

COURTS COMMITTEE

REPORT TO THE

UTAH TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM

FINAL DRAFT – FOR COMMENT ONLY

OCTOBER 18, 1999

**Report Prepared by the Courts Committee
of the Utah Task Force on Racial and Ethnic Fairness in the Legal System**

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EXECUTIVE SUMMARY

The Utah Task Force on Racial and Ethnic Fairness in the Legal System gave the Courts Committee the mandate to examine the adjudication process of the criminal justice system. With assistance from the Task Force's Operations Committee, co-chairs Charlotte L. Miller and Judge Lynn W. Davis, identified individuals with diverse backgrounds for the Committee. The Committee's work included three phases: learning more about the criminal justice system, prioritizing issues for examination, and researching, information gathering and determining findings and recommendations. The findings and recommendations for each priority issue are summarized below. The complete list of findings is reserved for the full report.

Priority #1 – Racial and Ethnic Impact on Sentencing and Analysis of Sentencing Recommendations

The Committee supports the continued use and application of Utah's indeterminate sentencing model. The current tools are useful in the sentencing process, however without proper training, any tools used for sentencing could result in racial and ethnic disparity. The Committee reviewed studies about sentencing and sentencing guidelines and their impact on minorities. It also looked at the perceptions of those involved in the criminal justice system and the workforce involved in the sentencing process. As a result, the Committee recommends that all segments of that workforce be reflective of the racial and ethnic diversity of those who appear before the court, that training on the nature and impact of racial and ethnic bias be offered to that workforce, that racial and ethnic data be kept by all relevant agencies, and that the availability of incarceration-alternative programs be expanded for those with limited-English proficiency.

Priority #2 – Racial and Ethnic Attitudes and Impact on Minority Defendants in the Courtroom

The Committee examined the experiences of defendants in the courtroom. The Committee received reports of negative stereotypes and cultural barriers. The Committee found that bias, often unintentional, is communicated by court employees. The Committee recommends continued education on the effect of inappropriate racial remarks on the perception of fairness in the courtroom and education for judges and prosecutors on cultural aspects affecting minority defendants.

Priority #3 – Jury Issues

The Committee identified the following jury issues: the demographics of the databases from which jury pools are selected, the selection process of juries, and the experiences of jurors. However, the Committee's research efforts were severely hampered by the lack of racial data kept by the courts about potential and actual jurors. Findings address concerns that minority defendants express hesitation to counsel about participating in trials where no minorities serve on the jury, as well as juror perceptions about the effect of race on the trial process. Committee recommendations address the voir dire process, methods for increasing minority participation on juries, judicial leadership in ascertaining the impact of race, ethnicity or primary language on the ability of jurors to be impartial, and the need for accurate data collection to enable future, ongoing research efforts.

Priority #4 – Racial and Ethnic Impact on Pre-Sentence Investigations

Committee members found the pre-sentence investigation process to be a critical part of the sentencing process. Few minorities are in the Adult Probation and Parole workforce, and pre-sentence investigators lack specific training regarding racial and ethnic bias. Recommendations to

address these concerns include the deletion of any racial/ethnic information on accused and victims from consideration on pre-sentence reports, except when race is essential to the resolution process (e.g., hate crime cases). The Committee also recommends training for pre-sentence investigators on the nature and impact of racial and ethnic bias. The Department of Corrections should keep racial and ethnic statistics so that the impact of efforts toward increasing racial and ethnic fairness can be properly monitored. Finally, appropriate agencies within the state should increase the availability of therapeutic and other alternative supportive programs for limited-English speaking defendants which might affect Adult Probation and Parole recommendations and impact successful completion of probation.

Priority #5 – Judicial Selection

The Committee examined the judicial selection process for racial and ethnic diversity, including applicant pools, nominating commissions, and appointments since 1986. Members found it significant that Arizona’s constitution requires the consideration of racial and ethnic diversity in Arizona’s appointments. Committee recommendations to the Administrative Office of the Courts, the Utah Minority Bar Association, the Utah State Bar, the Utah Legislature and others include the need for statistics on the race/ethnicity of judicial applicants, the need for recruiting efforts to increase the number of minority applicants for judicial vacancies, and the need for more racially diverse judicial nominating commissions.

Priority #6 – Court System Workforce Issues

The court system workforce includes all those who participate in the court system, including court employees, administrators, bailiffs, judges, law clerks, and lawyers. The committee looked at training issues, workforce composition, complaint processes, performance evaluation processes,

statistical databases, as well as hiring, recruiting, promotion, and termination issues relating to people of color in the court system. Recommendations are directed to the Administrative Office of the Courts, Judicial Conduct Commission, Judicial Performance Evaluation Committee, Utah Judicial Council and Utah Supreme Court, Utah State Bar, Utah Minority Bar, Mandatory Continuing Legal Education Board, and others. Recommendations include mandatory training on the nature and impact of racial and ethnic bias, the creation of a Diversity Advisory Group within the Utah State Courts, the inclusion of questions related to race/ethnic bias on the judicial performance evaluation form, and continuing legal education for lawyers on racial and ethnic bias as part of the mandatory ethics training requirement. Recommendations to the Utah State Bar address statistical information that should be tracked; outreach, communication, and inclusion efforts directed toward attorneys of color; needed training needs for lawyers; as well as a review of current practices to determine their effect on attorneys of color in Utah.

Priority #7 – Women of Color

Committee members recognize and underscore that all of the topics addressed in this report and their accompanying recommendations are relevant to women of color. The Committee chose this issue as a separate priority area because of its importance to overall fairness in the legal system. Women of color told the Committee that they did not feel they were included in the Gender and Justice Task Force. Female attorneys of color in Utah also said that discussions about minority issues often focus only on men. Therefore, it was clear to Committee members that the Task Force's efforts should address women of color directly in its deliberations. The Committee found female attorneys of color to be significantly underrepresented in all areas of the legal profession. The women noted that race and gender stereotypes limit their work opportunities and affect the way they are treated in

the courtroom. They stated that they do not have adequate mentors or network mechanisms. Recommendations address the Administrative Office of the Courts, Utah State Bar, Utah law schools, Utah Minority Bar Association, Young Lawyers Division, and Women Lawyers of Utah with ways to effect positive change in the experiences of female attorneys of color in Utah.

Priority #8 – Translation / Interpretation / Language Barriers

The Administrative Office of the Courts has been very active in the court interpreter field in recent years. The Committee noted the positive progress on this issue as well as areas that still need attention. There are no Utah certification programs for spoken languages other than Spanish, and even Spanish-speaking defendants worry that they receive unfair treatment with the use of interpreters. There are not enough interpreters available for a sufficient number of languages, especially outside of the Salt Lake area. Recommendations address the Administrative Office of the Courts, Judicial Council and Utah State Bar. They include the expansion of certification programs for other languages, development of a confidential grievance procedure, inclusion of interpreters for languages other than Spanish on the Interpreter Advisory Committee, and development of materials to educate attorneys on issues related to representing non-English speaking clients.

Priority #9 – Racial and Ethnic Attitudes and Impact on Minority Victims in the Courtroom

The Committee was interested in the experiences and perceptions of minority victims in Utah, however looking at this issue presented a variety of challenges. No formal database on the race and ethnicity of victims exists in the state of Utah. The victims' survey sponsored by the full Task Force is still pending. The Committee reserves its final recommendations on this issue until the results of that study is known. However, the Committee heard reports from many who work in the court

system who perceive racial and ethnic bias exists in cases where the victim is a person of color and the defendant is Caucasian, and where the defendant is a person of color and the victim is Caucasian. In both instances, the judge and jury may treat one or the other party as more credible. Bias may also occur where non-English speaking minority victims are not offered adequate translation services or where victims' impact statements are not gained due to language barriers. Recommendations include the need to track race and ethnicity as well as the Committee's support for the recommendations set forth by the Client Committee.

Priority #10 – Tribal Jurisdictional Issues

The Committee acknowledges the existence and progress of the Tribal/State/Federal Court Forum, chaired by Justice Michael D. Zimmerman. The Committee endorses the work of the Forum, acknowledges the many jurisdictional issues that affect American Indians and the legal system in Utah as areas of mutual concern for the Task Force and the Forum, and defers full consideration of these matters to the Forum.

Priority #11 – Immigration Status Issues

Criminal defendants may not receive adequate information about the impact of their situation . For example, in early 1999, the Third Judicial District elected to delete from the plea agreement form information about the consequences of a guilty plea on a criminal defendant's immigration status. Also, the court and counsel do not uniformly advise criminal defendants who agree to deportation as a condition of the sentence that there are very harsh consequences under federal law for violating the condition of not returning to the United States without permission from the government. The Committee recommends that all judicial districts in Utah adopt a plea agreement form that fully and clearly discloses to all criminal defendants the consequences of a guilty plea on

a criminal defendant's immigration status. The Committee also recommends that the Utah Association of Criminal Defense Lawyers educate criminal defense lawyers about these immigration issues.

Conclusion

The Courts Committee acknowledges the racial division in the United States. That division is reflected in the legal system and adds to the lack of credibility of the legal system. Members of the public must have faith that the legal system is fair in order for the legal system to be effective. It is critical to recognize and overcome the racial division in the legal system and to provide fair and equal treatment for all. There are numerous recommendations in this report directed at various entities. The purpose of these recommendations is to increase faith and trust in the legal system.

