

The background of the slide features a large, faint, circular seal of the Judicial Council of California. The seal contains a central figure holding a scale and a sword, surrounded by the text "JUDICIAL COUNCIL OF CALIFORNIA" and the year "1926".

# **Proposal to Amend California Standards of Judicial Administration, Standard 10.20**

Hon. Stacy Boulware Eurie

Hon. Brad R. Hill

November 19, 2021

# Work Group Background

- Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings.
- Appointed by Chief Justice in October 2020.
- Charged with updating and modernizing Standard 10.20.



# Public Feedback

Valuable feedback provided by:

- Early input from court users via email inbox.
- Meetings with representatives from interested groups.
- Meetings with local bias committees.



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# Public Feedback, continued

- Briefings on existing procedures for filing and investigating complaints from:
  - CJP director regarding resolution of formal complaints filed with commission.
  - Presiding judges and court executive officers regarding resolution of internally filed complaints.



# Public Feedback, continued

- 6-week public comment period for this proposal
- 76 comments from 105 commenters.



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# Amending a Standard

- Charged with amending Standard of Judicial Administration 10.20.
- Standards are non-binding “guidelines or goals recommended by the Judicial Council”.



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# Proposed Amendments

- Create a framework for elimination of bias at local court level.
- Courts and local committees have discretion to create programs that positively impact court users in their unique communities.



# Proposed Amendments, continued

The proposal contains five broad amendments:

1. Changing focus to “preventing” bias rather than simply “prohibiting” bias.



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# Proposed Amendments, continued

2. Broadening standard to include all “court interactions” and all judicial officers.



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# Proposed Amendments, continued

3. Updating protected classifications enumerated in standard to reflect a more modern and inclusive list.



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# Proposed Amendments, continued

4. Broadly defining the role and membership of local bias committees to allow committees flexibility to focus on needs and diversity of their communities.



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# Proposed Amendments, continued

5. Ensuring that court users can access existing information regarding how to submit bias complaints against judicial officers and court employees.



# Proposed Amendments, continued

- Does not eliminate a requirement that local bias committees adopt informal complaint resolution procedures.
- Removes the recommendation that all local bias committees adopt such procedures.



# Proposed Amendments, continued

- Local bias committees may still choose to adopt informal complaint resolution procedures.



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# Proposed Amendments, continued

- Concerns with recommending that each local bias committee adopt their own informal complaint procedures:
  - Conflicts with existing and effective complaint resolution procedures.
  - Inadequate resources or expertise to resolve complaints in some local bias committees.



# Proposed Amendments, continued

- Less confidentiality for complainants.
- Judicial officer members of local bias committees may have ethical obligations to report complaints to the CJP.
- Conflicts with existing personnel policies and MOUs applicable to court employees.





# Conclusion

- The proposed amendments:
  - Modernize the standard.
  - Emphasize importance of eliminating and preventing bias in court interactions.
  - Create framework allowing courts and committees flexibility to establish protocols responsive to unique needs of community.



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