

**ARIZONA SUPREME COURT
COMMISSIONS ON MINORITIES IN THE JUDICIARY
MINUTES**

Thursday, March 15, 2007

11:00 am – 3:00 pm

Phoenix Municipal Court – 301 W. Washington, Room 901
Phoenix, Arizona

MEMBERS PRESENT:

Judge Roxanne Song Ong, Chair
Judge Maria Avilez
Wil R. Counts
Jesus Diaz, Vice Chair

Jonae Harrison
Patricia Seguin
Margarita Silva
Nicole Yancey

MEMBERS PRESENT TELEPHONICALLY:

Joi Hollis
Karin s. Humiston

Judge Mitchell D.K. Kalaui

MEMBERS ABSENT:

Judge Gus Aragon, Jr.
Mike Baumstark
Judge Rachel Torres Carrillo
Patricia Cordova
Judge John Davis

Niccole King
Lisa Loo
Hon Antonio Riojas
Judge Paul Tang
Judge Ann Scott Timmer

GUESTS:

Professor Charles Calleros, College
of Law Arizona State University
Janet Scheiderer, Director
Court Services Division, AOC

Richard Kennedy, Juvenile Justice
Division, AOC
Bruce Relf, Fresh Start Community
Services

STAFF:

Susan Pickard, CSD, AOC

Annette Mariani, CSD, AOC

REGULAR BUSINESS

1. Call to Order:

The meeting was called to order at 11:15. It was noted that a quorum was not present at that time; however, a quorum was achieved at 11:30.

2. Welcome, Introductions:

Introductions of all members, present and appearing telephonically, guests and AOC Staff were made.

3. Pipeline Mentoring Program: Professor Charles Calleros, Sandra Day O'Connor College of Law, Arizona State University

The High School Outreach Pilot Program was launched by Professor Calleros in association with the Hispanic Bar Association in September. The program is a 4-tiered mentor program with each team consisting of an attorney, a law student, a pre-law college student and a high school student. The purpose of this pilot program is to create a healthy flow of competitive minority students with long term contact.

At the moment, the pilot program in Phoenix consists of 75 persons divided into 15 mentoring groups. Most of the participants are Latino, but by soliciting the participation of the various minority bar associations the organizers hope to enhance the group's diversity. Although the program currently only reaches down to high school students, an effort to eventually reach down to the Junior High level has been discussed.

A daytime pre-law workshop was held primarily for students of Christine Coffey's Law Magnet Program at South Mountain High School. In addition to attending a separate break-out session, parents attended with their children. Those joining mentoring teams returned to an evening event to receive instructions and discuss plans and expectation for mentoring.

The Hispanic National Bar Foundation has submitted an application for a LSAC grant to create a position that can help coordinate this outreach program.

Questions:

What can the Commission do to help with this program?

Professor Calleros asked the Commission to make others aware of the program either via email or by presenting at events that Commission members may attend. Although most mentors must be individually recruited, these general communications may plant some seeds in the minds of future mentors or otherwise generate support.

Eventually, various bar associations can organize their own programs by recruiting attorney mentors from their ranks and working with affiliated law student organizations, as well as with the college's contacts in pre-law programs and high schools. Professor Calleros hopes that the new State Bar Diversity Director can help motivate and coordinate these efforts.

What is the time commitment expected of an attorney mentor?

An attorney mentor would need to be available by phone or email when a student is in need of support or has an inquiry, and to attend a legal event or otherwise meet with the student members of his or her team at least once a semester.

Jonae Harris offered to pass this information along for inclusion in the Hazel B. Daniels' Board monthly e-mail update.

4. Announcements:

Information on the following events was presented and disseminated to the Commission members:

- 2nd Annual Diversity Symposium – Raising the Bar For Diversity” March 29, 2007, Hyatt Hotel, Phoenix, AZ
- Minority Bar Convention – “Commitment to Justice through Leadership and Service” – March 30-31, 2007, Black Canyon Conference Center, Phoenix, AZ
- National Consortium on Racial and Ethnic Fairness in the Courts – May 2-5, 2007, Marriott New York, Brooklyn, New York. (Judge Song Ong and Susan Pickard will be attending and presenting the Commission’s strategic plan and the Second Arizona Statewide Report Card).
- Law Week – May 2, 2007 – “Liberty under Law Empowering Youth” – Superior Court in Maricopa County partnering with ASU noontime series. Patricia Seguin will send out an email to Commission members
- The Pima County Superior Court will hold a program for local high school students and others pursuing law related careers in celebration of Law Day on April 30, 2007. The theme for this year's Law Day activities is "Liberty under Law: Empowering Youth, Assuring Democracy. Volunteers are being sought.
- "Hazel B. Daniels will partner with Los Abogados and the Asian Bar to host a reception at the State Bar Convention in June, 2007. Jonae Harris to send Susan information.

5. Approval of the Minutes:

Correction: Wil R. Counts to be included in the Members Present and add an “e” to Judge Kearney’s name on page 7.

Motion: To approve the minutes of the November 16, 2006 meeting with corrections discussed. Seconded and unanimously approved COM-007-001

6. Equitable Treatment of Minority Youth – Second Arizona Statewide Report Card: Jesus Diaz

The Second Arizona Statewide Report Card is now on the website. Jesus thanked the Commission for their help and input in the completion of this

report. A special thanks to Richard Kennedy from the Juvenile Justice Services Division at the Administrative Office of the Courts for all his help as a researcher and all the work he has put into this report.