INTRODUCTION

The Utah Task Force on Racial and Ethnic Fairness in the Legal System gave the Courts Committee its mandate to examine the adjudication process of the criminal justice system. The Committee chose to include in that mandate the makeup of the people in the courthouse, from security to jurors, judges, court employees, lawyers, criminal defendants and victims. With the assistance of the Operations Committee of the Task Force, co-chairs Charlotte L. Miller and Judge Lynn W. Davis identified individuals with diverse backgrounds for the Committee. The members, along with their association with the legal system, are listed on the authorship page of this report.

The Committee met twenty times from February 1998 through the end of October 1999. Initial meetings focused on educating its members about the criminal justice system specifically as it relates to the adjudication process. Presentations by members and guest speakers focused on issues such as criminal justice case processing, sentencing, pre-sentence reports, and research methods.

The second phase of the Committee meetings focused on developing priority issues for examination by the Committee. Members recognized many areas that warranted examination but that the Committee chose to focus its time and energy on what it deemed most critical. The following issues were selected and are listed in order of priority.

1. Racial and Ethnic Impact on Sentencing and Analysis of Sentencing Recommendations
2. Racial and Ethnic Attitudes and Impact on Minority Defendants in the Courtroom
3. Jury Issues
4. Racial and Ethnic Impact on Pre-Sentence Investigations
5. Judicial Selection
6. Court System Workforce Issues
7. Women of Color
8. Translation / Interpretation / Language Barriers
9. Racial and Ethnic Attitudes and Impact on Minority Victims in the Courtroom

10. Tribal Jurisdictional Issues
11. Immigration Status Issues

The final phase of Committee work involved information gathering, the discussion of each issue, and the determination of findings and appropriate recommendations. What follows in this report is a summary of the Committee's activities and a listing of its major findings and recommendations for each of the priority areas.

Two items are worth noting: First, recommendations in the area of court workforce overlap with some of those in the judicial selection process; recommendations are made with the understanding that change in one part of the system must happen in coordination with other parts of the system, therefore, collaborative work in many areas is encouraged.

Second, in its initial meetings, Committee members had lengthy discussions about their mandate. Several members expressed concern that the limitation of the Task Force's efforts to an examination of the criminal justice system may itself be evidence of racial bias. Committee members support an additional examination of the civil legal system, especially in the areas of domestic relations and landlord tenant law, areas where most of the public are impacted. The number of comments on the civil legal system in the public hearings supports this recommendation.

This report begins with background information on the Utah Task Force on Racial and Ethnic Fairness in the Legal System, the group to which this report is submitted. The next section outlines the research of the Committee, including a listing of its major research activities and review of publications. The third section includes each major priority area considered by the committee, with a detailed list of findings and recommendations. Recommendations are focused at specific legal system entities.

Utah Task Force on Racial And Ethnic Fairness in The Legal System BACKGROUND INFORMATION

The Judicial Council established the Utah Task Force on Racial and Ethnic Fairness in the Legal System on March 6, 1996, to examine issues of racial and ethnic fairness in Utah's criminal justice system. The Task Force is chaired by Supreme Court Justice Michael D. Zimmerman and two co-chairs, Third District Court Judge Tyrone E. Medley and John T. Nielsen, senior counsel for Intermountain Health Care and chairman of the Utah Sentencing Commission. Members were approved by the Judicial Council and include representatives from Utah's communities of color and from all aspects of the criminal justice system, including judges, law enforcement, prosecution and defense attorneys, corrections officials, and juvenile corrections officers. Members are listed below.

William P. Afeaki, *Office of Polynesian Affairs*
Daniel J. Becker, *State Court Administrator*
Paul W. Boyden, *Statewide Assn. of Prosecutors*
Susan V. Burke, *Governor's Commission on
Criminal & Juvenile Justice*
Jerry G. Campbell, *Salt Lake District Attorney's
Office*
Reverend France A. Davis, *Calvary Baptist Church*
Judge Lynn W. Davis, *Fourth District Court*
David Dominguez, *BYU, College of Law*
Christine R. Fox-Finlinson, *Callister Nebeker &
McCullough*
James H. Gillespie, Jr., *Northern Utah Community
Corrections*
H.L. "Pete" Haun, *Utah Department of Corrections*
F. John Hill, *Salt Lake Legal Defenders Association*
Judge Glenn K. Iwasaki, *Third District Court*
Sheriff Aaron D. Kennard, *Salt Lake County Sheriff*
Donna Land Maldonado, *KRCL Community Radio*

Dan Maldonado, *Division of Youth Corrections*
Judge Tyrone E. Medley, *Third District Court*
Chris J. Martinez, *Image de Utah*
Charlotte L. Miller, *Past-President, Utah State Bar*
Haruko T. Moriyasu, *University of Utah, Asian
Pacific American Studies*
John T. Nielsen, *Intermountain Health Care*
Judge G.A. Petry, *Uintah County Justice Court*
Ileana M. Porras, *University of Utah College of Law*
Michael R. Sibbett, *Utah Board of Pardons & Parole*
Jesse M. Soriano, *Utah Coalition of La Raza*
Senator Pete Suazo, *Utah Legislature*
Judge William A. Thorne, *Third District Court*
Filia H. Uipi, *Attorney at Law*
Judge Andrew A. Valdez, *Third District Juvenile
Court*
Judge W. Brent West, *Second District Court*
Jeanetta Williams, *Salt Lake Branch NAACP*
Michael D. Zimmerman, *Utah Supreme Court*

Task Force Mission

Task Force members developed a mission statement to guide the Task Force's activities and state its purpose clearly. The mission statement is as follows:

The Utah Task Force on Racial and Ethnic Fairness exists to organize and lead the effort to honestly examine and address real and perceived bias toward racial and ethnic minorities within Utah’s criminal justice system. The Task Force shall conduct necessary research, develop and disseminate findings and recommendations, advancing and advocating in all quarters for the implementation of those recommendations.

The primary activities of the Task Force shall include:

- 1. Research: The identification and utilization of appropriate research methods, the collection and evaluation of the data to determine the extent to which race and ethnicity affect the dispensation of justice through explicit bias and implicit institutional practices. Methods may include, but are not limited to, the utilization of prior studies, surveys, public hearings, focus groups, and the evaluation of existing policies.*
- 2. Findings: The publishing of findings of the data gathered as a result of the Task Force’s assessment. Findings will be published in a final report to the Judicial Council, with preliminary findings available via interim progress reports to the Judicial Council.*
- 3. Recommendations: The creation and publishing of recommendations for all aspects of the legal system, including appropriate agencies, community groups, and private citizens to ensure equal access to justice. Recommendations shall include appropriate strategies for implementation as recommended by the Task Force.*
- 4. Partnerships: The development of partnerships both in the legal system and in the broader community to assist in the efforts of the task force to include a broad cross-section of Utah’s communities, particularly its ethnic minority communities, both in the fulfillment of its mission and in ensuring the implementation of its findings.*

Committee Structure

The Task Force chose a committee structure that roughly follows the criminal justice system process. An Operations Committee provides oversight and coordination.

- Pre-Adjudication Committee: to examine those segments of the criminal justice system that occur prior to any appearance in court, with a primary focus on law enforcement;
- Representation Committee: to examine the criminal justice system after arrest, from charging through disposition, with a primary focus on prosecution and defense;
- Courts Committee: to examine aspects of the criminal justice system that relate specifically to the adjudication process;
- Post-Adjudication Committee: to examine the criminal justice system after sentencing, with a primary focus on probation, parole, prisons and jails;

- Client Committee: to examine and evaluate the experiences and perceptions of offenders, victims and their families regarding racial and ethnic fairness in the criminal justice system;
- Community Resources Committee: to examine referrals to community programs, community resources, with a focus on quality and effect of programs on racial and ethnic minorities; and
- Juvenile Committee: to examine the juvenile justice system for real and perceived bias due to race or ethnicity.

Committees generally were co-chaired by two Task Force members and included about 15 others selected for their ability to offer a wide range of perspectives and ideas. The Task Force has over one hundred people involved in its overall efforts. The Task Force will receive reports from each committee as the committees complete their work.

Research Agenda

The Task Force developed a research agenda for the adult and juvenile systems. The research is conducted separately for each system. Juvenile research includes focus groups and exit interviews. A quantitative study duplicating earlier research on minorities in the juvenile justice system will provide comparative data. The adult system research includes focus groups and key informant interviews. Quantitative efforts in each segment of the criminal justice system will help to determine the existence and extent of racial and ethnic bias.

Time Line

The Task Force aims to complete its research and publish a final report in early 2000. The final report will be submitted to the Utah Judicial Council, Utah Legislature, member agencies on the Task Force, other Task Force partners, and the general public. This Courts Committee report will be received by the full Task Force and be used in the preparation of its final report.

COURTS COMMITTEE RESEARCH

The Committee engaged in many research efforts to learn about the criminal justice process and gather information appropriate to its priority areas. Committee members attended many public hearings and reviewed the Client Committee's report on the public hearings. Information gathered during those hearings was included in the deliberations of the Committee. In addition, although many of the activities were scheduled with respect to a single priority area (i.e., women of color, sentencing), in most cases, the information learned in one area overlapped significantly with other areas studied by the Committee. The Committee's research efforts are listed below.

