



TITLE: Judicial Bias Matters Too; Confronting Our Bias Barriers – *Sponsored by funding from the State Justice Institute*

SESSION DATE: October 8, 2021

SESSION TIME: 1:45 PM – 3:00 PM

SESSION DESCRIPTION:

Recent mass protests against systemic racism and police violence, have also focused a spotlight on the on-going injustice in our courts. It is common to read about egregious sentences and disparate treatment of people of color, black and Latino people, and women, who come before our courts daily. It is time to take into account the lack of neutrality of a loaded justice system that awards efficiency over justice, and treats individuals as numbers on a page, and fails to see them as people with real stories behind the actions. Inequalities in this system go back to a network of legalized discrimination and it is time to re-examine what we do, how we see people and ultimately, the decisions that we make and the consequences that follow.

SPEAKERS:



Hon. LaDoris Cordell – Judge (Retired), Superior Court of Santa Clara County, California

LaDoris Hazzard Cordell, a 1971 graduate of Antioch College and a 1974 graduate of Stanford Law School, was the first lawyer to open a private law practice in East Palo Alto. In 1978, she was appointed Assistant Dean for Student Affairs at Stanford Law School, where she implemented a successful minority admissions program.

In 1982, Governor Jerry Brown appointed Ms. Cordell to the Municipal Court of Santa Clara County, making her the first African American woman judge in northern California. In 1988, Judge Cordell won election to the Superior Court of Santa Clara County.

After 19 years on the bench, she retired and began employment at Stanford University as Vice Provost & Special Counselor to the President for Campus Relations until 2009.

In November 2003, Judge Cordell, accepting no monetary donations, ran a grassroots campaign and won a 4-year term on the Palo Alto City Council.

Judge Cordell has been an on-camera legal analyst for CBS-5 television and a guest commentator on Court TV, “The Week with Joshua Johnson” on MSNBC, and “The Mehdi Hasan Show” on MSNBC. She has also interviewed several public figures before live audiences at the Commonwealth Club and at Stanford University. Her interviewees have included rapper Talib Kweli, reality TV star Kim Kardashian, New York Times columnist David Brooks, consumer advocate Ralph Nader, tennis star Billie Jean King, Professor Anita Hill, Amy Goodman of Democracy Now!, President Obama’s Senior White House Advisor Valerie Jarrett, Lesly Stahl of “60 Minutes,” Caitlyn Jenner, and Jesse Jackson.

Judge Cordell was the Independent Police Auditor for the City of San Jose for five years (2010-2015), having been appointed to that position after a national search. Under her leadership, that office gained national prominence.

In 2014, Judge Cordell chaired the Task Force on Racial Discrimination at San Jose State University in the aftermath of the racial bullying of an African American student. The Task Force made numerous recommendations to improve the racial atmosphere at the university.

In 2015, Judge Cordell was appointed Chairperson of the Blue Ribbon Commission that reviewed the conditions in the jails in Santa Clara County. Under her leadership, the Commission put forward several recommendations to improve the operation of the jails.

In 2015, Judge Cordell served on a Blue Ribbon Panel that reviewed operations of the San Francisco Police Departments and made recommendations after the racist texting scandal involving several San Francisco Police officers came to light.

In 2020, Judge Cordell conducted an audit of the Public Safety Services Department of Santa Clara University in the aftermath of a racial incident that went viral, involving a Black female professor and campus officers. All of her recommendations to improve the Public Safety Services Department were adopted by the university.

In 2020, Judge Cordell was appointed to the San Francisco District Attorney's Innocence Commission to review cases of individuals who claim to have been wrongly convicted.

Judge Cordell and the ACLU of Northern California led the successful fight to lift the residents-only restriction for admission to the City of Palo Alto's Foothills Park. She is the co-founder of CA Parks for All. <https://www.caparksforall.org/advocate/>

She was inducted into Stanford University's Multicultural Hall of Fame in 2016 and received the Chief Justice Earl Warren Civil Liberties Award from the ACLU of Northern California. In 2017, Judge Cordell was inducted into the Silicon Valley Black Legends Hall of Fame and received the Crystal Gavel Award from the California Association of Black Lawyers' Judicial Section.

Judge Cordell was featured in the February 2017 "Resistance" issue of SF Magazine. <https://medium.com/@sanfranmag/the-resistance-2716cbd2fa24#.1t1jifkdc>

She is the co-founder of the African American Composer Initiative whose mission is to bring the music of Black composers, past and present to the world, and is a vocalist, pianist, and artist. www.aacinitiative.org

On October 5, 2021, Judge Cordell's memoir titled *Her Honor* will be released by Celadon, a division of Macmillan Publishing. <https://us.macmillan.com/books/9781250269584>

Judge Cordell is the mother of two daughters. She resides in Palo Alto with her partner Florence O. Keller.



