

**Access, Fairness, and Diversity:
Toolkit of Educational Resources for California Courts**

Background Information

Goal 1 of the Judicial Branch’s Strategic Plan is to ensure access, fairness and diversity in California’s courts. This is also a key goal in some local court strategic and operational plans. Ensuring access, fairness and diversity can be a challenging undertaking for any court. The attached “Access, Fairness and Diversity Self-Assessment Toolkit” is designed to help courts: 1) voluntarily look at how they are working to achieve access, fairness and diversity in their court; 2) get ideas about other aspects of access, fairness, and diversity they may want to improve on; and 3) obtain links to existing educational and training resources that may help courts achieve their goals of improving access, fairness and diversity.

The toolkit was largely inspired by concerns that judicial officers, court personnel, and members of the bar raised during a series of focus groups conducted by the Advisory Committee on Providing Access and Fairness (PAF). While the focus groups were designed to solicit information about the experience of women of all races in the court system, the comments collected addressed a variety of intersecting access, fairness and diversity concerns. PAF’s working group on Gender Fairness/ Women of Color Focus Groups compiled and reviewed the focus group comments. On a positive note, they found that focus group participants identified areas of access, fairness, and diversity where they felt courts had significantly improved in the last few decades. They also found, however, that participants had serious concerns about lack of education in many areas, including unconscious bias, cultural sensitivity, effective communication with self-represented litigants, and diversity in various jobs throughout the court system. The working group determined that more education was needed, at all levels of the courts, to address these and other access, fairness and diversity concerns.

The Access, Fairness and Diversity Self-Assessment Toolkit addresses many of the concerns raised in the focus group data and provides links to high quality educational materials relevant to many of these concerns. Working group members provided input and feedback on the toolkit. The toolkit will be made available to all courts via the Judicial Resources Network. Judicial Council staff will also use the toolkit as a handout in court-related education.

Toolkit

Introduction: Goal 1 of the Judicial Branch’s Strategic Plan is to ensure access, fairness and diversity in California’s courts and is also a key goal in some local court strategic plans. Ensuring access, fairness and diversity can, however, be a challenging undertaking for any court. The checklist and links to materials below make it easy for courts to access the information they may need in their ongoing efforts to make California courts accessible and fair to everyone.

This toolkit is intended for Presiding Judges, Court Executive Officers, and a variety of court staff, including those involved in management, information technology, education, and self-help services. This toolkit will be periodically updated to ensure that relevant and timely educational resources are provided that address the changing needs of California’s courts.

Access, Fairness, and Diversity Checklist: You can use this checklist to ensure that your court has considered access, fairness and diversity from many angles. Visit the resources page or click on the links throughout the document to access related educational resources.

- Court Operations:** ⁱ
 - Access, Fairness and Diversity are considered in our court’s
 - Strategic Plan and Operational Plan
 - Process for adopting new rules, standards or forms
 - Review of proposed statewide rules, forms and policiesⁱⁱ

- Education:**
 - Education Modules - Access, Fairness and Diversity considerations are incorporated into all of our court’s education modules.ⁱⁱⁱ

 - Judicial Officers - All court Judicial Officers receive the following trainings
 - Unconscious Bias^{iv}

(Unconscious Bias (also known as “implicit bias” or “implicit social cognition”) is a growing aspect of mind science. Unconscious bias refers to the unconscious attitudes and stereotypes that each of us harbor, causing us to unintentionally form positive and negative associations about other people based on a variety of characteristics including race, gender or gender-identity, sexual orientation, and age. Education in this area should include exploration of what unconscious bias is, how it operates in our subconscious minds, and strategies for counteracting these unconscious biases.)
 - Cultural Sensitivity^v
 - Sexual Harassment Prevention^{vi}
 - Handling Cases with Self-Represented Litigants and Effective Communication with Self-Represented Litigants^{vii}

- Court Employees - All court employees and security officers receive the following trainings
 - Unconscious Bias^{viii}
 - Cultural Sensitivity^{ix}
 - Sexual Harassment Prevention^x

