

ADRevolution

ADR Services, Inc. 4th Annual MCLE Day

January 23, 2024



ALL RISE

Increasing Diversity on the Bench and in the Legal Profession

Hon. Leslie Landau (Ret.)

Hon. Paul Suzuki (ret.)

PERCEPTION IS POWERFUL

When people see diversity on the bench:

- Feeling of inequality begins to dissolve.
- Feeling of power imbalance begins to dissolve.
- Feeling of inclusion, not exclusion.
- Feeling of a level playing field.
- Feeling of fair play and justice.
- Feeling of confidence in our Courts.

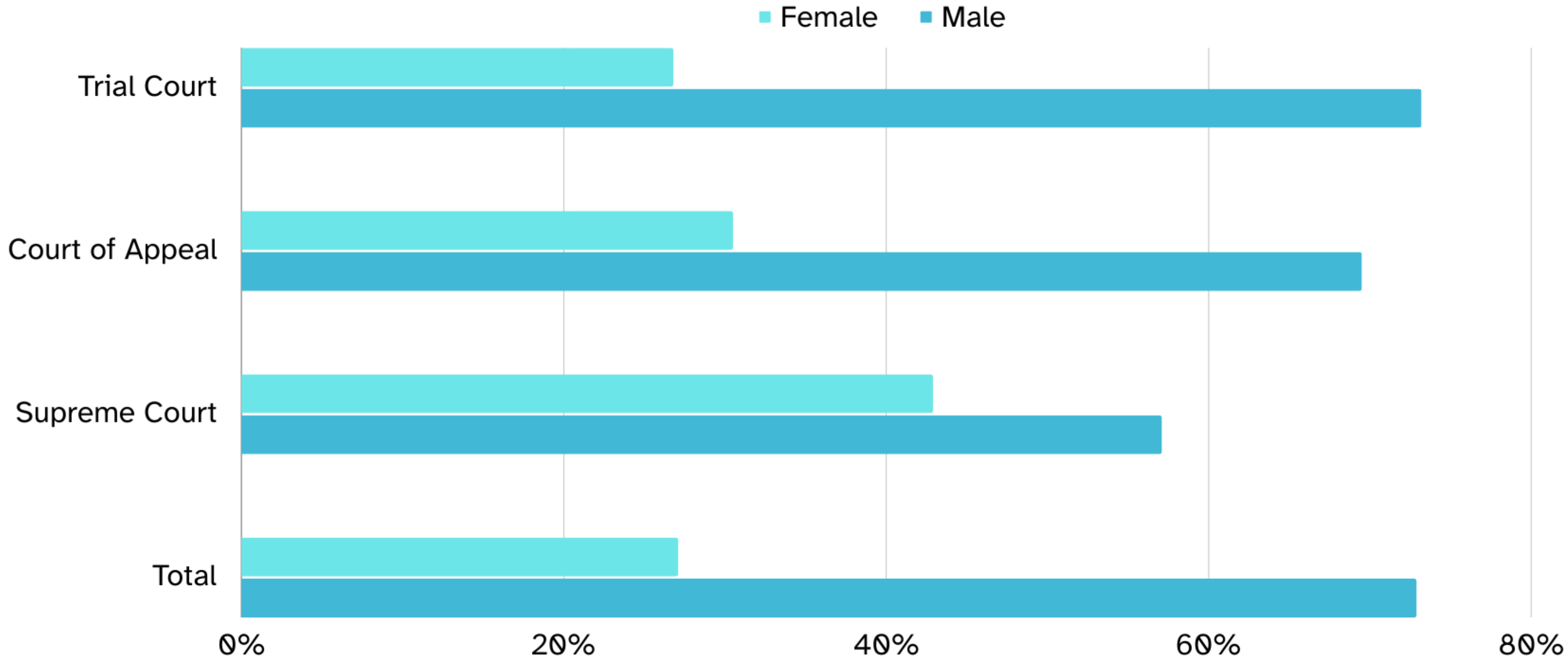


DEMOGRAPHIC DATA

HOW ARE WE DOING THEN & NOW

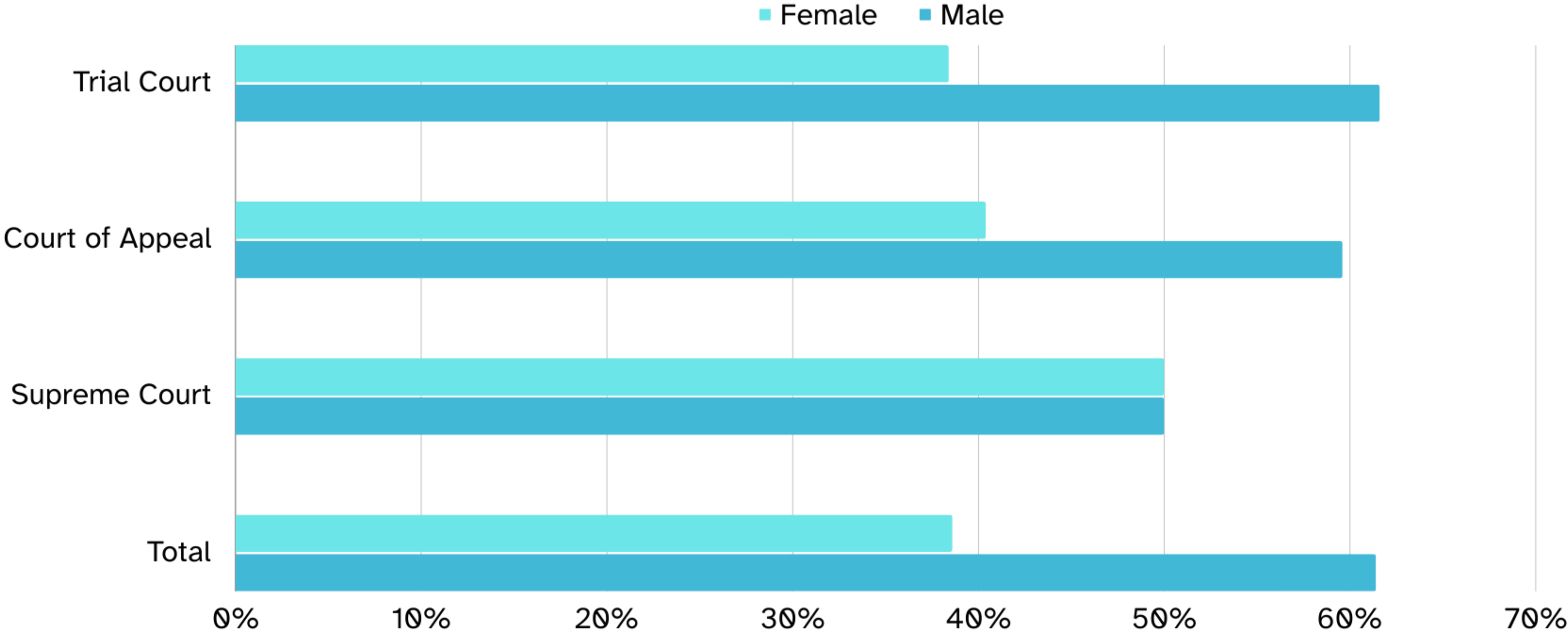
Judicial Officer (JO) Demographic Data, 2022 Report

