



MINUTES

Thursday, February 1, 2018
Conference Room 230
Arizona State Courts Building
1501 West Washington Street
Phoenix, AZ 85007

Present: Frankie Jones (Chair), Dr. Joanne M. Basta, Professor Paul Bennett, Domingo Flores, Jr., Catharina Johnson, William Knight, Judge Maurice Portley (Ret.), Judge Roxanne Song Ong (Ret.), Judge Alisha Villa, Dr. John Vivian, Judge Joan Wagener, Dawn Walton,

Telephonic: Anoop Bhatheja, South Asian Bar Association; Nicole Harris, Arizona Black Bar Association

Absent/Excused: Judge Maria Avilez, Mr. Mike Baumstark, Professor Patricia Ferguson-Bohnee, Judge Gilberto Figueroa (Ret.), Judge Evelyn Marez, Judge Kristin McManus, Judge Penny Willrich (Ret.)

Guest/Presenter: Dr. Bryan McKinley Jones Brayboy, Dr. Jeremiah Chin, and Nicholas Bustamante, Arizona State University Center for Indian Education; Judge David Gass, Maricopa County Superior Court; Shayna Fernandez Watts, attorney; Judge Susanna Piñeda, Minority Judges Caucus; Anya Stangl; Amanda S. Chua, Arizona Asian American Bar Association.

AOC Staff: Susan Pickard, Theresa Barrett, Angela Pennington

REGULAR BUSINESS

Welcome and Opening Remarks

- The February 1, 2018, meeting of Commission on Minorities in the Judiciary (COM) was called to order at 1:06 p.m. by Professor Paul Bennett as Frankie Jones, Chair was not in attendance at that time.
- Frankie Jones, Chair, assumed the chair at 1:10 pm.

Approval of Minutes from November 16, 2017 - The draft minutes from the November 16, 2017, meeting were unavailable for review.

BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

Creating a Critical Legal Preparation Program:

Dr. Bryan McKinley Jones Brayboy, Dr. Jeremiah Chin and Nicholas Bustamante, all with the Arizona State University, Center for Indian Education (Center), presented *Creating a Critical Legal Preparation Program*.

The foundation of the experimental *Creating a Critical Legal Program* was laid by:

- Forming a partnership with The Princeton Review in 2016 to:
 - develop a cohort of students of color at varying stages of education completion to prepare for and take the LSAT, and navigate law school and legal careers together;
 - create a responsive curriculum for diverse students; and
 - show interest in non-traditional pathways to law school.
- The Center developed a survey for students interested in law school.
 - The survey targeted first generation and Pell-eligible undergraduate students from a variety of studies and asked such questions as:
 - “What do you know about law, and what do you want to do?”
 - “What are the challenges and barriers for you to get there?”
 - Describe “something about yourself or your background that will add value to your law school class? To your legal career?”
 - Thirty-six applicants were chosen to be interviewed, 16 students were offered positions within the program and 11 students were enrolled. Of the eleven students:
 - 11 are women, 10 are self-identify as women of color, 9 are Pell grant eligible, 7 are first generation college students.
 - 3 are Sophomores, 4 are Juniors, and 4 are Seniors.
- The Center has also reached out to judges to incorporate judicial perspectives on legal issues in the Justice Studies course.

The program offers two courses.

- SST 498: Justice & Praxis
 - Four elements of this course are:
 1. Weekly LSAT prep course taught by The Princeton Review that includes practice tests.
 2. 1 hour weekly with instructors from with the Center for Mindfulness to teach meditation techniques and stress-coping mechanisms.
 3. Monthly meetings with Mary Nadarski, ASU Pre-Law Advisor, to provide guidance on law school applications, i.e. – planning timelines, personal statements, statements of diversity and supplemental application materials.
 4. Structural Navigation which is networking, mentoring and discussion of the barriers in the legal community, before, during and after law school.
- JUS 494: Power and the Law
 - The purpose of this course is to address the tension between justice and the law by creating an environment for students to consider the law and capacity for justice.
 - Judicial instructors teach:
 - how to form an argument to get a judgment;
 - legal analysis and nuance; and
 - Erwin Chemerinsky’s *The Case Against the Supreme Court*.
 - Erwin Chemerinsky will also guest lecture at the end of the semester for this year’s class.

