



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-192

For business meeting on: December 2, 2022

Title

Judicial Branch: Report and
Recommendations from 2021 Judicial
Diversity Summit

Agenda Item Type

Action Required

Effective Date

December 2, 2022

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

November 8, 2022

Recommended by

Advisory Committee on Providing Access
and Fairness
Hon. Kevin C. Brazile, Cochair
Hon. Victor A. Rodriguez, Cochair

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Executive Summary

The Advisory Committee on Providing Access and Fairness presents the final report and recommendations from the 2021 Judicial Diversity Summit, “Stronger Together.” The committee recommends that the Judicial Council distribute the summit report to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee and refer four of the summit recommendations to appropriate advisory committees and council staff for action. The summit was sponsored by the Judicial Council, the California Judges Association, and the California Lawyers Association in collaboration with 15 affinity judicial and bar associations. It was the fourth statewide Judicial Diversity Summit to review and analyze efforts to foster greater diversity throughout California’s judiciary, and the first summit to be held remotely due to the ongoing COVID-19 pandemic. The 2021 summit programs successfully reached over 1,700 registrants, including commissioners, judges, justices, and attorneys.

Recommendation

The committee recommends that the Judicial Council, effective December 2, 2022:

1. Receive the final report from the 2021 Judicial Diversity Summit: *Stronger Together*.
2. Direct staff to distribute the summit report to the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee.
3. Refer to the Executive and Planning Committee for further consideration and referral to the appropriate advisory bodies the following recommendations: Summit Recommendation 1, Increase Education and Resources on Judicial Appointments and Elections Process; Summit Recommendation 3, Strengthen Efforts to Mentor Judicial Officers on the Bench as a Crucial Component of Their Continued Professional Development and Advancement; and Summit Recommendation 4, Strengthen and Coordinate Judicial Outreach to Connect with Diverse Younger Generations.
4. Refer to the Legislation Committee to consider sponsoring legislation related to Summit Recommendation 6, Expand Collection of Demographic Data.

Further information on each recommendation listed above on pages 3–4.

Relevant Previous Council Action

In June 2006, the State Bar of California, in collaboration with the Judicial Council’s Access and Fairness Advisory Committee, convened a statewide summit on diversity in the judiciary. In 2011, the State Bar and the Judicial Council held a second summit, “Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary,” to assess progress made toward achieving the goal of having a judiciary that reflects the rich diversity of California’s population. The summit was held at the Judicial Council of California’s San Francisco headquarters at the invitation of Chief Justice Tani G. Cantil-Sakauye and then-State Bar President William Hebert. The invitation to the summit described its focus:

As California’s demographics change, it is important that our judiciary reflect the state’s growing diversity and that the bench and bar participate in the dialogue that may contribute to achieving greater judicial diversity and increased public trust and confidence in the judicial system.

At the Judicial Council meeting on October 25, 2012, the interagency Judicial Summit Planning Committee, including Judge Brenda Harbin-Forte (Ret.), Justice James Lambden (Ret.), and Senator Joseph Dunn (Ret.), presented the final report from the 2011 summit.¹ The council reviewed the recommendations and directed the Access and Fairness Advisory Committee to initiate the review and approval process for those recommendations that merited council action.

¹ Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch: Report and Recommendations from 2011 Summit on Judicial Diversity* (Oct. 2, 2012), www.courts.ca.gov/documents/jc-20121026-item1.pdf.

At its meeting on July 28, 2015, the council approved² the distribution of the 2011 summit report to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee and referred for action to appropriate advisory groups and Judicial Council staff eight recommendations.

In July 2020, the State Bar released the 2016 summit's final report and recommendations, *Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary*.³ Because internal planning for the 2021 summit had already begun, the committee decided to incorporate relevant 2016 recommendations into the existing judicial diversity projects on its annual agenda, where appropriate, and defer consideration of further council action until after the 2021 summit was held.

Analysis/Rationale

The four recommendations from the report that the council is referring to the Executive and Planning Committee (Recommendations 1, 3, and 4) and Legislation Committee (Recommendation 6) include those initiatives that anticipate participation by the council, court leadership, and judicial officers.

Summit Recommendation 1: Increase Education and Resources on Judicial Appointments and Elections Process.

The Judicial Council, California Lawyers Association (CLA), and California Judges Association (CJA) should continue to collaborate and provide increased resources, outreach, and education to underrepresented communities. Since October of 2019, the Judicial Council and the CLA have collaborated to present nine “Pathways to Achieving Judicial Diversity” sessions on the judicial appointment process, locally, regionally, and statewide, to diverse attorney groups and affinity bar associations. These sessions were organized in partnership with judges from local superior courts, affinity judicial associations, the Judicial Council Advisory Committee on Providing Access and Fairness, the Governor’s Office of Judicial Appointments, and the JNE Commission. The Judicial Council should also continue to provide annual updated presentations on judicial demographics as compared to the state’s population for the JNE Commission. (Summit report, p. 18.)

Summit Recommendation 3: Strengthen Efforts to Mentor Judicial Officers on the Bench as a Crucial Component of Their Continued Professional Development and Advancement.

Judicial participants felt strongly that mentorship throughout their career contributed to their success and career fulfillment. This included being prepared for court leadership positions and appointments to higher courts. Mentorship comes in many forms. For example, presiding judges should ask all judges annually if they are interested in leadership, along with their preferred assignment. Additional education and mentorship should be provided on how to obtain a wide

² Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch: Summit Report to Promote Diversity in the California Judiciary* (July 17, 2015), www.courts.ca.gov/documents/jc-20150728-itemF.pdf.

³ Available at <https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000026383.pdf>.

variety of court assignments to best prepare for the type of broad experience required of a nominee for the appellate courts.

The Judicial Council should provide additional education and outreach to new and sitting judges on the role of the council and its advisory committees, as well as how to become a member through the nominations process. (Summit report, p. 19.)

Summit Recommendation 4: Strengthen and Coordinate Judicial Outreach to Connect with Diverse Younger Generations.

The Judicial Council, local courts, the CJA, and affinity judicial associations should increase efforts to replicate and expand successful K–12 programs, in partnership with the California Department of Education, such as Chief Justice Tani G. Cantil-Sakauye’s Civic Learning Initiative,⁴ Judges in the Classroom,⁵ or locally held Law Days or Constitution Days, law academies, and moot court. The judicial branch should also continue to collaborate with justice partner programs focusing on outreach to undergraduate and law students. (Summit report, pp. 19–20.)

Summit Recommendation 6: Expand Collection of Demographic Data.

Appropriate data collection should be expanded to align the judicial branch demographics with the state’s Gender Recognition Act to include a nonbinary category for gender. Accordingly, Government Code section 12011.5(n)(1) should be amended so that all entities mandated to report demographics must include a nonbinary category for gender identity. (Summit report, p. 21, fn. omitted.)

Since 1994, the Advisory Committee on Access and Fairness has submitted recommendations to the council that assisted the council with promoting and achieving Goal I of the judicial branch’s strategic plan: access, fairness, and diversity.⁶ Referring the summit report and recommendations to the internal committees for further consideration and referral to the appropriate advisory bodies is consistent with the committee’s past and current charge and focuses.

Policy implications

These recommendations support a diverse judiciary that is an important component of equal access to and public confidence in the justice system. Access, Fairness, and Diversity is Goal I of the judicial branch’s strategic plan. The plan states that, “to serve the state of California effectively, the branch should reflect the diversity of the state and continue efforts to enhance public trust and confidence by working with other branches of government toward a judicial

⁴ California Courts, “Civic Learning Initiative,” www.courts.ca.gov/20902.htm.

⁵ California Courts, “Judges in the Classroom,” www.courts.ca.gov/judges_in_the_classroom.htm.

⁶ Judicial Council of Cal., *The Strategic Plan for California’s Judicial Branch* (July 19, 2019), p. 5, www.courts.ca.gov/documents/CAJudicialBranch_StrategicPlan.pdf.

branch that mirrors the state’s diversity.”⁷ California, its residents, and the state’s justice system all benefit from a judicial branch that mirrors the state’s diversity and these recommendations help achieve that goal.

Alternatives considered

The committee considered simply providing information and guidance through distribution of the summit report within the branch and updating publications or website content. However, the committee did not choose this alternative because of the continued importance and commitment of the judicial branch to access, fairness, and diversity, as well as the success of current council projects and initiatives advancing judicial diversity through this committee and other advisory groups, in collaboration with justice partners and stakeholders across the state. Especially given that judicial diversity efforts have gained much momentum in recent years, with the growth of court-sponsored judicial mentorship programs working in partnership with the Governor’s newly established Judicial Mentorship Program, the committee believes that acting on the recommendations will greatly serve to further strengthen and support the strides that have been made.

Fiscal and Operational Impacts

Implementation of these recommendations will be an ongoing project and require collaborative efforts across the judicial branch. The committee recognizes that local bar associations, affinity judicial associations, the California Lawyers Association, the California Judges Association, and the State Bar can be effective partners in implementation efforts.

Attachments and Links

1. Attachment A: *Stronger Together: 2021 Judicial Diversity Summit Report and Recommendations*

⁷ *Ibid.*

Stronger Together

JUDICIAL DIVERSITY SUMMIT 2021

2021 JUDICIAL DIVERSITY SUMMIT REPORT & RECOMMENDATIONS



CALIFORNIA
LAWYERS
ASSOCIATION



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CALIFORNIA LAWYERS ASSOCIATION
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Executive Summary

Following the success of the 2006, 2011, and 2016 judicial diversity summits, the 2021 Judicial Diversity Summit was developed to both fulfill and further the recommendations derived from previous events. The California Judges Association, California Lawyers Association and Judicial Council joined forces to develop the 2021 Judicial Diversity Summit, with collaboration and support from diverse legal organizations across the state of California. With greater acceptance of virtual learning as a result of the pandemic in 2020, the Judicial Diversity Summit's planning committee developed a series of interactive virtual programs, beginning with six pre-summit programs, which provided updated demographics and facts on the state of diversity in California's judiciary and set a strong foundation for the three-part summit. The 2021 Judicial Diversity Summit took place over three separate evenings in September, following the pre-summit programming. The summit's faculty was comprised of leaders in diversity, equity and inclusion efforts throughout the state, as well as other prominent legal professionals. After the summit programming concluded, the planning committee continued to convene in order to develop a series of recommendations and implementation strategies for improving diversity across California's judiciary. This report contains an overview of previous summit reports, highlights from the 2021 Judicial Diversity Summit programs, and the seven detailed recommendations.

Introduction—Mission, Purpose, and Partners

In September 2021, law-related organizations throughout California collaborated to produce the fourth statewide judicial diversity summit, intended to review and analyze efforts to foster greater diversity throughout California's judiciary. A judicial diversity summit has been produced every five years since 2006, complete with a thorough analysis of ongoing efforts to diversify California's bench and detailed recommendations for how to implement changes that will move the proverbial needle and create a judiciary representative of California's diverse population.

The 2021 Judicial Diversity Summit was co-presented by the California Judges Association (CJA), the California Lawyers Association (CLA), and the Judicial Council of California (Judicial Council), and took place over three consecutive weeks in September, with programming focused on different aspects of judicial diversity. In addition to the summit programming, for the first time ever, the 2021 event also included a series of six virtual pre-summit educational programs to create a complete and more expansive curriculum. The virtual environment in which we found ourselves due to the COVID-19 pandemic provided an opportunity to deliver more programming and distribute content more broadly than at any previous summit.

The CJA, the CLA, and the Judicial Council were fortunate to have the support and assistance of myriad legal organizations throughout the state to assist with planning and developing all of the pre-summit programs and the signature judicial diversity summit events. 2021 Judicial Diversity Summit collaborating organizations included the following:

- Association of African American California Judicial Officers
- California Asian Pacific American Bar Association
- California Asian-Pacific American Judges Association
- California Association of Black Lawyers, Judicial Section
- California ChangeLawyers

- California Indian Law Association
- California La Raza Lawyers Association
- California Latino Judges Association
- California Women Lawyers
- Disability Rights of California
- Iranian American Bar Association, Orange County
- LGBT Judicial Officers of California
- McGeorge School of Law
- SacLegal
- Women of Color in Law, Inc.

The 2021 summit successfully reached its target audience, with over 1,700 total registrants. Over 200 individuals registered to participate in each of the six pre-summit programs, and over 400 registrants for each of the three main judicial diversity summit programs. To garner further participation and expand access to the programming, recordings of each summit program as well as educational materials have been archived on the CLA's website.¹

Overview of Summit Programming and Speakers

The 2021 Judicial Diversity Summit programming was comprised of the following six pre-summit programs:

- Judicial Diversity Yesterday: A Fireside Chat
- Judicial Mentoring: Inside and Out
- Affinity Judicial Associations: What Are They, and What Are They Doing to Increase Diversity on the Bench?
- From the Cafeteria to the Courtroom: Creating the Pathway for Tomorrow's Legal Professional
- Increasing Diversity in Underrepresented Courts
- A Conversation on Barriers to the Bench

The following programs comprised the three-day summit:

- **Summit Day 1: Judicial Diversity Today**
 - Level Set: How Are We Doing?
 - Judicial Diversity: A Facilitated Discussion on the Definition of Judicial Diversity
- **Summit Day 2: What Works**
 - What Is the Judicial Nominations Evaluation (JNE) Commission Doing Differently?
 - California's New Judicial Mentoring Program
 - Side Bar Conversation: The "Perceived" Glass Ceiling
- **Summit Day 3: Judicial Diversity Tomorrow**
 - Judicial Track—Elevation and Courtroom Assignments
 - Attorney Track—Get Creative: Alternative Paths to the Bench

¹ California Lawyers Association, "2021 Judicial Diversity Summit," <https://calawyers.org/2021-judicial-diversity-summit/>.

- Keynote Address: Luis Céspedes, Judicial Appointments Secretary, Office of Governor Gavin Newsom

Key highlights from each program are presented in this report beginning on page 6.

A significant portion of the 2021 Judicial Diversity Summit's success can be attributed to the considerable contributions of its esteemed and dynamic volunteer speakers, panelists, and moderators, who generously shared their time and subject matter expertise.

The Honorable Tani G. Cantil-Sakauye, Chief Justice of California, delivered the opening remarks for the 2021 Judicial Diversity Summit. The 2021 summit speakers also included the following judges and justices:

- Hon. Lorna A. Alksne, Presiding Judge, Superior Court of California, County of San Diego
- Hon. Paul A. Bacigalupo, Judge, Superior Court of California, County of Los Angeles
- Hon. Kevin C. Brazile, Judge, Superior Court of California, County of Los Angeles
- Hon. Rupert A. Byrdsong, Judge, Superior Court of California, County of Los Angeles
- Hon. Linda H. Colfax, Judge, Superior Court of California, County of San Francisco
- Hon. Thomas A. Delaney, Judge, Superior Court of California, County of Orange
- Hon. Jessica M. Delgado, Judge, Superior Court of California, County of Santa Clara
- Hon. Maria E. Evangelista, Judge, Superior Court of California, County of San Francisco
- Hon. Joshua P. Groban, Associate Justice, Supreme Court of California
- Hon. Teri L. Jackson, Presiding Justice, First Appellate District, Division Five
- Hon. Victoria S. Kolakowski, Judge, Superior Court of California, County of Alameda
- Hon. Luis A. Lavin, Associate Justice, Second Appellate District
- Hon. Jayne C. Lee, Judge, Superior Court of California, County of San Joaquin
- Hon. Elizabeth G. Macias, Judge, Superior Court of California, County of Orange
- Hon. Raquel A. Marquez, Judge, Superior Court of California, County of Riverside
- Hon. Mark A. McCannon, Judge, Superior Court of California, County of Alameda
- Hon. Ann C. Moorman, Presiding Judge, Superior Court of California, County of Mendocino
- Hon. Audra M. Mori, Judge, Superior Court of California, County of Los Angeles
- Hon. Terrie E. Roberts, Judge, Superior Court of California, County of San Diego
- Hon. Kristin L. Rosi, Chief Administrative Law Judge, California Department of Insurance
- Hon. Robert E. Sanchez DuFour, Judge, Superior Court of California, County of Los Angeles
- Hon. Sonny S. Sandu, Judge, Superior Court of California, County of Stanislaus
- Hon. Roderick W. Shelton, Judge, Superior Court of California, County of San Diego
- Hon. Marsha G. Slough, Associate Justice, Fourth Appellate District
- Hon. Sergio C. Tapia II, Judge, Superior Court of California, County of Los Angeles
- Hon. Laura R. Walton, Judge, Superior Court of California, County of Los Angeles
- Hon. Monica F. Wiley, Judge, Superior Court of California, County of San Francisco
- Hon. Erica R. Yew, Judge, Superior Court of California, County of Santa Clara
- Hon. D. Zeke Zeidler, Judge, Superior Court of California, County of Los Angeles

In addition to the judges and justices mentioned above, the following individuals served as speakers and program moderators:

- Christopher Arriola, Supervising Deputy District Attorney, Santa Clara County Office of the District Attorney
- Luis Céspedes, Judicial Appointments Secretary, Office of Governor Gavin Newsom
- Naomi Dewey, Attorney, Trusted Legal
- Adeyinka Glover, Attorney, Disability Rights of California
- Tristan Higgins, Attorney, CEO, Metaclusive LLC
- Monique Jewett-Brewster, Attorney, Hopkins Carley
- Stella Ngai, Attorney, Chair, Commission on Judicial Nominees Evaluation
- Catherine Ongiri, Attorney, Judicial Council of California
- Christopher Punongbayan, Executive Director, California ChangeLawyers
- Michael Rhoads, Attorney, Supreme Court of California, SacLegal
- Michael Roosevelt, Senior Analyst, Judicial Council of California
- Neha Sampat, CEO, GenLead|BelongLab
- Emilio Varanini, Supervising Deputy Attorney General at Healthcare Rights and Access Section, Public Rights Division, California Office of the Attorney General

We were honored to be joined in our efforts by three members of the original 2006 Judicial Diversity Summit Planning Committee:

- Hon. Brenda F. Harbin-Forte, Judge (Ret.), Superior Court of California, County of Alameda
- Ruthe Ashley, Executive Director Emeritus, California LAW
- Patricia Lee, Board Member, California LAW; Chair, ABA Standing Committee on Public Education

True to the mission of the judicial diversity summit, each event featured a robust discussion on various facets of diversity in the legal profession, and in particular, the pathway to the bench. The discussions included key takeaways that are highlighted in this report, in addition to the planning committee's full recommendations, which can be found on page 18.

Highlights of Previous Reports and Recommendations

The 2021 Judicial Diversity Summit built on the programming and recommendations presented in the three previous judicial diversity summits.²

The first judicial diversity summit, held in 2006, was an outgrowth of the State Bar of California's Diversity Pipeline Task Force, which had been established in 2005 to address the lack of diversity in the legal profession, including the judiciary, and to identify barriers to diversity along the pipeline from elementary schools to the judiciary. The "pipeline," which has subsequently been referred to as the "pathway," remains a central component of the judicial diversity summit, with many recommendations from all previous summits focused on how diverse attorneys can find their way to the bench.

The 2006 summit brought together leaders and representatives from the courts, the Legislature, the Governor's Office, the State Bar of California, law professors, local and affinity bar associations, law

² The full reports and recommendations from the 2006, 2011, and 2016 Judicial Diversity Summits can be found in the appendix section of this report.

firms, the government sector, public interest offices, corporate counsel, and other stakeholders. The issues identified at the 2006 summit as needing attention included:

- Data collection and accessibility, especially demographic information on sitting and appointed judges;
- Overcoming barriers to judicial diversity (including transparency during the screening and appointments process, consideration of wider ranges of applicant practice skills, and recognition of cultural and other biases that may adversely affect the ratings of applicants);
- Recruitment of more lawyers from diverse backgrounds; and
- Outreach and education by judges in their respective communities.

In 2011, five years after the first summit was held, stakeholders convened the second judicial diversity summit, themed “Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary,” which aimed to:

- Evaluate achievements since the 2006 summit;
- Focus on the current status of judicial diversity in California;
- Identify best practices for increasing diversity on the bench;
- Develop additional initiatives for achieving greater judicial diversity; and
- Create a five-year action plan for further accomplishments.

The 2011 Judicial Diversity Summit produced recommendations categorized as follows:

- The judicial appointments and elections process;
- The leaky pipeline resulting from low numbers of ethnic minorities in law schools;
- Judicial diversity data collection and accessibility;
- The level and types of outreach and education needed to encourage more persons to enter the legal field and seek appointment to the bench;
- Issues with the online judicial application; and
- The perceived glass ceiling for women and ethnic minorities when it comes to judicial assignments.

Here are the resulting recommendations derived from the 2011 Judicial Diversity Summit:

Judicial Appointments and Elections Process

- Judges and lawyers should reach out to law schools to educate students on how to become a judge, so that law students can begin at that early stage of their careers to lay the groundwork for serving as a judge. Where possible, judges should employ law students in the courtroom and should establish or participate in programs designed to bring high school students into the courts.
- So that applicants can better appreciate the level of commitment involved in the application process, judges should serve as mentors to coach potential applicants through the details of, and emotional barriers to, completing the application process.
- Mentor judges should encourage potential applicants to work in their communities and to be involved with local bar associations.

- Judges should be proactive and identify the most viable candidates for appointment. Once these candidates are identified, judges should not only mentor these individuals through the application process but should also offer practical advice on how to be a good judge, manage a courtroom, and avoid the pitfalls that many new judges encounter.
- To lend more credibility to their recommendations, minority and specialty bar associations should establish a formal application and evaluation process that is equivalent to the process used by the metropolitan bars.
- The Governor should continue to provide Judicial Selection Advisory Committee (JSAC) members with educational materials on the status of ethnic and gender diversity on the bench as compared to the state's population, and on the ways implicit bias may impact evaluations of applicants for judicial appointment. JSAC members should also be educated on how the judicial assignments process works at the superior court level, so they understand that the presiding judge has sole authority to make judicial assignments (see rule 10.603(c)(1), Cal. Rules of Court). To assist the Governor in educating JSAC members, the Administrative Office of the Courts (now known as the Judicial Council of California), and the State Bar Council on Access and Fairness should, to the extent funding permits, provide training in the areas of judicial diversity and implicit bias, if such training is requested by the Governor's Office.

The Leaky Pipeline

- The legal profession must undertake a concerted effort to educate the public about the value and benefits of a legal education, while at the same time acknowledging the reality that such an education is quite expensive. Part of this education process must include outreach to ethnic minorities to communicate the value to the minority community that being a lawyer brings.
- Law schools and the legal profession should seek funding to implement innovative studies, such as the recommendations contained in Schultz and Zedeck's effective lawyering study, which developed race-neutral tools for identifying 26 factors that are predictors of attorney competence.
- The legal profession should seek private sector funding to provide financial assistance for economically challenged students to take LSAT preparation courses.
- Law schools should be encouraged to create a culture of inclusion on campus. Law students of color should be exposed to more role models in the judiciary, and law schools should place greater emphasis on community-oriented or public sector employment as desirable career options.

Data Collection and Accessibility

- The Governor's Office should be encouraged to provide more transparency in the application and appointment process, so that the success of efforts to increase judicial diversity can be more readily assessed.
- In reporting annual demographic information, the Governor's Office should continue to do what it historically has done and use the same ethnic and racial categories specified in Government Code section 12011.5(n)(C)(3). (Please note that, after the summit, SB 126 (Davis) was enacted, which amended Government Code section 12011.5 so that it now provides, in subdivision

(n)(C)(3), that the State Bar and the Judicial Council shall use specified ethnic and racial categories in the annual demographic reports.

- The Governor's Office should appreciate and recognize the contributions of lawyers with disabilities and endeavor to include more of such lawyers among the Governor's appointees. All agencies reporting annual demographic data should set a timetable for implementing a process that allows for the collection of information on applicants, appointees, and sitting judges who choose to disclose that they have a disability.

Outreach and Education

- To address the underrepresentation of minorities and communities of color in the judiciary, the bench and bar should, to the extent funding permits, develop outreach programs targeting youth in at-risk and underrepresented communities. In this regard, each court should have its own community outreach program or committee to develop a community-specific program.
- The Judicial Council, the State Bar, and the Governor's Office should, to the extent funding permits, hold an annual judicial diversity summit. One focus of the summit should be to encourage lawyers from underrepresented groups to apply for judicial appointment. The summit should include a presentation from the Governor's Judicial Appointments Secretary, or equivalent staff person, to identify attributes the Governor is seeking in judicial applicants.
- The Judicial Council, through its Education Division, should develop mandatory judicial training on access, fairness, and bias in judicial decision-making that will provide judges a total of three hours of ethics credit every three years. This course will be designed to, among other things, assist justices and judges in addressing perceptions among communities of color that judges engage in biased decision-making.
- Judges should mentor at-risk or underrepresented youth, law students, and lawyers and encourage them to consider a future on the bench.

The Online Judicial Application

- If there is an erroneous entry on the online application form, the error code should identify the specific error or highlight the problem entry so that the applicant can easily correct the entry. Currently, the applicant must review the entire page to attempt to identify any errors.

The Perceived Glass Ceiling

- Presiding judges should educate the bar about how judicial assignments are made, so that there is more transparency about the process and the bar understands that assignments are governed by rule 10.603(c)(1), Cal. Rules of Court.
- Judges who mentor judicial applicants should ensure the applicants understand that all of the work of the court is significant and important and that the first few years on the bench are devoted to training the new judge on how to manage a courtroom and make fair judicial decisions.
- The bar should encourage diversity in judicial assignments, so that all court users see a variety of judges in all departments in the court.

- Data should be collected on the level of diversity in the civil, felony trials, law and motion, and complex litigation assignments.
- Work must be done to eliminate the perception that women and judges of color willingly avoid challenging assignments. The Commission on Judicial Nominees Evaluation (JNE), the Governor's Judicial Selection Advisory Committees, the local and specialty bar association judicial evaluation committees, and others who may participate in the evaluation of judicial applicants should be informed that the superior court presiding judges have exclusive authority to assign trial court judges to the various departments. (See rule 10.603(c)(1), Cal. Rules of Court.)
- Courts should consider mandatory rotation of judges in assignments. This will serve to level the playing field in terms of judicial experience. Women and ethnic minority trial court judges who seek elevation have found that their judicial résumés are seen as less impressive than those of their Caucasian and male counterparts because they lack experience in what are deemed to be challenging and intellectually stimulating assignments.

The recommendations were followed by an action plan in the summary report from the 2011 Judicial Diversity Summit.

The 2016 Judicial Diversity Summit, utilizing the same title as the 2011 summit, "Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary," aimed to advance the work conducted and initiated as a result of the previous summits. In furtherance of the work in 2011, the 2016 summit included a slide show, panel discussions, breakout sessions, a plenary session, and discussion of an action plan.

