

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audio cast live via the California Courts website. What follows is captured live captioning, formatted and unedited, of the last meeting. The official record of each meeting, the meeting minutes, is usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at www.courts.ca.gov.

>> Please stay tuned for the Judicial Council's live audio broadcast beginning shortly.

>> Please stand by for real-time captions.

>> If you can indulge me for two more minutes, certainly from this staff a need to dig in—Darrell Mark, George Lolas are a tight working group—they would come to our place or we would work these things out. Administrative services, these accomplishments could not have been made without the help of Olivia Lawrence, Colleen Houlton and from audit a big shout-out from finance. Bob from legal, great assistance from Corey Techera, very much appreciated. Also in terms of must also recognize working relationships we build with the courts in Santa Clara, Ventura and Shasta. All instrumental in making headway with the restitution program and previously stated we have done training for hundreds of staff from both county and courts and collection agencies, too. It was extremely successful. Of course none of this would have ever happened without the assistance and support of the Chief Justice, internal chairs and council itself, and we must recognize the contributions the task force made in connection with multiple entities on the task force. I would like to do a shout-out for the chair, Mary Ann O'Malley from Contra Costa, he and cochair David Wesley from Los Angeles. And finally this could not have occurred without the assistance of the past directors of the Judicial Council, Jody who served as the director, also a member of the task force—great efforts, and I will stop talking and keep smiling for the rest of the time so it has been—I will say I miss this place but retirement is great.

>> [Laughter]

>> Thank you, Curt. As you named off the folks there were lots of smiles and nodding not only around the council boardroom but in the audience as well. It is good to see you, please convey our thanks for this recognition. It really does break down barriers and increases communication and it is a rare feat, frankly. Thank you very much.

>> Thank you.

>> [Applause]

>> Our next item on the agenda is our Administrative Director's report: Mr. Martin Hoshino.

>> Thank you, Chief, members. I want to take a moment also to be indulged. I want to thank you for permitting the time for presentation like that I think that was a 38- or 39-year career civil servant, just a lot of hours, a lot of miles to log the support of the public through various

iterations of your career. It means a lot and we all know that Curt is a humble guy. It is great he showed up. He was ducking a lot of presentations and parties along the way, trying to be private. A great opportunity to do something in public in front of you. Also, thank you very much for allowing that. The second thank you I want to issue is to the California Judges Association, especially Eric Taylor. Have to commend the administrators, directors and CEOs might look out for each other every now and then but they were instrumental in assisting me and the Chief Justice and supporting the conference of chief justices we hosted in Monterey recently. Those are extra things we do every now and then for the betterment of the branch and the justice system, not just here but across the country, and it is good to have partners like that that will help you bring those kinds of events together and make them as successful as they are. Thank you, Judge Taylor, and stand if you are listening. Thank you very much also. I would like to do a little different, the written report is in your materials as always, but I want to spend a little time updating and talking about judicial staff operations and get back to a branch-wide ever. Some notable things, however, in this month's collective report, if I can bring your attention to them, is that we did in fact open two new courthouses, one in Kings and one in Sutter County a period from the last time we had met we have launched our Language Access Toolkit and our staff has been busy supporting committees as they ramp up for their annual agendas and set course for things they will be working on during the course of this year. In terms of Judicial Council staff operations update, this is the first one of 2016. I thought it would be appropriate to look in the mirror of things we walk through together over the course of the year. There have been a significant number of operational initiatives over the last 12 months. The compensation structure, the completion of the study of the recommendation going all the way back to the strategic evaluation committee, also something noted in the California state auditor's report January 2015, and for all intents and purposes we consider this to be completed and we have actually implemented in a structure here that became effective January 1, following all of our collective work. The second one is a cost-benefit analysis for the Judicial Council office locations we also conducted this with the help of an independent study and was able to complete it. The third thing is the operational planning and alignment restructuring I want to talk about a little bit in terms of some detail with you all this afternoon. This is the part of the state auditor's report where they recommend that we take more time and more effort to analyze the services that we provide to the branch. So we are in the midst of implementing that. There have been a number of listening sessions that have already been conducted. We have learned an awful lot about that. We are also drilling down not so much on the things we do today and how well are we doing and what areas need improvement, but asking very, very important questions to everyone, which is to ask what things you need you are not getting today but more importantly what are the things that tomorrow courts can anticipate needs we have, and how do we address any gaps we can identify along the way. We are also doing some things internally I want to advise you on, staff leadership changes. I have recalibrated the role of our Chief of Staff Jody Patel. A structure created largely the strategic evaluation committee had aligned the staff reporting relationships a little bit differently. The bottom line, the simple version is, I increased responsibilities of our office chiefs of operating divisions to report more on day-to-day operations to the chief of staff accordingly. We had hired a new chief operating officer. That was in November. Unfortunately, Millicent Tidwell, the new Chief Operating Officer, could not be here today owing to a family emergency that we have filled that position. Subsequent to Curt Soderlund's retirement we are now in the recruitment phase for the other chief, chief administrative officer. That effort continues as we speak and is under way. We also

