

What Should the Faces of Justice Look Like?



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I always thought growing up in Flint provided me with a tremendous background. Flint is known to be tough, and it's also racially and ethnically diverse. Going through the Flint public school system exposed me to a variety of people. My parents operated a retail business in the central part of town and my many years spent working at the business gave me such an appreciation for the different cultures and attitudes in Flint. I believed I had seen and understood the many life challenges and struggles of people and, because of this, I even thought I had an advantage in understanding people from different walks of life.

I now realize I didn't fully understand my earlier perceptions about the diversity in our community and state—in fact, I was a long way from truly appreciating the struggles of others. It was not until relatively recently that I came to see a glimmer of my misperceptions of the challenges of our diverse population.

As an officer of the State Bar, I have attended two Brunch for Bars sponsored by the SBM Diversity and Inclusion Advisory Committee.¹ At the most recent brunch, I sat at a table of diverse lawyers and judges.

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One distinguished female African-American judge told us of her recent experience when she was pulled over for a routine traffic stop. She didn't think anything of it until another patrol car pulled up. A police officer approached her window and asked for her license. It quickly became apparent that the judge was unable to produce her license fast enough for the officer's liking; he told her that if she didn't produce her license in the next couple of seconds, she was going to be arrested. She produced her license and never once mentioned to the officer that she was a judge.

At this same brunch, several female lawyers recounted stories of showing up for discovery depositions and being mistaken for court reporters by male lawyers.

I admit I haven't been pulled over often. I can also say that I never saw a second patrol car, nor has an officer been anything but civil and polite to me. I can also say that I have never been asked at a deposition whether I was the court reporter.

What struck me, of course, is that these were lawyers and judges relating their personal experiences. These individuals are important components in our justice system and yet they have experienced firsthand the implicit biases of others serving in the same system. If people *within the sys-*

tem have these experiences, what does that say for those to whom the system administers justice?

More than a year ago, again as an officer of our Bar, I learned of the impact of our system of justice on African-American males in Wisconsin, which has the nation's second-highest ratio of African-American males in prison compared to white males. Areas in Milwaukee had the country's *highest rate of disparity* in prison confinement of African-American males compared to white males.²

I can cite many other presentations I have attended in the time leading up to my year as State Bar president that chronicled where biases and disparity are all too common in our justice system. To be sure, there are complex reasons for the biases and disparities we are witnessing, and the solutions undoubtedly are even more complex and won't be found anytime soon. Before any solutions can be found, we must recognize these biases and disparities.

I am just beginning to understand that my view of the inherent biases in life has been limited and shortsighted. I am a white male who, without question, has enjoyed a position of privilege in our society and in our profession—a position that, for the large part, I have taken for granted in spite of growing up in Flint. My appreciation

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for and understanding of the biases in life have been limited by the simple fact that I have never had to *actually walk in the same shoes* of those who are not white males.

For me, this underscores that if we are to meaningfully tackle the biases and disparities in our justice system, then one of the critical starting points is recognizing the absolute need and continued importance of diversity and inclusion in our profession. Several Bar leaders drafted a new strategic plan that was adopted in 2017. One of its core values is set forth in a statement about the importance of diversity and inclusion.³ Unfortunately, trying to become more diverse and inclusive in our profession is easier said than done. While we are becoming more diverse with the increasing numbers of female attorneys and judges,⁴ other areas are not changing meaningfully.⁵

In response to the question I pose in the title of this article, I will simply state that

the faces of our members should reflect the many faces of the public we serve. If we are to truly understand the variety of needs and expectations of a diverse public and how best to serve that public, then we must have a membership that is equally diverse.⁶ ■

ENDNOTES

1. My thanks to SBM Director of Diversity Greg Conyers for his important leadership. See also Conyers, *An Update on the Diversity and Inclusion Work of the State Bar of Michigan*, 96 Mich B J 12 (December 2017) <<http://www.michbar.org/file/barjournal/article/documents/pdf4article3271.pdf>>. All websites cited in this article were accessed May 16, 2018.
2. Francis Deisinger, State Bar of Wisconsin president, Great Rivers Conference presentation in 2016 to state bar leaders, including me. See also Pamela Oliver, *Race, Politics, Justice, New working paper on White and Black urban and rural imprisonment rates* (posted January 18, 2018) <<https://www.ssc.wisc.edu/soc/racepoliticsjustice/>>.
3. SBM, *Strategic Plan 2017–2020*, Statement of Core Values (April 17, 2017): "Diversity and Inclusion. The State Bar of Michigan recognizes that as an

association we are more effective when we bring different perspectives, experiences, backgrounds, talents and interests to decision-making about how we carry out our mission." <<http://www.michbar.org/file/generalinfo/pdfs/strategicplanreport17.pdf>>.

4. Female law students became the majority in 2016. See Olson, *Women Make Up Majority of U.S. Law Students for First Time*, The New York Times (December 16, 2016) <<https://www.nytimes.com/2016/12/16/business/dealbook/women-majority-of-us-law-students-first-time.html>>. There were no female state court judges in Genesee County when I was sworn-in as a lawyer and now there are six, which is more than 25 percent of the state court bench in Genesee County. In my humble opinion, it was fortuitous that the judges assigned to the highly publicized sexual assault matters in East Lansing and Charlotte were fine and competent female judges, Hon. Rosemarie Aquilina and Hon. Janice Cunningham.
5. See ABA, *Lawyer Demographics: Race/Ethnicity* (2013) <https://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer_demographics_2013.authcheckdam.pdf> (In 2000, 88.8 percent of attorneys were white and in 2010, 88.1 percent were white).
6. The easy part is to recognize the value of diversity. The hard part is to accomplish it.



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