The judicial diversity summit planning committee for 2016 developed an online process that allowed a wide range of stakeholders to share their thoughts on improving diversity on the bench candidly and anonymously, and input was gathered from respondents statewide including court executives, local, minority, and specialty bars, public interest and nonprofit groups, law schools, and community representatives, as well as the registrants of the summit. The online process, dubbed the "WindTunneling Process," presented varied perspectives and ideas that were explored in advance of the summit, which were then analyzed and processed during the summit. The WindTunneling Process was an integral part of determining the recommendations derived from the summit, which included the following:

- ***All Stakeholders Should Agree Upon a Definition of Judicial Diversity.***
The WindTunneling process revealed that there are widely differing definitions of "diversity," beyond those that first come to mind, such as race, ethnicity, and gender. This conceptual distinction may present a barrier to broad-based support for diversity efforts and may negatively impact the goal of increasing judicial diversity.
- ***Cultural Awareness Should Be a Criterion for Judicial Appointees.***
There was strong support for encouraging the Governor's Judicial Selection Advisory Committees to assess the level of an applicant's cultural awareness in determining an applicant's qualifications to serve on the bench. Courts should also consider this factor in hiring subordinate judicial officers.
- ***Appropriate Data Should Be Gathered and Analyzed in Assessing the Success of Judicial Diversity Efforts.***
Participants recognized that there may be different data points to consider depending on what

one wishes to emphasize. If the goal of the judicial branch is to increase public understanding of and respect for the justice system, then the data presented to the public must appear to reflect fair comparisons. For example, on the issue of racial and ethnic diversity, the public may not be satisfied with simply comparing the level of diversity to bar membership. Instead, the public is likely to compare the level of judicial diversity to racial diversity in California as a whole.

- ***The Judicial Branch Should Invest in Social Media Outreach and Education to Connect with Diverse Younger Generations.***

Summit participants strongly felt that judges could do more to connect with and encourage diverse young people to learn more about the judicial system and the day-to-day operations of the courts. Using social media would enable the judicial branch to reach broad audiences in high schools, colleges, and law schools on platforms that are familiar to this group.

- ***Judges Must Engage in Community Service Activities on a Broader and Different Basis Than in the Past.***

Participants recognized that community outreach on the part of judges has long been a part of the conversation on increasing judicial diversity. They urged that reaching out must include more than attending events. Judges should host events at courthouses, but should also be in community venues, such as at soup kitchens and at homeless encampments. Given the concern in many communities about law enforcement and procedural justice, this type of engagement would work to build healthy relationships based on understanding and empathy. Such involvements would profoundly and positively impact the public's perception of the justice available to marginal populations in the court system and would foster a deeper respect for the rule of law.

- ***The Judicial Retirement System Should Be Reformed to Attract More Diverse Applicants for Judicial Appointment.***

The issue of the state's suboptimal judicial retirement system was raised as a barrier to diversity on the bench. Judicial salaries and retirement benefits discourage many qualified applicants from seeking judicial office because they will have to take a pay cut. Revising the judicial retirement system presents a systemic change that should be pursued.

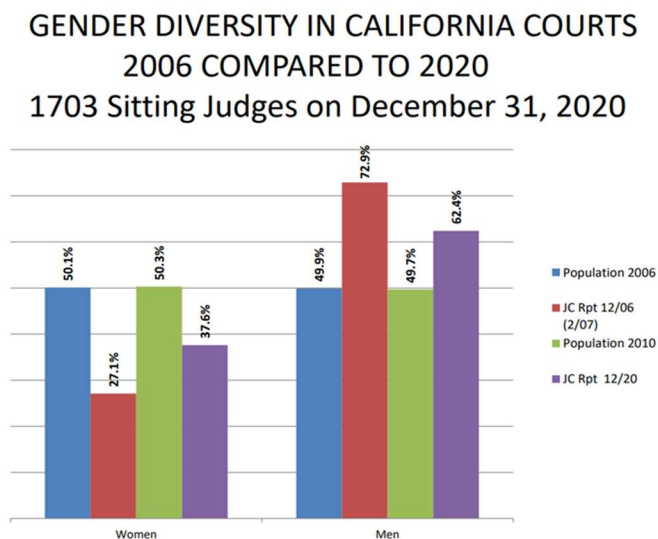
For the 2006, 2011, and 2016 summits, the recommendations are both concrete and aspirational, and their implementation and success has been monitored by the judicial diversity summit planning committees and stakeholders. While many of the recommendations have yet to become accomplishments, they remain at the forefront of each of the organizations' efforts toward a more diverse bench and help to guide specific and ongoing programs.

2021 Judicial Diversity Summit Key Points and Highlights

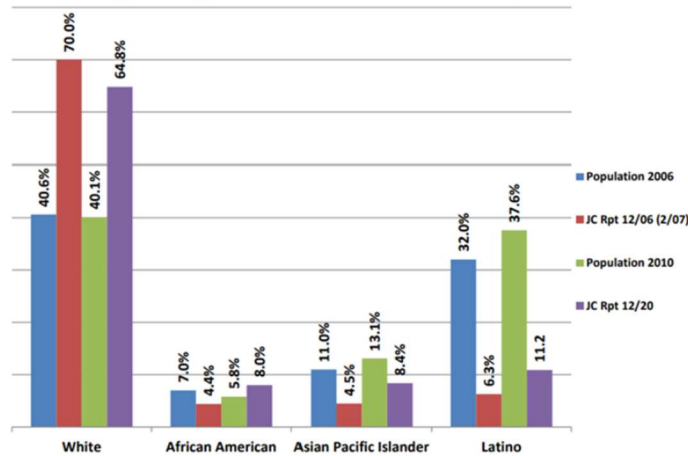
Titled “Stronger Together,” the 2021 Judicial Diversity Summit was restructured as a result of the COVID-19 pandemic. Traditionally presented as an all-day, in-person event, the 2021 summit was conducted online, with expanded programming that included unique pre-summit educational events. The summit itself took place on three separate evenings and featured over six hours of dynamic discussion with key leaders statewide including Chief Justice Tani G. Cantil-Sakauye, Luis Céspedes, Governor Gavin Newsom’s Judicial Appointments Secretary, and Stella Ngai, chair of the Commission on Judicial Nominees Evaluation (JNE).

In 2021, the summit programming was supplemented by a series of six pre-summit educational programs, produced by the partner organizations and judicial diversity summit stakeholders. The pre-summit programming set the stage for the summit programming by recapping previous diversity and inclusion efforts and providing a “state of affairs” overview for those participating in the summits. The pre-summit programming also offered an opportunity for even more diverse voices and perspectives to be included in the overall initiative.

Some of the programming was designed to provide benchmarking data garnered between the 2006 and 2021 summits. At the initial event, “A Fireside Chat,” the following data was presented. *(Note: The full set of materials presented at each program, including more comparative benchmarking data, can be found in the appendix section of this report).*



ETHNIC DIVERSITY IN CALIFORNIA COURTS 2006 COMPARED TO 2020 1703 Sitting Judges on December 31, 2020



Additional highlights from the pre-summit programming included:

- An overview of the work of the California Affinity Judges Association Coalition and its efforts to build networks, provide education, and increase diversity in the judiciary.
- As part of the discussion of civics education and programming that provides pathways to the bench, information was shared on existing educational programs, such as the statewide Judges in the Classroom program and No Animals Allowed curriculum.
- A discussion of imposter syndrome and how potential judges can overcome real and perceived barriers to the bench.

Moving to the summit itself, while summit participants have noted myriad key takeaways from each program, both formally and anecdotally, here are a few key highlights from each program:

Summit Day One: *Judicial Diversity Today*

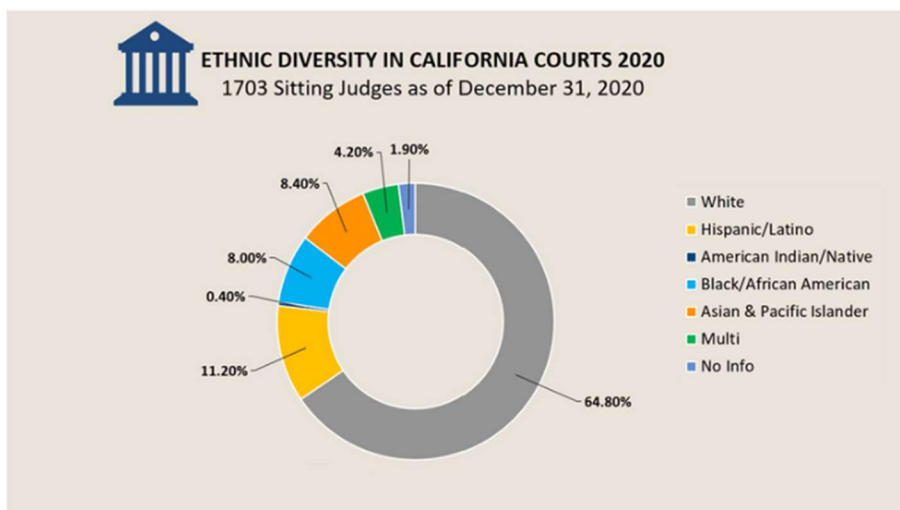
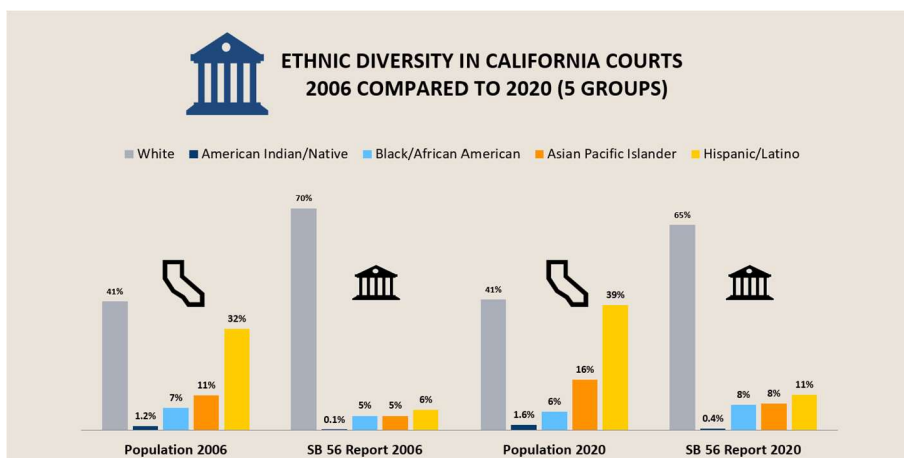
- Chief Justice Tani G. Cantil-Sakauye delivered powerful opening remarks, sharing that the work being done in California is seen as a model for other states to follow.
- Notably, she said, “That’s our destiny—it is to be who we are, to bring our voice, to broaden the discussion, to create many more lenses to view justice in order that we can provide it and also provide trust and confidence in the decisions that are being made by people in black robes.”
- She added, “If you look at the Judicial Council itself, the policymaking body of the judicial branch, we seek to try to be as inclusive (as possible). We’re always looking to do better. You tell us to do better. You help us do better because you encourage people to apply, you put candidates in front of us who want to apply and do the work statewide

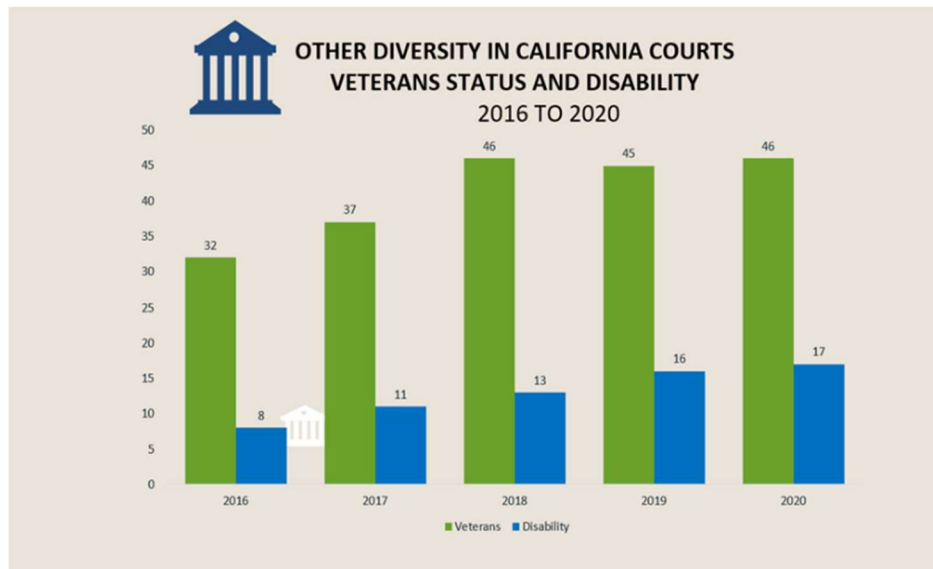
and it is with that kind of support and that idea that we really seek to bring out the best in California, to bring the points of view that make our laws and our programs and our ideas something that resonates nationally.”

- She thanked all summit planners and participants and discussed how important and impactful the judicial diversity summits have been on California’s judiciary.

Level Set: How Are We Doing?

- In this program, the Judicial Council’s Advisory Committee on Providing Access and Fairness cochair, Justice Luis A. Lavin, and committee members Judge Elizabeth G. Macias and Judge Erica R. Yew, discussed the current state of judicial diversity, the work that has occurred since 2016, and why a diverse judiciary serves the public interest and improves public trust and confidence. This presentation was full of helpful benchmarking data, and included striking visuals of both the changes and the work yet to be done:





- The panel highlighted “Pathways to Judicial Diversity: A California Judicial Council initiative to Promote Diversity on the Bench.”³
- One of the panelists shared that, “[w]hen people feel seen and heard and understood, they have more trust in the system or person or decision. Heightened trust and participation in that decision-making has been shown to correlate to an increased compliance with the court orders, and for those of us—many of us who are here—who come from diverse communities, we know that people in that community invest in our success and feel a genuine sense of pride when they see their communities represented on the bench.”

Judicial Diversity: A Facilitated Discussion on the Definition of Judicial Diversity

- In the session, Senior Analyst Michael Roosevelt from the Judicial Council led an interactive and multifaceted discussion on how to define judicial diversity.
- Roosevelt said, “When we think about judicial diversity, we have to break away from the binary approach, historically it has been black and white or brown and white or native and white, but we really want to be looking at diversity in much more complex ways, which I think we’re doing here today—we’re moving beyond the binary approach to what we talk about when we talk about diversity.”

³ To learn more about “Pathways to Judicial Diversity,” visit www.courts.ca.gov/partners/judicial-diversity-toolkit.htm.

Summit Day Two: *What Works*

What Is the Judicial Nominations Evaluation (JNE) Commission Doing Differently?

- In discussing how change is being made through intention, speaker Stella Ngai, chair of the JNE Commission, shared, “I’ve been reflecting on how we have the intention from the founders and the people who have been working on judicial diversity for years and years and years and how this plays out every step of the way. And it also makes me think of anyone who’s been involved in hiring – I think about the hiring process, for example, and how if your goal is a robust and wide pool of qualified candidates, you need intention every step of the way. And if you let your foot off the gas for any part of it, you see the results in a shrunken pool. From how you write the job description to who you pick to lead the recruitment to the composition of the hiring panel—these things all matter. And analogizing that to what’s happened and what’s gone into judicial appointments, I see the intention every step of the way as well, with legislation, policy, and people and initiatives and talks up and down the state and you see how this all works together to get these wonderful lists of appointees.”

California’s New Judicial Mentoring Program

- This program, led by Judge Paul A. Bacigalupo, Superior Court of California, County of Los Angeles and Judge Erica R. Yew, Superior Court of California, County of Santa Clara, provided an overview of the new statewide Judicial Mentoring Program, comprised of an Appellate Court Mentor Program and a Trial Court Mentor Program. The initiative aims to demystify the appellate and trial court application process and improve transparency and accessibility for all members of the legal community throughout California, fostering the development of a qualified and diverse judicial applicant pool.
- The judges emphasized the importance of collaborating with bar associations, affinity bar associations, law firms, and other groups to help fill the pipeline so that when there are vacancies, it is easy for the Governor to make appointments. They also encouraged attorneys not to “self-select” out of the process because of their lack of experience or any other perceived hindrance.
- A template that can be adopted for mentoring programs throughout the state can currently be found on the “Pathways to Judicial Diversity” webpage of the California Courts website.⁴

Side Bar Conversation: The “Perceived” Glass Ceiling

- Building on programming and recommendations from previous summits, this discussion focused on the “perceived” glass ceiling—a reported perception by some attorneys and judicial officers that, in general, new judges, judges of color, and women judges are relegated to assignments that are under-resourced and too often are not seen as pathways to local or branch-wide leadership. Such perceptions may deter attorneys

⁴ California Courts, “Pathways to Judicial Diversity,” Judicial Officer Mentorship Program, www.courts.ca.gov/partners/judicial-officer-mentorship-program.htm.

from seeking judicial appointments. The discussion centered specifically on the experiences and perspectives of women and LGBTQ judges or justices on the bench and what the judicial branch is currently doing to further the goal of a more diverse and representative judiciary, through mentoring and other pathway to the bench programs.

Summit Day Three: *Judicial Diversity Tomorrow*

Judicial Track—Elevation and Courtroom Assignments

- This program, featuring a panel of judges from throughout the state, including the former judicial appointments secretary, was a discussion designed specifically for judicial officers interested in elevation to the appellate courts.

Attorney Track—Get Creative: Alternative Paths to the Bench

- In this panel discussion, judges discussed alternative paths to the bench. The panel of four judges discussed alternative paths to the bench and emphasized the importance of not letting setbacks define you if you are applying for a judgeship or running in an election—there will be obstacles, but they can be overcome.
- Primarily, recommendations from panelists included specifics on how to approach obtaining a bench seat by considering running for judicial election in an open seat or exploring a position as an administrative law judge or as a court commissioner as part of the path.

Keynote Address: Luis Céspedes, Judicial Appointments Secretary, Office of Governor Gavin Newsom

- The last presentation of the summit was a keynote address from Judicial Appointments Secretary Luis Céspedes, who discussed the judicial appointments process.

2021 Judicial Diversity Summit Final Recommendations

The recommendations stemming from the 2021 Judicial Diversity Summit are the key to moving the proverbial needle forward, according to the stakeholders, and the real method for effectuating and measuring true change. As with the recommendations from previous summits, the intention is for each recommendation to involve a specific plan of action for moving forward and making measurable progress prior to the next summit, in addition to being aspirational. Following the 2021 Judicial Diversity Summit, the advisory committee developed the following final recommendations:

1. Increase Education and Resources About the Judicial Appointments and Elections Process.

Participants recognized the continued importance of education about the appointment process and collaborations with local bar associations and affinity bar associations. There was strong interest in more education and support for judicial retention elections and attorneys running for open seats. The Judicial Council, California Lawyers Association (CLA), and California Judges Association (CJA) should continue to collaborate and provide increased resources, outreach, and education to underrepresented communities. Since October of 2019, the Judicial Council and the CLA have collaborated to present nine “Pathways to Achieving Judicial Diversity” sessions on the judicial appointment process, locally, regionally, and statewide, to diverse attorney groups and affinity bar associations. These sessions were organized in partnership with judges from local superior courts, affinity judicial associations, the Judicial Council’s Advisory Committee on Providing Access and Fairness, the Governor’s Office of Judicial Appointments, and the JNE Commission.

The Judicial Council should also continue to provide annual updated judicial demographic presentations for the JNE Commission to compare judicial demographics with the state’s population. The CJA and affinity judicial associations should consider creating education around judicial retention elections and the general elections process in collaboration with CLA.

2. Establish a Central Repository for Judicial Mentorship Programs to Promote the Expansion of Education and Resources for Applicants.

The creation of numerous local court judicial mentorship programs and the recently launched statewide Governor’s Judicial Mentorship Program were highlights of the summit. There was strong support for mentorship opportunities that prepare attorneys considering a career transition to the bench. To build on the momentum of the Governor’s statewide program, an online central hub should be established for statewide and local judicial mentorship programs for attorneys that would complement the “Pathways to Judicial Diversity” webpage on the California Courts website⁵ for courts and judges. Examples of what resources and links the central hub should house include:

- An archive of the 2006, 2011, and 2016 Judicial Diversity Summit reports, materials, and recordings;
- Mandated government reported demographics under Government Code section 12011.5(n);

⁵ California Courts, “Pathways to Judicial Diversity,” <https://www.courts.ca.gov/partners/judicial-diversity-toolkit.htm>.

- A list of current JNE commissioners and Judicial Selection Advisory Committee members;
- A listing of all affinity groups and bar associations focused on the judicial pathway (e.g., mentorship programs, pathway events, etc.);
- Information and resources on the Governor’s Judicial Mentorship Program, application, etc.
- A collection of all the online resources for judicial applicants;
- A listserv for judicial applicants;
- A link to updated judicial vacancy reports;⁶
- Links to the Code of Judicial Ethics and any relevant rules governing the judiciary and judicial elections; and
- A calendar of the events sponsored related to judicial appointments, elections, or outreach.

3. Strengthen Efforts to Mentor Judicial Officers as a Crucial Component of Their Professional Development and Advancement.

Judicial participants felt strongly that mentorship throughout their career contributed to their success and career fulfillment. This included being prepared for court leadership positions and appointments to higher courts. Mentorship comes in many forms. For example, presiding judges should ask all judges annually if they are interested in leadership, along with their preferred assignment. Additional education and mentorship should be provided on how to obtain a wide variety of court assignments to best prepare for the type of broad experience required of a nominee for the appellate courts.

The Judicial Council should provide additional education and outreach to new and sitting judges on the role of the council and its advisory committees, as well as how to become a member through the nominations process.

4. Strengthen and Coordinate Judicial Outreach to Connect with Diverse Younger Generations.

The summit programs focused on the pathways to the law were an overwhelming success based on feedback from participants. Participants noted that the ability to connect virtually, including social media, has increased awareness about the judicial system and careers in law.

Although outreach to college and law students is important, many participants believed that it was critical to start outreach at the elementary school level to have the greatest impact. The Judicial Council, local courts, the CJA, and affinity judicial associations should increase efforts to replicate and expand successful K–12 programs—in partnership with the California Department of Education or local school districts—such as Chief Justice Tani G. Cantil-Sakauye’s Civic Learning Initiative,⁷ Judges in the Classroom,⁸ or locally held Law Days or Constitution Days and law academies, and moot court. The

⁶ California Courts, “Judicial Vacancy Reports,” www.courts.ca.gov/15893.htm.

⁷ California Courts, “Civic Learning Initiative,” www.courts.ca.gov/20902.htm.

⁸ California Courts, “Judges in the Classroom,” www.courts.ca.gov/judges_in_the_classroom.htm.

judicial branch should also continue to collaborate with justice partner programs focusing on outreach to undergraduate and law students.

To combat concerns about the sustainability of pathways programs in K–12 education in particular, consideration should be given to the appointment of an individual to help oversee and administer programs on a statewide level.

5. Broaden Consideration of a Judicial Applicant’s Intersectional Identities and Professional Experience.

Summit participants recognized that there have been great strides made in considering judicial applicants holistically. For example, the Judicial Appointments Secretary has required that all JSAC members receive anti-bias training. This should be a permanent requirement for all JSAC members going forward. In addition, anti-bias training should also be required for local bar associations and organizations that evaluate and submit endorsements or ratings for candidates for judicial appointment. Similarly, Government Code section 12011.5, subdivisions (b)⁹ and (d)¹⁰ should be amended to include bar associations and legal organizations that evaluate judicial candidates for uniformity in vetting and consideration of legal experience broadly.

The judicial application should broaden its focus to highlight a candidate’s relevant nonlitigation practice experience, in addition to the currently required background on litigation experience. In addition, entities that evaluate judicial candidates should include specific questions to assess demonstrated experience working with communities from diverse backgrounds and cultures reflecting the demographics of California.

⁹ “The membership of the designated agency of the State Bar responsible for evaluation of judicial candidates shall consist of attorney members and public members with the ratio of public members to attorney members determined, to the extent practical, by the ratio established in [Section 6013.5 of the Business and Professions Code](#). It is the intent of this subdivision that the designated agency of the State Bar responsible for evaluation of judicial candidates shall be broadly representative of the ethnicity, race, disability, veteran status, gender, gender identity, and sexual orientation diversity of the population of California and composed in accordance with [Sections 11140](#) and [11141](#). The further intent of this subdivision is to establish a selection process for membership on the designated agency of the State Bar responsible for evaluation of judicial candidates under which no member of that agency shall provide inappropriate, multiple representation for purposes of this subdivision. Each member of the designated agency of the State Bar responsible for evaluation of judicial candidates, and all local bar associations and judicial associations on which the State Bar relies, shall complete a minimum of 60 minutes of training in the areas of fairness and bias in the judicial appointments process at an orientation for new members. If the member serves more than one term, the member shall complete an additional 60 minutes of that training during the member's service on the designated agency of the State Bar responsible for evaluation of judicial candidates.”

¹⁰ “In determining the qualifications of a candidate for judicial office, the State Bar and all local bar associations and judicial associations on which the State Bar relies shall consider, among other appropriate factors, the candidate’s industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability, and legal experience. The State Bar shall consider legal experience broadly, including, but not limited to, litigation and nonlitigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, and legal work in dispute resolution.”

6. Expand Collection of Demographic Data to Include Nonbinary.

Appropriate data collection should be expanded to align the judicial branch demographics with the state's Gender Recognition Act¹¹ to include a nonbinary category for gender.

Accordingly, Government Code section 12011.5(n)(1)¹² should be amended so that all entities mandated to report demographics must include a nonbinary option for gender identity.

7. Reform the Judicial Retirement System to Attract More Diverse Applicants for Judicial Appointment.

The issue of the state's retirement system has been raised consistently as a barrier to diversity on the bench. Despite drawing attention to this issue, the current retirement system continues to result in a significant pay reduction for many applicants to the bench. For example, participants noted that the reduction in salary and retirement benefits affects people of color and other marginalized communities more acutely due to historical disparities in income and generational wealth. The current retirement system also disincentivizes attorneys from a judicial career due to minimum vesting conditions that require a greater retirement age than other government retirement plans.

¹¹ Sen. Bill 179 (Stats. 2017, ch. 853), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB179.

¹² Recommended amendments: "Notwithstanding any other provision of this section, but subject to paragraph (2), on or before March 1 of each year for the prior calendar year, all of the following shall occur:

"(A) The Governor shall collect and release, on an aggregate statewide basis, all of the following:

"(i) Demographic data provided by all judicial applicants relative to ethnicity, race, disability, veteran status, gender including male, female and nonbinary categories, gender identity, and sexual orientation.

"(ii) Demographic data relative to ethnicity, race, disability, veteran status, gender including male, female and nonbinary categories, gender identity, and sexual orientation as provided by all judicial applicants, both as to those judicial applicants who have been and those who have not been submitted to the State Bar for evaluation.

"(iii) Demographic data relative to ethnicity, race, disability, veteran status, gender including male, female and nonbinary categories, gender identity, and sexual orientation of all judicial appointments or nominations as provided by the judicial appointee or nominee.

"(B) The designated agency of the State Bar responsible for evaluation of judicial candidates shall collect and release both of the following on an aggregate statewide basis:

"(i) Statewide demographic data provided by all judicial applicants reviewed relative to ethnicity, race, disability, veteran status, gender including male, female and nonbinary categories, gender identity, sexual orientation, and areas of legal practice and employment.

"(ii) The statewide summary of the recommendations of the designated agency of the State Bar by ethnicity, race, disability, veteran status, gender including male, female and nonbinary categories, gender identity, sexual orientation, and areas of legal practice and employment."