2007 JUDICIAL OFFICER DEMOGRAPHIC DATA



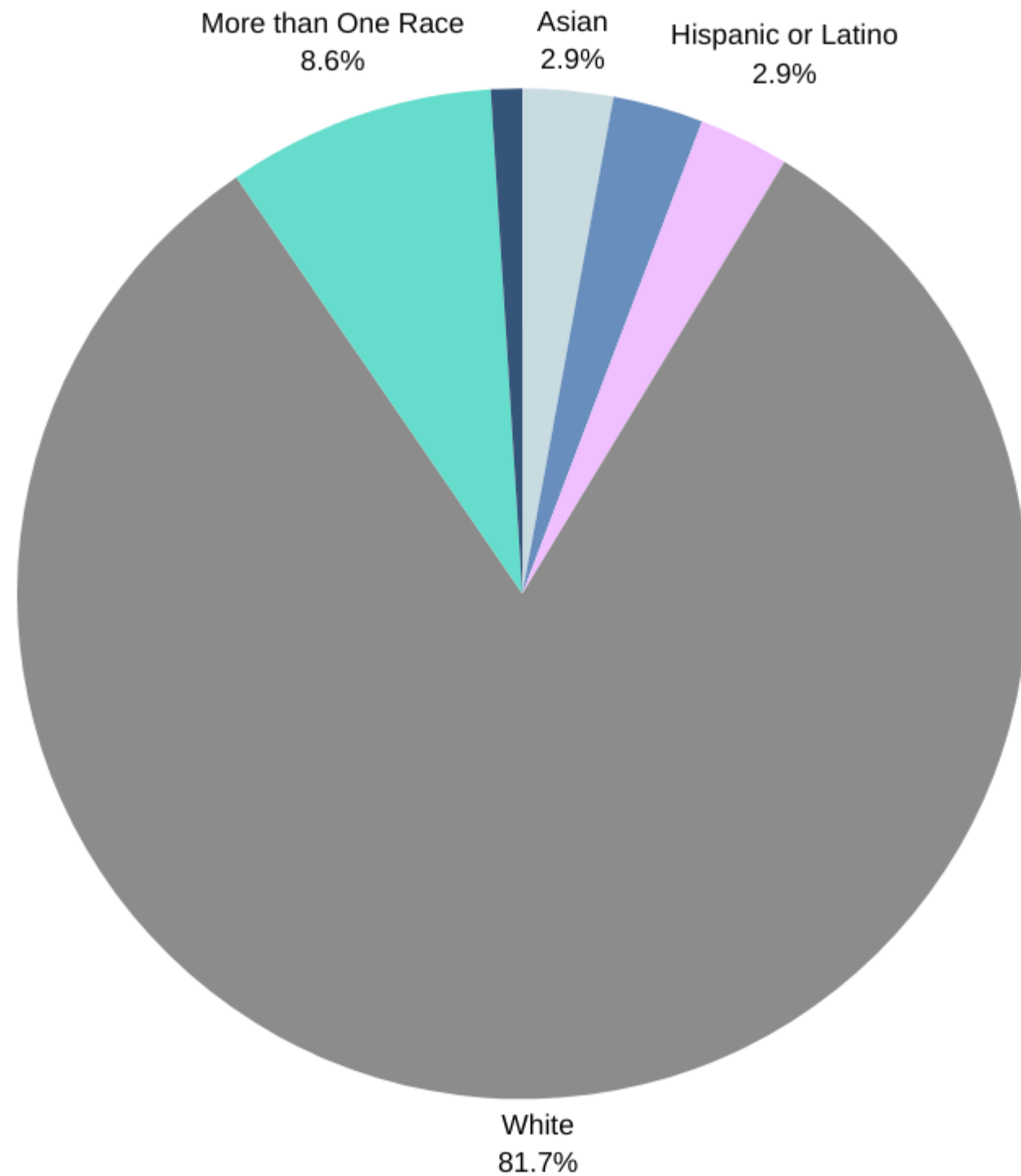
<https://www.courts.ca.gov/13418.htm>

2022 JUDICIAL OFFICER DEMOGRAPHIC DATA

