

COMMISSION ON RACIAL AND ETHNIC FAIRNESS



2021 Annual Report to the
Supreme Court of Missouri
December 2021

Supreme Court of Missouri
Commission on Racial and Ethnic Fairness (CREF)

2021 Report to the Supreme Court of Missouri

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SUPREME COURT OF MISSOURI
COMMISSION ON RACIAL AND ETHNIC FAIRNESS
POST OFFICE BOX 104480
JEFFERSON CITY, MISSOURI 65110

Dear Friends of the Commission,

We are pleased to present the Commission's 2021 report to the Supreme Court of Missouri. While 2021 continued to present challenges, the Commission has been able to successfully navigate the changes necessary and continue our important work to ensure fairness, impartiality, equal access and full participation for racial and ethnic minorities in the judicial process. It has been a busy and productive year.

In March of 2020, the Steering Committee was restructured to include the chairs and co-chairs of each subcommittee. The restructuring proved prescient. The Commission was able to conduct a statewide study on racial bias in the courts, deploy its groundbreaking Attorney Retention survey to 23,000 attorneys practicing in Missouri, and create an Implicit Bias Video that will soon be available to Missouri circuit courts.

Thankfully, the Commission was able to resume its two annual meetings for the year. Due to the ongoing pandemic, the meetings were held virtually. The April 6, 2021, meeting featured a presentation about the Missouri Bar's Special Committee on Lawyers of Color processes and goals. At the same meeting, the Systemic Work Group, which was formed to consider the impact of systemic racism on the justice system, provided their research approach for examining racial bias in the Missouri State Court System.

The October 7, 2021, full Commission meeting featured several presentations. One presentation entitled, "Understanding and Dismantling Racism in Missouri Courts," offered a list of objectionable monuments and displays in Missouri courthouses. A second presentation discussed Batson challenges and how the Batson rules have been revised in other states to improve racial and ethnic fairness in the jury selection process.

This year has shown us that the work of the Commission is more critical than ever before. We will continue to move forward with purpose and urgency. Our report highlights the accomplishments of this year, but most certainly work remains. We look forward to continuing to make our courts more accessible and responsive to the people they serve.

William Bay
Lisa White Hardwick
Mikah K. Thompson
Michael Middleton

Co-Chairs



Mr. William Bay

Mr. William Bay, partner at Thompson Coburn, has been recognized as a top litigator by The Best Lawyers in America. He is the past chair of the American Bar Association (ABA) Section of Litigation, the largest section in the ABA, has been a member of the ABA Board of Governors and chaired its Finance Committee. Mr. Bay is also a member of the American Law Institute, the leading independent organization in the United States that works to improve the law. Mr. Bay was the 2018-2020 chair of the 600-member ABA House of Delegates, the policy-making body of the association.



The Honorable Lisa White Hardwick

Judge Lisa White Hardwick is a judge with the Missouri Court of Appeals, Western District. After graduating from Harvard Law School, she joined the firm of Shook, Hardy & Bacon in 1985 and was a partner from 1992 to 2000. She was also elected to the Jackson County Legislature, serving as an at-large representative from 1993 to 2000. She was appointed to the 16th Judicial Circuit as a trial judge in January 2000 and to the Court of Appeals in May 2001. Judge Hardwick served as Chief Judge of the Western District from 2010-2012.



Professor Mikah K. Thompson

Professor Thompson is the Associate Dean of Diversity, Equity & Inclusion and an Associate Professor of Law at the University of Missouri-Kansas City. She teaches the following courses: Civil Procedure, Evidence, Race and the Law, and Employment Law. Associate Dean Thompson earned her Bachelor of Science degree in communications from Missouri State University and her law degree from Washington University in St. Louis. Her research centers on the intersection of race and evidentiary law. She also writes about the pedagogy of legal education with a particular emphasis on techniques for infusing cultural self-awareness into the first-year law school curriculum. Associate Dean Thompson is an affiliate faculty member at the UMKC School of Medicine where she directs a program that educates future physicians and other medical professionals about anti-racism and cultural bias.



Professor Michael Middleton, Emeritus

Professor Middleton, Deputy Chancellor Emeritus and Professor Emeritus of Law, joined the law faculty at the University of Missouri in 1985 after a career with the federal government in Washington. He was a trial attorney in the Civil Rights Division of the Department of Justice and in 1977 was appointed Assistant Deputy Director of the Office for Civil Rights at the Department of Health Education and Welfare. In 1980, he was named Deputy Assistant Secretary for Civil Rights at the newly formed Department of Education. In addition, Professor Middleton was an integral part of the EEOC on the federal level, serving as director of the Office of Systemic Programs and Associate General Counsel, Trial Division and finally, Director of the St. Louis district office prior to assuming his role at the University. Professor Middleton retired after serving as Interim President of the University of Missouri System and as Interim President of Lincoln University.

Executive Director



Ms. Stephanie White-Thorn, Esq.

Stephanie White-Thorn received a Bachelor of Arts in English Literature from the University of Redlands and Master of Arts from the University of Nevada, Reno. She earned her Juris Doctorate from the University of Missouri in 2007. Before attending law school, she was the Director of Graduate Studies at the University of Missouri. In this role, she designed and administered programs to increase the access, entrance, retention and matriculation of underrepresented students.

Stephanie has relocated to Mid-Missouri after spending the past seven years in Anchorage, Alaska, where she was a practicing litigator in the areas of family law, business law, employment discrimination, real estate and estate planning. Prior to her time in Alaska, she served as an Assistant Attorney General in the Governmental Affairs Division, State of Missouri, where she was responsible for interpreting state and federal laws, managing a complex and high-volume caseload, educating stakeholders, and providing risk assessment advice to boards and commissions regarding policies and procedures. Also, as an Assistant Attorney General, she collaborated with Lincoln University faculty and administrators to create the Legal Bootcamp Series to demystify the law school experience and to increase the number of minority students applying to Missouri law schools. She is a proud graduate of the Missouri Bar Leadership Academy and most recently was the Alaska Bar Association's delegate to the American Bar Association House of Delegates.