Motion: To accept the Second Arizona Statewide Report Card as written and distribute the report card to all Juvenile Court Directors, Presiding Juvenile Court Judges and the Arizona Juvenile Justice Commission. Seconded and unanimously approved. COM 007-002.

At this time Richard Kennedy joined the meeting and was invited by Judge Song Ong to add his comments on the report card. Mr. Kennedy noted:

1. That the data for this report comes from the three Juvenile On Line Tracking Systems (JOLTS) that track juvenile probation information statewide.
2. The data tracks the juvenile case from initiation of complaint through disposition.
3. The report remains consistent with the logic, methodology and information contained in the first report so that the two reports are comparable.

Richard Kennedy explained Relative Rate Index (RRI) and the issues presented by inaccurate population data and ethnicity reporting.

7. Building Blocks Update: Patricia Seguin

The last meeting took place on January 18, 2007. The Senior Vice President from the Financial Department and Communications at the YMCA presented information regarding the groundbreaking ceremony of the Maryvale's YMCA scheduled for March 20, 2007. The opening is scheduled for January, 2008.

A presentation from Lynn Wiletsky (presently at the ASU Center for Violence Prevention and Community Safety) was given. One aspect of her report was in regards to a benefactor to ASU who has donated a significant amount of money to the Center for Violence Prevention and specifically have some of those funds earmarked for Maryvale.

Items that will be included on the next agenda include: a retreat for all the board members of Building Blocks, compile a report with statistics from the past and incorporate more recent statistics and decide what some of the future goals will be.

8. Workgroup Updates

Cultural Competency – Judge Song Ong for Lisa Loo

Judge Song Ong stated that Ms. Loo has advised her that she would not be able to carry on as Chairperson of this workgroup. Judge Song Ong asked the Commission if there was anyone that would be interested in chairing. The

strategic planning for each workgroup has already been set up. Jonae Harrison will speak to Lisa and advise Judge Song Ong as to whether this is a position for which she would like to volunteer.

Over-Representation – Jesus Diaz

The Workgroup met on February 20, 2007 and finalized the Second Arizona Statewide Report Card. The workgroup is already discussing the report card which will cover calendar year 2006 data. They will be researching some changes in the format to include pie charts, a county break down for court leadership purposes, and others ways to enhance and reduce the Report Card without losing quality.

In addition, Mr. Diaz reported that he has been attending the Juvenile Justice Commission DMC Subgroup meetings.

Collaboration and Outreach – Margarita Silva

The workgroup met telephonically on February 14, 2007 to discuss the process of summarizing the *Guide to Arizona Courts* into a smaller, easier to read pamphlet for distribution to different communities. They also discussed the Spanish translation of the Guide. The workgroup is working with Cari Gerchik, AOC Public Information Officer.

Patricia Seguin volunteered assistance from the Superior Court in Maricopa County in translating the Guide.

The town hall meeting as listed in the COM Strategic Plan was briefly discussed. While the workgroup had targeted Fall 2007 for this meeting, most commission members agreed that due to the size of this project a timeline of Fall 2008 should be considered.

Janet Scheiderer, CSD Director, asked the Commission to keep her informed of the resource (budget and staffing) requirements for this project, so that she can plan ahead, possibly hiring a consultant.

During further discussion, members noted the following ideas for consideration:

1. A topic for the town hall that is broad enough to be far reaching.
2. The inclusion of the new Diversity Director of the State Bar
3. "By invitation only"

Diversity Workgroup – Margarita Silva for Judge Ann Scott Timmer

The Diversity Workgroup met on February 9, 2007. The members discussed the following:

- Chris Nakamura Judicial Appointment Workshop – Having offered the Workshop in Tucson in October 2006, there is no plan to conduct another workshop until the 2008 Minority Bar Conference.
- COJET – Are cultural diversity or cultural sensitivity training sessions regularly offered to court employees through COJET and would that group like assistance with developing or presenting programs.

Action Items:

- Margarita will contact COJET to find out.
- Merit Selection – Is there a need to offer the Supreme Court our workgroup’s services to act as a “conduit” between the Supreme Court and the public for any complaints or inquiries regarding the merit selection process. The workgroup is not aware of any need for these services.
- Diversity definition - The group revisited the issue of the definition of “diversity” and whether the Supreme Court’s definition is similar to or different from the definition as defined by the State Bar Diversity Task Force. The group discusses whether to suggest to the full Commission to review this issue.
- Arizona Code of Judicial Administration § 1-305 – Are the processes and procedures for the selection of Special Judicial Officers being fully implemented in each jurisdiction?

Action Items:

- Members of the workgroup were asked to read Section 1-305 for discussion this at the next workgroup meeting.

9. National Campaign To Ensure Racial And Ethnic Fairness Of America’s State Courts: Susan Pickard for Mike Baumstark

The COM Strategic Plan includes an initiative to support Resolution 3 of the Conference of Chief Justices and the Conference of State Court Administrators in support of updating the National Database on Judicial Diversity in State Courts. Chief Justice McGregor received a letter from the National Center for State Courts (NCSC), the organization heading this project, requesting that she appoint a state liaison. Mike Baumstark was appointed.

