

ARIZONA SUPREME COURT
COMMISSION ON MINORITIES IN THE JUDICIARY (COM)
MINUTES

Thursday, January 31, 2013

2:00 p.m. – 4:00 p.m.

Arizona State Courts Building – Rooms 230
Phoenix, Arizona

Present: Mike Baumstark, Patricia Ferguson-Bohnee, Frankie Jones, Roxana Matiella, Judge Maurice Portley, Judge Roxanne Song Ong, John Vivian.

Telephonically: Judge Maria Avilez, Paul Bennett, Judge Mitchell Kalauli, Niccole King, Bob Kirk, Judge Leslie Miller, Kendall Rhyne, Judge Dan Slayton, Judge Penny Willrich, Marian Zapata-Rossa.

Absent/Excused: Diandra Benally, Judge Alma Vildosola.

Administrative Office of the Courts (AOC) Staff: Theresa Barrett (Court Services Division, AOC), Kym Lopez (Court Services Division, AOC), Susan Pickard (Court Services Division, AOC).

Presenters/Guests: Judge Laura Lowery (Phoenix Municipal Court), Carol Mitchell (Court Services Division, AOC), David Redpath (Juvenile Justice Services Division, AOC).

REGULAR BUSINESS

1. Welcome and Opening Remarks:

With a quorum present, the January 31, 2013 meeting of the Commission on Minorities (COM) was called to order by Judge Roxanne Song Ong, Chair. Member and staff introductions were made around the room and on the phone.

2. Approval of Minutes:

The draft minutes of the October 11, 2012 meeting were presented for approval. John Vivian requested a change to page 3, item 7, line 7 to read that the average length of stay is 6.7 months.

MOTION: Mike Baumstark motioned to approve the October 11, 2012 meeting minutes with the correction.

SECOND: Judge Maurice Portley.

VOTE: Motion passed unanimously.

BUSINESS ITEMS/POTENTIAL ACTION ITEMS

3. Language Access Update

Carol Mitchell, Caseflow Management Unit, Court Services Division of the AOC, highlighted important elements of the language access plans submitted by courts in response to AO#2011-96. She also updated COM members on the available resources created by the AOC to assist courts statewide in enhancing language access

services. Carol closed her update by sharing information on the new remote court interpreter pilot project. The goal of this project is to utilize technology (i.e., video conferencing equipment) to remotely connect an interpreter in one location and a court in another location which are separated by significant distance. The pilot project is intended to provide connection for short proceedings (not jury trials), where interpreters have to drive for an amount of time longer than they actually would be interpreting in court. Many interpreters drive over 30 minutes each way for a 15 minute proceeding. Other highlights included:

- The initial pilot project is with Yuma County. The AOC is in process of creating an interpreter room on the 2nd floor of state courts building. Once other superior courts come online (after pilot), the plan is to allow interpreters located in Phoenix area to come to the Supreme Court building in lieu of driving to Yuma or other remote sites. The AOC would provide the broadcast site, which would allow counties to establish a regionalized approach to connect satellite justice courts to the superior court.
- The pilot allows 2 way video for best reception and dual purpose for American Sign Language (ASL cases)
- The AOC anticipates equipment and testing to be complete within the next 2 months

Judge Song Ong thanked Carol for her presentation and invited her back to present updates on the court interpreter pilot project, and other language access initiatives, at future meetings.

4. Report Card Update

David Redpath, Juvenile Justice Services Division of the AOC, provided members with background about the current Disproportionate Minority Contact Report Card, how it has evolved over time, and the Commission's past involvement in the production of the report card. Mr. Redpath then facilitated a discussion with members about the bi-annual report card and its future direction.

Following his presentation, Mr. Redpath requested assistance from members to provide recommendations on how to restructure the Disproportionate Minority Report Card. His personal recommendations include appending county level data into the Report, making it more utilitarian, and employing the same methodology used for prior report cards so the data could be completed to the year 2002, along with creating an exciting new product that can be placed on the Web every two years. John Vivian and Roxana Matiella volunteered to assist David on this collaborative project.

5. Update on Minority Bar Convention Sessions

Judge Laura Lowery provided members with an update on planning efforts for the upcoming Minority Bar Convention. Specifically, Judge Lowery asked members to provide input for the further development of the two judicial appointment sessions scheduled for April 5, 2013.

Judge Lowery was particularly interested in identifying appropriate written materials for the workshop sessions. She noted that recommended materials for the sessions would need to be submitted to her by March 1, 2013.