recruited a new real estate facilities management director. I don't know if you have had the opportunity to meet him yet. Expect to make the rounds but to the individual courts of California as they come up to speed. He came to us after the UC system after a short stay with Walmart. We are happy to have him on board. Changes I want to make you, as well as the public, aware of that we are implementing on even though we have not completed our operational alignment discussion and still implementing pieces of the state auditor report. In my own opinion it has concluded a couple of things we should not wait to make other consolidations of some of the operations in here. I want to describe two. Very briefly, one is the consolidation of our fiscal staff in one fiscal operating unit. I don't recall whether this is part of the SEC findings or not. They also identified redundancies in parts of the organization, so whether I have agreed or disagreed I can't tell you or don't know. I did learn, as well as other folks, that we had fiscal functions in more than one location and it struck me as sensible they should be consolidated in one place. We have taken the capital construction program fiscal staff now merging and consolidating them into one fiscal operation so that there will be more coordination and more advantage or control to us, not just internally as we manage things but also what is really important is you are interfacing with external control agencies like the Department of Finance or interfacing with the legislature that you have more of a single point, first chair, primary responsibility location for all your fiscal analysis, as well as reporting out. That is something that we are implementing. The second thing is a smaller consolidation but to take our trial court and state court level accounting and procurement functions, which were previously separated into two parts of the organization. Again, consolidating them for the logical, what we hope in theory, of leveraging the knowledge and information between the two organizations, as well as cross-pollinating the talents that are there. These are not very dramatic changes or surprising to people, but again things that seem to make sense, and I wanted to make the council, certainly members here, aware of that. Turning back to branch-wide issues, ordinarily I would talk about the state budget and branch budget at a high level, but I believe the Chief has already covered that in her report. We have already now, because of the schedule in February, already now getting ready for the advocacy at the legislature and have had a number of presentations and committees and gatherings and number of statewide phone calls on that subject. I will not spend a lot of time with that with you this afternoon. Except, for one other important issue, that is really a fiscal budgetary awareness issue. There is already some awareness out there, but I think we need to describe it a little more fully for you on this area. And this has to do with fines and fees and forfeitures and civil assessments. Yes, it is true I was asked by the Chief to join this national conference, so we will be beginning work on that the first meeting in mid-March. We will travel to that meeting. The idea is we will not only be able to help weigh in on the subject nationally, more importantly our objective in California is we can identify new ideas or practices or policy changes about what are going on in other states and ideas and bring those back to California. The goal of the task force specifically is to address the ongoing impact of court fines and fees and bail practices and what they have had, not just on revenue streams, but what impacts have been had on communities, especially for economically disadvantaged communities across the United States. I'm happy to participate in that on behalf of California. I need to let you know about the dimension of this issue if you are not already aware of it and the dilemmas it really poses for our judicial system. California's criminal fine structure has evolved significantly and dramatically over the last 20 years. In 1994, the \$35 base fine for a traffic violation with one prior conviction is now \$124. Between 2003 and 2012, the legislature was beginning to adopt what we call add-on on top of the base