Hon. Bernice Donald – Judge, U.S. Court of Appeals for the Sixth Circuit

The Honorable Bernice B. Donald was nominated to the United States Court of Appeals for the Sixth Circuit by President Barack Hussein Obama on December 1, 2010 and re-nominated in January 2011. She was confirmed 96-2 by the Senate on September 6, 2011. Prior to joining the Court of Appeals, Judge Donald served on the U.S. District Court for the Western District of Tennessee, where she was appointed by President William Jefferson Clinton in December 1995. Judge Donald served as Judge of the U.S. Bankruptcy Court for the

Western District of Tennessee from June 1988 to January 1996. She was the first African American woman in the history of the United States to serve as a bankruptcy judge. In 1982, she was elected to the General Sessions Criminal Court becoming the first African American woman to serve as a judge in the history of the State of Tennessee.

Judge Donald received her law degree from the University of Memphis Cecil C. Humphreys School of Law, where she later served as a member of the Alumni, Law Alumni, and University Foundation Boards of Directors and as an adjunct faculty member. She received a LLM from Duke University School of Law and an honorary Doctor in Law from Suffolk University. She frequently serves as faculty for the National Judicial College and the Federal Judicial Center (FJC), and she served as a member of the FJC's Board of Directors from 2003 through 2007. Judge Donald currently serves on the Board of Directors for the Appellate Judges Education Institute. For the past several years, Judge Donald has served as faculty for the National Trial Advocacy program at the University of Virginia. On October 22, 2018, Judge Donald delivered the distinguished James Madison Lecture at the New York University School of Law. She has served as a Jurist in Residence at the Universities of Cincinnati, Washington, American, and Georgia Schools of Law.

In 1996, Chief Justice William H. Rehnquist appointed Judge Donald to the Judicial Conference Advisory Committee on Bankruptcy Rules, where she served for six years. In 2011, Chief Justice John G. Roberts appointed her to an indefinite term on the Judicial Branch Committee of the Judicial Conference of the United States. On October 1, 2019, Chief Justice Roberts again appointed Judge Donald to serve on the Advisory Committee on Bankruptcy Rules, where she serves as Liaison to the Advisory Committee on Appellate Rules.

An internationally recognized legal scholar, Judge Donald has lectured and trained judges around the world for many years. Judge Donald has served as faculty for numerous international programs, including Romania, Mexico, Turkey, Brazil, Bosnia, Botswana, South Africa, Namibia, Senegal, Rwanda, Tanzania, Russia, Egypt, Morocco, Thailand, Uganda, Kenya, Cambodia, Vietnam, The Philippines, and Armenia. In 2003, Judge Donald led a People to People delegation to Johannesburg, and Cape Town, South African and traveled to Zimbabwe to monitor the trial of a judge accused of judicial misconduct.

Judge Donald is an active and dedicated member to both the American Bar Association and the National Bar Association. She currently serves as the Chair of the National Bar Association's Judicial Council Education Committee, and has received the Judicial Council's President and Chair Awards, along with other special service awards.

Judge Donald has served as President of the National Association of Women Judges and the Association of Women Attorneys.

In June 2005, Judge Donald co-founded 4-Life, a skills training and enrichment program for students ages 6 to 15 designed to teach children to become positive productive citizens. In 2020, she was elected to serve as a member of the National Academy of Science, Engineering, and Medicine's working group on Racial Disparities in the Criminal Justice System.

Judge Donald has been the recipient of over 100 awards for professional, civic, and community activities, including the Distinguished Alumni Award from the University of Memphis, the Martin Luther King Community Service Award, and the Benjamin Hooks Award presented in 2002 by the Memphis Bar Foundation. In 2013, Judge Donald was elected to the Board of Directors of the American Judicature Society, and in August of 2013, she was featured in the Federal Lawyer Magazine. During the 2013 annual meeting of the National Bar Association, Judge Donald received the William H. Hastie Award. The Hastie Award is the Judicial Council's highest award and is presented to recognize excellence in legal and judicial scholarship and demonstrated commitment to justice under the law. In 2013, Judge Donald also received the Difference Makers Award from the Solo, Small Firm & General Practice Division of the ABA, and the Pioneer Award from her fellow classmates at East Side High. Judge Donald received the Justice William Brennan Award by the University of Virginia in January of 2014, and the Pickering Award from the Senior Lawyers Division of the ABA in August 2014. In 2017, Judge Donald received the prestigious Margaret Brent Award from the ABA Commission on Women for her service to the profession. Most recently, Judge Donald received the 2019 Pillars of Excellence Award, designed to recognize attorneys who have made significant contributions to the practice of law in their civic and professional lives.