ACTION: AOC staff will work with Judge Lowery and her co-chair, Lisa Maxie-Mullins, to compile an updated packet of the Commission's judicial appointment workshop handouts.

6. Strategic Planning

Theresa Barrett, Court Services Division of the AOC, explained that the Arizona Judicial Branch has begun the development of its Strategic Agenda 2015-2020. Ms. Barrett discussed the role that members can play in the development of the next strategic agenda and asked members to participate in "brainstorming" so that their suggestions can be provided to the Arizona Judicial Council at its June meeting.

A member suggested using the findings from the soon to be released report Dr. Gonzales was commissioned to prepare to generate future strategic goals. To this end, it was recommended that she be invited to a future meeting to present the final report's findings.

ACTION: Staff will obtain a copy of Dr. Gonzales's report from Mr. Redpath and disseminate it to members. Staff will also explore Dr. Gonzales' availability to present to the COM at their April meeting.

Members agreed to spend time at the April 18, 2013 COM meeting to discuss project ideas for the strategic agenda. In the interim, members were encouraged to submit their ideas for goals/projects/initiatives to AOC staff for compilation. It was noted, this list of ideas would serve as a starting point for members' April brainstorming.

ACTION: To help jump start the process, AOC staff will send out previously proposed goals for the COM to all members.

OTHER BUSINESS

7. Next Meeting

The next meeting of the Commission on Minorities will be on Thursday, April 18, 2013 at the Arizona State Courts Building in room 230 from 2:00 pm to 4:00 pm.

8. Good of the Order/Call to the Public

None present.

ADJOURN

The meeting was adjourned at 4:02 p.m.

**ARIZONA SUPREME COURT
COMMISSION ON MINORITIES IN THE JUDICIARY (COM)
MINUTES**

Thursday, May 09, 2013

2:00 p.m. – 4:00 p.m.

Arizona State Courts Building – Room 345A, Phoenix, Arizona

Present: Mike Baumstark, Paul Bennett, Frankie Jones, Roxana Matiella, Judge Roxanne Song Ong, John Vivian.

Telephonically: Diandra Benally, Judge Leslie Miller, Kendall Rhyne, Judge Alma Vildosola.

Absent/Excused: Maria Avilez, Mitchell Kalauli, Niccole King, Bob Kirk, Judge Maurice Portley, Dan Slayton, Penny Willrich, Marian Zapata-Rossa.

Presenters/Guests: Nima Sadeghian (Iranian American Bar Association).

Staff: Susan Pickard (Court Services Division, AOC), Kym Lopez (Court Services Division, AOC).

REGULAR BUSINESS

1. Welcome and Opening Remarks

Without a quorum present, the May 9, 2013 meeting of the Commission on Minorities (COM) was called to order by Judge Roxanne Song Ong, Chair. Member and staff introductions were made around the room followed by introduction from those participating on the phone.

2. Member Status

Judge Song Ong has been re-appointed Chair for one more year. Judge Maurice Portley has been appointed as Vice Chair. Members Diandra Benally and Kendall Rhyne have been re-appointed for an additional three-year term. New member Judge Gilberto Figueroa has been appointed for a three-year term. After six years of service, Judge Leslie Miller will be departing and after nine years of service, Niccole King is retiring from the Commission. Judge Song Ong thanked Judge Miller and Ms. King for their service.

3. Reassignment of Staff

After an absence of a year to participate on the e-Filing Project, Susan Pickard has returned as staff for the Commission on Minorities in the Judiciary. Judge Song Ong praised Ms. Pickard for her dedicated service and welcomed her back to the Commission.

4. Minority Bar Convention

The Minority Bar Convention workshop was held April 4-5, 2013. The Commission collaborated in offering *The Future of Diversity on the Bench* and *Pathways and Obstacles to*

the Judiciary sessions. The workshop received very high marks based on the evaluations received from the individuals who attended each session.

5. Fifth Arizona Statewide Report Card

A workgroup has been developed to address the fifth Arizona Statewide Report Card. Workgroup members include: Judge Maria Avilez, Chair; David Redpath; Kimberly Egan, Touchstone Behavioral Health; Roxana Matiella; and John Vivian. Work will commence in late May or early June.

6. Arizona Judicial Independence Project

The Arizona Judicial Independence Project was held in on April 26, 2013. The keynote speaker was Chief Justice Berch and the focus of the workshop was on advocating for the merit selection of judges. There was great representation from COM members as panelists, presenters and attendees.

7. Approval of Minutes

The draft minutes of the January 31, 2013 meeting were not presented for approval as a quorum of members was not present.