Preliminary results:

- Students from SST 498 reported increased confidence in long term success in law school, but continued short term frustration and fears from imposter syndrome, testing anxieties, financial struggles.
- Students in JUS 494 were reportedly engaged with the nuance of legal analysis and notions of justice.

The Center will continue building:

- cohorts and networks to create intentional pipelines through law school and into legal careers;
- a network of judges who will have experience with instruction
- additional courses focusing on legal research, intersection of law with social science research, and other relevant subject areas

Mentorship Program:

Taking an idea from Justice at Stake, Judge David Gass, Maricopa County Superior Court, discussed the need to develop a formalized judicial mentorship program with the goal of increasing diversity on the bench and assist the potential candidate with moving any self-imposed limitation.

The mentoring program must:

- be a statewide effort;
- be formalized;
- have best practices;
- have guidelines, agendas, and teach skills on how to move the process forward for both mentees and mentors; and
- the primary goal of increasing diversity on the bench.

Diversity on the bench is not about impacting the judges' rulings or case outcomes, because judges must follow the letter of the law. Diversity on the bench:

- changes the public's perception of the court;
- enables the courts to reflect the communities they serve; and
- provides judges with colleagues who provide diversity of thought from whom to learn.

To increase diversity in the court, we must first increase diversity in the applications. That means diversity in the applicants, and that means a mentorship program that helps people say, "I don't have to self-select out."

Currently at issue, is in which organization should the program reside.

By consensus, the COM established a workgroup to assist with the collaboration of developing a Judicial Mentor Program. The members include:

Judge David Gass	Frankie Jones	William Knight
Judge Jennifer Campbell	Judge Susanna Piñeda	Judge Maurice Portley (ret.)
Judge Roxanne Song Ong (ret.)	Judge Alicia Villa	

Action Item: Staff will send workgroup member contact information to Judge Gass.

Bench Diversity Project Update:

Professor Paul Bennett noted that the survey had a 90% response rate. A draft report is anticipated in time for the next COM meeting.

In this survey the judges were asked, "Irrespective of the categories in question #1 (racial and ethnic demographics), do you think you add diversity to the Arizona Bench in any other way? If yes, how?" Almost 3 out of 4 judges answered yes, with a range of answers given. These answers have provided insight as to how diversity itself is viewed by the bench, with many answers falling outside those of the normal, traditional categories of diversity.

Action Item: For the next survey ask municipal court presiding judges to share the survey with all judges in their organization.

Spring Law Student Event Workgroup Update and Discussion:

Professor Paul Bennett reported that the event has been scheduled for April 3, 2018, in Conference Room 101. He also reported that the University of Arizona has committed to assist with transportation for their students. Identification of resources for lunch is underway. The official event name, program outline, and advertising and meeting materials will be decided during the next workgroup meeting.

Brainstorming Review – This item was not discussed.

OTHER BUSINESS

Good of the Order/Call to the Public:

- Persons from the public were present, but did not make comments.
- William Knight noted that the State Bar Diversity & Inclusion Conference, formerly the Minority Bar Convention before it was named the Spring Training for Lawyers, will be held March 23, 2018.
- Judge Joan Wagener reminded everyone about the Arizona Minority Bar Association 2018 Scholarship Dinner on February 16, 2018, in Tucson.

Adjournment: **Motion:** To adjourn the meeting.

Action: By unanimous vote, the meeting was adjourned at 2:59 p.m.

Next Meeting: **Thursday, May 3, 2018**

1:00 – 3:00 p.m.

