

**STATE BAR OF MICHIGAN TASK FORCE ON
RACIAL/ETHNIC AND GENDER ISSUES IN
THE COURTS AND THE LEGAL PROFESSION**

JANUARY 23, 1998



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Final Report of the State Bar of Michigan Task Force on Race/Ethnic and Gender Issues in the Courts and the Legal Profession: Statement of Adoption

On November 21, 1997, the State Bar of Michigan Board of Commissioners unanimously adopted the final Report of the Task Force on Race/Ethnic and Gender Issues in the Courts and the Legal Profession in principle subject to a *Keller/AO93-5* determination and analysis prior to implementation.

The Board of Commissioners first received the final report of the State Bar of Michigan Task Force on Race/Ethnic and Gender Issues in the Courts and the Legal Profession on September 19, 1997. At that time, a 30-day commentary period was established to enable the Task Force to receive feedback from the organizations and entities responsible for implementation of the 167 recommendations. The Board also requested that a *Keller/AO93-5* analysis be conducted. At its meeting on October 31, 1997, the Task Force members carefully considered each of the numerous suggestions and questions submitted as commentary. Significant modifications, deletions and additions were made to the Report during this time. These changes clearly represent the commitment on the part of the Task Force to produce a fair and balanced Report and to assure that all relevant information be included for the Board's consideration. As a result, the Board voted on November 21, 1997, to fully approve the Report in principle, changing only one substantive recommendation related to mandating the role of prosecutors in procuring personal protection orders. Further, on January 23, 1998, the Board approved all recommendations as *Keller/AO93-5* permissible for the purposes of implementation except gender recommendations VI-15 and VI-16. It is clear that the mandate set forward by then State Bar of Michigan President Victoria Roberts and the Board of Commissioners has been fully and effectively met.

Since 1986, the Michigan judicial system and legal profession have sought to create a diverse and bias-free environment for the constituency we serve. Lawyers and judges have historically stood at the forefront of civil rights initiatives supporting fair and equal application of the laws throughout our state. It has been both our privilege and our responsibility to continue these efforts. As officers of the courts, guardians of the law, advocates for the disenfranchised and teachers of fairness, lawyers and judges must demonstrate the leadership necessary to increase the quality of justice available to our citizens. The State Bar of Michigan in partnership with the Michigan State Bar Foundation, has provided this leadership; actively contributing time, energy and money to the investigation and elimination of discrimination and bias in our profession. Over the last decade, we have joined the Michigan Supreme Court in its unequivocal position that "a fundamental principle of our constitutional government is that discriminatory treatment on the basis of race, gender, economic, class, religion or physical condition cannot and will not be tolerated."

On behalf of the Board of Commissioners and immediate Past President Victoria Roberts, we wish to express our sincere gratitude to the Co-Chairs, Dawn Van Hoek and Saul Green for their unwavering commitment to this project. They and the entire Task Force and staff are to be congratulated for the quality of their work product, the clarity of their vision and the tenacity of their effort. They have served the State Bar of Michigan, the lawyers and citizens of our state admirably. It is our hope that each individual who reads this Report will emerge more committed to the cause of equality and more certain of the principle expressed in our annual meeting theme this year – justice for some is no justice at all.



Edmund M. Brady, Jr.
President of the State Bar of Michigan



D. Larkin Chenault
Executive Director of the State Bar of
Michigan

January 26, 1998

DEDICATION

We dedicate this report to the memory of Michael Franck, the State Bar of Michigan's Executive Director between 1970 and 1994. A man who never shied from the difficult or controversial, Mr. Franck challenged us to do more than merely mutter about a problem, or wish things could be different. With clear vision and extraordinary leadership, he applied himself to making the justice system a fairer and more accessible place for women and minorities. His dedication to equal justice remains in our hearts and minds.

SPECIAL APPRECIATION

On September 15, 1987 Chief Justice Dorothy Riley and the Michigan Supreme Court issued Administrative Order No. 1987-6 creating the Task Force on Gender Issues in the Courts and the Task Force on Racial/Ethnic Issues in the Courts. This bold vision of the Court was realized in the dedication of countless individuals who were unwaveringly committed over a two year period to the principle that every person must be assured dignity, respect and justice in a legal system founded on fairness and equality for all citizens.