BUSINESS ITEMS/POTENTIAL ACTION ITEMS

1. Iranian American Bar Association

Nima Sadegihan, a second year law student and Student Bar President, introduced members to the Iranian American Bar Association. The association holds networking events, publishes key articles, conducts outreach to lawyers across the country, reports on important issues, represents the community, and provides \$1,000 scholarships to deserving students. The main focus of the association is to serve the Iranian-American community by promoting diversity and connections with sister bars. As an example of their work, in August, they drafted a proposal to The Office of Foreign Asset Controls to lift sanctions for humanitarian purposes in response to the earthquake in Iran. They are currently working on a community outreach project called, "Know Your Rights". For further information, members can contact phoenix@iaba.us or www.iaba.us.

Members commended Mr. Sadegihan on his presentation and his aspiration to advance the Iranian American Bar Association and legal assistance for the community. Mr. Baumstark suggested that the Bar consider establishing an affiliation with the State Bar Association of Arizona.

2. Strategic Agenda Planning

Susan Pickard led members in finalizing COM's input regarding the strategic agenda to be submitted for consideration to the Arizona Judicial Council. Ms. Pickard reviewed the goals

of the Arizona Judicial Branch and the 2012-2014 COM goals along with the 2009 proposed COM goals. Discussion ensued. Member ideas included:

- Educate K-12 on diversity.
- Educate ethnic groups and new immigrant populations on protective orders and automobile insurance requirements.
- Develop educational materials for families who are faced with the arrest of a family member. Messages could be delivered by someone other than the court system to help remove barriers to the court system.
- Educating the public – juvenile court procedures and processes/system accountability. Note: Pima is currently working on a project called the Disproportionate Minority Contact Intervention Project. This project could be duplicated in other counties.
- Collaboration with the Juvenile Justice Services Division to provide juvenile justice reform presentations of the Arizona Youth Assessment System (AzYAS) risk assessment tool which helps provide services to youth based on their risk to reoffend. Mike Baumstark offered to pursue the sharing of this tool.
- Promote judicial officer and law student activity in the classroom.
- Collaborate with state, tribal, and federal courts regarding hearings for minor traffic issues (on-Nation hearings).
- Education for employees – produce another cultural awareness training and advocate for delivery to judges. Include local Native American cultures with topics on how to work with tribal members and tribal courts.
- Education for students – Explore ways to connect the bench with law school students. Explore Commission/student ‘meet and greets’ with judges and practicing attorneys. Present online mixers and/or a panel discussion about the path to the bench or a forum discussion with several sister bars to network. It was noted that professors should be included.

Action Item: Due to the time schedule, the consensus was for staff to work with the Chair to narrow proposed goals/initiatives and to submit them to the AJC workgroup. The goals/initiatives as submitted will be presented to the membership for ratification during the July meeting.

OTHER BUSINESS

1. Next Meeting

Thursday, July 18, 2013.

2. Good of the Order/Call to the Public

The Chair made a call to the public; there was none.

ADJOURN

A motion was made to adjourn the meeting at 4:08 p.m.

COMMISSION ON MINORITIES IN THE JUDICIARY
MINUTES

Friday, October 25, 2013
2:00 p.m. to 4:00 p.m.
Conference Room 230
1501 West Washington Street
Phoenix, Arizona 85007

Present: Maria Avilez, Paul Bennett, Frankie Jones, Mitchell Kalauli, Roxana Matiella, Judge Roxanne Song Ong, Judge Maurice Portley, John Vivian, and Marian Zapata-Rossa.

Telephonic: Patricia Ferguson-Bohnee, Gilbert Figueroa, Bob Kirk, Dan Slayton, Judge Alma Vildosola, and Judge Penny Willrich (ret.)

Absent/Excused: Mike Baumstark, Diandra Benally, Niccole King, Judge Leslie Miller, and Kendall Rhyne.

Presenters/Guests: Travis Pacheco, Ed Maldonado.

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

REGULAR BUSINESS

Welcome and Opening Remarks

With a quorum present, the October 25, 2013, meeting of the Commission on Minorities in the Judiciary (COM) was called to order at 2:10 p.m. by Judge Roxanne Song Ong, Chair.

Approval of Minutes

The draft minutes from the January 31, 2013, meeting of the COM were presented for approval. John Vivian brought to the committee's attention that in the draft of the January 31, 2013 minutes Paul Bennett was listed as both telephonically present and absent/excused. It was determined that the minutes would show that Mr. Bennett participated telephonically to accurately reflect his participation.

