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# Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary

## Draft Strategic Plan

Developed Winter 2023



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## To the People of Michigan:

In order for our third branch to operate effectively, we must rely upon the public's trust. Without the power of the purse or sword, that is indeed all we have. Former Michigan Governor and then Chief Justice G. Mennen "Soapy" Williams understood this well when he created the Citizens' Commission to Improve Michigan's Courts. The Citizens Commission asked, for the first time, the owners of the justice system to share their understanding, concerns, and level of trust in the justice system.

In 1987, the Michigan Supreme Court again took bold action when it created two task forces to examine disparities within the justice system, which were noted by the many citizens who participated in the Citizens' Commission proceedings. In 2022, under the leadership of then Chief Justice Bridget Mary McCormack, this Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary was established to carry forward the work undergirding the citizenry's belief that its justice system is, in fact, just.

As co-chairs of the Commission, we are proud to present a strategic plan which will guide the Commission's work. This plan, developed after much discussion, public input, and research, describes the process that justice system stakeholders should embrace to achieve the goals set forth in Michigan Supreme Court Administrative Order 2022-1, which charged the Commission to work toward "the elimination of demographic and other disparities within the Michigan judiciary and justice system."

Much of the work of the Commission will require collaboration with other judicial commissions and outside stakeholders. For that reason, this plan is not a step-by-step agenda but rather a high-level vision to inspire and guide us as we move forward to advance fundamental principles of the rule of law. We urge Michigan's citizenry, especially judges and attorneys across the state, to carefully review this plan, to participate in our implementation workgroups, and to enthusiastically collaborate with us in this important work.

We also ask the public to take note of this strategic plan, to support their local courts as they develop implementation plans, and to join us in working together toward building a judiciary that reflects Michigan's diversity and is trusted by all.



Justice Elizabeth M. Welch



Hon. Cynthia Stephens (ret.)

# OVERVIEW OF THE COMMISSION

Established by Administrative Order 2022-1, the Commission on Diversity, Equity and Inclusion in the Michigan Judiciary’s purpose is to **assess and work towards elimination of demographic and other disparities within the Michigan judiciary and justice system.**

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In June, 2022 the Michigan Supreme Court issued an order appointing 24 members to the Commission, representing courts, professional associations, advocacy groups, law schools, affinity and/or special purpose bar associations, and community members who have had contact with the justice system. For initial terms, members were randomly assigned terms of one, two, or three years to ensure effective knowledge transfer and continuity in the work. Future terms will be for three years.

The Commission’s foundational task is the development of a strategic plan and initiatives to guide the work moving forward, including the establishment of commission workgroups. This document reflects a high level summary of the strategic direction that the Commission has established through thoughtful and meaningful collaboration over the past year.



”  
We look forward to advancing the rule of law in Michigan—the very foundation of which requires that people are treated fairly and with respect.”

- *Supreme Court Justice Elizabeth Welch*

# LEADERSHIP & MEMBERS



Supreme Court Justice Elizabeth M. Welch and Michigan Court of Appeals Judge Cynthia Stephens (ret.) serve as inaugural co-chairs of the Commission.

Founding members include:

