



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Second Quarterly Report: June 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 second 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
Craig N. Berke, Assistant State Court Administrator
Dorca M. Paulino, MPA, Diversity Director

III. Committee Activities

The Committee met six (6) times from April through June, with additional subcommittee meetings taking place in the interim.

Education and Training

On June 17, 2022, Judiciary personnel received an email announcement – the first of its kind – celebrating Juneteenth. The email message explained that Juneteenth is a celebration of African American freedom and heritage, and that it is the oldest nationally celebrated commemoration of the ending of slavery in the United States. The message also included information about local and national events, taking place both in-person and virtually, and provided resources for continued self-reflection and education. Finally, the message invited Judiciary

personnel to participate in an upcoming lecture entitled “The African Origins of Juneteenth and Emancipation Day.” The lecture is another collaborative partnership between the Committee on Racial and Ethnic Fairness in the Courts, the Rhode Island Supreme Court Diversity Office, and the Rhode Island Black Heritage Society, following the success of *Lost Stories*, the well-attended Lunch-and-Learn event in honor of Black History Month.

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

The National Center for State Courts (NCSC) continued working with the Committee on the above-referenced project, the goals of which are (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.

NCSC completed Phase II of the project: administration of an internal workforce survey to measure perceptions of diversity, equity, and inclusion in the workplace, as well as employee engagement. Using the data and responses collected from the survey, as well as feedback from Phase I’s Courageous Conversations, NCSC will implement the Phase III training curriculum during the summer of 2022. To that end, the State Court Administrator has invited all Judiciary employees to participate in a three-part training series, facilitated by NCSC senior researcher Dr. Andrea L. Miller:

(1) *Race in History and the Present* will explore race as a social construct, while leaning on history, and legal definitions to inspire self-reflection and address the areas of concern that judiciary employees raised in the workforce survey.

(2) *Intent and Impact* will examine key findings of the NCSC workforce survey. The facilitator will discuss memory activity, automatic associations, deliberate decision making, microaggressions, and cultural responsiveness.

(3) *Tools for Racial Equity in the Workplace* will instruct participants on how to develop skills for establishing inclusive workplace practices; identifying and responding to in-the-moment events like microaggressions; and having productive conversations related to race in the workplace.

Turning Pages

Eighteen judicial officers registered for the pilot project/book discussion group. Participants read “The Souls of Black Folk” by W.E.B. DuBois and met on May 2, May 23, and June 13 to discuss and explore issues of, as the Committee’s name suggests, racial and ethnic fairness and unfairness, justice and injustice, in society.

Blueprint for Racial Justice

On April 13, 2022, NCSC and the Systemic Change work group of the Blueprint for Racial Justice featured the Committee’s Costs & Fines Initiative in a webinar for its national audience. “Cost & fines: How a community conversation changed lives in the Ocean State” highlighted Rhode Island’s efforts and demonstrated how the power of strong community partnerships and “off the bench” direct engagement can drive reform, bridge the trust gap between judicial officers and court users and change lives. A link to this widely attended event can be found [here](#).

Rhode Island Bar Association Annual Meeting

In collaboration with the Rhode Island Bar Association’s Diversity Task Force, and as a follow-up to our joint meeting held on November 30, 2021, members of the Committee participated in the opening plenary session of the annual Bar meeting on June 23, 2022. The session, entitled *Stand & Deliver*, focused on the value of multi-culturalism and representation in all aspects of the legal system, including the legal workforce and Rhode Island Judiciary, and addressed how organizations can attract and retain employees from a broad range of backgrounds. Panelists described the mission and work of the Committee and the Diversity Task Force, which has become a standing committee of the Rhode Island Bar Association.

Additionally, the Supreme Court Diversity Office provided printed brochures to Annual Meeting attendees to provide further information about Diversity & Inclusion at the Judiciary.