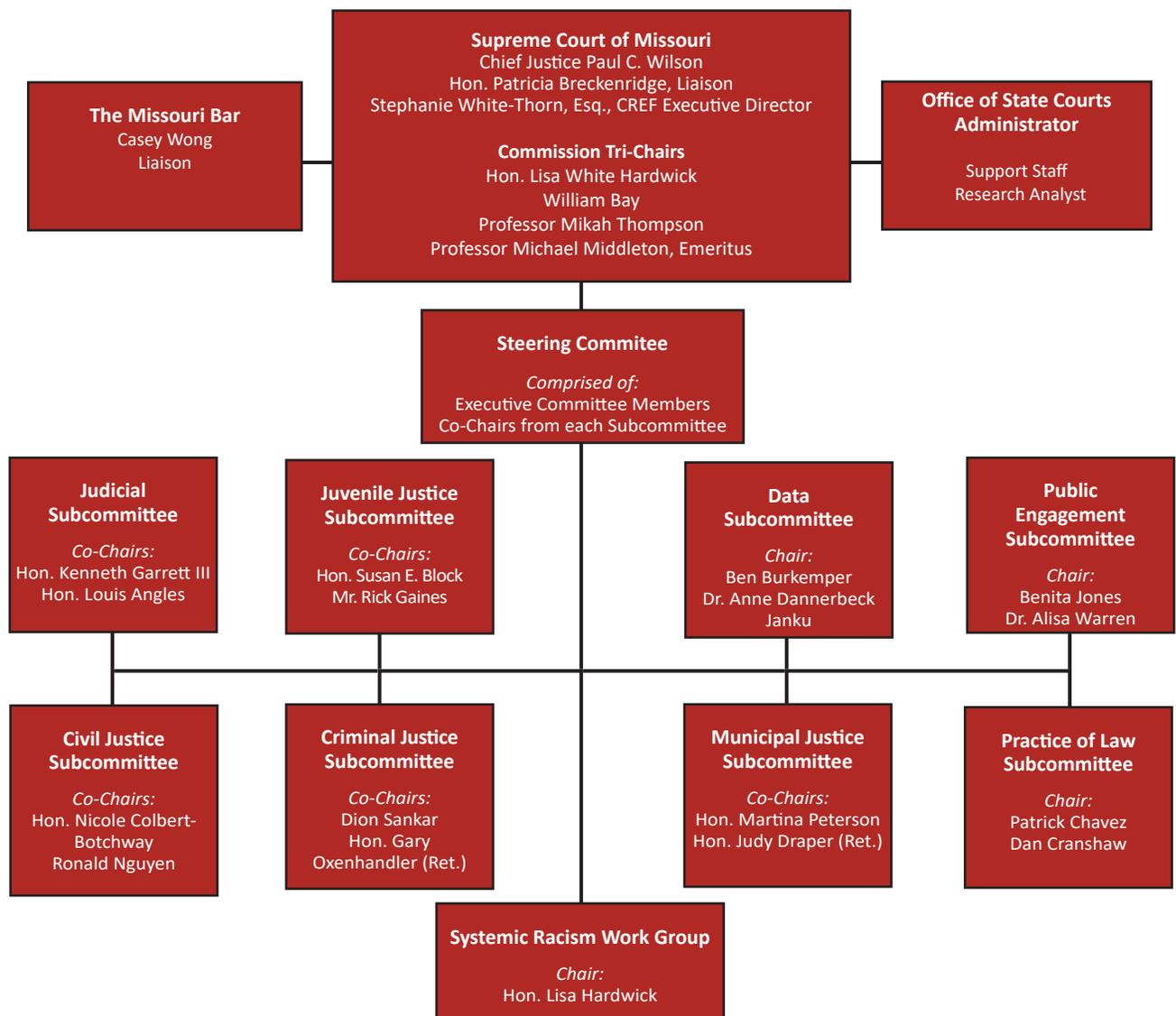
COMMISSION ON RACIAL AND ETHNIC FAIRNESS STRUCTURE

Supreme Court of Missouri judges (left to right):



Judge Robin Ransom, Judge Patricia Breckenridge, Judge Mary R. Russell, Chief Justice Paul C. Wilson, Judge W. Brent Powell, Judge Zel M. Fischer, Judge George W. Draper III

The leaders of CREF have changed since our last annual report with a new Steering Committee and several new subcommittee chairs to support our endeavors.



COMMISSION GOALS AND SUBCOMMITTEE CHARGES

In October of 2015, the Supreme Court established the Commission and set out the goals it was to achieve. The Commission's goal is to examine and review current practices, and to recommend measures to ensure fairness, impartiality, equal access and full participation for racial and ethnic minorities in the judicial process and in the practice of law. Consistent with these goals, the Commission shall:

- Identify any barriers to access and fairness in the judicial system and legal profession;
- Review the applicable constitutional provisions; statutes; ethical, procedural and court operating rules that may impact these issues; and such other materials as the commission believes would be helpful to its study and the development of its recommendations;
- Seek public input and engagement through written suggestions, public hearings or such other avenues as the commission believes helpful, as well as collaborate and participate in the "Minority Community Engagement" project with the National Center for State Courts and National Consortium on Racial and Ethnic Fairness in the Courts;
- Conduct, with the consent of the Court, surveys and study additional research regarding racial and ethnic equity in the justice system and in the legal profession.

The Commission shall focus its work in six areas — the judicial system, generally; the civil justice system; the criminal justice system; the juvenile justice system; the municipal justice system; and the practice of law — and will have subcommittees in these areas and such other subcommittees as needed to facilitate its work. Its focus may include but is not limited to the following:

- The existence and impact of any racial and ethnic bias and/or disparities within the judicial system and the practice of law;
- Changes to court rules, regulations, laws and/or practices to improve meaningful access to or participation in the judicial system and the practice of law by racial and ethnic minorities;
- Measures to ensure that all persons within the judicial system and practice of law refrain from manifesting bias or prejudice, by words or conduct, based on race or ethnicity;
- Measures to address any implicit or other bias within the judicial system and legal profession;
- The availability of effective legal representation for racial and ethnic minorities within the judicial system;
- Measures to enhance racial and ethnic diversity in the selection, retention and promotion of judicial officers, court staff and professionals in the legal community; and
- Measures to enhance understanding of the practices, procedures and proper role of the state's courts.

The Commission may act to implement its recommendations as authorized by the Court.

The Commission has since formed two new subcommittees to assist the original six subcommittees in their endeavors. The Data Subcommittee is charged with reviewing and assessing other CREF subcommittees' requests for information and data, including assessments of feasibility, and identifying proposed changes to case management or other data collection methods used by the judiciary. The Public Engagement Subcommittee is charged with responding to public inquiries, supporting CREF subcommittee public sessions, serving as a conduit for the exchange of information, and communicating the mission, priorities and work of the Commission. Also, the Commission has formed a Steering Committee and a Systemic Racism Work Group.

MILESTONES

2015

- CREF is established by the Supreme Court of Missouri identifying six subcommittees: judicial system, civil justice system, criminal justice system, juvenile justice system, municipal justice system and practice of law.