Arizona State Courts Building
Conference Room 230



MINUTES

Thursday, May 3, 2018
Conference Room 230
Arizona State Courts Building
1501 West Washington Street
Phoenix, AZ 85007

Present: Frankie Jones (Chair), Mike Baumstark, Professor Paul Bennett, Catharina Johnson, Judge Evelyn Marez, Judge Maurice Portley (Ret.), Judge Roxanne Song Ong (Ret.), Judge Alisha Villa, Judge Penny Willrich

Telephonic: Dr. Joanne M. Basta, Domingo Flores, Jr., William Knight, Dr. John Vivian, Judge Joan Wagener, Dawn Walton

Absent/Excused: Judge Maria Avilez, Professor Patricia Ferguson-Bohnee, Judge Gilberto Figueroa (Ret.)

Guest/Presenter: Anoop Bhatheja, South Asian Bar Association; Shayna Fernandez Watts, Los Abogados; Jennifer Greene, Assistant Council, Administrative Office of the Courts (AOC); Alexa Marez; Cindy Trimble, AOC Executive Office; David Withey, Chief Counsel, AOC

Staff: Theresa Barrett, Angela Pennington (AOC)

REGULAR BUSINESS

Welcome and Opening Remarks

The May 3, 2018, meeting of Commission on Minorities in the Judiciary (COM) was called to order at 1:09 p.m. by Frankie Jones, Chair.

Approval of Minutes from November 16, 2017 and February 1, 2018

The draft minutes from the November 16, 2017 and February 1, 2018 meetings were presented for approval.

Motion: To approve the November 16, 2017 minutes by Judge Maurice Portley (Ret.) and seconded by Mike Baumstark. **Vote:** Motion passed unanimously.

Motion: To approve the February 1, 2018 minutes by Judge Maurice Portley (Ret.) and seconded by Mike Baumstark. **Vote:** Motion passed unanimously.

BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

Judicial Branch Harassment and Discrimination:

David Withey, Chief Counsel, AOC, presented the proposed, judicial branch harassment and discrimination policy. Before reviewing content changes, he noted the proposed policy had been reformatted to a code section as part of an ongoing project to convert freestanding administrative orders to administrative rules.

Mr. Withey noted the judicial branch has had a harassment and discrimination policy in effect since 1992. The original policy contained many of the components concerning sexual harassment, however, in the proposed code some definitions have been added and other definitions have been updated. For example, the policy has expanded the definition of harassment to include discrimination. Mr. Withey noted that by judicial interpretation, sexual harassment now includes gender and gender identification discrimination. He also pointed out there is a new definition of workplace which applies to both harassment and discrimination and is inclusive of situations outside the duty assignment post and/or physical buildings.

As with the current policy, the proposed code section provides guidelines for what should be included in local court policies. Important points for local courts to include in their policy are:

- How they will disseminate their policy.
- How they will train staff on their policy.
- How they will form a multiple point entry system with options to have outside agency investigate claims.
- How they will follow up with resolution for those involved with a complaint.

Mr. Withey also mentioned the importance of protecting against retaliation, both in employment and in claims.

The Chief Justice asked that the policy be presented to the standing committees/commissions of the Arizona Judicial Council (AJC) so that the AJC could act on it at their June meeting.

Discussion took place in the form of comments, suggestions, and questions. Suggestions included:

- Include a definition of retaliation along the lines of the one used by Arizona State University.
- Consider highlighting or bolding the defined words throughout the policy.
- Clarify the differences between the code section guidelines and local policies.
- Provide a suggested plan for dissemination and training.

<p>Motion: To include a definition of retaliation in the proposed policy by Professor Paul Bennett. Motion was seconded by Mike Baumstark. Vote: Motion passed unanimously.</p>

Discussion resumed with Commission members asking about the deadline for comments. Mr. Withey stated that he would need any comments by the end of the month. As commission members expressed caution about approving the policy before it was finalized.

Mr. Withey asked if the commission would consider voting to approve the policy subject to the ability to submit comments.

