

COMMISSION ON MINORITIES IN THE JUDICIARY

Draft Minutes

Thursday, February 4, 2016

1:00 – 3:00 p.m.

Conference Room 230

1501 West Washington Street

Phoenix, AZ 85007

Present: Dr. Joanne Basta, Professor Paul Bennett, Professor Patricia Ferguson-Bohnee, Domingo Flores, Jr., Judge Anna Huberman, Catharina Johnson, Frankie Jones, Judge Maurice Portley, Dr. John Vivian, Judge Joan Wagener

Telephonic: Mike Baumstark, Judge Roxanne Song Ong (Ret.)

Absent/Excused: Judge Maria Avilez, Diandra Benally, Judge Gilberto Figueroa, Judge Dan Slayton, Judge Alma Vildosola

Presenters/Guests: Barry Wong, Governor's Office of Equal Opportunity, David Redpath and Kathy Gillmore, AOC Juvenile Justice Services Division

Administrative Office of the Courts (AOC) Staff: Susan Pickard, Sabrina Nash, Theresa Barrett

REGULAR BUSINESS

Welcome, Announcements, Introduction of New members – After introductions, Judge Maurice Portley wished Dr. John Vivian a Happy Birthday.

Approval of November 5, 2015 Minutes

Motion: Judge Huberman moved to approve minutes from November 5, 2015. **Seconded by:** Dr. John Vivian **Vote:** unanimous

BUSINESS ITEMS/POTENTIAL ACTION ITEMS

Arizona Black Bar/Arizona Collaborative Bar – (taken out of order) Frankie Jones, Maricopa County Attorney's Office, informed COM members that the sister bars are hosting joint quarterly CLE events for their members. She stated that with the various judicial openings forthcoming, the first CLE will focus on the judicial appointment process. The session is titled "Changing the Game: Lifting the Judicial Appointment Fog." Ms. Jones mentioned that Chief Justice Bales will address attendees along with a wide array of notable panelists. Panelists include: Justice Ann Scott Timmer; Judges Lawrence Winthrop, Carol Scott Berry, George Foster, and Chuck Whitehead; Federal Judge Wendell Hollis; Michael Liburdi, General Counsel, Arizona Governor Doug Ducey; and Lonnie Williams, former Maricopa County Trial Court Judicial Nominating

Commission member. The CLE has 50 participants registered and will be held at Jennings Strauss on Friday, February 5, 2016.

State Board and Committee Appointments – (taken out of order) Barry Wong, Governor's Office of Equal Opportunity, explained that he was recently appointed to assist the Governor in achieving diversity in all areas of state government. He shared with the members that the governor is committed to increasing the diversity of the applicant pool and is focusing his efforts on increasing the talent pool for appointees for the governor and other state agencies by:

- ensuring that agency heads target their advertisements to more diverse communities;
- creating greater supplier diversity in the procurement process; and
- acquiring a larger number of candidates for boards, commissions, and panels by soliciting applicants from various sister bar associations and community groups.

Mr. Wong indicated that when he speaks to a community or business he asks them to identify their ten best people and to encourage them to apply for openings on state government boards and panels as they become available.

Bench Diversity Research Project Update and Next Steps – Professor Paul Bennett, University of Arizona, James E. Rogers College of Law, updated the Commission on the Bench Diversity Survey. The survey was sent out to all Arizona judges asking each judge to anonymously self-identify race, ethnicity, and age group. He acknowledged that Mike Baumstark and Susan Pickard were instrumental in helping with the survey. Five hundred email surveys were sent out and 412 valid response surveys were received. Professor Bennett stated that survey results show that people think of their identifying categories differently from those used by the federal government. Below are a few notable highlights from a statistical standpoint.

- 37.6 percent of the judges surveyed were Superior Court judges which was the largest category
- 9 out of 10 respondents who declined to answer the diversity question were male
- The state of Arizona is approximately divided 50-50 male versus female, with females having a slight lead (2010 census)
- The Arizona State Bar's ratio is 2-1 male versus female
- Arizona's Judiciary is slightly over 60% male versus female
- Locally appointed judges are equally split 50-50

Professor Bennett explained that it is difficult to determine if courts in Arizona reflect their communities as there is no reliable comparative data for him to use. He stated that he is planning to have a full statistical report of the survey for the Commission at the May meeting.

Pima County Disproportionate Minority Contact (DMC) Project – Joanne Basta, Manager, Research and Evaluation Unit, noted that the Pima County Juvenile Court Center (PCJCC) has been working on reducing the juvenile court population for some time. She explained that the county received a three-year grant to develop a model to address DMC in the PCJCC and to evaluate the results. Ms. Basta outlined the five phases of the project model, briefly addressing each one: Identification, Assessment and Diagnosis, Intervention, Evaluation, and Monitoring. She noted that Pima County came up with the following recommendations regarding DMC:

- commit to maintaining clear shared expectations;
- establish well-defined leadership/management structures and roles;
- value, respect, and support diversity;

- use data to guide and focus work;
- dedicate resources to measuring outcomes; and
- foster buy-in from community and courts continuously.

Ms. Basta also shared that the PCJCC and its partners developed a set of documents titled “*The Guidelines for Schools in Contacting Law Enforcement*” in an effort to address the school to prison pipeline and disparate outcomes for youth of color. These guidelines provide school administrators with detailed information about when law enforcement should, or should not be contacted. The goals of the guidelines are:

- to eliminate discrepancies between school administrators;
- define “gray areas” and uncommon situations;
- remind administrators to be consistent and fair and to consider the violation rather than the student;
- assist in explaining decision-making to parents and other stakeholders; and
- educate new school administrators.

Fifth Statewide Report Card Update – Dr. John Vivian, Arizona Department of Juvenile Corrections, and David Redpath, AOC Juvenile Justice Services, reported highlights of recent presentations in which they shared data from the report card. The stakeholder groups included:

- the Arizona Prosecuting Attorney’s Advisory Council (APAAC),
- Presiding Judges, and
- the Arizona Judicial Council (AJC).

He stated that Dave Byers, AOC Administrative Director, and the AJC have requested additional information and an update at a future AJC meeting.

OTHER BUSINESS

Good of the Order/Call to the Public

The Arizona Minority Bar is hosting its Annual Fundraiser on Friday, March 4, 2016.

Next Meeting – May 5, 2016

Meeting adjourned at 2:54 p.m.