- Effective Communication with Self-Represented Litigants
- Court Volunteers - All court volunteers receive the following trainings
 - Unconscious Bias^{xi}
 - Cultural Sensitivity
 - Sexual Harassment Prevention
 - Effective Communication with Self-Represented Litigants
- Access to the Courts for Persons with Disabilities^{xii}:**
 - Our court regularly assess its
 - Physical accessibility throughout court facilities
 - Technological accessibility for persons with disabilities (ex. accessibility of phone, website, computer-based court forms)
 - Accessibility for pregnant and/or lactating court-users
 - Restroom accessibility for all persons who may not feel comfortable using a gendered restroom. (This includes people with caregivers or personal attendants who are a different gender from them; parents/caregivers whose children are a different gender from them; people who are transgender/ gender nonconforming)
- Effectively Responding to Public Concerns:**
 - Our court has developed procedures where members of the public can address concerns regarding potential misconduct or mistreatment by a judicial officer^{xiii}, court staff member, or court security person.
 - These procedures include mechanisms for effective follow-up on a complaint
 - Information about these procedures is made available to the public
- Effective Community Collaboration and Outreach:**
 - Legal Services/Legal Aid
 - Our Court regularly works with Legal Services/Legal Aid to^{xiv}:
 - Discuss issues related to low-income and vulnerable populations of court-users
 - Collaborate on:
 - Educational programming and resources
 - Improving self-help services
 - Strategies for improving referrals between our court and local legal services provider
 - Obtaining grants / expanding funding for courts and legal services^{xv}
 - Community Organizations
 - Our court regularly coordinates with or conducts community outreach to Community-Based Organizations^{xvi} that address the needs of:

- Racial or ethnic minority community members
 - Local Native American tribes (where applicable)^{xxvii}
 - Persons with disabilities
 - LGBTQ persons
 - Senior Citizens
 - Our court regularly discusses the following issues with community organizations
 - Improving court processes for self-represented litigants
 - Local strategies for improving racial or ethnic disparities within the court system^{xxviii}
 - Making the court a welcoming environment for all court-users
- Bar Associations
 - Our court regularly coordinates with or conducts community outreach to
 - Local Bar Associations
 - Specialty Bar Associations (including Minority, Women, and LGBT Bar)^{xxix}
 - Our court regularly discusses the following issues with bar associations
 - Improving attorney civility in and out of the courtroom^{xx}
 - Developing or improving pro bono assistance programs^{xxi}
 - Developing or improving modest-means assistance programs
 - Education about and encouragement of limited scope representation
- Diversity In Our Court** - Our court proactively addresses diversity in
 - Judicial Officer
 - Assignment^{xxii}
 - Outreach^{xxiii}
 - Employee^{xxiv}
 - Hiring
 - Recruitment
 - Promotions
 - Mentorship
 - Volunteer
 - Recruitment
 - Outreach
 - Court-Appointed Counsel, Mediator Panel, Temporary Judges, and other Court-Connected Service Providers
 - Recruitment
 - Outreach
 - Civil Grand Jury^{xxv}
 - Outreach and Advertisement

- Maintenance of database on the court's civil grand jury demographics
(See California Rule of Court 10.625)
 - Make the court's civil grand jury demographic data accessible and available to the public
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Links to Educational Resources

i Court Operations:

Judicial Branch Strategic Plan:

http://www.courts.ca.gov/documents/Strategic_Plan_text_2006_2016.pdf; and
<http://www.courts.ca.gov/4629.htm>

ii Statewide Policies:

Judicial Council Invitation to Comment: <http://www.courts.ca.gov/policyadmin-invitationstocomment.htm>

Judicial Council Informational Sheet - “How a Proposal Becomes a Rule”:

<http://www.courts.ca.gov/documents/howprorule.pdf>

iii Access, Fairness and Diversity – General Education Modules

Helping Courts Address Implicit Bias: Resources for Education – National Center for State Courts

<http://www.ncsc.org/ibeducation>

CJER Fairness and Access Bench Handbook (2010):

<http://www2.courtinfo.ca.gov/protem/pubs/Fairness&Access.pdf> (See §§ 1.1; 1.5; 2.2; and 3.3)

CJER Judicial and Executive Officer Education – Access, Ethics and Fairness Toolkit:

<http://www2.courtinfo.ca.gov/cjer/judicial/1022.htm>

CJER Leadership and Court Staff Education – Access, Ethics and Fairness Toolkit::

<http://www2.courtinfo.ca.gov/cjer/492.htm>

iv Unconscious Bias Educational Resources – General Education and Judicial Officer Resources

CJER Fairness and Access Bench Handbook (2010):

<http://www2.courtinfo.ca.gov/protem/pubs/Fairness&Access.pdf>

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video)

<http://www2.courtinfo.ca.gov/cjer/judicial/1011.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the