Motion: To support in concept the proposed policy with the ability to submit additional comments by Judge Roxanne Song Ong (Ret.). Motion seconded by Judge Maurice Portley (Ret.). **Vote:** Motion passed unanimously.

Law Student Outreach Workgroup Update:

Ms. Jones thanked everyone who participated in *Legal Futures: Why Diversity and Inclusion Matter* student outreach event last month. She stated that the commission received great feedback and many positive comments on the event. Professor Bennett also thanked the judges who volunteered their time and mentioned that the students felt welcomed and comfortable speaking with the judges and accordingly were very engaged.

Lessons learned included:

- Need a longer lead time for the event next year.
- Consider inviting rural schools.
- Explore scheduling after the legislative session to avoid potential conflicts (like Red for Ed).

It was noted that AOC staff scheduled an internal meeting to discuss the event and how to best prepare for next year's offering.

Action Item: Internal staff will conduct a debriefing and incorporate commission member's comments into planning for the next event.

Bench Diversity Project Update:

Professor Bennett made a presentation on the findings of the recent judicial diversity survey.

Highlights included:

- Race categories still show minorities as underrepresented.
- 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 parent, religion, veteran status, etc.).

Professor Bennett reported there was a 92% response rate. This was a higher response rate than last year. In closing, he noted that while the state court judiciary does not reflect the categorical diversity of the state's population, minority representation did increase slightly from last year.

Action Item: Finish compiling comparative data.

Strategic Planning Overview and Discussion:

Ms. Jones welcomed Ms. Cindy Trimble, AOC Executive Office. Ms. Trimble provided an overview of the strategic planning process to Commission members. She explained the strategic agenda that is currently being worked on will become effective in July 2019, when Vice Chief Justice Brutinel becomes the new Chief Justice. Ms. Trimble suggested that COM could create a workgroup to assist with developing suggested initiatives for the strategic agenda. Ms. Jones supported the idea of a workgroup and asked for volunteers. Judge Evelyn Marez, William Knight, Judge Joan Wagener and Catharina Johnson volunteered for the workgroup. Ms. Trimble requested that the workgroup's recommendations be submitted to her in the next few weeks before the initial meeting with the AJC's Strategic Planning Subcommittee in June.

Action Item: COM workgroup will meet to brainstorm ideas for the strategic agenda, with a rough outline due early June.

Mr. Baumstark asked if any members had comments or suggestions for the strategic agenda before adjournment. Suggestions included:

- Include a focus on procedural fairness and implicit bias.
- Address the lack of diversity in applications for the judiciary shows.
- Explore when to start introducing the idea of working for the judiciary and provide education on nontraditional pathways to becoming a judge (i.e. additional workshops, more signs in the courthouse on upcoming judicial openings.
- Consider additional marketing to bring attention to the Commission on Minorities in the Judiciary (COM) webpage.

OTHER BUSINESS

Good of the Order/Call to the Public:

- Phoenix Municipal is conducting a brown bag interview Monday, May 7, 2018, and is hiring for pro tem judges.
- There is a possible magistrate position that will be opening by the end of June.
- Persons from the public were present but did not make comments.

Adjournment:

<p>Motion: To adjourn the meeting was made by Judge Portley (Ret.) and seconded by Judge Song Ong (Ret.) Action: By unanimous vote, the meeting was adjourned at 2:59 p.m.</p>
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Next Meeting: **Thursday, September 3, 2018**
1:00 – 3:00 p.m.
Arizona State Courts Building
Conference Room 230



MINUTES

Thursday, September 6, 2018
Conference Room 230
Arizona State Courts Building
1501 West Washington Street
Phoenix, AZ 85007

Present: Frankie Jones (Chair), Mike Baumstark, Professor Paul Bennett, Edgardo Gonzalez, Judge John Hudson, Judge Roxanne Song Ong (Ret.), Judge Alisha Villa

Telephonic: Professor Patricia Ferguson-Bohnee, Judge Joan Wagener, Dawn Walton

Absent/Excused: Judge Gilberto Figueroa (Ret.), Catharina Johnson, William Knight, Judge Evelyn Marez, Judge Maurice Portley (Ret.), Judge Penny Willrich (Ret.)