2021 JUDICIAL DIVERSITY SUMMIT REPORT: FINAL RECOMMENDATIONS

**INCREASE EDUCATION &
RESOURCES ON
JUDICIAL
APPOINTMENTS AND
ELECTIONS PROCESS**

**ESTABLISH A CENTRAL
REPOSITORY FOR
JUDICIAL MENTORSHIP
PROGRAMS**

**STRENGTHEN EFFORTS
TO MENTOR JUDICIAL
OFFICERS ON THE
BENCH**

**STRENGTHEN &
COORDINATE JUDICIAL
OUTREACH TO
CONNECT WITH
DIVERSE YOUNGER
GENERATIONS**

**BROADEN
CONSIDERATION OF
JUDICIAL APPLICANT'S
INTERSECTIONAL
IDENTITIES AND
PROFESSIONAL
EXPERIENCE**

**EXPAND COLLECTION
OF DEMOGRAPHIC DATA
TO INCLUDE
NONBINARY**

REFORM THE JUDICIAL RETIREMENT SYSTEM

With Gratitude

The judicial diversity summit would not be possible without the passionate support of volunteer leaders from legal organizations throughout the state of California. We share our sincere appreciation to the following community leaders who comprised the Judicial Diversity Summit Planning Committee:

- Hon. Kevin C. Brazile, Cochair, Judicial Council of California Advisory Committee on Providing Access and Fairness
- Hon. Thomas A. Delaney, President, California Judges Association
- Hon. Luis A. Lavin, Cochair, Judicial Council of California Advisory Committee on Providing Access and Fairness
- Tristan Higgins, Attorney, CEO, Metaclusive, California Lawyers Association
- Ellen Miller, Associate Executive Director, Initiatives and External Relations, California Lawyers Association
- Lauren Oakley, Initiatives Manager, California Lawyers Association
- Catherine Ongiri, Attorney, Lead Staff to the Advisory Committee on Providing Access and Fairness, Center for Families, Children & the Courts, Judicial Council of California
- Gregory Tanaka, Supervising Attorney, Center for Families, Children & the Courts, Judicial Council of California
- Emilio Varanini, Attorney, President, California Lawyers Association
- Nicole Virga Bautista, Executive Director and CEO, California Judges Association

All of the aforementioned 2021 Judicial Diversity Summit speakers noted in the introduction section of this report were volunteers, and the planning committee is incredibly grateful to each speaker for sharing their time and their wisdom. The planning committee would also like to acknowledge the significant contributions of the Judicial Diversity Summit Advisory Committee, comprised of the following members of our judiciary:

- Hon. Rupert A. Byrdsong, California Judges Association
- Hon. Linda H. Colfax, California Judges Association
- Hon. Jessica M. Delgado, LGBT Judicial Officers of California
- Hon. Victoria S. Kolakowski, Judicial Council of California Advisory Committee on Providing Access and Fairness
- Hon. Elizabeth G. Macias, California Latino Judges Association
- Hon. Audra M. Mori, California Asian-Pacific American Judges Association
- Hon. Robert E. Sanchez DuFour, LGBT Judicial Officers of California
- Hon. Sonny S. Sandu, California Asian-Pacific American Judges Association
- Hon. Roderick W. Shelton, California Association of Black Lawyers, Judicial Section
- Hon. Laura R. Walton, Association of African American California Judicial Officers
- Hon. Monica F. Wiley, California Association of Black Lawyers, Judicial Section

And the following members of our legal and civics community:

- Krystal Anderson, Iranian American Bar Association, Orange County
- Christopher Arriola, California La Raza Lawyers Association
- Somita Basu, California Lawyers Association
- Naomi Dewey, California Women Lawyers

- Ederlina Co, McGeorge School of Law
- Adeyinka Glover, Disability Rights of California
- Tamara Honrado, California Indian Law Association
- Monique Jewett-Brewster, California Lawyers Association
- Zathrina Perez, California Asian Pacific American Bar Association
- Chris Punongbayan, California ChangeLawyers
- Blanca Quintero, Women of Color in Law, Inc.
- Michael Rhoads, SacLegal

The planning committee also thanks the following organizations for their thoughtful and meaningful collaboration on this important initiative:

- Association of African American California Judicial Officers
- California Asian Pacific American Bar Association
- California Asian-Pacific American Judges Association
- California Association of Black Lawyers, Judicial Section
- California ChangeLawyers
- California Judges Association
- California Indian Law Association
- California La Raza Lawyers Association
- California Latino Judges Association
- California Lawyers Association
- California Women Lawyers
- Disability Rights California
- Iranian American Bar Association, Orange County
- Judicial Council of California
- LGBT Judicial Officers of California
- McGeorge School of Law
- SacLegal
- Women of Color in Law, Inc.

Conclusion

There is still much work to be done to ensure that California's diverse residents are served by a judiciary that mirrors those it serves. The work conducted through the judicial diversity summits, and the recommendations and aspirational goals each summit fosters, however, serve as a model for jurisdictions throughout the country.

Each judicial diversity summit not only strengthens California's third branch of government but demonstrates the power of a concerted effort to effectuate meaningful change. Over the next five years, as stakeholder organizations throughout California work collectively and individually to implement the recommendations proposed in this plan, the judicial diversity summit sponsoring organizations and advisory committee will continue to monitor progress and work to develop programming in service of their collective mission to create a more diverse judiciary in California.

Consistent with previous summits, the 2021 Judicial Diversity Summit organizers will build upon what has been learned in order to continue education on the importance of judicial diversity and advance programming to best serve the evolving needs of the public.

As justice partners and stakeholder organizations, we recognize that collaboratively, we are in a position to drive change in the state of California and help shape a judiciary that more closely reflects those who rely on it. We invite law and diversity leaders throughout the state to join in our efforts.

If you want to learn more about how to get involved, or to assist with planning the 2026 Judicial Diversity Summit, contact the California Judges Association at info@caljudges.org, the California Lawyers Association at JDS@calawyers.org, or the Judicial Council of California at JDS@jud.ca.gov.

APPENDIXES

- LINKS TO 2006, 2011 AND 2016 JUDICIAL DIVERSITY SUMMIT REPORTS
- 2021 JUDICIAL DIVERSITY SUMMIT PROGRAM MATERIALS
- 2021 JUDICIAL DIVERSITY SUMMIT PROGRAM MARKETING MATERIALS

LINKS TO 2006, 2011 & 2016 REPORTS

2006 JUDICIAL DIVERSITY SUMMIT REPORT:

https://www.calbar.ca.gov/portals/0/documents/reports/2007_Courts-Working-Report.pdf

2011 JUDICIAL DIVERSITY SUMMIT REPORT:

<https://www.courts.ca.gov/documents/jc-20121026-item1.pdf>

2016 JUDICIAL DIVERSITY SUMMIT REPORT:

<https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000026383.pdf>



Judicial Diversity Yesterday: A Fireside Chat

Wednesday, August 4, 2021
5:00 p.m. – 6:30 p.m.

Speakers:

Catherine Ongiri, Attorney, Judicial Council of California

Tristan Higgins, Attorney, CEO, Metaclusive LLC, California Lawyers Association

Hon. Brenda Harbin-Forte (Ret.), Judge of the Superior Court of California,
County of Alameda

Ruthe Ashley, Executive Director Emeritus California LAW

Patricia Lee, Board Member, California LAW; Chair, ABA Standing Committee on
Public Education

MCLE: none

JBEC: none

Conference Reference Materials

Points of view or opinions expressed in these pages are those of the speaker(s) and/or author(s). They have not been adopted or endorsed by the California Lawyers Association, the California Judges Association, nor the Judicial Council of California and do not constitute the official position or policy of the California Lawyers Association, the California Judges Association, nor the Judicial Council of California. Nothing contained herein is intended to address any specific legal inquiry, nor is it a substitute for independent legal research to original sources or obtaining separate legal advice regarding specific legal situations.



Program Materials

1. [Timeline of Key Judicial Diversity Events](#)
2. [Comparative Slides 2006 to 2020](#)
3. [Demographic Data Slides \(2006 Judicial Diversity Summit Presentation\)](#)
4. [Courts Working Group Report \(2006 Judicial Summit Report\)](#)
5. [Summary of SB 56 \(Gov Code 12011.5\)](#)
6. JNE Resource Guide Re: Considering Practice Settings Broadly (Gov Code 12011.5 (d))

7. [Links to All Judicial Summit Reports and Recommendations](#)

JUDICIAL DIVERSITY SUMMIT 2021

TIMELINE OF KEY JUDICIAL DIVERSITY EVENTS

DATE	EVENT
2005	Judicial Council releases Public Trust and Confidence in California Courts survey, showing discrepancies in perceived fairness by racial categories and identifying diversity in the courts as a priority for public trust and confidence and the appearance of fairness in the court and justice system.
October/November 2005	State Bar establishes the Diversity Pipeline Task Force, to examine barriers to achieving a diverse legal profession and judiciary, by focusing on the entire pipeline beginning with elementary school and ending with the judiciary. The Courts Working Group is one of the subcommittees established, to examine, among other issues, the levels of diversity in the judiciary and identify barriers to a diverse judiciary.
January 7, 2006	First meeting of the Diversity Pipeline Task Force and its working groups.
June 3, 2006	First Judicial Diversity Summit held in San Jose, themed "Continuing a Legacy of Excellence: A Summit on Diversity in the Judiciary." The summit brings together the State Bar President, Chief Justice George and other court representatives, Governor Schwarzenegger's Judicial Appointments Secretary, the Legislature, ethnic minority and specialty bar associations, and other stakeholders to create an action plan to increase judicial diversity.
August 2006	Legislature passes SB56 (Dunn), codified at Government Code section 12011.5(n), requiring the Judicial Council, the Governor, and the State Bar's JNE Commission (Commission on Judicial Nominees Evaluation) to release annual reports by March 1 of each year, disclosing levels of diversity in the courts, judicial appointments, and judicial evaluations for the prior calendar year, with the first reports to cover the year 2006. This legislation also authorizes 50 new judgeships.
November 17, 2006	State Bar Board of Governors approves creation of a new sub-entity, the Council on Access & Fairness, to serve as a think-tank to advise the State Bar on efforts to increase diversity along the entire pipeline, including the judiciary.
February 2007	Governor Schwarzenegger appoints the first African American and first woman Judicial Appointments Secretary. A notable uptick in diverse judicial appointments follows.
February 15, 2007	Final Report and Recommendations of the Diversity Pipeline Task Force (including the Courts Working Group Final Report and Recommendations) issues.
March 1, 2007	First SB56 demographic reports released by Governor, Judicial Council and State Bar JNE Commission per Govt. Code 12011.5 (n), for year-end 2006 as to the Governor and the State Bar, but up to and including February 2007 for the Judicial Council.

DATE	EVENT
March 2007	State Bar appoints 25 members to its new Council on Access & Fairness (COAF) and refers the recommendations in the Courts Working Group report to COAF for further actions and implementation.
January 2008	Pursuant to AB 159, 50 new judgeships were created, but to date all seats have not been funded.
2008 to 2019	COAF, in collaboration with the Governor's office and JNE Commission, presents judicial appointments workshops and mentoring sessions around the state for attorney applicants.
January 2011	Governor Jerry Brown succeeds Governor Schwarzenegger. During his terms, Governor Schwarzenegger made 626 appointments, with more than 150 (almost 25%) of them being African American, Asian Pacific Islander, Latinx, and with 214 (over 30%) women.
July 2011	COAF creates resource materials to train the JNE Commission on new Government Code section 12011.5(d), requiring the JNE Commission to consider the term "legal experience" broadly, to assist the JNE Commission in evaluating the qualifications of judicial applicants.
2011	The Judicial Council releases "Pathways to Achieving Judicial Diversity in the California Courts: A Toolkit" to assist courts in their efforts to diversify their local benches.
September 7, 2011	Second Judicial Diversity Summit, again themed "Continuing a Legacy of Excellence: A Summit on Diversity in the Judiciary," is held in San Francisco.
January 1, 2012	Amendments to Government Code section 12011.5 take effect. <ul style="list-style-type: none"> • Section 12011.5(d) requires JNE to consider "legal experience" broadly. • Section 12011.5(n) requires the Governor, Judicial Council, and the State Bar to begin collecting demographic data on sexual orientation and gender identity and include those demographics in their year-end 2012 reports
March 2012	State Bar releases COAF's "Tips on Completing Your Application for a Superior Court Appointment" to assist applicants in completing Governor Brown's new online application. The Tips are revised in March 2012 and July 2014 in response to changes in the online application process.

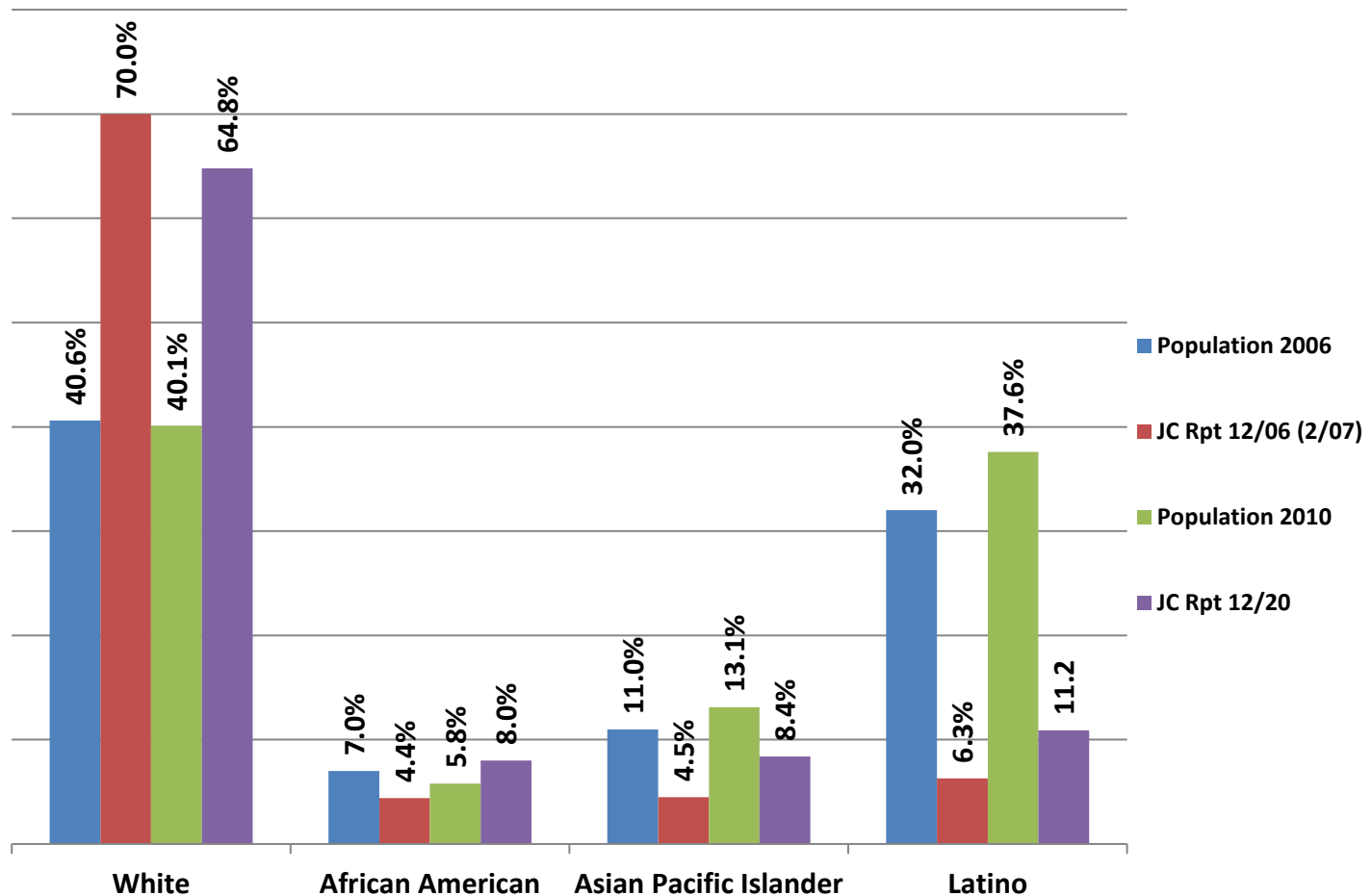
DATE	EVENT
January 1, 2015	<p>Additional amendments and additions to Government Code Section 12011.5 take effect.</p> <ul style="list-style-type: none"> • Section 12011.5 (b) is amended requiring bias training for JNE Commissioners • Section 12011.5 (d) is amended to expand qualifications for consideration by JNE Commission to construe “legal experience” broadly • Section 12011.5 (n) is amended to add collection and reporting of demographic data relative to Disability and Veteran status for year-end 2014 SB56 reports • Section 12011.5 (o) is added encouraging Governor and Judicial Selection Advisory Committees (JSACs) to give particular consideration to candidates from diverse backgrounds and cultures reflecting the demographics of California and groups underrepresented among existing judges and justices.
2015 to 2019	COAF provides annual bias training to JNE Commissioners and training on the status of judicial diversity.
OCTOBER 1, 2016	Third Judicial Diversity Summit, again themed “Continuing a Legacy of Excellence: A Summit on Diversity in the Judiciary,” is held in San Diego.
2017	The State Bar undertakes a significant restructuring to separate the regulatory functions from the trade associational functions. The “sections” split from the bar and become the California Lawyers Association (CLA).
2018	<p>The Legislature enacts Business and Professions Code Section 6001.3, declaring that diversity and inclusion is an integral part of the State Bar’s public protection mission to build, retain, and maintain a diverse legal profession to provide quality and culturally sensitive services to an ever-increasing diverse population.</p> <p>Effective January 1, 2019, the State Bar is to develop and implement a plan to meet stated access, fairness, and diversity in the legal profession goals and to submit biannual Diversity Reports to the Legislature on the plan and its implementation, including a description of activities undertaken to support the plan, their outcomes, and their effectiveness.</p>
January 2019	Governor Gavin Newsom succeeds Governor Jerry Brown. His final annual demographic report reveals that he had appointed the most diverse judiciary in California’s history. Of his 644 appointments, 283 (almost 44%) were women, and 240 (almost 37%) were African American, Asian-Pacific Islander, and Latinx, with notable firsts among women, ethnic minorities, and members of the LGBTQ community.

DATE	EVENT
January 2019	The State Bar Board of Trustees shifts focus away from delivering direct programming or delivery of training on bias and judicial diversity. COAF's size is reduced from 25 volunteers to 10, and COAF's diversity work is limited to the part of the pipeline that addresses law students and attorneys. The State Bar and the Judicial Council agree that the Judicial Council will take the lead role in the judicial diversity area. Additionally, CLA was encouraged to partner with the Judicial Council and the California Judges Association in organizing the 2021 judicial diversity summit, with COAF providing limited assistance in the planning to share its expertise, as needed.
June 26, 2019	Governor Newsom publicly discloses the identities of the members of his eight JSAC committees, representing the Bay Area, Central Coast, Central Valley, Inland Empire, Los Angeles, Northern California, Orange, and San Diego regions.
September 2019	Members of the Judicial Council's Committee on Providing Access and Fairness (PAF) and COAF members complete and roll out a redesign of the 2011 publication <i>Pathways to Achieving Judicial Diversity in the California Courts</i> (Judicial Diversity Toolkit). The redesign resulted in a "digital-first" version of the toolkit as an online resource.
October 2019 to Present	The Judicial Council, in collaboration with the Governor's Office, State Bar, JNE, CLA, California ChangeLawyers, and California Judges Association (CJA) present "Pathways to Judicial Diversity" programs. The Judicial Council also takes over training of JNE Commissioners on bias and judicial diversity.
December 2019	The Judicial Council, in collaboration with COAF, releases a revised version of COAF's "Tips on Completing Your Application for a Superior Court Appointment."
2020	Governor Newsom's JSAC members undergo implicit bias training.
September 14, 21, & 28, 2021	Fourth Judicial Diversity Summit, themed "Stronger Together: Judicial Diversity Summit 2021" will be held virtually as a result of the COVID-19 pandemic, with pre-summit panel discussions beginning in August 2021.

ETHNIC DIVERSITY IN CALIFORNIA COURTS

2006 COMPARED TO 2020 (4 ETHNICS)

1703 Sitting Judges on December 31, 2020



NOTE: In June 2006 the State Bar and the Judicial Council convened the first Summit on Judicial Diversity. 2006 legislation (SB 56) now requires annual demographic reports.

NOTE: 1598 sitting judges on December 31, 2006.

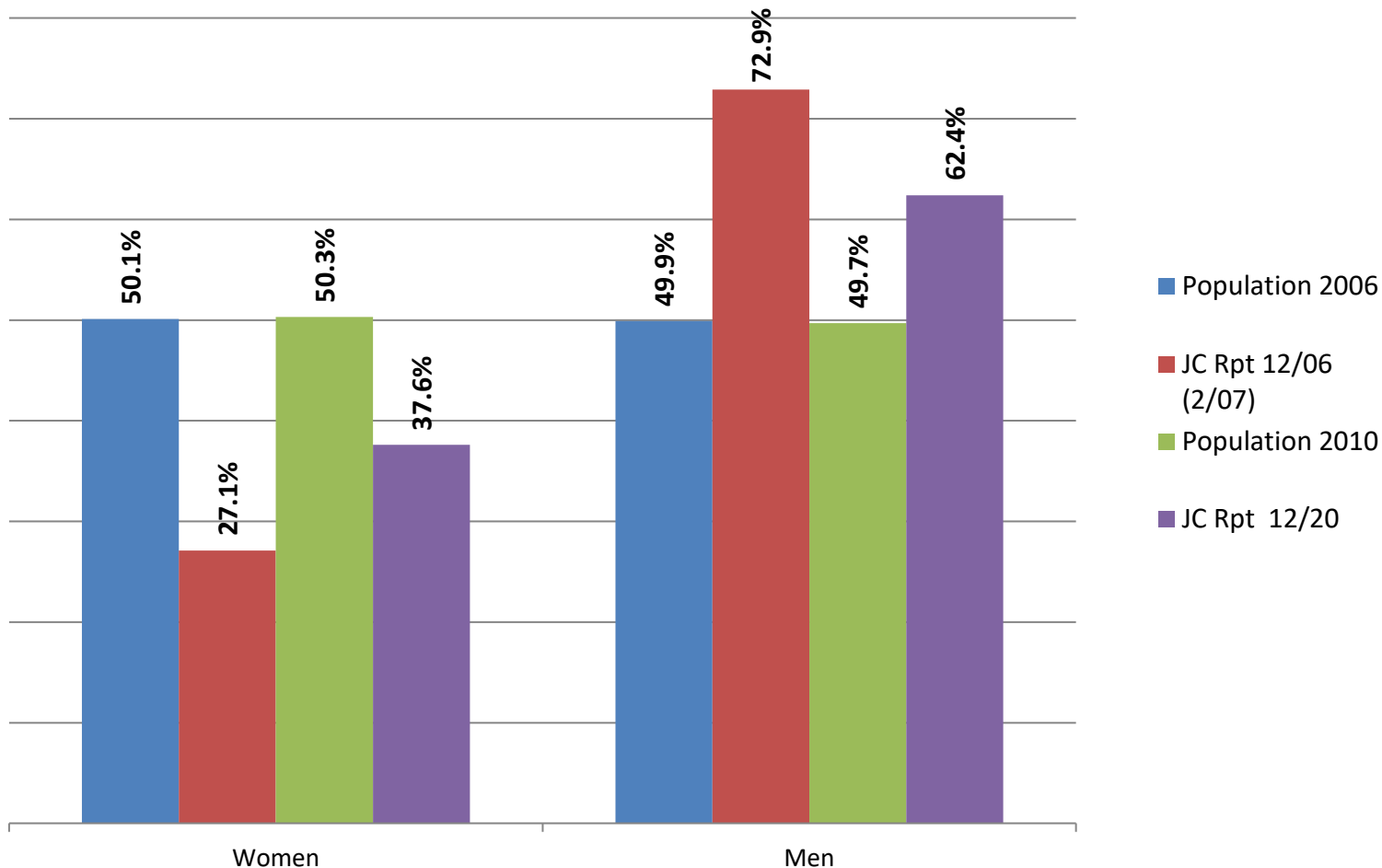
Data sources: California Judicial Council's 2006 and 2020 annual SB56 reports and the 2000 and 2010 Censuses

[2016 Judicial Summit Planning Committee. June 2020]

GENDER DIVERSITY IN CALIFORNIA COURTS

2006 COMPARED TO 2020

1703 Sitting Judges on December 31, 2020



NOTE: In June 2006 the State Bar and the Judicial Council convened the first Summit on Judicial Diversity. 2006 legislation (SB 56) now requires annual demographic reports.

NOTE: 1598 sitting judges on December 31, 2006.