Courtroom (video): <http://www2.courtinfo.ca.gov/cjer/judicial/1014.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias

(video): <http://www2.courtinfo.ca.gov/cjer/judicial/1015.htm>

Implicit Association Test - Harvard University-Project Implicit:

<https://implicit.harvard.edu/implicit/takeatest.html>

Implicit Bias: A Primer for Courts – Professor Jerry Kang – Prepared for the National Campaign to Ensure the Racial and Ethnic Fairness of America’s State Courts (August 2009).
http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/unit_3_kang.authcheckdam.pdf

^v Cultural Sensitivity/ Cultural Responsiveness – Judicial Officer Educational Resources

Tools for Understanding: The Real Meaning of Court Users’ Verbal Communication:
<http://www2.courtinfo.ca.gov/cjer/845.htm>

Cultural Competency and Court Culture: <http://www2.courtinfo.ca.gov/cjer/944.htm>

Becoming a Culturally Competent Court, article (2007):
<http://www.courts.ca.gov/partners/documents/CultComp.pdf>

Considering Cultural Responsiveness in Domestic Violence Cases (2011):
<http://www2.courtinfo.ca.gov/cjer/judicial/1118.htm>

In the Interest of Justice (2001, video on cultural awareness, focusing on aspects of the Southeast Asian Culture. Produced by the Superior Court of San Joaquin County.):
<http://www2.courtinfo.ca.gov/cjer/judicial/1591.htm>

^{vi} Sexual Harassment – Judicial Officer Education

Preventing and Responding to Sexual Harassment (For Judges and Subordinate Judicial Officers): <http://www2.courtinfo.ca.gov/cjer/judicial/1549.htm>

Sexual Harassment Prevention (Training materials for courts that wish to conduct their own training in the area of sexual harassment prevention):
<http://www2.courtinfo.ca.gov/cjer/judicial/1409.htm>

^{vii} Communication with Self-Represented Litigants – Judicial Officer Education

Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers (2008):
http://www2.courtinfo.ca.gov/protem/pubs/self_rep_litigants.pdf

Equal Access Project: Self-Represented Litigant Service Delivery Model Resources Website:
<http://www.courts.ca.gov/partners/58.htm>

Equal Access Project: Self-Help Center Staff Resources:
<http://www.courts.ca.gov/partners/54.htm>

Judicial Communication with Self-Represented Litigants (Video, 2008, designed for Judicial Officers, including Judges Pro Tem): <http://www2.courtinfo.ca.gov/cjer/judicial/1210.htm>

Communicating with Self-Represented Litigants (Judge Pro-Tem Guided Self-Study Course): <http://www2.courtinfo.ca.gov/protem/courses/srl/>

Self-Represented Litigants: Special Challenges (Judge Pro-Tem Guided Self-Study Course): <http://www2.courtinfo.ca.gov/protem/courses/srl-2/>

Effective Communication with Self-Represented Litigants (Video, 2010, designed for Judicial Officers, including Judges Pro Tem): <http://www2.courtinfo.ca.gov/cjer/judicial/1364.htm>

^{viii} **Unconscious Bias Educational Resources – Court Personnel**

Overcoming Implicit Bias: Guidance for Court Personnel

<http://www2.courtinfo.ca.gov/cjer/939.htm>

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video): <http://www2.courtinfo.ca.gov/cjer/857.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the Courtroom (video): <http://www2.courtinfo.ca.gov/cjer/863.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias (video): <http://www2.courtinfo.ca.gov/cjer/864.htm>

Implicit Association Test - Harvard University-Project Implicit:

<https://implicit.harvard.edu/implicit/takeatest.html>

^{ix} **Cultural Sensitivity / Cultural Responsiveness – Court Personnel Educational Resources**

Making Life Easier for Court Staff: Better Understanding the Variations in Non-Verbal

Communication with Court Users: <http://www2.courtinfo.ca.gov/cjer/936.htm>

^x **Sexual Harassment – Court Personnel Education**

Sexual Harassment: Understanding Your Rights and Responsibilities (video for court employees in non-supervisory roles): <http://www2.courtinfo.ca.gov/cjer/877.htm>

^{xi} **Unconscious Bias Educational Resources – Court Volunteers**

The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning (video) <http://www2.courtinfo.ca.gov/cjer/857.htm>

The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the Courtroom (video) <http://www2.courtinfo.ca.gov/cjer/863.htm>