Guest/Presenter: Wendy White, Attorney/Trainer; Dr. Jeremiah Chin, Center for Indian Education, Arizona State University; Renu Sapra, Administrative Office of the Courts, Education Services Division

Staff: Susan Pickard, Angela Pennington (AOC)

REGULAR BUSINESS

Welcome and Opening Remarks

The September 6, 2018, meeting of Commission on Minorities in the Judiciary (COM) was called to order at 1:09 p.m. by Frankie Jones, Chair.

Frankie Jones, Chair, announced the dates of the following events:

- 4th Annual Collaborative Bar Reception - Thursday, September 13, 2018,
- Hayzel B. Daniels Scholarship Gala - Friday, October 12, 2018
- Arizona Minority Bar Associate Annual Scholarship banquet on Friday, February 15, 2019.

Approval of Minutes from May 3, 2018

The draft minutes from the May 3, 2018, meeting were presented for approval.

<p>Motion: To approve the May 3, 2018, minutes by Mr. Baumstark. Second: Judge Villa. Vote: Motion passed unanimously.</p>

BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

Cultural Awareness

Wendy White, attorney, presented a cultural awareness mini training, “What is Cultural Awareness and Why Should We Care”, for the commission to evaluate as a possible judicial officer and court staff training session.

Ms. White stated that when she began researching this training, she found that there were not many cultural competency training programs geared toward the legal profession. She believes that her training differs from others based on her background in anthropology.

Ms. White explained that culture from an anthropological standpoint, is a word used to describe differences between groups of people based on behavior. This includes a “full range of learned human behavior including beliefs, values, customs, language, morals, laws, art, communication styles, social positions, power structures, history, and more that are transmitted from generation to generation through both formal teachings and absorbed behavioral observation.” Alternately, she explained that “race” is the artificial concept of categorizing people based on externally visual traits, primarily skin color, facial features, and the shape and size of the head and body, which can create bias. Ms. White maintains that race can inform culture.

Ms. White spoke about cultural awareness, culturally appropriate interventions, and the importance of learning about implicit bias. Because the justice system stems from an Anglo-European culture, it inherently reinforces that culture. Mitigating bias in the justice system requires that judicial officers and court staff to practice cultural self-awareness and the diversity of these positions be enhanced.

Ms. White ended her presentation by speaking about the Recommended Arizona Jury Instructions (RAJI) and how it is influenced by the Anglo-American culture. She called attention to the portion of the RAJI instructions that state, “the witness’s manner while testifying.” The Anglo-American culture teaches that it is good manners, and an indicator of truthfulness, to look at the person to whom you are speaking. However, in some cultures that action is considered bad manners. This cultural difference could cause doubt in the jurors about the speaker’s sincerity.

Comments/Concerns:

- Update or suggest an amendment to the Recommended Arizona Jury Instructions to include wording about cultural differences.
- Encourage lawyers to bridge the cultural gap during opening and closing statements or to use expert witnesses to explain the culture of the defendant, party, or witness.
- Discuss with the incoming Chief Justice possible changes to the jury orientation video. This video is reproduced by each new Chief Justice and is viewed by all potential jurors.

<p>Motion: To send a letter on behalf of the Commission and signed by Ms. Jones to the State Bar of Arizona President-Elect asking that the criminal and civil jury instructions be reviewed and if necessary amended to eliminate implicit bias and encourage cultural awareness by Judge Song Ong. Second: Judge Hudson Vote: Motion passed unanimously.</p>

Center for Indian Education – Critical Legal Preparation Program – Next Steps

Dr. Jeremiah Chin, Center for Indian Education, Arizona State University, gave an update on the Critical Legal Preparation Program (CLLP). The program aimed to encourage mindfulness, resilience,

assist with the process of applying and going to law school, and offer mentorship to the students. According to exit interviews with the students their confidence levels were increased and feelings of “imposter syndrome” were diminished with most of credit for this change going to their interactions with the mentors.