Motion: To approve the minutes of the January 31, 2013 meeting as amended.

Action: Approve, **Moved by** Marion Zapata-Rossa **Seconded by** Frankie Jones. Motion passed unanimously.

Next, the draft minutes from the May 9, 2013, meeting of the COM were presented for approval.

Motion: To approve the May 9, 2013, meeting minutes, as presented. **Action:** Approve, **Moved by** Frankie Jones **Seconded by** Marion Zapata-Rossa and Judge Penny Willrich. Motion passed unanimously.

BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

Los Abogados and Merit Selection

Travis Pacheco and Ed Maldonado, Los Abogados Board Members

One of the goals of Los Abogados is to strengthen the connection between their organization and the Commission on Minorities in order to further the two groups shared mission of increasing diversity in the judiciary. Mr. Pacheco noted that the Appointment Committee of Los Abogados is an informal committee that provides its membership with resources such as guidance through the application process to become a judge, announcing judicial vacancies, reviewing applications, making recommendations to appointing authorities, and conducting mock interviews. The Los Abogados Appointment Committee is currently focusing its efforts on raising awareness among its membership by hosting CLEs to educate and encourage members to apply for the bench.

Discussion ensued and there was consensus that opportunities for collaboration with COM to further shared goals should be further explored. Judge Song Ong then shared information on COM's recently developed diversity webpage. This webpage serves as a one stop shop by providing a variety of links to helpful information, including qualifications, current judicial vacancies, options to be notified of judicial openings, and other information geared towards minority attorneys.

Los Abogados and Merit Selection

Ed Maldonado, Los Abogados Board Communications Director

Mr. Maldonado shared that Los Abogados recently started working with *Justice at Stake*, which is a national organization whose motto is "working to keep America's courts fair and impartial". *Justice at Stake* focuses on keeping courts fair and impartial by helping to coordinate non-partisan partnerships aimed at protecting the justice system through public education, litigation and reform. Retired U.S. Supreme Court Justice Sandra Day O'Connor is Justice at Stake's first Honorary Chair. Mark Harrison, an attorney at Osborn Maledon, is the chairperson of the Board of Directors. The Honorable Ruth McGregor, former Chief Justice of the Arizona Supreme Court, is also on the Board of Directors. More information about Justice at Stake can be viewed on their website www.justiceatstake.org.

Mr. Maldonado indicated that *Justice at Stake* is forming a pilot program to create a pipeline of diverse candidates to the bench beginning at the high school level. There will be a strategy session on November 4, 2013 to further brainstorm a pipeline building strategy for Arizona. He also shared that Arizona was selected as one of nine states to receive training and consulting services from the Wellstone Foundation on how to protect fair and impartial courts.

Strategic Agenda Plan Update

Cindy Trimble, AOC – Executive Office

In December of last year Chief Justice Berch and Vice Chief Justice Bales appointed a subcommittee of the Arizona Judicial Council (AJC) to help with the strategic agenda plan. An initial draft was presented to the AJC in June. Cindy reported on the five proposed agenda goals:

- **Promoting access to justice.** Initiatives under this goal include:
 - Establish a blue ribbon commission that is extended beyond court community to include other stakeholders to identify strategies and projects to promote access to justice
 - Provide services to unrepresented litigants with more web based forms/instructions
 - Expand self-help services
 - Continue efforts to increase services for limited English proficient litigants such as, remote video interpreting that increase the availability and quality of interpreters in the courts.
 - Increase access to courts with technology such as providing more web-based online payment capabilities.
- **Protect children, families and communities.** Initiatives highlighted under this goal include:
 - Review ways to implement and incorporate evidence based practices.
 - Expand problem solving courts
 - Examine strategies for addressing human trafficking issues for juveniles vs. human trafficking issues for adults.
- **Improving court processes to better serve the public.** Initiatives under this goal include:
 - Focus on judicial system process improvement to ensure that cases of all types are processed in a timely and efficient manner.
 - Examine courthouse facilities and security issues in order to develop standards for court buildings to be used by court administration in budget negotiations with their funding authorities
 - Revisit curriculum for security officer training.
 - Continue work on next generation case management systems and ongoing technology development.
 - Improve court data quality and accuracy in the state's data repositories.
- **Enhancing judicial excellence and professionalism.** Initiatives highlighted include:
 - Expand training opportunities for appellate judges
 - Ensure new and veteran judges are prepared for the courtroom,
 - Enhance judicial branch leadership training, and succession planning efforts.
- **Improving Communications and community participation.** This goal will increase communications with the general public and education communities through volunteerism, recruitment, and recognition. Examples of initiatives

under this goal include; Promote civic education in the schools and educate the public on the court system.