In 2020, the American Bar Association Labor and Employment Law Section successfully petitioned the ABA Board of Governors to create the "Judge Bernice B. Donald Diversity, Equity and Inclusion Award." Judge Donald was the inaugural recipient.

Also in 2020, the ABA Tort Trial and Insurance Section presented Judge Donald with “The Lifetime Liberty Achievement Award.”



Ashley Nellis, Ph.D. – Senior Research Analyst, The Sentencing Project

Ashley Nellis, Ph.D. has an academic and professional background in analyzing criminal justice policies and practices, racial disparities, juvenile justice systems, and long-term imprisonment. Her documentation of the prevalence of life imprisonment has served as a national resource for academics, advocates, policymakers, reporters, and incarcerated persons. Dr. Nellis also focuses her work on unrelenting racial disparities in imprisonment for youth and adults. She authored [The Color of Justice: Racial and Ethnic Disparity in State Prisons](#) in 2016 which documents the fact that people are

incarcerated in state prisons at a rate that is nearly five times the incarceration of white individuals. An updated report will be released in Fall, 2021. Dr. Nellis is also the author of [A Return to Justice: Rethinking our Approach to Juveniles in the System](#) (Rowman & Littlefield, 2015) which chronicles America’s historical treatment of youth in the justice system and the need to reorient juvenile justice practices toward the original vision. She has presented her work at a wide range of academic and policy convenings, and is frequently interviewed by a range of news media. Dr. Nellis received her Ph.D. in Justice, Law and Society from American University’s School of Public Affairs.



Keeda Haynes – State Campaign Strategist, The Sentencing Project

Keeda Haynes serves as a state campaign strategist for The Sentencing Project. Specifically, she supports state and local advocates advancing sentencing reforms and challenging collateral consequences, with a focus on state campaigns to restore voting rights to all justice-involved people.

Haynes is an experienced criminal defense attorney and formerly incarcerated advocate. Prior to joining The Sentencing Project, she was a Senior Legal Advisor at Free Hearts, a criminal justice reform organization based in Nashville. In 2020, Haynes ran for Congress for the 5th district in Tennessee and received 40% of the vote against an entrenched incumbent. She received her law degree from Nashville School of Law.

INTERVIEWERS:

Hon. Pennie McLaughlin – Commissioner, San Diego Superior Court, California

Hon. Pamela Washington – Judge, Anchorage District Court, Alaska

Hon. Cheryl Rios – Judge, Shawnee County District Court, Kansas

PRODUCERS:



Hon. Pennie McLaughlin

Appointed as a Commissioner in January of 2004 by the San Diego County Superior Court Presiding Judge and Executive Committee, Commissioner McLaughlin currently presides over a busy family support court, where many litigants appear without legal representation. Her past assignments include other high volume courts, including misdemeanor arraignments, felony drug court, traffic, small claims and unlawful detainers. Commissioner McLaughlin has a keen awareness of the hardships faced by many of the litigants who come before her on a daily basis.

After handling virtually every type of criminal case as a Deputy Public Defender for 13 years, Commissioner McLaughlin served for four years as an Assistant United States Attorney in San Diego, and was known as a prosecutor with a honed sense of justice, fairness and equity. Commissioner McLaughlin has always been active in her community and was recognized by the California Judges Association with the Witkin Humanitarian Award in 2020 and the 2020 San Diego County Bar Association Outstanding Community Service Award.

In the NAWJ, Commissioner McLaughlin is currently serving in a special capacity to the Executive Board and has assisted in grant applications to enhance judicial awareness of racial disparities in the justice system and how to effectuate positive change. In addition, she has taken an active role in increasing the organization's membership. In the recent past, Commissioner McLaughlin has served on the Executive Board for two years as the Projects Chair.

On a personal note, Commissioner McLaughlin is the parent of a daughter currently in her final year at Notre Dame Law School, and two stepchildren who are now adults and living in San Diego. Cooking and baking make up a large part of her down time, along with trail running with her dogs.



Hon. Pamela Washington

Pamela Scott Washington was appointed to the Anchorage District Court on August 9, 2010. Judge Washington is co-chair of the Alaska Supreme Court's Fairness, Diversity & Equality Commission and serves on the Cultural Competency Committee. Judge Washington presides over the Coordinated Resource Project (Mental Health Court) in Anchorage and the Criminal and Civil calendar in Sand Point, Alaska. Judge Washington is a 10-year member of the National Association of Women Judges and currently serves as Vice President of Districts. Judge Washington is the Anchorage Chair of NAWJ's Color of Justice and Mentor Jet programs. She is a member of the US Chapter of Pan American Commission of Judges on Social Justice and the National Center for State Court Blueprint for Racial Justice: Systemic Change Work Group. As the first African-American woman appointed to the judiciary in Alaska, Judge Washington has been a catalyst for increasing diversity on the bench, requiring implicit bias training for judicial officers, and ensuring the fair and impartial administration of justice for all people, regardless of race.

