



# DIVERSITY ON THE BENCH

## *Misdemeanor criminal court judges leverage differences to help bridge gap between the community and the criminal justice system*

March 17, 2022 — Growing up, Judge Ashley Guice often wondered about the possibility of sitting on the bench. But as a young Black girl, she remembers being keenly aware that judges didn't look like her.

Judge Genesis Draper remembers the curious glances she received from people as they entered her courtroom for the first time, looked at her — a Black woman clad in her judicial robe and seated high on the bench — and asked, “Are *you* the judge?”

Judge Sedrick Walker remembers learning that he was the first Black judge to sit on the bench of the Harris County Criminal Court at Law No. 11 and the mixed emotions that came with the distinction.

“I'm glad it's me, but I wish it hadn't had to take so long,” Judge Walker said.

For decades, judges in Texas have shared similar characteristics — specifically, white, male, and over 50, according to the Texas Politics Project at the University of Texas at Austin. But that archetype has begun to shift in Harris County, where a recent influx of new jurists has begun to diversify the bench.

Draper, Walker, and Guice are among a larger group of judicial trailblazers who have brought to the Harris County Criminal Courts at Law bench diversity of not just race and ethnicity but also gender, age, sexual orientation, and thought.

Facing the intersection of Black History and Women's History months, several of the judges recently sat down to discuss the progress made and work still left to do — and how both seem to create a shared sense of urgency and consensus in their mission.

Despite their varied backgrounds, the judges share a common, overarching goal: Provide a restorative approach that aims to identify and address root causes of crime, hopefully breaking the cycle of incarceration and making the community safer in the process. At the heart of this goal is the belief that all people must be treated fairly under the law — no matter their background or financial circumstances.

“I understand the urgency of our assignment and what we have been elected to do. I also understand how important it is for us to improve our criminal justice system,” said Harris County Court at Law No. 9 Judge Toria Finch, who serves as presiding judge for the county's 16 misdemeanor courts.

When asked if she is afraid of the political backlash that may come from her progressive agenda, she responded, “I'm not afraid of what will happen. I'm afraid of what won't happen if we don't maximize this moment, a moment that we may never receive again. I hope that we make it hard, if not impossible, to set the clock back on progress and equality in the criminal justice system.”

## THE HOUSTON 19

While African American men and women have served as judges in Harris County, it wasn't until 2018 that the bench started to significantly diversify. That fall marked the election of 19 Black female judges across county,



district, and justice of the peace courts.

Commonly called “Black Girl Magic” and the “Houston 19,” the group made history when all 19 swept their races. Seven of the 19 were elected to preside over Harris County Criminal Courts, including six on the bench of criminal misdemeanor courts.

“At the time of our election, we did not the magnitude of what it meant to the world,” Judge Finch said, noting that people still eagerly approach her, often to report they still have a photo of the Houston 19 — all dressed in Black and gathered in a courtroom — hanging on their wall or saved in a scrap book.

The judges are quick to note that they didn’t intentionally come together with the idea of trying to make history. It wasn’t until a meeting after the primary, Judge Finch said, when they looked around the room and realized the significance of the moment.

“There was just something so surreal about seeing so many women, Black women, running for so many different benches,” Judge Finch said, recalling just a few Black judges, at times as few as three, presiding over the 38 misdemeanor and felony criminal courts when she was practicing law.

Other members of the Houston 19 elected to criminal misdemeanor courts include Judge Shannon Baldwin, Criminal Court at Law No. 4; Judge Tonya Jones, Criminal Court at Law No. 15; Judge Ronnisha Bowman, Criminal Court at Law No. 2; Judge Erica Hughes, Criminal Court at Law No. 3; and Judge Cassandra Holleman, Criminal Court at Law No. 12.

Of the group, only two are no longer in their original seats. Judge Holleman died unexpectedly in early 2019, just weeks into her term, while Judge Hughes stepped down in December 2021, after being appointed to the bench of Houston’s federal Immigration Court. The Harris County Commissioners Court appointed Judges Draper and Guice, respectively, to fill the vacancies.

Both Judges Guice and Draper said they had rooted for the Houston 19 from the sidelines before joining them and were honored to have the opportunity to serve alongside them.

“I respected them so much, not only as lawyers, but the courage they had to run,” Draper said. “All Black women, we’re not all monolithic. I’m the only career defender on the bench. It really is a diverse perspective to come here as a Black woman and join the group as a career public defender. I really feel like my voice has a made a difference in the conversation.”

## THE IMPACT OF DIVERSITY

Spanning almost 1,800 square miles, Harris County is home to one of the largest and most diverse communities in the country. Nearly 150 languages are spoken in the greater Houston area and almost half the population speaks a language other than English at home, according to the Houston Visitors Bureau and U.S. Census Data.

In such a community, the judges said, diversity is imperative.

“When the bench didn’t represent the community, a lot of the citizens who walked into this courtroom felt like they were being talked at, not necessarily talked to,” Judge Guice said, noting that most people who come before them are people of color.

A diverse judiciary can help bridge the gap between the criminal justice system and the community, she said. Entering a courtroom and seeing people who look like you can change your perspective and help you transition from feeling like a number to feeling seen, she said.

The change in optics brings more credibility to the bench, the judges said.