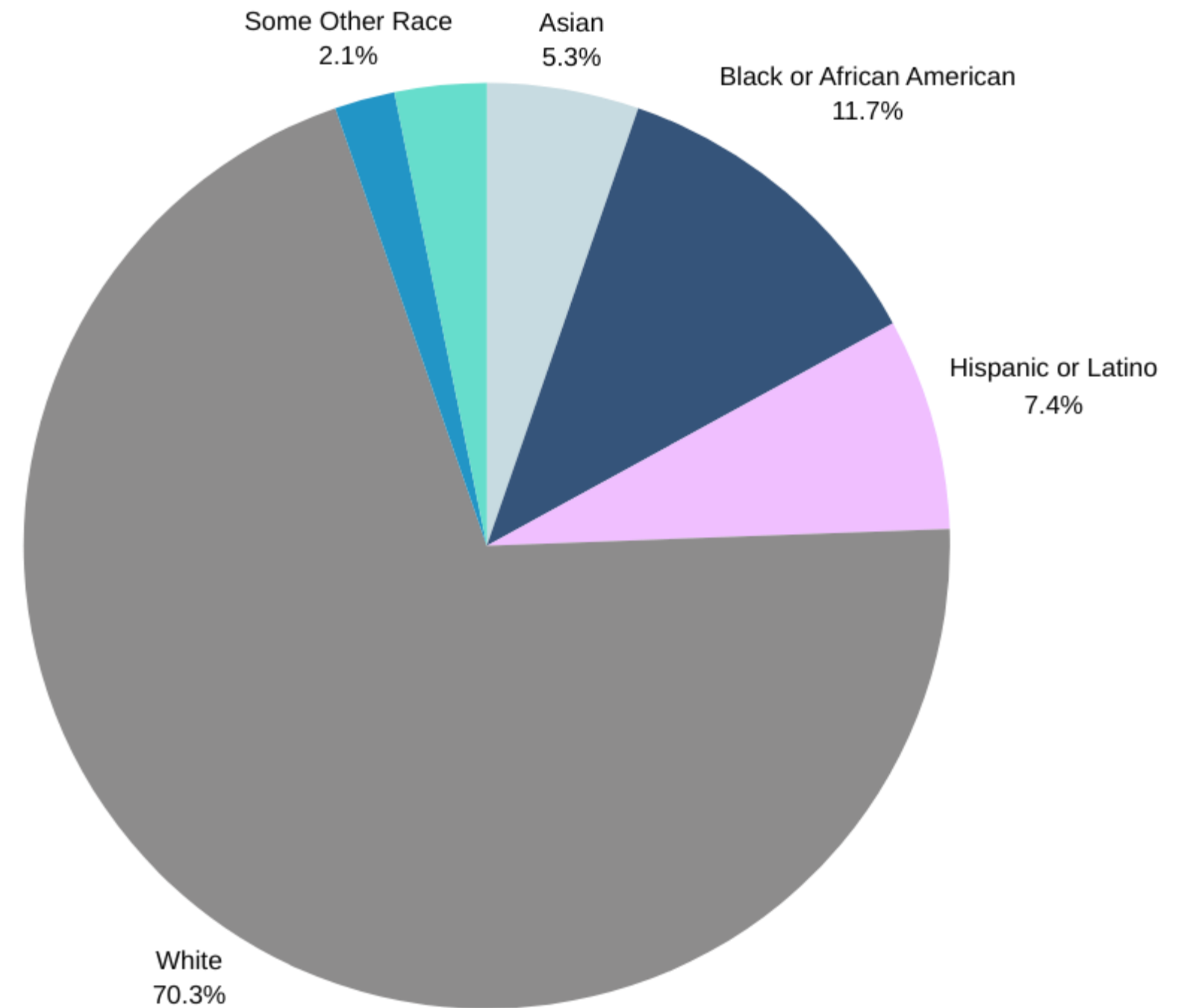


COURT OF APPEAL

2007

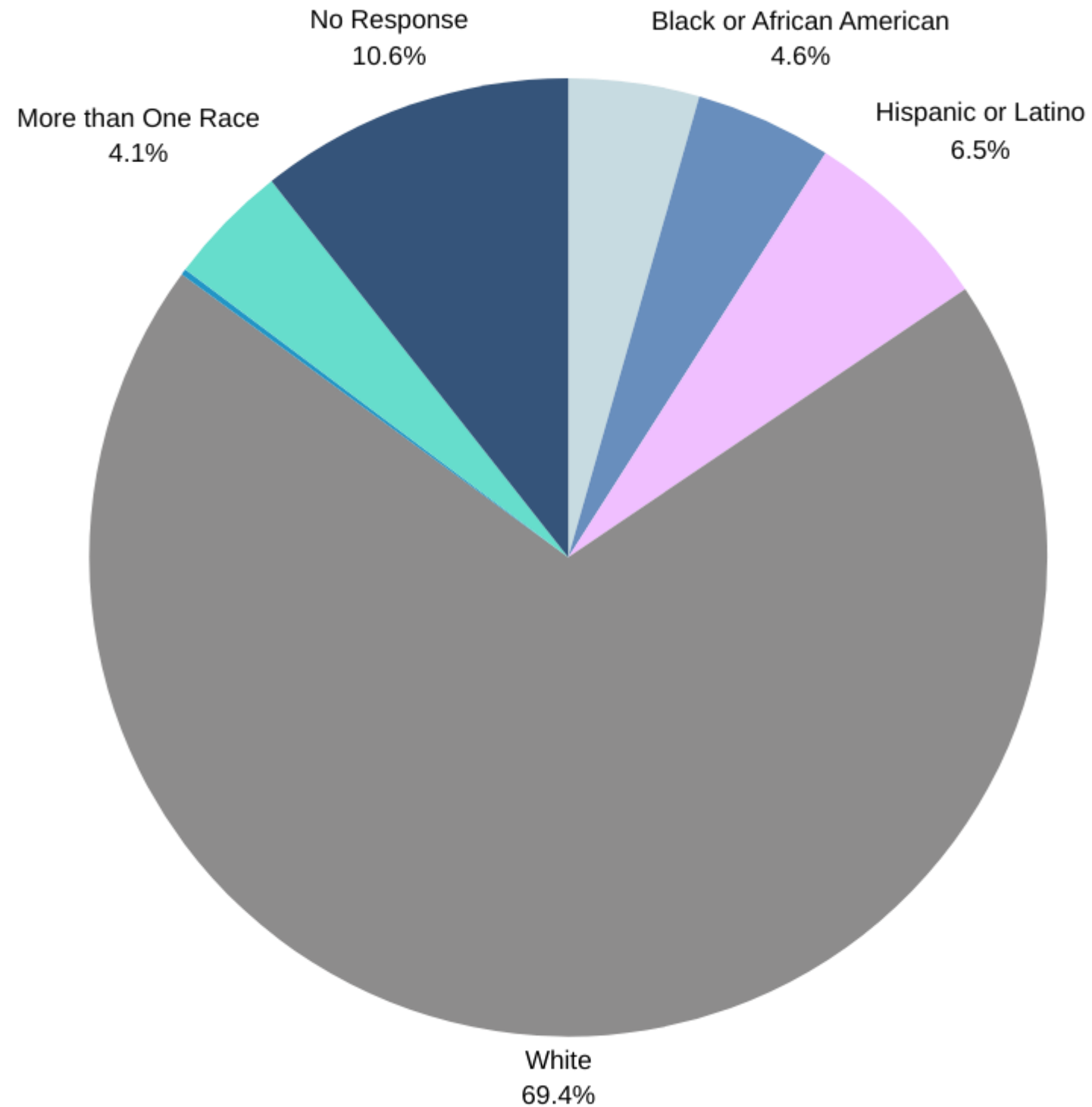


2022

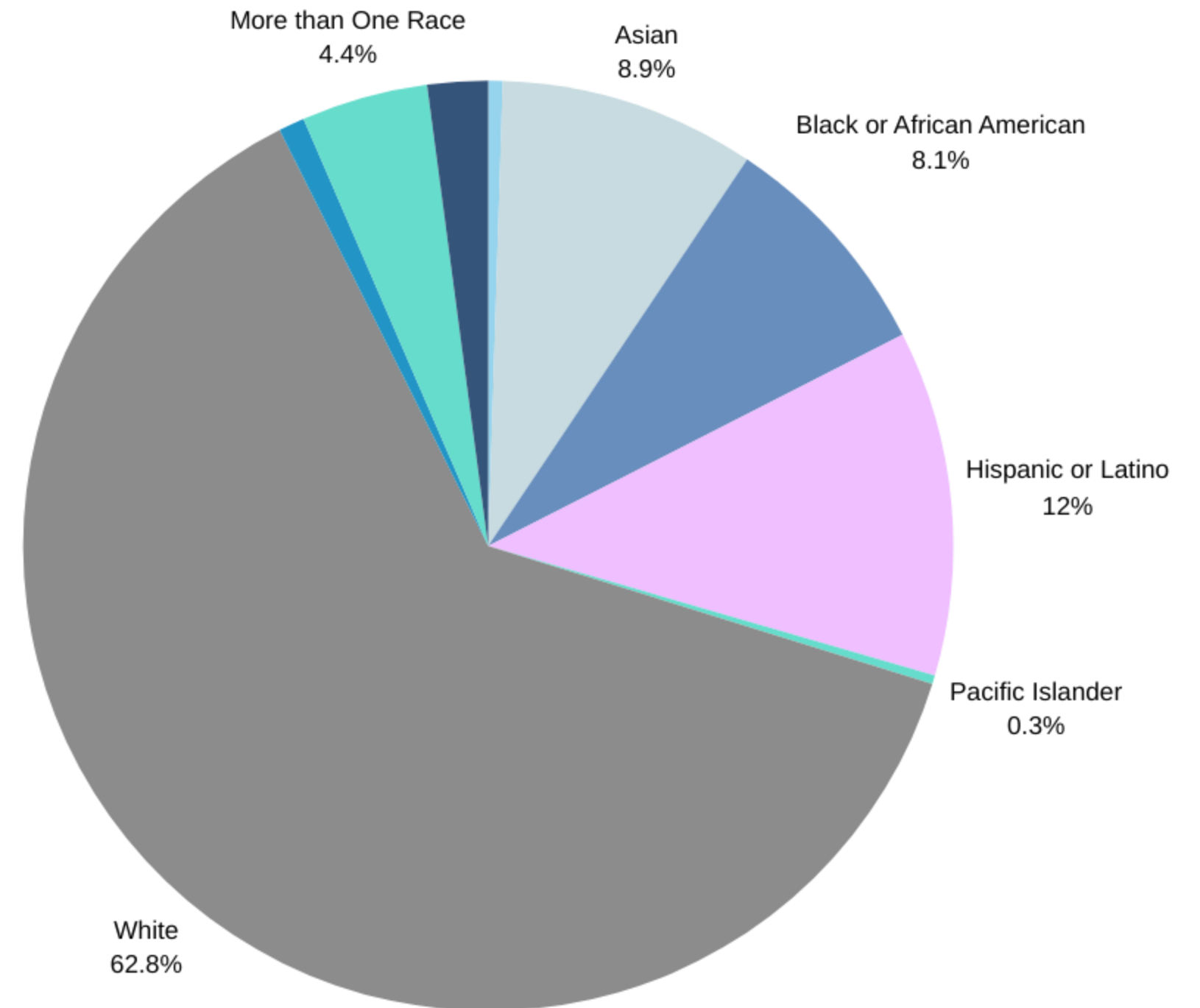


