COMMISSION ON MINORITIES IN THE JUDICIARY
AGENDA

Thursday, September 8, 2016
1:00 – 3:00 p.m.

State Courts Building ◊ 1501 W. Washington St. ◊ Phoenix, Arizona ◊ Conference Room 345 A&B

Conference Call Number: **602.452.3288** or **520.388.4330** Access Code: **1237**
https://arizonacourts.webex.com

TIME		PRESENTER
REGULAR BUSINESS		
1:00	**Welcome and Announcements**	**Judge Maurice Portley**, *Chair*
1:10	**Approval of May 5, 2016 Minutes** *Action Item*	**Judge Portley**
BUSINESS ITEMS/POTENTIAL ACTION ITEMS		
1:15	**Report of the Task Force on Fair Justice for All**	*TBD – tentatively Mike Baumstark*
2:00	**State Bar of Arizona Spring Training Conference**	**Judge Roxanne Song Ong, Ret. Frankie Jones**
2:15	**Arizona Black Bar**	**Frankie Jones**
2:30	**Bench Diversity Project / Next Steps**	**All**
OTHER BUSINESS		
3:00	**Next Meeting –** November 3, 2016	Judge Portley
	Good of the Order/Call to the Public	Judge Portley
	Adjourn	

COMMISSION ON MINORITIES IN THE JUDICIARY
Draft Minutes
Thursday, May 5, 2016
1:00 – 3:00 p.m.
Conference Room 230
1501 West Washington Street
Phoenix, AZ 85007

Present: Judge Maurice Portley, Chair, Kevin Koegel (proxy for Dr. Joanne Basta), Mike Baumstark, Professor Paul Bennett, Professor Patricia Ferguson-Bohnee, Judge Gilberto Figueroa, Judge Anna Huberman, Catharina Johnson, Frankie Jones, Judge Roxanne Song Ong (Ret.), John Vivian, Judge Joan Wagener

Telephonic: Domingo Flores, Jr., Judge Alma Vildosola

Absent/Excused: Judge Maria Avilez, Diandra Benally, Judge Penny Willrich (Ret.)

Presenters/Guests: Chief Justice Scott Bales, Aaron Gbewonyo, Briar Martin, Mike Martinez, and David Redpath and Deborah Kurth, Administrative Office of the Courts (AOC)

Staff: Susan Pickard, Sabrina Nash, Theresa Barrett

REGULAR BUSINESS

Welcome, Announcements, Introduction of New members – Judge Maurice Portley called the meeting to order at 1:00 p.m. and welcomed members and guests. Judge Portley complemented Judge Anna Huberman on her article "Judge Judy is bad for judiciary" that appeared in the April 30, 2016 weekend edition of the Arizona Republic.

Approval of February 4, 2016 Minutes
Motion: Mike Baumstark moved to approve minutes from November 5, 2015. S**econded by:** Judge Huberman **Vote:** Passed unanimously

BUSINESS ITEMS/POTENTIAL ACTION ITEMS

Disproportionate Minority Contact (DMC) Overview and Future Efforts – Dr. Deborah Kurth, AOC, Juvenile Justice Services Division (JJSD), discussed the juvenile justice system, juvenile offender types, defense and prosecutorial attorneys, holding facilities, specialize services and Individualized Education Programs (IEP) that provided to protect the juvenile's rights and to ensure they receive due process.

She also summarized the juvenile justice system research into the factors that bring juveniles into the system. The findings that can lead to increases and decreases in the number of youth in the juvenile justice system include:

- Increased youth population,
- Poverty,
- Negative peer influences (gangs), and
- Mental health issues.

Ms. Kurth stated that in Arizona there is a decrease in the number of youth being referred to courts in all counties and that during the last fifteen years there has been a decrease in the number of youth being referred for detention, adult court, or to the Department of Corrections.

David Redpath, AOC JJSD, discussed the DMC intervention model championed by the U.S. Department of Justice, Office of Justice and Delinquency Prevention (OJJDP) that has five components: identification, assessment and diagnosis, intervention, evaluation, and monitoring. Mr. Redpath noted that Arizona has been good at identifying DMC and is currently working to assess and diagnose the causes of DMC. To assist with the assessment and diagnosis, a statewide detention screening index is currently being validated in the seven counties that have implemented the Juvenile Detention Alternatives Initiative JDAI for possible implementation statewide.