“The law, especially the criminal justice system, is certainly not perfect. This is really an area where the African American community has felt, in large part, that we don’t get a fair shake — that there’s no equity or equality,” Judge Walker said, explaining that the perception is still pervasive. “Our group and others around us, we really can give some optimism about where we could be headed and how we can change the system.”

Judge Baldwin often explains her role as judge as that of a referee or umpire — not a member of either team, just here to call the balls and strikes. It is diversity, she said, that helps her do that job and makes her a more well-rounded judge.

Diversity allows her to sit in the middle of a situation and see different sides and perspectives, she said. It allows her to draw from her life experiences, really hear the person speaking to her, and give them hope as she holds them accountable.

“If you have no hope, you have no vision. You’ve not seen life outside of the four corners of your home, your neighborhood, your street. You don’t know there is something better,” Judge Baldwin said. “Maybe this is the first time someone is telling you, ‘You have options.’ and it’s coming from a judge.”

Known for asking questions, Judge Baldwin said she tries to identify the root cause leading to the behavior that has brought someone to her court. For example, she might learn that a defendant facing a theft charge has financial issues. In such a case, she said, it would be easy to lean on the stereotype that says poor people commit crimes because they don’t want to work. But, she said, it’s also possible the person found themselves facing desperate times and taking desperate measures as a result.

“That’s the problem with not having diversity. You don’t even know those things exist. You’re missing it,” Judge Baldwin said. “You say, ‘I’m being a judge. I’m being unbiased.’ But you’re missing it.”

## AN INDIVIDUALIZED APPROACH

At 35, Judge Tonya Jones is the youngest of the jurists presiding over the Harris County Criminal Courts at Law. The oldest of five children raised in inner city Houston, Judge Jones said she was more likely to become a teen mom and high school dropout than an attorney and judge, statistically speaking.

She now shares her life experiences with young men and women who come before her in court. Like Judge Baldwin, she aims to impart hope. As she holds people accountable and explains the consequences of their actions, she does so with an emphasis on education, respect, and dignity.

“I know how easy it is for one decision to pivot and turn your whole life around,” Jones said. “I want people to see I’m human. I’ve had some of the very same experiences you’ve had — I’m not above you. This is not the sum total of who you are and what you will become.”

Judge Kelley Andrews takes a similar approach. She wants the energy to feel different in her courtroom, she said. She keeps the lights low. She shows compassion and encourages vulnerability. And slowly, she begins to build trust.

That approach, she said, is helping to change ideas about the system.

“It’s such a traumatic situation to be arrested,” said Andrews, who presides over Criminal Court at Law No. 6 and was elected at the same time as the Houston 19. “You can address the reason that someone is in court and still treat them with compassion and respect and want to help them.”

She doesn’t agree with those who believe judges have to be hard and overly authoritative, nor does she think a female judge should have to exhibit those characteristics to be taken seriously.



It's OK for judges to be compassionate and want the people in their court to succeed, Judge Andrews said. When you address underlying issues, it helps stop people from cycling in and out of the system. That benefits not just the person in the system, but the entire community, she stressed.

Identifying personal needs is part of a more individualized approach that many of the judges have embraced. Though the process can be more time intensive, the Criminal Courts at Law judges have maintained an average clearance rate of 102 percent over the past 12 months, which means more cases are being disposed of than are being filed each month.

As a practicing attorney, Judge Walker said he grew tired of seeing the “regimented lack of individualization” in cases before the court. Now a judge, he tries to individualize everyone’s experience as much as he can. Rather than simply checking off a box, he makes sure he has reviewed all the information and considered all the special circumstances before making a decision or ruling.

“It’s important to understand that every case is different,” Judge Walker said. “The names of the charges are the same, but the facts are different. You can’t have a cookie cutter system.”

### ‘A MOVEMENT, NOT A MOMENT’

Once a month, Judge Draper takes the main public elevator up to her 10th floor courtroom. She does this, she said, so she can see the courthouse from the eyes of the people she serves. What does the courthouse look like? Is the building easy to navigate? Are the signs welcoming?

When people think of the courts, Judge Draper wants them to think of them as their own. To do that, she said, they are working to make them more accessible by eliminating traditional barriers. Speak a different language? You can get an interpreter for any language. Don’t have childcare? Thanks to zoom, you can still come to court.

“I feel really confident there has not been a group that collectively has been so thoughtful and serious about their impact on the criminal justice system in a very long time, if ever,” Draper said. “This is a movement, not a moment — to make sure we provide equal access, to really give some truth to that.”

There have been times, Judge Draper recalled, when older Black jurors approached her in the courtroom, took her hand, and told her how proud they were. The moments are meaningful, she said, thinking aloud about how something they did in the past could have helped pave the way for her today.

Judge Draper knows some people feel fatigued by diversity, but she and her counterparts know there is still much work to be done. There will always be a need for diversity, she said, because there will always be a need for new perspectives and fresh ideas.

“We have seen a total overhaul in the makeup of the judiciary. Even for those of us in these seats, it’s a massive change and a massive adjustment. The growing pains and attacks on the judiciary we’re experiencing right now, it’s not disconnected from the increase in diversity,” Judge Draper said, explaining that it takes both bravery and boldness to lead from the front. “Don’t underestimate what a struggle it still is to serve in these spaces as a Black woman and as a Black man.”

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