

COMMISSION ON MINORITIES IN THE JUDICIARY

Minutes

Thursday, February 5, 2015

1:00 p.m. – 3:00 p.m.

Conference Room 230

1501 West Washington Street

Phoenix, AZ 85007

Present: Mike Baumstark, Paul Bennett, Judge Anna Huberman, Catharina Johnson, Frankie Jones, Judge Maurice Portley, Judge Roxanne Song Ong (ret.), John Vivian

Telephonic: Judge Maria Avilez, Judge Alma Vildosola, Marian Zapata-Rossa

Absent/Excused: Diandra Benally, Patricia Ferguson-Bohnee, Gilberto Figueroa, Judge Dan Slayton, Judge Penny Willrich (ret.)

Presenters/Guests: Chief Justice Scott Bales, Vice Chief Justice John Pelander, Laura Beckman, ASU Doctoral Student, Gabriel Goltz, AOC Education Services Division, Mike Martinez

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

I. REGULAR BUSINESS

A. Welcome and Announcements meeting began at 1:10 pm

B. Approval of Minutes

The draft minutes from the October 6, 2014, meeting were presented for approval.

Motion: To approve the October 6, 2014 meeting minutes as presented.

Moved by: Mike Baumstark **Seconded by:** Frankie Jones. **Vote:** unanimous.

II. BUSINESS AND POTENTIAL ACTION ITEMS

A. *Arizona Juvenile Justice System Disproportionate Minority Contact Assessment*

Laura Beckman, ASU Doctoral Student, presented the Arizona Juvenile Justice System Disproportionate Minority Contact Assessment authored by Dr. Nancy Rodriguez, Dr. Marjorie S. Zatz and herself. The data used in the assessment was collected from the Juvenile On-Line Tracking System (JOLTS). The researchers conducted an extensive review of probation case files and interviews with juveniles in Maricopa, Pinal and Gila counties. The review of data and case file information was broken down demographically by race, ethnicity and gender. In the case file review, researchers looked for family, psychological factors, victimization, peer influence, gang involvement, and school performance and attendance.

The main factors contributing to disproportionate minority contact in the three counties studied were:

- In Maricopa County - an ADHD or PTSD diagnosis, drug and/or alcohol use, gang involvement, parent/child relational problems, and lack of family insurance.
- In Pinal County - drug use, delinquency, school detention or expulsion, changes in family structure, CPS involvement, and having a warrant.
- In Gila County assault, domestic violence, having co-offenders, gang involvement, and having an older sibling involved with the courts.

Juvenile court officials were also surveyed. They would like to see more family centric services, support in the community, more focus on prevention and less reliance on detention, increased dialogue with local communities on juvenile justice, increased diversity and cultural training, and a more diverse court workforce.

Ms. Beckman stated that based on the assessment's findings the following recommendations are proposed to help reduce disproportionate minority contact:

- increase prevention and intervention programs such as services that address drug and alcohol abuse and promote healthy families;
- collaborate more with school districts to support educational and skill development;
- improve access to resources and services in remote and outlying areas; and
- improve intergovernmental relations by increasing communication and sharing best practices and resources.

B. Bench Diversity Research Project Update, Professor Paul Bennett

The project's goal is to determine the diversity of Arizona's courts. The research project team is currently deciding:

- whether to use current census categories or to ask respondents to self-identify;
- which questions to ask;
- how to go about asking those questions; and
- whether to use an electronic survey tool similar to Survey Monkey to ensure the anonymity of the judges.

The team has already decided to group questions regarding age, and years out of law school into five year increments to preserve the confidentiality of the judge's identities.

Discussion: A question was raised regarding using current racial/ethnic EEOC classifications versus creating new ones by allowing judges to self-identify. Professor Bennett reiterated that the goal of the research project is accurately capture how judges self-identify and to provide a snapshot of current bench diversity in Arizona.

C. Visit with Chief Justice Scott Bales, Arizona Supreme Court

The Chief Justice discussed the Court's strategic agenda highlighting the importance of access to justice, and diversity in judicial recruitment and the

nominating process. He reported that implicit bias training is being presented at new judge orientation and during other judicial training sessions. Chief Justice Bales shared that Governor Doug Ducey has expressed an interest gathering a larger pool of diverse candidates for judicial appointments.