finer. This practice has continued for quite some time, which is why you hear the stories of base fines at \$35 and growing to \$124 or \$258 and additional fees levied on, so the cost of the violation that began at its base level is no longer proportionate to the actual offense that occurred. We now are learning of course that this has had a broad impact on the ability of people to actually be able to pay, as well as their access to justice in responding to this. Last year, the Judicial Council took a significant step to address this access to justice issue with the new traffic rule that advised courts to allow people who have traffic tickets to appear without the deposit of bail unless there were certain exclusions. But this is beyond the critical issues of access to justice. The fine and fee thing has created a dilemma for the courts and other stakeholders in terms of how they deal with the programs supported through this generated revenue. And this is where I want to make sure I make you aware of the dimension of this problem, if you are not already. Approximately \$2 billion in revenues are generated annually through the structure that has evolved over the last two decades. This is an important funding source for not just us but for government programs at the local level and state level. This is not just within the executive branch or judicial branch, it is things that would be ordinarily funded through general tax proceeds. That \$2 billion, about 40% is going to our courts and court operations. The other 60% is going to the rest of state government in the form of the state in its general fund, as well as cities and as well as counties. The other high-level thing to take away from this is more than 50 programs out there are either fully or proportionately benefiting from this formula. This includes a wide gamut of things: treatment for injured victims, an emergency medical system, also court construction. Evolution is not just created a de facto revenue stream that may have started the folks about complying with certain things, but it has essentially developed into what one can characterize as a revenue stream. And we are grappling with that. Not only is it in terms of revenue, we all know in our court systems how complicated it is to administer. The presentation we began with about it court order get task force and the role of the controller's office to regularly audit the receipts that come in to make sure distribution has become a feature of state government, says a lot about how this has evolved, I think, over the course of time. The structure that I have described is raising a lot of important public policy questions, the least of which is the funding of basic government services. The role of various branches and levels of government and those funding decisions and the role of our trial courts and how it is they are imposing and collecting fines and fees. There are two aspects. First, the responsibility of serving as a deterrent to repeat offending and the second is the courts having to act as what I would describe as revenue centers. Currently there are 43 courts in our system that have the operational responsibility for enhanced collections; 15 counties still retain that responsibility. The Legislative Analyst's Office has recently issued a report of the subject of the highlights that our team and staff worked closely with them putting the numbers together. As many of you know, in California, our futures commission is also considering the same issues. At the same time, on your behalf the council staff is engaged in discussions with the various interests and lawmakers on the subject as well as the Department of Finance, and we continue to do our best to make it very clear that the development of any kind of California solution is going to require the active participation of all three branches of government, in addition to which the various stakeholders or parties or government programs that will be impacted by any changes or modifications or adjustments to what is now a \$2 billion proposition. We will do our best effort to keep you informed on having these conversations, but they wanted to take a moment again to highlight the dimension of the issue as we are learning about it—the dilemma it poses to us—and to make sure the members, as well as the public, was aware of this. And this

is an issue definitely in the forefront of our minds both here in California, as well as nationally. With that, Chief, that concludes my report for the meeting.

>> Thank you, Martin. I want to say thank you for taking on the additional role on the national task force. Because, you are right, it is a national narrative. And it was on the topic at the Conference of Chief Justices. I will also say it is always good to have Martin, for many reasons, but thank you. I was remiss in not pointing out the support of CJA and the fact that Eric Taylor is president, and not only because of the support, but they were able to boldly procure great photos with the governor. Thank you. At this time on our agenda we are going to be hearing from a distinguished panel regarding Judging, Unconscious Bias, and Decisionmaking. This is not an action item. I welcome our presenters. Justice Laurie Zelon, chair of the Advisory Committee on Providing Access and Fairness, Judge Theodore Weathers, chair of the Judicial Council's Governing Committee of the Center for Judicial Education and Research, also dean of the Witkin college and Mr. Michael Roosevelt, Judicial Council Criminal Justice Services, and presenter. Welcome.

