

**COMMISSION ON MINORITIES IN THE JUDICIARY**

**Minutes**

**Thursday, August 6, 2015**

1:00 – 3:00 p.m.

Conference Room 230

1501 West Washington Street

Phoenix, AZ 85007

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**Present:** Paul Bennett, Patricia Ferguson Bohnee, Domingo Flores Jr., Catharina Johnson, Frankie Jones, Judge Maurice Portley, John Vivian

**Telephonic:** Diandra Benally, Judge Alma Vildosola, Judge Maria Avilez, Judge Joan Wagener

**Absent/Excused:** Joanne Basta, Mike Baumstark, Judge Gilberto Figueroa, Judge Roxanne Song Ong (Ret.), Judge Dan Slayton, Judge Penny Willrich (Ret.)

**Presenters/Guests:** Susan Nusall, Nicole Ong, Elena Nethers, Amy Wood, Mike Martinez, Briar Martin

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

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**REGULAR BUSINESS**

**Welcome, Announcements, Introduction of New members: Judge Maurice Portley**

Approval of May 7, 2015 Minutes

**Motion:** Judge Hubermann moved to approve the May 7, 2015 meeting minutes as presented.

**Seconded by:** John Vivian **Vote:** unanimous

**BUSINESS ITEMS/POTENTIAL ACTION ITEMS**

**Constitution Day: Susan Nusall**, Director of Volunteers, Arizona Foundation for Legal Services and Education (Foundation), explained that one of the goals of the Foundation is to provide civic education programs for students by bringing the legal profession into the classroom. One program the Foundation uses to meet its goal is to pair volunteers with schools on Constitution Day, September 17. Last year, one hundred thirty-nine teachers signed up to have a legal professionals discuss the constitution with their students. Unfortunately, the Foundation had to turn away 31 of those requests. She stated that the Foundation is looking again for volunteers to visit the classroom during Constitution Week. Ms. Nusall noted that it is a good opportunity to answer student questions about the legal profession and promote the pipeline to the legal profession as the students are very curious and ask real life questions pertaining to bail, emancipation and helmet laws among others.

**Action Item:** Members interested in volunteering should register at [www.LawForKids.org/Connecting-with-Classrooms](http://www.LawForKids.org/Connecting-with-Classrooms).

**Arizona Asian American Bar Association: Nicole A. Ong**, President, explained that in 1993 Judge Thomas Tang encouraged attorneys to form the Arizona Asian American Bar Association (AAABA). The mission of AAABA is to promote the professional growth of Asian and Pacific American (APA) lawyers, and to support

APA and non-APA law students in Arizona financially and academically through the Judge Thomas Tang Memorial Law Scholarship. Currently AAABA has 100 dues-paying members, and a free email listserv (azasianbar.org) of nearly 400 individuals. Ms. Ong talked about the collaborative workshops that AAABA, the Arizona Black Bar, the Native American Bar and Los Abogados are developing to increase membership activities within groups, networking with one another and skills development. The workshops will start informally with professional workshops starting in 2016. Each sister bar will host a topic. Topics under discussion for the workshops include:

- Business development
- How to ask for business
- Serving on boards
- Tips for networking
- Running a Practice

AAABA's signature event is the 20<sup>th</sup> Annual Banquet which will be held in the spring of 2016. Lisa Loo, Arizona State Bar President, will be the keynote speaker.

**State Bar of Arizona Diversity Update: Elena Nethers**, Diversity and Outreach Advisor, State Bar of Arizona, provided an update on the Bar's diversity activities.

- **Bar Leadership Institute (BLI)** has over 100 graduates. Of those graduates 80% are still involved with the State Bar in some capacity. There were 55 applicants for this year's BLI which normally only accepts 15 applicants, but was expanded to 17 this year. This year's BLI starts in September with a retreat.
- **CLE Institute** was created to teach attorneys how to teach CLE classes. The State Bar discovered that diverse attorneys were reluctant to participate as instructors for a number of reasons including being younger, unsure of speaking abilities, and not knowing how to organize a panel. The CLE Institute helps the attorneys by showing them about how adults learn, how to create PowerPoint presentations, and how to select panels. Participants are asked to give a ten minute presentation that is videotaped. They are then critiqued on substantive knowledge and non-substantive issues such as body language, tone of voice and speed of presentation. Participants receive CLE credit and within one year they participate as a CLE presenter. The CLE Institute starts October 30, 2015 and is limited to 25 participants.
- **GRIT Program** is a new program based on the American Bar Association's Commission on Women in the Profession. Grit is described as perseverance and belief in one's ability to overcome obstacles. The program is about empowering women attorneys with grit by reviewing the science behind perseverance and overcoming obstacles. The program starts on August 20, 2015 and is full with 60 participants.
- **Spring Training for Lawyers 2016** (formerly known as the Minority Bar Convention) is scheduled for March 31 – April 1, 2016. Plans for the 2016 meeting are under way. Confusion over the recent name change is still being worked out.