Shortly after, Mr. Baumstark received the Survey of Promising State Court Programs to Ensure Racial and Ethnic Fairness. Staff completed the survey and distributed it to COM members for further input. The survey, including the member input was presented. Ms. Pickard asked the members for recommendations for Section 6 of the survey which asks for the top two

promising practices. The members selected the Statewide Report Card and the Disproportionate Minority Contact/Juvenile Detention Alternatives Initiative from the Superior Court in Pima County.

Ms. Pickard will include the recommendations of the Commission and forward the completed survey to Mr. Baumstark for submission to NCSC by March 20, 2007.

10. Next Meeting

The next full commission meeting is scheduled for May 24, 2007 at the Arizona State Court Building, Conference Room 119A/B from 1:00 – 4:00 pm.

11. Call to the Public

Bruce Relf spoke to the commission as a member of the public and the President of Fresh Start Community Services, Inc. a non-profit agency, established in 2003. Among its many services, Fresh Start provides guidance for children of incarcerated parents and adjudicated youth. He announced that Fresh Start is in the development stages of a program that works with responsible fathers to help bridge this gap. Mr. Relf added that he was impressed with the report card and hopes to use it as a tool within his organization.

Adjourned at 1:41 pm

Respectfully submitted,
Susan Pickard
COM Staff

**ARIZONA SUPREME COURT
COMMISSION ON MINORITIES
MINUTES**

Thursday, May 24, 2007

1:00 pm – 3:48 pm

Phoenix Municipal Court, Conference Room 901

Phoenix, Arizona

MEMBERS PRESENT:

Judge Roxanne Song Ong, Chair
Jesus Diaz, Vice Chair
Judge Gus Aragon, Jr. - Telephonically
Judge Maria Avilez
Mike Baumstark
Judge Rachel T. Carrillo
Jonae Harrison - Telephonically
Joi Hollis – Telephonically
Karen Humiston - Telephonically
Nicole King - Telephonically
Lisa Loo - Telephonically
Judge Antonio Riojas
Judge Ann Scott Timmer
Patricia Seguin
Margarita Silva
Judge Paul Tang – Telephonically
Nicole Yancey - Telephonically

MEMBERS ABSENT:

Wil R. Counts, Ph.D.
Patricia Cordova
Judge Mitchell D.K. Kalauli

STAFF:

Susan Pickard, CSD, AOC
Annette Mariani, CSD, AOC

Guest:

Dan Carrion – Maricopa County, Public
Defenders' Office
Maria Dennis, JJSD, AOC
Paul Julien, AOC
Jo Ana Saint-George, Program Founder and
Chair, NBA Diversity Pipeline Program,
Phoenix, Arizona

1. Call to Order:

With a quorum present, Judge Roxanne Song Ong, Chair, called the meeting to order at 1:15 p.m.

2. Welcome, Introductions and Announcements:

Judge Song Ong Presiding Judge, Phoenix Municipal Court introduced herself. Introductions of all committee members both present and on the phone were made.

3. Approval of Minutes

Minutes were not available for review prior to the meeting. This will be tabled for approval at the next regularly scheduled meeting.

4. National Consortium on Ethnic and Racial Fairness in the Courts - Judge Roxanne Song Ong, Susan Pickard

This year's consortium was held in Brooklyn, New York. This consortium was attended last year by Susan Pickard in Albuquerque, New Mexico. In comparison with the last

conference, this conference did not seem as warm and inviting. The conference consisted of role playing which turned out to be emotional and eye opening when it came to the issue of diversity. It brought to light where we are in the courts as far as racial relations.

One of the breakout sessions covered the media and the role that they play. Questions from the breakout session included:

- Is the media being responsible with reporting? What is responsible reporting?
- Is it always necessary to report the ethnic background of the perpetrator?
- Is it necessary in some cases for example in helping out law enforcement and the public if the perpetrator is still at large?

The discussion that followed was helpful in questioning where the courts are in regards to racial relations and whether the courts could be unknowingly perpetrating some racial issues.

There were 25 states represented, each giving a state report on their strategic planning and what this Commission's counterparts are doing in each state. Arizona is viewed as the pioneers of many programs.

Another aspect of the conference consisted of opportunities to visit various community centers throughout the city. Ms. Pickard visited the Harlem Community Court. The community around this court was surveyed as to its needs. The court was then built around these needs. Some of these issues included housing, family law, and ex-offenders returning to the community. Judge Song Ong visited the Red Hook Community Court. This court was located in a high crime, low economic community that was in need of various services. To accommodate these needs the community converted an old school house into a court. This was an example of promoting direction with a holistic view of what is needed by utilizing families in the community can work.

Many of the programs which were introduced held competition for mock trials for high school students. A member pointed out that the Arizona Foundation for Legal Services and Education also holds these competitions. Arizona has placed their bid to host the 2011 national event.

Action Item: A CD containing the meeting materials and state updates was distributed at the consortium. Ms. Pickard will check to see if this CD can be copied and distributed to all members.

5. Workgroup Updates:

Collaboration and Outreach - Margarita Silva

Nothing new to report. This workgroup will schedule a meeting before the Commission's August 16 meeting.

Cultural Competency - TBD

Jonae Harrison is still considering chairing this workgroup. The Commission appreciates Lisa Loo's many years of service as chair of this workgroup.