D. Our Courts Arizona

Vice Chief Justice John Pelander, Arizona Supreme Court, and Gabriel Goltz, Education Services Division, AOC discussed *Our Courts Arizona*. Justice Pelander quoted a recent National Center for State Courts survey that showed only 21 percent of those polled could name all three branches of the government. The goal of *Our Courts Arizona* is to get judges out into their communities and speaking to adult groups about how judges are appointed or elected in Arizona; the rule of law, its meaning and how it impacts individuals; and the Bill of Rights. Justice Pelander hopes that these adult interactive sessions not only educate and inform, but also encourage minorities to participate more in all aspects of the judicial system, including applying to the bench. He asked that the names of any suggested adult groups for these presentations be forwarded to Gabe Goltz. He also noted the need for volunteer presenters.

E. State Bar of Arizona Spring Training for Lawyers Chris Nakamura Judicial Appointment Workshop Update, Judge Roxanne Song Ong (Ret.) stated that planning for the workshop is underway. The workshop will be held in two breakout sessions, each an hour and a half long. Ms. Frankie Jones outlined the breakout sessions, the first session being, *“So you want to be a Judge: Identifying and Encouraging Qualified and Diverse Judicial Candidates.”* The second session is titled: *“The Future of the Judiciary: Do Our Courts Look like Arizona?”* Commission members were encouraged to attend.

F. As a Judicial Applicant, I wish I had Known...

Susan Pickard, Staff, explained that an article by Judge Paul Tang discussing the dos and don'ts of applying for judicial office was once a part of the Chris Nakamura Judicial Appointment Workshop materials. Having become dated, the article has since been removed. She asked if members had any interest in developing a new article for inclusion in future workshop materials. No immediate interest was expressed.

G. 5th Statewide Report Card Update

Judge Maria Avilez, Sahuarita Municipal Court, shared that she'd received notice from David Redpath that the draft report card would be ready for workgroup review on February 13, 2015. The next workgroup meeting will be telephonic and held within the next couple of weeks.

H. Project Brainstorming

Judge Maurice Portley, Chair, shared his idea to include time on each agenda to consider possible projects. Members were invited to share their project ideas for commission consideration. Members did not have any immediate ideas to share, but we'll keep asking.

III. OTHER BUSINESS

A. Next Meeting – May 7, 2015

B. Good of the Order/Call to the Public

Meeting adjourned at 3:06 p.m.

**Commission on Minorities in the Judiciary
Teleconference – Minutes**

Wednesday, March 4, 2015

12:30 p.m. – 1:0 p.m.

Conference Room 332

1501 W. Washington Street

Phoenix, AZ 85007

Members attending telephonically: Diandra Benally, Professor Paul Bennett, Professor Patricia Ferguson-Bohnee, Judge Gilberto Figueroa, Catarina Johnson, Judge Roxanne Song Ong, Marian Zapata-Rossa, John Vivian, Judge Maurice Portley

Members Absent: Mike Baumstark, Judge Maria Avilez, Judge Anna Huberman, Frankie Jones, Judge Dan Slayton, Judge Alma Vildosola, Judge Penny Willrich, (Ret.)

AOC Staff: Susan Pickard, Sabrina Nash

WELCOME: The meeting was called to order at 12:45 p.m. by Judge Maurice Portley.

QUORUM: Judge Portley stated that because there was not a quorum, COM would vote informally, and then send an email to those who were unable to attend telephonically due to their schedules.

BUSINESS ITEM: Co-Sponsorship of the School-to-Prison Pipeline in Indian Country Town Hall

Professor Patricia Ferguson-Bohnee, ABA, Coalition on Racial and Ethnic Justice and a COM Member, stated that this year the Coalition is hosting three *School-to-Prison Pipeline* Town Halls across the country. Participants in the town halls will focus on the issues and discuss potential solutions. The town hall being held March 27, 2015, at ASU in Tempe is being organized by Professor Ferguson-Bohnee and will focus exclusively this issue in Indian Country. In addition, two symposiums with a broader focus on the school-to-prison pipeline will be held in conjunction with the town hall. The symposiums will feature lawyers, law professors and other experts who have developed successful programs and projects across the country that address pipeline issues and solutions.