2016

- Supreme Court of Missouri amends the annual attorney enrollment form seeking voluntary racial and ethnic demographics on the profession based on CREF recommendation.
- Criminal Justice Subcommittee submits a report reviewing the collateral consequences of convictions in Missouri.
- October 27: CREF submits an initial report and 13 recommendations to the Supreme Court of Missouri.

2017

- As recommended by CREF, the Office of State Courts Administrator (OSCA) initiates a demographic study of the Missouri Judiciary in consultation with the National Center for State Courts.
- February - March: CREF holds public listening sessions in Columbia, Kansas City, St. Louis and Springfield, to solicit feedback and suggestions for the work of the Commission.
- May 15-17: CREF hosts 2017 National Consortium on Racial and Ethnic Fairness in the Courts Conference in St. Louis attended by representatives from court systems around the country, as well as local judges, attorneys and members of the public. This included developing all the programming, identifying and inviting speakers, and planning social events.
- June - September: CREF holds public listening sessions in St. Louis, Springfield and Kansas City to solicit feedback and suggestions about juvenile justice issues.
- The juror questionnaire developed for the Show-Me Jury system provides for optional reporting of racial and ethnic demographics.
- December 19: The Supreme Court of Missouri establishes the Data Subcommittee and the Public Engagement Subcommittee of CREF.

2018

- Practice of Law Subcommittee conducts managing partners' roundtable in Springfield.
- Civil Justice System Subcommittee holds Civil Justice listening sessions in St. Louis and Kansas City to solicit feedback and suggestions about the civil justice system.

- Effective July 18, 2019, the Supreme Court of Missouri revises SCR 18.05 and 15.05 to include an annual minimum requirement of one credit hour devoted to one of the following: cultural competency, diversity, inclusion or implicit bias, and amended regulation 15.01 to include information regarding related training based on CREF recommendation.
- OSCA completes a demographic study. The Commission releases *Diversity and Inclusion in the Missouri Judiciary*, a report providing information about the diversity of the Missouri Judiciary, including gender, race/ethnicity, race/ethnicity and gender combined, and age. Each of the variables has its own section in the report and includes results from a 2017 National Center for State Courts study, 2018 payroll data of state paid employees, 2018 self-reported survey data of non-state paid employees, and United States Census Bureau data where available. The report serves as a baseline for future reference and to make future decisions to address disparities found within the Missouri Judiciary as a whole.
- Effective July 18, 2019, the Supreme Court of Missouri adopts new paragraphs 1, 2 and 3 of the Comments of subdivision 2-2.3 including clarification of conduct that constitutes bias or prejudice and harassment, how to determine a rule violation, and examples of harassment as anticipated by the rule based on CREF recommendation.
- Effective July 18, 2019, the Supreme Court of Missouri adopts a new subdivision (g) of subdivision 4-8.4 and a new paragraph 4 of the Comments of 4-8.4 providing a clarification of attorney misconduct including a list of protected categories based on CREF recommendation.
- October 30: Effective January 1, 2020, the Supreme Court of Missouri adopts anti-bias jury instructions for both civil and criminal cases (civil MAI 2.00 and criminal jury trials MAI-CR 4th 400.02, 402.01) based on CREF recommendations. In civil matters the order requires the anti-bias instruction be given before jury selection and reread as part of final jury instructions to the empaneled jury before deliberations. In criminal matters, the order requires the anti-bias instruction be given before jury selection and included with the instructions that accompany the jurors into deliberations.
- In response to a recommendation of the Criminal Justice Subcommittee, the Supreme Court of Missouri directs the Clerk of the Court to request Governor Mike Parson make appointments and reactivate the Judicial Sentencing Commission, which was subsequently reconstituted. Likewise the Supreme Court makes its appointments to the Commission.

- Practice of Law Subcommittee conducts roundtable in St. Louis.
- Judicial Conference approves two resolutions submitted by the Judicial Justice Subcommittee. The first is to introduce and support legislation to lower the minimum age of a juror from 21 to 18 years. The second is to introduce and support legislation removing impediments to the availability of appropriate government records for use in compiling master jury lists.
- Systemic Racism Work Group is established by the Commission and will be led by Judge Hardwick.
- Civil Eyewitness MAI recommendations drafted and sent to the Executive Committee for review.
- Ms. Hannaford-Agor shares information about a grant award from the State Justice Institute for a master jury list project, and provides information about jury processes and best practices to ensure a diverse jury pool. Options for sources for the master jury list will be researched as part of the project.
- October 5: *Ensuring Diversity in Missouri Jury Pools and Juries* and *Confronting Systemic Racism in Missouri Courts* are sessions held during the Commission meeting. The sessions are recorded by the Commission with the intent to schedule webinars to show *Confronting Systemic Racism in Missouri Courts* with live moderators, allowing for CLE credits to be earned.

- Civil Justice System Subcommittee Implicit Bias Jury Instruction video featuring Missouri judges undergoes third edit and is viewed by the full Commission at its October 7 meeting. The video is expected to be available in early 2022 for distribution to circuit courts in Missouri.
- In October, the Systemic Racism Work Group launches a survey developed by Missouri State University. The survey and interview process to obtain data for the racial bias study is deployed to all 6,500 employees of the Judicial Department including the municipal divisions. The survey is also distributed to Missouri public defenders. To date the survey has received more than 1,400 responses and 85 interview requests.
- Data Subcommittee submits to the full Commission a recommendation to the Supreme Court regarding Supreme Court Operating Rule 4.07 mandating the collection of racial data in criminal cases. The Data Subcommittee's primary area of focus continues to be to ascertain what data may or should be available in the statewide case management system to measure race and ethnicity across all case types. The recommendations are approved by the Commission at its October 7 meeting and are submitted to the Supreme Court for approval.
- At the October 7 Commission meeting, Commissioner Shayla Marshall gives a presentation entitled, "Understanding and Dismantling Racism in Missouri Courts." Ms. Marshall provides a list of objectionable monuments and displays in Missouri courthouses. During her presentation Commissioner Oxenhandler informs the Commission that the Boone County Commission has just voted to remove racially and ethnically offensive murals from the Boone County Courthouse.
- At the October 7 Commission meeting, Judge Keith Garrett III and Professor Chuck Henson make a presentation about Batson challenges and how the Batson rules have been revised in other states to improve racial and ethnic fairness in the jury selection process.
- In December, the Practice of Law Subcommittee deploys its first-of-its-kind survey to 23,000 attorneys to gather much-needed data related to racial and ethnic trends seen or experienced by Missouri lawyers, and to inform this Commission's recommendations to the Supreme Court. This includes reviewing and making recommendations promoting best practices in hiring, retaining and elevating racially and ethnically diverse attorneys.
- Municipal Justice System Subcommittee focuses on assessing the impact of driving while suspended or revoked charges on minority communities. The subcommittee meets monthly to develop measures to collect and analyze data regarding the annual number of suspension/revocation charges filed and the annual number of driver's license suspension requests submitted to the Department of Revenue by the courts due to the defendant's failure to appear in court for nonminor traffic offenses. The subcommittee collects data from Kansas City, North Kansas City, Springfield, Peculiar, Calverton Park, St. Joseph, Raytown, Columbia, Ladue, St. Robert and St. Louis; Jackson and St. Louis counties; all Missouri circuit court-operated municipal divisions via OSCA; Child Support Enforcement; and the Department of Revenue. The subcommittee is analyzing the data and completing local and national research about driving while suspended or revoked charges, the impact they have on marginalized communities, and programs and statutes in other states that are addressing this issue. A rough draft of the report has been completed and is being reviewed by the subcommittee for format and content.
- Judicial Justice Subcommittee resubmits two resolutions to the Judicial Conference: 1) That the Judicial Conference Committee introduce and support legislation to lower the minimum age of a juror from 21 to 18 years, and 2) That the Judicial Conference Legislative Committee introduce and support legislation to resolve impediments to the availability of appropriate government records for use in compiling master jury lists. The Judicial Conference approves both resolutions.

