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Global/Local Communities Neighborhoods Work & Economy Politics & Policy Arts & Lifestyle Opinion Special Sections

Striving for inclusion in the halls of justice

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Arthur Guess, 39, a law clerk in the Ramsey County courthouse who is Black, says few of his peers are people of color. Guess has been a clerk to Judge George Stephenson, one of four Black judges in the county or District 2, for about a year and a half. In the judges' chambers, there happen to be several people of color employed (including Guess and a court reporter), which Guess has found to be otherwise abnormal.

By contrast, the vast majority of those who arrive as customers to the St. Paul courthouse every day are minorities, he said, pointing to a line of people sitting in the lobby on the third floor, the juvenile detention center, which included mainly Blacks and Latinos, among others, on a typical morning in late July.

Some state officials from the Minnesota Judicial Branch (MJB), which took over the courts from individual counties a couple of years ago, claim that the makeup of its workforce reflects the broader population of a state dominated by White residents. Only about 11 percent of Minnesotans are minorities, based on U.S. Census Bureau statistics from 2000.

Minnesota has long been a role model for other states for the pains it takes to keep itself in check when it comes to racial bias in the justice system, officials point out, citing a lengthy 1993 study that closely examined statewide courts. Naturally, there's always room for improvement. Deputy Court Administrator Jeff Shorba said in a meeting at the MJB building in St. Paul, "We're trying to build on a strong foundation. We have a pretty diverse workforce," he said. "We want to mirror the community."

Many challenges lay ahead for the judicial branch, though, beyond the sheer caseload, in carrying out these goals. For one thing, the number of languages being spoken in courtrooms across the state continues to escalate. Last year, interpreter services were used in over 30,000 hearings while unrepresented litigants are also on the rise, according to MJB information. To cope with the changing dynamics and to boost minority participation, numerous initiatives are underway as part of a long-range strategic plan MJB adopted last year.

"Enhancing diversity in the courts is a major initiative of ours over the next few years as the Baby Boomers retire and we have a lot of new openings in the court system," Kostouros said, via email.

Too few minorities? On the walls throughout the Ramsey County courthouse — a modernized building that boasts plenty of natural light — oversized photographic prints hanging on the walls depict people who appear to be distressed. Guess pointed to one photo in the entry to the juvenile detention center. It portrays a Black family seated on a couch. Their facial expressions seem troubled while the orientation of the black-and-white photo is skewed. "The artwork makes me uncomfortable...Is this sending the right message about minorities?" he asked, scratching his head.

Guess said that sometimes when he is roaming the hallways at the courthouse, he gets comments from young Blacks, surprised to find a Black man working there. He has heard them call a judge or others in the courts racist, an excuse he said he doesn't buy. "I say to them, 'Hey, you're here,'" he said. "If we had a more diverse staff, people wouldn't blame their problems on race. They would see they are responsible for their own actions," said Guess.

Brenda Jackson, a former clerk in the same district, who is also Black, said over the phone that she felt White customers got more help than Blacks. Additionally, she said negative stereotypes about Blacks were uttered at times among White coworkers. Subsequently, "If you're a person of color, you feel isolated. You don't feel comfortable going to work," she said.

Judge Stephenson agreed that Ramsey County has a reputation for being uninviting to minorities, especially Black people. He acknowledged that while there has been a successful push to encourage Asians (Hmong, in particular) to apply for city, county and state jobs, there are still too few Blacks, Latinos and Native Americans working in the court system. But he believes the court is making strides. "I'm assured of a commitment to diversity. The courts are taking steps to do a better job. I'm confident it's being taken seriously," he said.

There's a ways to go, however, considering that many more Whites are entering the legal profession than any other racial group. Altogether, a little over 14 percent of the district's staff belongs to minority groups (excluding judges, who are elected officials) according to a recent MJB demographic analysis. Out of a total of 284 employees in the district, there are four Native Americans/Alaska natives; 15 Asian/Pacific Islanders; 15 Black/African Americans; seven Latinos/Hispanics; and 233 White people (10 people didn't specify their race).