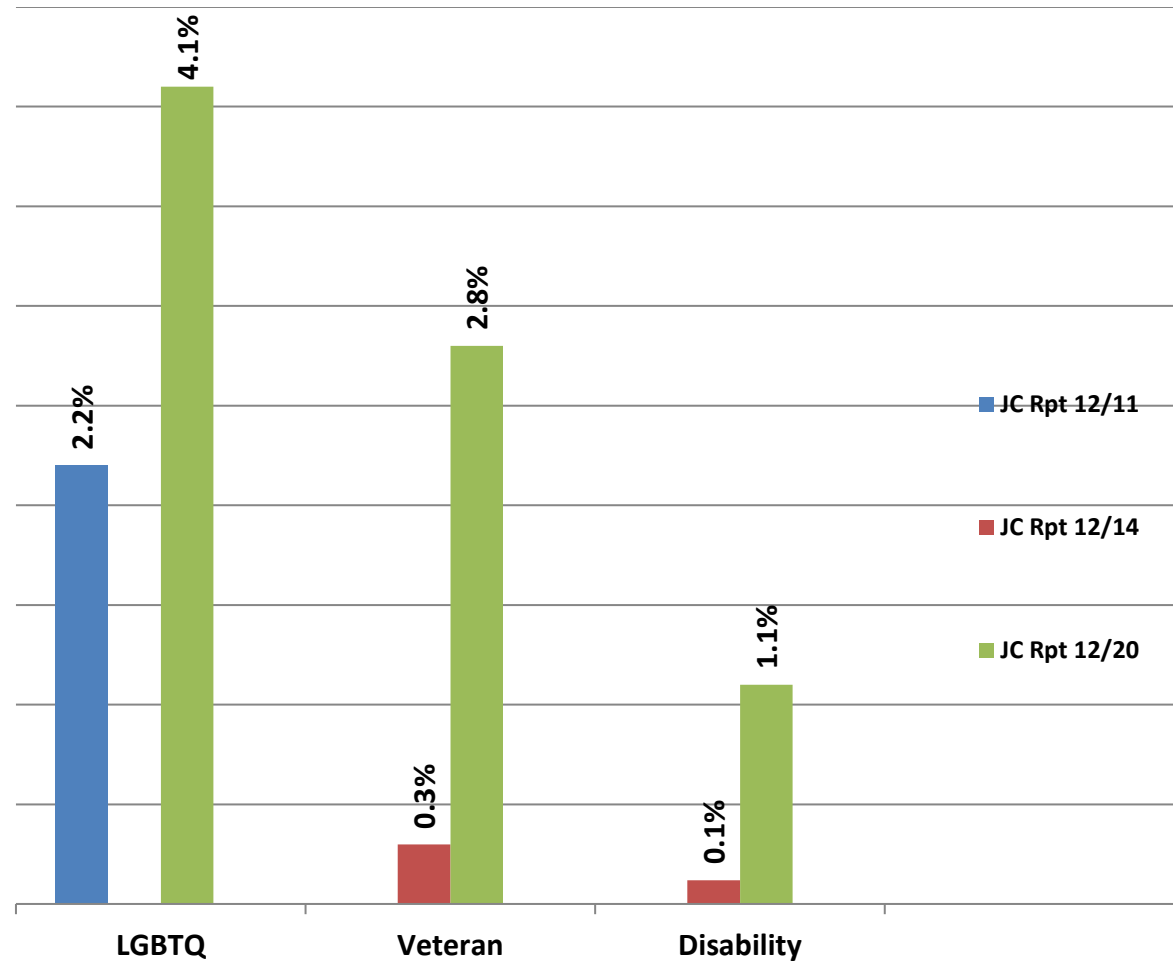
Data sources: California Judicial Council's 2006 and 2019 annual SB56 reports and the 2000 and 2010 Censuses

[2016 Judicial Summit Planning Committee. June 2020]

OTHER DIVERSITY IN CALIFORNIA COURTS

2011 AND 2014 COMPARED TO 2020

1703 Sitting Judges on December 31, 2020

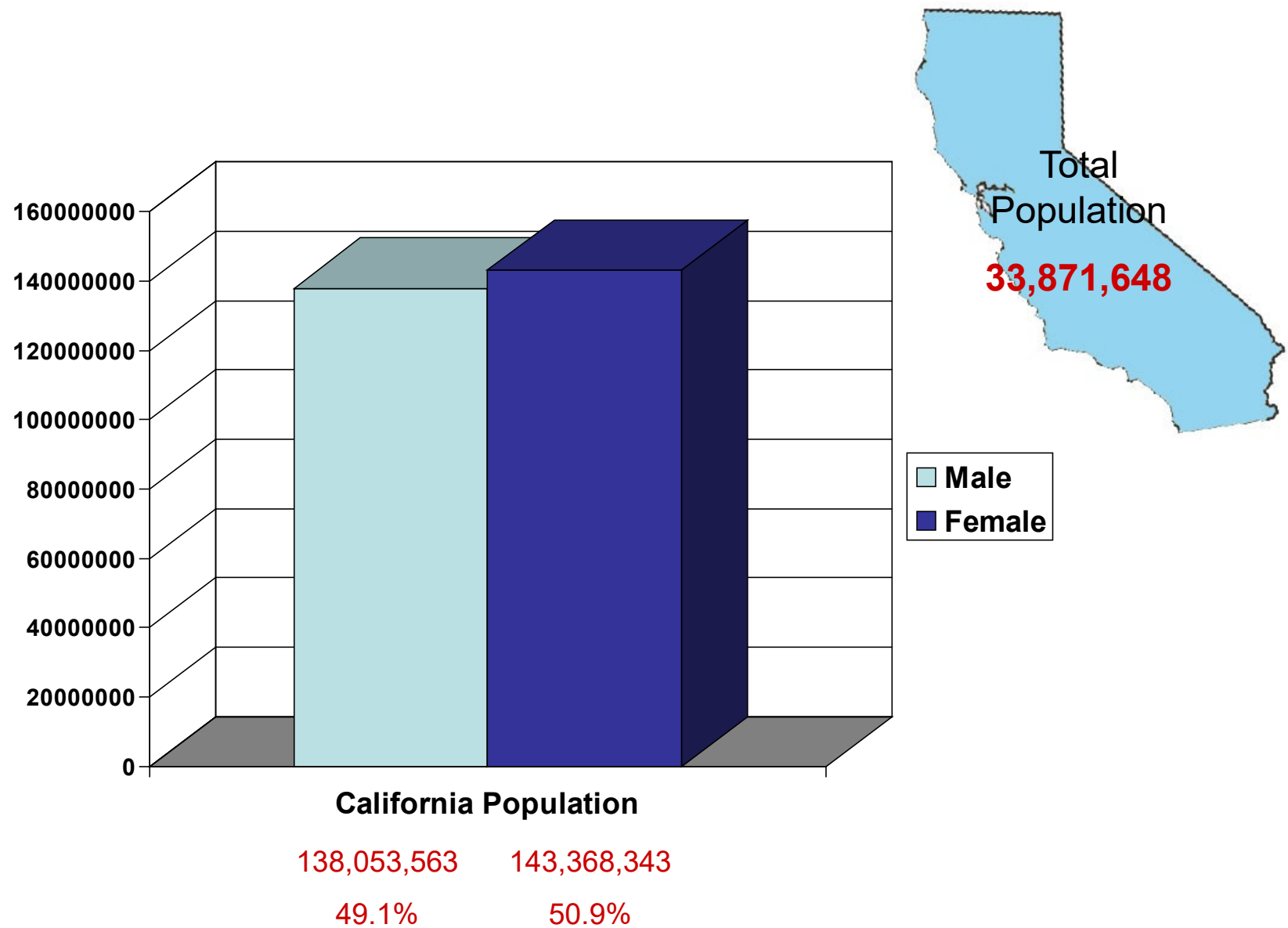


NOTE: 2011 was first year LGBTQ data was required and 2014 was first year Veteran and Disability data was required to be included in the annual SB56 demographic reports .

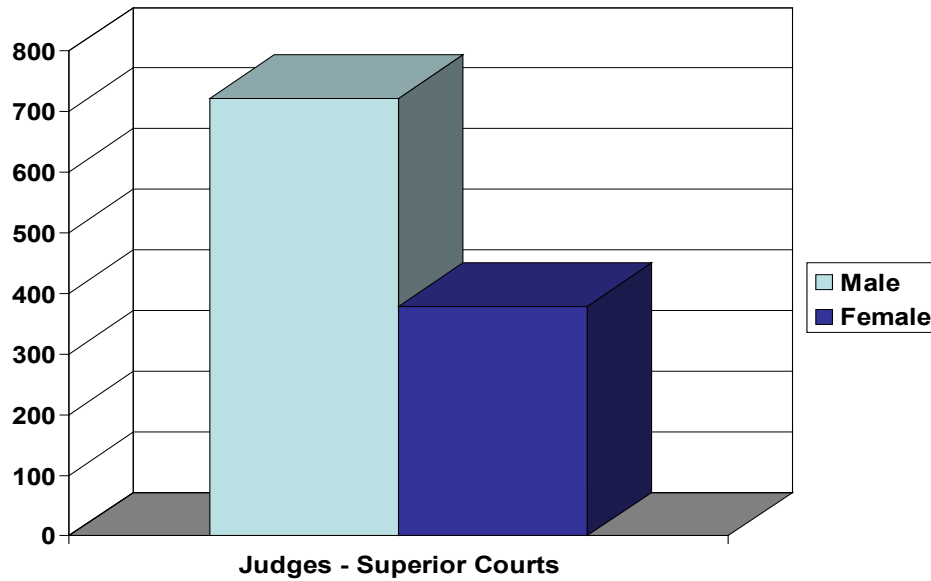
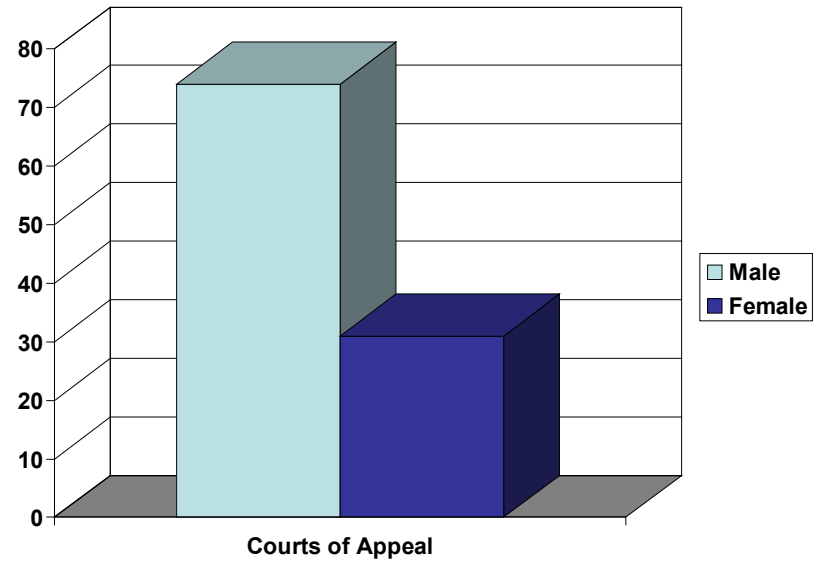
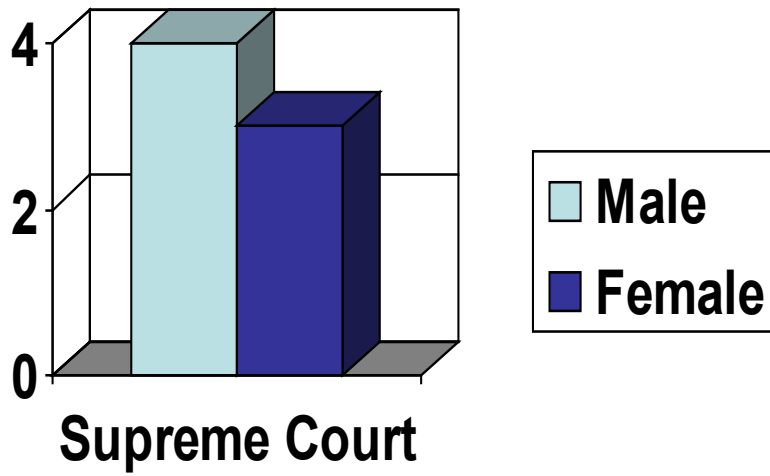
NOTE: 1678 sitting judges on December 31, 2011 and 1655 sitting judges on December 31, 2014.

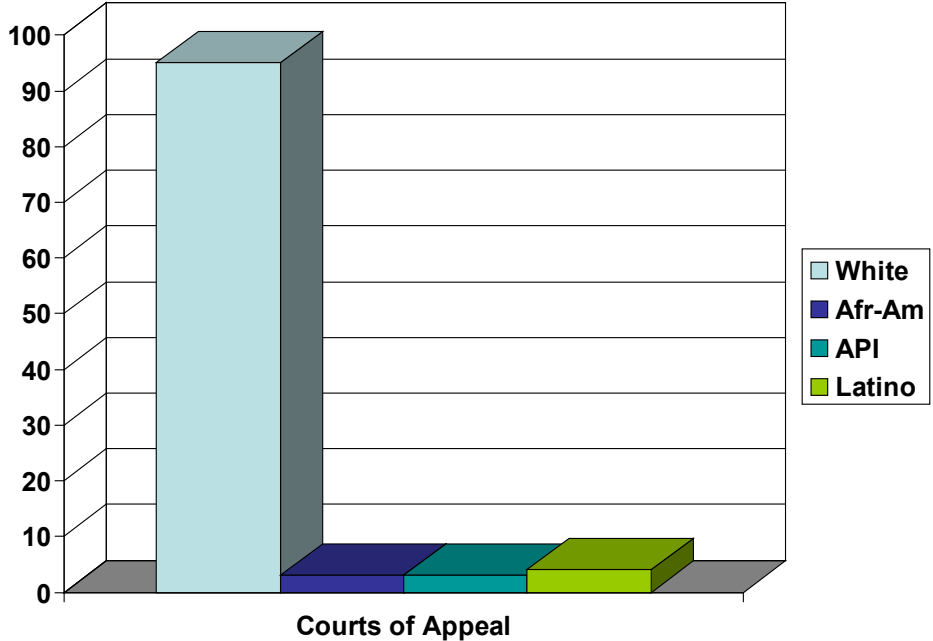
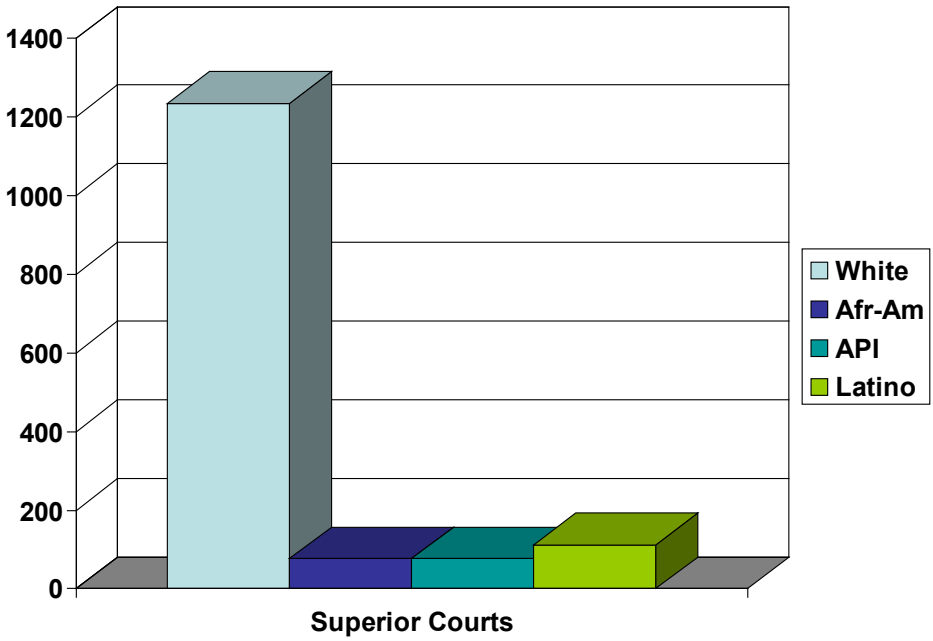
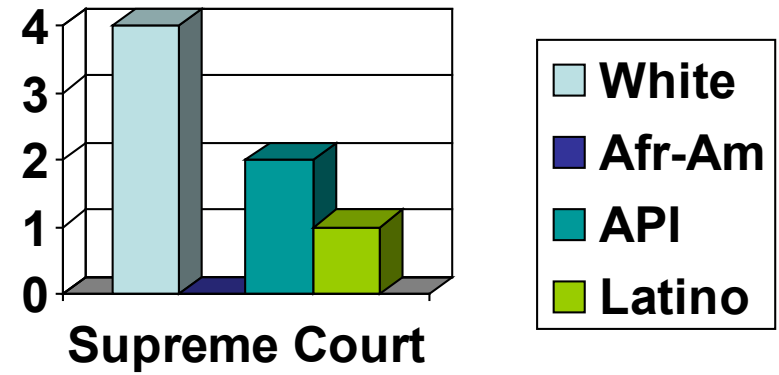
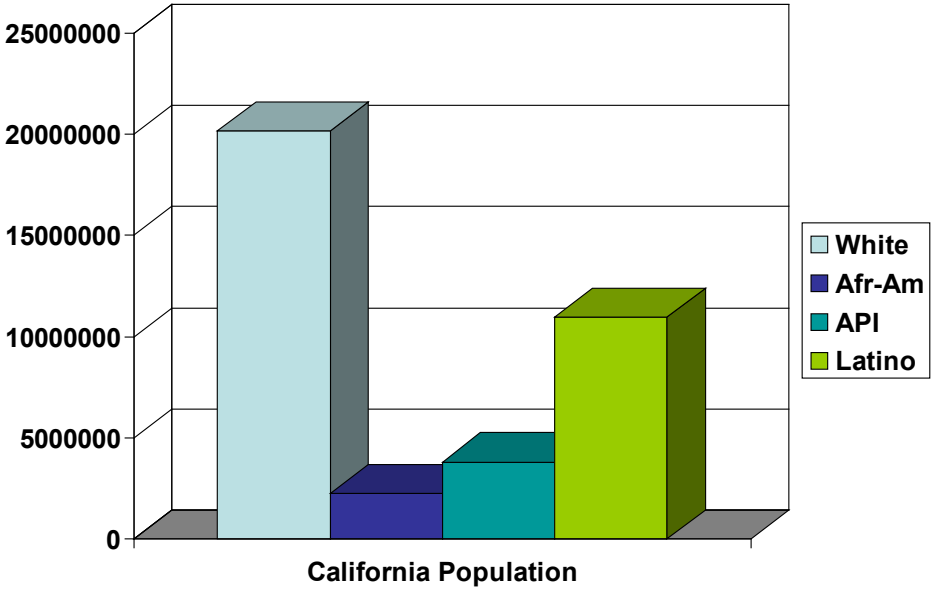
Data sources: California Judicial Council's 2011, 2014 and 2020 annual SB56 reports.

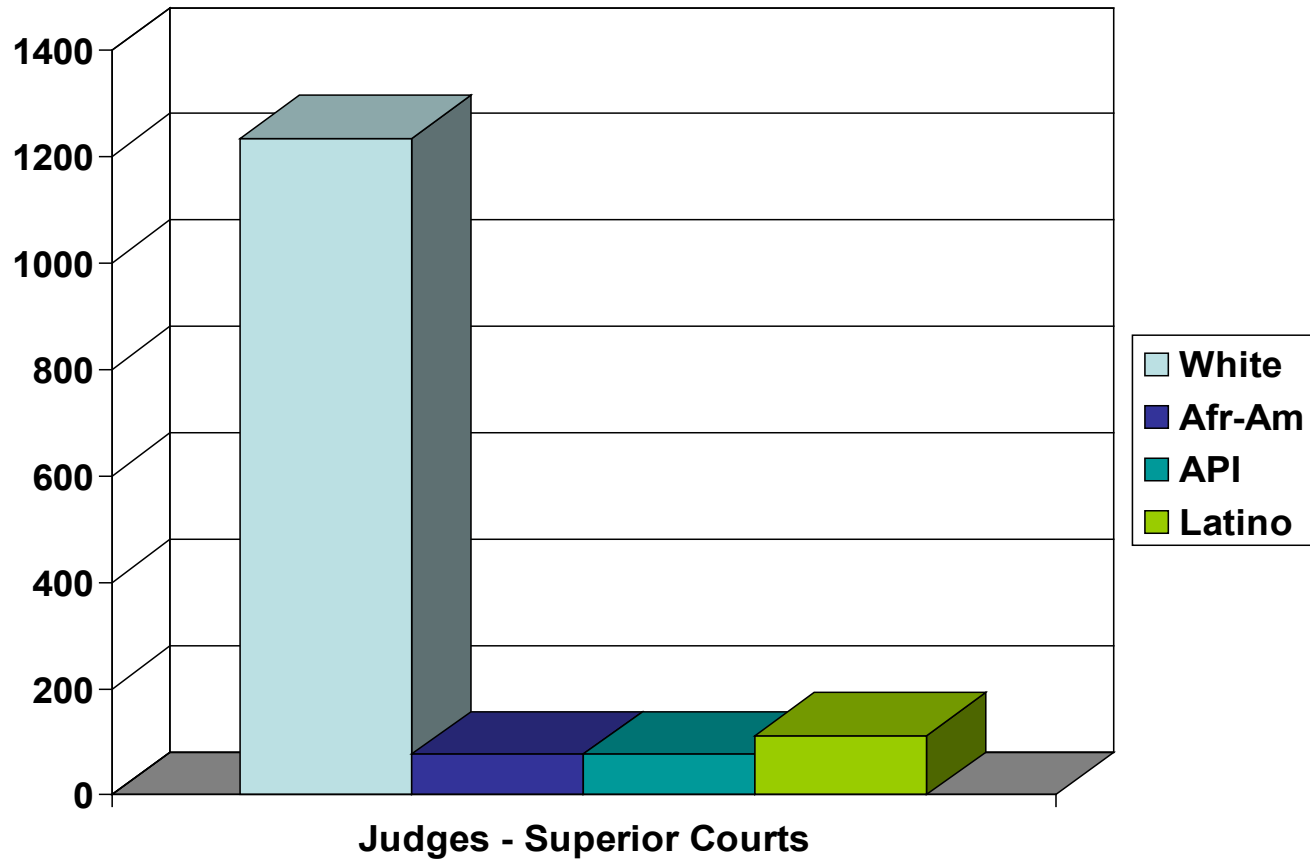
[2016 Judicial Summit Planning Committee. June 2020]



Source: 2000 U.S. Census Bureau

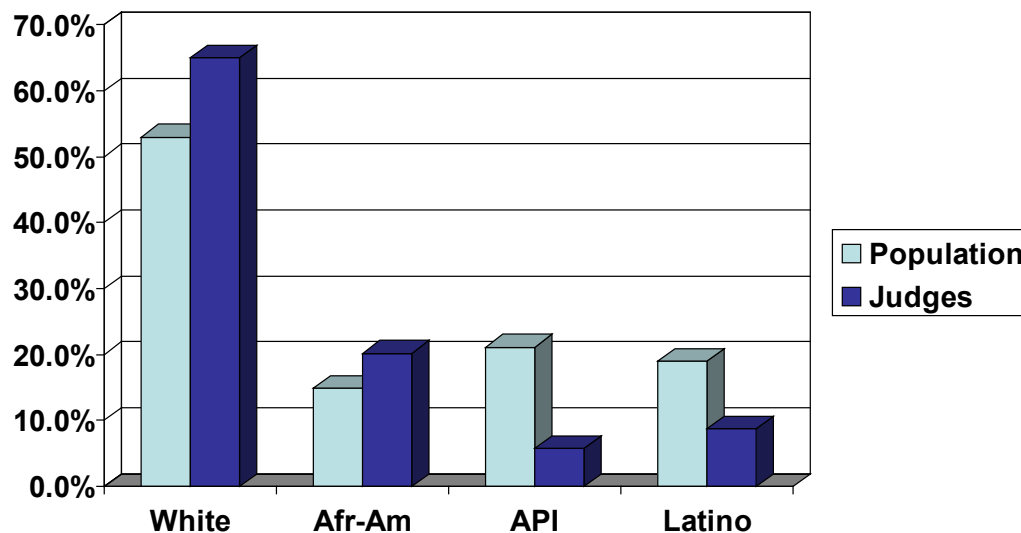




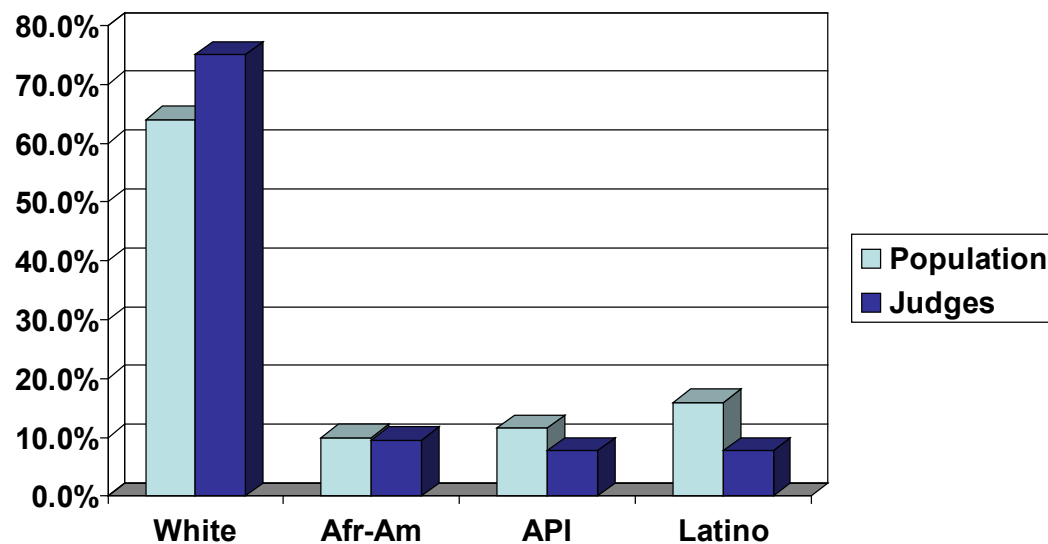


Source: Surveys and membership rosters of various ethnic judges associations.

Alameda County



Sacramento County

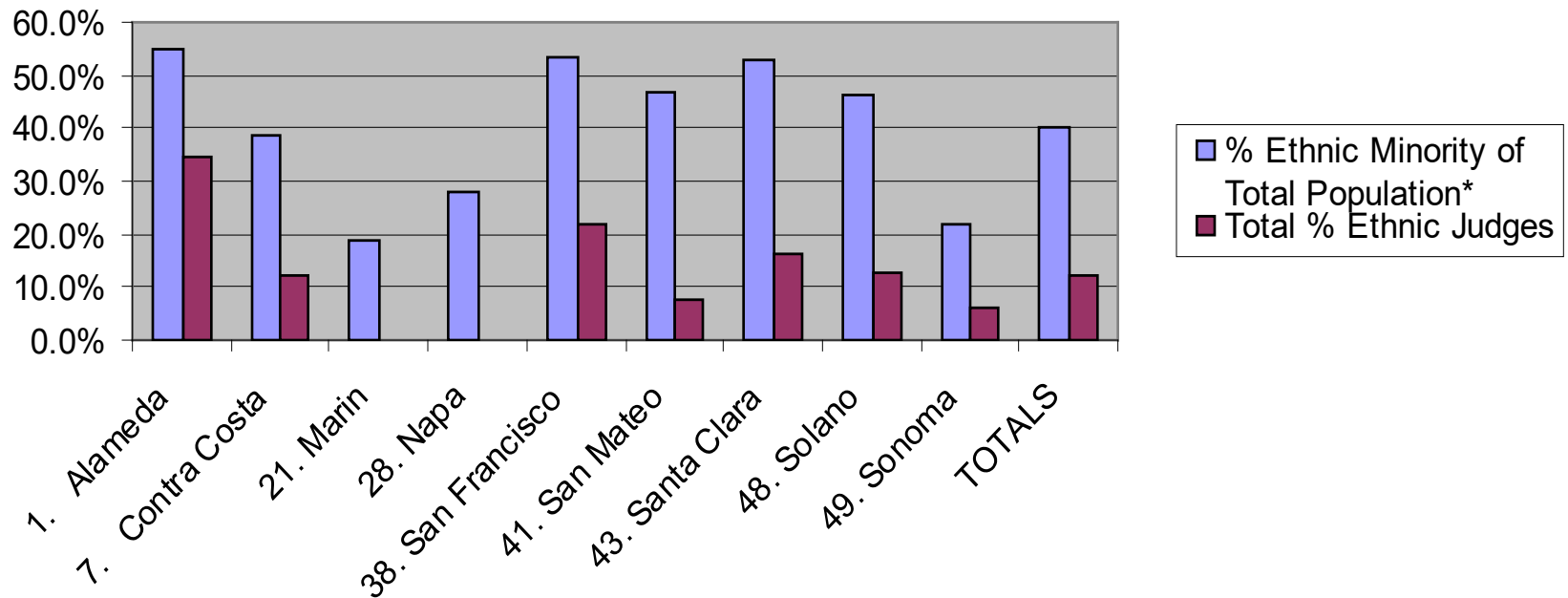


Sources: 2000 United States Census & California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts), as well as, current membership rosters of and surveys conducted by the Judicial Council of the California Association of Black Lawyers, the California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council.

Note: According to the Governor's Office, 6 African-Americans, 11 Asian Americans, and 10 Latinos have been appointed, for a total of 27 ethnic minority appointments. However, the Governor's Office has not identified the courts to which the appointments have been made.