TRIAL COURT

2007

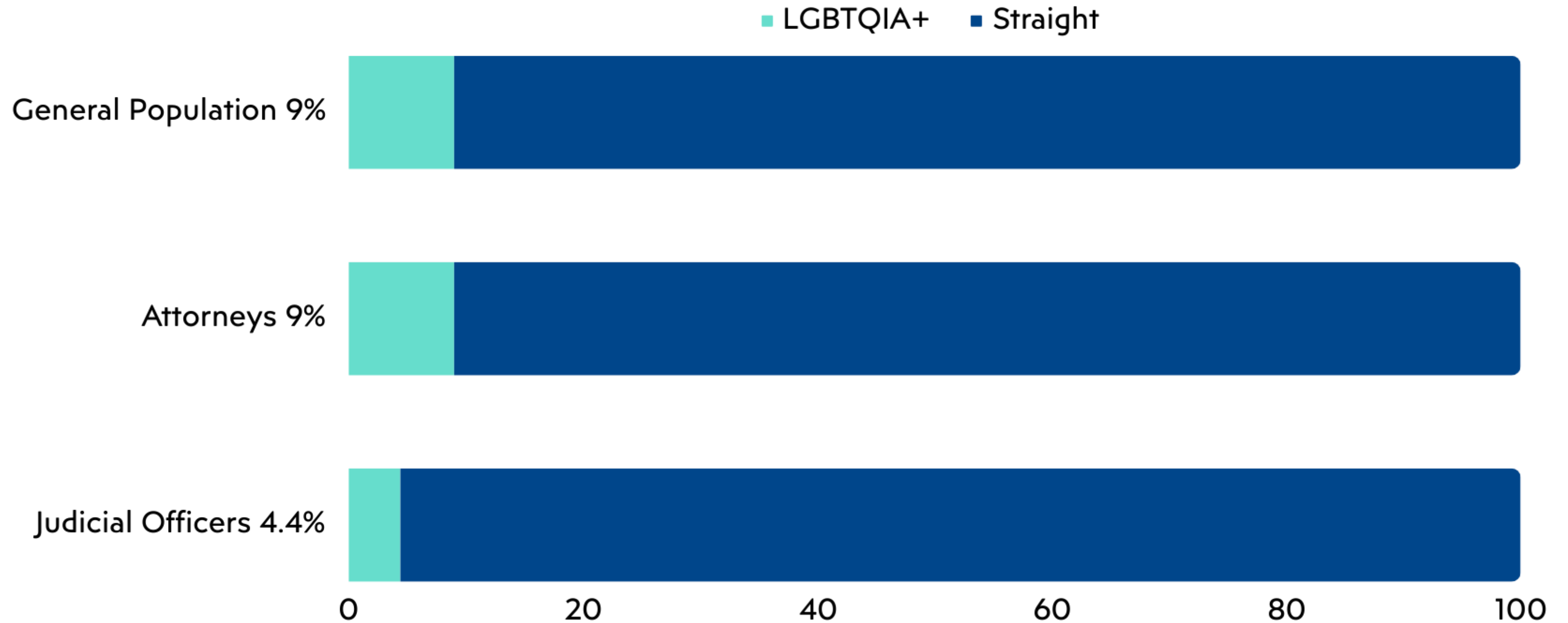


2022



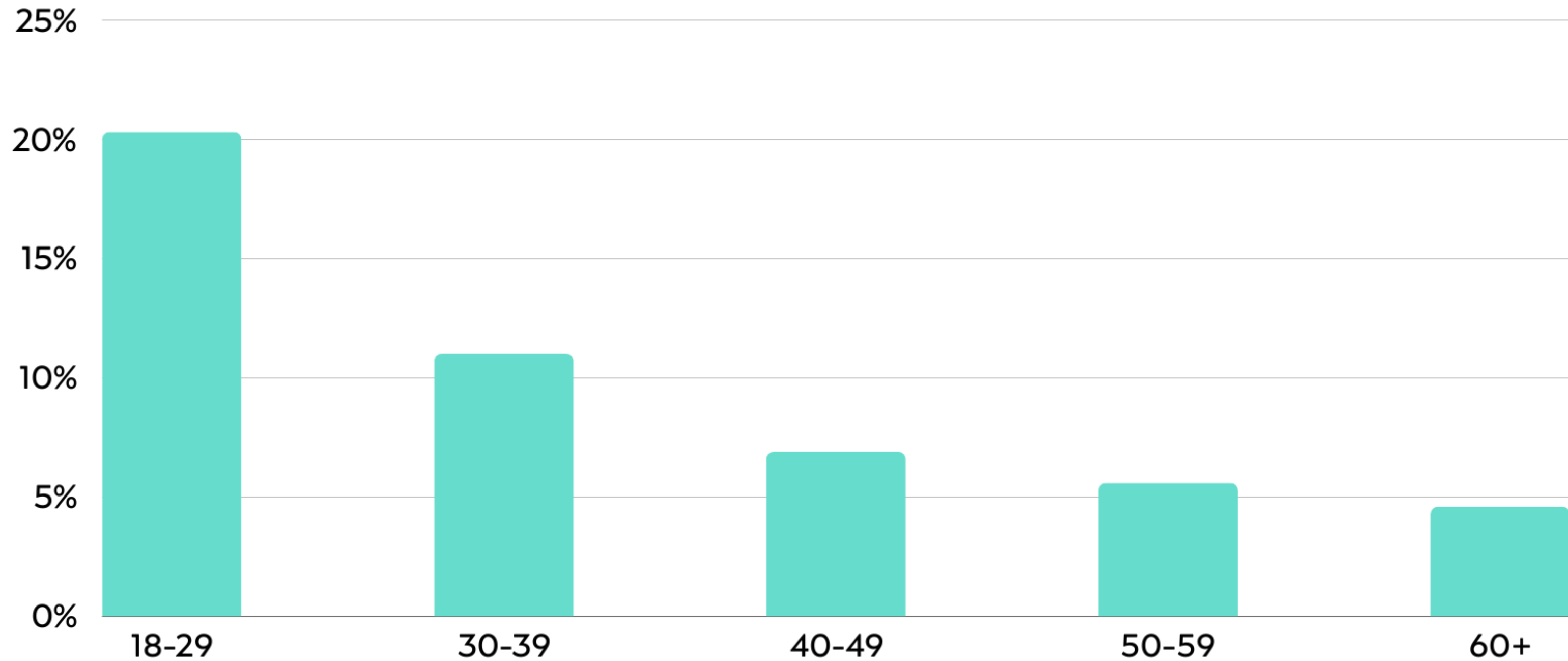
LGBTQIA+

California (as of 12/31/2021 Judicial Council statistics)