2021 SUBCOMMITTEE ACTIVITY SUMMARIES

The Steering Committee met September 26, 2021, to determine the focus areas for the Commission subcommittees. The following sections are separated by subcommittee and reflect highlights of the activities undertaken by the listed subcommittees in this reporting period.

Civil Justice System Subcommittee:

The Civil Justice System Subcommittee’s top areas of focus for the year were the following:

- Launch the Implicit Bias Video
- Study the potential impact of using a revised Eyewitness testimony Civil MAI similar to Criminal MAI 310.02

Year-end status:

The subcommittee has created the first, second and third edits to the Implicit Bias Video and will seek approval to launch statewide.

Criminal Justice System Subcommittee:

The Criminal Justice Subcommittee has continued its evaluation of the expungement in Missouri.

After initial examination of the expungement statute, the subcommittee began to examine the available court data from 2015-2020 for filed expungement petitions, including where petitions were filed broken down by county, the race of petitioners, and whether efforts to waive costs were successful. This data was received by this subcommittee from the Data Subcommittee.

While this subcommittee is still processing the data, an initial review indicates, among other things, that white plaintiffs/petitioners filed expungement petitions at a far greater rate than their Black and Hispanic counterparts as demonstrated by the below chart:

Filed Expungement Cases with the Ethnicity of the Plaintiff or Petitioner

Ethnicity	2015	2016	2017	2018	2019	2020	Grand Total
Missing	351	395	434	985	788	728	3681
A - Asian or Pacific Islander	1	1		2	3	2	9
B - Black	32	35	43	107	83	78	378
H - Hispanic	1	4	4	1		7	17
U - Unknown	5	1	1	13	6	7	33
W - White	102	115	118	409	354	371	1469
Grand Total	492	551	600	1517	1234	1193	5587

The available data also indicates that despite the recorded 3,157 successful expungement petitions in Missouri between 2015-2020, only 417 were the product of a pro se plaintiff/petitioner’s filing. The review of data, such as this, strengthened the subcommittee’s focus on the barriers to expungement.

Year-end Status:

The subcommittee is continuing to explore the potential for automatic expungement for certain low-level offenses after a defined period of time.¹ In addition, the subcommittee is continuing the process of

¹ The subcommittee has contacted the St. Louis County prosecutor’s office who is working on one such program.

researching the potential for a proposed rule change that would shift the burden to the government and/or law enforcement agencies to demonstrate why expungement is not appropriate for a petitioner in order to alleviate the financial and procedural barriers that stand in the path of some petitioners finding relief. In addition, the subcommittee is also exploring the possibility of appointing lawyers for indigent petitioners in Jackson County and St. Louis City similar to current initiatives in family court. The subcommittee continues to believe that changes such as those being explored are critical to providing meaningful access to expungement for traditionally marginalized groups.

Furthermore, in this upcoming year, the subcommittee would like the opportunity to provide support to Dean Ellen Suni and specifically her work with the Clear My Record Project at UMKC School of Law and with the Clean Slate Initiative. These two groups are committed to working to create access to expungement for marginalized groups. The subcommittee's proposal of support would provide these groups with the practical insight, including but not limited to information about how these matters are litigated within courtrooms in various counties, from the perspective of lawyers representing the government and the plaintiff/petitioners. In doing so, the subcommittee hopes to provide information that can lead to the development of future paths to expungement for all eligible individuals. Moreover, with permission, the subcommittee also requests the ability to share the available court data with these groups to help better inform them about some of the expungement litigation information available. It is this subcommittee's recommendation and hope to be given the authority to do this, as we believe that this is a valuable step to the continued development, use and accessibility of the Missouri expungement law.

Judicial Justice System Subcommittee:

The Judicial Justice System Subcommittee's primary areas of focus:

- Reviewing and updating the process of preemptory strikes in the court system to ensure a fair, race-neutral application.

Year-end status:

The subcommittee resubmitted two resolutions to the Judicial Conference. The first resolved that the Judicial Conference Committee introduce and support legislation lowering the minimum age of a juror from 21 to 18 years. The second resolved that the Judicial Conference Legislative Committee introduce and support legislation that would remove impediments to the availability of appropriate government records for use in compiling master jury lists. The Judicial Conference approved both resolutions.

Juvenile Justice System Subcommittee:

The Juvenile Subcommittee last met September 29, 2021, and is working on assisting the Supreme Court in establishing the Juvenile Law Committee, which the Supreme Court approved with the recommendation of the CREF Steering Committee. Micah Thompson reported the Supreme Court was looking for members of this inaugural committee and that recommendations have been received and forwarded to the Court for consideration. In addition, OSCA is working on drafting a scope of work for the committee.

Year-End Status:

The subcommittee continues its work on proposed rules 126 and 128.04, which would respectively provide for counsel of juveniles at the interrogation stage and timelines for judges to follow in handling juvenile cases, akin to the ones set forth for permanency cases. The Executive Committee is in favor of such rule adoptions. Comments have been submitted by the subcommittee to give more background to the Court for their review and consideration.

A discussion was held about increasing membership of the subcommittee. Active members will contact those members who have not been actively participating, and will work to recruit new members who

have special expertise and interest in participating and send their names to the Executive Committee for approval. The subcommittee is exploring gathering information about how detention centers decreased their populations during COVID. There was also discussion about using a research analyst from OSCA to assist the subcommittee with its work.