- Review of public hearing comments for all priority areas;
- Presentation by Ed McConkie, Director, Utah Sentencing Commission;
- Presentation by Kathy Shepherd, Adult Probation & Parole;
- Presentation by James Valdez, Utah Legal Defenders Association;
- Discussion of judicial training on sentencing issues;
- Discussion of prosecution perspective on sentencing;
- Review of sentencing publications, including *Utah Sentencing and Release Guidelines*, by Utah Sentencing Commission (1998); Presentence Investigation Report sample (redacted); *Intended and Unintended Consequences: State Racial Disparities in Imprisonment*, by Mark Mauer, (The Sentencing Project, Washington, D.C., January 1997); *Jail Time By the Book*, by Andrew Blum (ABA Journal, May 1999); *Prejudice? Perish the Thought*, by Jack E. White (Time, March 8, 1999); *Guideline-Based Justice: The Implications for Racial Minorities*, by Joan Pertersilia and Susan Turner, (RAND, 1985).
- Committee members shared experiences of their legal experiences with minority defendants;
- Overview of New York jury research (*Juror Attitudes Toward Minority Defendants and Attorneys*, (in Report of the New York State Judicial Commission on Minorities, vol. 5, April 1991, Appendix X-1));
- Availability of statistical information on juries determined;
- Overview of Navajo jury issues by Judge William A. Thorne, Third District Court, and Brent M. Johnson, General Counsel, Administrative Office of the Courts;
- Examination of jury selection process;
- Conducted pre-sentence investigator workforce data analysis;
- Review of pre-sentence investigator training on the nature and impact of racial and ethnic bias;
- Education about and review of judicial selection process;

- Review of statistics regarding minority population in Utah State Bar, the judiciary and the judicial nominating commissions;
- Analysis of Arizona's constitutional requirement for diversity;
- Review of survey of judicial applicants;
- Review of current judicial workforce composition data;
- Discussion of court/judicial mentoring methods;
- Review of statistics related to judicial applicants and appointments of those of minority descent in the district, circuit, juvenile, and appellate courts in Utah;
- Education about and review of the judicial selection process in several different states;
- Survey and review of the racial and ethnic makeup of past nominating commissions in Utah;
- Review of court workforce data;
- Overview of past and current educational training programs for court employees and judges;
- Examination of racial and ethnic complaints to the Judicial Conduct Commission;
- Overview of court recruiting methods;
- Examination of hiring, retention, and advancement opportunities for minority court employees and members of the Bar;
- Review of diversity plans by several major corporations
- Examination of termination issues for minority court employees;
- Review of the Equal Administration of Justice report to the Utah Board of Bar Commissioners, published July, 1996;
- Sponsored two focus groups for women of color attorneys;
- Overview of literature and educational curricula related to women of color and the justice system, including *The Burdens of Both, the Privileges of Neither (Joint Report of the Multicultural Women's Attorneys Network and the American Bar Association, August 1994)*; and *When Bias Compounds: Insuring Equal Justice for Women of Color in the Courts: A Model Judicial Education Curriculum*, (National Judicial Education Program to Promote Equality for Women and Men in the Courts, June 1998);
- Validation interviews with women of color attorneys;
- Presentation by Yvette Donosso Diaz, women of color research project;
- Discussion of attempt to create discussion groups between new lawyers and senior partners of firms in Utah for potential mentoring for female attorneys of color;
- Presentation regarding interpreter certification program;
- Viewed videotape regarding court interpretation issues;
- Review of Rule 3-306, Rules of Judicial Administration, with respect to court interpreters;
- Review of Code of Professional Responsibility for Court Interpreters, (Appendix H of Rules of Judicial Administration);
- Overview of tribal jurisdictional issues by Judge William A. Thorne, Third District Court;
- Review of information about Tribal/State/Federal Court Forum in Utah;
- Update from Brent M. Johnson on the status of jurisdictional issues and Tribal/State/Federal Court Forum; and
- Research and discussion of plea agreement forms and immigration status, including recent decision by Third Judicial District to change plea agreement form, excluding information on consequences of guilty plea on immigration status.

Priority #1 – RACIAL AND ETHNIC IMPACT ON SENTENCING AND ANALYSIS OF SENTENCING RECOMMENDATIONS

Findings of Committee

1. Utah's use of its indeterminate sentencing model is generally accepted among the participants (defendants and inmates excluded) of the criminal justice system. We conclude that the current tools are useful in the sentencing process and express support for the continued use and application of the system. However, the Committee found that without appropriate training, any tools used for sentencing could result in racial and ethnic disparity or bias.
2. The use of sentencing guidelines and other objective standards – such as risk assessment tools – to help sentencing authorities reach a decision are generally seen as helpful and effective for the decision making authorities.
3. There exists and will most likely continue to exist – and perhaps worsen – a disparate sentencing impact upon racial and ethnic minorities in Utah (as well as nationwide) even when such perceived objective and race/ethnic neutral standards as guidelines and risk assessment/prediction tools are used. Thus, the bottom line – as identified by the 1985 RAND Study – seemed to be that objective measures and guidelines intended to overcome overt racial and ethnic bias and discrimination in sentencing probably do significantly lessen the opportunity for sentencing authorities to overtly discriminate against minority defendants/inmates; however, they do not overcome racial and ethnic disparities in sentencing, supervision and parole decisions.
4. Lawyers and other participants in the legal system perceive that the race and ethnicity of the criminal defendant has an impact on the sentencing process, including the preparation of the pre-sentence investigation report and prosecutor recommendations for sentencing (see Priority #4 – Racial and Ethnic Impact on Pre-Sentence Investigations).
5. Lawyers and other participants in the legal system perceive that the race and ethnicity of the victim have an impact on the sentencing process, including prosecutor recommendations for sentencing (see Priority #9 – Racial and Ethnic Attitudes and Impact on Minority Victims).
6. There is very little racial and ethnic diversity among those involved in the sentencing process, with the exception of defendants. Committee members believe that the lack of workforce diversity in this segment could lead to unintentional biases in the sentencing process due to a lack of cross cultural experience of the players.

Recommendations of Committee

1. The workforce of Adult Probation and Parole and the Utah Department of Corrections (Corrections) should reflect the racial and ethnic diversity of the referrals they receive. Hiring practices should be evaluated for their effect on minority applicants. Corrections should seek minority employees actively as new hires or on a contract basis, such as for presentence investigations.
2. Training on the nature and impact of racial and ethnic bias within the system should be offered for Corrections and Board of Pardons and Parole employees. Mandatory training should include communication skills and the minority defendant. This training should assist

- employees in understanding different cultures in regards to their ability to communicate and provide information.
3. Racial and ethnic statistics should be kept in all relevant agencies including tracking type(s) of offense, initial charge(s) and ultimate pleas and findings, sentence recommendations in pre-sentence investigation reports, actual sentence given by the judge, and Board of Pardons and Parole decisions.
 4. The availability of incarceration-alternative programs for limited-English speaking defendants should be increased especially related to job placement services, education or specialized programs, including therapeutic and rehabilitative programs, particularly drug and alcohol programs and domestic violence / anger management programs, which may assist or impact the pre-sentence investigator's recommendations.
 5. Efforts should be made to establish and maintain increased and continued education and training in the areas of diversity training, cultural awareness and cultural and ethnic understanding. It is believed that such an effort will best aid sentencing authorities in eradicating biased and prejudiced decisions and decrease overall unfairness in Utah's criminal justice system.
 6. Serious and sincere efforts should be made by Utah's executive branch of government to appoint additional qualified minority judges, members of the Board of Pardons and Parole, and others who assist these sentencing and paroling authorities, so that their experiences, backgrounds, education and training can positively influence the fairness of the sentencing process.
 7. Data on racial and ethnic disproportionality in sentencing should be tracked and evaluated by the judiciary, Corrections, and the Board of Pardons and Parole. These evaluations should take place not less than bi-annually with the overall goal of reducing disparities in the lengths of incarceration and probation vs. commitment rates.
 8. Justice courts across the state should maintain data on sentencing decisions by race and ethnicity. Data should be kept in a consistent manner for the purposes of evaluation.

Priority #2 -- RACIAL AND ETHNIC ATTITUDES AND IMPACT ON MINORITY DEFENDANTS IN THE COURTROOM

Findings of Committee

1. Attorneys expressed concerns about the following issues:
 - Attorneys' Conduct toward Minority Defendants – Whether attorneys devote the same quality and quantity of time and effort in the representation of minority defendants.
 - Legal Defenders' Treatment of Minority Defendants – Whether the attorneys in Salt Lake, Weber, and Utah's public defenders offices provide equal treatment to their minority defendants; plus whether those counties with much smaller minority populations provide adequate representation.
 - Minority Attorneys – Whether there is any difference in the outcome between minority defendants represented by minority attorneys and minority defendants represented by non-minority attorneys.
 - Prosecutors' Treatment of Minority Defendants – Whether there is any tendency to overcharge minority defendants.
 - Defendant Attire – Some criminal defense lawyers perceive that minority defendants are treated differently than white defendants due to their attire. Judges are quick to associate minority youth with gang involvement as compared to white youth. In addition, younger defendants may perceive that they are dressed appropriately for court, but their choice of dress is considered inappropriate by the court. Jurors also may be influenced by attire.
 - Spanish Surnames – The court is often confused by Spanish surnames (e.g., Garcia-Perez). Frequently the court will view this as an alias or “also known as” (a/k/a) which can negatively affect a defendant at a bail or sentencing hearing. Committee members find negative consequences for those merely having a Spanish surname.
2. It has been reported to the Committee that a negative stereotype of minorities exists in the courtroom, with court personnel making disparaging remarks like, “Even if they are deported today, they'll be back again.” or “It's another Illegal Alien Day.”
3. Individuals who were raised in many Latin American and most former-communist countries have been conditioned to believe that they *must* defer to and demonstrate “enthusiastic” agreement with authority. Such individuals are often reluctant to request the assistance of an interpreter and may express enthusiastic agreement to terms, conditions and concepts which they do not understand at all. Courts should be aware that domestic violence and child abuse issues also have a cultural component.
4. Recent immigrants from Mexico are often unaware of street addresses in Mexico and the U.S. due to Mexican methods of location identification. Therefore, they are often unable to name a residence address when asked during bail hearings. This issue is cultural and does not necessarily indicate a lack of stability in the defendant.