Diversity - Judge Ann S. Timmer

The majority of the projects this group was working on concluded in the fall. Judge Timmer asked the Commission members for guidance on the next steps for this workgroup. Judge Song Ong suggested that this workgroup join with the Collaboration and Outreach Workgroup to plan and conduct the Town Hall that is planned for the fall of 2008.

Over-Representation - Jesus Diaz

This workgroup met on April 25, 2007 at Gateway Community College. The items discussed were:

- The 3rd Equitable Treatment Report Card and enhancements to data presentation which could include pie charts, bar graphs, data regarding treatment services and desegregating this data by race, ethnicity and gender, and data by county. The data that will be used for the 3rd report should be ready by late September or October 2007.
- Distribution of the 2nd Equitable Treatment Report Card to Juvenile Court Directors, Presiding Juvenile Court Judges, the Arizona Juvenile Justice Commission and others. The workgroup has developed a 15-20 minute PowerPoint presentation for the June 4th, Statewide DMC Committee (a committee of the Arizona Juvenile Justice Commission) and the June 19th Committee on Juvenile Court meeting. The presentation includes:
 - background information
 - purpose of report
 - Commission involvement
 - contents of report
 - where the data comes from and how it is collected
 - what the decision points are
 - major findings, and
 - current statewide efforts to reduce disproportional numbers.

Judge Riojas announced that the Pima County Disproportionate Minority Contact Program was nominated this year for a judicial award.

Judge Song Ong asked that all workgroups notify her and Ms. Pickard when establishing meeting dates and times, so that they might attend when they are available.

6. ACJA 1-202 Public Meetings - Susan Pickard

ACJA 1-202: Public Meetings paragraph D(f) states: “Standing subcommittees of public councils shall also keep minutes of their meetings.” Susan discussed the need for the Commission’s workgroup to keep minutes that provide basic information about the meeting. The minutes must include:

- The meeting date, time and place;
- The members attending;
- The matters considered (not detailed, bullet-pointed); and
- The results of votes taken.

A Word version of a simple format that can be used has been posted to the website should the chairs be interested.

With this criteria in mind, the discussion on having minutes available from the various workgroups ensued.

Action Item: Mike Baumstark was asked to contact David Withey to revisit the interpretation of this code section and ask for clarification.

7. Pipeline Project/Diversity Directory - Jo Ana Saint-George, Counsel with Kutak Rock, LLP and Program Founder and Chair of NBA Arizona Diversity Pipeline Program, Inc.

The purpose of this program is to increase the numbers of diverse lawyers and to retain these numbers so that Arizona is recognized as a viable place to practice law. The focus is on training young students prior to entering the profession. Launched in 2006, the program helps the students with training and scholarships. The components of this program include:

- First year: Pre-law prep course. This helps the students to better ensure that they get the grades they need so that they are marketable to firms.
- Second year: Judicial internship. They are placed with judges in Superior Courts to get the experience of criminal or civil trial courts and are given a scholarship award to help defray costs. Once they finish this internship, the students move on to work a split summer where they would shadow an in-house lawyer.
- Third year - Consists of a “give-back” policy. Students will be asked to give 15 hours per week for two months to train interested high school students (Roosevelt District) in the State Bar’s Mock Trial Program.
- This year a civil motion practice writing clinic is offered free to first year students of color.
- Summer socials are also set up inviting practicing lawyers of color to get acquainted with the students and provide network and form relationships.

Ms. Saint-George asked member of the Commission or their fellow colleagues to consider volunteering during the summer program of 2007 to give an hour during lunch (week of July 11th) to come and talk to the students informally and provide feedback and answer questions on the profession of law.

The Pipeline Program is in the process of publishing the Diversity Directory with the purpose of listing lawyers of color by their practice area. The goal is to provide access to these lawyers in diverse communities by distributing the Directory free to urban leagues, community agencies and others. Information about participating in the Directory was distributed to the Commission members. Ms. Saint-George requested that this information be passed along as opportunities present themselves. There will also be a section available in the directory for non-practicing lawyers. A listing in the directory will be free for government attorneys of color.

Action Item: It was suggested that the students participating in the Pipeline Program be invited to the next Chris Nakamura Workshop.

All information except for the summer social events are listed on their website: www.nbapipeline.org

Note: Joane Harrison who was attending the meeting telephonically announced that the Hazel B. Daniels is having the Arizona Minority Judges Reception during the State Bar Convention, Friday, June 29, 2007.

Action Item: Judge Song Ong asked that Jonae send this information electronically to Susan Pickard for distribution.

Note: Judge Ann Scott Timmer had to excuse herself from the meeting at this point (2:32 pm) A quorum is still present.

8. Proposition 100 - Judge Antonio Riojas, Dan Carrion, Paul Julien

Judge Riojas gave a quick review of Proposition 100.

- When an individual is charged with a class 1, 2, 3 or 4 felony or felony DUI and that individual is or has remained in this country illegally, the individual can be held without bond.
- Chief Justice Ruth McGregor issued Administrative Order 2007-30 giving direction to the courts regarding implementation of Proposition 100.
- The Committee on Limited Jurisdiction Courts and the Committee on Superior Court established a joint subcommittee to address the issues involved with implementing Proposition 100.
- The Administrative Office of the Courts (AOC) is expected to file a rule change petition on May 25, 2007. The proposed rule change(s) will be posted on Court Rules Forum website with a three week window for comments. Some of the issues being looked at are:
 - Streamlining the bond hearing process, setting the hearing as soon as possible to make the initial finding. Once the finding is made either party could file a written motion to have it re-heard some days later.
 - The initial finding is generally made at the initial appearance, part of this issue becomes how is evidence gathered and what is evidence? The court's role in gathering information about someone's status.

