

**ARIZONA SUPREME COURT  
COMMISSIONS ON MINORITIES  
MINUTES**

Thursday, November 16, 2006

11:00 am – 3:00 pm

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

**MEMBERS PRESENT**

Judge Roxanne Song Ong, Chair  
Jesus Diaz, Vice Chair  
Judge Maria Avilez  
Mike Baumstark  
Wil R. Counts, Ph.D.  
Joi Hollis

Niccole King  
Lisa Loo  
Judge Antonio Riojas  
Judge Ann Scott Timmer  
Patricia Seguin

**PRESENT TELEPHONICALLY:**

Judge Mitchell D.K. Kalauli

**MEMBERS ABSENT:**

Judge Gus Aragon, Jr.  
Patricia Cordova  
Judge John Davis  
Jonae Harrison

Karen S. Humiston  
Margarita Silva  
Judge Paul Tang  
Nicole Yancey

**STAFF:**

Susan Pickard, CSD, AOC

**GUESTS:**

Theresa Barrett, CSD, AOC  
Fran Johansen, CSD, AOC  
Faith C. Klepper

Judge Kevin Kane  
Paul Julien, Judicial Education  
Services

**REGULAR BUSINESS**

**1. Call to Order:**

The meeting was called to order and was noted that a quorum was not present at that time; however a quorum was achieved later in the meeting.

**2. Welcome, Introductions and Announcements:**

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

Judge Song Ong announced that there are a few vacancies on the Commission that need to be filled with two nominations having been put forward. She also indicated that considering a greater geographical diversity for the Commission would be beneficial.

Susan follows an appointment process that involves:

- Contacting the person to inquire and confirm their interest in being appointed
- If they agree, a packet is put together which includes their resume and application
- This packet goes up to the Chief Justice for consideration and appointment

Carol Boone, Maricopa County Chief Probation Officer, is being sent forward for consideration to fill a Juvenile Probation position that is currently vacant.

### **3. TOPIC: Task Force Report on Legal Advice – Legal Information Guidelines – Judge Kevin Kane and Fran Johansen**

Discussion Summary: As part of the Chief Justice's plan (Providing Access to Swift, Fair Justice), AO 2006-04 established the Task Force to develop Legal Advice-Legal Information Guidelines to address the growing trend of self-represented litigants in the court. The make up of the task force is very diverse in that it includes representation from limited jurisdiction courts and superior courts. The group is also very geographically and experientially diverse. The purpose of the report is to provide standardized guidance to all Arizona court personnel. It is anticipated that the guidelines would expand on Canon 3 of the Arizona Code of Ethics for Court Staff. The Task Force is recommending the following:

- The Guidelines should be approved and incorporated into Arizona Court's Code of Conduct for Court Staff.
- The Signage should be approved and the Supreme Court issue an order requiring the signage be prominently displayed at court service counters, self-service centers, and law libraries open to the public.
- The manual for court employees that includes policy, guidelines, glossary of common terms, and question and response handbook should be available to court personnel and be included with their training.
- New employee orientation should be required to include a Legal Advice v. Legal Information component and current employees should be regularly required to participate in a review program.
- The manual, glossary, and questions and helpful response, as well as interactive review modules should be available for court personnel on the intranet.

- Materials should be made available to the public on internet sites.

The Task Force continues to receive feedback on these documents and has proofreaders working on grammatical issues and looking for consistency in terminology and formatting. The Task Force has asked the Commission to provide comments and feedback with an eye towards cultural competency by November 24, 2006 to Fran Johansen via email at [FJohansen@courts.az.gov](mailto:FJohansen@courts.az.gov).

Once the recommendations have been approved by the AJC, the plan for rolling out includes: a Video Broadcast scheduled for March 27, 2007, A Judicial Court Staff Conference presentation in April, 2007, Intranet accessibility, and in the future – an interactive training module.

Suggestions:

- Have the information available in Spanish and add in verbiage that court interpreters would be available if needed.
- Have it available in CD format.
- Link through the Supreme Court via Public Access
- Add information on the court notice for Victim's Rights
- Utilize Education Services, the Training Coordinators and COJET i.e. New Judge Orientation
- Present the draft signage document to a group of consumers and ask them for their reactions.

Questions Discussed:

- Will information be available to comply with ADA competencies?
- Is there a counterpart at the State Bar? - *No*
- What have other states done? – *Other states have done something similar in fact Fran has reviewed the materials from all states providing this information to their staff.*
- How will it be distributed throughout the community? - *Courts could have several copies and it could be available online.*

At this point in the meeting a quorum has been achieved.

**4. TOPIC: 2007 Meeting Schedule – Susan Pickard**

Discussion Summary: This Commission has customarily met the third Tuesday of the month, this caused conflict with other schedules and as a result a Commission member resigned. The meetings are set up quarterly. The months when the Commission does not meet can be used for workgroup meetings. This schedule is put together to ensure that those wishing to place an item on the Arizona Judicial Conference (AJC) agenda have time to present their issue to all the pertinent committees, consider the comments and suggestions made at those meetings and revise their

issues, if necessary, before the presentation to the AJC. One meeting scheduled in the Tucson area was agreed upon.

**MOTION:** To adopt the 2007 Meeting Schedule as presented with one of the meetings scheduled in the Tucson area at the discretion of the staff. Seconded and approved. COM-06-011

**5. TOPIC: Workgroup Updates**

Diversity Workgroup – Judge Ann Scott Timmer

The Chris Nakamura Judicial Appointment Workshop was presented at the James E. Rogers College of Law in Tucson on October 13, 2006. The workshop was very well attended (120 participants) by law students, judges and lawyers. Components of the workshop included:

- Panel discussions - What is it like to be a judge; and the selection process for judges.
- A presentation by Commission members on the work of the Commission on Minorities.
- Mock interviews - The questions that were posed gave the audience a good perspective on what they may experience. A repeat of these mock interviews could be considered at the Maricopa Minority Bar Conference.