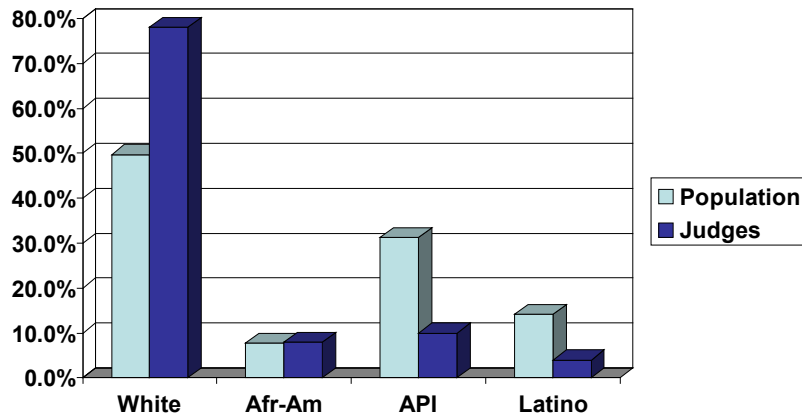
SF Bay Area



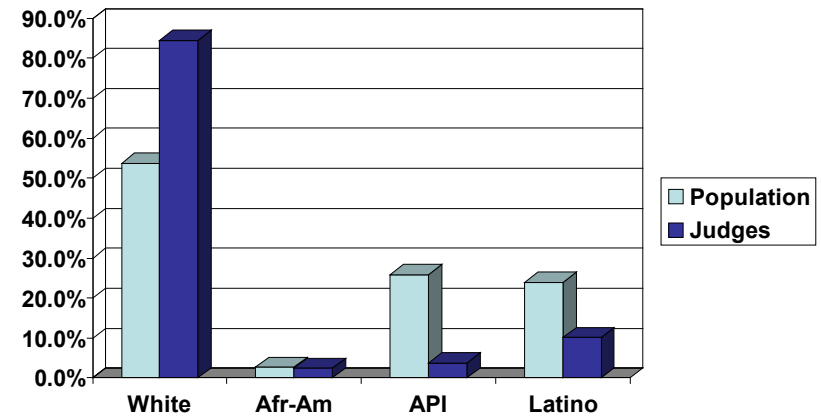
Sources: 2000 United States Census & California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts), as well as, current membership rosters of and surveys conducted by the Judicial Council of the California Association of Black Lawyers, the California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council.

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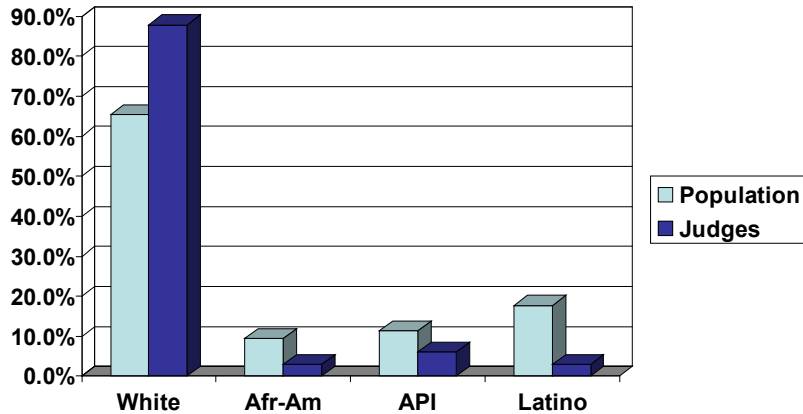
San Francisco County



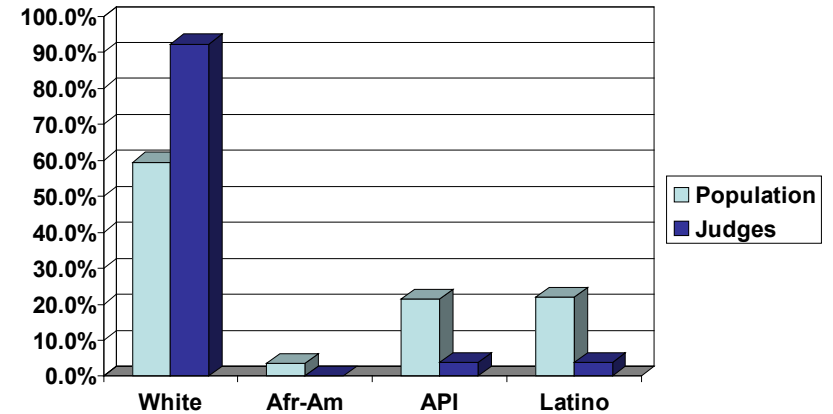
Santa Clara County



Contra Costa County

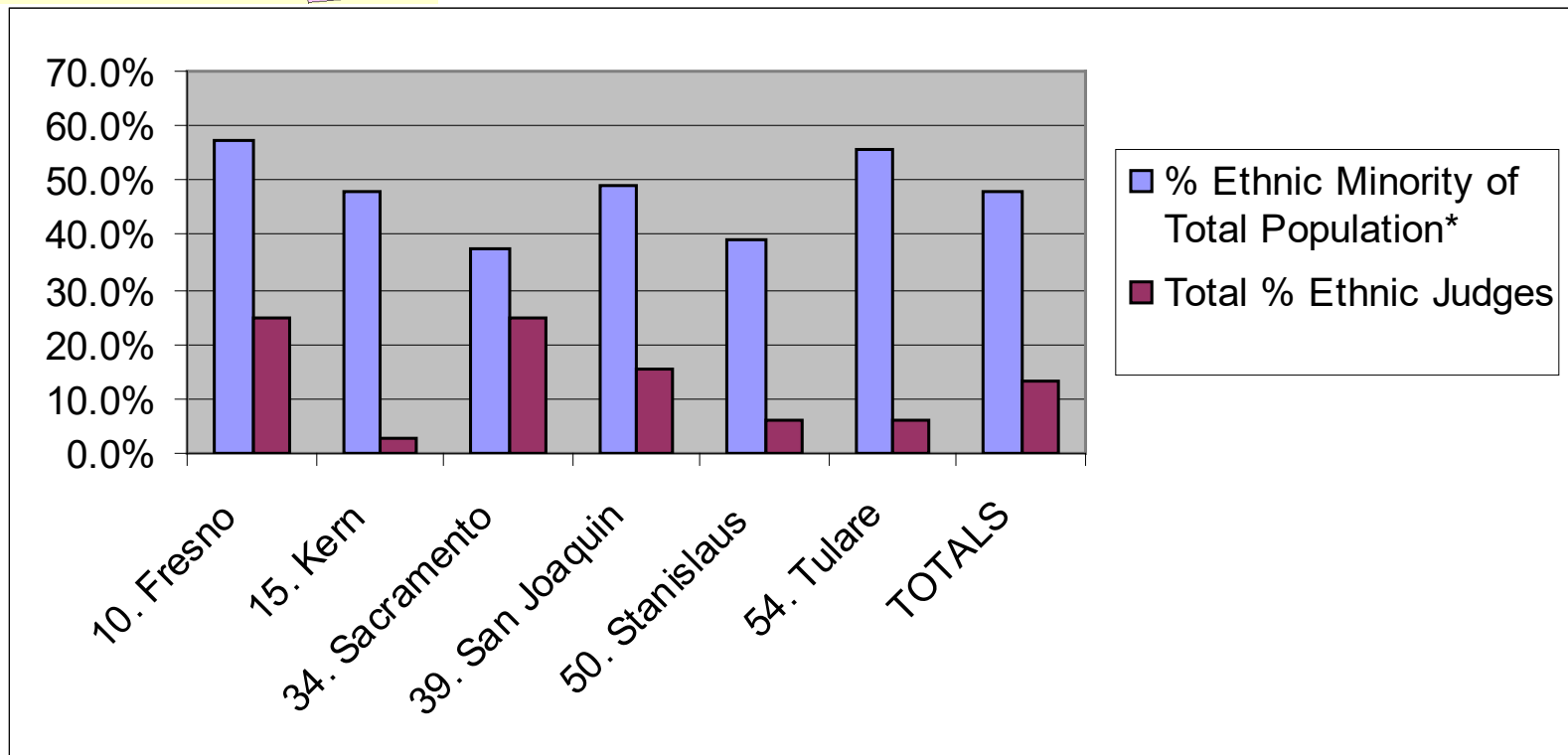


San Mateo County





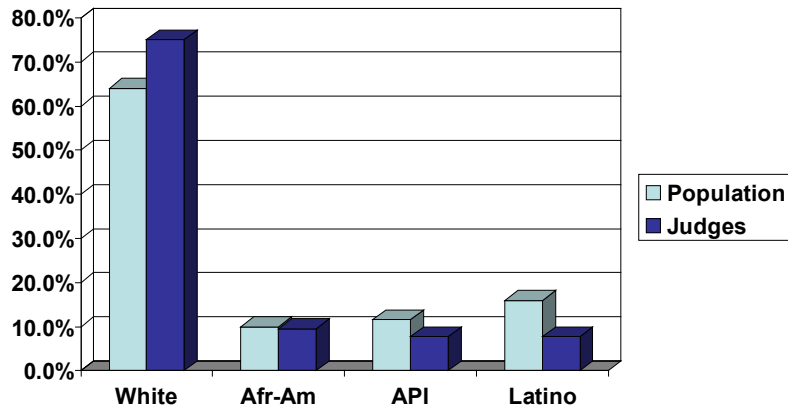
Central Valley



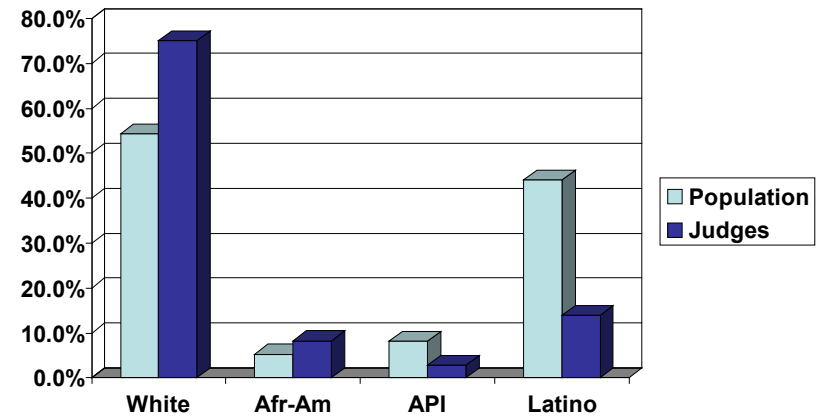
Sources: 2000 United States Census & California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts), as well as, current membership rosters of and surveys conducted by the Judicial Council of the California Association of Black Lawyers, the California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council.

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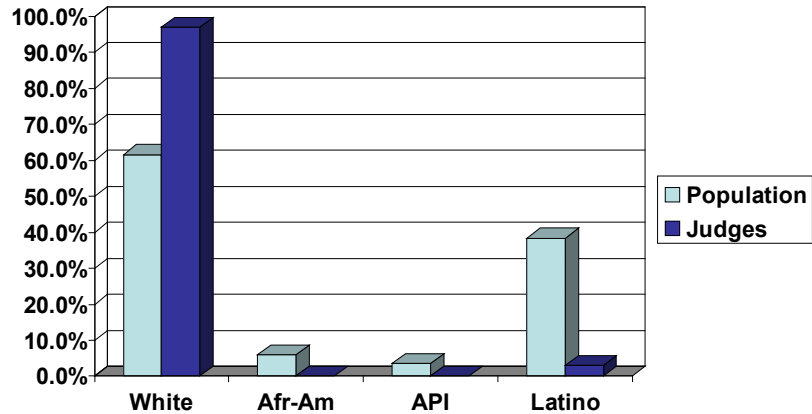
Sacramento County



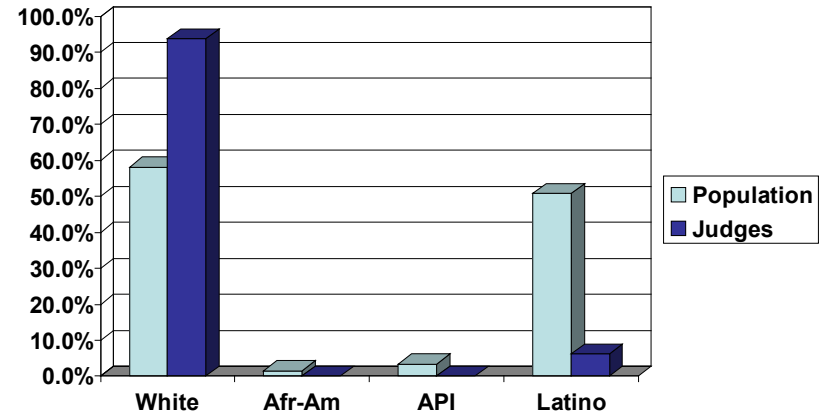
Fresno County



Kern County

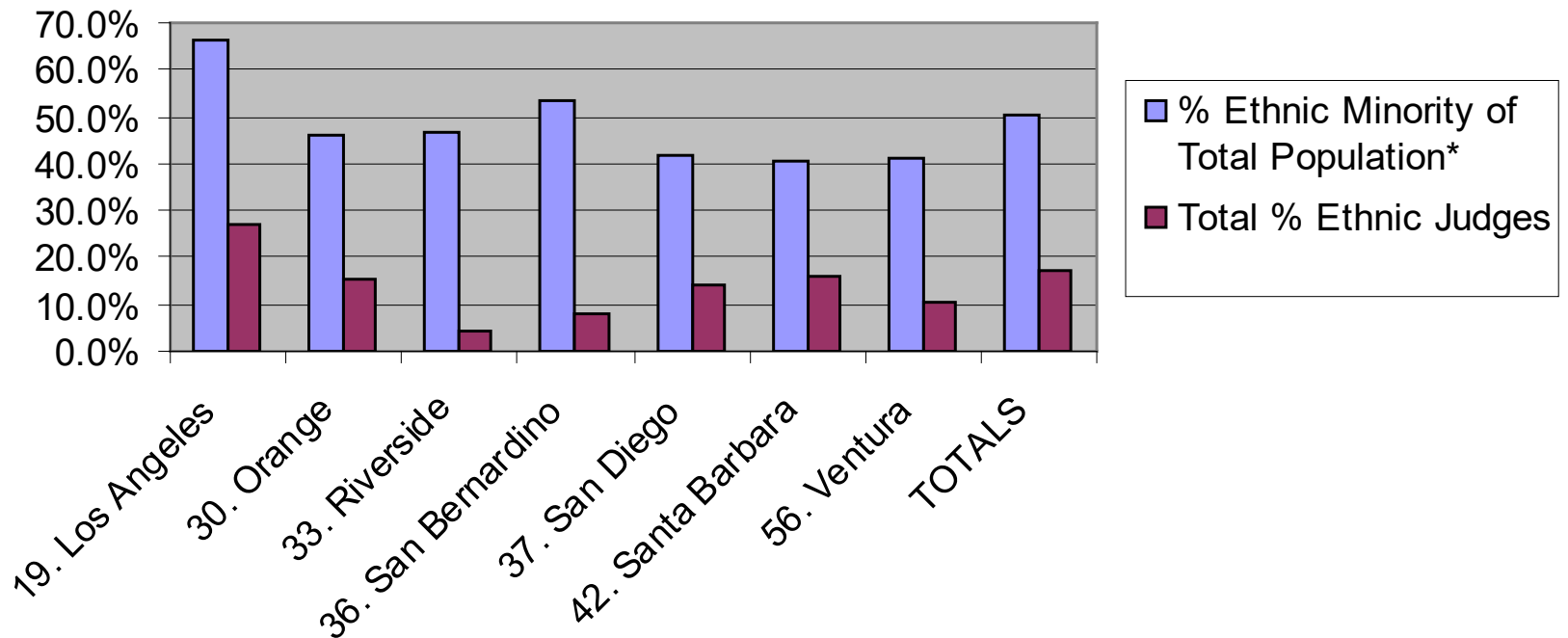


Tulare County





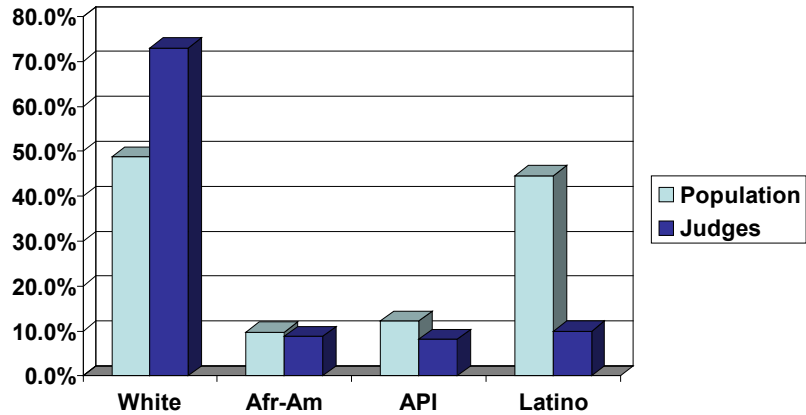
Southern California



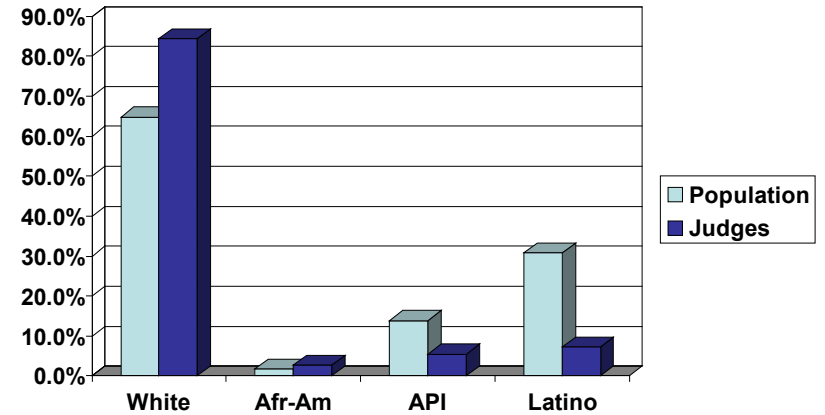
Sources: 2000 United States Census & California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts), as well as, current membership rosters of and surveys conducted by the Judicial Council of the California Association of Black Lawyers, the California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council.

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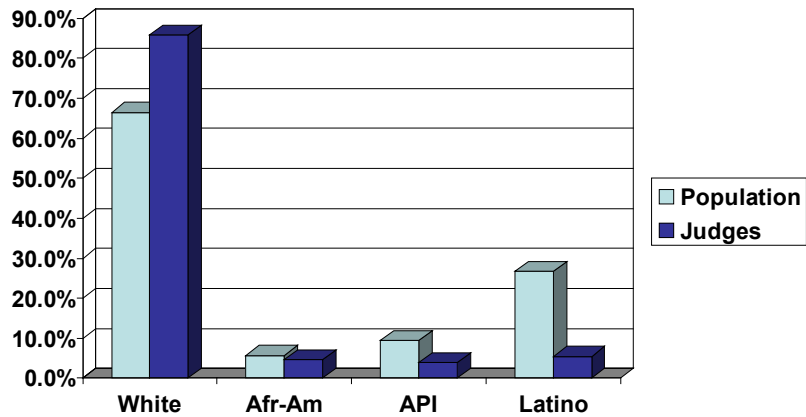
Los Angeles County



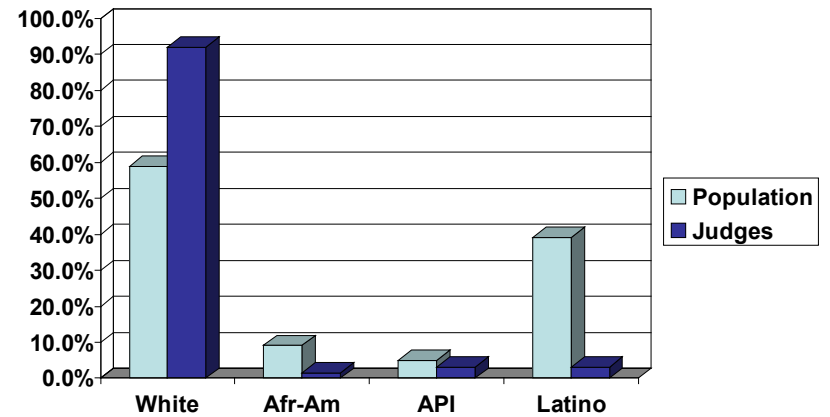
Orange County



San Diego County



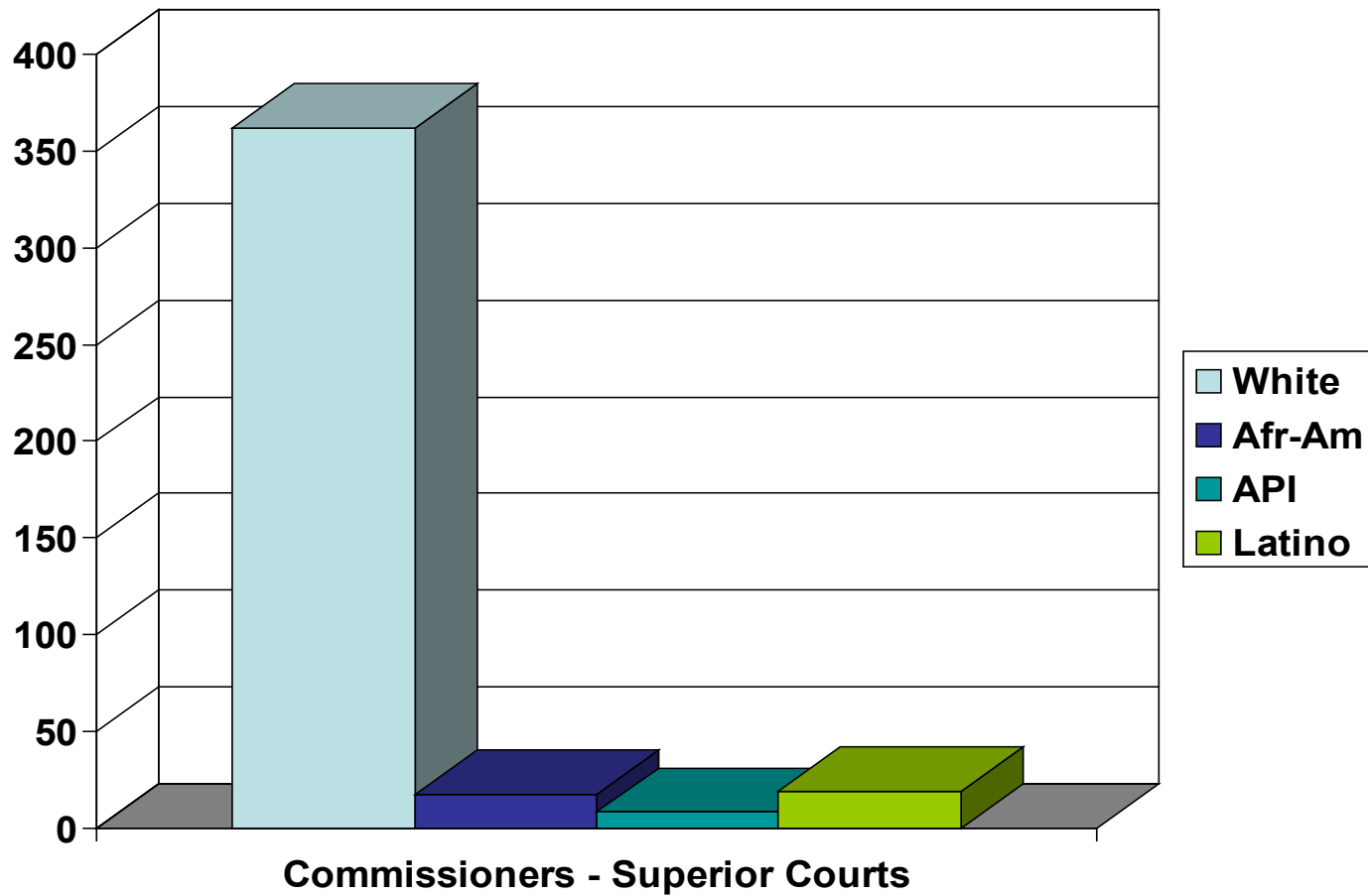
San Bernardino County



ETHNIC DIVERSITY IN THE CALIFORNIA STATE COURT SYSTEM
AS OF MAY 5, 2006

COURT	AFRICAN-AMERICAN WOMEN	AFRICAN AMERICAN MEN	ASIAN P/I WOMEN	ASIAN P/I MEN	LATINA WOMEN	LATINO MEN	TOTAL ETHNIC	TOTAL # OF SEATS	%AGE ETHNIC
Supreme Court	0	0	1	1	0	1	3	7	42.8%
Courts of Appeal	2	1	2	1	2	2	10 *	105	9.5% *
Superior Courts	34	50	25	47	23	84	263 *	1498	17.5% *
Totals	36	51	28	49	25	87	276 *	1610	17.1% *

* Sources: According to the Governor's Office, 6 African-Americans, 11 Asian Americans, and 10 Latinos have been appointed, for a total of 27 ethnic minority appointments. However, the Governor's Office has not identified the courts to which the appointments have been made. The totals contained in this chart are based on California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts), as well as current membership rosters of and surveys conducted by the Judicial Council of the California Association of Black Lawyers, the California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council



**DIVERSITY PIPELINE TASK FORCE
COURTS WORKING GROUP
FINAL REPORT AND RECOMMENDATIONS
FEBRUARY 13, 2007**

BACKGROUND

In September 2005, the State Bar created the Diversity Pipeline Task Force, a broad-based group of stakeholders committed to furthering the State Bar's diversity goals.

The Task Force is comprised of representatives from the bench and bar, law firms, corporate counsel, educational institutions and the government/public sector. The pipeline model is intended to serve as a resource model and guide to fostering collaborative activities and efforts along the career pipeline, pre-school to law school, resulting in entry and advancement into the legal profession. Its main goal is to develop student aspirations and to generate and provide support to increase the number of diverse lawyers in the legal profession.

The work of the Task Force was performed by various work groups, with the Courts Working Group being one such entity. The Honorable Brenda Harbin-Forte, a judge of the Alameda County Superior Court, chaired the Courts Working Group. A complete roster of the Courts Working Group is appended hereto as Attachment 1.

As part of its Task Force activity, the Courts Working Group held a Judicial Summit in conjunction with the State Bar Diversity Summit in June 2006. The summit, themed "Continuing a Legacy of Excellence: A Summit On Diversity In The Judiciary", was called for the purpose of convening judges and other key participants, including representatives from the Governor's Office, Legislature, Judicial Council and bar leaders, to discuss the current state of diversity in the judiciary and to develop recommendations to encourage a more diverse bench. A copy of the agenda for the Judicial Summit is appended hereto as Attachment 2.

After considering the comments from the members of the judiciary and other participants at the Judicial Summit, and based on legislative events that occurred thereafter, the Courts Working Group has developed the following recommendations.¹

¹ Many of the original recommendations advanced by the Courts Working Group regarding collection and reporting of demographic information were incorporated into SB 56, the requirements of which are discussed on the following pages.

FINAL RECOMMENDATIONS OF THE COURTS WORKING GROUP

I. DATA COLLECTION AND ACCESSIBILITY

CONCERNS:

California currently has 1,610 authorized judgeships², with one Supreme Court having seven justices, five appellate districts having 105 justices, and 58 Superior Courts with 1,498 judges. In seeking to establish baseline numbers reflective of the degree of diversity in the court system, working group members discovered that there were neither complete nor reliable statistics on the races, ethnicities and genders of the state's judges. The statistics provided by the Administrative Office of the Courts revealed that almost 500 judges, or approximately one-third of the state's judiciary, had declined to provide voluntary information on their race or ethnicity.

In order to establish baseline data on the degree of ethnic diversity among judges and justices, the members of the Courts Working Group compiled their own statistics for presentation at the summit. A copy of the statistical report on ethnic diversity is appended hereto as Attachment 3.