Judge Washington graduated from Arizona State University College of Law in 1991 and practiced 18 years in various private and government agencies before her appointment to the bench. She is married to Mental Health Clinician Dr. Stephen Washington and they have 3 adult children and 6 grandchildren.



Hon. Cheryl Rios

Judge Cheryl Rios was appointed to Kansas 3rd Judicial District Court in 2008. Prior to her appointment to the state court bench, she served as an Associate Judge for the City of Topeka, Municipal Court from 2005 to 2008.

After practicing critical care nursing for 6 years in Topeka, Judge Rios graduated from Kansas' Washburn University School of Law in 1993. The judge served as a staff attorney for Cherokee Nation of Oklahoma, served as an adjunct professor at Washburn University and is a former Shawnee County Assistant District Attorney.

Judge Rios previously served on the YWCA of Topeka Board of Directors, Topeka Collegiate School Board of Directors and MANA de Topeka's Board of Directors. She currently serves on the National Association of Women Judges Board of Directors, the Kansas District Judges Association Board, Kansas Judicial Council (Criminal Law Advisory Board) and Topeka Community Foundation Healthy Lifestyles Grant-making Committee.



Hon. Edwina Mendelson – Deputy Chief Administrative Judge for Justice Initiatives, New York State Unified Court System

Deputy Chief Administrative Judge Edwina Mendelson heads the New York State Unified Court System's Office for Justice Initiatives, tasked with ensuring meaningful access to justice for all New Yorkers in civil, criminal and family courts, regardless of income, background, or special needs. Additionally, Judge Mendelson leads the Equal Justice in Courts Initiative, a top priority for New York State Chief Judge Janet DiFiore, to implement the

recommendations of Special Adviser on Equal Justice, Jeh Johnson, in his October 2020 report examining racial bias in the state court system, as well as the implementation of the November 2020 recommendations of the New York State Judicial Committee on Women in the Courts to enhance gender fairness in the New York State Courts.

Judge Mendelson also directs several juvenile and family justice initiatives, including the New York State Unified Court System's Child Welfare Court Improvement Project, its Advisory Council on Child Fatalities, the ongoing implementation of the seminal law raising the age of criminal responsibility in New York State, and the Child Support and Guardianship Working Groups of the Unified Court System/New York State Bar Association's COVID-19 Recovery Task Force.

As of January 2021, Judge Mendelson now also oversees the Unified Court System's Office of Policy & Planning, which is responsible for administering the state's 343 problem-solving and accountability courts, including groundbreaking opioid courts, drug courts/judicial diversion parts, veterans' treatment

courts, mental health courts, human trafficking intervention courts, domestic violence courts, integrated domestic violence courts, young adult parts, juvenile treatment courts, community courts, and impaired driving courts.

Judge Mendelson was appointed to the Court of Claims by Governor Andrew Cuomo in 2017 and remains active on the bench, conducting pro se trials in state correctional facilities. Judge Mendelson also serves in Supreme Court Criminal Term, New York County. Previously, she presided over New York County Supreme Court's Youth Part, hearing cases of youth charged as adults.

Judge Mendelson first joined the court system as a Court Attorney-Referee in Queens County Family Court, after representing clients in New York City Housing Court, Family Court, and Supreme Court. She later became a Family Court Judge in 2003, the Queens County Supervising Family Court Judge in 2008, and a year later, was elevated to Administrative Judge of all New York City Family Courts.



Hon. Maria Puente-Porras

Judge Puente-Porras was appointed on June 27, 2018. She served as Commissioner for the Los Angeles Superior Court since April 2015. She is currently assigned to Department S15 at Governor George Deukmejian Courthouse Long Beach, and currently sits in a general family law assignment. She has been assigned to family since April 2015.

Prior to her election as a Commissioner, she practiced Family Law, representing all parties and served as appointed minor's counsel. In the contested adoption forum at Edelman Children's Court, she was appointed on behalf of parties or to serve as minor's counsel. Her practice also included Criminal Defense and Civil litigation. For 10 years she served on the Board of Trustees for the Southeast District Bar Association and was President in 2010. Her pro bono work included serving as a Daily Settlement Officer for the Los Angeles Superior Court [Family Law], the Alliance for Children's Rights, Los Angeles and the Public Law Center in Santa Ana. Judge Puente-Porras was in private practice for 17 years until being elected to the Bench as a Commissioner. She is a graduate of Western State University College of Law, Fullerton.