LGBTQIA+

Young adults are much more likely to identify as LGBT



THE JUDICIAL NOMINATION PROCESS

Legislative Findings Supporting AB 242 (2019) Requiring Implicit Bias Training



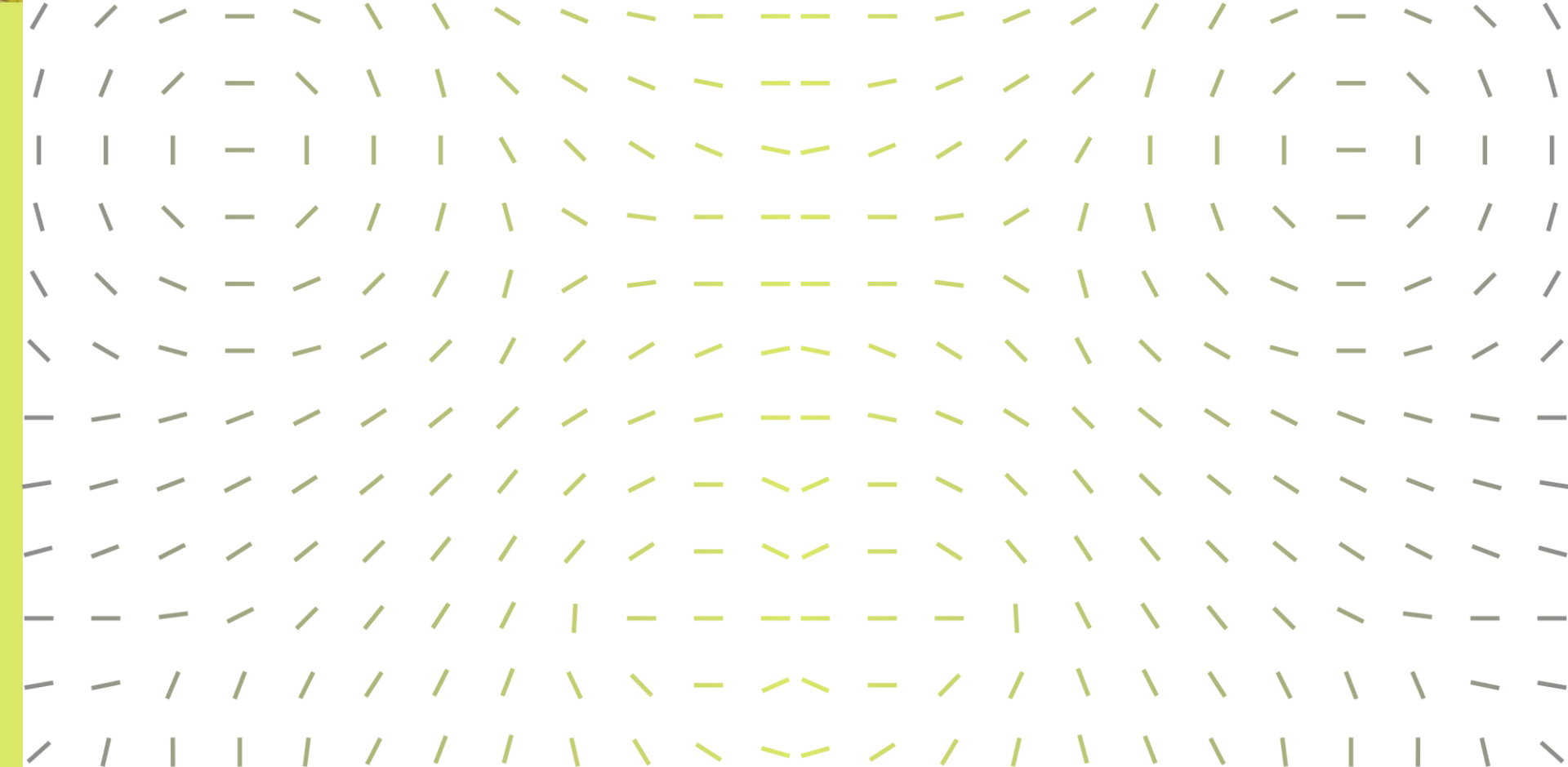
Legislative Findings Supporting AB 242 (2019)
Requiring Implicit Bias Training