As was the case with obtaining official statistics on the level of ethnic diversity, it was similarly difficult to acquire official baseline data on the level of gender diversity in the courts. The Courts Working Group collected some preliminary numbers on the number of female and male judges, primarily by examining the names of judges, and presented those tentative figures at the Judicial Summit. A copy of the gender statistics is appended hereto as Attachment 4.

In addition to the 1,610 judges and justices, there are approximately 400 commissioners and referees who preside over cases in our courts. These subordinate judicial officers ("SJOs") are selected by the judges on whose courts they serve. The Courts Working Group again found no official statistics on the level of ethnic diversity among these SJOs, so researched and compiled its own statistics, limited to diversity among commissioners, for presentation at the Judicial Summit. A copy of the statistical report reflecting the combined level of diversity among trial court judges and commissioners is appended hereto as Attachment 5.

In addition to a paucity of information on the degree of diversity among sitting judges and commissioners, the Working Group encountered the absence of reliable information on the demographics of the current Governor's appointments to the bench.

² Fifty (50) new trial court judgeships have already been approved by the Legislature. The Judicial Council anticipates that the legislature will approve and fund 100 more trial court judgeships over the next two years. These additional 150 seats will result in a total of 1,760 judgeships. In addition, the Judicial Council hopes to add an unspecified number of appellate judgeships. Thus, in the next five years, there may well be approximately 1,800 judges on the trial and appellate courts in California.

Appended hereto as Attachment 6 is the Courts Working Group's summary of judicial appointments for the period November 2003 to May 5, 2006, which was distributed to attendees at the judicial summit.

The absence of official baseline numbers will make it more difficult to assess the effectiveness of future efforts to diversify the judiciary.

RECOMMENDATIONS

1. The State Bar should assist the Governor's office and the Administrative Office of the Courts in implementation of Senate Bill No. 56 (2005-2006 Reg. Sess., as amended August 29, 2006), now codified at Government Code section 12011.5(n), which requires the following:
 - (a) the Governor to disclose aggregate statewide demographic data provided by all judicial applicants relative to ethnicity and gender,
 - (b) the designated agency of the State Bar responsible for evaluation of judicial candidates to collect and release on an aggregate statewide basis (a) statewide demographic data relative to ethnicity and gender provided by judicial applicants reviewed by the designated State Bar agency, and (b) the statewide summary of the recommendations of the designated agency by ethnicity and gender, and
 - (c) the Administrative Office of the Courts to collect and release the demographic data provided by justices and judges relative to ethnicity and gender, by specific jurisdiction.
2. Working through the Bar Leaders Conference, the State Bar should encourage each county bar to provide an annual report to the State Bar regarding the state of diversity on that county's bench, using uniform reporting categories such as the racial and ethnic classifications used by the Department of Finance in its collection and reporting of demographic information. The State Bar should facilitate data collection by providing a standardized form. The report should be submitted by June 30 of each year, and should detail, as of December 31 of the preceding year, the aggregate race/ethnicity and gender of the judicial officers on that superior court bench. For those locales with no county bar association, the local bar association in an adjoining county should be encouraged and enlisted to gather the demographic data for that county.

3. The ethnic judges' associations (The Judicial Council of the California Association of Black Lawyers, The California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council) should continue to work collaboratively to collect and release, on an aggregate statewide basis, demographic data on the diversity of California's state and federal courts. The racial and ethnic categories should correspond to those classifications used by the Department of Finance in its collection and reporting of demographic information. The groups should issue their first reports on June 30, 2007.
4. The Administrative Office of the Courts should be encouraged to collect and release aggregate data on the level of racial, ethnic, gender, and other recognized types of diversity among the commissioners and referees hired by the courts in the 58 counties.
5. The State Bar should seek to facilitate future discussions on pipeline "leakage" by maintaining statistics on the ethnic minority and women law school enrollment of all accredited California law schools and receiving input from minority and women law student associations (e.g., Law Students of African Descent, La Raza Law Students, Asian Law Students, etc.), minority bar associations, and its own advisory committees such as the Council on Access and Fairness.
6. The Governor's Office, the Administrative Office of the Courts, and the State Bar should establish a confidential mechanism for collecting and reporting voluntary information on the aggregate number of judges and SJOs who are lesbian/gay/bisexual/transgendered or who have a disability.

II. OVERCOMING BARRIERS:

CONCERNS:

The demographic data compiled by the working group revealed that in each of the 58 counties in California, the number of Caucasian judges on the bench exceeded the percentage of Caucasian population for the county. In many counties with high ethnic minority populations, and presumably high numbers of court users who were ethnic minorities, there were no judges of color presiding over the myriad matters adjudicated for that diverse population.

The members of the working group agreed that there were certain barriers—real and perceived—to achieving the goal of a truly diverse judiciary. The working group members acknowledge that the process of judicial appointments is an inherently political one, and that the job of appointing judges falls to the executive branch of government. Nonetheless, the working group felt that there were significant opportunities for all three branches of government to work together to improve the appointment process.

The Judicial Branch - its Judicial Council, judges and lawyers - can help develop effective strategies to recruit, screen and retain a more diverse judiciary. The Legislative Branch's system of checks and balances can be used to assure that efforts to achieve a more representative judiciary are realized. The Executive Branch can publicly declare a commitment to diversity in making appointments to the bench, just as it has declared a commitment to diversity in making appointments to boards and commissions. The working group members felt that more transparency at certain critical junctures would increase public trust and confidence and advance the administration of justice.

One perceived barrier to achieving diversity relates to the judicial evaluation process. The various peer review processes required by statute or utilized by the Governor's office for evaluating applicants for judicial appointments (i.e., JNE Commission and county bar judicial evaluation committees) are perceived by some as being unfair to underrepresented groups due to a lack of transparency regarding the processes themselves, and a perceived lack of accountability for evaluative outcomes. Cultural and other biases may adversely affect the ratings given to minority applicants for judicial appointment by the JNE commissioners and the members of county bar judicial evaluation committees. While reliable statistical data is unavailable, there is a belief that a disproportionate percentage of ethnic minorities and women applicants are rated "not qualified" or barely "qualified" while non-ethnic minorities and male applicants with similar qualifications receive higher ratings.

Similarly, the screening committees used by the Governor's office were also seen as barriers, to the extent that neither the names of these judicial gatekeepers, nor the criteria and process they employ to evaluate judicial applicants, are made public. The evaluations performed by these local screening committees often influence the Governor's decisions as to which judicial candidates are forwarded for formal JNE evaluation. Thus arguably, these anonymous local screening committees, applying criteria and following a process unknown to the candidates or the public, can prevent qualified judicial candidates from advancing to the formal JNE screening process.

On a related note, the working group members recognized that many members of underrepresented groups have legal practices that emphasize civil, family, juvenile, probate, mediation, and other areas where jury trials are not common. The application for judicial appointment, and the JNE Commission evaluation form, both seem weighted heavily toward jury trial experience.

Finally, some interested parties raised concerns that even though criminal jury trial experience seemed a preferred quality for applicants seeking appointment to the bench, those applicants who had extensive trial experience gained through representing criminal defendants (e.g., public defenders) were nonetheless perceived as less qualified to hold judicial office. Given the numbers of minorities and women engaged in criminal defense practice, this perception could further restrict the pool of diverse attorneys for appointment to the bench.

RECOMMENDATIONS:

1. The State Bar should continue to conduct outreach to the minority and specialty bar associations to explain the role and procedures of the JNE Commission in the appointments process, to encourage members of minority and specialty bar associations to apply for positions on the JNE Commission, and to educate members of minority and specialty bar associations on the types of professional backgrounds, training, and experiences they should seek out to make them more attractive as judicial applicants.
2. The State Bar should require a minimum of two (2) hours of mandatory training for all JNE commissioners in the areas of fairness and bias in the judicial appointments process.
3. The State Bar should work with the Administrative Offices of the Courts and the Governor's office in implementing Senate Bill No. 56, as stated above.
4. County and state population figures³, not state bar membership, should be used as the standard in the reports under Senate Bill No. 56 by which the pool of desired level of diversity of judicial applicants should be measured.
5. County bar associations that have evaluation contracts with the Governor's office should be encouraged to submit an annual public report on the total number of applicants evaluated and the aggregate ratings given to applicants, relative to ethnicity and gender, modeled after the reports required of JNE by SB 56. These county bar association judicial evaluation committees should also be encouraged to disclose voluntarily the makeup of their membership in terms of racial, ethnic, gender and other recognized types of diversity.
6. The application form for judicial appointment used by the Governor's Office should be amended to add questions specifically designed to describe an applicant's experience in areas of the law that may not involve jury trials or litigation and to solicit information about other qualifying experiences and skill-sets, including cultural sensitivity.
7. The JNE evaluation form should be amended to elicit evaluator comments on an applicant's experience in non-jury trials and about other qualifying experiences and skill-sets, including cultural sensitivity.

³ Collection of accurate data based on race and gender does not violate Proposition 209. "[A] monitoring program designed to collect and report accurate and up-to-date information is justified by the compelling governmental need for such information. So long as such a program does not discriminate against or grant a preference to an individual or group, Proposition 209 is not implicated." (Connerly v. State Personnel Board (2001) 92 Cal.App.4th 16, 46-47.)

8. The Governor's Office is encouraged to articulate publicly its position on the importance of judicial diversity and its philosophy and strategies for achieving a more representative judiciary.
9. The leaders of the Executive, Legislative, and Judicial Branches should continue to work collaboratively to ensure that California's judiciary reflects the rich diversity of the population that it serves.

III. RECRUITMENT

CONCERNS:

Greater outreach and recruitment efforts are needed to increase the number of lawyers from diverse backgrounds who apply for judicial appointment. It is a necessary and proper role of the bar and the judiciary to develop long-range and viable recruitment strategies to achieve a larger applicant pool.

RECOMMENDATIONS

1. To the extent allowed by relevant provisions of the California Constitution (e.g. Proposition 209), the pool of commissioners and referees hired by each superior court should represent the rich diversity of the community served by that court.
2. In an effort to increase the applicant pool, judges should take a pro-active role in recruiting, grooming, and mentoring candidates from diverse backgrounds for judges, commissioners, referees, pro tem judges, and judicial clerks for the trial and appellate courts, helping them design individual strategies calculated to qualify them for eventual judicial appointment.
3. The State Bar should work with courts, in conjunction with local and specialty bar associations, to present educational programs for lawyers, patterned after the "So, You Want To Be A Judge?" programs presented by the California Women Lawyers bar association, to educate attendees on the judicial appointments and elections processes, judicial salary and benefits, and the overall benefits of pursuing a judicial career.
4. Because elections to judgeships can serve as a viable option for increasing diversity on the bench, judges should take a pro-active role in educating lawyers from diverse backgrounds on how to run for open judicial seats.
5. Judges should work with local, minority and other specialty bar associations to identify, recruit and support all qualified candidates for judicial appointment.

6. Mentor judges should provide support and preparation for all levels of the appointments process, in particular early career planning, “how to be a judge” programs, and mock interviews to prepare for meetings with local screening committees and the Governor’s Office.
7. Retiring ethnic minority judges should engage in “succession” planning by grooming ethnic minority lawyers to succeed to that seat.
8. Local, minority and other diversity bars should develop methods to identify and track the progress of ethnic minority and women judicial applicants.

IV. OUTREACH AND EDUCATION

CONCERNS:

Goal 1 of the Judicial Council’s strategic plan, as amended in December 2006, provides:

California’s courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive 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.

The working group recognizes that superior courts have ongoing community outreach programs that encourage judges to relate to their local communities. Despite tremendous and varied outreach efforts, however, many members of the public continue to experience an unacceptable level of dissatisfaction with their court experiences.

Public trust and confidence surveys also reveal that the perception still exists that certain ethnic minorities are treated unfairly in the court system. For example, in the most recent report published by the Judicial Council, more than half of all respondents, regardless of race or ethnicity, felt that African-Americans usually receive worse results with respect to case outcomes.⁴ Even more felt that individuals from low-income and non-English speaking communities experience worse case outcomes.

The attendees at the judicial summit and the members of the working group feel that the degree of diversity on the bench may impact the public’s perception of the level of justice received by members of certain communities. Greater diversity may well lead to an increased level of public trust and confidence in the court system.

RECOMMENDATIONS

1. The State Bar should work with the Judicial Council to implement an action plan to carry out Goal 1 of its strategic plan, with specific deadlines and timetables for achieving the goal of ensuring that the judicial branch reflects the h diversity of the state's residents.
2. The State Bar should work with the Judicial Council to include, as a component of each court's community outreach initiatives, strategies for educating the community at large on the importance of diversity on the bench and for educating the public about careers in the legal field. Along these lines, courts should identify and present to diverse community groups judicial role models from non-traditional backgrounds, so as to highlight the rich diversity of the community's bench and career opportunities in the judicial system.
3. The Judicial Council should encourage courts to include, as a component of each court's community outreach initiatives, specific strategies for educating the public about careers in the judiciary. To assist and encourage judges in their community outreach efforts, the Education Division of the Administrative Office of the Courts should consider developing and offering periodic regional workshops for judges and court leadership on appropriate community outreach, and should allow judges to count toward a judge's minimum continuing education expectations any hours a judge is engaged in such "qualified" outreach efforts.
4. In an effort to teach youth how to avoid contact with the criminal justice system, the Judicial Council and the State Bar should be encouraged to work with school districts to develop age-appropriate "street law"- type programs for all grade levels (pre-kindergarten through twelfth) that expose students to the judicial process and the various roles for law enforcement, lawyers and judges in the juvenile and adult criminal justice systems.
5. To encourage youth to consider the judiciary as an option as they make their career plans, the Judicial Council and the State Bar should be encouraged to develop, with the assistance of bar associations, educational programs for high school students, college students, and law students on the judicial appointments and elections processes.
6. Judicial officers should be encouraged to work with community-based organizations (community groups, churches and other religious institutions, service clubs, etc.) in efforts to increase diversity in the courts.
7. The Judicial Council should be encouraged to fund local programs designed to create volunteer opportunities in the courts for high school students, college students, and law students, and to expose them to job opportunities in various levels of court administration.

8. The State Bar should work with the Judicial Council to encourage courts to use the American Bar Association's mock trial programs or other similar programs for elementary school students (i.e., those based on familiar fairy tales) as a means of getting young people interested in legal careers.
9. The Judicial Council and the State Bar should be encouraged to work with junior high and high school career counselors to encourage them to steer students from diverse backgrounds toward law as a viable career option.
10. The State Bar and the Judicial Council should be encouraged to work with college career planning counselors to develop and host pre-LSAT classes and "So, You Want To Be A Lawyer?" workshops, to educate and encourage aspiring lawyers.
11. The Judicial Council and the State Bar should be encouraged to work with local law schools to host an annual program for first year law students to educate students on how to lay the foundation for a future career as a judge.
12. The Judicial Council should encourage the justices of the Supreme Court and the Courts of Appeal to hire a diverse pool of law clerks and staff attorneys, so as to enrich the decision-making process at the appellate level.
13. Courts should work with local law schools to design county programs for law students, such as the ABA Boot Camp, LEOP (Legal Education Opportunity Program), and Legal Aid clinics.
14. The State Bar, together with the Judicial Council and the Administrative Office of the Courts, should encourage and work with law schools to develop a week-long law school orientation course for entering law students to help prepare them to succeed in law school.
15. The State Bar, together with the Judicial Council and the Administrative Office of the Courts, should prepare a readily accessible packet of materials for wide distribution to students providing information on the law as a career, and the various roles lawyers can play in the judicial system, including becoming judges. The packet, which should be made available online and through the mail, should also educate students on career options related to the judicial system, including career choices as court interpreters, police officers, probation officers, court reporters, clerks, bailiffs, etc.
16. To ensure a diverse institutional workforce in both the State Bar and the Administrative Office of the Courts, each organization should implement similar education and outreach efforts to publicize career opportunities within each organization. The State Bar and the Administrative Office of the Courts should strive to ensure that each organization's staff members fairly represent the rich diversity of California's population.

CONCLUSIONS

The Courts Working Group believes that a diverse judiciary is not just an admirable goal, but also a necessary and achievable one. If the recommendations contained in this report are implemented, California's judiciary will be on the path to reflecting the diversity of the population it is designed to serve. An increased level of diversity will result in a greater degree of public trust and confidence in the court system, and all of California's citizens will reap the positive benefits that flow from the perception that equal justice is indeed being dispensed in all the courthouses around this state.

Summary of GOV Code 12011.5 Judicial Appointments provisions:

(Comment: These are the current provisions of Gov Code 12011.5 that address requirements and criteria to be considered by various screening entities. It would appear that language could be proposed to require implicit bias training for the Governor's JSACs, similar to existing language in Gov Code 12011.5 (b) referring to JNE training. Also, note that there are local bar screening committees that have an agreement with the Governor's office to provide similar screening and feedback to the Governor for applicants from the respective local bars. We want to determine if these formal agreements still exist and consider similar implicit bias training, as well as transparency re: committee membership and screening criteria.)

Provision requiring implicit bias training for JNE:

Gov. Code § 12011.5 (b) requires that JNE members receive training in the areas of fairness and bias in the judicial appointments process as part of their new member orientation, with an additional hour of training for JNE members serving more than one term.

Provision expanding criteria to be applied by JNE to consider legal experience broadly in its review and rankings process (as opposed to emphasizing applicants from the District Attorney's Offices or applicants with extensive litigation experience):

Gov Code &12011.5 (d) provides that:

In determining the qualifications of a candidate for judicial office, the State Bar shall consider, among other appropriate factors, his or her industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability and legal experience.

The State Bar shall consider legal experience broadly, including, but not limited to, litigation and non litigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, Legal work in any of the three branches of government, and Legal work in dispute resolution." (italics added)

Provision requiring the annual collection and public reporting of demographic information from the Governor, Judicial Council and JNE:

Gov. Code § 12011.5 (n) provides for the collection of voluntary data on race, ethnicity, and gender for the public reports filed by the Governor, Judicial Council and JNE.

- LGBT data was included for yearend 2011.
- Disability and Veteran Status were included in reports as of yearend 2014.

Provision encouraging the Governor and JSACs to consider attorneys from diverse backgrounds and cultures:

Gov. Code § 12011.5 (o) provides that:

The Governor and members of the judicial selection advisory committees are encouraged to give particular consideration to candidates from diverse backgrounds and cultures reflecting the demographics of California, including candidates with demographic characteristics underrepresented among existing judges and justices.

Also note Recent Legislation: Mandatory Implicit Bias Training for Court Staff and State Bar Licensees

AB 242 (2019) amending Government Code Section 68088 effective January 1, 2021 requiring court staff interacting with the public to complete 2 hours of implicit bias training through the Judicial Council.

Section 6070.5 to the Business and Professions Code requiring the State Bar to develop mandatory MCLE program covering implicit bias and the promotion of bias-reducing strategies with licensees meeting the requirement each MCLE period ending after January 31, 2023.



THE STATE BAR
OF CALIFORNIA

Council on Access & Fairness

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**Resource Materials for the
Application of California Government Code Section 12011.5(d)
in the Review and Evaluation of Applications for Judicial Appointment**

**Prepared by the State Bar of California
Council on Access & Fairness
July 2011**

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INTRODUCTION

The State Bar Board of Trustees JNE Process Review Committee (“Committee”) was formed to review the procedures governing the Commission on Judicial Nominees Evaluation (“JNE”) and to make recommendations for revisions to the process. The Committee discussed the existing criteria for evaluating judicial candidates under California Government Code Section 12011.5 (d). The Committee expressed the need for more specific criteria to define the parameters of the language in Government Code section 12011.5(d) which requires the State Bar to “consider legal experience broadly.” The Committee concluded it would be appropriate for the JNE criteria to be studied in depth by another committee.

The State Bar of California's Council on Access and Fairness (“COAF”) is charged with the task of implementing the State Bar goals and strategies for diversity in the legal profession and elimination of bias in the practice of law. The COAF reviews diversity issues and initiatives along the entire diversity pipeline from early education to college/law school, legal profession and the judiciary. Given its focus on judicial diversity as part of its charge, the COAF, through its Judicial Committee, undertook the task of reviewing Government Code section 12011.5(d) and developing expanded criteria for use by JNE in its ongoing review of judicial applications.

The COAF developed the following commentary elaborating on and providing more specific criteria regarding the expanded definition of “legal experience” in Government Code section 12011.5 (d). The purpose of this commentary is to provide guidance to JNE Commissioners in evaluating a judicial applicant’s work experience in light of the Government Code’s mandate that legal experience be considered broadly, and is intended for use during the ongoing training of the JNE Commissioners.

CALIFORNIA GOVERNMENT CODE §12011.5 PROVIDES, IN PART, THAT:

“(d) In determining the qualifications of a candidate for judicial office, the State Bar shall consider, among other appropriate factors, his or her industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability, and legal experience. *The State Bar shall consider legal experience broadly, including, but not limited to, litigation and non litigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, and legal work in dispute resolution.*” (Italics added).

COMMENTARY: Further Defining “Legal Experience”

There is widespread consensus that those selected to become judges typically have the same background, *i.e.*, that of a district attorney or other prosecutor. While criminal jury trial experience is very valuable, the practice of selecting members of the judiciary with the same legal experience ignores the richness of diversity and experience in the legal profession and the valuable work that is being done in courts and legal proceedings other than criminal courts.

A great deal of important and difficult work is done in the civil law arena, including litigation, transactional, and administrative matters. With regard to civil proceedings, in addition to the traditional civil litigation courts, civil law practitioners also practice in the family, juvenile dependency, juvenile delinquency, probate, mental health and administrative law courts. While many civil matters may not generate headlines, they nonetheless often set in place a course of action that may have a significant impact on society, the community, or an individual's life. The thoughtful, detailed, specialized, and demanding skills needed for various civil law proceedings are *equally desirable prerequisites* for a judicial candidate as are the skills obtained in the practice of criminal law.

Further, attorneys with experience as judicial officers such as judges pro tem and administrative law judges, as well as those in mediation or dispute resolution, have a track record for which their demeanor, treatment of litigants, work ethic and ability to make decisions can be measured.

Therefore, it is important to recognize that there are varied and valued skill sets developed in different practice areas that suggest suitability for appointment to the bench. These skills should be considered in the review process to ensure that legal experience is viewed in the broad sense envisioned by Government Code section 12011.5(d).

SKILLS FOR SPECIFIC PRACTICE SETTINGS

Civil Litigation:

Attorneys with practice experience in civil litigation matters have often developed:

- Critical legal and analytical skills to develop litigation strategies
- Expertise in drafting court pleadings and other legal documents applying facts to law to advocate for the client's position
- Oral advocacy skills obtained through motion hearing practice, trial experience, or administrative hearings
- Negotiation and other dispute resolution skills
- A broad range of legal expertise

Juvenile, Family, Criminal Defense, Immigration and Probate Practice:

Attorneys with practice experience in juvenile, family, probate, criminal, and immigration have often developed:

- Sensitivity to the cultural, emotional/mental and economic differences of the parties that influence court proceedings and outcomes
- A unique ability to work effectively with individuals in extreme crises
- Professional demeanor and distance, despite the emotional nature of the cases, to remain objective and effective
- Knowledge in areas other than the law, including but not limited to real estate, taxation, pensions, child development, substance abuse, immigration and mental illness

Legal Work for Business or Non-Profit Entities:

Attorneys who have represented business or non-profit entities, including transactional and in-house lawyers, often have well developed skills in:

- Planning and negotiation
- Legal research
- Drafting written agreements, corporate transactional documents, etc.
- Foreseeing potential obstacles and averting them
- Preparing legal memoranda applying facts to law to advise clients, or to advocate the opposing position
- A broad range of legal expertise
- Advocacy in administrative, quasi-judicial proceedings, or in the legislative process

Dispute Resolution, Arbitration and Mediation Practice:

Attorneys with experience in dispute resolution, including arbitrators and mediators, often have experience in:

- Conducting pre-hearing conferences including case management conferences
- Ruling on preliminary motions, including discovery matters
- Conducting hearings, which may include written or oral testimony and cross-examination
- Assessing credibility of witnesses, weighing evidence and ruling on evidentiary issues
- Preparing findings of fact and conclusions of law and issuing oral and written decisions

Administrative Law Judges, Judges Pro Tem, Commissioners, Referees, and Federal Magistrate Judges:

Attorneys with judicial experience as an administrative law judge, a judge pro tem, a superior court commissioner, a superior court referee, or a federal magistrate judge often have experience in:

- Acting as presiding judicial officer assigned to a particular courtroom, managing court calendar and staff
- Processing ex parte matters
- Instructing parties as to their rights and the court process
- Conducting pre-trial conferences, and ruling on pre-trial motions
- Conducting contested hearings, which may include written or oral testimony and cross-examination, receiving documentary evidence, assessing credibility of witnesses, weighing of evidence and ruling on evidentiary issues
- Analyzing and evaluating facts and the law
- Rendering oral and/or written decisions and opinions
- Sentencing or rendering dispositions
- Ensuring due process rights of the parties

Administrative and Legislative Law Practice:

Attorneys who practice administrative law including, *but not limited to*, those with experience with the Legislature and the following administrative/governmental agencies: Workers' Compensation Appeals Board, Social Security Administration, Unemployment Insurance Appeals Board, State Welfare Commission, Occupational Safety and Health Administration, Federal Communications Commission, Securities and Exchange Commission, Social Security Office of Disability Adjudication and Review, California Public Utilities Commission, Office of Administrative Law, Immigration Court, and the Equal Employment Opportunity Commission, often have developed skills such as:

- Expertise in the inner workings of state and federal government, and complicated legal issues with proceedings involving governmental law and regulation
- Knowledge of a broad range of issues such as business and economic regulation, industry restructuring and deregulation, contracting and project development, trade regulation, and legislative consultation and lobbying registration and reporting requirements
- Gathering the necessary, appropriate evidence
- Presenting evidence
- Eliciting testimony from witnesses
- Analyzing and evaluating proposed laws and regulations

Academic Setting – Law Professors and Lecturers:

Attorneys who have experience as professors or lecturers often have highly developed skills such as:

- Ability to motivate and inspire
- Effective public speaking
- Effective listening and mediating
- Strong legal research and analysis capabilities
- Ability to break down complex concepts in a way that makes them understandable
- Persuasive writing, including authoring articles and books
- Expertise in complex areas including ethics
- Proven ability to work with people of diverse cultural and economic backgrounds
- Effective planning and implementation capacity
- Professional demeanor
- Ability to understand trends in the law and the role of precedent, as well as the interaction between the legislative, executive, and judicial branches
- Ability to undertake sustained analysis on discrete legal issues with the goal of achieving the proper result

Legal Aid, Pro Bono, Diversity and Community Activities:

Attorneys with legal aid or pro bono experience or who participate in diversity pipeline programs frequently demonstrate:

- An understanding of the ethical responsibility to improve access to the legal system and to make it more responsive to the needs of the underprivileged and the communities served
- An ability to communicate and work with populations from diverse cultural and socio-economic backgrounds
- An understanding of the need to provide crucial legal services to the traditionally underserved such as the impoverished, defenseless and those in rural communities who cannot afford traditional legal representation
- A recognition that diversity in the profession is important to enhance the administration of justice, as well as being good for the profession, good for business, good for our communities and critical for enhancing the public's confidence in the legal profession and judicial system
- An ability to work collaboratively with individuals and groups to organize, lead, teach, motivate and inspire individuals from underrepresented groups to enter or advance in the legal profession
- Legal skills including drafting pleadings, interviewing, and presenting oral argument; leadership ability; lead counsel experience; consensus and coalition building skills; ability to develop successful client relations; good interpersonal skills; and ability to operate within a bureaucracy

Judicial Summit Reports and Recommendations

2006 Judicial Summit Report and Recommendations (Court's Working Group Report):

Located on the State Bar Website at

<http://board.calbar.ca.gov/Agenda.aspx?id=10192&tid=0&show=100002118&s=true>

2011 Judicial Summit Report and Recommendations

Located on the State Bar website at

<http://board.calbar.ca.gov/Agenda.aspx?id=10609&tid=0&show=100006268>,

or the Judicial Council's website at

<https://www.courts.ca.gov/documents/jc-20121026-item1.pdf>.