>> Thank you so much. We will get right to the slide presentation. This is an opportunity to hear in a very abbreviated fashion something that was covered in the closed session. I wanted to highlight that the important conversation around bias, implicit bias, unconscious bias, is one happening across the nation. We talk about the issues of race in a way that people really get it. And breaks through some of the barriers around having this important conversation. When people talk about race or racism or systematic racism or bias, people become very defensive. The research shows us and is demonstrated to us that we are talking about unconscious bias, the types of bias that exists in the world. And so what we learned is when we talk about unconscious bias we really understand a lot of what is happening to us is not conscious. A lot of people are experiencing is not conscious and it is important to understand we are not blaming people. We are saying, let's understand how it works. I will go through quickly some slides we had. I will ask you to do an exercise with me. I will ask you to count, to yourselves, the number of times you see the letter F as in fog. Don't read the paragraph, just count the number of times you see the letter F. How did you do? How many of you counted three? Five? Six? Seven? Eight? Nine? Ten? 35? Here we go. There were only 12. We all look at the same exact thing that we see things differently. Our minds take shortcuts. We make quick adjustments and shortcuts, so we skipped over some, right? Or, in some cases some people counted too many. The whole idea is to talk about how quickly the mind takes these shortcuts. This is for people to remember quickly again we make associations and snap judgments. Our brains basically categorize. We take shortcuts. This is a normal process of the human brain and it is important to understand that it is indispensable. To process how the brain works is important. We categorize things in two different, clear areas. Very quickly we identify three things about an individual. As you all know, race, age and gender. When you look across this room and look at me, I want you to guess my gender, my approximate age, and my race. You are probably going to guess African American, 23.

>> [Laughter]

>> These are approximate things. We know these things very quickly. Why is that important? Because our brain categorizes and does this in such a way that we have favorable or

unfavorable impressions of people. The brain basically does something very quickly, organizes into what we call “schemas.” I’m going through this very quickly. The schemas also can shape how we look at “in” groups and “out” groups. In groups and out groups. We all have a strong preference. This is normal. Again, it is a social category, in groups and out groups. Very quickly. We also tend to perceive persons in our own groups with uniqueness but we review out group members is all the same. You know, those people. How they all look. We do that generally. This is important for people to understand that this is hardwired in our brains to categorize and have uniqueness and/or particularity. However, our brains are so tricky, so tricky that what they tend to do is, if we have a belief that we maintain, we want to create a new category so we can keep our beliefs intact about it particular. In other words, we change the script, so to speak. Our biases are so strong, talk about bias and stereotypes is like heat-seeking missiles. They are looking for something to hit. Looking and searching. We create a subcategory of a group of people. We create the exception to the rule. They fall into a different category. True, this is especially true when the out group is large and the stereotype is negative. We have implicit biases. While it is important to talk about implicit biases, because this is about the unconscious mind, how the mind works, really focuses us in very directly no matter how smart we are, no matter how brilliant we are, no matter how caring we are that our biases peek through. Not at a conscious level but at an unconscious level. Here are some quick things we can do to recognize and remediate bias. First of all, we have to recognize when we are distracted we are more likely to be biased, so if we can mediate distraction we reduce our chances of being biased. We can reduce stress and acknowledge stress continues to our bias. We can have an impact on bias. We also recognize that if we are bored. If we recognize we are more likely to be biased if we are bored, we can decrease boredom. When we do things the same way all the time it becomes ritual, progressively predictable. If we break it up and try something different, it will perhaps change. I will give you an example. There was a judge in another state. Her calendar was primarily seeing people of color and she understand by seeing the same people, unconsciously she was coming to conclusions about that group. She recognized that, and so she asked her judge to put her in a county where most offenders looked like her, who are white, because she was attempting to say, I know my brain is working on this information, I want to shift my brain and make a conscious decision to take on a different calendar in a different location that countered the stereotype. You follow what I am saying? It is really important to address boredom. Time pressure. If you are under pressure you are more likely to be biased. These biases are stronger when you are under time pressure. If somebody is watching you, you are less likely to be biased. In California we have mentored judging programs. Senior judges work with less experienced judges. Ways in which you can have somebody who—not talking about the JP—I’m talking about colleagues and others who can provide a certain level of accountability. The lack of motivation to be accurate or fair also plays in, too. If you don’t have the interest or willingness to be fair and accurate, then you are more likely and more prone to be biased. These are some simple highlights. Very quickly, HP computers. If you know about HP computers, they are wonderful. I have one at home, they’re really great. A few years ago they did a wonderful thing. They created a new camera and I can follow you around the room. If you are moving like I am right now and you are at home, the camera would move with you. Here is the problem. Someone discovered something interesting about the HP camera. It would not follow black faces. So the camera would just stay frozen. Is the camera broken? What they discovered is the people who created the camera only used one race in order to identify faces. So therefore, like a jury, like any workplace, if you don’t have a