Mr. Carrion shared the citizenship flowchart authored by Robert McWhirter. The issue of how you protect citizens that have the right to be in the U.S. was raised and discussed.

A question was asked as to the status of a bill that had been introduced that would require detention or incarceration of witnesses that had no permission to be in the United States and had witnessed a crime (including juveniles).

Action Item: Ms. Pickard will contact the AOC Legislative Team for clarification on the bill in question.

Mr. Julien added that the AOC discovered that each county had implemented Proposition 100 in different ways. Thus Chief Justice McGregor sent a memo to legislature inviting them to change or clarify the burden of proof and timeframe issue. The SB1091 floor amendment explanation was disseminated to the Commission for their review.

Note: The above discussion focused on holding individuals without bond, and it was mentioned that in addition the legislature changed A.R.S. § 13-3967 and added the same language to consider when you are holding an individual with bond.

Concern: The term “in the country illegally” is not a legal term of art and does not track with immigration law.

9. Other Business - Lisa Loo (State Bar Convention)

Announcement: At this year's State Bar Convention, the Committee on Minorities and Women in Law will continue the diversity series with a seminar entitled: “The D Word: A Candid Look at Increasing Diversity in the Profession.” An invitation to attend this seminar and a breakfast that they are hosting was extended to those that are non-lawyers on the Commission. It was requested that if there was an interest that Lisa be send an email so that she may facilitate.

Marketing will begin on the State Bar Leadership Development Institute at the State Bar Convention. Commission members were asked if they were acquainted with lawyers that are in their 3 – 10th year of practice and would benefit in participating in the Leadership Institute. Applications are still being developed. Nominations will be accepted. It is anticipated that the new State Bar Diversity Director position will be filled prior to the convention.

Building Blocks - Patricia Seguin - Nothing new to report.

10. Next Meeting

Thursday, August 16, 2007

11:00 a.m. – 3:00 p.m.

Arizona Courts Building

Conference Room 119A/B

11. Call to the Public - No responses

Adjourned at 3:48 p.m.

ARIZONA SUPREME COURT
COMMISSIONS ON MINORITIES
MINUTES

Thursday, August 16, 2007

11:00 am – 3:00 pm

Arizona Courts Building – Conference Room 119A/B
Phoenix, Arizona

MEMBERS PRESENT:

Judge Roxanne Song Ong, Chair
Mike Baumstark
Wil R. Counts
Jesus Diaz, Vice Chair
Bryon Matsuda
Justin Ruggieri
Patricia Seguin
Margarita Silva
Judge Ann Timmer
Nicole Yancey

PRESENT TELEPHONICALLY:

Niccole King
Judge Leslie Miller
Joi Hollis
Judge Maria Avilez
Lisa Loo

MEMBERS ABSENT:

Judge Gus Aragon, Jr.
Jonae Harrison
Judge Rachel Torres Carrillo
Patricia Cordova
Karin Humiston
Judge Antonio Riojas
Judge Paul Tang
Judge Mitchell Kalauli

GUESTS:

Maria Dennis, Juvenile Justice
Division, AOC
Bruce Relf, Fresh Start Community
Service
Noreen Sharp, Maricopa County
Superior Court

STAFF:

Susan Pickard, CSD, AOC
Lorraine Nevarez, CSD, AOC

REGULAR BUSINESS

1, Call to Order:

The meeting was called to order with a quorum present.

2. Welcome, Introductions:

Introductions of current and new members present and appearing telephonically, guests, and AOC Staff were made.

3. Approval of the Minutes

Correction: The year on the March 15, 2007 minutes should read “2007” instead of “2006.”

Motion: To approve the minutes of the March 15, 2007 meeting with correction discussed. Seconded and approved. COM-007-003

Motion: To approve the minutes of the May 24, 2007 meeting with correction discussed. Seconded and approved. COM-007-004

4. Maricopa Cultural Competency and Diversity Projects, Noreen Sharp

Ms. Sharp shared information from state, national and international studies along with her view on the public perception of courts. Studies show that individuals are not as concerned with whether they won their case, but rather whether they felt they were treated fairly. It is important that the courts be aware of what the terms respect, neutrality, listening and trust/caring mean in different cultural groups.

Training in the areas of awareness, acceptance and adaptation for judges and others involved in the court processes is needed. This training could include tools to listen to evidence from participants that come from different cultural backgrounds to make sure they understand why parties may answer or act the way they do. Is it relevant that the individual did not comply with certain orders because of their culture? It is very important to remember that there is a fundamental difference between cultural competency and cultural diversity and sensitivity. Some avenues to further this discussion could include: Judicial Conference, Statewide Broadcast, etc.

5. Subcommittee/Workgroup Minute Requirements – Mike Baumstark

A meeting is scheduled for later in the day to further clarify ACJA 1-202 – Public Meetings regarding workgroup/subcommittee minute requirements.