State Bar of Arizona Diversity Task Force

Elena Nethers, Diversity and Outreach Advisor

Ms. Nethers explained that the main mission of the Diversity Task Force is to ensure that the state bar's core value of diversity and inclusion is implemented, as well as to continue to look for new ways to implement diversity and inclusion ideas. Ms Nethers reported on the five goals that the task force is currently focused on:

- **CLE Institute.** The CLE Institute is open to all attorneys but attorneys from minority groups will be specifically targeted. The purpose for the CLE Institute is to provide the identified attorneys with the skills they will need to put together a CLE program. The idea is that this would be an intensive program that will educate and provide support to the attorneys as they move along through the judicial appointment process.
- **Implicit Bias Training.** The Bar is interested in partnering with *Justice at Stake* to bring a national speaker to Arizona to address unconscious and implicit biases in order to educate the public and attorneys on the topic.
- **Providing direction for the Minority Bar Convention.** The Bar is interested in implementing a name change for the Minority Bar Convention as the name itself is exclusionary. This year using a play on it with the Cactus League the new name for the convention will be "Spring Training for Lawyers: Winning with Diversity and Inclusion". Another idea is to make the Minority Bar convention more inclusionary by bringing it into the mainstream annual June Bar Convention instead of it holding it separately.
- **Bar Leadership Institute (BLI).** The BLI is currently in the seventh class and applications continue to increase. For example, there were 60 applicants this year for 16 slots. One of the beneficial elements of the BLI is that the class size is small which allows participants to network, both formally and informally, with judges and other attorneys they might not otherwise approach. Also, this year participants were partnered with selection panel members as another way to promote networking. Another program element of the BLI is leadership development which has proven to be a barrier to some attorneys. Connecting students with committees of the State Bar allows them to shadow and get a feel for a committee they may be interested in chairing or serving on. A public speaking segment has been implemented this year to help minority lawyers become better public speakers.
- **Pipeline Program (formerly Clovis Campbell).** Ms. Nethers explained that a couple of years ago the program was expanded and primary administration of the program was transferred to the Foundation of Legal Services. The Foundation was able to work through School Resource Officers (SROs) to get the program into more schools which the State Bar was unable to do. This program is about exposing low income middle school students to what attorneys do, and to give them an idea about how the courts are run. Ms. Nethers reported that they would like to expand the program beyond Maricopa County next year. The Summer Law Camp is a summer program for high school students and its curriculum is similar to the Pipeline Program.

Disproportionate Minority Contact (DMC) Report Card Update

David Redpath, Research Manager, AOC - Juvenile Justice Division

Mr. Redpath reported that the disproportionate minority contact study at Arizona State University being conducted by Dr. Nancy Rodriguez is still ongoing. The study is not only reviewing data that has been considered for the DMC report, but is the first of its kind in the nation to include three steps to its data collection. The study consists of 2010/11 data and historical trends, conducting interviews with staff in the jurisdictions, and performing manual case file reviews with qualitative data analysis to look at behaviors exhibited. The study is also looking at psychological assessments. The study was originally slated to be completed last January but now looks like it will be completed sometime in 2014. Mr. Redpath reported that once the study is completed and presented to the Governor's Office, Dr. Rodriguez would be happy to come and present to COM.

Mr. Redpath offered the following Report Card Update:

- Juvenile referrals and petitions filed are down. Juvenile crime has seen an unprecedented decline during the past few years.
- Asians as a minority group were added to Report Card for the first time. The numbers are relatively small but Asian population in Arizona is increasing.
- Numbers for youth referred to the adult system are down. It was suggested this could be attributed to the work and diversion implemented in juvenile courts.

ACTION ITEM: Once the next DMC Report Card is completed Mr. Redpath will return to present findings to Commission, possibly a dual presentation with Dr. Rodriguez.

OTHER BUSINESS

Next Meeting

Ms. Pickard, staff to COM, polled members regarding meeting dates for 2014 and after checking the calendar the first Thursday of the month works best for those who responded. Assuming there is no conflict with other standing committees proposed meeting dates the next meeting will be held:

February 6, 2014
2:00 p.m. to 4:00 p.m.
State Courts Building, Room 230

Good of the Order/Call to the Public

The Chair made a call to the public; there was none.

ADJOURN

The meeting was adjourned at 4:25 p.m. by Judge Song Ong.