

VALLEY&STATE



From from left, Judges Cathy Riggs, Elaissia Sears, and Gerald Williams prepare for a group photo of the 26 justices of the peace in Maricopa County outside the Maricopa County Courthouse in October.
PHOTOS BY ANTRANIK TAVITIAN/THE REPUBLIC

FACES OF ARIZONA DIVERSITY ON THE BENCH

Maricopa County Justice Courts lead way on representation

Julie Luchetta
Arizona Republic
USA TODAY NETWORK

Amidst reports of the state’s judicial system’s lack of representation, one county in Arizona stands out for its diverse group of justices. In fact, the Maricopa County Justice Courts takes pride in having a bench of judges from a wide range of backgrounds and experiences, including three of the four African-American State Justices in Arizona and one of the youngest judges ever elected in Arizona.

“As a young black woman who’s sitting on the bench, there are many people who walk into my court who are blatantly shocked that I’m sitting here,” Judge Elaissia Sears said while talking about her position as the youngest judge on the bench.

Sears was elected justice of the peace in Maricopa County’s West Mesa Precinct when she was 24. Now 27, she has been serving her first term proudly. She sees her age and perspective as someone who is from the community she serves — she is a product of Mesa Public Schools — as an asset in judicial proceedings.

Sears doesn’t fit into what most picture when they think of a judge. When people first walk into her courtroom, they have a wide range of reactions, she said.

“I feel like most of the reactions are positive because they’ve never seen somebody who looks like them,” she said.

Justice Courts are elected every four years through a partisan primary election at the county level. The judges oversee cases that range from traffic violations to domestic violence, housing disputes as well as misdemeanor and criminal offenses punishable to up to 6 months in jail.

“When you have people coming in to plead guilty to their

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Judge Deborah Begay has her hair fixed by a fellow judge before taking a group photo of the justices of the peace outside the Maricopa County Courthouse on Oct. 29 in Phoenix.

“When you have people coming in to plead guilty to their DUI, many people are scared, they’ve never gone through anything like that in their lives. They’re crying and they’re concerned about how the judge is going to read them. And so I’m glad that I can come in with my purple hair and people seem to feel a little bit relaxed.”

Elaissia Sears Maricopa County justice of the peace

If the filibuster is so great, why doesn’t Ariz. have it?

EJ Montini
Columnist
Arizona Republic
USA TODAY NETWORK

I am confused.
And yes, I know... Being mentally disoriented is not unusual for me, as readers have pointed out many times over many years.
But, on this particular issue, my bewilderment might actually make sense.

(If such a thing is possible.)
I’m puzzled as to why the state Legislature of Arizona does *not* have a filibuster rule.
Each time I write about how the filibuster in the U.S. Senate should be scrapped, I am told by any number of conservative readers and local Republican politicians that the U.S. Senate’s filibuster is a wise and important rule that forces cooperation and compromise, and must be retained.

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Endangered Mexican gray wolf shot and killed near Flagstaff

Lindsey Botts
Arizona Republic
USA TODAY NETWORK

Anubis, an intrepid Mexican gray wolf whose travels from eastern New Mexico to northern Arizona last year earned him fame, was shot and killed Sunday west of Flagstaff. It wasn’t clear who pulled the trigger.
The U.S. Fish and Wildlife Service, the federal manager of endangered and threatened species, disclosed news of the killing in a conversation with Greta Anderson, the deputy director of the Western Watersheds Project, who was

following up on the wolf’s whereabouts.
While details of the killing are limited because of the ongoing investigation, a USFWS official confirmed to The Arizona Republic on Friday that the wolf, also called m2520 by state and federal wildlife officials, was illegally shot.
“The U.S. Fish and Wildlife Service can confirm that Mexican wolf male 2520 was killed the first weekend in January,” read a statement sent via email. “The incident is currently under

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All 26 justices of the peace in Maricopa County pose for a group photo outside the Maricopa County Courthouse in October in Phoenix.
ANTRANIK TAVITIAN/THE REPUBLIC

Faces

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DUI, many people are scared, they’ve never gone through anything like that in their lives,” she explained.
“They’re crying and they’re concerned about how the judge is going to read them. And so I’m glad that I can come in with my purple hair and people seem to feel a little bit relaxed.”