2016 Judicial Summit Report and Recommendations

Located on the State Bar Website at

<https://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000026383.pdf>



Affinity Judicial Associations: What are they, and what are they doing to increase diversity on the bench?

Wednesday, August 18, 2021
12:00 p.m. – 1:00 p.m.

MCLE: none

JCE: none

Speakers:

Moderated by: Michael Rhoads, Attorney, Co-Chair, SacLegal

Hon. Linda Colfax, Judge of the Superior Court of California, County of San Francisco , LGBT Judicial Officers of California (LGBT JOC)

Hon. Elizabeth Macias, Judge of the Superior Court of California, County of Orange, California Latino Judges Association (CLJA)

Hon. Mark McCannon, Judge of the Superior Court of California, County of Alameda, California Association of Black Lawyers, Judicial Council (CABLJC)

Hon. Sonny Sandhu, Judge of the Superior Court of California, County of Stanislaus, California Asian Pacific American Judges Association (CAPAJA)

Hon. Laura Walton, Judge of the Superior Court of California, County of Los Angeles, Association of African American California Judicial Officers (AAAJCO)

Conference Reference Materials

Points of view or opinions expressed in these pages are those of the speaker(s) and/or author(s). They have not been adopted or endorsed by the California Lawyers Association, the California Judges Association, nor the Judicial Council of California and do not constitute the official position or policy of the California Lawyers Association, the California Judges Association, nor the Judicial Council of California. Nothing contained herein is intended to address any specific legal inquiry, nor is it a substitute for independent legal research to original sources or obtaining separate legal advice regarding specific legal situations.



Program Materials

1. [PowerPoint deck](#) which includes information about CAJAC and contact information of various affinity judicial associations.
2. [Speaker Biographies](#)

Affinity Judicial Associations: What are they, and what are they doing to increase diversity on the bench?

August 18, 2021



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JUDICIAL DIVERSITY SUMMIT 2021

presented by





Speakers

Planning Committee Host: Nicole Virga Bautista, Executive Director and CEO, California Judges Association.

Moderated by: Michael Rhoads, Attorney, Co-Chair, SacLegal

Hon. Linda Colfax, Judge of the Superior Court of California, County of San Francisco, LGBT Judicial Officers of California (LGBT JOC)

Hon. Elizabeth Macias, Judge of the Superior Court of California, County of Orange, California Latino Judges Association (CLJA)

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Hon. Sonny Sandhu, Judge of the Superior Court of California, County of Stanislaus, California Asian Pacific American Judges Association (CAPAJA)

Hon. Laura Walton, Judge of the Superior Court of California, County of Los Angeles, Association of African American California Judicial Officers (AAAJCO)

“

*Diversity is having a seat at the table.
Inclusion is having a voice.
Belonging is having that voice be heard.”*

-Liz Fosslien and Mollie West Duffy





CAJAC

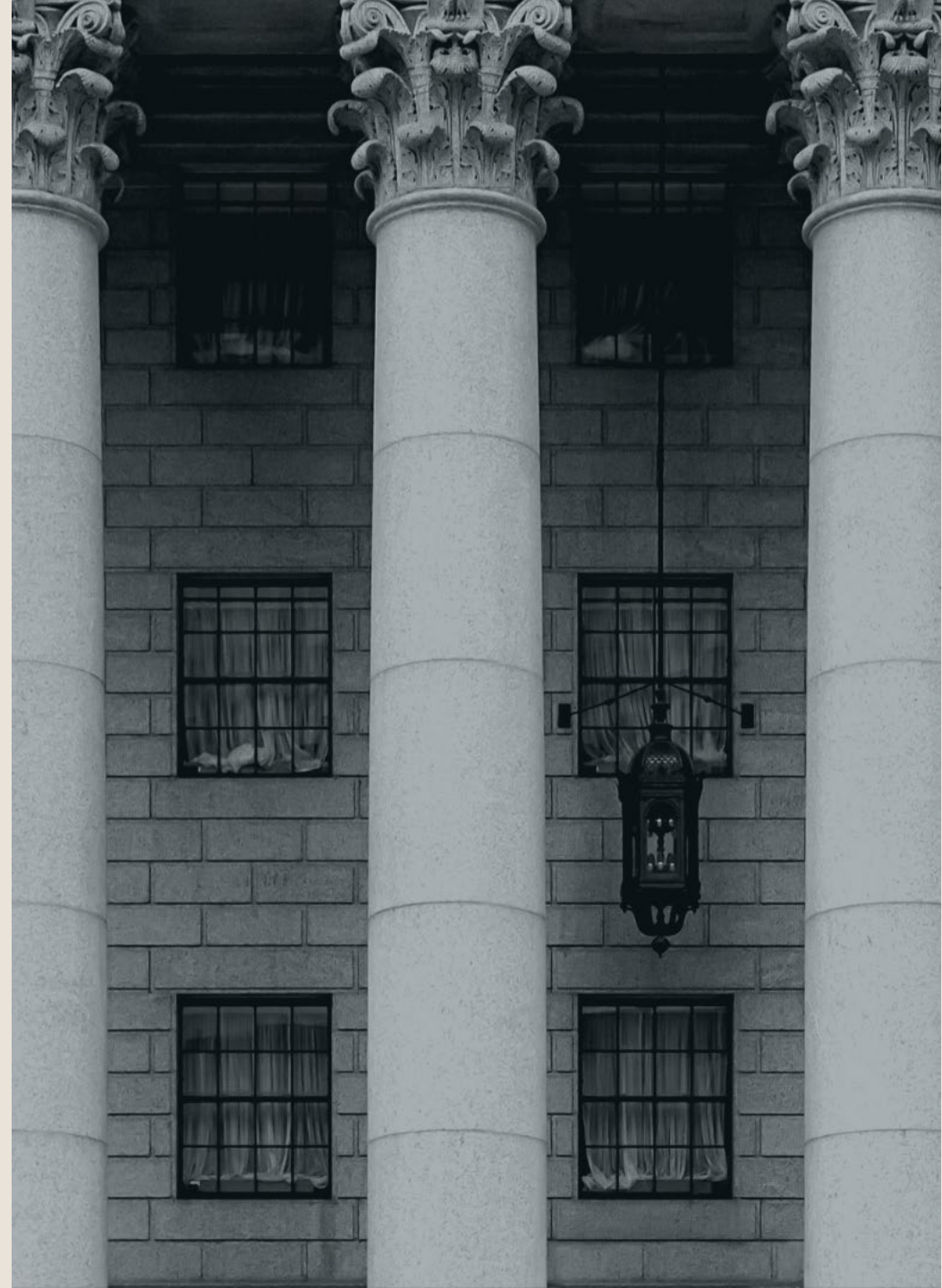
The mission of the California Affinity Judges Association Coalition (CAJAC) is to advance the goal of providing equal protection and access to justice for all in the California judicial system, through fostering mutual understanding and respect and by learning from and educating others about the histories and current realities of our communities.

The Coalition represents the great diversity of the State of California as members of the following organizations: African American Association of California Judicial Officers (AAACJO), California Association of Black Lawyers, Judicial Council (CABL, JC); California American Pacific Asian Judges Association (CAPAJA), California Latino Judges Association (CLJA); and LGBT Judicial officers of California (LGBT JOC).

Coalition members, comprised of committed leaders from each above organization, represent their associations' mission and objectives. Individually, and together, we represent the diversity that makes the Golden State strong.

Contact Information

- Association of African American California Judicial Officers (AAAJCO): AAACJO2017@gmail.com
- California Association of Black Lawyers, Judicial Council (CABLJC): mmccannon@alameda.courts.ca.gov
- California Latino Judges Association (CLJA):
CLJApresident@gmail.com; <https://calatinojudges.org>
- California Affinity Judges Association Coalition (CAJAC):
CLJApresident@gmail.com
- California Asian Pacific American Judges Association (CAPAJA): CAPAJA2020@gmail.com; www.CAPAJA.org;
www.capaja-pac.org
- LGBT Judicial Officers of California (LGBT JOC):
LGBT@caljudges.org





Speaker Biographies

Linda Colfax (she/her/hers)

Judge of the Superior Court of San Francisco

Judge Linda H. Colfax, a San Francisco Superior Court Judge since 2011, currently sits in the criminal division of the court, supervises the preliminary hearing courts and presides over serious preliminary hearings. Judge Colfax has also served as a juvenile court judge and family court judge and has presided over both civil and criminal trials. Judge Colfax is a Vice President of the California Judges Association, a co-chair of the LGBT Judges of California, a co-chair of CJA's Task Force on the Elimination of Bias and Inequality, and an active board member of the International Association of LGBTQ Judges. Prior to her election to the bench, Judge Colfax worked as a San Francisco deputy public defender. Judge Colfax earned her A.B. from Harvard and her J.D. from the University of Michigan.



**Elizabeth Macias (she/her/hers/
Judge of the Superior Court of Orange County
Judge Elizabeth G. Macias**

Judge Elizabeth G. Macias is the first in her family to graduate from college. She is a first generation Mexican-American. She was born to teenage parents who had an elementary school education and limited English speaking skills, but an extraordinary work ethic. Although her father is now retired, she proudly calls herself the daughter of a gardener because it demonstrates what is possible with hard work, support, and opportunities.

Immediately after graduating law school, Judge Macias was hired by the Federal Public Defender's Office for the Central District of California where she spent the next 14 years defending persons accused of some of the most serious federal crimes. She was appointed to the bench by Governor Brown in December 2012. In 2018, she was the first Latina appointed to serve on the Court's felony trial panel, where she continues to sit today.

In addition to her responsibilities as a trial judge, Judge Macias is the President of the California Latino Judges Association and past Vice President of the California Judges Association. She is also the chair of the California Judge's Association Diversity and Inclusivity Committee, the chair of the Advisory Board for Santa Ana High School's Legal Studies Academy, and founding chair of the Orange County Superior Court's Judicial Outreach Committee. Chief Justice Tani G. Cantil-Sakauye appointed Judge Macias to serve on the Judicial Council Advisory Committee on Providing Access and Fairness, and Governor Newsom appointed her to the Judicial Selection Advisory Committee in Orange County.

In 2017, Judge Macias was named Latina Judge of the Year by the Hispanic National Bar Association and Judge of the Year by the Orange County Hispanic Bar Association. She also received the Be the Change Award from the Affinity Bar Associations. In June 2017, Santa Ana High School, her alma mater, named its Legal Studies Academy the Honorable Elizabeth G. Macias Legal Studies Academy. In 2019, she was recognized by California State University, Fullerton with the Vision and Visionaries Award, the highest honor given to alumni. That same year, she was named Judge of the Year by the Orange County Women Lawyers Association, she received the Ohtli (Camino) Award by the Mexican Government, in recognition of her work for the advancement of Mexican nationals in the United States.

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Mark McCannon

Judge of the Superior Court of Alameda County

Judge Mark Alan McCannon graduated from the University of California at Los Angeles in 1992. He attended law school at the University of Pacific McGeorge School of Law. Judge McCannon started his legal career as a deputy district attorney with the Alameda County District Attorney's Office from 1997 until his appointment to the Alameda County Superior Court bench in 2013. He has served as supervising judge at the Wiley W. Manuel and Rene C. Davidson Courthouses in Alameda County. Judge McCannon was and remains actively involved in community organizations. Annually, he presents at the District Attorney Justice Academy-South County for students interested in legal careers. Judge McCannon also assists at East Bay Stand Down, which is a consortium of community organizations that host a four-day event every other year that brings together the nine-county homeless and at-risk military Veterans living in the Bay Area of California to connect them with services. Judge McCannon has served on the Board of Directors for the Judicial Council of California Association of Black Lawyers, the Charles Houston Bar Association and the Black Prosecutors' Association. He has also led numerous training presentations for government agencies, non-profits, and bar associations including the Alameda County Bar Association, Criminal Law Section. He has served as a panelist at several minority bar organization events, which were designed to encourage and increase minority lawyer judicial applications. Currently, Judge McCannon is the Chair Elect of the Judicial Council of California Association of Black Lawyers.

Sonny S. Sandhu

Judge of the Stanislaus County Superior Court

The Honorable Sonny S. Sandhu was appointed to a judgeship to the Stanislaus County Superior Court on October 11, 2018 by Governor Jerry Brown. Judge Sandhu is the first Asian-Pacific American judge appointed to the Stanislaus County Bench. During his tenure with the Stanislaus County Superior Court, Judge Sandhu has presided in the Criminal Arraignment court and is currently assigned to a Civil courtroom.

Prior to his appointment, Judge Sandhu served as the Public Defender of Stanislaus County. He served in several positions at the Stanislaus County Public Defender's Office from 2003 to 2017, including Chief Deputy Public Defender and Deputy Public Defender.

He earned a Juris Doctor degree from The Ohio State University Moritz College of Law. During his time there, Judge Sandhu was President of the Asian-Pacific American Law Students Association. He received his Bachelor of Arts degrees in Asian American Studies and Psychology from the University of California, Santa Barbara.

Judge Sandhu currently serves on the executive board of the California Asian-Pacific American Judges Association as the 5th District Representative.

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Laura Walton

Judge of the Los Angeles County Court

Hon. Laura Walton is a judge on the Los Angeles Superior Court. She was appointed by Governor Arnold Schwarzenegger in 2010. She currently presides over a long cause complex felony criminal court in the South Central District. Hon. Walton is a founding member and President of the Association of African American California Judicial Officers, Inc. (AAACJO), which is a statewide organization of over 100 hundred judicial officers and co-chair of the Los Angeles Superior Court Judicial Mentor Program. She is a member of the California Judges Association (CJA) and is a member and was co-chair of the CJA Criminal Law and Procedure Committee (2018-2020). In 2020, Hon. Walton was appointed to the CJA Task Force on the Elimination of Bias and Injustice Committee. She is a member of the National Association of Women Judges (NAWJ). Hon. Walton is a member of the California Association of Black Lawyers, Judicial Section (CABL JC). Also, Hon. Walton has served on the Los Angeles Superior Court (LASC) Access to Fairness Committee (2010-2019), the LASC Bar Panel Appointment Committee (2017-2019) and LASC Executive Committee (2018-2020). Hon. Walton is a seminar instructor for the Los Angeles Superior Court Judicial Education Seminars (JES) and California Judicial Education Research (CJER) (2016-current). Prior to her judicial appointment, Hon. Walton was a Los Angeles Deputy District Attorney (1995-2010). During her career as a deputy district attorney, Hon. Walton was selected for the VIP Unit that prosecutes domestic violence and sexual assault crimes and the Hardcore Gang Unit that prosecutes gang-related murders. She prosecuted over 100 cases including 30 murder trials. In 2008, she became a supervisor in the District Attorney's Office. As a deputy district attorney, Hon. Walton received numerous commendations from the Los Angeles Police Homicide Bureau, Sheriff's Homicide Bureau, Sheriff's VIP Bureau, and the Los Angeles District Attorney's Office for dedication, commitment, and outstanding trial work. Hon. Walton graduated from University of California, Berkeley in 1992, and from University of California, Berkeley Law in 1995.

Michael Rhoads, Esq.

Michael (he/him) works for the California Supreme Court as a staff attorney for Chief Justice Cantil-Sakauye and is the chair of the Court's Equity and Inclusion Committee. He is a co-chair of SacLegal (Sacramento's LGBTQ+ Bar Association), and was appointed to the State Bar's Council on Access and Fairness in 2020. He previously worked as a Deputy Legal Affairs Secretary for Governor Edmund G. Brown Jr., as a Deputy Attorney General in the Criminal Division of the California Attorney General's Office, and as a Graduate Law Clerk for the San Diego County District Attorney's Office. He is a moot court coach at UC Hastings, and has been an adjunct professor at UC Hastings, the University of San Diego Law School, and McGeorge School of Law.



From the Cafeteria to the Courtroom: Creating the pathway for tomorrow's legal professional

Wednesday, August 25, 2021
12:00 p.m. – 1:00 p.m.

MCLE: none

JCE: none

Moderators:

Tristan Higgins, Attorney, CEO, Metaclusive LLC, California Lawyers Association
Blanca Quintero, Attorney, Women of Color in the Law, Inc.

Speakers:

Hon. Rupert Byrdsong, Judge of the Superior Court of California, County of Los Angeles, California Judges Association

Hon. Linda Colfax, Judge of the Superior Court of California, County of San Francisco, LGBT Judicial Officers of California (LGBT JOC)

Hon. Robert Sanchez Dufour, Judge of the Superior Court of California, County of Los Angeles, LGBT Judicial Officers of California (LGBT JOC)

Hon. Elizabeth Macias, Judge of the Superior Court of California, County of Orange, California Latino Judges Association (CLJA)

Conference Reference Materials

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Program Materials

1. [PowerPoint slides](#) from the live presentation
2. Judges in the Classroom
https://www.courts.ca.gov/judges_in_the_classroom.htm
3. Lesson Plan: No Animals Allowed
<https://drive.google.com/file/d/1gOhN6Ajabcqqu45PyN40-UjvfuAa5x3i/view>

From the Cafeteria to the Courtroom: Creating the pathway for tomorrow's legal professional

August 25, 2021

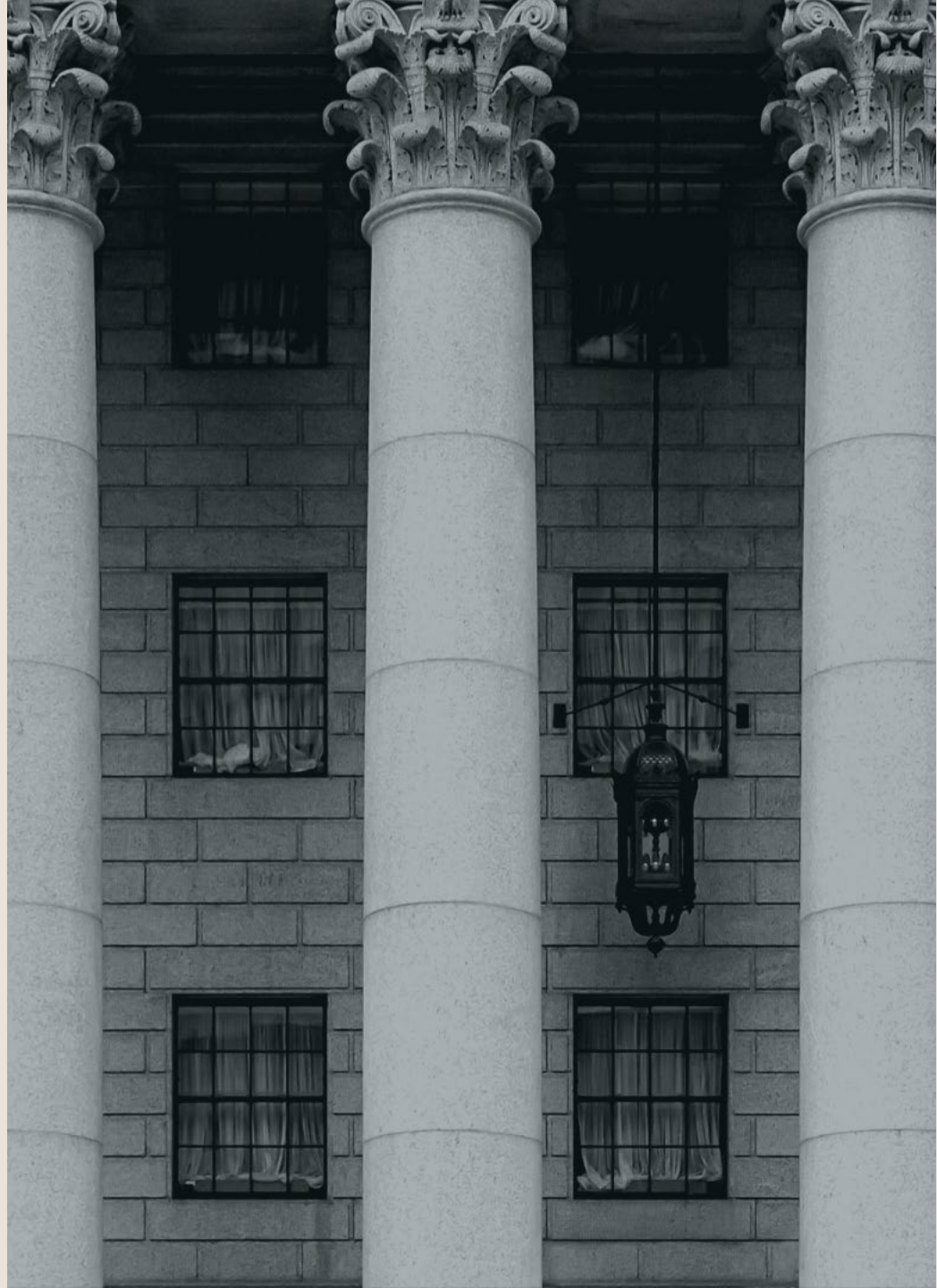


Stronger Together

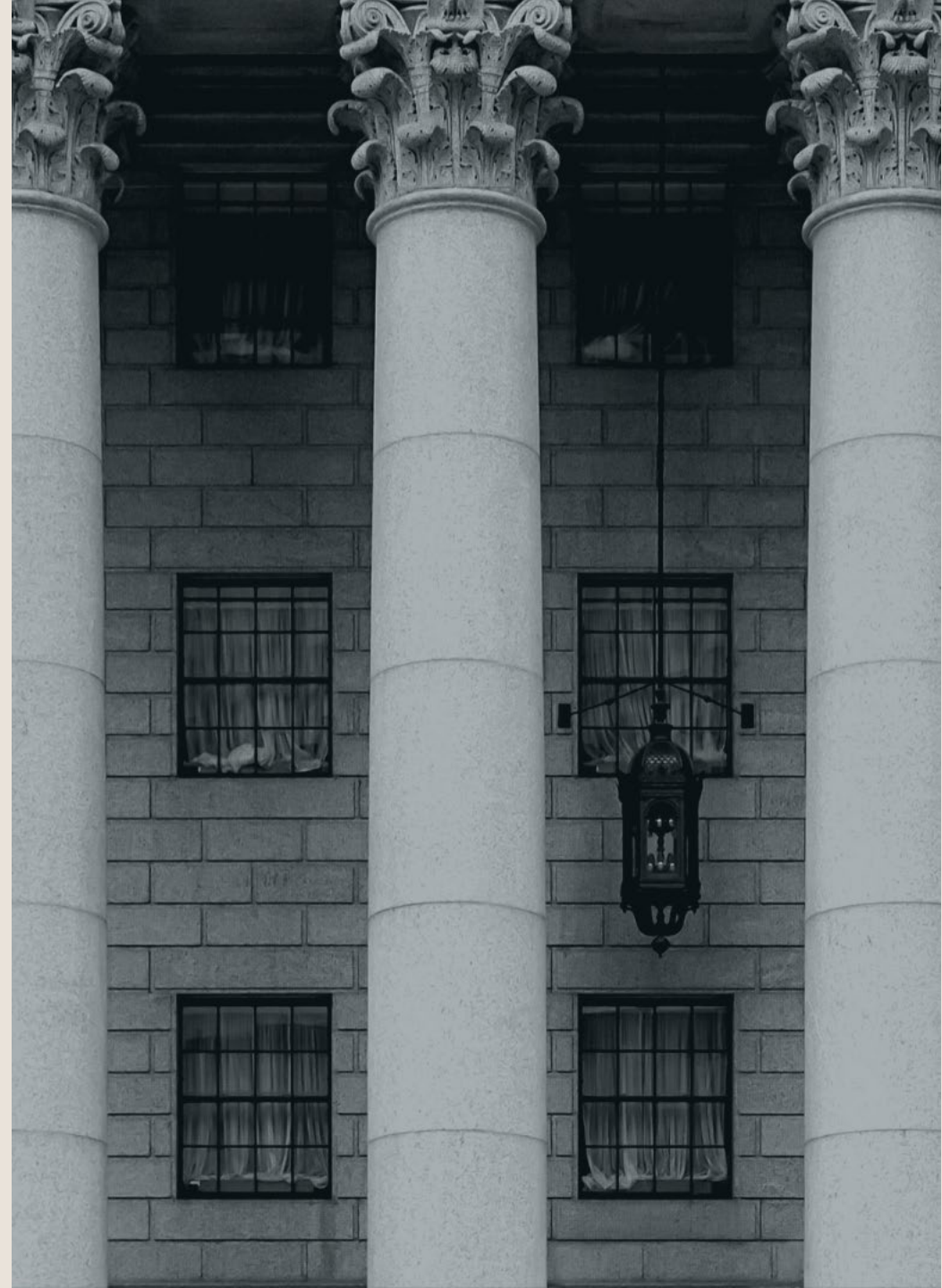
JUDICIAL DIVERSITY SUMMIT 2021

presented by











A Conversation on Barriers to the Bench

MCLE: 1.0 Hr General credit including 1.0 Hr of Elimination of Bias credit

JCE: 1.0 Hr Ethics Elective Credit

This program is compliant with Rules of Court, 10.469(e) as education on fairness and access and unconscious bias.

Wednesday, September 8, 2021
12:00 p.m. – 1:00 p.m.

Moderator:

Adeyinka Glover, Attorney, Disability Rights of California

Speakers:

Hon. Jessica Delgado, Judge of the Superior Court of California, County of Santa Clara, LGBT Judicial Officers of California (LGBT JOC)

Hon. Roderick Shelton, Judge of the Superior Court of California, County of San Diego, California Association of Black Lawyers (CABL), Judicial Section

Hon. Victoria Kolakowski, Judge of the Superior Court of California, County of Alameda

Neha Sampat Esq., CEO, GenLead|BelongLab

Conference Reference Materials

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Program Overview

Description: “Have you ever doubted your abilities and felt like you did not belong in the legal profession? Do you ever feel like advancing in your career is out of your reach?” Learn more about what imposter syndrome is, how it can affect your competence and judgement as a lawyer and strategies for beginning to overcome it. Hear from three sitting judges on the barriers they experienced and overcame during their journey to the bench. Neha Sampat, Esq. will address strategies to overcome barriers.

Goals/Objectives:

1. Discuss barriers to the bench including the cause for imposter syndrome, including why women and people of color tend to experience it at a greater rate and how it manifests in the legal world.
2. Assess the damaging impact of imposter syndrome to attorney competence, trustworthiness, and leadership.
3. Provide techniques that can be utilized to detect and overcome symptoms of imposter syndrome.
4. Equip judicial officers and attorney mentors with an understanding of Imposter Syndrome, ability to spot the symptoms, and the tools to address the syndrome.
5. To learn how judicial participation in events to increase diversity in the judiciary is consistent with the Code of Judicial Ethics.