SECTION 1. (a) The Legislature finds and declares all of the following:

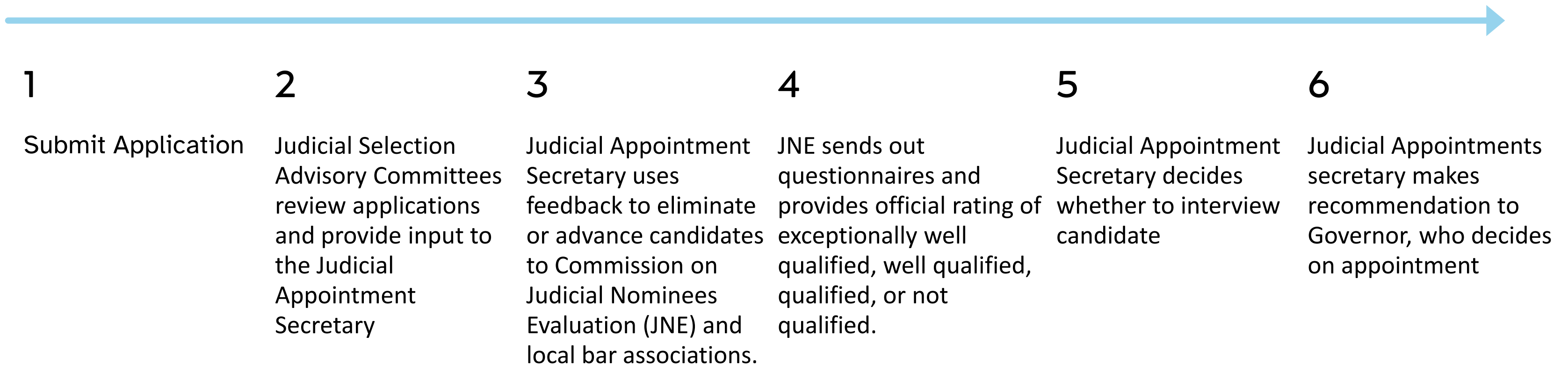
- (1) All persons possess implicit biases, defined as positive or negative associations that affect their beliefs, attitudes, and actions towards other people.
- (2) Those biases develop during the course of a lifetime, beginning at an early age, through exposure to messages about groups of people that are socially advantaged or disadvantaged.
- (3) In the United States, studies show that most people have an implicit bias that disfavors African Americans and favors Caucasian Americans, resulting from a long history of subjugation and exploitation of people of African descent.
- (4) People also have negative biases toward members of other socially stigmatized groups, such as Native Americans, immigrants, women, people with disabilities, Muslims, and members of the LGBTQ community.
- (5) Judges and lawyers harbor the same kinds of implicit biases as others. Studies have shown that, in California, Black defendants are held in pretrial custody 62 percent longer than White defendants and that Black defendants receive 28 percent longer sentences than White defendants convicted of the same crimes.
- (6) Research shows individuals can reduce the negative impact of their implicit biases by becoming aware of the biases they hold and taking affirmative steps to alter behavioral responses and override biases.

- Things we know we know
- Things we know we don't know
- Things we don't know that we don't know

Blindspots



JUDICIAL APPLICATION PROCESS



IMPLICIT BIAS IN JUDICIAL EVALUATIONS

Gill, R. D. (2014), Implicit Bias in Judicial Performance Evaluations: We Must Do Better Than This. Justice System Journal 1-24.

- “[S]ubjective, vague, or abstract evaluation criteria exacerbate discriminatory employment decisions. In other words, more traditional reliability and validity deficiencies in performance appraisal instrument design leaves more room for implicit biases to drive the results.”
- “[A]nonymity of evaluations increases the effects of implicit bias”
- “After controlling for a number of important indicators of judicial performance, women scored nearly 12 points lower out of 100 than men; minority judges scored 21 points lower than white judges.”
- “The sex and race disparities in the Judging the Judges survey act as a thumb on the scales, systematically disadvantaging groups that have been traditionally underrepresented on the bench. There is not a single category of questions that escapes this problem; the effects of judge sex and race are significant, large, and consistent across all of the dimensions of judicial performance evaluated by the Judging the Judges survey.”