Discussion: In his absence, Susan Pickard presented Mike Baumstark's concern that COM would be sponsoring a function in which they had had no meaningful participation. Professor Ferguson-Bohnee stated that she was the organizer of the Town Hall which will include presentations by other COM members. She noted the educational nature of the Town Hall and the Commission's interest in disproportionate minority contact and development of the Report Card as great tie-ins to the Town Hall.

Consensus Motion: Paul Bennett moved to agree that COM should be a non-financial, co-sponsor for the Town Hall. **Seconded by:** Judge Gilberto Figueroa. **Vote:** Unanimous consensus

Meeting adjourned at 12:59 p.m.

COMMISSION ON MINORITIES IN THE JUDICIARY

Minutes

Thursday, May 7, 2015

1:00 p.m. – 3:00 p.m.

Conference Room 230

1501 West Washington Street

Phoenix, AZ 85007

Present: Mike Baumstark, Catharina Johnson, Frankie Jones, Judge Maurice Portley, Judge Roxanne Song Ong (Ret.), Dr. John Vivian

Telephonic: Professor Paul Bennett, Judge Alma Vildosola, Judge Maria Avilez, Professor Patricia Ferguson Bohnee

Absent/Excused: Judge Dan Slayton, Judge Penny Willrich (Ret.)

Presenters/Guests: Mike Martinez

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

I. REGULAR BUSINESS

A. Welcome and Announcements meeting began at 1:05 pm

B. Approval of Minutes

The draft minutes from the February 6, 2015, meeting were presented for approval.

Motion: To approve the February 6, 2015 meeting minutes as presented.

Moved by: Mike Baumstark **Seconded by:** Judge Song Ong

The draft minutes from the March 4, 2015, telephonic meeting were presented for approval.

Motion: To approve the March 4, 2015 meeting minutes as presented.

Moved by: Mike Baumstark **Seconded by:** John Vivian **Vote:** unanimous.

II. BUSINESS AND POTENTIAL ACTION ITEMS

A. The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession – Professor Patricia Ferguson Bohnee announced the publication of *The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession*. The executive summary of which was included in the meeting materials. For the past few years the National Native American Bar (NNAB) has focused on conducting a study on Native American attorneys and the legal profession. She acknowledged that numerous studies have been conducted about attorneys, but noted that Native Americans were not significantly included in these studies. She reported that the NNAB goals for this study were to raise the visibility of Native Americans, identify issues, increase access to the pipeline, and ensure that Native Americans are fully included in the legal profession.

The research shows that there are 2,640 practicing Native American attorneys nationwide and approximately 20% (527) responded to the survey. Fifty attorneys participated in one-on-one interviews.

The survey identified the following challenges:

- LSTAT scores haven't increased among Native American applicants over the past few years.
- Lack of access or guidance to the pipeline.
- Lack of job opportunities outside of the council, reservation, or tribe.
- Feelings of isolation.
- Discrimination and demeaning comments.

Professor Ferguson Bohnee stated that NNAB will focus on solutions to the identified challenges.

Mr. John Vivian asked if statistics regarding the age, gender, and the number of years practicing law are available for the survey respondents. Professor Bohnee stated that she would follow up to see if that statistical information was available.

B. School to Prison Pipeline in Indian Country Town Hall (taken out of order) – Professor Patricia Ferguson Bohnee thanked commission members for their sponsorship of the March 27, 2015, Town Hall held at Arizona State University's Sandra Day O'Connor College of Law. She reported that there were 125 participants consisting of representatives from tribes, county and state government employees, educators, lawyers, and law enforcement personnel. One hundred forty-six attendees participated by webcast, and an additional 230 watched the webcast after the Town Hall was over.

Professor Ferguson Bohnee discussed some interesting facts regarding the most recent state budget:

- The Prison budget increased by \$32 million.
- Four-year higher education budgets were reduced by \$99 million.
- Community College budgets were reduced by \$15.6 million.
- K-12 education funding was reduced by \$123 million.
- Prison funding averages \$23,000 per prisoner annually, while K-12 funding averages \$7500 per student annually.

She reported there was discussion among participants and speakers at the Town Hall regarding how to change funding to increase education and other budgets to provide incentives and support. She also noted that the ASU Law School Journal will publish a symposium issue sometime in 2016.

