



## A National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts

### Race & Ethnic Fairness in the Courts

January 2009

Volume 2, Issue 1

#### In This Issue

- [Happy New Year](#)
- [Phase II: Implicit Bias](#)
- [What is Implicit Bias?](#)
- [National Consortium Meeting](#)
- [Sample 2008 State Activity](#)

Preparation of this newsletter is supported by the National Campaign to Ensure Racial and Ethnic Fairness in America's Courts, a project of the National Center for State Courts (NCSC) funded by the Open Society Institute (OSI) and the State Justice Institute (SJI). Opinions contained herein, as well as material appearing in external sites to which this publication provides links, do not necessarily reflect the official position or policies of OSI, SJI, or the NCSC.



#### Happy New Year

This third issue of the *Race and Ethnic Fairness in the Courts e-Newsletter* coincides with a shift in focus for the campaign. With Phase I ([the creation of an online, searchable database of the most promising programs to address racial and ethnic fairness](#)) completed, Phase II will focus on strategies to ensure fairness, such as education and training on diversity and cultural competency issues, that address implicit biases as well as explicit behaviors and attitudes.

The Campaign's Steering Committee will continue to guide the work of the project. In addition, a National Training Team will assist in the development and delivery of project resources, relying on the primary contacts designated by the chief justice of each state and U.S. Territory as a primary vehicle for input and dissemination.

#### Phase II: Implicit Bias

Existing research indicates that all individuals develop implicit attitudes and stereotypes as a result of their experiences with the world. Because implicit biases are unconscious, they can affect behaviors and attitudes in ways, both positive and negative, unknown to the individual.

Phase II of the Campaign will work with three states to develop and deliver learning programs on implicit bias to judges and court staff. Lessons learned from each state's efforts will inform the production of resources for all states.

Strategies for Phase II will include:

- Identification of three jurisdictions to develop & deliver on-site information on implicit bias.
- Assisting states through website, e- newsletter, presentations to national organizations, and discussions with experts and/or representatives from pilot jurisdictions.
- Use of information gathered from jurisdictions/states to inform production of resources for others.

Already Phase II has begun with the redesign of the Campaign's website, including a new [section](#) dedicated to implicit bias information and resources.

### **What is Implicit Bias?**

Professors Anthony Greenwald and Linda Hamilton Krieger define implicit bias as discriminatory biases based on implicit attitudes (the tendency to like or dislike something) or implicit stereotypes (a mental association between a social group or category and a trait). Such biases can lead decision makers into granting preferential or detrimental treatment to another, based on their unconscious attitudes and views, even if such views would otherwise violate the decision maker's *explicit* views. Information and other details on implicit bias can be found on the Campaign's [Phase II website](#).

### **National Consortium on Race and Ethnic Fairness in the Courts (NCREFC) Convenes 20<sup>th</sup> Annual Meeting**

The [National Consortium on Race and Ethnic Fairness in the Courts](#) met in Seattle, Washington April 29 - May 2, 2008. The meeting, hosted by the Washington State Minority and Justice Commission focused on *Celebrating the Courts in an Inclusive Society: Ensuring Fairness in America's State Courts* and included programs on racial and ethnic bias in America, language interpretation, workforce diversity, offender rehabilitation through human services programs and current trends in law school admissions. Information about the event can be found on the Consortium's [website](#) and the Washington State Court's [website](#).

### **Sample 2008 State Activity**

Arizona: The Commission on Minorities in the Judiciary was a participant/sponsor of the [Chris Nakamura Judicial Appointment Workshop](#); a two-part session of the 2008 Minority Bar Convention at the Black Canyon Conference Center

Connecticut: The Commission on Racial and Ethnic Disparity in the Criminal Justice System presented [\*Disparity in Connecticut: Where are We Now and Where are We Heading?\*](#).

Delaware: Hosted [COSCA Mid-Atlantic Conference on Procedural Fairness](#) in June.

California: [Procedural Fairness in the California Courts](#)

DC: The [Standing Committee on Fairness and Access](#) hosted members of the African immigrant community for a dialogue session.

Florida: The Standing Committee on Fairness and Diversity released [Perceptions of Fairness in the Florida Court System](#).

Georgia: The [Committee on Access and Fairness](#) hosted high school students at the Chatham County Courthouse on to learn about legal and judicial careers.

Massachusetts: Conducted additional rounds of their [Access and Fairness Survey](#) in the trial courts.

Montana: Supreme Court adopted the [Report of the Gender Fairness Commission](#), including the creation of a standing commission on gender fairness.

Nebraska: [Minority Justice Committee Annual Progress Report](#)

New Jersey: Amended [Code of Conduct for Judiciary Employees](#) to expand prohibited discrimination to include national origin/nationality, ancestry, language, gender identity or expression, and other criteria.

New York Franklin H. Williams Judicial Commission on Minorities: 2008 Conference: [Innovative Strategies to Nullify Gang Violence in Our Communities](#)

Ohio: [Racial Fairness Education Added to New Judge Orientation](#)

Pennsylvania: [Interbranch Commission for Gender, Racial and Ethnic Fairness Annual Report](#)

Utah: The [AOC Ad Hoc Racial and Ethnic Fairness Committee](#) met to discuss the recommendations from the 2001 final report of a racial and ethnic fairness task force and made its recommendations to the Judicial Council.

Virginia [2008 State of the Judiciary Address](#): "No citizen, no litigant, no lawyer, no witness, and no juror should ever have a perception that he or she was treated differently or unfairly because of his or her religion, race, gender, or national origin."

Wisconsin: [Report of the Commission on Reducing Racial Disparities in the Wisconsin Justice System](#)