Practice of Law Subcommittee:

The Practice of Law Subcommittee's top area of focus for 2021 was development and deployment of a survey to all attorneys practicing in Missouri to obtain data about issues touching the hiring, retaining and job satisfaction of racially and ethnically diverse attorneys. This first-of-its-kind effort will provide much-needed data related to racial and ethnic trends seen or experienced by Missouri lawyers and will inform the subcommittee's future recommendations to the full Commission. The survey will also provide a baseline set of data for use with future surveys.

Year-End Status:

On December 6, 2021, the survey was deployed to approximately 23,000 attorneys practicing in Missouri. The survey will be open for responses for approximately six weeks. After the survey closes, the subcommittee will engage with its already-approved vendor to perform data analysis, with the goal to provide some preliminary data insights at the next full Commission meeting in 2022.

Municipal Justice System Subcommittee:

The Municipal Justice System Subcommittee is currently focusing on assessing the impact driving while suspended or revoked charges have on minority communities. The subcommittee has been meeting monthly to develop measures to collect and analyze data regarding the annual number of suspension/revocation charges filed and the annual number of driver's license suspension requests submitted to the Department of Revenue by the courts due to the defendant's failure to appear in court for nonminor traffic offenses. The subcommittee has collected data from Kansas City, North Kansas City, Springfield, Peculiar, Calverton Park, St. Joseph, Raytown, Columbia, Ladue, St. Robert and St. Louis; Jackson and St. Louis counties; all Missouri circuit court-operated municipal divisions via OSCA; Child Support Enforcement; and the Department of Revenue. The subcommittee is analyzing the data and completing local and national research about driving while suspended or revoked charges, the impact they have on marginalized communities, and programs and statutes in other states that are addressing this issue. A rough draft of the report has been completed and is being reviewed by the subcommittee for format and content.

Year-End Status:

Preliminary data suggests there may be a disproportionate impact on racial and ethnic minorities in Missouri to warrant further analysis. While the report is being completed and the data reviewed, the subcommittee is currently reviewing all steps of the legal process to determine what areas can be addressed to reduce this disparity in the state of Missouri, developing recommendations to address these issues at all steps of the process, and will be submitting a report of the final statistics, conclusions and recommendations to the CREF Steering Committee for further consideration. The subcommittee will continue to liaise with the Driver's License Committee of the Costs Fines and Fees Subcommittee for The Criminal Justice Task Force and the CREF Data Subcommittee regarding data collection and analysis.

Public Engagement Subcommittee:

The Public Engagement Subcommittee's main areas of focus:

- Community Leaders
- Community Outreach

Year-end status:

This is a year of renewal for this subcommittee. Two new co-chairs were appointed: Dr. Alisa Warren, Executive Director, Missouri Commission on Human Rights, and Benita Jones, Public Information Officer/Resource Center Manager, Kansas City Municipal Court. Subcommittee members were surveyed and later met to **prioritize** action items for the coming year:

- **Engaging with Community Leaders** (head of public defender system, prosecutors, police, business leaders, heads of diversity groups) to determine what racial issues they are concerned about and ask what we could do better. This will also allow these groups to know that the Commission on Racial and Ethnic Fairness exists. The subcommittee will work in geographic teams to identify community leaders.
- **Community Outreach by developing** a CLE event with a speaker that could be in-person or virtual to inform the community about the Commission and expand engagement.

The subcommittee will continue to provide relevant materials through the CREF website. Opportunities for communication via the best channels are being considered as the work of the Commission continues.

Data Subcommittee:

The Data Subcommittee's primary area of focus continues to be to ascertain what data may or should be available in the statewide case management system to measure race and ethnicity across all case types.

Year-end status:

The subcommittee has surveyed the current case management systems regarding the collection of race and ethnicity data in Missouri as well as the availability of data in other states through direct contact and research of various nationwide data resource centers. Based on the research, the subcommittee submitted a recommendation, among others, to the full Commission relating to the mandating of the collection of racial data in criminal cases through modifications to Supreme Court Operating Rule 4.07. Another recommendation suggests that the Commission publish an annual report about patterns in court processing in criminal cases by race. The report would include charge categories, case dispositions and time standards. The recommendations were approved by the Commission October 7, 2021.

Systemic Racism Work Group:

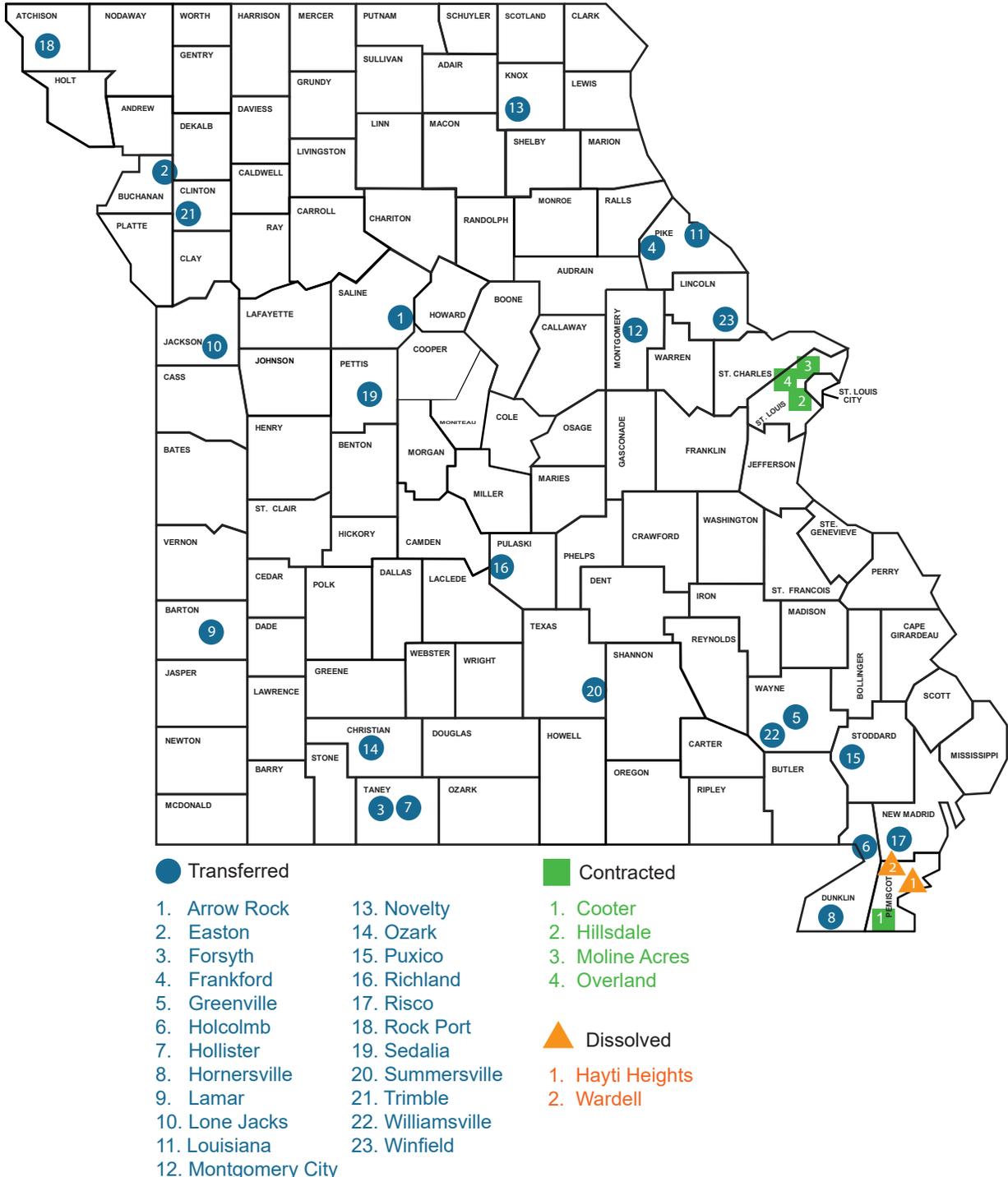
In January 2021, the Supreme Court granted approval for the Commission, in conjunction with the law firm Shook, Hardy & Bacon and Missouri State University, to conduct a statewide study of racial bias in the courts. The Commission's Systemic Racism Workgroup proposed the study to evaluate the role of bias as a cause of the significant racial disparities in the processing of traffic, juvenile, and criminal cases in Missouri. The approved team of attorneys and academic researchers is reviewing available case records and court procedures, conducting surveys and interviews with judicial personnel, and soliciting comments from court users and the general public on incidents involving disparate treatment. By the Spring of 2022, this investigative review will result in a report with recommendations to address disparities resulting from implicit and explicit bias.

