the Honorable Elizabeth Ortiz, Associate Justice, R.I. Family Court, Honorable Alberto Aponte Cardona, Sr., Magistrate, R.I. Family Court, Honorable Diony Garcia, Associate Judge, City of Providence Housing Court and President of the R.I. Hispanic Bar Association, Erlin R. Rogel, J.D., Senior Advisor for R.I. Lieutenant Governor Sabina Matos, Honorable 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 will explore the rich history of Latinos in the Ocean State and to educate, nuestros hermanos y hermanas (our brothers and sisters), on the sheer complexity of defining the Latinx identity.

- Plan and hold a community stakeholder “Fair” in early December. This will be an opportunity to listen to what traditional and non-traditional stakeholders think of our work and how we might collaborate to achieve our mission.
- Conduct ability to pay/cost remission hearings via WebEx in collaboration with the Center for Health and Justice Transformation. Participants will appear virtually before a justice of the R.I. Superior Court from community centers in Central Falls and Pawtucket on October 14 and November 17, 2022.
- Support 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.

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, 2022.

Respectfully submitted,

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

September 30, 2022