Members asked if two questions could be raised while discussing the clarification of the code section: 1) The semantics of the term “workgroup” versus “subcommittee” – would this preclude the group from the formalities of a subcommittee’s responsibility, 2) Are subcommittee’s and/or workgroup subject to open meeting laws?

Action Item: Mike Baumstark to report back to the Commission.

6. Building Blocks Update - Patricia Seguin, Maria Dennis

Ms. Dennis gave a brief history of the Building Blocks Initiative for those members that are new to the Commission. She and Ms. Seguin then provided a project update.

On January 18, 2007 the Arizona Building Blocks Governing Board commissioned a report from the Juvenile Justice Services Division on the history, challenges and accomplishments of the Initiative from inception to date and considerations for future development. The Arizona Building Blocks Initiative Report on the History, Accomplishments, and Planning for the Future was completed on August 01, 2007, by the Administrative Office of the Courts, Juvenile Justice Services Division. The report was distributed for review to Board members and interested parties and on August 13, 2007.

The Board held a Planning Strategy Session at the Arizona Supreme Court, to define the Initiative's direction through in-depth discussion, consensus building and formulating its future course. During the planning session, it was announced that funding for the Building Blocks Initiative will end in fiscal year 2008. The Board agreed that it was time to expand the project beyond the Maryvale area, the pilot site and focus on Maricopa County. The Board recognized that the work in Maryvale needs to continue and the Maryvale community could serve as a model for other areas wishing to address Disproportionate Minority Contact (DMC) issues. The Board decided that work specifically targeted to impacting DMC should continue. The Board recommended that the Building Blocks Initiative become a subcommittee of the Maricopa County Juvenile Court's Tinker Toys Initiative under the leadership of Judge Willet.

The Planning Strategy Session Summary is to be forwarded to the Arizona Supreme Court Chief Justice for review and approval. If approved, the next steps will include a proposal of Building Blocks with Tinker Toys Executive Board for review and approval. A final meeting of Building Blocks Governing Board will be held in the near future to recognize participants and supporters of the Initiative.

7. Chris Nakamura Judicial Appointment Workshop - Judge Roxanne Song Ong

The Chris Nakamura Judicial Appointment Workshop will be a session of the Minorities Bar Conference to be held April 18-19, 2008 at the Black Canyon Conference Center. Judge Song Ong will forward Judge Timmer's contact information to the Convention planners.

Judge Song Ong noted that this is a commission-wide effort so that others have an opportunity to be involved in the meetings leading up to the convention.

8. Workgroup Updates

Over-Representation – Jesus Diaz

Mr. Diaz shared information on a presentation that Nicole Yancey, Dick Kennedy and he have been sharing with various key decision makers and stakeholders in the Juvenile Justice System (Governor's Juvenile Justice Advisory Committee, AOC, Committee on Juvenile Courts, the Statewide DMC Committee, and to the Juvenile Court Directors). This PowerPoint presentation has been used in conjunction with the DMC Report Card with good reviews. Some of the topics presented at these sessions include: background and history of the report, major findings, efforts going on statewide to reduce DMC, and how each of the stakeholders can utilize this report.

Cultural Competency – Jonae Harrison (Judge Song Ong)

Ms. Harrison was not available to report.

Collaboration and Outreach – Margarita Silva

As part of reaching out to communities and other *Good to Great* Strategic Agenda

ideas, the Chief Justice showed an interest in participating in some sort of town hall meeting, forum, summit, etc that would bring in leadership, policy makers, people of influence in their respective constituent groups that could speak to issues that are important to communities statewide. The workgroup met and discussed various issues regarding this meeting:

What will the topic be and who will be our audience?

Will we take a regional approach?

What format should we use: a town hall meeting where individuals are brought together to converse and resolve an issue utilizing breakout sessions, a conference style set up, or a combination of both?

What resources can be utilized: Early results from CourTools, Court Surveys, Diversity Task Force Surveys, or DMC Report Card?

Showcasing "best practices"

Cultural Competency topic – (a National Speaker)

The Applied Research Center – (Advancing Racial Justice through Research, Advocacy and Journalism) could be another resource if the topic of Cultural Competency becomes the focus. The website information will be sent to Susan for dissemination to the Commission.

The timeframe for this event is September, October, 2008. A location has been chosen.

Target audience could be judicial leadership and their designate to attend. It was suggested that the topic be narrowed down before we start to talk about who the audience would be.

This workgroup will be meeting on a monthly basis to plan this important project. All Commission members are welcome. The next meeting is planned for September 20, 2007 at the State Courts Building in Conference Room 345B.

9. New Members / Workgroups

The newer members to the Commission were encouraged to consider joining any workgroup to which they would feel comfortable in giving their time and efforts.

10. Next Meeting

The next full commission meeting is scheduled for Thursday, October 18, 2007 from 11:00 – 3:00 pm at the Pima County Courts Training Center, Sedona Room, Tucson, AZ.