diversity of viewpoints then biases enter into it. This was HP's explanation. I found it interesting. I love that. Difficulty seeing contrast in conditions where there is insufficient foreground light. They mean dark faces. Get it? The idea is even people who have the best intentions, scientists who have studied it, their biases also come into play. Important technology. This is one I think that is important, because in Florida—very quickly if you've seen this before—in Florida this is in use in one part of Florida for target practice. This was in 2015 last year. This is used for target practice. So how did they discover this has been used? When they were training officers they were going to practice shooting and they would leave. Another group came in and a woman who was in the National Guard came in and says, That is my brother up there, what is he doing up there? Immediately they were shocked and said we are going to change it immediately and take this down. But you did not change the unconscious, how the brain had been primed to see these faces as more dangerous. So I highlight that because understanding how bias can play into our decision-making, this is an obvious point where probably good people who were thinking about training officers did not think about the impact of this particular thing. This most recent study has been replicated over and over about police shootings and police-involved shootings and police involved in their duty where they see a person—this is an ambiguous test, the person, a video—the person has a cell phone, may have a gun, a beer bottle, he is African American, white cell phone, beer bottle, same objects. Same positions etc. What they show, officers shoot more quickly the African American than they shoot the white person with the same object. A split-second decision oftentimes may be based on how you are trained. So you make that association and you have a quick response. And so the shoot notion has been replicated in a lot of police departments across the country, and are using this in their training. San Francisco Police Department is one; also district attorneys and public defenders. Again minimizing. It is important, if you want to minimize implicit bias, to really wait until all the facts are in. That is very obvious. When you are rushing, when you are bored, when other things are happening, that decreases. Even people with few biases—this is important—must remind themselves it's an ongoing process to minimize their effect. This is California as of 2010, and it highlights who is in our prisons. We followed the trajectory. When we make decisions about things there are real consequences. So we look at the percentage of the population or the number of population and you can see that African Americans and Hispanics are in prison at disproportionate rates of representation of the general population. These are startling statistics that highlight the work that has to be done to address implicit bias. With that, thank you.

>> Thank you for that presentation, Mr. Roosevelt.

>>> Thank you, Michael. Ladies and gentlemen, good afternoon. I am here on behalf of the CJER governing committee and I wanted to discuss with you some of the programs we currently offer in this area and also are planning to work on for the future. Each of you has in your materials a list of programs that we have developed on the topic of implicit bias. This topic is covered in many of our key programs and we provide this information through virtually every delivery method, including in-person programs, distance education, and in our print programs. Of course our premier programs, the New Judge Orientation, the Judicial College and the qualifying ethics program touch virtually all of our judicial officers including judges, commissioners, referees and appellate justices. The distance education items in the judicial handbooks are also available 24/7 online. I actually am next door in the Sequoia Room teaching