The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias (video) <http://www2.courtinfo.ca.gov/cjer/864.htm>

Implicit Association Test - Harvard University-Project Implicit:
<https://implicit.harvard.edu/implicit/takeatest.html>

^{xii} **Access to the Courts for Persons with Disabilities**

Handling a Request for Disability Accommodation (Video, 2012):
<http://www2.courtinfo.ca.gov/cjer/judicial/1722.htm>

The Role and Responsibility of Court Leaders in Handling ADA Issues (Video, 2010):
<http://www2.courtinfo.ca.gov/cjer/judicial/1236.htm>

Disability Terminology Chart (2012):
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/ada-terms.pdf>

Developmental Disability (Video, 2012): <http://www2.courtinfo.ca.gov/cjer/judicial/1516.htm>

ADA Update (Video, 2012): <http://www2.courtinfo.ca.gov/cjer/judicial/985.htm>

ADA Awareness: Nonapparent Disabilities (Video, 2014):
<http://www2.courtinfo.ca.gov/cjer/judicial/1991.htm>

ADA Awareness: Court Users Who Are Deaf or Hard of Hearing (Video, 2013):
<http://www2.courtinfo.ca.gov/cjer/judicial/981.htm>

Lactating and Nursing Jurors, Attorneys and Court Users (Video, 2014):
<http://www2.courtinfo.ca.gov/cjer/judicial/2113.htm>

Transcript of Video – Lactating and Nursing Jurors, Attorneys and Court Users:
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/6982-transcript.pdf>

Sample notice of lactation feeding room, Orange County:
<http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/6982-orange-county.pdf>

Sample Gender Neutral Restroom Sign: http://www.uua.org/sites/live-new.uua.org/files/images/things/signs/asset_upload_file61_287336.png

^{xiii} **Handling Public Complaints – Judicial Officer Performance**

A Dialogue with the Commission on Judicial Performance (Video, 2011):
<http://www2.courtinfo.ca.gov/cjer/judicial/1244.htm>

Commission on Judicial Performance: <http://www.courts.ca.gov/5360.htm>; and <http://cjp.ca.gov/>

Filing a Complaint – Commission on Judicial Performance: http://cjp.ca.gov/file_a_complaint.htm

Commission on Judicial Performance – Compendiums (Summaries of private and public discipline for different types of judicial misconduct): <http://cjp.ca.gov/compendiums.htm>

^{xiv} **California Legal Services Programs**

Legal Aid Association of California (Learn about the work of California’s legal aid programs and search for programs by region): <http://www.laaonline.org/>

LawHelp (Search for legal aid programs by region and type of case handled. Also a resource to refer court-users to): <http://lawhelpca.org/>

^{xv} **Obtaining Grants / Expanding Funding for Courts and Legal Services**

California State Bar - Partnership Grant Information: <http://www.calbar.ca.gov/AboutUs/LegalAidGrants/PartnershipGrants.aspx>

Legal Services Corporation – Technology Initiative Grant Program: <http://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig>

JusticeCorps Program: <http://www.courts.ca.gov/justicecorps.htm>

United States Department of Justice – Access to Justice Initiatives: <http://www.justice.gov/atj>; and U.S. D.O.J. Access to Justice Grants: <http://www.justice.gov/atj/grant-information>

^{xvi} **Community Engagement**

Judicial Council’s Efficient and Effective Trial Court Programs – Community Outreach webpage. (Includes information, submitted by courts, about successful and replicable community engagement programs. Includes background information and supporting documents available for use by other courts interested in replicating the program.):

<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/communityoutreach/>

San Joaquin County Superior Court – Community Outreach webpage (Includes links to the Courtroom to Schoolroom program; Court – Community Leadership and Liaison program; and the Community-Focused Planning Team.): <https://www.sjcourts.org/general-info/community-outreach/>

Santa Clara County Superior Court – Flyer on Court Visits; Mock Trial; and Speaker’s Bureau:
http://www.scscourt.org/documents/community/Community_Court.pdf

Los Angeles Superior Court - Court-Clergy Conference. (A number of courts hold similar conferences, designed to engage local clergy on issues related to the community and educate clergy on the justice system.):
http://www.lacourt.org/generalinfo/communityoutreach/GI_CO002.aspx

^{xvii} **Community Engagement Re. Tribal Issues and Concerns**

Indian Child Welfare Act (ICWA) Stakeholder’s Roundtable – Los Angeles Superior Court:
<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/tribal/LosAngeles-IndianChildWelfareAct.htm>