**Robyn Afrik**, Michigan Association of Counties

**Chief Judge Kenneth Akini**, Michigan Tribal State Federal Judicial Forum

**Siham Awada Jaafar**, Community Member

**Jennifer Bentley\***, Michigan State Bar Foundation Executive Director

**Judge Juanita Bocanegra**, Michigan District Judges Association

**Judge Kathleen Brickley**, Michigan Judges Association

**J. Dee Brooks**, Prosecuting Attorneys Association of Michigan

**Zenell Brown**, Michigan Court Administrators Association

**Erika Bryant**, State Bar of Michigan Board of Commissioners

**Michelle Crockett**, Affinity Bar Association

**Peter Cunningham\***, State Bar of Michigan Executive Director

**Syeda Davidson**, Affinity Bar Association

**Judge Shauna Dunnings**, Michigan Probate Judges Association

**Jacqueline Freeman**, Michigan ABA-Accredited Law School

**Judge Austin Garrett**, Association of Black Judges of Michigan

**Josh Hilgart**, Michigan State Planning Body

**Nicole Huddleston**, Justice for All Commission

**Alanna Lahey**, Community Member

**Angie Martell**, Affinity Bar Association

**Belem Morales**, Affinity Bar Association

**Elizabeth Rios\***, State Court Administrative Office

**Judge Kristina Robinson Garrett**, MI Indigent Defense Commission

**Judge Sima Patel**, Court of Appeals

**Louisa Wills**, Community Member

\*Executive Team Member

# HISTORICAL CONTEXT

This Commission was established upon the recommendation of the Committee on Diversity, Equity, and Inclusion (DEI Committee) and based on decades of prior research and recommendations from prior groups representing nonpartisan and diverse ideological perspectives.

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Over the past three decades, numerous bipartisan and nonpartisan efforts have called on the justice system to take direct action to better reflect and serve its communities. Michigan has historically been a leader in this work. Past efforts include:

- The 1987 Supreme Court Task Force on Gender Issues in the Courts
- The 1987 Task Force on Racial/Ethnic Issues in the Courts
- Michigan Administrative Order No. 1990-3
- The 1996 State Bar of Michigan Task Force on Race/Ethnic and Gender Issues in the Courts and the Legal Profession
- Establishment of the National Consortium on Racial and Ethnic Fairness in the Courts (founding member)

Additionally, in 2021, a national call to action to prioritize fairness in the courts was made by both the Conference of Chief Justices and the Conference of State Court Administrators.

Recommendations from these entities have focused primarily on eliminating gender, racial, and ethnic discrimination in the Michigan judicial system. Informed by this prior research and work, our court established this Commission to prioritize and strategically address these goals. This work will be complemented and supported by concurrent efforts of other Michigan Supreme Court initiatives and also aligns with the court's broader strategic agenda set forth by the Michigan Judicial Council (MJC).

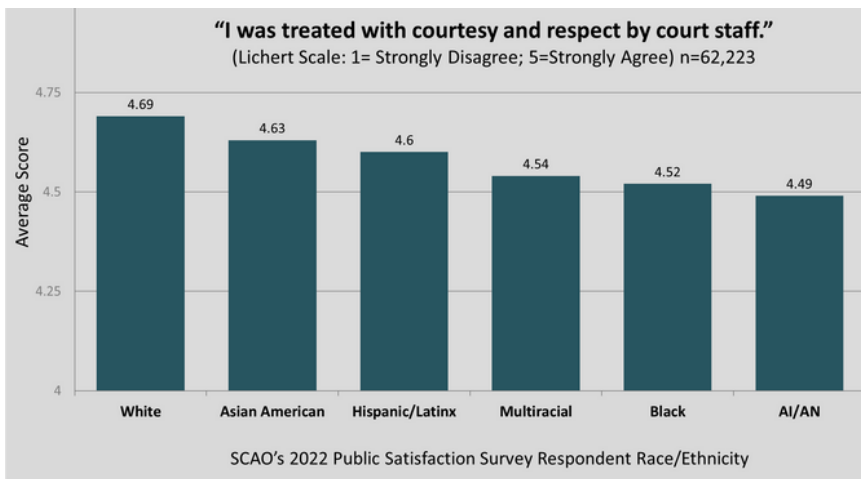
Our systems overlook the historical contexts that undermine the ability of our courts to deliver justice in an equitable way. We are excited to advance solutions that will make this system more human-focused and take these historical truths into account.”