- C. Two Justices Resist Revealing Reasons for Recusals** – Judge Maurice Portley included a link to an article about two U.S. Supreme Court justices, who firmly rejected proposals that would increase court transparency. Judge Portley suggested that members might be interested in reviewing the article.
- D. Overview for United Nations Development Programme Participants** – Judge Song Ong spoke about the Nepali delegation's visit. She described the visit as a wonderful diplomatic exchange among the Nepali court leadership, and representatives from Arizona's Supreme Court, Court of Appeals, Superior Court, AOC, and Federal Court. The group discussed programs and approaches that may be adaptable to the Nepalese culture, and legal and legislative systems.
- E. State Bar of Arizona Spring Training for Lawyers Chris Nakamura Judicial Appointment Workshop Update** – Frankie Jones reported that the Chris Nakamura Judicial Appointment Workshop was well attended with good discussions between participants and presenters.

Ms. Jones noted that overall conference attendance was down from past years. Many believe that the new name for the Minority Bar Convention, *Spring Training for Lawyers*, may be causing confusion. Efforts are underway to increase awareness of the convention's rebranding.

- F. Pathways to Success, Summit Law School** – Judge Portley reported that he and Judge Song Ong were invited and presented at *Pathways to Success*, a program for students of Summit Law School.

Member discussion ensued about the drop in law school students, the lack of minority applicants in the pipeline, the need to encourage judicial applicants to keep applying as it is a slow process, and the necessity of continued outreach to minority lawyers about the judicial hiring process.

- G. New Requests/ Project Brainstorming**, Judge Portley stated that this reoccurring agenda item is an opportunity to share information and present ideas for the Commission's consideration regarding projects, research, or information sharing.

Judge Song Ong mentioned that the State Bar's Bar Leadership Institute is currently recruiting for the next class and she asked members to encourage attorneys who would like to get into leadership with the State Bar or the courts to apply. She stated that it is a nine month program and that approximately 50 – 60 applicants from across the state are selected.

Dr. Vivian mentioned that he attended a training program designed for cross functional teams offered by the Center for Juvenile Justice Reform (CJJR) at Georgetown University last year. He participated in the Youth in Custody program and found it very beneficial. The specific program is known as "Reducing Racial and Ethnic Disparities in Juvenile Justice" and is described at: <http://cjjr.georgetown.edu/certificate-programs/reducing-racial-and-ethnic-disparities/>. Dr. Vivian suggested that it would be a good opportunity for the commission to participate and hear from other jurisdictions nationwide that have overcome disproportionate minority contact.

- H. 5th Statewide Equitable Treatment of Minority Youth Report Card**, David Redpath, formerly the Research Manager, announced the hiring of Dr. Deborah Kurth as his replacement.

Mr. Redpath discussed the history of the Report Card and its traditional presentation to local, state and community organizations, and explained the Relative Rate Index (RRI). This report looks at data from CY2010 and 2011, and FY 2012 and 2013. The shift from calendar years to fiscal years better aligns with other Juvenile Justice Services Division reporting requirements. A first for this report, is the addition of data for Asian youth which has been tracked since 2010.

Mr. Redpath discussed the expansion of Juvenile Detention Alternative Initiative (JDAI), now seven counties: Pima, Cochise, Gila, Pinal, Yuma, Santa Cruz and Maricopa, and its benefits. Eighty-five percent of Arizona's juvenile population live in these counties. The AOC Juvenile Justice Services Division intends to expand JDAI to all fifteen counties. He congratulated Pima County Juvenile Justice Centers' efforts in being the first to implement JDAI and the progress being made in that county.

He mentioned the report by Dr. Nancy Rodriguez that was funded by the Arizona Juvenile Justice Commission. The data for 2005 – 2010 was used for that report. Going deeper, Dr. Rodriguez conducted manual case file reviews in four counties, attempting to identify some of the causes for perceived disproportionate minority contact.

It was reported, during the years 2006 through 2013, Arizona experienced an unprecedented ten percent reduction in the number of youth referred to juvenile courts, and a 50% reduction in the number of juveniles in the probation population. This reflects the national trend of crime reduction.

Other noteworthy findings in the report include:

- **Referral** – African Americans rates of referral at roughly twice that of other groups in the state, which are clustered together and not a lot disparity exists at this decision point.
- **Petition** – The trend that all minority youth are more likely than a white youth to be petitioned. This RRI merits attention
- **Adjudicate** – The RRI indicated very small variants. Youth do not experience disparate outcomes in the courtroom.
- **Detain** –
Brought to detention – Minority youth are brought to detention by law enforcement and parents at a higher rate than white children.
Detained – Objective detention screening tools seem to indicate, the more structure in the screening process the less Disproportionate Minority Contact (DMC)
- **Divert** – Minority youth are given diversion less often than white youth.
- **Discussion:** Who determines which youth could be diverted? This is the county attorney's decision. This decision can be impacted by county policy.