Recommendations of Committee

1. Court personnel and attorneys need continuing education on the effect of inappropriate remarks on the perception of fairness in the courtroom.
2. It is always better to err on the side of caution and offer an interpreter than to assume incorrectly that the defendant understands enough English. It is important that defendants not be subjected to biases and negative presumptions as a result of their use of an interpreter. Judges, prosecutors, and court staff should also be aware of culturally-acceptable approaches to discipline with respect to domestic violence and child abuse in order to deal with some racial/ethnic minorities lack of understanding about appropriate conduct.
3. Judges and prosecutors must only use Spanish surnames as a basis to affect the defendants' bail or sentence when there has in fact been some attempt to mislead law enforcement or the court about one's true identity. The court should seek to establish, with clarity, a defendant's true and correct name and then use such information appropriately.
4. Judges must be careful to treat all defendants equally regardless of race and attire. Minority defendants dressed in "gang attire" should be treated the same as white defendants dressed similarly.
5. Judges and prosecutors must give equal consideration to Spanish-speaking and other minority defendants as to the majority population in terms of charging and sentencing.

Priority #3 -- JURY ISSUES

Findings of Committee

1. Many minority defendants ask for advice and include as part of their consideration, whether there are likely to be any ethnic minorities on their jury panel. Minority defendants often tell counsel that “those are not my peers.” Jurors who are from the majority population are often perceived as less likely to identify with or believe a minority defendant over law enforcement.
2. Minority defendants frequently appear in clothing other than the traditional suit and tie. They may also have accents or be unable to speak English. It is usually very difficult to determine juror bias about minority defendants, and it may be difficult to obtain candid responses from jurors when a case is conducted. Minority defendants may not be able to get the same “justice” from our legal system that the majority population receives.
3. Significant research needs to be done regarding the effect of juries on racial and ethnic minorities in the criminal justice system.
4. All members of the legal system expressed concern about the racial/ethnic makeup of juries including the jury pool makeup, the selection process, the experiences of jury members, and the data kept on jury composition. For example, the way someone is selected for juries may be inherently biased against minorities and more specifically women of color.
5. A national study (*Juror Attitudes Toward Minority Defendants and Attorneys*, (in Report of the New York State Judicial Commission on Minorities, vol. 5, April 1991, Appendix X-1)) shows that jurors are less candid with judges about their racial and ethnic bias. Attorneys on the Courts Committee agreed with this finding.
6. All research on the juries was significantly delayed due to lack of data available for analysis.

Recommendations of Committee

1. Judges should consider alternative forms of voir dire in order to determine any racial or ethnic bias held by jurors.
2. Significant research on the jury pool database, on the jury qualification process, on the use of peremptory challenges for racial and ethnic bias, and on the experiences of those who serve on juries should be conducted.
3. Polls and exit interviews should be conducted to determine whether or not, and to what extent, the absence of minorities on the jury pool is a real or perceived bias against racial and ethnic minority defendants. Research regarding whether minorities feel comfortable sitting on juries should also be conducted. Judges need to be trained that minorities need to sit on juries.
4. The racial and ethnic composition of jury pools and jury service should be tracked regularly to determine levels of participation by minorities and the representativeness of Utah’s jury pool database.
5. The Utah Legislature should determine methods for increasing the racial and ethnic representativeness of the jury pool.
6. Jurors should be polled to determine any tendencies toward racial or ethnic bias. Since jurors are often anxious to return to their normal lives after returning a verdict, it may be wise to

conduct in-depth exit interviews a few days after the case is concluded. Again, it may also be necessary to look for other indicators of racial and ethnic bias.

7. Where court interpreters are used in a jury trial, judges should instruct the jury venire and the jury of the important role of the interpreter, and that he/she is an officer of the court and not an advocate of a party. The administration of the interpreter oath in front of the venire would be helpful.
8. Judges need to take a lead role in determining that the race, ethnicity or primarily language of defendants, witnesses, victims, and counsel do not affect the ability of individual jurors to be impartial.

Priority #4 -- RACIAL AND ETHNIC IMPACT ON PRE-SENTENCE INVESTIGATIONS

Findings of Committee

1. Committee members found the pre-sentence investigation to be a critical part of the sentencing process.
2. Few minorities are included in the workforce of pre-sentence investigators for Adult Probation and Parole (AP&P), contract workers and staff.
3. Pre-sentence investigation workers lack specific training regarding racial and ethnic bias.
4. Historically, pre-sentence reports began with the identification of the defendant and victim by race.
5. This priority area looks only at felonies and what occurs in the justice court is equally concerning to committee members but there were no data to consider.

Recommendations of Committee

1. The pre-sentence report should not include any information on race/ethnicity of the accused and victims. At no time should race or ethnicity be considered except when race is essential to the resolution process, for example in hate crime cases.
2. Training on the nature and impact of racial and ethnic bias within the system should be mandatory for pre-sentence investigators and should deal specifically with communication skills and the minority defendant. This training should assist investigators in understanding different cultures in regards to their ability to communicate and provide information. This training is also recommended for all Department of Corrections (Corrections) and Board of Pardons and Parole employees.
3. Corrections should keep racial and ethnic statistics with regard to tracking type(s) of offense, initial charge(s) and ultimate pleas and findings, sentence recommendations in pre-sentence investigation reports, actual sentence given by the judge, and Board of Pardons decisions so that the impact of efforts toward increasing racial and ethnic fairness can be properly monitored.
4. Appropriate agencies within the State of Utah must increase the availability of counseling, job placement services, education or specialized programs, therapeutic and other alternative supportive programs for limited-English speaking defendants. The availability of programs will assist AP&P in its recommendations, particularly alternatives to incarceration, and will impact successful completion of probation.
5. Justice courts across the state should maintain data on sentencing decisions by race and ethnicity. Data should be kept in a consistent manner for the purposes of evaluation.

Priority #5 -- JUDICIAL SELECTION

Findings of Committee

1. The Committee found it significant that Arizona's constitution was recently amended to make mandatory the consideration of racial and ethnic diversity in appointments to Arizona's judicial selection process and judicial appointments.
2. With the recent change to civil and criminal divisions in the Third District Court, the criminal division now has no minority judicial representation.
3. Limited data available on the race and ethnicity of past judicial applicants show that people of color have been selected at varying rates for different levels of court since 1984, as set forth in Table #1. Of the 106 active judgeships in the Utah State Courts, six or 5.7% of the judges are minority, which is not representative of the level of diversity in Utah's population. Depending on the accuracy of the Utah State Bar's racial and ethnic data, this level of minority representation may or may not reflect the Bar's composition.
4. Minority lawyers told the Committee that the process of judicial selection is not inclusive and some feel reluctant to apply. They believe that the application process is predetermined and application would be futile. Minority lawyers do not feel sufficiently accepted by the legal system and therefore it is useless to apply for judicial openings.
5. The makeup of recent judicial nominating commissions is set forth in Table #2.

Recommendations of Committee

These recommendations apply to the appellate, juvenile, district, and justice courts.

1. Recommendations to the Administrative Office of the Courts (AOC)
 - A. Statistics need to be kept regarding race and ethnic background of judicial applicants throughout the application process. The process for collecting these data should allow the applicants to self-identify his/her race/ethnicity. The data should be used for statistical purposes only. Therefore, data should be collected with the application but separated prior to the review process.
 - B. Information about vacancies needs to be broadly disseminated by the AOC to minority communities and ethnic media and within the minority bar by both formal and informal means.
2. Recommendations to Utah Minority Bar Association (UMBA) and other ethnic community organizations
 - A. Racial and ethnic group community organizations should anticipate judicial vacancies and encourage qualified minority lawyers to be prepared to apply when vacancies occur. The time frame between the announcement of vacancies and application deadlines is so short (approximately 45 days) to require that potential nominees be certain of their intent and be prepared to apply prior to the announcement of the position.
 - B. UMBA and community leaders should persuade the governor and nominating commissions that when making judicial selections they should consider not only the

racial and ethnic composition of the state as a whole, but the ethnic make-up of the population that appears before the bench.

- C. UMBA and community leaders advocating increased racial diversity should appear at every public hearing prior to the commission's commencing the nomination process. Advocates need to come to public hearings to attest to qualifications of minority candidates. Those same advocates should request an audience with the governor before each judicial appointment to demonstrate the need for more diversity on the bench.
3. Recommendations to the Utah State Bar and community leaders
- A. Utah State Bar and community organizations should anticipate judicial vacancies and encourage qualified minority lawyers to be prepared to apply when vacancies occur. The time frame between the announcement of vacancies and application deadlines is so short (approximately 45 days) to require that potential nominees be certain of their intent and be prepared to apply prior to the announcement of the position.
 - B. Utah State Bar and community leaders should persuade the governor and nominating commission that when making judicial selections that they should consider not only the racial and ethnic composition of the state as a whole, but the ethnic make-up of the population that appears before the bench.
 - C. Utah State Bar and community leaders advocating for increased racial diversity should take the opportunity to appear at every public hearing prior to the commission's commencing the nomination process. Advocates need to come to public hearings to attest to qualifications of minority candidates. Those same advocates should request an audience with the governor before each judicial appointment to demonstrate the need for more diversity on the bench.
4. Recommendation to the Utah Legislature
- There is currently a state statute which provides for judicial nominating commissions. The Committee recommends that the membership of those commissions be more racially diverse. The Legislature should amend the statute to require that the membership of those commissions more accurately reflect the ethnic diversity of the state and that of the population appearing before the Utah courts.