11. Call to the Public – No responses

12. Adjourned

ARIZONA SUPREME COURT
COMMISSIONS ON MINORITIES
MINUTES

Thursday, October 18, 2007

11:00 am – 3:00 pm

Pima County Courts Training Center – Sedona Room
Tucson, Arizona

MEMBERS PRESENT:

Hon. Roxanne Song Ong, Chair
Hon. Gus Aragon, Jr.
Hon. Maria Avilez
Jesus Diaz, Vice Chair
Joi Hollis
Karin Humiston
Hon. Leslie Miller
Hon. Antonio Riojas
Justin Ruggieri

PRESENT TELEPHONICALLY:

Mike Baumstark
Jonae Harrison
Nicole King
Lisa Loo
Patricia Seguin
Margarita Silva
Hon. Paul Tang

Hon. Ann Scott Timmer

MEMBERS ABSENT:

Hon. Rachel Torres Carrillo
Patricia Cordova
Wil Counts
Hon. Mitchell Kalauli
Bryon Matsuda

GUESTS:

Theresa Barrett, AOC
Hon. Patricia Escher, Presiding
Judge, Pima County
Milt Hardin, Co-Founder, Diversity
Forum

STAFF:

Susan Pickard, CSD, AOC
Annette Mariani, CSD, AOC

REGULAR BUSINESS

1, Call to Order:

The meeting was called to order with a quorum present.

2. Welcome, Introductions:

Introductions of current and new members present and appearing telephonically, guests, and AOC Staff were made.

Judge Song Ong expressed the Commission's gratitude to Presiding Judge Patricia Escher and Jesus Diaz for hosting, planning and preparing today's meeting.

3. Approval of the Minutes:

The minutes for the August 16, 2007, Commission meeting were presented for approval.

Motion: To approve the minutes of the August 16, 2007 Commission on Minorities in the Judiciary meeting as presented. Motion seconded. Motion passed unanimously. **COM-07-005**

4. Pima County Juvenile Court Update - Presiding Judge Patricia Escher

Judge Escher thanked the Commission for all their hard work and shared an update on the following items of interest to the Commission in the Pima County Juvenile Court:

- The Court was selected as one of the sites for the Disproportionate Minority Contact Initiative Program. The court began by focusing on neighborhoods with high referrals from minority populations and developed community profiles for partnership purposes.
- Day–Evening Reporting Centers have been established for youth as an alternative to detention. It is felt that these centers will help to lower not only the overall number of kids in detention but also the number of Hispanic and African American youth in detention.
- The Court hosted a Native American Summit that was well attended (approx. 150 participants)
- At the National Level – Judge Escher attended a meeting sponsored by the National Council of Juvenile and Family Court Judges which focused on the disproportionate involvement of minority youth in the dependency system. Pima County is one of 31 Model Dependency Court sites and has adopted the national goal which specifically addresses this disproportionality in the child welfare system. The plan for Tucson will be to start with the data and work with CPS.

5. Building Blocks Update – Patricia Seguin

Funding for the Building Blocks initiative will end in fiscal year 2008. This initiative will become a subcommittee of the Maricopa County Juvenile Court's Tinker Toys Initiative. There will be one final meeting with Maryvale. This meeting has not been scheduled.

6. Addressing Biases – Mary Lou Haney

The presenter was not able to make today's meeting. This item will be tabled for a later date.

7. 2008 Meeting Schedule – Susan Pickard

The dates being proposed for the 2008 COM Meeting Schedule are February 21, May 15, August 21 and November 20. Annette Mariani has booked rooms at the Attorney General's Office in Phoenix for these meetings.

The members were asked to look at the dates and voice any conflicts they may have. If other courts are interested in hosting a meeting, the

Commission could consider those options. Two venues suggested were Coconino County and Bisbee for February and May, 2008.

Motion: To accept the proposed schedule for the 2008 Commission on Minorities in the Judiciary meeting dates. Motion seconded. Motion unanimously approved. **COM-07-006**

Attendance at Workgroups: In order to increase the attendance at workgroup meetings it was suggested that a more flexible date and time could be established or these meetings could be accomplished through a phone conference call.

8 Public Meetings and Workgroup Minutes – Mike Baumstark, Theresa Barrett

AJCA § 1-202: Public Meetings was reviewed by the Administrative Office of the Courts regarding the requirement that standing subcommittees of and AJC stand commission/committee keep meeting minutes. Proposed revisions to the code section were presented to and adopted by the Arizona Judicial Council. The subcommittee minute keeping requirement in the code section was removed. That said, workgroups are encouraged to keep informal notes for the purpose of reporting back to the full commissions and tracking any action items.

9. Proxy Policy – Judge Roxanne Song Ong

Recently all AJC commission and committee chairs and staff received a memo from Chief Justice McGregor regarding proxy policies. A copy of this memo was disseminated to the commission members. The intent is to assure awareness of this policy and establish consistent use in all commissions and committees. The members agreed that the Commission on Minorities in the Judiciary Proxy Policy requirements would include:

- A member wishing to send a proxy to a meeting would complete a request in writing and submit it for chair approval. The request could be submitted via e-mail
- The member shall provide the proxy with informational sources (previous meeting minutes, meeting materials, etc.) prior to the meeting to ensure the proxy would be ready for the discussion and possible vote on any business item on the agenda.
- The proxy cannot be a member of the same commission.

Motion: That Staff draft the Proxy Policy for review and possible approval by the Commission at the next regularly scheduled meeting. Motion seconded. Motion passed unanimously. **COM 07-007**

Note: At this point in the meeting Judge Tang excused himself to sit on the criminal court bench. He hopes to rejoin the meeting later.

