



Bench Diversity Project

<http://www.azcourts.gov/cscommittees/Commission-on-Minorities> (Resources)

In 2017, Arizona shared the 1st Bench Diversity Project, a joint effort of the Arizona Supreme Court Commission on Minorities in the Judiciary and the Administrative Offices of the Courts. The report regarding the 2nd Bench Diversity Project has been drafted with a final version expected in early fall. Highlights of the 2nd report include:

- Racial and ethnic categories still show minorities as underrepresented on the bench.
- Over 75% of the respondents believe they bring diversity to the bench.
- Examples of diversity cited by respondents were for non-traditional reasons (sexuality, income class, rural or urban, single parenting, religion, veteran status, etc.).

The survey had a 92% response rate, which is a higher response rate than last year. While the judiciary does not reflect the categorical diversity of the state's population across the board, minority representation has increased slightly from last year.

Law Student Outreach

In April 2018, thirty-eight minority college and law school students from the University of Arizona, Arizona State University, and Grand Canyon University met with forty-two diverse judges from all Arizona jurisdictions, and federal and tribal courts for *Legal Futures: Why Diversity and Inclusion Matter*. The Arizona Supreme Court Commission on Minorities in the Judiciary created the program so that students might envision themselves as judges and to introduce them to those who have come before them and succeeded.

The participants were welcomed by Chief Justice Bales who noted that the legal profession has not kept pace with Arizona's increasing diversity. He emphasized that increasing diversity is key to providing access to justice for all Arizonans and helps promote public confidence in the law and judicial system. "It's for those reasons, that the Arizona Supreme Court and our courts more generally need to recognize the diversity of the community served and that we should encourage and support increased diversity among those who work in our courts and legal profession more broadly," said Chief Justice Bales, giving examples of a few notable diverse leaders in Arizona and encouraged the students to try and model their careers with a similar commitment to public service.

- Mr. Raul H. Castro, the first Latino Governor of Arizona.
- Mr. Rodney Lewis, Gila River Indian Community, the first native American to become a member of the State Bar of Arizona and the first native American to win a case before the U.S. Supreme Court.
- Judge Roxanne Song Ong (Ret.), first Asian American woman to serve as a municipal court Chief Judge.
- Judge Diane Humetewa, first Native American woman to serve as a federal judge for the District of Arizona.
- Judge Maria Elena Cruz, former Yuma County Presiding Judge, former judge for the Cocopah Indian Tribe, a deputy county attorney, and a deputy Legal defender, who currently serves as a judge for the Arizona Court of Appeals, D1.

After being led through a structured conversation to demonstrate how a judge goes about his or her duties, the students had an opportunity to meet and learn about the other judges' pathways to the bench. They also toured the Supreme Court and Court of Appeals courtrooms. University of Arizona Professor Paul Bennett, and Arizona State University Dr. Jeremiah Chin spoke to the group of students and judges.

Task Force on Fair Justice for All

<http://www.azcourts.gov/cscommittees/Task-Force-on-Fair-Justice-for-All>

In 2017, Arizona shared the establishment of the Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies (Task Force) along with the progress that had been made in response to the Task Force recommendations. An update on our progress that touches almost every report recommendation is as follows:

Setting release conditions

Adopted Criminal Rule Amendments:

- Rule 7.1 – Listing of options in setting of release conditions, including unsecured bonds (4-3-17).
- Rule 7.3b(2) – No bond schedule, no bond that results in unnecessary pretrial incarceration solely because the person is unable to pay the bond and least onerous alternative must be used (4-3-17).
- Rule 6.1(b)2 – Appointment of counsel for the limited purpose of release conditions at the Initial Appearance (4-3-17).
- Rule 26.12 – Encourage voluntary compliance with court ordered financial obligations (1-1-18).
- Rule 27.8(b)4 – Statements made at an Order to Show Cause (OSC) hearing cannot be used at a probation revocation hearing (1-1-18).
- Rule 7.2 – Non-bailable offenses and Simpson hearings (4-2-18).

Other Items:

- Bond Schedules are now more correctly named Fine and Deposit Schedules.
- Public Safety Assessments are in use in all superior courts and those limited jurisdiction courts. Work continues toward an automated solution to reduce dependency on human intervention.
- Post-Conviction Actions Subcommittee is working toward rule and additional statute changes to clarify the set aside of a conviction, restoration of rights, and juvenile equivalents.

Financial Sanctions

Chaptered Laws:

- Chapter 113 HB2169: Driving violations; restricted licenses; penalties
- Chapter 83 HB 2312: Setting aside conviction requirements
- Chapter 237 HB2313: Sentencing; monetary obligations; fine mitigation
- Chapter 203 HB 2314: Misdemeanor sentence; authorized disposition

Other Items:

- Informative statements have been added to the Arizona Traffic Ticket Citation (ATTC) and model language has been developed for web sites and correspondence in English and Spanish.
- Order to Show Cause Bench Cards that follow the rule amendments have been developed.
- Scripts and Tools for Reduction of Fines have been implemented.

Education

- Administrative Order 2017-101 mandated training for all Initial Appearance (I/A) judges.
- The mandatory training sessions for all I/A Judges (nearly 300) were held in Phoenix and Tucson. A video recording of the sessions is to be released.
- In addition to training sessions, bench cards, spreadsheets, and charts have been developed.
- Training on reducing fines and surcharges and determining ability to pay along with tools for court staff has been offered.

Address Treatment Needs

- The Task Force approved the report and recommendations from the Subcommittee on Mental Health in the Justice System.
- The Sequential Intercept Model is being accepted and training is being developed.
- The Rule 11 revisions regarding criminal competency hearings in limited jurisdiction courts have been successfully piloted. (2017)

- A guide for presiding judges to develop protocols for cases involving those with mental illness has been developed.
- A template administrative order for presiding judges to implement limited jurisdiction court competency determinations in criminal cases has been developed.
- An informational guide regarding the civil commitment process is being developed.
- Legislative and rule changes for a comprehensive approach are being considered.
- Performance standards and reporting requirements have been established for Mental Health Courts in Arizona.
- Mental Health Protocols, a Guide for Presiding Judges is being developed in collaboration with the National Center for State Courts and funded by a State Justice Institute grant.

Additional Efforts

- Administrative Order 2017-80 provided ease and consistency in financial payments and required payment plans in all courts.
- Order to Show Cause and Ability to Pay bench cards have been developed.
- A Text/Voice Notification System has been implemented limited jurisdiction courts that use the statewide case management system.
- In collaboration with the Governor's Office, the Department of Corrections, and local construction companies, Phoenix Municipal Court implemented a targeted Compliance Assistance Program for those inmates who are being released and have completed construction training while incarcerated with a goal of reinstating driver licenses.
- Online Dispute Resolution pilots are moving forward for small claims, domestic relations, and civil traffic case types.
- Correctable violations to streamline and automate the process are being considered.
- Research into alternatives to immediate driver license suspension is underway in six courts.
- The automated expansion of the use of the PSA in limited jurisdiction courts is being researched.