Judicial Applicants 1986-1998	Number of applications	Percentage (Number) of applications by ethnic minorities	Number of nominees	Percentage (Number) of ethnic minority nominees	Number of appointments	Percentage (Number) of appointments of ethnic minorities
Circuit Court (through 1990)	210	3.81% (8)	33	9.09% (3)	11	9.09% (1)
District Court	1060	3.77% (40)	150	6.67% (10)	48	8.33% (4)
Juvenile Court (from 1988)	432	2.78% (12)	54	7.41% (4)	17	5.88% (1)
Appellate Court (from 1987)	174	5.75% (10)	34	2.94% (1)	11	0% (0)
TOTAL	1876	3.73% (70)	271	6.64% (18)	87	6.90% (6)

Table 1: Judicial Applicants, 1986-1998
Data provided by: Administrative Office of the Courts, 1998

Judicial Nominating Commissions 1989-1997	Total number of members / Number of members surveyed	Number of respondents	Total number of minorities	Percentage of minorities
Appellate Courts	23/23	12	1 (Hispanic)	8.3%
First Judicial District	15/15	6	0	0%
Second Judicial District	20/20	8	0	0%
Third Judicial District	17/17	9	2 (Hispanic)	22.2%
Fourth Judicial District	18/18	8	0	0%
Fifth Judicial District	19/19	6	0	0%
Sixth Judicial District	17/17	5	0	0%
Seventh Judicial District	11/11	5	0	0%
Eighth Judicial District	14/14	3	0	0%
TOTALS	154	62	3	4.8%

Table 2: Judicial Nominating Commissions, 1989-1997
Data provided by: Administrative Office of the Courts, 1998

Priority #6 -- COURT SYSTEM WORKFORCE ISSUES

This section addresses all those who participate in the court system, including court employees, administrators, bailiffs, judges, law clerks, and lawyers.

Findings of Committee

1. For court employees, the only mandatory diversity training is for probation officers (24% of the court workforce). No mandatory training on the nature and impact of racial and ethnic bias exists for clerks or other court employees.
2. No training exists on the nature and impact of racial and ethnic bias for Utah State Bar staff, commissioners, or Bar membership.
3. For court employees, panel discussions or other diversity training occurs in break-out sessions at the annual employee conference, where attendance is voluntary.
4. With respect to judges, there is not enough training on “specifics” (i.e., dealing with minority litigants). Training seems targeted to broader issues like “Valuing Diversity.”
5. The Judicial Conduct Commission does not track complaints by race or ethnicity of complainant, nor does it track the number of concerns related to racial or ethnic bias.
6. Recruitment efforts utilizing ethnic media are needed to increase the efforts to diversify the workforce. The Courts have begun an attempt to advertise in Utah’s ethnic print media on a regular basis in order to increase the association of the minority population of the courts as a potential and desirable workplace.
7. The Judicial Performance Evaluation Form does not specifically inquire about racial and ethnic bias.
8. The Committee found the following racial and ethnic workforce composition of Utah State Courts, as set forth in Table #3.
9. The Utah State Bar recently has begun to attempt to identify the racial and ethnic status of its members. The statistics, based on the limited information retained by the Bar, are set forth in Table #4.
10. The Administrative Office of the Courts recently changed its new employee orientation to address racial and ethnic bias issues, both in training exercises and opening statements by the state court administrator. The Committee recognizes this step as a beginning one toward bias specific training.
11. The Third Judicial District has embarked on an attempt to increase workforce diversity among clerks and clerk supervisors, as well as begin to implement changes to increase promotional opportunities for minority staff.
12. Many minority attorneys feel excluded from traditional bar activities and leadership, including sections, committees, annual conferences, and seminars.
13. Some minorities perceive that some of the Bar’s practices may be biased by race and ethnicity.
14. Many newer minority lawyers reported a reluctance to participate in the Bar’s annual meeting, due to the expense of attending the conference, the lack of encouragement to attend, and the perceived lack of value of the annual meeting.
15. Throughout the legal system, there was a lack of statistical information about minority attorneys, especially female attorneys of color.

16. In its *Equal Administration of Justice* report, published July 1996, the Utah State Bar provided a variety of recommendations regarding collection of data and inclusion of minorities in the justice system. The recommendations included the Bar's support of the Task Force and the Bar's desire to be a leader in implementing changes.
17. The Committee recognizes that some law firms have made efforts to attempt to attract minority lawyers. The Committee recognizes this step as a beginning one toward increasing the diversity of the legal workforce.

Recommendations of Committee

1. Recommendations to the Administrative Office of the Courts
 - A. Tracking the race and ethnicity of applicants for court employee positions is an important part of determining the effectiveness of recruiting efforts. The Committee recommends that the court employee application form include some type of form that requests Equal Employment Opportunity data as an optional part of the application. The collection of this information must not be used improperly to affect the employment opportunity of applicants. The form should not be attached to the application so as to ensure that the information will not be forwarded to the interview process. The data should also be self-reported. A self-addressed postcard or foldable mailer are two possibilities. Either option would require funding to cover printing and mailing costs.
 - B. When court employees have bilingual skills and the use of those skills are a part of that employee's job duties, they should be acknowledged through increased starting salary levels and/or appropriate pay increases. In the Second District Court, a bilingual court clerk was recently hired with a two-step pay increase over the minimum salary range due to needed bilingual skills.
 - C. Work with the Utah State Bar to create a handbook on fostering a racial and ethnic bias-free legal system.
 - D. Recommendations for employee training:
 1. Training regarding the nature and impact of racial and ethnic biases should occur at New Hire Orientation where attendance is mandatory.
 2. Half-day training on racial and ethnic issues should be made part of the clerks' career track. This training should be geared specifically to how clerks deal with minority litigants and other court patrons. It should include cultural differences and behaviors of specific ethnic backgrounds directly tied to court litigants. Training should define "bias," instruct employees about what constitutes bias and address the negative consequences of bias in the workplace. Training should also teach employees how to handle racial discrimination appropriately in the workplace. This training should be mandatory for new hires as well as for all employees within the court system. Further, training should be on-going, with a requirement that employees attend the training at least once every two to three years.
 3. Training on the nature and impact of racial and ethnic bias within the courts should go beyond cultural sensitivity and valuing diversity training. Training should also include a personal assessment and personal coaching when

- necessary. A racial bias indicator survey would assist court employees in understanding their own personal biases in a non-threatening way.
4. Those employees who are involved in disciplinary actions related to racial and ethnic issues in the workplace should be required to participate in a personal assessment and personal coaching training situations.
- E. Recommendations for judicial training (including juvenile, district, appellate, and justice court judges):
1. Judges should receive training on the nature and impact of racial and ethnic bias at least once a year at the court level conference, the annual judicial conference, or at the national judicial college in Reno, Nevada. The training should have more specific application to judicial involvement with minorities in a court setting. It should also go beyond cultural sensitivity and valuing diversity training. Training should include a personal assessment and personal coaching when necessary. A racial bias indicator survey could assist judges in understanding their own personal biases in a non-threatening way.
 2. Personal coaching or training should be required when the Judicial Conduct Commission finds evidence supporting a complaint related to racial and ethnic bias.
- F. An examination of the racial and ethnic diversity of the courts workforce by judicial district should be conducted on a periodic basis, at least annually, to ensure progress in the goal of increasing workforce diversity.
- G. A Diversity Advisory Group, composed of court employee representatives from each district and a representative from the Administrative Office of the Courts, should be convened and should meet on a regular basis to discuss issues of diversity in the court workforce. Diversity should include issues related to race and ethnicity but may also include issues related to gender diversity, disability, and other diversity issues. The group should collect data by district on workforce diversity issues, such as recruitment, hiring, retention, termination, pay, and workforce environment. It should create and implement a diversity improvement plan to address these issues. The group should review data on workforce diversity as provided by the Office of Human Resources. The group should report its findings and progress to the Judicial Council on an annual basis.
- H. The advancement of minorities in the legal profession can be helped considerably by racial and ethnic minorities who are given the chance to work as law clerks. Judges should be encouraged to consider the importance of diversity on the bar and bench in their hiring of law clerks.
- I. Court bailiffs serve on contract with the county sheriff's office in each district. In the recruitment of security officers for these positions, racial and ethnic diversity should be a consideration. In addition, reference sources for these and other court positions should be asked about potential racial or ethnic prejudices or biases that may interfere with the work performance of all potential bailiffs.
- J. The confidential exit interview termination form for court employees should include a question about whether racial, ethnic, gender, disability discrimination had an impact on the employee's reason for leaving the courts.