No one person exemplified this vision more completely than the Honorary Chair of the Task Forces, the Honorable G. Mennen Williams, former Chief Justice of the Michigan Supreme Court. The people of the State of Michigan, the members of our profession, and the State Bar of Michigan Task Force on Racial/Ethnic and Gender Issues in the Courts and the Legal Profession owe a deep debt of gratitude to Justice Williams and the following individuals for their extraordinary effort in producing documents which have shaped the direction of equal justice efforts in the state for the last ten years. We are confident that their hard work and dedication will continue to shape the future and influence the Michigan justice system into the 21st century. It has been a privilege to build upon the contribution of these individuals as we evaluated the extent to which their vision has been realized.

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September 19, 1997

Victoria A. Roberts
President, State Bar of Michigan
306 Townsend St.
Lansing, MI 48933

Re: Final Report of the State Bar Task Force on Racial, Ethnic and
Gender Issues in the Courts and Legal Profession

Dear President Roberts:

It is our pleasure to submit to you and the State Bar of Michigan Board of Commissioners the final report of the State Bar's Task Force on Racial/Ethnic and Gender Issues in the Courts and Legal Profession, for your adoption and approval. Since you created this Task Force in November of 1996, dozens of dedicated lawyers, judges and support persons have labored mightily to achieve its goals. We believe that the results justify the effort that went into the project.

As many believed, the bench and bar have not yet realized the goals set forth in the 1989 recommendations of the Michigan Supreme Court's Task Forces on Racial/Ethnic and Gender Issues in the Courts. According to our mandate, we set out to prepare a "report card" which would have several functions: identifying recommendations which have been accomplished, identifying recommendations which are not yet realized, and suggesting ways in which progress might yet be made. In our analysis, some individuals and organizations certainly deserve an "A" for their efforts, as represented by the twenty-four percent (24%) of recommendations that have been fully or substantially implemented. The Task Force found that an additional fifty-three percent (53%) of the 1989 recommendations were partially implemented. Unfortunately, of the 167 recommendations in the 1989 Report, fully twenty-three percent (23%) remain unimplemented. In other words, while much has been accomplished, much remains to be done.

Ironically, some of the most difficult goals identified in 1989 have been the most vigorously, and successfully, addressed. Victims of domestic violence now find it easier to obtain both prosecutions of their abusers and civil protection in the form of personal protection orders, due largely to a highly cooperative effort involving the Governor, Legislature, Supreme Court, the private bar, the Prosecuting Attorneys Association of Michigan, and the State Court Administrative Office. On the other hand, the task of identifying qualified women and minorities for appointment to the state's trial courts, mediation tribunals, and fee-generating positions, has not led to appointment of greater numbers.

Victoria A. Roberts
September 19, 1997
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It is our strong belief that leadership is the key to progress toward the goals identified in both the 1989 Reports, and our 1997 report. The inspired leadership of former Chief Justice Dorothy Comstock Riley, who created the Supreme Court's Task Forces in 1987, placed Michigan at the forefront of states willing to tackle problems of bias in the courts and legal profession. States that have realized real progress in the ensuing decade have done so under leaders unafraid to speak and act on the recommendations made by their "blue ribbon" commissions.

We have laid the groundwork for a renewed statewide commitment to the elimination of bias. We now look to both the State Bar of Michigan and Michigan Supreme Court to provide that crucial leadership. As the most significant first step, and our most important recommendation, the Task Force urges the creation of a Joint Commission on Diversity Issues and the Michigan Justice System, established by the State Bar of Michigan and Michigan Supreme Court to serve on a permanent basis. This Joint Commission should both monitor and work toward accomplishment of the 1989 recommendations, while also expanding the scope of inquiry into new problem areas of racial, ethnic and gender bias which are identified after investigation. It is our unanimous conclusion that without such a commission, Michigan is unlikely to see continued and coordinated progress.

We wish to thank you for the opportunity to serve the bench, bar and citizens of Michigan, who all deserve a justice system which does not discriminate. We also wish to thank the members of the Task Force and the Task Force's special advisors, who threw themselves into a difficult and time-consuming project with extraordinary commitment and vigor. Thanks also to the many individuals and agencies that responded to questionnaires and interviews, as part of the Task Force's information gathering process. Last, and certainly not least, we wish to thank you and the Board of Commissioners, the Michigan State Bar Foundation, and the State Bar of Michigan staff, for the considerable support provided throughout the year.