The Systemic Racism Work Group is also reviewing concerns about offensive displays of slavery, confederacy, and Native American history in murals and markers at Missouri courthouses.

MUNICIPAL UPDATES IN MISSOURI

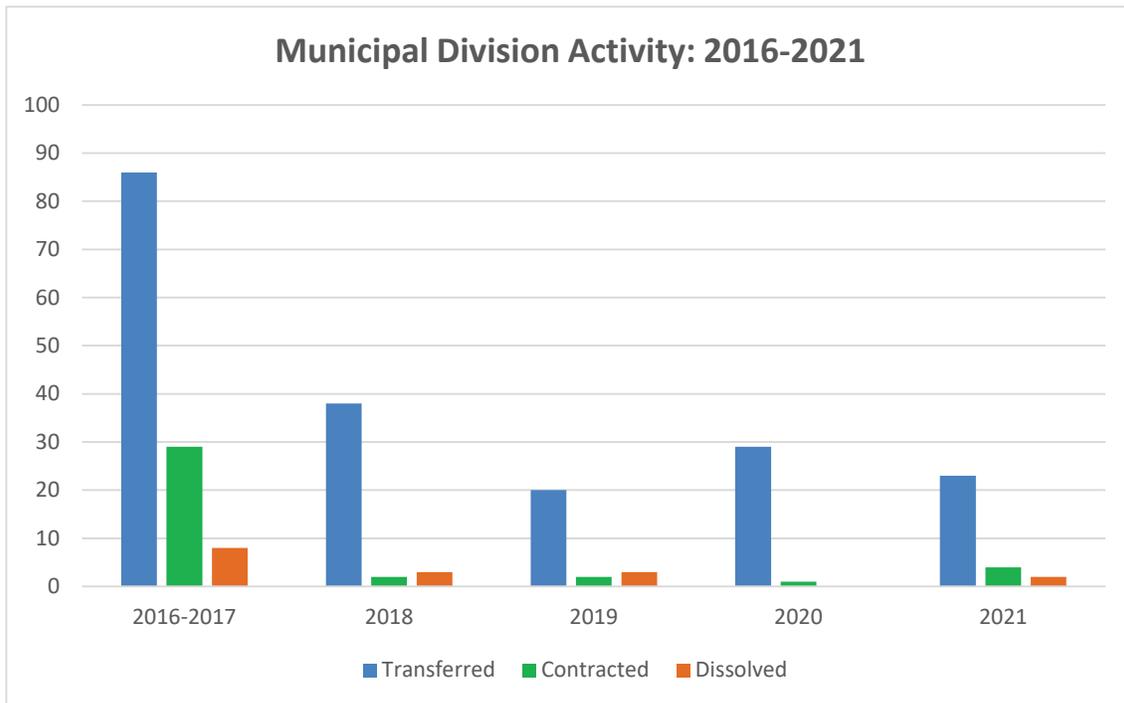
At the time CREF was formed, Missouri had approximately 600 municipal divisions, many with unique governing structures that could differ from circuit to circuit. Today, municipal jurisdictions are categorized as either stand alone, transferred, or contracted. A stand alone municipal division is heard in a stand alone location with a municipal judge(s) and clerk(s). A contracted municipal division is heard in another municipality's stand alone location with its municipal judge(s) and clerk(s), but the contracted municipality's case management, finances, etc. remain separate. A transferred municipal division is when a stand alone division is heard in the associate circuit division by an associate judge.

In 2021, 23 municipal divisions transferred to the associate circuit court, four municipal divisions contracted with another municipal division and two divisions dissolved, as represented on the map below.



Efforts to collect municipal data have improved since the formation of the Commission in late 2015. The Office of State Courts Administrator developed a municipal portal for municipal divisions to use to file monthly caseload reports and to update personnel and court information, such as status, address, etc. Municipal divisions also use the portal to report annual compliance with the Supreme Court’s minimum operating standards.

The chart below represents the numbers of municipal divisions that have transferred, contracted, or dissolved, corresponding to the reporting periods used for CREF annual reports. These numbers more accurately reflect the actual numbers of divisions that transferred, contracted, or dissolved during the corresponding time periods and are reflective of the improved collection of data now possible from the use of the municipal portal.