2. Recommendation to the Judicial Conduct Commission
Track and publish the total number of Judicial Conduct Commission complaints each year related to racial or ethnic bias.
3. Recommendation to the Judicial Performance Evaluation Committee
The following questions should be added to the judicial performance evaluation form to inquire specifically about racial and ethnic bias:
 - A. Does the judge engage in any language or behaviors or allow others in the courtroom to engage in any language or behaviors that result in racial or ethnic bias or the appearance of racial or ethnic bias?
 - B. Does the judge take a leadership role in providing a courtroom environment free of racial and ethnic bias?
4. Recommendations to the Utah Judicial Council and the Utah Supreme Court
 - A. The Judicial Council should require training on the nature and impact of racial and ethnic bias for all judges and court commissioners, including appellate, district, juvenile, and justice courts.
 - B. Require justice courts to provide statistical information to the AOC on workforce issues that the AOC tracks for district courts.
 - C. Request annual reports from the AOC and the Utah State Bar outlining their progress in implementation of these recommendations.
5. Recommendations to the Utah State Bar
 - A. Statistical Information
 1. Track and report to the Utah Supreme Court and Judicial Council the race and ethnic status of members and find creative methods for encouraging reporting of racial and ethnic status. If this information is gathered at the time of admission (or before) and an appropriate database is created, the other information referenced herein will be more readily available.
 2. Track and report to the Utah Supreme Court and Judicial Council and to each section and committee, the number of minorities in each section and committee.
 3. Track and report to the Utah Supreme Court and Judicial Council, participation by minority lawyers in activities such as the annual meeting.
 4. Track and report to the Utah Supreme Court and Judicial Council the number of minority employees at the Utah State Bar.
 5. Report annually to the Utah Supreme Court and Judicial Council regarding steps taken by the Bar to encourage minority participation in Bar activities and leadership.
 6. Track and report to the Utah Supreme Court and Judicial Council the number of minorities who are chairpersons of Bar sections and committees.
 7. Continue to gather statistics regarding race and ethnic background of lawyers and applicants for the bar exam.

B. Outreach, Communication & Inclusion

1. Bar Commission should meet at least once a year with members of the Utah Minority Bar Association and discuss and develop mutual goals with the UMBA.
2. Bar leadership should have a presence at events such as the Black Entrepreneurs Annual Dinner, the So. Utah Hispanic Chamber of Commerce Annual Dinner, the annual Native American Law Symposium, the Cesar Chavez luncheon, the Utah Coalition of La Raza's Youth Conference, the Organization of Chinese American's annual conference, the NAACP annual dinner, and the Governor's Asian Advisory Achievement Awards Banquet.
3. Bar staff should publish all openings with the Utah Minority Bar Association and other minority organizations.
4. Develop a mentoring program that specifically provides opportunity for new minority Bar members to learn how to become involved in and a leader in the Bar.
5. List the Utah Minority Bar Association (UMBA) consistently and in the correct place on the licensing form.
6. Encourage, support, and set aside funds (e.g., as for Young Lawyers Division) for UMBA leaders to attend national meetings in order to network, gain leadership skills, and learn about activities of other bars.
7. Interact at least annually with minority organizations of local law schools.
8. Provide information on the website and in the *Utah Bar Journal* about minority bar leaders and activities.
9. Provide multilingual information in pamphlets that the Bar prepares and at activities such as the Tuesday Night Bar.
10. Include list of Native American Tribal judges on Bar website.
11. Provide information on the website regarding court interpreters.
12. Bar leaders should encourage individual members of the minority legal community to participate in bar activities.
13. Bar leaders should invite UMBA leaders to publish, on an annual basis, a State of the Minority Bar piece in the Bar Journal.

C. Training

1. Bar Commission and Bar staff should have annual training sessions regarding the existence and impact of racial and ethnic bias (e.g., at mid-year and annual meetings).
2. Provide training for section and committee chairs regarding the existence and impact of racial and ethnic bias.
3. Provide training (specifically to minorities) regarding judicial selection process as well as interviewing training.
4. Include training on the nature and impact of racial and ethnic bias as part of the ethics training curriculum for continuing legal education (CLE) requirements.
5. Train those who write and grade bar exams for neutrality based on race and ethnicity.

- D. Review of Practices
 - 1. Have admissions process, procedures and bar exam reviewed for racial and ethnic bias.
 - 2. Review Foreign Legal Consultant rule for racial and ethnic bias (i.e., MPRE requirement and availability of test in English only).
 - 3. Survey bar applicants and minority bar members to inquire about the impact of the Bar's practices on them. This survey could be jointly sponsored by the Bar and the UMBA.
 - 4. Review disciplinary practices for racial and ethnic bias.
 - 5. Report to the Bar Commission, the Utah Supreme Court, and the Judicial Council regarding the results of reviews in 1 through 4.

- 6. Recommendation to the Mandatory Continuing Legal Education Board (MCLE)
Training about the nature and impact of racial and ethnic bias should be added to the ethics curriculum for the purposes of CLE.

- 7. Recommendations to the Utah Minority Bar Association
 - A. Outreach
 - 1. Develop a mentoring program that specifically provides opportunities for new minority bar members to learn how to become involved in and a leader in the UMBA.
 - 2. UMBA leaders should report annually to the Utah legal community on the State of the Minority Bar.
 - 3. The UMBA should anticipate judicial vacancies and encourage minority lawyers to be prepared to apply when vacancies occur.
 - B. Advocacy
 - 1. The UMBA should advocate for the collection of racial and ethnic data by the Utah State Bar.
 - 2. UMBA leaders should advocate for CLE training related to the existence and impact of racial and ethnic bias.
 - 3. The UMBA should work to persuade the governor and nominating commissions that when making judicial selections they should consider not only the racial and ethnic composition of the state as a whole, but the ethnic makeup of the population that appears before the court.
 - 4. UMBA leaders advocating increased racial diversity should take the opportunities to appear at every such hearing prior to the nominating commissions' commencing the judicial nomination process. Advocates need to come to public hearings to attest to qualifications of minority candidates. Those same advocates should request an audience with the governor before each judicial appointment to demonstrate the need for more diversity on the bench.
 - 5. UMBA leaders should encourage its members to volunteer for section and committee chairs in the Utah State Bar and for Utah State Bar Commission seat vacancies.

- C. Coordination
 - 1. The UMBA should meet at least once a year with the Utah Bar Commission and discuss and develop mutual goals addressing racial and ethnic issues in the legal profession.
 - 2. The UMBA should take a leadership role in coordinating training for minority bar members regarding the judicial selection process, as well as interviewing training.
 - 3. The UMBA should sponsor a joint survey of bar applicants and minority bar members to inquire about the impact of the Utah Bar Commission's and the UMBA's practices on them.

- 8. Recommendations to the Young Lawyers Division
 - A. Conduct outreach on an annual basis to encourage participation of young minority lawyers in the Young Lawyers Division.
 - B. Encourage the Utah State Bar to keep statistics of the numbers of minority lawyers in the Young Lawyers Division in order to measure improvements in participation over time.

- 9. Recommendations to Women Lawyers of Utah
 - A. Conduct outreach on an annual basis to encourage participation of minority female attorneys in Women Lawyers of Utah.
 - B. Encourage the Utah State Bar to keep statistics on the numbers of minority lawyers in Women Lawyers of Utah in order to measure improvements in participation over time.

EEO JOB CATEGORY	TOTAL	BLACK		WHITE		HISPANIC		ASIAN AMERICAN		AMERICAN INDIAN		TOTAL MINORITY
	%	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	% MINORITY
Officials & Administrators	91	4	0	46	33	3	3	1	1	0	0	12
	5.4%	4.4%	0.0%	50.5%	36.3%	3.3%	3.3%	1.1%	1.1%	0.0%	0.0%	13.2%
Professionals	287	6	3	128	116	10	5	6	9	1	3	43
	27.3%	2.1%	1.0%	44.6%	40.4%	3.5%	1.7%	2.1%	3.1%	0.3%	1.0%	15.0%
Technicians	21	0	0	13	6	0	1	1	0	0	0	2
	1.4%	0.0%	0.0%	61.9%	28.6%	0.0%	4.8%	4.8%	0.0%	0.0%	0.0%	9.5%
Paraprofessionals	193	4	1	67	102	9	5	2	1	1	1	24
	21.2%	2.1%	0.5%	34.7%	52.8%	4.7%	2.6%	1.0%	0.5%	0.5%	0.5%	12.4%
Clerical	566	1	1	18	502	0	28	0	10	0	6	46
	43.9%	0.2%	0.2%	3.2%	88.7%	0.0%	4.9%	0.0%	1.8%	0.0%	1.1%	8.1%
Skilled trades / crafts	4	0	0	4	0	0	0	0	0	0	0	0
	0.3%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Service / maintenance	7	0	0	5	1	0	0	1	0	0	0	1
	0.5%	0.0%	0.0%	71.4%	14.3%	0.0%	0.0%	14.3%	0.0%	0.0%	0.0%	14.3%
Totals	1169	15	5	281	760	22	42	11	21	2	10	128
	100%	1.3%	0.4%	24.0%	65.0%	1.9%	3.6%	0.9%	1.8%	0.2%	0.9%	10.9%

Table 3: Utah State Courts Workforce Composition
Data provided by: Administrative Office of the Courts, May 1998

UTAH STATE BAR MEMBERSHIP	AFRICAN AMERICAN		WHITE		HISPANIC		ASIAN		PACIFIC ISLANDER		OTHER		TOTAL	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Inactive, No Service	0	0.0	257	96.3	2	0.7	3	1.1	1	0.4	4	1.5	267	100.0
Active	8	0.4	2,131	96.2	29	1.3	5	0.2	2	0.1	41	1.9	2,216	100.0
Active, Emeritus	0	0.0	56	100.0	0	0.0	0	0.0	0	0.0	0	0.0	56	100.0
Active, Under 3	1	0.3	319	90.6	13	3.7	3	0.9	0	0.0	16	4.5	352	100.0
Inactive, Emeritus	0	0.0	29	93.5	0	0.0	0	0.0	0	0.0	2	6.5	31	100.0
Inactive, Full	1	0.2	490	95.1	7	1.4	2	0.4	2	0.4	13	2.5	515	100.0
Totals	10	0.3	3,282	95.5	51	1.5	13	0.4	5	0.1	76	2.2	3,437	100.0

Table 4: Utah State Bar Membership by Race and Status
Data provided by: Utah State Bar, August 1998

Priority #7 -- WOMEN OF COLOR

Committee members recognize and underscore that all of the topics addressed in this report and their accompanying recommendations are relevant to women of color. The Committee chose this issue as a separate priority area because of its importance to overall fairness in the legal system. Women of color told the Committee that they did not feel they were included in the Gender and Justice Task Force. Female attorneys of color in Utah also said that discussions about minority issues often focus only on men. Therefore, it was clear to Committee members that the Task Force's efforts should address women of color directly in its deliberations.