- Josh Hilgart, Commission Member

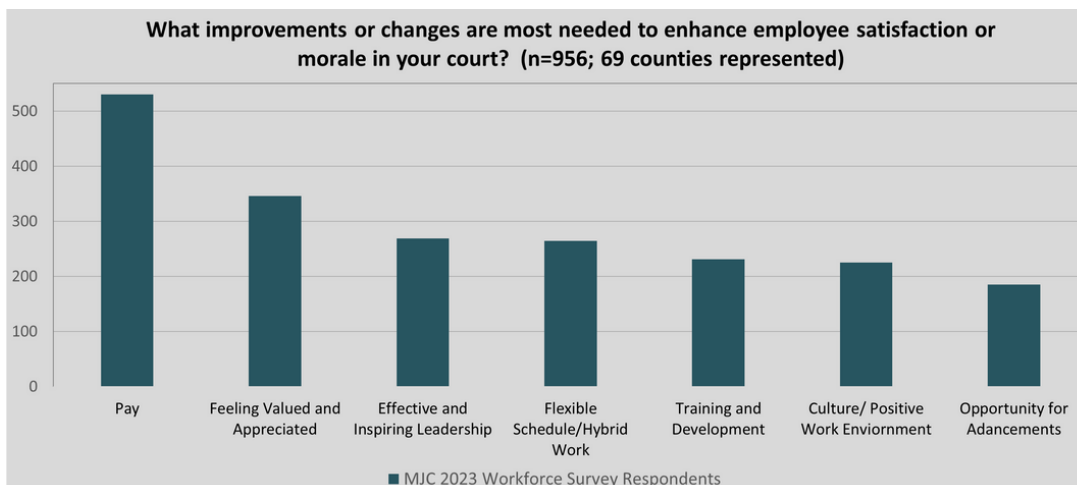
# FAIRNESS AND MORALE

The Michigan justice system has historically lacked data to fully assess how judicial systems impact and reflect the communities they serve. These gaps in understanding are exacerbated by:

- Inconsistent participation in, and a lack of accountability for, data input across judicial systems within Michigan.
- Limited demographic data on court employees.
- A dearth of data from civil cases.



Recent efforts, including SCAO's "Public Satisfaction Survey" and the MJC's "Workforce of Today and Tomorrow" Court Employee Survey, provide important initial data points to understand the makeup and experiences of Michigan justice system users and employees.



The ability to gather timely and accurate data will directly assist the efforts set forth in this plan.



# STRATEGIC OBJECTIVES

Together, over the past 12 months, Commission members have analyzed existing qualitative and quantitative data and best practices, conferred with experts, and assessed priorities. Our initial strategic objectives, which are interdependent and thus not ranked, are:

01

## COMMUNITY

Those served by the justice system are heard, valued and respected. Users of judicial systems have opportunities to inform, influence, and ensure accountability for the actions of those who work in the courts.

02

## TALENT

A judicial workforce that reflects the communities served.

03

## VALUE & CONNECTION

Judicial employees experience high morale, high retention rates, and opportunities for growth.

04

## JUDICIAL VITALITY

Pathways to judgeship and judge leadership are more inclusive, varied, and transparent —resulting in judicial leadership at all levels that reflect those served by the courts. Judges are fairly held accountable for their responsibilities and actions.

05

## ALIGNMENT

Equity initiatives are coordinated and supported within judicial systems across Michigan.

# OBJECTIVE #1: COMMUNITY

Those served by the justice system are heard, valued and respected. Users of judicial systems have opportunities to inform, influence, and ensure accountability for the actions of those who work in the courts.

## Recommendation #1

Support the **development of an office within the court to focus on user experience and assist those navigating the court system**, ensuring that:

- The office will include individuals with firsthand familiarity of the court system who reflect the communities served.
- Every user of the justice system has opportunities to provide gratitude and document grievances regarding alleged inequitable treatment by individuals, systems, or processes.