**Language Access Update: Amy Wood**, AOC, updated COM on the revised changes to Language Access Plans for 2015. She stated that the Language Access Plan template has been revised to ensure that there is a complaint form available to those who have an issue accessing the courts due to language, ensuring that courts have a process in place to handle complaints received, and that the process is addressed in their Language Access Plans. The revised plans must also ensure that there is a plan in place for court ordered services such as anger management for the limited English speaking clients and address accessibility of the court's website

information. She further noted that there is now a statewide webpage with basic interpreter information such as how to become an interpreter in the courts <http://www.azcourts.gov/interpreter>.

Ms. Wood then segued into the topic of the credentialing of interpreters, which is the next step in Language Access. There are currently 112 interpreters in the state and many of them are not credentialed. She stated that several things were being considered in the development of a credentialing program such as; the quality of interpreters, providing access to interpreters in rural areas, considering the buy-in of interpreters who are in rural areas or who interpret infrequently, and the sustainability of the program. Taking these things into consideration a proposed four-tiered plan is being proposed.

It is recommended that all applicants would meet the following in Tier 1:

- Submit application
- Complete orientation and pay fee
- Participate in an online ethics training and sign acknowledgement form
- Take written English test (pass with 80%)
- Complete oral proficiency interview
- Pass a background check
- Receive approved statewide registry ID number

Applicants would then be able to advance to Tiers 2 through 4 with the completion of additional requirements. Ms. Wood noted that this proposed Court Interpreter Credentialing plan will be presented to the various committees for input from September through December 2015.

**Discussion:** Members discussed interpreters for the various Native American languages and dialects, levels of court interpreter competency, lack of understanding of the court process, buy-in of the interpreter program by judges, and training for lawyers on the ethics of when and how to use interpreters.

**Motion:** The Commission voted to support moving forward with an interpreter credentialing program for Arizona Courts.

**Justice at Stake: Frankie Jones** stated that for the past year Justice at Stake has been encouraging diversity on the bench through such activities as holding community forums, starting a pipeline to the bench by pairing attorneys who are considering applying for the bench with mentor judges who are either currently on the bench or have retired from the bench. The formal kick-off for the program was held in both Maricopa and Pima Counties. Judge Song Ong met her goal of recruiting 15 current and retired Maricopa County judges as mentors and Susan Diaz, an attorney in Tucson, met her goal of recruiting five mentors in Pima County. An email was sent to all sister bars to inform them of the pipeline program and to get names of attorneys who would be interested in participating in the program.

## **Projects**

**Bench Diversity Research Project Update: Professor Paul Bennett** presented COM with a copy of the Diversity in the Judiciary survey that was developed to be sent out to judges. The survey asks respondents to self-identify his or her:

- race and ethnicity using federal definitions,
- race and ethnicity irrespective of the federal categories,
- gender,
- judicial position i.e., Appellate, Superior Court, Pro Tempore, etc.
- age group when they first became a judge, (in five years increments 30-35, 40-45, etc.), and

- current age group (in five years increments 30-35, 40-45, etc.).

The survey also asks about the number of years the person was in practice as an attorney before becoming a judge, how the person was selected, whether the person had any previous judicial experience and what resources the person used to prepare for the application process.

The survey would be administered through the courts for complete anonymity. Ms. Pickard reported to COM that the Chief Justice Bales is excited about the survey and wants 100 percent participation. An informal AOC committee has been created to see if some of the information being collected on diversity is available from other sources such as Human Resource Departments.

**5th Statewide Report Card Update: Dr. John Vivian** announced that the report card is complete and available on the website. Dr. Vivian acknowledged the dedicated effort that David Redpath put into the report. He then reported that David Redpath has shared the report with the Committee on Juvenile Courts. Additionally, Dr. Vivian and Mr. Redpath will be presenting the report to the Juvenile Justice Commission on September 17, 2015 and to the Arizona Prosecuting Attorneys Advisory Council on September 25, 2015.

### **Project Brainstorming**

A letter from Mark Martinez to the Chief Justice will be disseminated for comment at the November 2015 COM meeting. The letter is in reference to a prior COM meeting discussion on judicial selection and its impact.

### **OTHER BUSINESS**

#### **Good of the Order/Call to the Public**

Karen Peters, Deputy Phoenix City Manager, discussed that the Mayor asked her to review the city's codes and procedures, and make recommendations for potential changes that would address concerns about the perceived lack of diversity in the candidates for appointment as the chief presiding judge. Ms. Peters is also reviewing the composition of the judicial selection advisory board. She will be making a presentation to the Public Safety Subcommittee in September and she invited participation from COM to share their thoughts and to attend the meeting. Judge Portley asked Ms. Peters to send Ms. Pickard her direct contact information and a copy of the city's code so that COM members could review the code and provide comments or historical information.

#### **Next Meeting – November 5, 2015 Judge Maurice Portley**

Meeting adjourned at 3:30 p.m.