Riverside Superior Court – Tribal Alliance:
<http://jrn.courts.ca.gov/reference/innovation/trialcourtprograms/tribal/Riverside-TribalAlliance.htm>

^{xviii} **Addressing Racial and Ethnic Disparities**

Keeping Kids in School and Out of Court program – Chief Justice’s program addressing racial and ethnic disparities in California schools and courts: <http://www.courts.ca.gov/23902.htm>

State Interagency Team Workgroup to Eliminate Disparities:
<https://sites.google.com/site/sitwged/home>

From Oscar Grant to Trayvon Martin—A Dialogue about Race, Public Trust, and Confidence in the Justice System (This broadcast is intended as a dialogue between experts about race and the justice system focusing on the role that courts may play in reducing racial bias, disparity, and disproportionality in the criminal justice system.):
<http://www2.courtinfo.ca.gov/cjer/judicial/1916.htm>

^{xix} **California Specialty Bar Associations**

State Bar of California, Minority Bar Associations:
http://members.calbar.ca.gov/search/ba_browse.aspx?c=Minority;

State Bar of California, Women’s Bar Associations:
http://members.calbar.ca.gov/search/ba_browse.aspx?c=Womens.

State Bar of California, LGBT Bar Associations:
https://members.calbar.ca.gov/search/ba_results.aspx?txtan=&txtln=&County=&District=&ClassTypes=L

^{xx} **California Bar Resources Re. Attorney Civility**

Civility Toolbox: http://ethics.calbar.ca.gov/Portals/9/documents/Civility/Atty-Civility-Guide-Revised_Sept-2014.pdf

Attorney Civility and Professionalism – Guidelines:

<http://ethics.calbar.ca.gov/Ethics/AttorneyCivilityandProfessionalism.aspx>

^{xxi} **Pro Bono Services**

Judicial Council Pro Bono Toolkit for Judicial Officers:

<http://www.courts.ca.gov/partners/56.htm>

^{xxii} **Judicial Officer Assignments**

Making Judicial Assignments: Considerations for Presiding Judges and Supervising Judges -

http://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/piceo-2014-04_assignments.pdf

^{xxiii} **Increasing Diversity in the Judiciary**

Judicial Branch: Summit Report to Promote Diversity in the California Judiciary (Accepted by Judicial Council, 2015): <http://www.courts.ca.gov/documents/jc-20150728-itemF.pdf>

Pathways to Achieving Judicial Diversity in the California Courts: A Toolkit of Programs Designed to Increase the Diversity of Applicants for Judicial Appointment in California (2010):

<http://www.courts.ca.gov/documents/Judicial-Diversity-Toolkit.pdf>

^{xxiv} **Mentorship – Court Personnel**

Model Mentoring Program for Trial Court Staff (2014) – website:

<http://serranus.courtinfo.ca.gov/reference/innovation/trialcourtprograms/admin/Solano-ContraCosta-ModelMentoringProgram.htm>;

Training Tools (Model Mentoring Program for Trial Court Staff):

http://serranus.courtinfo.ca.gov/jc/documents/mentoring_program_training_tools.pdf

Report to Judicial Council (Model Mentoring Program for Trial Court Staff):

<http://www.courts.ca.gov/documents/jc-20131025-itemF.pdf>

^{xxv} **Civil Grand Jury Resources**

Civil Grand Jury Resources Page: <http://serranus.courtinfo.ca.gov/reference/grandjury.htm>

“Recruiting Grand Juries: A Guide for Jury Commissioners and Managers”. Handbook. (2009):

<http://serranus.courtinfo.ca.gov/reference/documents/grandjury-guide.pdf>

“Grand Jury Resource Manual for California Courts”. (2005):
<http://jrn.courts.ca.gov/reference/documents/grandjury.pdf>

Civil Grand Jury Demographic Data Collection resources:
<http://serranus.courtinfo.ca.gov/reference/grandjurydatacollection.htm>

Automated Civil Grand Jury Program – Monterey County:
<http://www.courts.ca.gov/14127.htm>; and
<http://jrn.courts.ca.gov/reference/innovation/trialcourtprograms/communityoutreach/Monterey-AutomatedCivilGrandJuryProgram.htm>

Self-Help Information on the Civil Grand Jury process:
<http://www.courts.ca.gov/civilgrandjury.htm>