“The people who work in our courts are not always able to assist with specific questions because they cannot provide legal advice. Users of the courts do not always understand this, which leaves them unsure of how to proceed with their legal issue. A dedicated office is one way to address this.” - *Syeda Davidson, Commission Member*

“We need to ensure that those who use the courts have the ability to relay their experiences and challenges in real time. This is such a vital component to justice.” - *Siham Awada Jaafar, Commission Member*

“This effort will need to very carefully define who is a user of the court and how navigators can assist.” - *Angie Martell, Commission Member*

# OBJECTIVE #1: COMMUNITY

Those served by the justice system are heard, valued and respected. Users of judicial systems have opportunities to inform, influence, and ensure accountability for the actions of those who work in the courts.

## Recommendation #2

Coordinate with existing public satisfaction and workforce excellence initiatives to transparently **share user feedback** in court improvement trainings and efforts.

## Recommendation #3

Explicitly **include individuals with a variety of lived experiences in judicial systems** in this Commission's efforts to review, inform, and influence changes to judicial practices and policies.

“Once a year I’ve been responsible for issuing the court’s public satisfaction survey, which is intended to answer, ‘How are we serving justice?’ This gives us an opportunity to go deeper, and to be more accountable and transparent in the work that we do.” - *Zenell Brown, Commission Member*

“When we say we want those who are served by our courts to be reflected in those making decisions, we need to make sure this is real, and not a performative action” - *Erika Bryant, Commission Member*

# OBJECTIVE #2: TALENT

A judicial workforce that reflects the communities served.

## Recommendation #1

Improve efforts to confidentially and **effectively identify, collect, and publish data** regarding:

- Who the Michigan courts serve.
- The demographic makeup of all internal court staff.

This demographic data collection should be inclusive of age, ability, ethnicity, gender, race, and sexual orientation, as legally permissible. Court staff at all levels should be surveyed. The Commission will collaborate closely with the Michigan Judicial Council (MJC) Workforce Excellence Workgroup to achieve this goal.

“The collection of data is integral to our work to better reflect our communities, but initially it will also provide us with an understanding of how the system currently works.”

*- Judge Austin Garrett, Commission Member*

“Of course any data collection has to center the need for privacy, and optional participation. We believe that our courts across the state will want to showcase the progress they are making in advancing fairness and justice.”

*- Judge Kathleen Brickley, Commission Member*

# OBJECTIVE #2: TALENT

A judicial workforce that reflects the communities served.

## Recommendation #2

Support the development of **guidance and resources to assist the judiciary and its supporting systems** in achieving a workforce that reflects their community.

- Provide accessible training to all court employees on best practices to identify unconscious decision making and promote fairness. This should be available online and embedded in Michigan Judicial Institute (MJI) trainings.
- Evaluate barriers for applicants who were not selected and analyze key themes regarding their applications.
- Develop a tool-kit of templates for courts to use to administer annual surveys, plans, etc.
- Develop a portfolio of strategies and guidance to help courts deploy best practices for hiring that validate lived experience, reflect the local community, and employ multilingual staff.

“There is so much important emerging research about how unconscious processes may affect decision-making, including in our courts. Instead of shame-based approaches, we need trainings that help all of us understand how we make decisions and how to be more self-aware. - *Peter Cunningham, Commission Member*

# OBJECTIVE #2: TALENT

A judicial workforce that reflects the communities served.

## Recommendation #3

Support the **development of a talent pipeline** for the Michigan justice system.

- Support job readiness programs and formal internship programs (for attorneys and non-attorneys).
- Collaborate with affinity groups to strengthen candidate outreach.
- Ensure job descriptions are written to appeal to a wide range of applicants and job postings reach a wide range of job seekers.
- Encourage courts to increase the visibility of employment options within the court system to a broad job-seeking audience.

The Commission hopes to empower individual courts to do this work, potentially by region or in partnership with neighboring courts.

“We know this challenge is not unique to our courts. It has been difficult to right-size skills with job requirements in recent years.”

- Judge Cynthia Stephens (ret),  
Commission Co-Chair

“As a first generation Mexican-American, I didn’t meet an attorney until I was in my 20s. Outreach and visibility into the legal profession is so important.”

-Attorney Belem Morales, Commission Member

# OBJECTIVE #2: TALENT

A judicial workforce that reflects the communities served.