Questions were also raised about what types of offenses factored into the decision for diversion and whether there were an equal number of programs available for minority and Caucasian youth. It was also noted that in the past, language was a barrier to some youth participating in diversion programs.

- **Arizona Department of Juvenile Corrections (ADJC) Committed** – African American and Hispanic youth are committed to ADJC at a greater rate than white youth. However, in 2006 200 Hispanic youth were committed to ADJC in 2006, which is reflected by a 1.6 RRI, while in 2013 the number of youth is reduced to 130. A good decrease, but only reflected by an RRI of 1.2.

Discussion: Sometimes the ADJC mental health programs are the only or best option for getting the youth the needed services.

- **Direct Filed** – Remembering that this data is not controlled for offenses. There are fewer African American youth being direct filed in adult court, in 2013 than in 2002. They are being direct filed at five times the rate of white youth. Hispanic youth are 4 times more likely to be direct filed than white youth.

Discussion: There is more discretion in direct files. It may be time to share and discuss this information with county attorneys' offices. Dr. Rodriguez's report did take offenses into account.

In conclusion, David Redpath stated that future goals are to: continue training court staff, law enforcement, and probation officers; and encourage counties to examine their own data, review policies for the cause of disproportionate minority contact and possible solutions, and provide technical assistance to counties to examine data.

Motion: To approve the 5th Statewide Equitable Treatment of Minority Youth Report Card with Mr. Vivian's minor edits. **Moved by:** Mike Baumstark **Seconded by:** John Vivian **Vote:** unanimous

Action Items: Staff was asked to contact the Arizona Prosecuting Attorneys' Advisory Council and the Governor's Office of Youth, Faith and Family to determine if the Report Card would be a good addition to each organization's next agenda.

Judge Portley thanked David Redpath for his years of service and data analysis for multiple Report Cards, and the COM Workgroup that included Judge Maria Montano-Aviles as chair, Dr. John Vivian, Professor Paul Bennett who worked diligently to enhance the summary of the data for this Report Card.

III. OTHER BUSINESS

A. Next Meeting – August 6, 2015

B. Good of the Order/Call to the Public

Meeting adjourned at 3:14 p.m.

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

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

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.

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 20th 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.

COMMISSION ON MINORITIES IN THE JUDICIARY

Minutes

Thursday, November 5, 2015

1:00 – 3:00 p.m.

Conference Room 230

1501 West Washington Street

Phoenix, AZ 85007

Present: Dr. Joanne Basta, Professor Paul Bennett, Catherina Johnson, Frankie Jones, Judge Maurice Portley, Judge Roxanne Song Ong (Ret.), Judge Anna Huberman, Dr. John Vivian, Diandra Benally, Judge Joan Wagener

Telephonic: Judge Maria Avilez, Judge Alma Vildosola, Ms. Marian Zapata-Rossa, Judge Dan Slayton

Absent/Excused: Mr. Mike Baumstark, Professor Patricia Ferguson-Bohnee, Judge Gilberto Figueroa, Mr. Domingo Flores, Judge Penny Willrich (Ret.)

Presenters/Guests: Troy Larkin, Ed Maldonado, Mike Martinez, Mauricio Hernandez, Andrea Gutierrez, Alice Novoa, Laura Leighton, Alice Benson, George Schade, Jr.

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

REGULAR BUSINESS

Welcome, Announcements, Introduction of New members – Judge Maurice Portley introduced Dr. Joanne Basta, Pima County Juvenile Court Center. Dr. Basta manages the Research and Evaluation Unit and the Disproportionate Minority Contact (DMC) project for the court. Everyone in the room and on the phone then introduced him/herself.

Approval of August 6, 2015 Minutes

Motion: Judge Anna Huberman moved to approve the August 6, 2015 meeting minutes as corrected with the addition of her attendance at the August 6, 2015 meeting.