Other results achieved by the students included:

- After attending the Princeton Review classes, LSAT scores increased by 10 points.
- The cohort of 11 diverse women created a strong peer network which further enabled their success.
- Several were able to decide on career paths, with three stating they wanted to be judges and 2 aspiring to become Supreme Court Justices.
- Four of the students have graduated and will be attending law school.
- Five will be retaking the LSATs for scholarship consideration.
- Three sophomores have their LSAT applications packages ready and are waiting to apply to law school.

Dr. Chin thanked the commission and asked its members to please reach out to him if they would be interested in future mentorship opportunities. He re-emphasized the importance of providing mentors, different perspectives, and the different legal profession avenues to the students. Susan Pickard ask Dr. Chin to let her know when the next cohort would be forming, as the commission would like to invite those students for the next law student outreach event.

Law Student Outreach Workgroup Update

Ms. Jones highlighted last year’s event, remarking that additional judges have expressed interest in volunteering. Mike Baumstark noted that Chief Justice Scott Bales has expressed interest in hosting a second event. Ms. Jones then asked Mr. Paul Bennett to take over the discussion.

Comments/Concerns:

- The committee needs to decide on a date quickly.
- The date needs to consider the timing of the Chris Nakamura Judicial Appointment Workshop and the AMBA Scholarship Banquet.
- A letter of interest and application for grant money was submitted to the National Center for State Courts on August 31, 2018.

Action Item: A Law Student Outreach Workgroup meeting will be scheduled.

Bench Diversity Project Update

Professor Paul Bennett presented the results of the second bench diversity questionnaire which was sent to every judge in the state last August. Of the 432 sent out, 399 surveys were returned. The survey is meant to provide a snapshot of the judiciary, how it exists in at a specific moment in time.

The survey questions asked judicial officers to identify:

- which of the census categories most closely applied,
- court docket (civil, criminal, juvenile, etc.),
- position prior to becoming a judicial officer,
- race and culture irrespective of the census categories,
- whether he/she brings diversity to the court. If so, how? and
- demographic: gender, level of court, age, age when became a judicial officer, prior judicial experience and how selected.

The data shows that our judiciary is still primarily white, non-Hispanic. At the time the survey was taken, Arizona was 55.5% white, non-Hispanic. The diversity of the State Bar of Arizona (Bar) is significantly more white than Arizona, with Hispanics especially underrepresented. The judiciary's diversity more closely resembles the Bar's diversity than Arizona's.

The survey also shows that younger courts (courts with younger judges) and superior court commissioners tend to have more gender diversity, though not racial or ethnic diversity. Lower courts have a higher diversity.

The percentage of minority parties as compared to the judicial officers hearing the cases is disproportionate. Only 5% of the judges in juvenile court identify as Hispanic, while 38% of the cases involved Hispanic juveniles. The same was shown for African-American and Native American juveniles. Overall, whites are over-represented on the bench and minorities are under-represented across the board.

In response to the two-part, open-ended question "Do you feel you bring diversity and how", 75% of the judges responded positively. Gender perspective came first, with religion next, along with sexual orientation and economic background. Other responses included: cancer survivor, child of immigrants, first generation American, veteran, and single parent. Standard federal census diversity categories did not encompass the diversity or background of Arizona's judicial officers.

Comment/Concerns:

- Mr. Baumstark will share the final report with the Chief Justice and Vice Chief Justice for possible inclusion on the Presiding Judges' Meeting agenda and consideration in the next strategic agenda.

Action Item: Finish compiling comparative data.