## Recommendation #4

Create a framework of accountability by **identifying resources to implement** the recommendations of this commission.

- Convene courts in order to share ideas and resources for the purpose of achieving a judicial workforce that reflects the communities served.
- Encourage courts to report data on the demographics of their workforce.
- Require courts to provide a plan similar to the Language Access Plan (LAP), detailing how they will seek to attract, hire, and retain a workforce that reflects the communities served by the justice system.
- Develop revised performance measures that include progress in addressing under-represented groups.

Note: We recognize the autonomy of Michigan court systems and believe that there are opportunities to continue to promote fair and just outcomes.

“Ultimately, these efforts are about ensuring that our courts fairly reflect who we serve. We believe fair representation will further justice for all.” - *J. Dee Brooks, Commission Member*

“Courts across the state are working diligently to improve hiring and professional development practices, and our hope is to provide support and resources in ways that are collaborative, efficient, and impactful.” - *Elizabeth (Liza) Rios, Commission Member*

# OBJECTIVE #3: VALUE & CONNECTION

Judicial employees experience high morale, high retention rates, and opportunities for growth.

## Recommendation #1

Promote **practices to strengthen employee engagement and morale.**

### Recognition & Connection

- Provide state-wide recognition for employees, highlighting leadership related to positive workplace culture.
- Provide state-wide recognition for courts that report a high level of employee morale.
- Host relationship-building events and connection opportunities.

### Feedback & Strategic Planning

- Distribute engagement surveys directly from SCAO to court employees (soliciting suggestions and feedback).
- Create incentives for each court to develop a statement and plan related to strengthening morale.

### Spaces & Resources

- Create physical spaces that promote safety and comfort, such as lactation rooms, meditation/prayer space, and accessible bathrooms.
- Create and share a calendar that fairly recognizes community members' holidays and observations.
- Expand engagement activities to be more accessible for individuals who are neurodiverse or have a disability.

“I think we need to celebrate more all of the great work and judicial employees we have in Michigan—both to foster appreciation and encourage us all to continue in these efforts.”

- Jennifer Bentley, Commission Member



# OBJECTIVE #3: VALUE & CONNECTION

Judicial employees experience high morale, high retention rates, and opportunities for growth.

## Recommendation #2

Promote additional practices to **maintain high employee retention**.

- Collaborate with other stakeholders, including the Commission on Well-Being in the Law, to develop and maintain employee wellness programs.
- Offer flexible work locations and hybrid scheduling if possible.
- Adopt regular “stay interviews” to identify needed resources or supports.

“We know small courts may struggle more to utilize flexible scheduling and hybrid work; this is not a one-size-fits-all approach.” - *Judge Shauna Dunnings, Commission Member*

## Recommendation #3

Provide ample opportunities for **professional growth** and remove unfair barriers for court employees.

- Offer ongoing professional development, cross training, and opportunities for collegial connection.
- Clarify promotion pathways and necessary training and education.
- Eliminate arbitrary education requirements that are not tied to job performance.
- Develop mentorship opportunities for new employees to be paired with seasoned employees.
- Develop clear job aids that detail updated job descriptions for positions across the justice system.

# OBJECTIVE #4: JUDICIAL VITALITY

Pathways to judgeship and judge leadership are more inclusive, varied, and transparent – resulting in judicial leadership at all levels that reflect those served by the courts. Judges are fairly held accountable for their responsibilities and actions.

## Recommendation #1

**Establish a robust pipeline of potential judges and leaders in the justice system** through:

Key Partnerships & Programming:

- Identify potential partners and lead entities (bar associations, K-12 educational institutions, community organizations, and legal associations) to develop outreach programs and initiatives that engage a wide range of individuals, including underrepresented groups, at all stages of their educational and professional journey.
- Develop professional development programming about judicial service that caters to a broad audience.

Pre-Law Program:

- Explore partnerships employing best practices in the development of a sustainable pre-law program, that maintains an ongoing presence in educational institutions across the state.

