

Honorable Frankie Y. Jones
Chair, Commission on Minorities in the Judiciary
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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of:

)	Supreme Court No. R-22-0016
PETITION TO AMEND RULE)	
45(a)2 OF THE ARIZONA RULES)	Comment in Support of Petition by
OF THE SUPREME COURT)	State Bar of Arizona

I. Background

At its February 11, 2021 meeting, the Commission on Minorities in the Judiciary (“Commission”) voted unanimously to support Rule Petition R-21-0016, which would require active attorneys to dedicate one hour of continuing legal education (“CLE”) to training on diversity and inclusion as part of the three hours of professional responsibility mandatory CLE for each educational year.

The Commission, a standing committee of the Arizona Judicial Council (“Council”) since 1990, assists the Council in carrying out its concerns for the status of minorities in the judicial department and in the legal community in Arizona. The commission works collaboratively across the Judicial Branch to advance efforts removing barriers to achieving racial equality and equal justice, to

increase the number of qualified minority applicants available for service as judicial officers, staff and professionals in the judicial department, to address the problems created by the over-representation of minority youth in the juvenile justice system and to make recommendations to the Council that help the judicial department become more accessible to all people.

The petition filed by the State Bar of Arizona aligns with the Commission's aforementioned goals, and the Commission believes it will enhance attorney/client communication, promote ongoing learning and enrichment, and reduce unequal treatment. The Commission does not believe this petition promotes a political philosophy, but instead supports the Lawyer's Creed of Professionalism of the State Bar of Arizona ("Creed") and the Oath of Admission to the State Bar of Arizona ("Oath") (both effective January 1, 2017).

The first sentence of the Creed states, "As a lawyer, I must strive to make our system of justice work fairly and efficiently" and the 8th line of the Oath states, "I will support the fair administration of justice, professionalism among lawyers, and legal representation for those unable to afford counsel." Fair and equal justice starts at the client/attorney level, and attorneys who have been professionally trained in diversity and inclusion will be able to better serve their clients, especially those from diverse backgrounds and cultures. Training in diversity and inclusion is a catalyst to individual, interpersonal, and organizational

development. Diversity and inclusion training create credibility, and ultimately benefits clients¹.

The legal profession does not adequately reflect Arizona's diverse population. The legal profession continues to be one of the least diverse professions². Therefore, diversity and inclusion educational programs could improve the practice of law to ensure that diversity, equality, and justice is available to all Arizonans. For example, eye contact varies in different cultures. One culture may view direct eye contact as credible and believable, while another culture may view it as hostile and aggressive. Additionally, attorneys or jurors may misinterpret the lack of eye contact as a sign of untrustworthiness. These cultural differences could ultimately cause harm to litigants.

Attorney training in diversity and inclusion can promote the public's trust in the judiciary. The Pew Research Center's Race in America 2019 survey found that 87% of black adults said blacks are generally treated less fairly by the criminal justice system than whites, a view shared by a smaller majority of white adults (61%)³. The Commission believes training in diversity and inclusion encourages a philosophy of inclusiveness and fairness, which will benefit both attorneys and their clients. Increased awareness of this philosophy may lead to necessary

¹ <https://minnlawyer.com/2020/01/20/statements-on-diversity-inclusion-2020-a-professional-obligation/>

² https://theiilp.wildapricot.org/resources/Documents/IILP_2019_FINAL_web.pdf

³ www.pewresearch.org/social-trends/2019/04/09/race-in-america-2019

changes to the justice system that would decrease disparities and unequal treatment⁴.

Therefore, the Commission on Minorities in the Judiciary hereby fully supports and urges the approval of this amendment to Rule 45(a). as set forth in the Petition R-21-0016.

RESPECTFULLY SUBMITTED this 30th day of April, 2021.

By /s/ _____
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⁴ https://www.azcourts.gov/LinkClick.aspx?fileticket=xWK8SQ_Swtg%3d&portalid=74