2018 National Consortium on Racial and Ethnic Fairness in the Courts Update

Ms. Jones attended the 2018 National Consortium on Racial and Ethnic Fairness in the Courts in June. Presented by Ms. Jones, Arizona's state report included the *Final Report of the 1st Bench Diversity Project*, and the law student outreach diversity and inclusion conference. The state report is posted on the National Consortium website (www.national-consortium.org/Conference/2018-Conference.aspx) along with other states' reports.

Action Item: Post the state report to the COM webpage.

OTHER BUSINESS

Good of the Order/Call to the Public:

- Several members of the committee will be assisting with the ASU, Sandra Day O'Connor College of Law, Pipeline Moot Court as advisors.
- No one answered the call to the public.

Adjournment

Motion: To adjourn the meeting was made by Mr. Baumstark. Second: Judge Song
Orig. Action: By unanimous vote, the meeting was adjourned at 3:07 p.m.

Next Meeting

Thursday, November 1, 2018

1:00 – 3:00 p.m.

Arizona State Courts Building

Conference Room 230



MINUTES

Thursday, November 1, 2018
Conference Room 230
Arizona State Courts Building
1501 West Washington Street
Phoenix, AZ 85007

Present: Frankie Jones (Chair), Mike Baumstark, Paul Bennett, Patricia Ferguson-Bohnee, Judge John Hudson, Judge Evelyn Marez, Judge Roxanne Song Ong (Ret.), Judge Alisha Villa

Telephonic: Edgardo Gonzalez, William Knight, Catharina Johnson, Judge Joan Wagener, Dawn Walton, Judge Penny Willrich (Ret.)

Absent/Excused: Judge Gilberto Figueroa (Ret.), Judge Maurice Portley (Ret.),

Guest/Presenter: Deborah Jones; Juvenile Justice Services Division; Kate Rosier, Executive Director, ASU Indian Legal Program

Staff: Susan Pickard, Angela Pennington, Administrative Office of the Courts (AOC)

REGULAR BUSINESS

Welcome and Opening Remarks

The November 1, 2018, meeting of Commission on Minorities in the Judiciary (COM) was called to order at 1:07 p.m. by Frankie Jones, Chair.

Ms. Jones, discussed the Bar Exam results and noted that the pass rate increased.

Approval of Minutes from September 6, 2018

The draft minutes from the September 6, 2018 meeting were presented for approval. Catharina Johnson noted that she was listed as present but was absent from the meeting.

<p>Motion: To approve the corrected minutes from September 6, 2018. - Judge Song Ong. Second: Judge Hudson. Vote: Motion passed unanimously.</p>

BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

Native American Pipeline to Law Initiative

Kate Rosier, Executive Director, ASU Indian Legal Program spoke about the Native American Pipeline to Law Initiative. The initiative aims to increase Native American participation in legal professions and stems from a 2015, National Native American Bar Association survey. The survey found that Native Americans are underrepresented in legal professions. While family and community

encouragement are motivating factors, barriers for these students include: financial considerations, LSAT preparation, confusion about the application process, and not knowing how to navigate law school.

To date, the program has received assistance from over a dozen partners, both local and national. Students have been recruited from over 20 tribes in 16 states from both top ranked schools and tribal colleges. Grant initiatives include: early outreach, pre-law workshops, mentorship, LSAT preparation, and funding. In addition to the working with the students, the program has been collecting pre and post LSAT data which is used to improve the program. Notable program improvements include: youth engagement initiatives, kinship-styled mentorship that provides more interaction between attorneys and students, and increased partnerships with other schools.

Ms. Jones thanked Ms. Rosier for sharing her presentation. Discussion and questions ensued, primarily regarding the LSATs and the role they play in law school admissions. Ms. Jones offered the assistance of the Commission.

[Draft Final Report of the Second Bench Diversity Project](#)

Professor Paul Bennett presented the draft report of the Second Bench Diversity Project.