Leading the way in diversity

In a report published in April 2021, the Arizona Advocacy Foundation found that while the Justice Courts in

Arizona are the most racially diverse compared to judges in federal and state supreme courts, they still fail to represent the state’s demographic makeup.
Arizona’s justices are 80% white and predominantly male, even though white people only represent 55% of the general population. The Latino and Hispanic community represents about 30% of the state residents but less than 11% of Arizona justices.
La Paz, Mohave, Pinal, and Yavapai counties only have white justices of the peace while courts in Yuma, Santa Cruz and Graham are presided over exclusively by male judges. Of the total 80 justices of the peace in Arizona, there are twice as many male judges as female judges.

In the Maricopa County Justice Courts, however, those statistics are noticeably different, with many judges coming from traditionally underrepresented communities.
Out of the 26 elected justices of the peace in Maricopa County, nine are women, three are African American, five are Latinx or Hispanic, one is Native American and two identify as LGBTQ.
But diversity in the Maricopa County Justice Courts exists beyond just racial and gender statistics, court spokesperson Scott Davis wrote in an email to The Arizona Republic. The courts have made a conscious effort to ensure employees and judges reflect the population they serve, Davis explained.
“We have judges and pro-tem judges

(that’s like a substitute teacher) who in their everyday life identify as biracial, multi-racial, Middle Eastern, South American, and more who self-categorized as white because there is no better ‘fit,’” Davis said.
The hiring committee for supplemental judicial officers is also mindful to consider gender, religion, age, sexual orientation, area of practice, experience level, or even geographic location within the county when reviewing candidates, Davis added.
“We know and celebrate that these elements which are not tracked are just as valuable as those that are,” he said.
Furthermore, justices are not

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appointed but elected, Davis explained. “Citizens should expect appropriate representation and, in fact, they have the final say in ensuring that ideal. Electing leaders and judges who promote diversity — not only in their decisions but also in their hiring practices — benefits society as a whole.”

“We call that fair justice,” he added.

A countrywide problem tackled one judge at a time

Lack of diversity is a problem across the American judicial system. The U.S. Bureau of Labor Statistics reports a lack of representation in lawyers as well as presiding judges.

While 14% of the country’s population is Black, only 6.8% of American lawyers are Black. Similarly, while Asians represent more than 7% of the total population, only 5.2% of lawyers are Asian. The Latino population, which represents almost 20% of the country, is only 5.8% of lawyers. A recent report from the American Bar Association showed that while Native Americans represent 2% of the U.S. population, only 0.2% of lawyers in the country are Indigenous.

Unlike judges in Arizona’s other courts, justices of the peace do not need a law degree to run for the bench, removing some of the barriers that have made it harder for BIPOC and women to access high-ranking positions. To qualify, candidates must be 18, registered to vote in the precinct they are running in, and a state resident.

People are more likely to trust and engage with a judicial system that reflects the population it serves, according to several sources.

Beyond the benefits of representation, researchers have also found that diversity impacts the way judicial proceedings are decided. Studies have shown that the gender and racial identity of judges affect the outcome of rulings.

Justice Teresa Lopez, who presides over West McDowell precinct, and Justice Enrique Medina Ochoa, of the Downtown Court, both shared examples of moments when their ability to relate to the cultural background of defendants allowed for a fairer resolution.

“If you understand the language and you know the language, you can catch a few of the interpreters who’ve missed some verbiage that is important in terms of really listening to what the defendants are saying,” said Ochoa.

Connecting through culture and lan-

“I get to say things to people that maybe some of my other counterparts can’t say. I get to ask an African-American male ‘What would your mom say about this?’ because I know what the Black community and Black mothers would say, and so they see me as their aunt.”

Sharon Sauls Maricopa County justice of the peace

guage allows judges and defendants not only to build trust but also to avoid misunderstandings that may impede fair justice.

“We have defendants that come in and if you pay attention and you’re giving them legal jargon, you realize they don’t know what you’re saying,” Lopez added, “and it’s for me, for all of us I believe, easy to just bring that down and say; ‘This is what I mean by this.’”

‘It’s been a long time coming’

Judge Sharon Sauls has been a justice of the peace in Maricopa County since 2019.