New Judge Orientation to a group of 13 new judicial officers this week, along with three other very experienced and highly accomplished faculty members. Judge Tony Moore from Los Angeles, Judge Patricia Lucas from Santa Clara and the commissioner from the San Francisco court. Included in the New Judge Orientation program, I would mention that this program was completely redesigned two years ago with the help of Judge David Rothman and a workgroup that was comprised of other judges. And the attempt was to integrate this area of implicit bias education throughout the New Judge Orientation program. The NJO program was redesigned and is now structured around Judge Rothman's central principle of being a judge and the related eight pillars, something we discussed not only in NJO but at the Judicial College once again in the qualifying ethics program. QED 6 is about ready to roll out next week. We have training programs for judicial officers to teach the program, so we are looking forward to that. Judge Rothman's central principle is referencing the independent impartial and honorable judiciary to maintain the utmost integrity in decision-making. Judges need to be aware of their own biases and maintain a high degree of self-awareness. This weeklong NJO course devotes a significant amount of time to issues such as social cognition research as it relates to implicit or unconscious bias. We also have students, student judges take the Harvard online Implicit Association Test, which measures attitudes and beliefs, and individuals may be unwilling to report because there is an implicit attitude that you are not aware of consciously. It is well incorporated in our new judge education program. The governing committee is currently in the process of crafting the education program for the 2016-2018 two-year plan. And we plan to submit that two-year plan to the Judicial Council in June for consideration and approval. As part of the process the judicial branch Providing Access and Fairness Committee has submitted a recommendation to include courses on unconscious bias in this education plan which would be part of all of our statewide judicial and attorney institutes, including the TJ CEO Institute, supervising judges institute, appellate judicial attorney institutes, appellate judges institute, crim law, probate law, juvenile law institutes and also the trial attorney institute. The Providing Access and Fairness Committee is also recommending that courses be offered regionally and locally upon request. Once the course is developed we would cover many topics including empirical evidence and neuroscience, the role of stereotypes, factors that make it more or less likely to act on unconscious bias and, of course, remedies to deal with unconscious bias. As you can see, the subject was extremely important to the access, ethics, and fairness curriculum community and the committee wanted to ensure this topic was incorporated as effectively and cheaply as it could possibly be throughout all of our curriculum. The committee is also recommending that a bench card on the subject of unconscious bias also be developed. Currently bias education is woven throughout all of our education programs for judges and court staff. That is not to say that we are perfect, far from it. Always looking for recommendations in this area and we just want to express our commitment, expanded commitment to this critical area of education. With that I will turn it over to Justice Zelon.

>> Thank you. I am here today as the cochair, along with Justice O'Leary, of the Advisory Committee on Providing Access and Fairness. The discussion that you had today and the work on implicit bias is within a larger framework. The larger framework of course starts with goal one, because access, fairness and diversity is goal one of our strategic plan. And it guides our branch. We live in an increasingly diverse state with court users which come with a variety of abilities and needs and from a variety of backgrounds. What we all look for is fairness, to provide meaningful access to everyone. We want to be fair and we want to make sure we

appear fair, because procedural fairness is important to our users as well. The council, of course, and all of its advisory bodies, are responsible for policies that improve access and fairness. That we serve in any way as a subject matter expert for the council and other committees on these issues, we are very proud to do so. We have been charged by you with making recommendations to improve access, improve fairness, recognize diversity and improve diversity in the branch and improve services for litigants who come to us without counsel because of economic issues. And we are working with other advisory groups on the intersection of all of these issues because they come up in many subject matter areas. This committee stands on the shoulders of the prior advisory committee on access and fairness. Some of what I want to talk about for a minute is the history of what has been done, because we have a long tradition of trying to address these issues in a variety of ways. Much of what I am going to talk about in the next minute or so really has to do with work that has been done in prior years. Then I will tell you what it is your current committee is doing now. The goal has always been twofold, to continue the conversation so people can address the issues of bias that come and the importance of procedural fairness, and provide tools to the courts at all levels to assist them in providing justice that not only is fair but looks fair. And so some of the projects that have been done is the publication on gender bias guidelines for judicial officers. Collaboration with the human resources division in providing employment discrimination training for court personnel who are involved in employment decisions. Hosting a regional conference in 2008 of women of color in the courts. The intersection of gender and race issues was a very important issue and continues to be an issue. We helped produce an educational video called Summary Judgments, which did not have to do with procedural summary judgment but had to do with the kind of summary judgments we all make. That addressed sexual orientation, racial, ethnic and gender fairness and we worked with CJER in developing a curriculum to produce a video. We had educational roundtables to talk about cultural awareness and Native American issues in the court, and in 2003 we finalized a resource guide for bench officers on Native American issues. I am going to suggest we go back and work with the tribal and state court to update that useful tool for bench officers. We have talked about improving interactions between court users and court security, which is an area where there can be great difficulty. We worked with the bar on summits on achieving diversity in the judiciary in 2006 and 2011, and late last year the council approved some recommendations that the committee made to you concerning implementing some of the findings that came out of those diversity summits. More recently, the Trial Court Presiding Judges Advisory Committee was looking at its publication on making judicial assignments. They reached out to us and we were able to provide information to them to assist presiding judges in undertaking efforts to address procedural fairness and perceived bias in assignments of judges and we were very pleased to do that. We have also offered training on a regular basis to the training commission on bias and fairness and a number of years ago brought to the council and had approved an access protocol which requires every committee in adopting policy to consider its impact on access. We hope to come back to you later this year with some new recommendations on expanding the use of that protocol and utility in light of new findings. So, the one item you have in front of you from us is the diversity toolkit. We just finished that. That was based on work that was done over three years between 2011 and 2013. They were focus groups with court users, members of the bar, court personnel. We wanted to discuss with them some emergent and persistent issues affecting women and women of color in the courts. During those focus groups, a number of us were very surprised because issues that we thought were done were not then. People brought to us continuing issues that concerned them and this

