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On behalf of the Arizona Asian American Bar Association

IN THE SUPREME COURT

STATE OF ARIZONA

In the matter of:

PETITION TO AMEND THE RULES
OF THE SUPREME COURT OF
ARIZONA TO ADOPT RULE 24--
JURY SELECTION

Supreme Court No. R-21-0008

COMMENT TO PETITION TO
AMEND THE RULES OF THE
SUPREME COURT TO ADOPT
PROPOSED RULE 24-JURY
SELECTION

Pursuant to Rule 28(D), Rules of the Supreme Court, the Arizona Asian American Bar Association (“AAABA”) respectfully submits this Comment for the Court’s consideration in support of the *Batson* Jury Selection Working Group’s Petition to Amend the Rules of the Supreme Court of Arizona to Adopt Proposed Rule 24--Jury Selection (the “Petition”).

AAABA is the largest voluntary bar association in Arizona focusing on the unique issues facing Asian Pacific Americans in the legal profession and the justice system. AAABA is comprised of individuals of all backgrounds, including attorneys, judges, law professors, law students, and community members with an interest in the Arizona legal

profession. AAABA’s vision is to promote and advocate for justice, equity, equality, inclusion, and opportunity for Asian Pacific Americans in the Arizona legal profession and the community-at-large. A key part of AAABA’s mission is to promote and advocate for justice, equity, equality, inclusion, and opportunity. AAABA, therefore, is deeply interested in ensuring that the jury system does not disadvantage litigants, attorneys, or jurors because of who they are.

AAABA respectfully requests that the Supreme Court adopt Proposed Rule 24 for the reasons set forth in the Petition. AAABA shares the working group’s concern that the current jury selection system is unfairly biased and does not provide adequate safeguards to prevent discrimination—whether intentional or unintentional. In AAABA’s work and discussion with its members, AAABA has seen that both intentional and unintentional (or implicit) biases can disadvantage people in the legal system: bias need not be intentional to be harmful. Accordingly, AAABA supports the Petition’s efforts to reduce the effects of both types of bias. By changing the standard for evaluating peremptory strikes, the Petition is a measured approach that still manages to make great strides toward reducing bias in jury selection. On behalf of its members, AAABA strongly encourages the Supreme Court to adopt the proposed rule in its entirety.

Respectfully submitted this 28th day of April, 2021.

/s/ John H. Gray
John H. Gray, President
Arizona Asian American Bar Association