SCOPE OF WORK

The Center proposes an eleven-month project with the goal of performing a racial equity analysis of the Michigan Judicial Tenure Commission's (Michigan JTC) complaint review process. The Center will apply its racial equity analysis methodology to the decision points and outcomes of the complaint process. This methodology has been applied to drug courts in the Equity and Inclusion Assessment Tool (https://allrise.org/publications/equity-and-inclusion-assessment-tool/) and is documented for court use in the Racial Justice Organizational Tool for Courts (https://www.ncsc.org/consulting-and-research/areas-of-expertise/racial- justice/racialjusticeassessment Part IV, section 2). Another document currently in development provides guidance on the methodology and how it can be applied to varied court processes.

The racial equity analysis will include information related to inquires initiated from the beginning of 2008 to the end of 2022. In order to allow an adequate assessment of inquiries initiated in 2022, records and data from 2023 may also be incorporated into the analysis. For those years, project staff will identify the racial composition of the Michigan Judiciary to serve as the comparative population for disproportionality at each decision point in the case review process for grievances received by the Michigan JTC.

The project includes seven tasks, with tasks five through seven occurring dependent on the results of the first four tasks. Staff will proceed with steps five through seven if statistically significant racial disparities are detected at any stage of the complaint review process, as described below.

Task One: Determine the Steps and Outcomes in the Complaint Review Process
Disparities will be assessed between steps in the case review process. The process includes several steps. First, a Request for Investigation (RFI) is filed. These RFIs may originate from the public, the Michigan JTC, the Supreme Court, or the State Court Administrative Office (SCAO). The Michigan JTC estimates approximately 500 RFIs are filed in a year. The RFIs are subject to a preliminary investigation, after which some proceed to full investigation, while others are dismissed. Full investigations may result in a variety of outcomes, including dismissal, a letter of explanation, a letter of caution, a letter of admonition, a consent to public sanction, or a public complaint. Judges may also resign, retire, or otherwise leave the Michigan JTC's jurisdiction before being issued a public complaint. Task One will consist of mapping this process, identifying its decision points, and the outcomes associated with each decision point. These decision points and outcomes will be the subject of analyses in subsequent tasks. Stakeholders will review and provide input to ensure that the initiation of and possible decisions about complaints depicted in the map accurately represent the full complaint process.

Task Two: Identify Judicial Officer Race for each RFI
Task Two will involve a review of documents to identify the judicial officer named in each RFI. The Michigan JTC will provide the Center with a document identifying the race of all judicial officers during the time period addressed by the project. The Center staff will match named judicial officers in the RFI to their race to conduct subsequent analyses.

Task Three: Perform Initial Equity Analyses
The Center staff will assess racial equity for all outcomes for each step identified in Task One. Because the number of cases will become smaller at each step in the complaint process, staff will conduct both quantitative and qualitative analyses to examine equity. Quantitative analyses will be conducted at the initial decision points in the complaint process where the number of cases is sufficient to determine whether a statistically significant[1] difference in outcomes by race exists. When the number of cases at a decision point is insufficient to determine statistical significance, the Center staff will calculate descriptive statistics for outcomes by race and perform qualitative reviews of case documents to help explain any descriptive findings. The qualitative review will examine the type and severity of each violation and decision outcomes in addition to other possible factors influencing decisions such as sufficiency of evidence.

Task Four: Initial Report
Acknowledging the time sensitive nature of this matter, the Center staff will inform the Michigan JTC, SCAO, and Supreme Court of the results of tasks one through three by July 31,2024. These results will be At this point, the Center will consult with thedelivered in a report documenting the complaint process, its decision points and outcomes, and the results of the quantitative and qualitative analyses for those decision points and outcomes. At this point, the Center will consult with the Michigan JTC, SCAO, and Supreme Court regarding the need for further analysis of decision points earlier in the process where statistically significant disparities were found.

Task Five: Document Review for Early Decision Points with Detected Disparities
For any of the decision points for which a statistically significant racial disparity was found, the Center staff will conduct a qualitative document review to investigate and identify possible reasons for the detected disparities. Consistent with the qualitative review discussed in Task Three, the Center staff will review documents to determine the type of violation, the severity of the violation and decision for each case. Staff will further review documentation to determine other possible influencing factors like sufficiency of evidence. This information will come from a case review of the RFIs filed from 2008 to 2022 (an estimated 7,500 grievances) and the documents gathered during investigation of the RFIs that proceeded to a full investigation.

Task Six: Analysis of Factors Contributing to Disparities
The data obtained from the document review will be analyzed in conjunction with the race data from earlier tasks to determine the relationships between various factors and their impact on outcomes. The methods used in these analyses will depend on the variables involved, and may include, for example, regression or chi-square analyses.

Task Seven: Add the Findings of Tasks Five and Six to the Report
Findings from tasks five and six will be added to the initial report from task four and delivered to the Supreme Court, Michigan JTC, and SCAO.

[1] Statistical significance measures the probability that a relationship between variables is due to something other than chance. A 95% level of confidence that the result is not due to chance is typically used to determine statistical significance. A small number of cases increases the t finding a statistically significant result when one actually exists.