“Law schools are working hard to address our representation gaps, and it is clear that this work needs to start earlier. The opportunity to partner more closely with the justice system, and provide earlier exposure to judicial careers would be transformative for our efforts to advance justice.” - *Jacqueline Freeman, Commission Member*

# OBJECTIVE #4: JUDICIAL VITALITY

Pathways to judgeship and judge leadership are more inclusive, varied, and transparent – resulting in judicial leadership at all levels that reflect those served by the courts. Judges are fairly held accountable for their responsibilities and actions.

## Recommendation #2

**Demystify the road to the bench** (via both election and appointment)

Resource Compilation & Information Repository:

- Create and publish a comprehensive information repository for individuals pursuing judicial careers. Ensure that this resource is properly managed by a nonpartisan entity.

Training Programs & University Collaboration:

- Collaborate with the Michigan Judicial Institute (MJl) to establish a program for aspiring judges.
- Explore partnerships with universities to create “pathway to the bench” programs.

Address Financial Barriers:

- Explore approaches to support individuals pursuing judicial careers who have limited access to financial means.

Mentorship Programs:

- Establish mentorship initiatives to guide aspiring judges through the process.

“How can we expect the public to trust that our legal systems are fair and just, if, at a minimum, they do not reflect the communities they are seeking to serve?” - *Nicole Huddleston, Commission Member*

# OBJECTIVE #4: JUDICIAL VITALITY

Pathways to judgeship and judge leadership are more inclusive, varied, and transparent – resulting in judicial leadership at all levels that reflect those served by the courts. Judges are fairly held accountable for their responsibilities and actions.

## Recommendation #3

Address how **Judicial Leadership** reflects Michigan’s communities.

### Enhance the Chief Judge Application

- Include an opportunity to share how the justice system can better reflect Michigan communities.

### Expand Self-Awareness of Decision-Making Factors

- Identify and implement best practices in supporting judges in understanding their decision making tendencies, utilizing brain science about unconscious decision making.

### Establish Objective Criteria for Assignments

- Provide transparency about criteria for chief judge appointments.
- Analyze judicial docket assignments and the affect on judicial mobility, effectiveness, and user satisfaction.

### Provide Skill Development for Lawyers

- Encourage lawyers interested in the judiciary to gain skills that qualify them to handle various dockets.

“Greater transparency and clarity in the path to judicial leadership is crucial if we are serious about expanding justice in Michigan.”

- Judge Sima Patel, Commission Member

# OBJECTIVE #4: JUDICIAL VITALITY

Pathways to judgeship and judge leadership are more inclusive, varied, transparent, and equitable – resulting in judicial leadership at all levels that reflect those served by the courts. Judges are fairly held accountable for their responsibilities and actions.

## Recommendation #4

Address **accountability for and retention of Judges.**

### Clarify Accountability Procedures:

- Clarify the accountability structure and support procedures for judges, including approaches to addressing judicial discipline, mental health, and substance abuse.
- Support the development and transparency of consistent standards for the Judicial Tenure Commission (JTC) to use in discipline evaluations to promote fairness and garner public trust.

### Mobility Options Information:

- Provide information and education about career mobility options on the bench for current judges.

### Address Mental Health and Other Challenges

- Collaborate with the Michigan Commission on Well-Being in the Law to implement measures to address mental health and substance use disorder issues that promote safety and justice while also reducing stigma.

“The judicial system’s expanded capacity to understand, accommodate, and destigmatize mental health challenges must also include how we care for and address challenges for employees and judges.”

*-Alanna Lahey, Commission Member*

# OBJECTIVE #4: JUDICIAL VITALITY

Pathways to judgeship and judge leadership are more inclusive, varied, transparent, and equitable – resulting in judicial leadership at all levels that reflect those served by the courts. Judges are fairly held accountable for their responsibilities and actions.