The Committee, through the full Task Force, sponsored a study on female attorneys of color. Two focus groups and follow-up validation interviews were coordinated and held with supervision by the Task Force's research consultant. All female attorneys of color identified by the Utah Minority Bar Association and the Women Lawyers of Utah were invited to participate in the study. Demographic information on the women who participated is included in Figure #1.

Findings of Committee

1. Many female attorneys of color in Utah do not feel as if they were included in the Gender and Justice Task Force which was commissioned by the Judicial Council and published its final report in March 1990.
2. Many female attorneys of color in Utah feel that discussions about minority issues often focus only on men.
3. Even the racial and ethnic makeup of our own committee does not reflect the inclusion of women of color (See Table #5).
4. Female attorneys of color in Utah are significantly underrepresented in all areas of the legal profession.
 - A. When asked if female attorneys of color were visible in Utah, the response was almost unanimously, "There are hardly any."
 - B. Some of the women felt like outsiders in the legal profession, "They are shocked when they see us."
5. Law school does not foster a positive and supportive environment for women of color, promoting instead stereotypes of tokenism and incompetence about women of color, which after graduation from law school, are carried into the legal field.

- A. Some of the women felt the worst racial bias they have experienced occurred in law school.
 - B. Most of the women felt they were branded as “affirmative action babies;” therefore, they were not regarded as competent by their peers.
 - C. Some also felt there was little, if any, support for minority students during law school.
6. Race and/or gender stereotypes sometimes limit the work opportunities for female attorneys of color.
- A. Some of the participants felt race has never been an issue in their careers, while most felt that they have had to “fight” for their current jobs.
 - B. There was the concern that some of the participants have a difficult time finding out about jobs, getting interviews, and making the right connections.
7. Female attorneys of color perceive that peers and judges question their status and competence as attorneys; also, they are expected to be “better” and to represent the views of their respective racial and ethnic communities.
- A. Some of the participants felt that judges have offered them help in a condescending manner or reprimanded them needlessly during court appearances.
 - B. Some of the women have been confused with other ethnic attorneys or completely ignored by judges.
 - C. Some participants have felt pressure to be “better” because they are expected to represent their entire race.
 - D. Most of the participants agreed that they cannot adequately represent the views of all members of their ethnic community.
8. Female attorneys of color perceive that minorities are not being treated fairly or respectfully by the legal system.
- A. All of the participants unanimously agreed that being a person of color is a definite disadvantage in the legal system.
 - B. Language barriers were a big concern for the participants. The participants felt that judges “shut down” and are disrespectful to people who are obviously of different ethnic or racial backgrounds, especially when there is a language barrier.
9. Female attorneys of color have dealt differently with the bias and inequities they experience. Some choose to assimilate, while others prefer to assert their ethnic identity more strongly.
- A. Some of the women are uncomfortable with the term “women of color.”
 - B. Other women, mostly Asian American and African American, felt that it was impossible for them to blend in due to their ethnic appearance.
10. Female attorneys of color do not have adequate mentors, role models, or network mechanisms.
- A. All the women felt there are not enough mentors for female law students and attorneys of color.
 - B. They also agreed that due to the small numbers of minority professors and students, there are hardly any role models for female attorneys of color.
 - C. Some of the women would like to interact with other female attorneys of color to share experiences, exchange opinions and support one another, but feel that due to the small number of female attorneys of color and the lack of adequate network mechanisms, it is difficult to interact and make connections.

Recommendations of the Committee

1. Recommendations to the Administrative Office of the Courts
 - A. Ensure that the training and tracking addressed in the prior section (see Priority #6 – Court System Workforce Issues) specifically address issues related to women of color.
 - B. Be responsible for the above tracking of data and training assurances listed in the prior section (see Priority #6 – Court System Workforce Issues) as they relate to women of color.

2. Recommendations to the Utah State Bar
 - A. The Utah State Bar should encourage and provide tools to employers in the legal profession to examine their hiring practices for subtle and overt bias against women of color. Such bias is often the result of a lack of cross cultural experiences.
 - B. Create discussion groups where minority attorneys can engage in positive and honest dialogue with participants of the legal profession, such as judges, other attorneys and court administrators. This format would allow more experienced attorneys to share the factors or rules that helped them become successful.
 - C. Establish strong mentoring programs for minority law students by members of the legal profession, even prior to law school if possible.
 - D. Improve and expand the network mechanisms used by female attorneys of color in Utah and not limit these efforts to the Utah Minority Bar Association and the Women Lawyers of Utah.
 - E. Implement all recommendations in prior section in order to assist female attorneys of color.
 - F. Report annually to the Utah Supreme Court and Judicial Council about steps taken by the Bar to encourage participation by female attorneys of color in bar activities and leadership.
 - G. Ensure that female attorneys of color are included as conference speakers and panel participants at all bar conferences.
 - H. Be responsible for the above tracking of data and training assurances listed in the prior section (see Priority #6 – Court System Workforce Issues) as they relate to women of color.

3. Recommendations to Utah law schools
 - A. Assist the Utah State Bar to establish strong mentoring programs for minority law students by members of the legal profession, even prior to law school if possible.
 - B. Be responsible for the above tracking of data and training assurances listed in the prior section (see Priority #6 – Court System Workforce Issues) as they relate to women of color as faculty, staff and law students.

4. Recommendations to the Utah Minority Bar Association
 - A. Assist the Utah State Bar to establish strong mentoring programs for minority law students by members of the legal profession, even prior to law school if possible.

- B. Encourage the Utah State Bar and other entities to implement the above tracking of data and training assurances listed in the prior section (see Priority #6 – Court System Workforce Issues) as they relate to women of color.
5. Recommendations to Young Lawyers Division
- A. Assist the Utah State Bar to establish strong mentoring programs for minority law students by members of the legal profession, even prior to law school if possible.
 - B. Encourage the Utah State Bar and other entities to implement the above tracking of data and training assurances listed in the prior section (see Priority #6 – Court System Workforce Issues) as they relate to women of color.
6. Recommendations to Women Lawyers of Utah
- A. Assist the Utah State Bar to establish strong mentoring programs for minority law students by members of the legal profession, even prior to law school if possible.
 - B. Encourage the Utah State Bar and other entities to implement/ Encourage the above tracking of data and training assurances listed in the prior section (see Priority #6 – Court System Workforce Issues) as they relate to women of color.

**Figure 1:
Women of Color Focus Group & Validation Interviews
Demographic Survey Information**

Age

- Four of the participants are between the ages of 26 to 35;
- Six are between the ages of 36 to 45;
- Two are over the age of 46.

Ethnic/Racial Background

- Six of the participants were Hispanic: three were Mexican American and the others were of Latin American descent.
- Three of the participants were Asian American: two were of Japanese descent and one was born in the Philippines.
- Two of the participants was African American.
- One of the participants was Native American.

- Of the twelve participants, nine speak English as their native language.
- Six of the participants were born and raise in Utah.

Education and Career

- Nine of eleven participants are the first in their immediate families to obtain a law or post-graduate degree.
- Six of the women specifically indicated that they pursued a law degree because they wanted to have a greater impact in the community, by promoting justice and equity in the legal profession and in public policy.
- Four work in non-legal fields.

Taken from: *The Perceptions and Experiences of Female Attorneys of Color
in Utah's Judicial System*
by Yvette Donosso Diaz
April 1999

	BLACK		HISPANIC		ASIAN AMERICAN		AMERICAN INDIAN		PACIFIC ISLANDER		TOTAL MINORITY		WHITE		TOTAL	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	%	
COURTS COMMITTEE																
Committee members	2	0	3	0	1	0	0	0	1	0	7	0	3	6	16	
	12.5	0.0	18.7	0.0	6.3	0.0	0.0	0.0	6.3	0.0	43.8	0.0	18.7	37.5	80.0	
Staff & Volunteers	0	0	1	2	0	1	0	0	0	0	1	3	0	0	4	
	0.0	0.0	25.0	50.0	0.0	25.0	0.0	0.0	0.0	0.0	25.0	75.0	0.0	0.0	20.0	
Totals	2	0	4	2	1	1	0	0	1	0	8	3	3	6	20	
	10.0	0.0	20.0	10.0	5.0	5.0	0.0	0.0	5.0	0.0	40.0	15.0	15.0	30.0	100.0	

Table 5: Courts Committee Membership by Race and Sex
Data provided by: Courts Committee, Utah Task Force on Racial and Ethnic Fairness in the Legal System, 1999