Seconded by: Frankie Jones **Vote:** Passed unanimously

BUSINESS ITEMS/POTENTIAL ACTION ITEMS

Native American Bar Association, Arizona Chapter (NABA-AZ) – Diandra Benally, President, provided an update on NABA-AZ's activities. The activities include:

- The NABA-AZ hosts two signature events annually; a golf tournament in March or April, and the Seventh Generation Dinner and Silent Auction in September. These events raise money for the scholarship program and bring the Native American community together to support law students.
- In January, in light of the Super Bowl being held in Arizona, the bar held a symposium on Indian mascots at the Heard Museum with Professor Kevin Goldberg, Director of the National American Indian Museum in Washington, DC.
- In conjunction with ASU, the bar conducts an annual spring training event that provides CLE on Navajo Law.

- At the 2016 Spring Training for Lawyers conference the bar will conduct a CLE on Same Sex Marriage in Indian County jointly with the Indian Law section of the Arizona State Bar.
- The NABA-AZ established a subcommittee on the Indian Child Welfare Act to address recent litigation in Arizona and upcoming new regulations that will be unveiled in 2016.

In closing, Ms Benally shared that the national bar has published a groundbreaking study that is the first comprehensive study ever done on native attorneys titled, “The Pursuit of Inclusion and In Depth Exploration of the Experience and Perspectives of Native American Attorneys in the Legal Profession.”

Arizona Minority Bar Association (AMBA) 2015-2016 Year in P/Review – Troy E. Larkin, President, spoke to the members telephonically about AMBA activities. Those activities include:

- Presenting a CLE on *Becoming a Commissioner* to encourage more diverse applicants to become a judge.
- Hosting after-hours mixers open to all attorneys and legal staff to unite them and show members what AMBA is about and what it can offer them.
- Working with the sister bars to advertise AMBA’s programming, CLEs and events to have a more collaborative effort between all the bar associations, judiciary and legal community.

Mr. Larkin added that the AMBA is there to support all the bar associations and the legal community in any way that they can. Mr. Larkin indicated the AMBA is open to suggestions on how they can best be of service and assist in diversifying the profession.

Racial and Ethnic Equality in the Criminal Justice System – Judge Joan Wagener and Dr. Joanne Basta provided an overview of Judge Andre M. Davis’, United States Court of Appeals for the Fourth Circuit, presentation *Racial and Ethnic Equality in the Criminal Justice System*. Judge Wagener attended the short version of the presentation. Judge Davis spoke primarily about a MacArthur Foundation Grant that offers the grantee \$175, 000 to research and write the proposal for the \$2 million grant. Pima County, one of twenty, has been invited to apply. The proposal is due in January 2016, and must focus on disproportionate minority contact (DMC) in the adult arena. The MacArthur Foundation is looking for unique proposals to reduce DMC and incarceration for minorities.

Judge Wagener also noted that the national statistics presented by Judge Davis showed that:

- minorities have warrants issued against them at a higher rate than others,
- tend to have higher bonds,
- are less able to meet the higher bonds, and
- when incarcerated, minorities tend to be incarcerated more frequently and for longer periods of time.

These are the issues Pima County will address in their proposal. Dr. Joanne Basta also shared that Judge Davis encouraged judges to get more involved in their communities by volunteering.

Thoughts on Merit Selection and the Commission on Minorities in the Judiciary – Judge Portley stated that there has been an ongoing discussion between Chief Justice Bales and Mr. Mike Martinez regarding bench diversity. Judge Portley invited Mr. Mike Martinez to address his concerns. Mr. Martinez stated that he believes that the COM has lost its focus, becoming more of a public relations group than was originally intended by Administrative Order 90-22. He specifically noted the original mission of enriching the diversity of the judiciary to reflect the community it serves.

2016 Meeting Schedule - Susan Pickard presented the tentative meeting schedule for 2016 as:

- February 4, 2016
- May 5, 2016

- September 8, 2016
- November 3, 2016

Ms. Pickard stated that the meeting time would remain 1:00 – 3:00 p.m. and with the exception of the September 8, 2016 meeting all the meetings would be in conference room 230. The meeting room for September 2016 is yet to be determined.

Action: Staff will update members when a room has been secured for the September meeting.

OTHER BUSINESS

Good of the Order/Call to the Public

There two members of the public, Alice Novoa and Laura Leighton, addressed the Commission:

Meeting adjourned at 2:46 p.m.