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FACT SHEET

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Access and Fairness Advisory Committee

The Judicial Council's Access and Fairness Advisory Committee, appointed in 1994, makes recommendations to the Judicial Council for improving access to the judicial system and fairness in the courts, and recommends to the Center for Judicial Education and Research proposals for the education and training of judicial officers and court staff.

History

The Judicial Council's work to improve fairness in the California court system began in the 1980s. In 1986 then-Chief Justice Malcolm M. Lucas appointed a special committee to review issues of gender bias in the courts, and in 1987 that committee became the Judicial Council's Advisory Committee on Gender Bias in the Courts. In March 1991, Chief Justice Lucas appointed the Advisory Committee on Racial and Ethnic Bias in the Courts to address issues of racial and ethnic fairness in the judicial system.

In its 1994-1995 strategic plan, the Judicial Council targeted access, fairness, and diversity as a primary goal of the judicial branch. Chief Justice Lucas appointed the Access and Fairness Advisory Committee in 1994 to ensure that the council's projects under this goal were implemented and to develop new areas of focus under the goal, as appropriate. The committee was also charged with overseeing the implementation of the recommendations contained in the final reports of the former Advisory Committee on Racial and Ethnic Bias in the Courts and Advisory Committee on Gender Bias in the Courts and with promulgating a model rule relating to access to the courts for persons with disabilities as well as proposing other programs in this subject area. The committee has since expanded its areas of focus to include fairness issues related to sexual orientation and women of color in the courts.

Accomplishments

The Access and Fairness Advisory Committee has:

- Promulgated rule 10.625 of the California Rules of Court that requires courts to maintain a database of demographic information on every prospective grand juror and every seated grand juror;
- Promulgated rule 1.100 of the California Rules of Court that provides the mechanism for anyone with a disability wishing to participate in court activities, programs, or services to request reasonable accommodations;
- Drafted rule 10.611 of the California Rules of Court and standard 10.21 and amendments to standard 5.40 of the Standards of Judicial Administration relating to nondiscrimination in court appointments;
- Collaborated with the Center for Judicial Education and Research and the State Bar of California to institutionalize Elimination of Bias training with the bar's Commission on Judicial Nominees Evaluation (JNE).
- Released the following reports and publications:
 - Achieving Equal Justice for Women and Men in the California Courts* (1996)
 - Gender and Justice: Implementing Gender Fairness in the Courts* (1996)
 - Guidelines for Judicial Officers: Avoiding the Appearance of Bias* (1996)
 - Access to the California State Courts: A Survey of Court Users, Attorneys, and Court Personnel* (1997)
 - Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts* (January 1997)
 - Public Hearings Report: Access for Persons With Disabilities* (1997)
 - Sexual Orientation Fairness in the California Courts: Final Report of the Sexual Orientation Fairness Subcommittee of the Judicial Council's Access and Fairness Advisory Committee* (January 2001)
 - Guidelines for Lawyers: Eliminating Gender Bias in the Legal Profession* (2000)
 - Disability Fairness: Guidelines for Judicial Officers* (2001)—a pamphlet for judicial officers on avoiding the appearance of bias against persons with disabilities
 - Child Care Resource Guide and Roster* (2002)—two versions: one for court employees and one for court administrators
 - May I Help You? Legal Advice vs. Legal Information: A Resource Guide for Court Clerks* (2003)—intended for use by court staff who provide telephone and counter assistance to court users
 - Native American Resource Guide for Bench Officers* (2003)

For Persons With Disabilities Requesting Accommodations: Questions and Answers About Rule of Court 1.100 for Court Users (2007)

Responding to Requests for Accommodations by Persons With Disabilities: Questions and Answers About Rule of Court 1.100 for Court Personnel (2007)

Disability Etiquette: Interacting With Persons With Disabilities (2007)

Access and Fairness in the California Law Schools (2008)

Recruiting Grand Juries: A Resource Guide for Jury Managers and Commissioners (2009)