Priority #8 -- TRANSLATION / INTERPRETATION / LANGUAGE BARRIERS

Findings of Committee

1. The Administrative Office of the Courts has been very active in the court interpreter field. Within the last few years much has been accomplished, including:
 - Adoption of a certification program for Spanish-speaking court interpreters (17 current certified Spanish interpreters);
 - The establishment of a Court Interpreter Advisory Panel;
 - The joining of a consortium of other states to coordinate testing, training, etc.;
 - Adoption of a training and testing program for court interpreters;
 - Adoption and modification of Rule 3-306, Rules of Judicial Administration, respecting court interpreters;
 - Adoption of Code of Professional Responsibility for Court Interpreters, (Appendix H of Rules of Judicial Administration);
 - Professionalization of position of court interpreter and upgrade of pay scale and travel reimbursement for court interpreters;
 - Designation of Holly Bullen, Assistant State Court Administrator, with direct responsibilities for court interpreter matters together with supportive staff, Kristine Prince-McStotts, and significant financial resources; and
 - Continued training of judges and clerks.
2. The Committee recognizes that a guarantee of equal access to the courts for linguistic minorities requires professional training and a respectful collaboration of efforts of court interpreters, judges, attorneys, court personnel, the Utah State Bar and staff of the Administrative Office of the Courts.
3. Based on Fundamentals of Court Interpretation: Theory, Policy, and Practice (by Roseann Duenas Gonzalez, Victoria F. Vasquez, and Holly Mikkelson. Carolina Academic Press. 1991.), the Committee determined that there is no explicit constitutional right to an interpreter; however, the Constitution specifically provides individual rights and liberties to all United States citizens, and for the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to have any legal meaning, provision of interpreter services must be offered to limited- and non-English speakers. Furthermore, any court denying a limited- or non-English speaking defendant an interpreter discriminates against that person and the population or class of persons he or she represents; in other words, that defendant is denied equal protection under the law (Change & Araujo, 1975).
4. Primarily Spanish-speaking defendants frequently worry that they receive unfair treatment and are subjected to negative presumptions because they require the use of an interpreter to communicate in court. The use of an interpreter may actually impose a barrier to a Spanish-speaking person's ability to receive justice in a court of law.
5. There are not enough interpreters available in a sufficient number of languages, especially outside of the Salt Lake area.
6. There are no Utah certification programs for spoken languages other than Spanish.
7. No training for lawyers exists regarding representing non-English speaking clients.
8. Invitations for training to New Judge Orientation has been somewhat sporadic in the past.

9. Eighty-five to ninety percent of interpreter needs in Utah are in Spanish. The second most frequent need is Vietnamese, followed by Pacific Island languages.
10. While judges have been trained in the use of interpreters, court employees frequently lack an appreciation of the important role of court interpreters.

Recommendations of Committee

1. Recommendations to the Administrative Office of the Courts
 - A. Facilitate the development of objective guidelines for selecting contract interpreters together with a system to ensure compliance (computerized selection would eliminate the “human”/subjective element of a selective assignment process).
 - B. Develop a confidential/private grievance procedure for interpreters to air substantive concerns while protecting them from threats of reprisal.
 - C. Develop a policy so that Utah can consistently contract with high quality interpreters of languages which are seldom, or rarely used in the courts.
 - D. Adopt and refine a working discipline system for offending interpreters.
 - E. Consider full-time positions regionally for court interpretation/ administrative purposes.
 - F. Monitor the frequency of languages used in court in order to plan for future interpreter needs.
 - G. Provide training for court employees on the role of interpreters in the courts.
 - H. Develop a Court Interpreter Administrator position or a clerk handbook.
 - I. Offer continued and regular training at New Judge Orientation
 - J. Develop a long-term plan to make other languages available through AT&T Translation Services or other professional services particularly for rural sites. A centralized Court Interpreter Administrator could coordinate these efforts.
 - K. Develop and implement periodic generic, non-language specific, training for court interpreters.
 - L. Develop and distribute standardized translated forms for court use which have been approved by a team of certified interpreters.
 - M. Assign a staff person to review all technological innovations that could be utilized to meet interpreting needs in Utah, particularly in relation to rural court needs.
2. Recommendation to the Judicial Council
Expand Interpreter Advisory Committee to include court interpreters for languages other than Spanish. The ratio of interpreters on the panel should be reconsidered.
3. Recommendations to the Utah State Bar
 - A. Develop useful materials for its members representing non-English speakers in civil, criminal, probate fields.
 - B. Provide multilingual information in pamphlets that the Bar prepares and at activities such as the Tuesday Night Bar.

Priority #9 -- RACIAL AND ETHNIC ATTITUDES AND IMPACT ON MINORITY VICTIMS IN THE COURTROOM

Findings of Committee

1. No formal database on the race and ethnicity of victims exists in the state of Utah.
2. The victims survey, sponsored by the Task Force, is still pending. The Committee reserves its final recommendations on this issue until the results of that study are known.
3. It has been reported to the Committee that the following perceptions exist among many who work in the court system:
 - A. Racial/ethnic bias may exist in cases where the victim is minority and the defendant is Caucasian or where the defendant is minority and the victim is Caucasian. In both instances, the judge and jury may take one or the other party more seriously or be more likely to believe one party based on race/ethnicity.
 - B. Racial/ethnic bias may exist in cases where non-English speaking minority victims are not offered adequate translation services. Therefore, their testimony is adversely restricted or limited. In addition, they may not be granted their rights because it is more difficult, for example, to obtain their victim impact statements.

Recommendations of Committee

1. The Client Committee has recommended actions to address situations related to minority victims. The Courts Committee endorses those recommendations, which are as follows:
 - A. Criminal justice system players, from line staff through administrators, must be aware of their individual biases in order to avoid prejudiced treatment of minority victims. The tendency to discount the statements or experiences of people of color may be unconscious for some but is still inexcusable and dangerous behavior. Training to address this type of bias is essential for all those who work within the criminal justice system.
 - B. All segments of the criminal justice system should develop ways to effectively address language barriers. Trained interpreters should be utilized. The provision of interpreters should be the responsibility of the service provider. Language barriers should not be allowed to dangerously delay service provision nor sacrifice the quality of those services.
 - C. An accessible, user-friendly mechanism for victims to report their dissatisfaction with their treatment by the system should be established. This complaint process should be publicized to the ethnic communities and should include clear and well-defined follow-up and notification procedures.
 - D. The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.
 - E. Local law enforcement, the legal community, and community organizations should be offered training on hate crimes in order to promote consistent recognition and reporting of hate crimes.
2. The Board of Pardons and Parole should track race and ethnicity of victims in their files.

Priority #10 -- TRIBAL JURISDICTIONAL ISSUES

Findings of Committee

1. Utah State Bar members are not familiar with tribal court system and its potential impact upon them and their clients.
2. The Committee acknowledges the existence and progress of the Tribal/State/Federal Court Forum, chaired by Justice Michael D. Zimmerman. The Forum involves representatives from Utah tribal courts, Utah state courts, and federal courts in the District of Utah and is meeting to address issues related to jurisdiction. The Committee endorses the work of the Forum, acknowledges the many jurisdictional issues that affect American Indians and the legal system in Utah as areas of mutual concern for the Task Force and the Forum, and defers full consideration of these matters to the Forum.

Recommendations of Committee

1. The Utah State Bar should list all tribal bar members and judges on its web site of Utah attorneys.
2. The full Task Force should review the findings and recommendations of the Tribal/State/Federal Court forum.
3. The Utah State Bar should provide education about the tribal court system to bar members.

Priority #11 -- IMMIGRATION STATUS ISSUES

Findings of Committee

1. Not all district courts utilize plea agreement forms that fully inform criminal defendants of the consequences of a guilty plea on a criminal defendant's immigration status. Some courts provide this form to all criminal defendants regardless of their immigration status.
2. In early 1999, the Third Judicial District elected to delete information to criminal defendants about the consequences of a guilty plea on a criminal defendant's immigration status from its plea agreement form. The result of this change is that some criminal defendants may not be fully informed of the effect of their plea, even if their attorney has advised them of their consequences. The lack of information from the courts, at a minimum, creates the potential for confusion by the defendant.
3. The court and counsel do not uniformly advise criminal defendants who agree to deportation as a condition of the sentence that there are very harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.
4. The annual Judicial Conference for all Utah judges in 1998 held a general session on immigration issues to begin to discuss the complicated issues related to criminal law and immigration status.

Recommendations of Committee

1. All judicial districts in Utah should adopt a plea agreement form that fully and clearly discloses to all criminal defendants the consequences of a guilty plea on a criminal defendant's immigration status. This form should be provided to all criminal defendants regardless of their immigration status and should be available in multiple languages. All districts should provide a copy of their form to the Judicial Council and include the date of implementation in their report.
2. The court and counsel should warn defendants, who agree to deportation as a condition of the sentence, of the very harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.
3. The Utah Association of Criminal Defense Lawyers should educate criminal defense lawyers about immigration issues.

CONCLUSION

The Courts Committee acknowledges the racial division in the United States. That division is reflected in the legal system and adds to the lack of credibility of the legal system. Members of the public must have faith that the legal system is fair in order for the legal system to be effective. We are all standard bearers for the legal system and therefore are all responsible to improve it. It is critical to recognize and overcome the racial division in the legal system and to provide fair and equal treatment for all. There are numerous recommendations in this report directed at various entities. The purpose of these recommendations is make the system more fair so as to increase faith and trust in the legal system.

One of the greatest benefits to the individuals on the Committee was the opportunity to become involved with individuals outside of their typical realms of interaction. This experience in and of itself was a step toward reducing racial bias in the legal system. If, during the next year, each individual who reads this report proactively gets to know a person from a different racial or ethnic background, we will be one step closer to closing the racial divide.