## Recommendation #5

Improve the **value and transparency of the qualifications assessment process** for judicial candidates.

### Qualifications assessment:

- Offer to work with the Governor's office and the State Bar of Michigan's Judicial Qualifications Committee (JQC) to strengthen the judicial qualifications questionnaire.
- Provide feedback and be a resource to the Governor's office to identify any processes that create unnecessary administrative or financial barriers for judicial qualification review.
- Encourage all members of the JQC to undertake training in self-reflection practices to identify unconscious decision-making.
- Encourage transparency as to judicial qualification considerations.

### Judicial Qualifications Committee representation

- Clarify and communicate the selection process for JQC membership.

“The public deserves to understand how judges are appointed when there is a vacancy. Transparency in this selection process would help build trust in our justice system as a whole.”

*-Michelle Crocket, Commission Member*

# OBJECTIVE #5: ALIGNMENT

Equity initiatives are coordinated and supported within judicial systems across Michigan.

## Recommendation #1

Support the development of an office within the judicial system to **support alignment of engagement and fairness efforts across courts**. This office, with expert leadership, will:

- Be responsible for convening relevant coordinators from the local courts and managing the implementation of initiatives to advance representation across the justice system.
- Establish metrics, and collect, analyze, and disseminate annual data from the local courts which will aid in the ongoing implementation of state-wide approved initiatives.

“We have an amazing opportunity to learn from each other by better coordinating our efforts and sharing best practices. I hope this work helps courts to know that they don’t have to take on all of these efforts on their own.” -*Louisa Wills, Commission Member*

“We know that our efforts will be stronger and more effective when we intentionally collaborate in ways that invite differing and diverse perspectives into the work. I believe that with intentional collaboration, we will find even more common ground as we move forward together.” -*Kristina Robinson Garrett, Commission Member*

# OBJECTIVE #5: ALIGNMENT

Equity initiatives are coordinated and supported within judicial systems across Michigan.

## Recommendation #2

In partnership with the office focused on engagement and fairness, **each court and court agency will work to develop an effective plan** to implement strategies that align with the Commission's goals.

- Develop (with the support of a consultant and/or expert staff) a template or instrument to solicit information from each court and court agency, working to identify a primary coordinator and existing priorities and efforts.
- Evaluate existing plans and efforts state-wide to identify best practices, emerging practices, and effective modifications for varying jurisdictions in promoting more fair and just services.
- Establish a mechanism and identify capacity for regular internal and external reporting of progress measures related to fairness and representation.
- Facilitate ongoing consultation among local, regional and statewide coordinators.

“We are committed to working with and across all communities in Michigan, and we believe together we can ensure that our judicial employees feel valued, communities have greater trust in our courts, and our outcomes are more just and fair. - *Judge Juanita Bocanegra, Commission Member*



# NEXT STEPS

Following the development of this Strategic Plan, the Commission will work to identify and execute a more detailed action plan for implementation. This will include:



## Establishment of Implementation Workgroups

The Commission will establish workgroups to support the plan's objectives.



## Intentional and Thoughtful Collaboration

Commission workgroups will work in alignment with existing entities and commissions to efficiently implement strategic priorities.



## Regular Reporting on Progress

The Commission will file a biennial report with the Supreme Court about the Commission's activities and progress during the previous 24-month period and its goals for the next 24 months. The biennial report will be available to the public on the Court's website.

# ACKNOWLEDGEMENTS

Thank you to the following individuals who contributed toward the Commission's shared learning, data collection, analysis and identification of best practices.

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*Darryl Woods*

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## CONTACT

Physical Address:

Michigan Hall of Justice  
925 W. Ottawa St.  
Lansing, MI 48915

Phone: 517-373-0130

Fax: 517-373-7517

Postal Address:

State Court Administrative Office  
PO Box 30048  
Lansing, MI 48909

[misc-info@courts.mi.gov](mailto:misc-info@courts.mi.gov)

[www.courts.michigan.gov](http://www.courts.michigan.gov)