10. **Diversity Forum** - Milt Hardin, Co-Founder, Diversity Forum of the Family Center of the Conciliation Court

Mr. Hardin is a Child Advocacy Counselor at the Superior Court in Pima County. As a result of observations within the Conciliation Court, a Diversity Action Plan was established for the office. The action plan consisted of the following components:

- Written policies
 - to ensure fairness in services and cultural competency in providing those services to the various populations of Pima County
 - to address diversity issues: gender, children/youth, religion, ethnicity, abilities and life styles
 - to establish diversity strategies for the provision of services, signage/environmental factors, recruitment and retention
- Cultural Diversity Report Card – The office is graded on a list of various areas from personal interactions to the services provided to the clients – Self Assessment
- Education - This is the component that developed the Diversity Forum

Diversity Forum - This idea began in 1994 by bringing in a diversity specialist and community leaders that would provide training on a voluntary basis in the diversity field. The Forum was expanded beyond the office to include the larger Superior Court and then the Tucson community.

Forums are presented in various methods: didactic presentations, roundtable and panel discussions, group discussions and experimental exercises. The presentations are usually given during the lunch hour so that staff is not taken away from business time. Superior Court employees can receive COJET credit for the presentations.

To celebrate the Forum's 10-Year Anniversary, a conference including presenters from the previous 0 years was held. Governor Raul Castro gave the keynote address on the importance of diversity.

It was suggested that this is the type of program should be nominated for the Chief Justice Award.

Note: At this point in the meeting Judge Riojas excuse himself from the meeting.

11. **Workgroup Updates**

Diversity – Judge Ann Timmer

The next Chris Nakamura Judicial Workshop will be offered as part of the Minority Bar Convention on April 18, 2007 at the Black Canyon Conference Center. This workgroup will hold a meeting before November 17, 2007 in order to finalize speakers.

This workgroup has also combined with the Collaboration and Outreach workgroup to work on the town hall meeting.

Cultural Competency - Jonae Harrison

Jonae and Lisa Loo met and sketched out a general schedule for 2008 with a look at a cultural competency workshop to take place in the spring of 2008.

Over-representation – Jesus Diaz

The workgroup is working on the following projects:

- The next presentation of the 2nd Statewide Report Card will be on November 6, 2007 to the Juvenile Administrators.
- The members are collaborating with the Arizona Juvenile Justice Commission to co-host a statewide conference on issues of equitable treatment.
- Work has already begun on the 3rd Statewide Report Card

Collaboration and Outreach – Margarita Silva

A draft copy of the town hall proposal was submitted to all commission members present. The workgroup explored the possibility of looking at both Noreen Sharp's statewide presentation on the perception of fairness in the courts and the data from CourTools as the basis for the town hall meeting. There is a concern that the study which was presented by Noreen was very preliminary and that the study was dated. It was suggested that perhaps the town hall meeting would focus on our best practices, with emphasis on education, response and feedback.

Discussion points included:

- Half-day event - speaker on cultural competency issues and awareness
- Have a panel discussion on topics such as diversity on the bench
- Highlight Chris Nakamura workshop
- Have over-representation workgroup present some of their work
- Tie in some of the national data with the Arizona "CourTools" data
- Begin dialogue on what is being done and how can it be done better
- Start with an educational conference rather than a town hall format
- Have the community educate us rather than us educating the community

- Invite “community speakers” – those that have the trust of the community but are not necessarily leader and are not connected to the system.
- 2008
Start off with a smaller conference in 2008 to begin to open up conversation/dialogue
 - Speaker, video, breakout sessions to discuss issues brought up on the video.
 - Perceptions will give us one year to start addressing issues that have been identified.
- 2009
2009 could be more “issue oriented” offering more substantial information – i.e. what the court has done to improve fairness for the “entire community.”

Questions from the discussion included:

- What are courts doing that we cannot “see?”
- How do you gather this group and develop the trust of what we need to hear not just what we want to hear?
- Would we go ahead with the video portion to obtain perceptions from the person on the street?
- What are the preventative steps through the town hall in making sure that the underline tone of “privilege” permeates the discussion?
- The courts are looked at as a culture within itself, how do we work with this?
- If there needed to be a definition for the purpose of the town hall meeting, what would it be?
- What the perceptions of the courts are and how the courts would work with the changes in how business is conducted to help change some of these perceptions and create a fair and impartial court for the entire community.
- Being aware of identifiable issues and how the courts can help.

This workgroup will meet once again in November with the goal of presenting a finalized proposal to the next full commission meeting in February, 2008.

Note: Judge Song Ong asked workgroups to let the staff of the AOC know when their meetings are taken place in case they would want to attend. It was also brought up that other committees notify the whole committee/commission as a friendly reminder of when they are meeting for purposes of support if need be.

12. Other

The judges in Pima County are working on a brown bag lunch opportunity for minority woman lawyers scheduled for November 9, 2007. The presentation will include information on being a judge and what opportunities are present. This venue would be a good opportunity to advertise the Chris Nakamura Judicial Appointment Workshop at the Minority Bar Convention. If anyone on the commission is interested, they may contact Judge Leslie Miller. Judge Miller will provide an electronic copy to Susan.

13. Next Meeting

The next full commission meeting is scheduled for Thursday, February 21, 2008 from 11:00 – 3:00 pm at the Attorney General's Office, 15 S. 15th Ave, 4th Floor North, Phoenix, AZ.

Call to the Public – No responses

Adjourned at 2:42 pm

Respectfully submitted,
Susan Pickard
COM Staff