

California Judicial Branch Supporting Pathways to Increasing Judicial Diversity

1. Judicial Branch Strategic Goal: Access, Fairness, and Diversity

The Judicial Council of California's long-range strategic plan for the judicial branch includes the goal of Access, Fairness, and Diversity. Among the issues addressed in the goal statement, the council affirms that in order to understand and be responsive to the needs of court users from diverse cultural backgrounds, the makeup of California's judicial branch will reflect the diversity of the state's residents.

2. Judicial Diversity Toolkit

The Judicial Council's Advisory Committee on Providing Access and Fairness includes improving diversity in the judicial branch in its charge (Cal. Rules of Court, rule 10.55). In 2018, the committee initiated an update of the Judicial Diversity Toolkit as a priority project. First published by the Judicial Council in 2010, *Pathways to Achieving Judicial Diversity in the California Courts* is a toolkit of programs designed to increase the diversity of applicants for judicial appointment in California. The original toolkit is available on the California Courts public website at: www.courts.ca.gov/documents/Judicial-Diversity-Toolkit.pdf. The 2019 online update will include new information, approaches, and resources as a foundation for outreach by local courts and bar associations to engage, guide, and mentor potential judicial applicants.

3. Judicial Diversity Summit Sponsorship

In 2006, 2011, and again in 2016, the Judicial Council cosponsored a summit on diversity in the judiciary. Partners for the summits included the State Bar and the California Judges Association. Resulting recommendations included a focus on education and outreach through the development of the Judicial Diversity Toolkit. Recommendations on data collection and accessibility resulted in the Judicial Council's expansion of judicial demographic data collection to include options for judges to self-report on gender identity and sexual orientation.

4. Tracking and Public Reporting on Judicial Demographics and Vacancies

Each year since 2007, the Judicial Council has collected and released self-reported demographics from the state's judiciary. In accordance with Government Code section 12011.5(n), the council aggregates data relative to the gender identity, race/ethnicity, sexual orientation, and veteran and disability status of state court justices and judges, by specific jurisdiction. All reports are posted on the California Courts public website at: www.courts.ca.gov/13418.htm. In addition, the council posts a monthly report on the number of authorized, filled, and vacant judicial positions on the California Courts public website, enabling attorneys applying for a judgeship to track vacancies. (www.courts.ca.gov/15893.htm.)

5. Trial Court Hiring and Recruitment of Subordinate Judicial Officers

California's superior courts have authority to recruit and employ subordinate judicial officers (SJOs) to perform specific duties. SJO recruitment and employment offers a pathway to increase judicial diversity on the bench. Approximately 254 subordinate judicial officers (234 commissioners and 20 referees) are employed throughout the courts. In the past decade, 148 court commissioners became judges: 133 by gubernatorial appointment and 15 by election. Additionally, beginning in 2007, Government Code section 69615 authorized the judicial branch to gradually convert 162 SJO positions to judgeships in 25 courts. To date, 154 conversions have been authorized.

6. Trial Court Appointment of Attorneys to Serve as Temporary Judges

Under California Rules of Court, rules 2.810–2.835, trial courts may appoint attorneys to serve as temporary judges for certain matters. For 34 courts that reported data to the Judicial Council for 2016–17, there were 4,683 attorneys serving as court-appointed judges. The council makes a full training curriculum available to the courts to support Temporary Judge Programs (www.courts.ca.gov/protem/.)

7. Courts of Appeal Opportunities for Trial Court Judges to Serve as Temporary Justices

At the request of an appellate court, the Chief Justice periodically assigns judges from the superior courts to assist the Courts of Appeal as pro tem justices, affording trial judges the opportunity to gain appellate-level experience. A total of 59 temporary appointments have been made during the past three years.

8. JusticeCorps Volunteer Education

JusticeCorps is a partnership of the Judicial Council; the Los Angeles, San Diego, and Bay Area superior courts; and 10 University of California and California State University campuses. Since 2005, 3,714 undergraduate students and recent graduates have been recruited, trained, and served in 28, court-based, self-help legal access centers. The education and court system exposure provided to student participants has helped set many on a path to law school and beyond. Feedback from alumni shows that about 70% of members go on to law school or paralegal professions. During the past four years for which demographic data has been collected, Latino or Hispanic participants have represented the largest percentage of program participants at 44%. JusticeCorps is a recipient of the State Bar of California Education Pipeline Award.

9. Judicial Administration Fellowships and Judicial Council Intern Scholarships

The Judicial Administration Fellowship Program provides a gateway to public service and leadership in the judicial branch. Established in 1997 and cosponsored by the Judicial Council and Sacramento State's Center for California Studies, more than 200 fellows (10 each year) have had the opportunity to spend 10 months working in court administration. Additionally, beginning in the summer of 2019, the Judicial Council Intern Scholarship Program will offer exposure to public service in the judicial branch for undergraduate students. Both programs have attracted applicants with diverse backgrounds. In the past five years, 60% of judicial

fellows identified as having an ethnicity other than Caucasian. Voicing support for the valuable experience participants in these programs gain from working with the judiciary, Chief Justice Tani G. Cantil-Sakauye has noted that they “...encourage the talent we need now and in the future to manage the largest court system in the nation.”

10. Recognizing, Managing, and Avoiding Implicit Bias

Once a judge assumes the bench, recognizing, valuing, and respecting the diversity of those coming to court is integral to maintaining and increasing public trust and confidence in the justice system. Under the California Rules of Court, Standard of Judicial Administration 10.20 addresses a court’s duty to prohibit bias (www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard10_20). The Judicial Council provides training for judicial officers and court personnel in the areas of implicit bias through mandatory programs, other in-person training opportunities, and online education and resources. Programs and training resources include topics such as implicit bias and judicial decision-making, social cognition, judicial ethics, and unconscious demotion. In 2019, the Chief Justice directed the Judicial Council’s Administrative Director to review the branch’s statewide judicial education curricula to ensure that an appropriate level of training is available for jurists on implicit bias.

11. Civic Education in Public Schools

Now in its seventh year, the Chief Justice’s Civic Learning Initiative seeks to provide civic education, including education about the courts, to all students in California. The Civic Learning Award has recognized more than 300 schools in 30 counties for their civic learning efforts. The overall profile of award-winning schools closely mirrors the diversity of the state in terms of the percentage of English learners, and students who qualify for free and reduced lunches. Top winning schools also include schools with greater diversity such as South Junior High School in Anaheim, where students are 89% Hispanic or Latino, 86% low-income, and where 26% are learning English. Judges throughout the state are coleading efforts to promote civic learning in local schools. As a result, large, diverse school districts such as San Diego Unified School District have passed school board resolutions endorsing the importance of civic education. The Chief Justice has personally participated in 120 civic engagement and outreach visits with schools, teacher and parent groups, and through other civic forums.

12. Bar and Law School Outreach

Judges throughout the state visit with law school students and bar members inspiring and encouraging them to pursue careers in the legal profession and the judiciary. Leading by example, since her appointment in 2011, Chief Justice Cantil-Sakauye has spoken with more than 260 bar associations and legal organizations, and visited 60 law schools for commencements, forums and conferences or to speak to student groups. Also, in that time, approximately 50 student groups (law school students and high school civics classes), have visited the Supreme Court or attended oral argument; many making repeat visits. For example, Fresno City College, University of San Francisco (USF), UC Davis, and UC Hastings College of the Law classes visit yearly. The court has also held special outreach oral argument sessions at UC Davis and USF, and a student Q&A during its special session in San Diego.