was across the court community and bar community. A working group of our members reviewed the data we had been giving to the people who participated in the focus group, promises of anonymity. We worked with the data in a way that would preserve the confidentiality of the people who had spoken with us and identified key areas where we thought improvement still was needed. Much of the work revolved around issues of unconscious bias, things we had just been discussing. And cultural sensitivity. And so, we determined that it would be helpful to develop a tool for courts to use to begin to identify areas where they could take action to address unconscious bias to educate court personnel and judges and to work with that, and the toolkit in your material was the tool developed for local courts to use. It is not mandatory. We hope it is helpful and we hope that as courts begin to use that they will get feedback back to us that will allow us to continue to improve that and make it a more helpful tool for courts as they go forward. We shared it with the PJ and CEOs at a meeting and they were very welcoming to the presentation, asked for no changes and so the toolkit will now be available to all courts on the network. As we go forward and present our annual agenda for next year, which we hope you will approve, we are going to plan to work with CJER to improve and expand educational resources on implicit and unconscious bias. We are going to make a recommendation to expand information in the bench guide for judicial officers involving cases with self-represented litigants to more specifically address the issues of unconscious bias that arise there. I'm thinking about the slide Michael showed you that talked about stress and time constraints and other issues that particularly affect bench officers with calendars like family law with large numbers of self-represented litigants. That is a more stressful situation, and so we want to provide additional tools for that. We are happy and stand ready to work with every advisory committee, with the council itself on these issues as we go forward. Our lead staff has expertise in the areas of implicit bias and continues to do training in the area. Some members have worked on implicit bias education in their local courts or in the State Bar and we are looking forward to collaborating with others to see how we can provide tools to the courts that will help them in these important issues.

>> Thank you, Justice Zelon. I wanted to open it up to comments, but I wanted to start by saying I am grateful for the work that has been done in this judiciary for many years that have really laid the grounds for preparing these kinds of toolkits in raising awareness. I want to say that the issue we confront today has been around for some period of time. But recently after the Ferguson U.S. D.O.J. report I was asked to serve on an advisory board, a national board to look at community engagement that focuses on certain groups of folks who feel marginalized—who are marginalized and disenfranchised—and that one of the purposes of the advisory board is to provide tools and resources for court leaders, and what you described really shows California for a long time has been at the forefront of these kinds of tools and programs. And specifically, one of the recommendations of the national advisory board is implicit bias education and training. Earlier today, as you may know, Michael gave all of us here at Judicial Council a presentation that quizzed us and it is thinking about what we think and how we think. So to hear Judge Weathers talk about all the training available to courts to our judges for our decision-making to enhance public trust and confidence in the judiciary to ensure equal access. This is important and timely work. I know the Advisory Committee on Providing Access and Fairness has had several names but has always been the focus of confronting bias and ensuring that access, fairness and diversity always at the forefront of what we do. I thank you for your work. I look forward to going online and seeing some of the resources. I'm gratified to know this is

going to be taught at all levels of the Appellate Judges Institute as well, which we all attend in the college, judges orientation interwoven in all the education required of the judges. Thank you very much. I open this to comments or observations and questions.

>> [Event concluded]