This year, racial ethnic data from the juvenile courts and criminal courts was compared. With both, the racial disparity between the bench and the population, was greater than to the regular population. Additionally, a new open-ended diversity question was posed to the recipients of the survey. After being asked to select the racial/ethnic categories that most closely described them, the judges were asked, "Irrespective of the categories in question #1, do you think you add diversity to the Arizona Bench in any other way?" Based on the responses, most judges felt they brought some type of diversity to the bench.

The Commission thanked Professor Bennett for his work on the survey. Discussion followed about the changes seen within the judiciary attributed to the Bench Diversity Project Report, such as a plan by the Superior Court in Maricopa County to increase diversity in the recruitment of commissioners.

In closing, Professor Bennett noted that the diversity of the bench is improving, but work is still needed.

Motion: To adopt the draft report with the noted corrections, and any additional non-substantive corrections. - Judge Song Ong. **Second:** Judge Hudson **Vote:** Motion passed unanimously.

[6th Arizona Statewide Report Card](#)

Ms. Deborah Jones, Juvenile Justice Services Division, Research Unit, spoke to the committee about the Arizona Equitable Treatment of Minority Youth Report Cards. She noted that the Juvenile Justice Services Division provides the data for the report cards and requested that a commission workgroup be established to assist with data analysis and report editing. The chair requested Judge Wagener's assistance with this project. Judge Wagener recommended Dr. Joanne Basta as a resource for this project, and Ms. Pickard suggested Dr. John P. Vivian.

Action Item: Ms. Pickard will share the list of volunteer members with Judge Wagener and Deborah Jones.

Comments/Concerns:

- It was stated that the current report would follow the same template and format as the previous.
- Recommendations from the workgroup for interpretation of data or to highlight specific information was requested.

Motion: To establish a Report Card Workgroup. – Mr. Baumstark. **Second:** Judge Song Ong. **Vote:** Motion passed unanimously.

Law Student Outreach Workgroup Update

Ms. Jones recapped the success of the 2018 Law Student Outreach. Ms. Pickard offered possible dates for the event in February and March. It was suggested that the Chief Justice provide an opening statement for this year’s event.

Comments/Concerns:

- Potential dates for the Law Student Outreach event were February 1, 8, and 22; March 22 and 29.
- Potential dates will be sent to the Chief Justice’s staff to determine which dates the Chief Justice is available.
- Information will be sent to mentor judges after the date is determined.
- Ideas about the total number of judges, lawyers, and students to be involved and the agenda were discussed, along with whether to include younger students, and how to conduct further outreach.
- Ms. Pickard shared information about a National Center for State Courts grant opportunity to which the AOC submitted a proposal. If awarded, the grant could supplement funding for this event.

Motion: To establish the 2019 Law Student Outreach Workgroup. - Judge Marez. **Second:** Professor Ferguson-Bohnee. **Vote:** Motion passed unanimously.

Members of the workgroup will include: Ms. Jones, Workgroup Chair; Professor Bennett; Professor Ferguson-Bohnee; Judge Marez; Judge Song Ong; Dr. Jeremiah Chin, and Judge Wagener.

Action Item: Ms. Pickard will reach out to other possible volunteers.

2019 Meeting Schedule

Ms. Pickard presented the 2019 meeting schedule to the committee. The upcoming dates are:

- February 7, 2019
- May 2, 2019
- September 5, 2019
- November 7, 2019

Action Item: Approve Meeting Dates.

Motion: To adopt the 2019 meeting dates as presented. – Mr. Baumstark. **Second:** Judge Villa **Vote:** Motion passed unanimously.

OTHER BUSINESS

Good of the Order/Call to the Public:

- No comments were made.

Adjournment

Motion: To adjourn the meeting. - Judge Song Ong Second: Mr. Baumstark Action: By unanimous vote, the meeting was adjourned at 2:38 p.m.

Next Meeting

Thursday, February 7, 2019
1:00 – 3:00 p.m.
Arizona State Courts Building
Conference Room 230