Legislation to reduce burden of court costs

Following initiatives of the Committee in November 2021 and March 2022, the Judiciary submitted legislation (H7695/S2774), which the General Assembly passed during its session ending July 1, 2022, aimed at revolutionizing its approach to the imposition and collection of court costs, fees, and assessments in all criminal matters in three (3) ways. First, court costs, fees, and assessments will be eliminated

for those defendants sentenced to serve thirty (30) days or more on any count, multiple counts, or multiple charges. Second, court costs, fees, and assessments will also be eliminated for those defendants found by the court to be indigent (that is, without the ability to pay). Third, for defendants not indigent, the court has enhanced discretion to reduce or eliminate court costs, fees, and assessments based on a wide range of evidence adduced by the defendant or any other considerations the court may deem appropriate. All told, the bill marks a considerable departure from existing law and will significantly decrease the financial burden on criminal defendants moving forward.

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.

Activities to date. The PES continues to lead and expand efforts to educate members of the community about driver's license restoration. Beginning March 31, 2022, Magistrate Goulart, in partnership with the Center for Health and Justice Transformation, launched the Rhode Island Traffic Tribunal's new initiative to hold virtual license reinstatement information sessions on a weekly basis. Additionally, on June 15, 2022, Judge DuBose attended a meeting of the Rhode Island Municipal Judges to enlist their help in facilitating driver's license restoration, as well as other areas of shared interest.

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.
- Engaging in facilitated community-based conversations.

- 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.

In addition, the DS, along with additional Committee members, will be further exploring Rhode Island’s current juror selection process with an eye to expanding the diversity and inclusivity of our jury pools. Although the current selection process in Rhode Island has been established by the legislature, as embodied in Gen. Laws 1956 § 9-9-1 *et seq.*, the DS and other Committee members will first focus on measures that the judicial branch could implement to encourage participation of all members of our communities and remove obstacles to service. Members will also assist in making recommendations to our Supreme Court administrative offices regarding possible legislative changes in the future.

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. Further examination of the jury selection process will be conducted as well.

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. Dr. Andrea L. Miller from the NCSC released findings of the Rhode Island Judiciary Workforce Survey administered between March 30, 2022, and April 14, 2022. The total sample consisted of 471 members of the Rhode Island Judiciary's workforce (67.5% of the total workforce of 698). The SEPS continued working with the Diversity Director and NCSC on implementation of the Judicial Officer & Staff Bias and Cultural Sensitivity Assessment and Training Project. Specifically, the SEPS hosted two meetings; one with court leaders to review NCSC's key findings from the survey, and one with members of the Committee on Racial and Ethnic Fairness in the Courts. Additionally, the Diversity Office hosted two meetings with members of the Equal Employment Opportunity Advisory Committee where staff discussed the survey findings and shared recommendations to address some of the areas of concern the survey identified. Dr. Andrea Miller will visit Rhode Island in July of 2022 to facilitate in-person training sessions as part of the final phase of this project.

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**

- The Committee, in collaboration with the Supreme Court Diversity Office and the Rhode Island Black Heritage Society, will host "The African Origins of Juneteenth and Emancipation Day." The lunch-and-learn presentation will take place on August 1, 2022 and provide an in-depth interpretation of the how, where, and when of the arrival of enslaved Africans to Rhode Island and

America. The event will explore the history of Emancipation Day, and the evolution of Juneteenth in the Ocean State.

- Dr. Andrea L. Miller from the NCSC will visit Rhode Island to facilitate in-person training sessions for judiciary personnel in response to the internal workforce survey. The training, titled “Inclusive Practices: Tools for Racial Equity in the Workplace” will provide key findings of the workforce survey, and will help participants develop skills for establishing inclusive workplace practices. The trainings will take place between July 18 and July 21, 2022.
- “When Justice Works” Statewide Essay Project – Magistrate Newman in partnership with the Jewish Alliance is leading this effort.
- Continued partnership with the Center for Health and Justice Transformation, which will support an effort 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.
- Public Service Announcement regarding the unauthorized practice of law that has had a disparate negative impact on immigrant communities.
- Creation of “License Restoration Guidebook” for dissemination in courthouses and online.

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 September 30, 2022.

Respectfully submitted,

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

June 30, 2022