The next workshop is scheduled for the year 2008. At this point there may be up to three counties that will initiate the merit selection process. The workgroup will be meeting for next steps to discuss future workshops.

Collaboration and Outreach – Mike Baumstark

A conference call had been scheduled, but had to be cancelled. Judge Song Ong encouraged the members to put the word out as to the existence and the work of the Commission on Minorities with an eye on considering areas that are aligned with the Chief Justices' strategic plan.

Cultural Competency – Lisa Loo

The workgroup asked that staff help to coordinate a standing date to meet the month before the full commission meets with the format consisting of conference call rather than finding a meeting room.

Discussion took place with the Minority Bar Planning Committee to have the Commission co-sponsor a program on Cultural Competency at the Minority Bar Convention.

Over-Representation – Jesus Diaz

Mr. Diaz presented the draft Second Statewide Report Card to the Commission. The report card shows that there is still disproportionate minority youth contact particularly in direct files to adult court. African-

American youth seem to be directly filed to adult court more often than other youth.

Native American youth fare much better than other groups. They are more likely to be referred to detention and released and less likely to be assigned to intensive probation.

In the past, the chair of the Commission has included an introductory letter or message from the Commission. It was recommended that the Commission follow suit with the procedure. The letter could be approved at the Commission's next meeting.

The Bi-annual Report Card will be forwarded to Commission members for their review and input, prior to public distribution. The Commission will finalize the report at the March meeting.

The workgroup met via email and discussed projects for the next 12-18 months. Out of the twelve suggestions, the workgroup narrowed down four which include:

- After producing the Second Statewide Report Card, to meet with other stakeholders and key decision-makers to discuss alternate/additional ways to report the data, i.e. by county;
- To support the efforts of Building Blocks and Pima County Disproportionate Minority Contact (DMC) Initiative;
- Partner with Pima County DMC Initiative in planning a statewide or local event relating to DMC in the Juvenile Justice System;
- To partner and collaborate with the Governor's Juvenile Justice Commission; and
- To provide technical assistance, guidance, support to local jurisdictions that would be open to dialoguing on issues of over-representation of youth of color in the Juvenile Justice System. The workgroup could also assist in reviewing data and looking at various models to reduce the numbers.

**NOTE:** For those who are not assigned to a workgroup and would like to be, Susan Pickard will send out an email inquiring as to which workgroup would be of interest to members.

## 6. **Approval of the Minutes**

Correction: Honorable Maria Avilez is listed twice regarding attendance, she had attended telephonically. There should be two "c's" in Niccole King.

**Motion:** To approve the minutes of the September 27, 2006 meeting with corrections discussed. Seconded and approved. COM-006-012

**7. TOPIC: MINORITY BAR CONVENTION – Faith C. Klepper, Chair, Minority Bar Convention Planning Committee.**

Discussion Summary: The Minority Bar Convention is scheduled to be held on March 30-31, 2007 at the Black Canyon Conference Center in Phoenix. The theme will be “Commitment to Justice – The Leadership and Service.” Three various tracks will be introduced: 1) General practical, substantive legal seminars, 2) Activist lawyers, and 3) Business of Diversity. Ms. Klepper is asking that the Commission help with the third track. The deadline to distribute the brochure on this convention is scheduled for the end of November, 2006. A discussion on professionals that could be approached to speak on cultural competency took place. It was suggested that the members of the Cultural Competency workgroup develop a 2-3 sentence description could be listed on the brochure to satisfy the end of the month information deadline with the understanding that other professionals would be contacted.

**8. Strategic Plan Finalization - Judge Song Ong, Susan Pickard**

Discussion Summary: Comments on the strategic plan were discussed and included:

- COM Goal 1 and COM Goal 3 refers to CCJ/COSCA Resolutions 2 and 3. Place Resolution in Appendix and reference.
- The first paragraph of the background information should be removed.
- The purpose of Project Restore is misstated and should be corrected.
- Check source information on the last sentence on page 3 of 6 indicating that minorities are now the majority before publishing.
- Should the background piece be included in this plan?
- Develop two versions of the plan, one for the Commission and one more like an enhanced executive summary.
- Re-write the first paragraph on page 2 of 6 under – Enhance Communication among the Courts and Minority Communities so that it reads more positively. Rewrite the third paragraph under the same heading to use something other than “general ignorance”.
- Blend some of the background into the introduction, have the mission statement, then have Strategic Plan instead of Executive Summary and remove pages 1-6.
- COM Goal 3: Under Law School Students, bullet number 2 could possibly be re-written to say:” Support the efforts of CLEO, ASU and the U of A.”

The Commission acknowledged and thanked Susan for all her hard work in putting this document together. Mike Baumstark together with Susan Pickard will re-work this document for presentation to the AJC with a final copy to be sent to Commission members.

**9. Next Meeting**

The next full commission meeting is scheduled for March 15, 2007 at the Phoenix Municipal Court, Conference Room 901.

**Announcement:** Jesus Diaz announced that John Leonardo's term as the Presiding Judge at the Pima County Superior Court is coming to an end with Chief Justice McGregor appointing Judge Jan Kearney to be the new Presiding Judge. Judge Kearney's term will begin on January 28, 2007.

**Call to the Public** – No Responses

**Adjourned**

Respectfully submitted,  
Susan Pickard  
COM Staff