

**IMPLEMENTATION COMMITTEE ON  
MULTICULTURAL DIVERSITY AND  
RACIAL FAIRNESS IN THE COURTS**

**Second Year Update  
September 1995**

Office of Research and Planning  
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## **INTRODUCTION**

During the course of the past year, the Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts has been energetic in pursuing its mission of implementing the recommendations of the Minnesota Supreme Court Task Force on Racial Bias in the Judicial system. Over the past year, the Implementation Committee has been involved in several major initiatives including: (1) Cultural Diversity in Employment in the Court system; (2) Cultural Diversity on the Judiciary; (3) Legislation affecting police standards; and (4) Court Interpreter Training & Certification.

New members also were added to ensure the continuity of the Committee's work. In April, the Committee sent a team to the National Race Bias in the Courts Conference in Albuquerque, New Mexico. The Conference included teams from all 50 states, Canada, Puerto Rico, and Guam. Minnesota's team energized the Implementation Committee with its report that the Minnesota Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts is a national leader in its implementation efforts.

The summary that follows outlines what has been accomplished over the last year towards achieving the court system's goal of providing fair and equal treatment to all Minnesotans.

## **EDUCATIONAL ACCOMPLISHMENTS**

The theme that characterizes the Implementation Committee's second year effort is "eliminating barriers starts with education." To this end, the Implementation Committee instituted the following educational accomplishments:

### **A. Employment Conference**

In an ideal world where societal color-blindness is a reality, it would not matter whether the female Latino justice seeker is met at the courthouse door by a white clerk or appears before an Asian judge. But today, in a less-than-ideal world, court personnel should be representative of the community. While the objective should not and cannot be to match litigants, racially and culturally, with justice system personnel of the same race and culture, diversity must be the rule.

One consensus that emerged from the work of the Race Bias Task Force was that racially, ethnically, and culturally diverse employees in the judicial system of Minnesota are underrepresented and, in some cases, absent. To begin to remedy this situation, the Supreme Court Implementation Committee on Multicultural Diversity

and Racial Fairness in the Courts and the Conference of Chief Judges co-sponsored a one-day seminar on strategies to build diversity in the courts and related agencies.

In attendance were Chief Judges and Assistant Chief Judges, Court Administrators, Probation Office Directors, Public Defenders, County and City Attorneys, County Personnel Officers, Sheriffs, Guardian Ad Litem Program Administrators, and State Officials. This one-day seminar was held in October of 1994. The purpose of this seminar was to present, discuss and develop strategies for justice system employers to create and enhance work place diversity.

The seminar focused on issues and practical solutions regarding hiring, retention, and advancement of persons of color. The format of the seminar was designed to provide justice system employers with resources and an action plan to take back to their agencies. Topics presented included, current legal issues in employment law, resourceful ways to reach communities of color, strategies to and effective means of increasing diversity within the courts and related agencies.

The conference was well received by the 120 justice system employers who were present. One realization that emerged from the conference was that the task of hiring, promoting, and retaining people of color in the justice system is a long term commitment that requires the development of a strategic action plan by the justice system employers. The conference was a starting place in developing these blueprints.

## **B. Colors of Justice Conference**

Another objective of the Implementation Committee is to increase the number of minority judges appointed to the bench. To this end, the Supreme Court Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts, Minnesota American Indian Bar Association, Minnesota Hispanic Bar Association, Minnesota Minority Lawyers Association, and the Minnesota chapter of the National Asian Pacific American Bar Association, co-sponsored a one-day seminar to encourage and provide practical information to lawyers of color to aspire for judicial careers in the administrative, state, and the federal system. This one-day seminar was held on Saturday April 1, 1995, at the Hamline University School of Law in St. Paul.

A premise of the seminar was that even in a free and democratic society, the road to the judiciary, can be and sometimes is obscure and confusing. The necessary

information on pursuing a judicial career may seem to be available only to insiders. The seminar was designed to take this mystery out of the appointment and election processes and explore the ways in which one can enter and serve in the judiciary.

The more than 100 participants learned about judicial ethics, and how to develop and demonstrate qualifications for the judiciary, and the process used in judicial screening and appointments at various levels of the court system. Basic information on the election process, campaign finance and organization also was covered. Participants also discussed the experiences in the practice of law that are important to being a judicial officer.

A key component of the seminar was the participation of the judiciary itself. More than 18 judges of color participated as faculty or mentor-judges. In addition, the current vice-chair and the past chair of the Judicial Selection Committee spoke. Associate Justice Alan C. Page gave the opening remarks. Participants reported that, whether they decide to pursue a judicial career or not, the seminar benefited them by showing them that the judiciary is not only open, but welcoming.

## **LEGISLATIVE ACTIVITIES**

In 1994, the Implementation Committee considered twelve recommendations from the Race Bias Report to pursue during the 1995 legislative session. Of the twelve, five recommendations were being pursued by other organizations. The Implementation Committee decided to give lateral support to those initiatives in the form of helping to build public support. Three of the twelve recommendations were to be pursued through other methods. On two of the twelve recommendations, the Implementation Committee decided to take no action during this session.

The Implementation Committee and many organizations and individuals were successful in the passage of legislation dealing with the Police Officers Standards and Training Board. This coalition group actively pursued legislation to clarify and raise police standards of conduct. Members of the committee met with various community groups to explain the initiative and gain their support. Success was achieved when the legislature passed Chapter 226.