JNE: EVALUATION OF JUDICIAL NOMINEES



Professional Reputation <i>(Includes honesty, integrity, community respect)</i> Comments: _____ _____ _____ _____	O	VG	S	BA	U	UNK
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Judicial Temperament <i>(Includes impartiality, objectivity, judgment, collegiality)</i> Comments: _____ _____ _____	O	VG	S	BA	U	UNK
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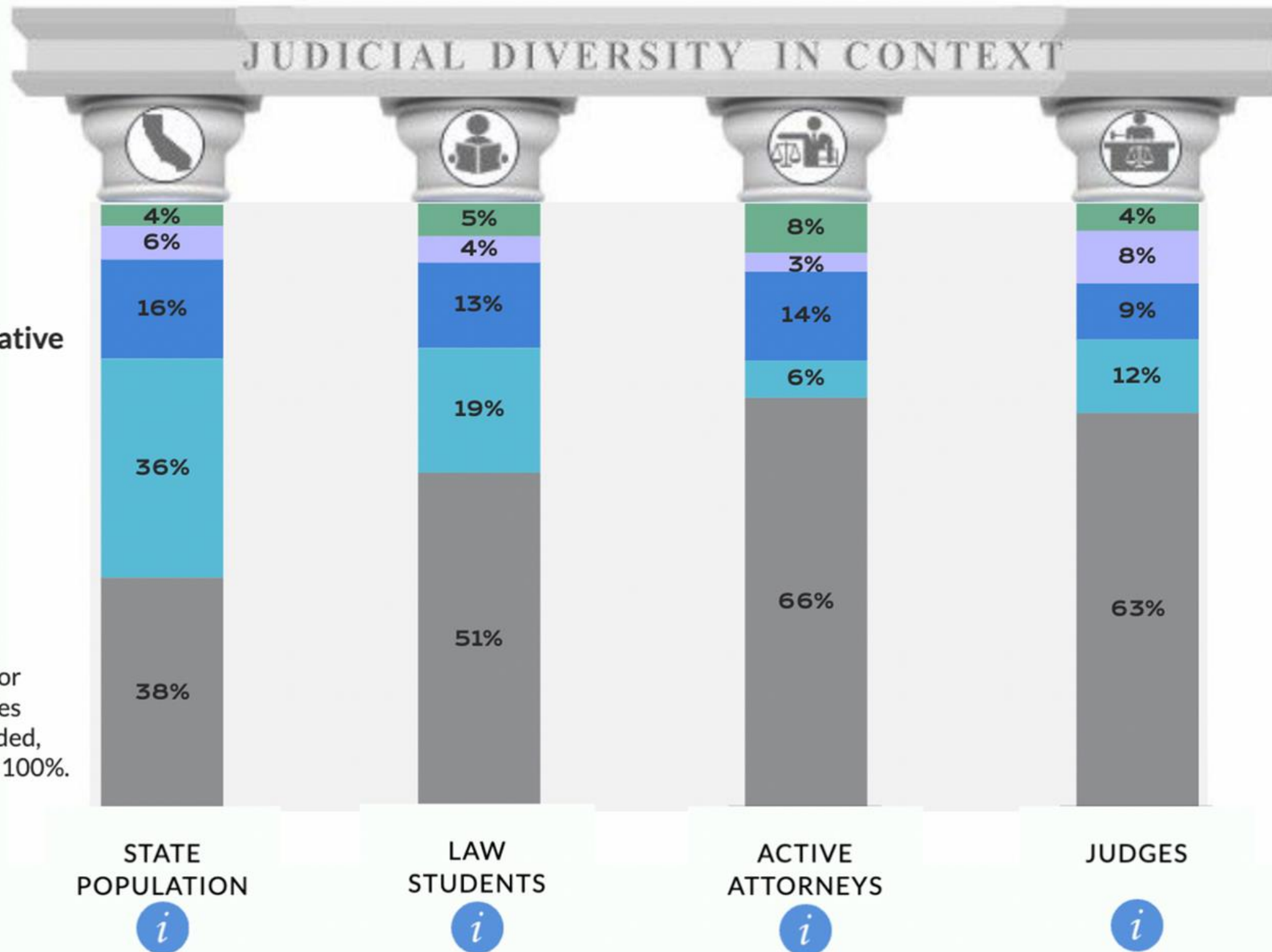
THE CHALLENGE

How can we as a legal community enhance the opportunities to diversify the bench?

JUDICIAL DIVERSITY IN CONTEXT

-  American Indian/Alaska Native
-  Multiracial
-  Black/African American
-  Asian/Pacific Islander
-  Latino/Hispanic
-  White

*Due to rounding and categories for other racial/ethnic group categories across data sets that are not included, totals may not add up precisely to 100%.



By the Numbers: California's Judicial Diversity

Click on the blue icons



to learn more
about each data group.

Made with VISM

Source: CalBar DEI Toolkit

THE PIPELINE STARTS EARLY

Our presence in schools and communities can help bring more diverse students to understand careers in law.

- Seek out opportunities through the state, local bar associations and courts for educational and mentorship programs in partnership with educators.
- Other opportunities to volunteer:
 - Moot Court/Mock Trial Programs
 - Judicial Mentorship Programs
 - Speak at a disadvantaged /under resourced low income school



THANK
YOU



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RESOURCES

Volunteer Programs

- Constitutional Rights Foundation and other moot court programs;
- Youth Teen Courts;
- Law Day for schools that teach students about the courts and what attorneys do;
- High School Law academy programs;
- National Association of Women Judges program to encourage minority students to consider a job in law or the judiciary;
- Women Lawyers Association of LA monthly Beverly Reid O'Connell Power lunch program, in which students from under-resourced schools lunch in a courtroom with a judge, court staff and attorneys;
- Court tours for students;
- Alameda County's Center for Youth Development through Law (transformative educational programs in under-resourced East Bay Communities in cooperation with UC Berkeley Law School)

Mentorship Programs

- Judicial Council has initiated a mentoring program encouraging attorneys from diverse backgrounds to apply.
- Many minority and women bar associations have judicial mentoring programs.
- Judicial Diversity Toolkit: <https://www.courts.ca.gov/partners/judicial-diversity-toolkit.htm>