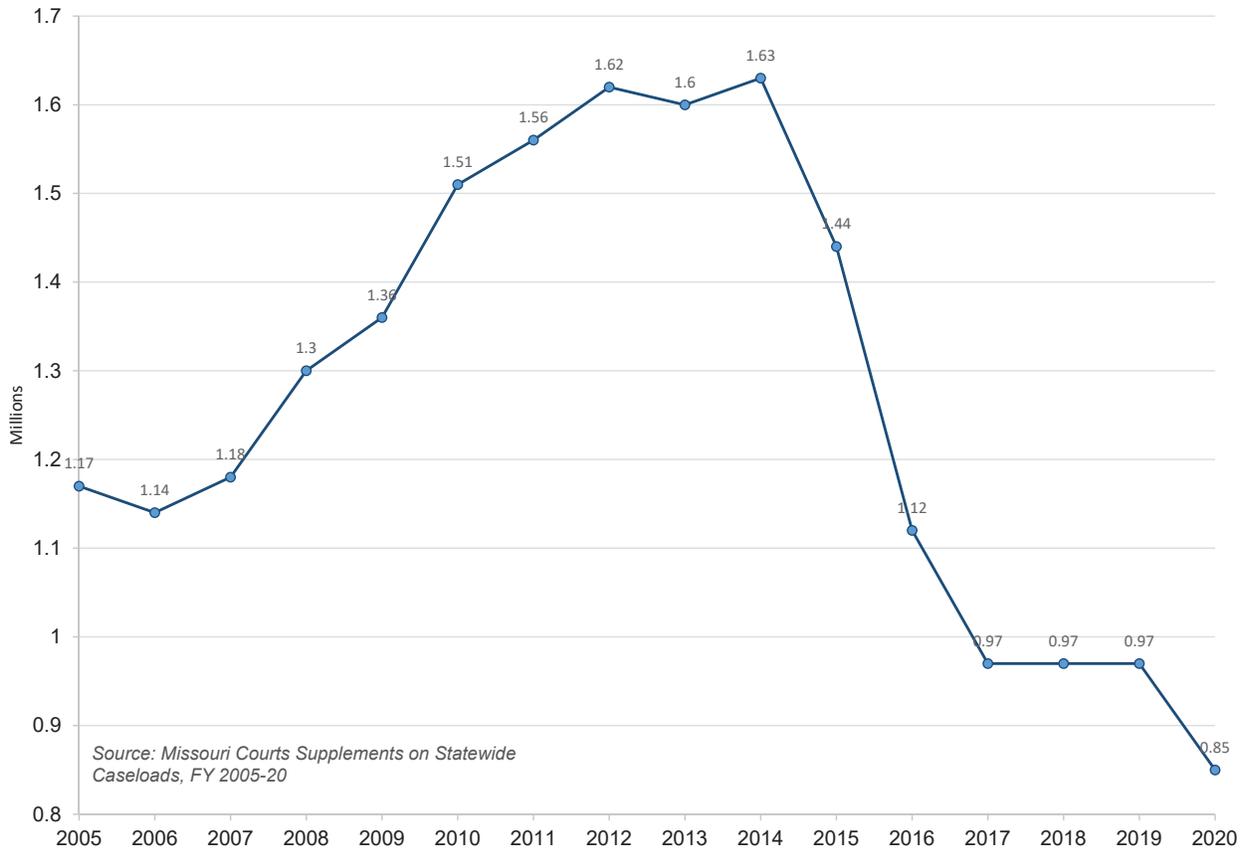
Since 2016, the total numbers are the following:

- 196 municipal divisions have transferred
- 38 municipal divisions have contracted
- 16 municipal divisions have dissolved

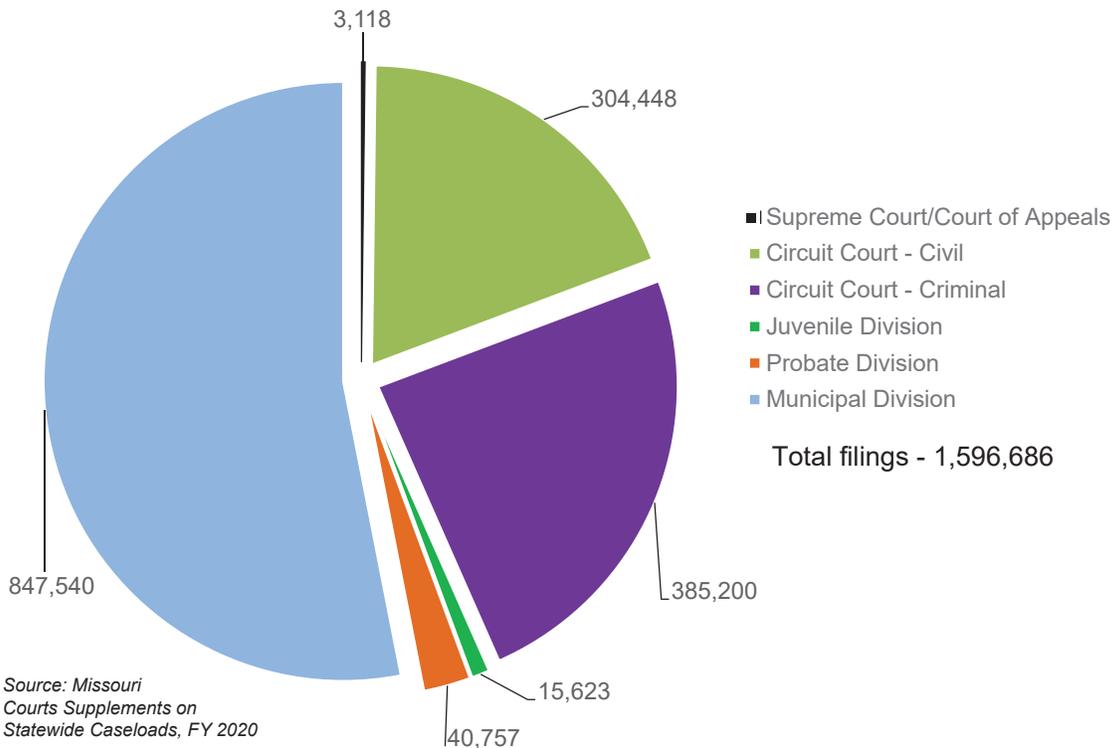
These changes have improved efficiency, standardization of procedures, and accessibility and availability of the municipal divisions, resulting in improved services to litigants.

As of December 31, 2021, there were 260 stand alone municipal divisions, 38 contracted municipal divisions and 298 municipal divisions being heard at the associate circuit court.

Number of municipal court filings in Missouri (FY 2005-2020)



Number of total statewide court filings, FY 2020



LIST OF COMMISSIONERS

The Commission on Racial and Ethnic Fairness selected Commissioners from across Missouri who represent various parts of the judicial system. Attorneys, judges, law enforcement, court personnel and representatives from academia have a voice in the process of creating systematic changes within the courts to ensure racial and ethnic fairness for all Missourians. The following members currently comprise the Commission:



Pictured are Commission members present at the CREF meeting held October 8, 2019.
The October 5, 2020, meeting was held virtually.