- Convened educational roundtables to explore issues related to Native Americans, women of color, child care, and court security;
- Conducted statewide conferences for Americans With Disabilities Act (ADA)/Access Coordinators to provide training on the basic requirements of the act and other federal and state statutes and court rules;
- Hosted a regional conference, *Women of Color in the Courts: The Changing Face of Justice*, in fall 2008;
- Cosponsored a summit, *Continuing a Legacy of Excellence: A Summit on Diversity in the Judiciary*, in June 2006 with the California State Bar's Diversity Pipeline Task Force's Subcommittee on Government and the Public Sector;
- Produced the educational video *Obstacle Courts*, which focuses on access to the courts for persons with disabilities;
- Developed a pilot curriculum on sexual orientation fairness and preventing sexual harassment;
- Developed and distributed a child-care resource guide and roster for court administrators and court employees;
- In collaboration with the Administrative Office of the Courts' Human Resources Division and Education Division/Center for Judicial Education and Research (CJER), developed employment discrimination training designed for court personnel involved in employment decision-making at the courts;
- Produced *Summary Judgments*, an educational video for judicial officers and court staff that addresses sexual orientation, racial, ethnic, and gender fairness; and collaborated with CJER's Fairness Education Committee in designing a curriculum and training program for use with the video;
- Recommended language for court signage and Judicial Council forms for notifying persons with hearing loss of the availability of assistive listening systems and communication access real-time translation (CART);

- Developed a resource guide and a model prospective civil grand juror questionnaire with an accompanying tip sheet for jury managers and commissioners that assist them in recruiting representative grand juries.
- Developed recommendations or guidelines to assist judicial officers in managing “in-session” requests for accommodations in the courtroom;
- Developed a structure for a pilot mentoring program for staff in four Bay Area trial courts—Alameda, Contra Costa, San Francisco, and Solano—that would encourage court employees to participate in formal mentoring relationships that explore and promote career development and advancement in the judicial branch;
- In collaboration with the AOC, developed for the courts and judicial officers a toolkit of strategies, programs, and partnerships designed to increase the pool of diverse applicants for judicial appointment;
- Developed a guide for judicial officers to assist them in addressing issues relating to lesbian, gay, bisexual, and transgender youth in the court system.

Current Projects

The committee is:

- In collaboration with CJER’s Fairness Education Committee, developing, improving, and strengthening educational programs on diversity and cultural competence, gender fairness, sexual orientation fairness, and barriers to access and fairness for persons with disabilities;
- Consulting with CJER in developing methods of including sexual orientation diversity issues in the orientation programs for judges who have specific subject matter assignments;
- Drafting proposed amendments to rules 10.741 and 10.743 of the California Rules of Court intended to promote equal access and nondiscrimination in the recruitment, selection, and appointment of temporary judges;
- Identifying best practices and any education and training needs for judicial officers and court staff relating to transgender litigants;
- Determining the extent to which the trial courts collect and maintain demographic data relating to the race, ethnicity, and gender of court-appointed counsel and identifying best practices that can be replicated statewide to help courts ensure that all eligible attorneys have equal opportunities for appointment;
- Examining the effect of court-ordered programs and court procedures on compliance outcomes for litigants.

Committee Structure

Associate Justice James R. Lambden of the Court of Appeal, First Appellate District, Division Two, chairs the advisory committee. Judge Gordon S. Baranco of the Superior Court of Alameda County is vice-chair. The advisory committee has five subcommittees:

- The Access for Persons With Disabilities Subcommittee, cochaired by Judge Ana L. España of the Superior Court of San Diego County and Sheila Conlon Mentkowski, Chief of the Client Assistance Program of the Department of Rehabilitation;
- The Gender Fairness Subcommittee, cochaired by Judge Steven K. Austin of the Superior Court of Contra Costa County and Judge Mary Lou Villar of the Superior Court of Los Angeles County;
- The Racial and Ethnic Fairness Subcommittee, cochaired by Judge John M. Pacheco of the Superior Court of San Bernardino County and Judge Allen Joseph Webster, Jr., of the Superior Court of Los Angeles County;
- The Sexual Orientation Fairness Subcommittee, cochaired by Justice Laurie D. Zelon of the Court of Appeal, Second Appellate District, Division Seven, and Commissioner Catherine Lyons of the Superior Court of San Francisco County; and
- The Women of Color Subcommittee, cochaired by Associate Justice Maria P. Rivera of the Court of Appeal, First Appellate District, Division Four, and Raquelle Myers, Staff Attorney with the National Indian Justice Center.

The advisory committee's Executive Committee is composed of Justice Lambden, Judge Baranco, and the subcommittee cochaairs.

Contact:

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Additional resources:

For additional information about the committee and its activities:
www.courts.ca.gov/11817.htm