Sincerely,



Saul A. Green, Co-Chairperson
Task Force on Racial/Ethnic and Gender
Issues in the Courts and the Legal Profession



Dawn Van Hoek, Co-Chairperson
Task Force on Racial/Ethnic and Gender
Issues in the Courts and the Legal Profession

STATE BAR OF MICHIGAN TASK FORCE ON RACIAL/ETHNIC AND
GENDER ISSUES IN THE COURTS AND THE LEGAL PROFESSION

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ACKNOWLEDGEMENTS

Successful completion of the Task Force project would not have been possible without the extraordinary efforts of many talented people and committed organizations. We are deeply grateful to all those who provided creative analysis and ideas, written materials, and moral and financial support.

Above all, we wish to thank State Bar President **Victoria A. Roberts**, whose inspired leadership was a beacon to all Task Force members.

We particularly want to thank certain individuals whose commitment rose to an exceptional level. Coordination of the project, and analysis and writing of this final report, would have been impossible without the dedicated and extremely competent efforts of:

Lorraine Weber, Special Advisor to the Task Force
Joan Ellerbusch Morgan, Principal Researcher and Project Coordinator
Judy Hershkowitz, Project Assistant

Our thanks also extend to the hard-working members of the Task Force, who volunteered so many hours to this challenging project. We particularly wish to acknowledge and thank the Team Leaders: **Jeanice Dagher-Margosian**, **Hon. Marianne O. Battani**, **Kimberly M. Cahill**, **Daniel F. Hopp**, and **Alex L. Parrish**.

For financial, administrative and planning support, we wish to thank the State Bar of Michigan's Board of Commissioners, and its very talented and dedicated Executive Director, **D. Larkin Chenault**. The Bar's continuing willingness to address equal justice issues is a source of great encouragement. Of the many Bar staff members who cheerfully assisted the Task Force, we wish to specifically mention and thank **Danial Kim**, Deputy Executive Director, **Nkrumah Johnson-Wynn**, Associate Executive Director for an Open Justice System until February, 1997, **Dean Tucker**, Director of Information Services, **Stephanie Arbanas**, Assistant Executive Director for Personnel and Research, **Joyce Nordeen**, Project Secretary, and **Mary Vilminot** and **Kurk Prater**, Survey Assistants. We also appreciate the counsel of the Bar's gifted Legislative Consultant and Lobbyist, **David Haynes**.

For their commitments to equal justice and follow-through on the Task Force project, we particularly thank 1997-98 State Bar President **Edmund M. Brady, Jr.**, and President-Elect **J. Thomas Lenga**.

For its substantial financial support of the Task Force project, we gratefully acknowledge the Michigan State Bar Foundation, and its Chair, the Honorable **Michael G. Harrison**. We also thank the Foundation's Executive Director, **Linda Rexer**, who provided valuable assistance.

Collection of information from state courts was considerably assisted by Michigan Supreme Court Chief Justice **Conrad L. Mallett, Jr.**, who encouraged judges to respond to the Task Force's challenging questionnaire. We thank him, and his administrative staff, which now includes Ms. Johnson-Wynn, for continuing support of the project.

We thank **John Ferry**, State Court Administrator, and **Pamela Creighton**, Coordinator for the Access to Justice Program at the State Court Administrative Office, for their considerable interest in and contributions to the project.

We also thank the members of the Michigan Supreme Court's Access to Justice Work Group, who generously shared information and ideas as they worked on a related project. The work group includes: **Judge William B. Murphy**, **Judge Denise Langford Morris**, **Paula Zimmer**, **Judge Harold Hood**, **Jeffrey S. Albaugh**, **Patti Holden**, and **Pam Creighton**.

For the considerable time and energy needed, we thank all those who responded to the Task Force's questionnaires. Also very much appreciated was the input provided by individuals who participated in focus group discussions conducted by Task Force teams.

Numerous individuals and organizations also receive our thanks for their contributions of anecdotal information, written reports, or willingness to volunteer:

Nina Abrams, State Bar of Michigan Family Law Section
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Family Law Project of the University of Michigan Law School
Michigan Civil Rights Commission
Michigan Department of Civil Rights
My Sister's Place, domestic violence shelter
National Congress for Men and Children, Michigan Chapter
Women Involved in Giving Support

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