



# Arizona's 2019 Consortium Update

<https://www.azcourts.gov/cscommittees/CommissiononMinorities.aspx>

## 2nd Bench Diversity Project

### Executive Summary

1. The report makes no assumptions about the 7.6 percent of judges who did not complete the survey. Nor does it make any assumptions about the small number of judges who chose not to answer the specific categorical diversity question.

Both the current survey and the 2015 survey suggest that the judicial officers who declined to answer are not a random group. For example, more than nine out of ten judges who declined to answer categorical diversity questions in 2015 are male. The 2017 survey had a similar result where 7 out of 9 who declined to answer were male.

Therefore, this report does not attempt to extrapolate anything from the non-answering group. All of the data and conclusions should be assessed as if they contain the prefatory language:

**“For the judges who responded . . .”**

2. The Arizona State Court Judiciary does not reflect the categorical diversity of the state's population. Whites are significantly over-represented on the bench. Minorities are under-represented.
3. At all levels of court, Hispanics are significantly under-represented in the Arizona Judiciary.
4. In both Juvenile Courts and Criminal Courts, there are significant disparities between the diversity of Judicial Officers and the populations they serve.
5. Outside of categorical diversity, Judicial Officers present many other types of diversity and portray diverse views of the nature of their diversity.
6. The diversity of the bench much more closely tracks the diversity of the State Bar than the diversity of the general population.
7. Women continue to be underrepresented on the Bench in all Courts except for Superior Court Commissioners where more women than men serve as Judicial Officers.
8. The cohort of women judges tends to be more diverse than the cohort of men judges.
9. Different courts show different diversity. Limited jurisdiction courts tend to be more diverse. Superior Court Commissioners show much greater gender inclusion but are over 90% white.

10. Diversity varies by method of judicial selection.
11. Merit selection of Superior Court Judges produces slightly better diversity outcomes for categorical diversity than selection by local election.
12. The cohort of younger judges tends to be more gender diverse than that of older judges. The same does not hold true with categorical diversity.
13. The path to the bench favors those coming from private practice.

## 2018 Equitable Treatment of Minority Youth: Sixth Statewide Report Card

### Key Findings

- Overall, percentages and Relative Rate Indexes (RRIs) at each decision point indicated minorities, particularly Hispanics, African Americans and Native Americans, may be overrepresented in the juvenile justice system compared to White juveniles.
- Two racial/ethnic groups had a substantial over-representation at the referral stage. African American juveniles were referred at 3.7 times the rate of White youth and Native Americans were referred at 1.8 times the rate of White youth.
- About 1 in 5 referrals result in the use of detention. All minority groups showed some overrepresentation at this stage, except for Asians. Most notably, Native American youth were detained for a referral at 2.5 times the rate of White juveniles.
- The RRIs for petition filed were slightly over 1, which indicates minorities are somewhat overrepresented at this stage. Native Americans had the greatest disparity at this stage.
- Diversion was consistent across the different racial/ethnic groups with RRIs close to 1.
- Direct file to adult court continues to be the decision point with the greatest disparities. African American youth were direct filed at almost 5 times the rate as White youth. Hispanic youth were direct filed at over 3 times the rate as White youth.
- Most petitions, about 67%, result in adjudication of guilt. Percentages and RRIs at this stage did not indicate the presence of over- or under-representation for minorities, except for Asian youth who had an RRI of 1.3.
- Transfer to adult court occurred for 10 juveniles. This was too small of a sample for analysis.
- Percentages and RRIs at disposition were fairly similar across the different racial groups. Most juveniles receive some form of probation as their disposition. However, Hispanic and Native American youth are overrepresented in JIPS. Hispanic and Asian youth were also overrepresented in commitments to the Arizona Department of Juvenile Corrections.

## 2<sup>nd</sup> Annual Legal Futures Event

### Legal Futures: Making the Connection

The Commission on Minorities in the Judiciary hosted its 2nd annual Legal Futures program. This year's theme, Legal Futures: Making the Connection, brought together forty-six local high school and college undergraduate students to meet with Arizona judges and judicial officers.

The program included high school students participating in the Arizona State University High School Pipeline Initiative, undergraduates with an interest in the law, and judicial officers from all state jurisdictions and the U.S. District Court.

The Legal Futures program was designed to be interactive between students and judges by having them work together in groups. The program this year was for individual groups to determine whether the 1st Amendment protects the right of a company to nationally advertise a non-FDA approved cure to a global flu pandemic emergency.

The Commission created the program to give minority students a sense of inclusion by introducing them to those who have come before them and succeeded. Last year, the topic was Legal Futures: Why Diversity and Inclusion Matter.

Frankie Jones, Esq., Commission Chair, opened the program and welcomed Arizona Vice Chief Justice Robert Brutinel. "You are surrounded by many reasons to consider becoming a judge," said Justice Brutinel, adding "there are many great reasons to choose a career in law and to consider becoming a judge. I encourage you to talk to as many people as you can today, and to keep talking to people to see if this can be a rewarding career for you, too. We need you and we believe in you," said Justice Brutinel.

Justice Brutinel also spoke his personal experiences and the challenges he encountered on his path to the bench. He spoke on how he became interested in law and offered his thoughts on diversity, saying that more diversity in the judicial branch will help restore confidence in the court system. Justice Brutinel also shared that he was the first in his family to attend college, which presented its own unique challenges when navigating to law school.

After the program, the students had an opportunity to meet and learn about the other judges' pathways to the bench. They also toured the Supreme Court.

#### **Participating Judges:**

Judge Marianne T. Bayardi, Phoenix Municipal Court

Judge Erica Cornejo, Pima County Consolidated Justice Court

Commission Marvin L Davis, Arizona Superior Court in Maricopa County

Judge David Gass, Superior Court in Maricopa County

Justice Andrew W. Gould, Arizona Supreme Court

Judge Geri Hale, Tucson City Court

Judge Susanna Pineda, Superior Court in Maricopa County

Judge Antonio Riojas, Presiding Judge Tucson City Court

Judge Carol Scott Berry (Ret), Phoenix Municipal Court

Judge Roxanne Song Ong (Ret.), Chief Presiding Judge, Phoenix Municipal Court

Judge Joan L. Wagener, Superior Court in Pima County

Judge Maria Elena Cruz, Court of Appeals, Division 1  
Judge Daniel Collins, U.S. District Bankruptcy Court

**Participating High Schools:**

Cesar Chavez High School  
Trevor Browne High School  
Carl Hayden High School  
Maryvale High School

**Participating Universities:**

Arizona State University  
University of Arizona  
Northern Arizona University  
Grand Canyon University