Mr. Redpath discussed a few of the ongoing initiatives that the Juvenile Justice Services Division (JJSD) is working on to help reduce the amount disproportionate minority youth contact:

- **Kids at Hope –** is a cultural scaffold that JJDS is employing to foster the belief that all kids can be helped despite their risk factors to have a successful futures. We work to find interventions that will increase the likelihood that the youth will succeed. All the counties have been trained to foster this culture in their organizations, additionally Probation Officers have been given curricula as a means to engage in conversation with kid to get them thinking about their future and to give themselves hope.
- **Juvenile Detention Alternative Initiative (JDAI) –** was established in 1992 by the Annie E. Casey Foundation and is one of the most widely replicated juvenile justice reform effort in the nation. Pima was the first county to join JDAI in 2004, in 2011 the state of Arizona became a state site adding four more counties and in 2014 two more counties joined the program bringing the total to seven counties in Arizona participating in JDAI's eight core strategies.
- **Crossover Youth Practice Model –** targets youth involved with both delinquency and dependency. This model also works to reduce the number of disproportionate minority youth in the juvenile justice system. Maricopa, Coconino, Mohave, Pima, Pinal and Santa Cruz counties are participants in the Crossover Youth Practice Model. This model works to establish one judge one family and one case plan so as not to overwhelm the family involved with multiple judges and case plans.
- **Minor Victims of Sex Traffic –** all minors who perform a commercial sex act are considered victims of sex trafficking unfortunately minority youth are more likely to be victimized by sex traffickers. JJSD and ASU have partnered to provide brochures to all counties in Arizona to help probation officers identify victims of sex trafficking, developed a one-on-one training video accessible through the AJIN website to train new justice employees, county specialists have been set up in each county to act as a resource for each county.

Arizona Law's Diversity Efforts - Aaron Gbewonyo, recent James E. Rogers College of Law graduate, talked about his experience as a student leader at the University of Arizona and the outreach programs he participated in as a student to recruit and encourage other minority students to attend the University of Arizona. Mr. Gbewonyo discussed his work with the Marshall Grant and its goal to create a pipeline from campuses in Arizona and California to the James E. Rogers College of Law at the University of Arizona. He discussed the dual degree programs that may be of interest to students who otherwise might not have considered law school.

Bench Diversity Project – Briar Martin, student at James E. Rogers College of Law, discussed with the commission the preliminary results of the survey sent to all Arizona judges this past spring with an 81% response rate from the judges. She started by comparing the survey data to the 2010 U.S. Census records which show that 30% of Arizona's population are minorities. In order for Arizona's judiciary to reflect the population of the state, 30% of the judiciary would need to be minorities.

Preliminary findings:

- Currently there are no minorities on the Arizona Supreme Court.
- Superior Court judges are 94% white.
- Court of Appeals judges are 86.4% white
- Since 2009:
    - There has been a 10% decrease in the number of white judges in the Superior Court and there has been an increase in all minority categories in the Superior Court.
    - In the Court of Appeals there has been a two point four percent decrease in the number of white judges and a slight increase in the number of minority judges.
- The three Arizona law schools student enrollment more closely matched the US Census's 30% minority population.
- When compared to the three Arizona law schools, the State Bar of Arizona has a larger percentage of whites (an 8.4% difference).
- The State Bar of Arizona's diversity more closely matches that of the courts in Arizona with a 2% difference.
- When judges, commissioners, or pro tem are elected or appointed by the city council, the number of minorities on the bench increased.

Ms. Martin reiterated that this is preliminary information based on the survey and that she plans to have a full report on survey results available at September 9, 2016 meeting.

Next Steps

- Mike Baumstark, AOC Executive Office, stated that the information provided by the survey is important and will assist in determining what the next steps should. He also noted that Arizona needs to work on improving the pipeline so that more minority students enter law school, are encouraged to stay with the practice of law, and apply for judicial openings.

- Judge Portley, chair, stated that as vacancies became available Susan Pickard has ensured that the information is forwarded to the sister bars to share with and encourage their members to apply for the vacancies.
- Judge Huberman suggested that more workshops on the judicial process for both the retained and non-retained judicial positions should be offered annually.

OTHER BUSINESS

Good of the Order/Call to the Public
Judge Song Ong mentioned that the Bar Leadership Institute graduation is May 6, 2016. Judge Song Ong thanked Susan Pickard for the statistical information she provided to the Bar Leadership Institute.

Next Meeting – September 9, 2016

Meeting adjourned at 2:41 p.m.

COMMISSION ON MINORITIES IN THE JUDICIARY

Date of Meeting:	This agenda item is for:	Subject:
August 31, 2016	[X] Formal Action/Request [ ] Information Only [ ] Other	REPORT ON THE FAIR JUSTICE FOR ALL TASK FORCE

Presenter(s): Mike Baumstark, Deputy Administrative Director, Administrative Office of the Courts and COM member

Discussion: Mr. Baumstark will update the Commission on Minorities in the Judiciary (COM) on the efforts of the Fair Justice Task Force and present the final report and recommendations for the COM's consideration.

Recommended Action or Request (if any): Recommend that the Commission on Minorities in the Judiciary support the recommendations of the Fair Justice for All Task Force and support the filing of a rule petition to implement the recommendations and support the inclusion of the legislative proposals in the AJC package for next session.