

Commission on Racial Fairness in the Courts

Resolution

- WHEREAS,** in 2001, the Honorable Joseph E. Lambert, the former Chief Justice of the Kentucky Supreme Court, appointed a Commission on Racial Fairness in the Courts, to examine the judicial process in Jefferson County; and
- WHEREAS,** the Commission is composed of a diverse collection of judges, lawyers, civil rights proponents, and leaders within the African American community, initially chaired by the Honorable William E. McAnulty, Jr., and presently chaired by the Honorable Denise G. Clayton; and
- WHEREAS,** Justice Lambert asked the Commission to determine whether racial bias or disparities exist within the judicial process, and, if so, to recommend steps that can be taken to ensure equal treatment; and
- WHEREAS,** in the course of its work, the Commission has found evidence of systemic bias and disparities in regard to bail determinations, jury selection, and sentencing; and
- WHEREAS,** the Commission has recommended a variety of specific measures to address these problems, several of which have already been implemented through immediate policy changes and training initiatives, while others are the subject of pending or proposed legislation; and
- WHEREAS,** the work of the Commission on Racial Fairness has continued following the election of the Honorable John D. Minton, Jr. as the new Chief Justice of the Kentucky Supreme Court and his ongoing commitment to the Commission's purpose; and
- WHEREAS,** at its monthly meetings in December, 2008 and January, 2009, the Commission took up the issue of the racial composition of the judiciary in Jefferson County, which is an essential component of the larger question of whether the courtroom environment alienates or detrimentally impacts African Americans and other racial minorities; and
- WHEREAS,** the issue of the racial composition of the judiciary, and its effect on the experiences and perceptions of racial minorities exposed to the judicial process, is particularly timely at this moment for the reasons stated below; and
- WHEREAS,** the Commission has determined that, as of January 2009, District Court Judges Janice R. Martin and Joan A. "Toni" Stringer were the only non-white sitting trial court judges in Jefferson County and that they are in the process of retiring and, henceforth, will be sitting on only a limited basis as unelected Special Judges pursuant to their participation in the Senior Status Program; and
- WHEREAS,** the resulting stark disparity arising from the fact that all of the remaining elected judges sitting in the 40 trial courts of Jefferson County will be white falls directly within the Commission's mandated area of inquiry ; and
- WHEREAS,** the Commission posits as a fundamental tenant of democracy and racial equality the proposition that the racial composition of the judiciary of Jefferson County should generally reflect the racial composition of the community which it serves; and
- WHEREAS,** the Kentucky State Data Center and the U. S. Census Bureau have estimated that, as of July 1, 2006, Jefferson County's total population was 701,500, of which 141,703 were African Americans, which is 20.2% of the population of Jefferson County; and

WHEREAS, the Commission on Racial Fairness believes that the Kentucky Court of Justice recognizes the importance of a judiciary that is statistically representative of all racial groups within the Commonwealth, and aspires to such representation on the bench in Jefferson County; and

WHEREAS, mistrust of public institutions is fostered by stark statistical disparities with regard to the representation of African Americans and other minorities in public offices and positions of authority, including the judiciary; and

WHEREAS, the Kentucky Judicial Nominating Commission, the Chief Justice of the Kentucky Supreme Court and the Governor of Kentucky have the discretion and authority to seek out, nominate, and appoint qualified African Americans and other minorities to the judiciary in Kentucky,-

NOW, THEREFORE, BE IT RESOLVED,

that the Commission calls for a judiciary that represents the racial diversity of our population. While the Commission does not endorse or support any particular candidate for judicial office, or call for a racial quota, the Commission on Racial Fairness urges the Kentucky Judicial Nominating Commission, the Chief Justice of the Kentucky Supreme Court and the Governor of Kentucky to seek out, nominate, and appoint qualified African Americans and other minorities to the judiciary in Kentucky.

BE IT FURTHER RESOLVED,

that a copy of this Resolution be presented to Governor Steven L. Beshear, Chief Justice John D. Minton, Jr., and the members of the Kentucky Judicial Nominating Commission, and also spread upon the Minute Book of this Commission.

Dated in Louisville, Kentucky on this 23rd day of January, in the year of Our Lord Two Thousand and Nine and in the 217th year of the Commonwealth.

On Behalf of the Commission:

Judge Denise G. Clayton, Chair
Commission on Racial Fairness in the Courts