Selected highlights from the legislation include the following:

- ▶ Review by the legislature of the Police Officers Standards and Training Board minimum standards of conduct every three years, starting in 1998.
- ▶ Automatic revocation of a peace officer's license for a conviction of a felony.
- ▶ Requirement that the Police Officers Standards and Training Board develop and distribute to chief law enforcement officers a model policy regarding the professional conduct of peace officers. The policy must define unprofessional conduct to include, but not be limited to, conduct prohibited by M.S. 609.43 (Misconduct of a Public Officer or Employee).
- ▶ Requirement that each chief law enforcement officer establish a written a policy defining unprofessional conduct and governing the investigation and disposition of these cases.
- ▶ Requirement that the Police Officers Standards and Training Board compile summary statistics on peace officers alleged to have violated M.S. 609.224, subd. 1 (Misdemeanor Assault); M.S. 518B.01, subd.14 (Violation of an Order for Protection); 609.748, subd. 6 (Violation of a Restraining Order); or 609.749 (Harassment; Stalking).

The legislation represents a starting point for the committed efforts by all parties interested in maintaining and enhancing Minnesota's peace officer professionalism.

Lateral support by the Implementation Committee included: Supporting the findings of the Juvenile Programming Task Force and its recommendation of increased juvenile programming dollars which would include programming for juveniles of color; and supporting the Public Defender' Office in increasing funding to handle growing caseload.

## **COURT INTERPRETERS**

Without a skilled interpreter, a person in court who does not speak English or for whom English is a second language faces a monumental disadvantage, whether that individual is a litigant, a witness, a juror, or a spectator. As a result, the Minnesota Supreme Court Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts requested and received funds from the 1994 Legislature to establish a court interpreter certification program. With funding from the 1994 Legislature the Supreme Court established

the Court Interpreter Advisory Committee to make recommendations to the Supreme Court and the State Court Administrator in the following areas:

- ▶ A Code of Professional Conduct for interpreters serving in the judicial system;
- ▶ Curriculum for a pre-certification training and on-going education program for court interpreters;
- ▶ The design, content and conduct of court interpreter qualification, testing, certification and certification renewal process;
- ▶ Issues relating to the availability, recruitment, on-site orientation and assignment of court interpreters;
- ▶ The need for translation of standard court forms and informational brochures;
- ▶ The development of such other procedures, policies, and manuals as will facilitate the implementation of court interpreters training and certification program and the effective administration of language interpreters within the Minnesota judicial system.

The Advisory Committee, chaired by Justice Paul H. Anderson, includes attorneys, court managers, court interpreters practicing in the state, a victim services provider, and a linguistics expert.

It is the intention of the Supreme Court to implement a court interpreter certification examination process for languages including Spanish, Hmong, Laotian, Vietnamese, Cambodian, Russian, Korean, and Cantonese. The first part of the Spanish certification test was conducted in August 1995, with the second part scheduled for October 1995. For the other languages, Hmong, Laotian, Vietnamese, Cambodian, Russian, Korean, and Cantonese, the certification tests are expected to be in place within the next two years.

### **LOCAL IMPLEMENTATION TEAM ACTIVITIES**

The local implementation teams have made significant strides in developing and implementing an action plan for their individual districts.

Notable accomplishments include:

At the October Employment Conference, each district team developed an action plan for strategies to build diversity within the district. The ideas that were developed at the conference were shared with the other district teams as well as other judicial agencies not at the conference.

The First Judicial District is planning an all day "Cultural Celebration" for late September 1995. The "Cultural Celebration" will include the play "Undesirable Elements" performed by the Illusion Theater, a cultural art exhibit, and several speakers. One notable speaker is the award winning author Jim Northrup, who is an Ojibwa living and writing on the Fond du Lac reservation in Northern Minnesota.

The Third Judicial District is planning a workshop on diversity issues entitled "Cultural Diversity in the Workplace." There will be three targeted groups that will participate in the workshop. The three targeted groups are law enforcement, Winona State students and the business community.

In 1994, the Sixth Judicial District instituted a review of the jury management procedures in the district. Two major initiatives came out of the work of this review. First, the entire district jury management plan was revised. Second, the district established a public information and education campaign. This multimedia approach stressed the importance of jury service and led up to a "Jury Appreciation Week" held February 19-25, 1995.

The Tenth District Judges sought and have received training on issues related to the Indian Child Welfare Act.

## CONCLUSION

The Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts made progress during the second year in fulfilling its mandate of implementing the Race Bias Task Force recommendations. The Implementation Committee has set forth several goals for the up-coming year including the following:

- ▶ Increase the cultural competence of the practicing bar;
- ▶ Enhance work place diversity within the courts and related agencies;
- ▶ Develop and distribute a statewide newsletter on multicultural diversity and racial fairness;
- ▶ Review and develop, if necessary, a grievance and/or complaint procedure for the use by the public.

The work of the Implementation committee is far from complete. The Committee recognizes that there is still considerable work to be done.

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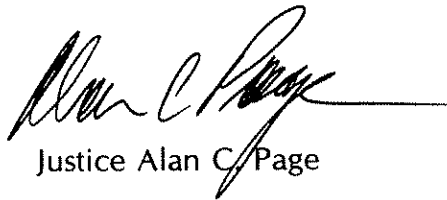
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## A MESSAGE FROM JUSTICE ALAN C. PAGE

The Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts in the 1994-95 year has again made important progress in fulfilling its mandate of implementing the recommendations from the Racial Bias Task Force Report. Because of the positive response from and action by the judiciary, the Legislature, law enforcement, and the general public over the last two years, there is reason for optimism.

There is also much work to be done. Over the next year, the Implementation Committee will continue to work toward the goal of ensuring that all of our citizens have equal access to justice and receive equal justice under our laws.



Justice Alan C. Page