“When I ran, I saw the disparities and I knew that there had only been one other African-American woman elected before. And she was in south Phoenix where there was a large population of African Americans and Latinos. There’s only been one African-American male in the same area. I thought that it was important that our leaders represent the community in which they serve,” Sauls explained.

Sauls serves the Kyrene District, which has a higher percentage of African Americans than other parts of the Valley. “I feel that whether I look like my community or not, it’s important for people who have different views and different relationships than me to see me in this position as well because it’s been a long time coming,” she said.

“I think we need to see diversity so we know that all African-Americans are not a monolith.” It’s important for people to see African Americans in diverse socio-economic positions and leadership roles, she added, because it communicates that the judicial system represents the multiplicity of its population.

‘You are the same as me’

“I get to say things to people that maybe some of my other counterparts can’t say,” Sauls explained. “I get to ask an African-American male ‘What would your mom say about this?’ because I know what the Black community and Black mothers would say, and so they see me as their aunt.”

This helps her build rapport with the people she serves in ways that might not happen with a judge who is not familiar with the culture and norms of groups with different lived experiences.

“They see that you are over there sitting on that bench and see ‘you are the same as me,’” she said.

Justice Deborah Begay agrees. Seeing judges who look like them on the bench makes people more comfortable and able to engage with the courts in a more productive way. Begay, who is Navajo, was sworn in as the first-ever Native American justice of the peace in Maricopa County in January 2021.

Native judges are so rare that Indigenous people come from out of state to have Begay officiate their wedding, she said. Begay is also Two-spirit, an Indigenous gender identity that embraces both a masculine and feminine spirit. This means that members of the LGBTQ community turn to her for guidance.

More members of traditionally underrepresented communities are being elected because voters are showing up for them and more people are encouraged to run.

“Tribes are starting to recognize their power as communities and their power in voting blocks,” Begay explained as one reason for a shift in the demographics of judges.

Representing a community that has traditionally been excluded from these spaces also means carrying the responsibility of being a role model. Begay said she embraced that role but recognized it comes with a lot of responsibilities.

Because the judicial system has historically been ruled by cisgender white men, people may have biases against judges who do not look like they expect them to, Begay explained. Careful not to be stereotyped, she understands the burden of representation.

“As a role model, I’m very careful with the words I say because people carry that perception further,” Begay explained.

“I think what we do is we give a face to being a judge,” added Judge Ken Chevront of the Encanto Justice Court, who joined the bench in 2019. Chevront ran as an openly gay candidate in 1994 and was an Arizona legislator in

both the House and the Senate for 16 years. Back then, many people, including co-workers, did not want to associate with him because of a prevalent stigma against gay men, he recalled.

Hardship strengthened Chevront’s commitment to ruling his court with empathy. He learned from being different, which has helped him consider the socio-economic circumstances that bring defendants to court.

“You have to look through other people’s eyes,” he said. “You can’t just look through your own.”

Representation and sisterhood

Today, women represent a third of the bench, when there were only three a few years earlier. The female judges have found support and inspiration in one another.

Several of them shared experiences being asked about their credentials, something that their male counterparts had not faced.

“When I ran, I knew there were only three female justices out of the 26,” said Judge Leonore Driggs who serves the Arcadia-Biltmore precinct. Seeing the lack of female representation on the bench motivated her to start a campaign. “It was encouraging to me to want to run, to try to make that small group a little bit larger,” she added.

Before presiding over the Country Meadows Precinct court, Judge Anna Huberman spent 15 years interpreting for the Maricopa County Superior Court. When a new precinct was created in the West Valley in 2012, she decided to run.

Today, she is serving her third term and was named Maricopa County Justice Courts’ Justice of the Peace of the Year. In 2021, her peers on the bench also elected her as the Presiding Judge.

“The women created a sisterhood where we work together and support each other,” Huberman said. “We celebrate every additional woman that joins the bench.”

“I think the experience that we all individually have serves each of us individually on our own benches,” Huberman concluded, “but when we come together as a group, we all learn from each other. And I think that is where the diversity really makes its impact.”

Reach breaking news reporter Julie Luchetta at jluchetta@arizonarepublic.com.

This story is part of the *Faces of Arizona series*. Have feedback or ideas on who we should cover? Send them to editor Kaila White at kaila.white@arizonarepublic.com.



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