*Members of the Systemic Racism Work Group

+Members of the Steering Committee

Executive Committee

+The Honorable George W. Draper III (Jefferson City)
Supreme Court of Missouri

+The Honorable Patricia Breckenridge, Liaison (Jefferson City)
Supreme Court of Missouri

+*The Honorable Lisa White Hardwick, Co-Chair (Kansas City)
Missouri Court of Appeals, Western District

+Mr. William R. Bay, Co-Chair (St. Louis)
Thompson Coburn

+Professor Mikah Thompson, Co-Chair (Kansas City)
University of Missouri - Kansas City School of Law

+Professor Michael A. Middleton, Co-Chair Emeritus (Columbia)
Deputy Chancellor Emeritus - University of Missouri School
of Law

Staff: Ms. Stephanie White-Thorn, Executive Director
(Jefferson City) Supreme Court of Missouri

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Judge, 22nd Judicial Circuit

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Missouri Court of Appeals, Eastern District

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Chapel Law Group, LLC

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Missouri Office of Attorney General

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Missouri State Highway Patrol

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Missouri State Public Defender, Dist. 5

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7th Judicial Circuit, Div. 6

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Spradlin Kennedy Law Firm

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Springfield Police Department

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U.S. Magistrate Judge, Western District of Missouri

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Missouri State University

Mr. Booker T. Shaw (St. Louis)
Thompson Coburn

COMMISSIONERS' ACCOMPLISHMENTS, AWARDS AND ACTIVITIES

Our Commissioners give of their time and talents to make the CREF a successful agent for change. In addition to their full-time employment, they publish, volunteer and excel in their varied fields of expertise. In this portion of the report, we recognize their efforts outside of CREF to enhance their communities.



Professor Mikah Thompson
University of Missouri - Kansas City School of Law

Associate Professor Mikah Thompson was selected as the 2021 Professor of the Year at the UMKC School of Law. She also won the Daniel L. Brenner Faculty Publishing Award for her article about slavery and its impact on black girlhood. In September of 2021, Thompson was appointed as the inaugural Associate Dean of Diversity, Equity and Inclusion at the UMKC School of Law.



The Honorable Angela Turner Quigless
Judge, MO. Court of Appeals, Eastern District

Judge Quigless of the Eastern District Court of Appeals received a Proclamation of Recognition from the Lawyers Association for 25 years of public service as a Judge. Judge Quigless started her career as an Associate Circuit Judge in 1995 and was elevated as a Circuit Judge in 2003. She was appointed to the Court of Appeals in 2012 and served as Chief from 2014- 2015.



The Honorable Susan E. Block
Paule, Camazine & Blumenthal

Judge Block was selected as Greater Missouri Leadership's 2021 Woman of the Year for Community Service, the Missouri Lawyers' Media Women Justice Awards 2021 Woman of the Year and to its 2021 Power List of Family Law Lawyers. Judge Block also was awarded the Bar Association of Metropolitan St. Louis' William L. Weiss Award in recognition of leadership and service.



Professor David Achtenberg
Professor Emeritus

Professor David Achtenberg has served on the faculty of the University of Missouri – Kansas City School of Law since 1988. His research and articles about civil rights litigation continue to be cited in law review articles, briefs, and judicial opinions. He was featured in several recent episodes of *Bound by Oath* discussing the origins of the Ku Klux Klan Act, and arguing for more expanded liability under Section 1983.



Professor Karen Tokarz
Washington University School of Law

Professor Karen Tokarz was awarded the Washington University Gephardt Institute for Civic & Community Engagement Ethic Award for Service to St. Louis for her work with the St. Louis County eviction court. She was elected to 2021 Best Lawyers in America in Mediation for the 12th straight year.



Ms. Tracy Spradlin
Spradlin Kennedy Law Firm

Tracy Spradlin served as the President of the Criminal Law Section for the Kansas City Metropolitan Bar Association (KCMBA) in 2021. She is the President-Elect of the Young Lawyers Section for KCMBA and will take over as President for the upcoming 2022 year. She continued her work on the Board of Directors for the Association for Women Lawyers of Greater Kansas City, working with the newly formed Women in the Profession Committee where she seeks to assist female attorneys in being appointed to positions where they can help make decisions in both the local and state-wide arena. She continues her work in representing the accused as a Partner at the Spradlin Kennedy Law Firm in Kansas City, Missouri.



Ms. Lesley D. Smith
Public Defender's Office

Lesley D. Smith, Assistant Federal Defender for the Western District of Missouri was honored with Missouri Lawyers Weekly's 2021 Up and Coming Award for Public Service. Lesley was also selected to be a member of the 43rd cohort of Kansas City Tomorrow, a civic leadership program sponsored by the Greater Kansas City Civic Council. To date, Lesley is the only public defender to participate in the Kansas City Tomorrow civic leadership program. Knowing we often fail to address the root causes of crime and recidivism, Lesley hopes that her participation in Kansas City Tomorrow will help her to better serve her clients by developing relationships with community stakeholders and working to match her clients with community resources.



Mr. James R. Hobbs
Wyrsh Hobbs & Mirakian PC

Mr. J.R. Hobbs was named in Missouri Law Weekly Power 30 White Collar Crime Lawyer Listing; Top 10 Super Lawyer listing for Missouri; Appointed to Outreach Committee of American College Trial Lawyer; and Reappointed by the Supreme Court of Missouri as Co-Chair of Task Force on Criminal Justice (along with Judge Mike Noble and Amy Fite, elected prosecutor of Christian County.)



Ms. Farrah Fite

Communications Director, The Missouri Bar

Farah Fite oversaw a seamless transition of existing team members into a merged communications department at The Missouri Bar, and this team aided in the distribution of the CREF survey to Missouri lawyers. Ms. Fite presented about communications best practices, tools for bar leaders, social media and crisis communications at events including the ABA Bar Leadership Institute, Missouri Bar Leadership Institute and National Association of Bar Executives conferences. She also served as the 2020-21 chair of the NABE Professional Development Committee, shifting the annual and midyear meetings to virtual formats.



Ms. Shayla Marshal

Missouri State Public Defender, Dist.5

Shayla Marshall is the District Defender of the St. Joseph, Missouri Public Defender Trial Office, and the Chief Diversity and Inclusion Officer for the Missouri State Public Defender. Over the past year, Ms. Marshall taught several courses that provided CLE credit to Missouri lawyers, as well as volunteered as a speaker for the Black Female Attorneys Association on Criminal Law. Ms. Marshall's office participates in the Angel Tree program that provides Christmas gifts to children with incarcerated parents within her jurisdiction in Northwest Missouri. Additionally, over the past year, Ms. Marshall was appointed to the board of directors for the Missouri Association of Criminal Defense Lawyers.