Statewide, 2,442 people of 3,006 employees working in various locations of the judicial branch are White. In the coming years, however, there'll be more and more minorities, state demographers predict. Between 2005-10, nearly 38 percent of a projected 255,000 new Minnesotans will be non-White, a report from the State Demographic Center reads. It states that non-Whites will account for more than half of the increase in population from 2025-30.

What are the courts doing? Currently, when advertising a job opening in the courts, postings are sent to law schools, minority bar associations and ethnic newspapers, among other places, said MJB Human Resources Manager Nancy Griffin. Jobs are listed on the MJB website for 10 days (sometimes longer). Occasionally MJB representatives attend job and resource fairs. Hiring is done district by district.

Thus far, Griffin said, no complaints have been filed with the federal Equal Employment Office (EEO) about a

lack of diversity in any of the districts. An equal opportunity employer, MJB policy dictates that "all decisions regarding recruitment, hiring, promotions, and other terms and conditions of employment be made without discrimination on the grounds of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age."

District 2 Human Resources Manager Charlotte O'Connell said one obstacle to reaching out to minorities is the state's electronic job application system, which leaves out anyone who doesn't have easy computer access. Other stumbling blocks to minorities deal with the union status of many of the jobs; candidates from an internal pool are given first choice, while outsiders come second. That means walking a tightrope, because "You want to promote from within and support the people you have, but you also need to be mindful of bringing others in," she said.

To make a difference, O'Connell is concentrating on educating managers who do the hiring. Often, they may claim they hire the "best" person for the job, but they're sometimes unaware of unconscious biases that influence their decisions. For example, she said, an ethnic-sounding name may trigger certain assumptions. She has brought in a psychologist to do trainings that shed light on those kinds of things.

O'Connell said one district department that is making good progress is the Violations Bureau, where four of 23 employees are minorities. Susan Bownds, who leads it, said diversity should be part of the fabric of everyday life. "The Violations Bureau is where most people go, so it's important that we reflect the community. We want to hire, train and retain the best-qualified diverse workforce that we can get our hands on. If we can't retain them [due to being recruited elsewhere], we need to encourage people to talk up the court so others will apply."

All in all, "It's an ongoing challenge that can only be solved one hire at a time," she said.

Recently, a top-level diversity specialist, Melanie Larsen Sinouthasy, was hired to focus a statewide effort to encourage diversity. Sinouthasy is charged with the task of developing and recommending strategies to attract and retain a diverse workforce across the whole branch.

As has been done in the past, representatives from the judicial branch will visit high schools, colleges and job fairs to talk about law-related professions. Occasionally, some judges make appearances at law schools. To further ensure that people are treated equally, the Minnesota Supreme Court has both Race Fairness and Gender Fairness Implementation Committees while district-level courts have Equal Access Committees that bring together leaders from a wide cross-section of state agencies to problem-solve in areas regarding diversity.

Ramsey County Chief Judge Gregg Johnson said the committee is a place for ideas to be exchanged about how to better serve the community, make staff more aware of cultural differences and instill the competence needed to provide quality service.

Soon, the Ramsey County court will undergo a fairness survey project, which the National Center for State Courts developed to test customer satisfaction with the courts. Local diversity expert Lila Kelly said creating a diverse workforce can be accomplished by performing unconventional outreach tactics, such as through attending community events that spread news about jobs by word-of-mouth and help establish trust, among other strategies.

As funding fluctuates and programs come and go, diversifying the workforce isn't likely to be easy, though. "There are so many organizations trying and struggling with this, but they don't know how to do it. People are way behind, but demographics are changing. This is such important work," Kelly said.

Next week: Read about diversity in the Hennepin County courts (District 4) and some initiatives that are underway.

Anna Pratt welcomes reader comments at prat0073@hotmail.com.

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