Program Materials

1. References Cited
 - a. California Rules of Professional Conduct
 - i. [Rule 1.1 Competence](#)
 - ii. [Rule 1.3 Diligence](#)
 - iii. [Rule 1.4 Communication](#)
 - b. Judicial Canons
 - i. [Canon 4](#)
 - ii. [Canon 3B \(5\)](#)
2. [Stop Telling Women They Have Imposter Syndrome](#)
3. [Imposter Syndrome? 8 tactics to combat the anxiety](#)
4. [Fear Of Failure? Seasoned Lawyers Share Tips for Overcoming Imposter Syndrome](#)
5. [Your Chronic Stress: It's a Matter of Confidence, Not Competence](#)

This conversation is one part of a series of programs that are part of [Stronger Together - Judicial Diversity Summit 2021](#). The topics raised in this program are closely related to those of preceding and future programs. Anyone interested in additional information regarding these topics might find those programs to be helpful additional resources.

Diversity And Inclusion

Stop Telling Women They Have Imposter Syndrome

by Ruchika Tulshyan and Jodi-Ann Burey

February 11, 2021

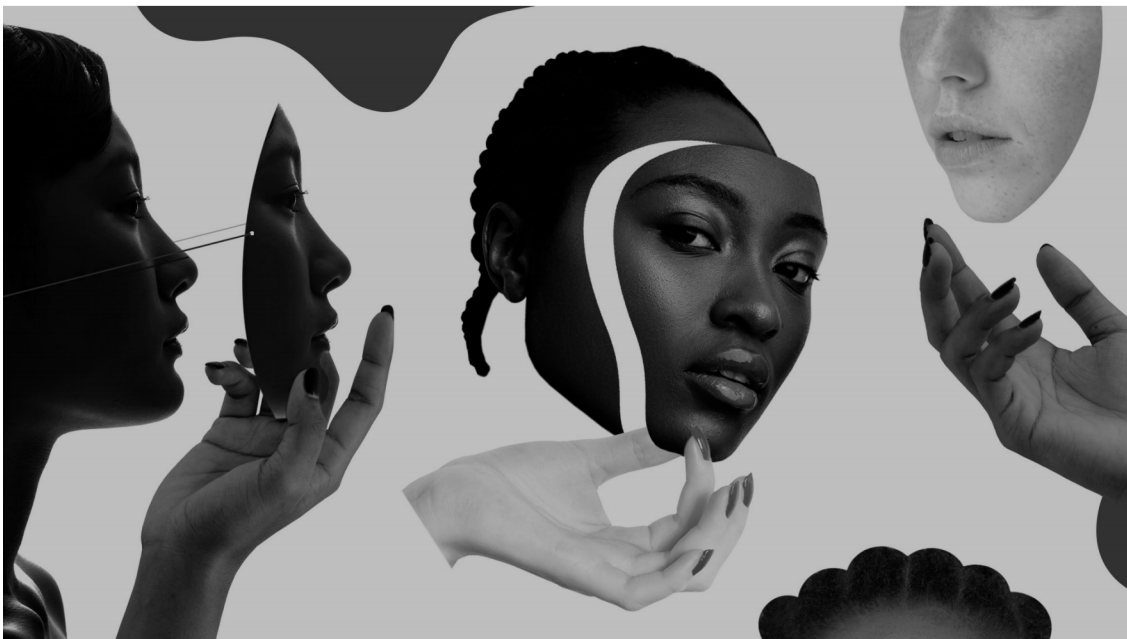


Illustration by Marysia Machulska

Summary. “Imposter syndrome,” or doubting your abilities and feeling like a fraud at work, is a diagnosis often given to women. But the fact that it’s considered a diagnosis at all is problematic. The concept, whose development in the ‘70s excluded the effects of... [**more**](#)

Talisa Lavarry was exhausted. She had led the charge at her corporate event management company to plan a high-profile, security-intensive event, working around the clock and through

weekends for months. Barack Obama was the keynote speaker.

Lavarry knew how to handle the complicated logistics required — but not the office politics. A golden opportunity to prove her expertise had turned into a living nightmare. Lavarry's colleagues interrogated and censured her, calling her professionalism into question. Their bullying, both subtle and overt, haunted each decision she made. Lavarry wondered whether her race had something to do with the way she was treated. She was, after all, the only Black woman on her team. She began doubting whether she was qualified for the job, despite constant praise from the client.

Things with her planning team became so acrimonious that Lavarry found herself demoted from lead to co-lead and was eventually unacknowledged altogether by her colleagues. Each action that chipped away at her role in her work doubly chipped away at her confidence. She became plagued by deep anxiety, self-hatred, and the feeling that she was a fraud.

What had started as healthy nervousness — Will I fit in? Will my colleagues like me? Can I do good work? — became a workplace-induced trauma that had her contemplating suicide.

Today, when Lavarry, who has since written a book about her experience, *"Confessions From Your Token Black Colleague,"* reflects on the imposter syndrome she fell prey to during that time, she knows it wasn't a lack of self-confidence that held her back. It was repeatedly facing systemic racism and bias.

Examining Imposter Syndrome as We Know It

Imposter syndrome is loosely defined as doubting your abilities and feeling like a fraud. It disproportionately affects high-achieving people, who find it difficult to accept their accomplishments. Many question whether they're deserving of accolades.

Psychologists Pauline Rose Clance and Suzanne Imes developed the concept, originally termed “imposter phenomenon,” in their 1978 founding study, which focused on high-achieving women. They posited that “despite outstanding academic and professional accomplishments, women who experience the imposter phenomenon persist in believing that they are really not bright and have fooled anyone who thinks otherwise.” Their findings spurred decades of thought leadership, programs, and initiatives to address imposter syndrome in women. Even famous women — from Hollywood superstars such as Charlize Theron and Viola Davis to business leaders such as Sheryl Sandberg and even former First Lady Michelle Obama and Supreme Court Justice Sonia Sotomayor — have confessed to experiencing it. A Google search yields more than 5 million results and shows solutions ranging from attending conferences to reading books to reciting one’s accomplishments in front of a mirror. What’s less explored is why imposter syndrome exists in the first place and what role workplace systems play in fostering and exacerbating it in women. We think there’s room to question imposter syndrome as the reason women may be inclined to distrust their success.

The impact of systemic racism, classism, xenophobia, and other biases was categorically absent when the concept of imposter syndrome was developed. Many groups were excluded from the study, namely women of color and people of various income levels, genders, and professional backgrounds. Even as we know it today, imposter syndrome puts the blame on individuals, without accounting for the historical and cultural contexts that are foundational to how it manifests in both women of color and white women. Imposter syndrome directs our view toward fixing women at work instead of fixing the places where women work.

Feeling Unsure Shouldn’t Make You an Imposter

Imposter syndrome took a fairly universal feeling of discomfort, second-guessing, and mild anxiety in the workplace and pathologized it, especially for women. As white men progress, their feelings of doubt usually abate as their work and intelligence

are validated over time. They're able to find role models who are like them, and rarely (if ever) do others question their competence, contributions, or leadership style. Women experience the opposite. Rarely are we invited to a women's career development conference where a session on "overcoming imposter syndrome" is not on the agenda.

The label of imposter syndrome is a heavy load to bear. "Imposter" brings a tinge of criminal fraudulence to the feeling of simply being unsure or anxious about joining a new team or learning a new skill. Add to that the medical undertone of "syndrome," which recalls the "female hysteria" diagnoses of the nineteenth century. Although feelings of uncertainty are an expected and normal part of professional life, women who experience them are deemed to *suffer* from imposter syndrome. Even if women demonstrate strength, ambition, and resilience, our daily battles with microaggressions, especially expectations and assumptions formed by stereotypes and racism, often push us down. Imposter syndrome as a concept fails to capture this dynamic and puts the onus on women to deal with the effects. Workplaces remain misdirected toward seeking individual solutions for issues disproportionately caused by systems of discrimination and abuses of power.

Bias and Exclusion Exacerbate Feelings of Doubt

For women of color, self-doubt and the feeling that we don't belong in corporate workplaces can be even more pronounced. Not because women of color (a broad, imprecise categorization) have an innate deficiency, but because the intersection of our race and gender often places us in a precarious position at work. Many of us across the world are implicitly, if not explicitly, told we don't belong in white- and male-dominated workplaces. Half of the women of color surveyed by Working Mother Media plan to leave their jobs in the next two years, citing feelings of marginalization or disillusionment, which is consistent with our experiences. Exclusion that exacerbated self-doubt was a key reason for each of our transitions from corporate workplaces to entrepreneurship.

“Who is deemed ‘professional’ is an assessment process that’s culturally biased and skewed,” said Tina Opie, an associate professor at Babson College, in an interview last year. When employees from marginalized backgrounds try to hold themselves up to a standard that no one like them has met (and that they’re often not expected to be able to meet), the pressure to excel can become too much to bear. The once-engaged Latina woman suddenly becomes quiet in meetings. The Indian woman who was a sure shot for promotion gets vague feedback about lacking leadership presence. The trans woman who always spoke up doesn’t anymore because her manager makes gender-insensitive remarks. The Black woman whose questions once helped create better products for the organization doesn’t feel safe contributing feedback after being told she’s not a team player. For women of color, universal feelings of doubt become magnified by chronic battles with systemic bias and racism.

In truth, we don’t belong because we were never supposed to belong. Our presence in most of these spaces is a result of decades of grassroots activism and begrudgingly developed legislation. Academic institutions and corporations are still mired in the cultural inertia of the good ol’ boys’ clubs and white supremacy. Biased practices across institutions routinely stymie the ability of individuals from underrepresented groups to truly thrive.

The answer to overcoming imposter syndrome is not to fix individuals but to create an environment that fosters a variety of leadership styles and in which diverse racial, ethnic, and gender identities are seen as just as professional as the current model, which Opie describes as usually “Eurocentric, masculine, and heteronormative.”

Confidence Doesn’t Equal Competence

We often falsely equate confidence — most often, the type demonstrated by white male leaders — with competence and leadership. Employees who can’t (or won’t) conform to male-

biased social styles are told they have imposter syndrome. According to organizational psychologist Tomas Chamorro Premuzic:

The truth of the matter is that pretty much anywhere in the world men tend to think that they are much smarter than women. Yet arrogance and overconfidence are inversely related to leadership talent — the ability to build and maintain high-performing teams, and to inspire followers to set aside their selfish agendas in order to work for the common interest of the group.

The same systems that reward confidence in male leaders, even if they're incompetent, punish white women for lacking confidence, women of color for showing too much of it, and all women for demonstrating it in a way that's deemed unacceptable. These biases are insidious and complex and stem from narrow definitions of acceptable behavior drawn from white male models of leadership. Research from Kecia M. Thomas finds that too often women of color enter their companies as "pets" but are treated as threats once they gain influence in their roles. Women of color are by no means a monolith, but we are often linked by our common experiences of navigating stereotypes that hold us back from reaching our full potential.

Fixing Bias, Not Women

Imposter syndrome is especially prevalent in biased, toxic cultures that value individualism and overwork. Yet the "fix women's imposter syndrome" narrative has persisted, decade after decade. We see inclusive workplaces as a multivitamin that can ensure that women of color can thrive. Rather than focus on fixing imposter syndrome, professionals whose identities have been marginalized and discriminated against must experience a cultural shift writ large.

Leaders must create a culture for women and people of color that addresses systemic bias and racism. Only by doing so can we reduce the experiences that culminate in so-called imposter syndrome among employees from marginalized communities — or at the very least, help those employees channel healthy self-doubt into positive motivation, which is best fostered within a supportive work culture.

Perhaps then we can stop misdiagnosing women with “imposter syndrome” once and for all.

Editor’s Note, 3/31: We added a reference to Talisa Lavarry’s book.

Ruchika Tulshyan is the author of *The Diversity Advantage: Fixing Gender Inequality In The Workplace* and the founder of Candour, an inclusion strategy firm. She is writing a forthcoming book about women of color at work.

Jodi-Ann Burey is a sought-after speaker and writer who works at the intersections of race, culture, and health equity. She is the creator and host of Black Cancer, a podcast about the lives of people of color through their cancer journeys. Her TEDx talk, “Why You Should Not Bring Your Authentic Self to Work,” embodies her disruption of traditional narratives about racism at work.

Imposter Syndrome? 8 tactics to combat the anxiety

Share:



What do Supreme Court Justice Sonia Sotomayor, Serena Williams and Tom Hanks have in common? They have all admitted to struggling at one point with Impostor Syndrome — that feeling of not being smart enough, being terrified of making mistakes and worried about being exposed as a fraud, despite career attainments or expertise.

Impostor syndrome doesn't discriminate, and can happen regardless of the level of success a person has achieved in their field. The phenomenon was the subject of a recent ABA webinar, "[The Solo/Small Firm Challenge: Conquering Adversity and the Impostor Syndrome](#)." Lacy L. Durham, tax manager of compensation and benefits at Deloitte Tax, LLP in Dallas, moderates the program, which features Amy M. Gardner and Keith R. Sbiral, both certified professional coaches and principals at Chicago-based Apochromatik.

"Impostor syndrome" was first identified in 1978 by psychologists Pauline Rose Clance and Suzanne Imes, who described it as a feeling of "phoniness in people who believe that they are not intelligent, capable or creative despite evidence of high achievement." It's generally accompanied (and exacerbated) by perfectionism, black-and-white thinking and intense fear of rejection and failure. These thought patterns create a perfect storm of insecurity, anxiety and stress. Lawyers, especially those in solo practices or small firms, can become paralyzed by these thoughts, and women and minorities can be even more affected by this negative thinking.

Durham guides Sbiral and Gardner through a Q&A on the syndrome:

Why is impostor syndrome often associated with women and attorneys of color? And, what should they know in particular?

Gardner says recent research indicates impostor syndrome has a deep impact on minority groups. "This in due in part because a lack of representation can make minorities feel like outsiders," she says. She notes that a University of Texas study found there was a connection between discrimination some minority groups already feel and the impostor syndrome. "The combination of discrimination and impostor syndrome can result in higher stress level and more negative mental health outcomes," Gardner says. "For example, research found that African-American college students had higher levels of anxiety and discrimination-related depression when they also had significant levels of impostor syndrome. Feeling like an impostor can exacerbate the impact of discrimination."

Why is impostor syndrome of particular importance to attorneys and other high achievers?

Gardner says attorneys who fail to deal with their feelings will not only hold back their careers but also negatively impact their clients. If you are struggling with impostor syndrome, no matter how successful you are in growing and building your business, clients, opposing counsel and even courts may be able to sense your lack of confidence. This may make them question hiring you (in the case of clients), question your representation (in the case of courts) or sense an opening they can exploit (in the case of opposing counsel). "We want attorneys to be able to enjoy their successes," Gardner says. "Without dealing with your impostorism, you won't be able to fully enjoy the fruits of your labors because you will be so focused on worrying that the other shoe is about to drop and that it's just been a façade."

Why should solos and small firms in particular care about impostor syndrome?

It is critical for those in solo or small firms to be able to identify and address impostor syndrome, says Sbiral, adding that the issue is just as pervasive in a large firm or organization. But there he says it's far easier to compensate for it or camouflage the effects of it. "It is not uncommon for people who struggle with impostor syndrome to select an employer whose name they can, in effect, hide behind to give themselves confidence and credibility, both in terms of how they personally feel and how they present themselves to the

world. If that helps them ultimately get to the place where they can feel comfortable and confidence without the firm's name, then that can be one way of faking it until you make it."

Sbiral says the problems come when people who have not addressed their impostor syndrome and have essentially been riding on their firm's name to feel good about their work or themselves go out on their own or join a small firm and no longer have a hiding place. "It's completely natural to have a sense of impostor syndrome when you go out on your own or join a small firm because you're exposing yourself professionally in a major way," he says. "You can't hide behind a name, firm or the success of a group in a solo or small practice. Confidence in your ability is a necessity because your clients count on your confidence to serve them."

How can the syndrome be normalized so that lawyers can understand they're not alone?

More lawyers talking about impostor syndrome is the only way to normalize it within the legal profession, Sbiral says. "Use information like this that is being shared in this webinar to start a discussion on a wider scope with people you work with," he says. "Another thing you can do is encourage other bar groups to hold a discussion on the topic. The key is to have more folks in the legal profession talking about the impostor syndrome. Every time someone talks about their own struggles, it makes it easier for others to feel like they're not alone. The feelings of impostor syndrome are normal and they can be overcome."

What are the tools to counter impostor syndrome?

- **Use logic ... or a time machine.** "Think back to other times when you feared you couldn't do something but stayed with it and did a good job anyway," says Gardner. "Looking back on those anxious moments that you overcame helps build your confidence. And use logic. Ask yourself how true are your thoughts that are you really a fraud?"
- **Remember all the incredibly successful people who have publicly said they've experienced impostor syndrome.** "Remind yourself that the feelings they were feeling were just that, they were not impostors or frauds or people who didn't deserve their own successes," she says.
- **Fake it until you make it.** "Tell yourself you are confident and you are smart. By telling yourself you have these qualities and acting as if you are, soon you won't be telling yourself or acting anymore," Gardner says.
- **Remember three little letters: YET.** "Whenever you feel inadequate or intimidated, add yet on the end," Gardner says. "For example, 'I don't know how to take a deposition, yet.' Doing so puts the emphasis back on your development and growth and allows you to focus on the future."
- **Reduce your reactivity.** "Learn to pause between the stimulus and the response," Sbiral explains. "You want to get to a point where you don't dwell on a mistake but how can I avoid this and grow from it rather than immediately leaping to the worst-case scenario."
- **Build a strong support system.** This includes getting professional help such as a coach. "They can help you where you have excelled and assist you by providing support where you've fallen short," Sbiral says.
- **Find a mentor.** Mentors can serve as reality checks and share how they overcame their own insecurities.
- **Remind yourself of your achievements.** Keep complimentary letters, emails or awards. "Keeping notes on achievements will give you a reference next time you feel those inadequacies cropping up," Sbiral says.

"Conquering Adversity and the Impostor Syndrome" was sponsored by [ABCLE](#), [ABA Center for Professional Responsibility](#) and the [Commission on Lawyer Assistance Programs](#).

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CONTINUING LEGAL EDUCATION / CLE, SPONSORED CONTENT

Fear Of Failure? Seasoned Lawyers Share Tips For Overcoming Imposter Syndrome

During an unprecedented pandemic year, personal and professional anxieties can throw even the most seasoned lawyers off their games.

By Practising Law Institute

July 12, 2021 at 2:45 PM



During an unprecedented pandemic year, personal and professional anxieties can throw even the most seasoned lawyers off their games. If you struggle with lack of confidence, perfectionism, imposter syndrome — or all of the above — you're not alone. Three experienced attorneys recently sat down to discuss the topic, and strategies for success, in the Practising Law Institute Studio Briefing, **Imposter Syndrome in the Legal Community – Fear of Failure and Perfectionism**. Here are some key takeaways:

It's more common than you think. Surveys have shown that up to 70 percent of people may experience imposter syndrome, defined as “The persistent inability to believe that one's success is deserved or has been legitimately achieved as a result of one's own efforts or skills,” according to the program's moderator, Cameron G. Stout, of Stout Heart, Inc.

Stout, a financial services defense litigator and mediator who has battled major depression, now shares his story of hope and resilient recovery as he coaches other attorneys facing challenging times. While imposter syndrome is not classified as a mental health disorder, it can be a contributing factor in serious conditions like anxiety and depression — so it's important to recognize and address its symptoms.

Don't compare. In a field of high achievers like the legal profession, it can be nearly impossible not to look around and compare yourself to others. Joseph Milowic III, an Intellectual Property partner at Quinn Emmanuel and a founder of the Lawyers Depression Project, noted that he has often felt he isn't at the caliber of his colleagues boasting multiple Ivy League degrees and other impressive backgrounds (including an actual rocket scientist). But in trying to keep up and get ahead on others' achievements instead of focusing on his own, he said, "I ran to the point of exhaustion and couldn't run anymore." Recovering from this burnout required a perspective shift, to "realizing that I am good enough," he added.

Try vulnerability. Andrea L. Colby, an IP attorney and professional coach with Pro Se, LLC, recalled a time early in her career when she was promoted to a role in which she supervised other attorneys. Struggling with impostor syndrome, she worried that her promotion had to do with her gender, and that she wasn't as knowledgeable or experienced as the lawyers she was supervising. To overcome the challenge, she said, she learned to make herself vulnerable by asking for direct feedback about where she fell short and how she could serve clients and colleagues better.

While showing vulnerability at work can be daunting, the speakers acknowledged, everyone can benefit from connecting with others. If we're not showing our authentic, true selves at work, Stout asked, "Aren't we really being imposters — trying to be the person we think others expect us to be?"

In fact, allowing yourself to be vulnerable and kind at work can help you fulfill your ethical obligations to clients, as you'll be able to serve them better.

For more insights, tips and resources, visit the PLI program, **Imposter Syndrome in the Legal Community – Fear of Failure and Perfectionism**. If you or someone you know is struggling with depression, visit The Lawyers Depression Project. Help is also available through your state's Lawyers Assistance Program.



WELL-BEING

Your Chronic Stress: It's a Matter of Confidence, Not Competence

For many lawyers, imposter syndrome is a source of intolerable stress.

By Neha Sampat

It is easy to blame chronic stress on deadlines, long hours, and the high-stakes nature of lawyers' work. But for many, the most intolerable stress is due to imposter syndrome — the belief that you are not competent enough in the work you do (or want to do), combined with a fear of being discovered as a fraud.

Lawyers are trained skeptics, masters of issue-spotting, and paragons of perfectionism. Unsurprisingly, they often direct these traits inward, distrusting their abilities and seeing gaps in their experience or expertise as liabilities, instead of opportunities to grow.

I often hear this expressed in comments like these:

"I feel intimidated by others in my field and believe they are better lawyers than me."

"When I get calls from prospective clients with questions in certain substantive areas, I feel so nervous that I quickly refer them to other attorneys at my firm."

"I keep applying to target jobs, but I never get them, so I must not be qualified."

Does This Constant Questioning of Qualification Feel Familiar?

Imposter syndrome is as sneaky as it sounds, masquerading in your mind as a "crisis of competence" when it is really a crisis of *confidence*. In fact, the narrative of incompetence can be so deeply rooted that it is hard to contemplate a perspective that takes into fair account your true strengths and experience.

You're not alone if you're thinking, "Yeah, I know imposter syndrome is real, but in this area, it's not just that I don't feel confident. I'm *really* not good enough."

You might hesitate to dig deep here for fear you will discover more proof of incompetence and feel even crappier about yourself.

But in trying to outrun imposter syndrome, not only do you keep living with the stress it causes, you may be putting yourself at greater risk of *actual* poor performance. (So a confidence issue masquerading as a competence issue actually can *become* a competence issue!)

Imposter Syndrome Can Lead to Chronic Stress and Self-Sabotaging Behavior

In some cases, the imposter syndrome-fueled anxiety leads to self-sabotage, providing support for your belief that you are not good enough. For example, a man who concluded that lack of qualification was keeping him from landing target jobs reported that the longer his job search dragged on, the more nervous he became in interviews, and the poorer he performed. This poor performance reinforced the false narrative that he was not qualified for his target jobs, which, of course, made him feel and appear even more nervous and incapable.

And so the cycle persists.

Unchecked, imposter syndrome can also obstruct your competence by keeping you from learning and improving. Like the lawyer who passed cases on to others, the stress caused by imposter syndrome keeps you from taking opportunities that would let you prove to yourself that you are or can become strong in that area.

How the Stories We Tell Can Break the Cycle

Luckily, there are many ways to break this cycle and thereby reduce your stress. One way is the exercise of sharing stories of self-doubt. Most lawyers I've worked with report feeling great relief once they realize they are not alone in battling imposter syndrome. (In fact, they are far from alone: Recent studies estimate around 70 percent of people experience imposter syndrome, and many of the traits that lead to it are particularly common among lawyers.)

When you learn that many other lawyers, including ones you view as superstars, have struggled with self-doubt, you can appreciate that lack of competence is not the issue — confidence is!

That lawyer who felt intimidated by others in her field eventually shared her self-doubt and was surprised to learn that those she talked to believed themselves to be the less-qualified lawyer! This mutual intimidation not only made her realize that, quite possibly,

she was more competent than she had thought, but also that she was not alone in experiencing self-doubt.

“Imposter syndrome breeds and feeds on isolation; vulnerable story-sharing defangs it.”

Connecting over the shared experience of imposter syndrome can happen in the engineered safe space of a workshop or one-on-one with an admired colleague, friend or mentor/mentee. At first, you may feel more comfortable thinking about a positive outcome that followed feelings of self-doubt and sharing that story with one person. (“Phew, I know we won that case, but I gotta’ tell you, I was really sweating it out.”)

You also could spur a conversation by bringing up this post or any other article on imposter syndrome and talking about what struck you most.

Starting with someone who doesn’t directly manage you might make the conversation feel less risky and more comfortable.

Often, when you talk about your imposter syndrome, the other person feels less alone and will share back. This mutual story-sharing builds courage and provides another perspective on your abilities. It will help disrupt your narrative of incompetence and replace it with one of confidence, capability, and comfort.

Stronger Together

JUDICIAL DIVERSITY SUMMIT 2021

FOR JUDICIAL OFFICERS, ATTORNEYS & LAW STUDENTS

Free
virtual
events

The Judicial Diversity Summit has been held every five years since 2006 to assess the efforts to increase judicial diversity in California, and to make recommendations for future activities and initiatives to diversify the judiciary. This year, the summit is titled Stronger Together: Judicial Diversity Summit 2021, and will be held remotely on three Tuesday evenings on September 14, 21 and 28. The intended audience for the summit is judicial officers, attorneys, and law students.



Leading up to the summit, we will be hosting a series of events planned by affinity associations in August and September, including a kickoff event and five lunchtime 1-hour educational sessions:

8/4 – 5:00 PM **Judicial Diversity Yesterday**

8/11 – 12:00 PM **Judicial Mentoring: Inside and Out**

8/18 – 12:00 PM **Affinity Judicial Associations**

8/25 – 12:00 PM **From the Cafeteria to the Courtroom**

9/1 – 12:00 PM **Increasing Diversity in Underrepresented Courts**

9/8 – 12:00 PM **Barriers to the Bench**

9/14 - SUMMIT DAY 1

JUDICIAL DIVERSITY TODAY

Opening remarks by Hon. Tani G. Cantil-Sakauye,
Chief Justice of California

4:30 PM - 6:00 PM

9/21 - SUMMIT DAY 2

SHARING WHAT IS WORKING - "SIDE BARS"

4:30 PM - 6:00 PM

9/28 - SUMMIT DAY 3

JUDICIAL DIVERSITY TOMORROW

4:30 PM - 6:30 PM

[LEARN MORE](#)

Please contact us at JDS@calawyers.org or (916) 516-1721 if you seek accommodations or have questions about this event.



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9/14 at 4:30 - 6:00 PM | SUMMIT DAY 1

JUDICIAL DIVERSITY TODAY

Opening Remarks:

Hon. Tani G. Cantil-Sakauye, Chief Justice of California
Hon. Thomas Delaney, Judge of the Superior Court of California, County of Orange and President of the California Judges Association
Emilio Varanini, Attorney and President of the California Lawyers Association

Level Set: How are We Doing?

Judicial Diversity: A Facilitated Discussion on the Definition of Judicial Diversity

9/28 at 4:30 - 6:30 PM | SUMMIT DAY 3

JUDICIAL DIVERSITY TOMORROW

Judicial Track | Elevation and Courtroom Assignments

Attorney Track | Get Creative: Alternative Paths to the Bench

Keynote Address:

Luis Céspedes, Judicial Appointments Secretary, Office of Governor Gavin Newsom

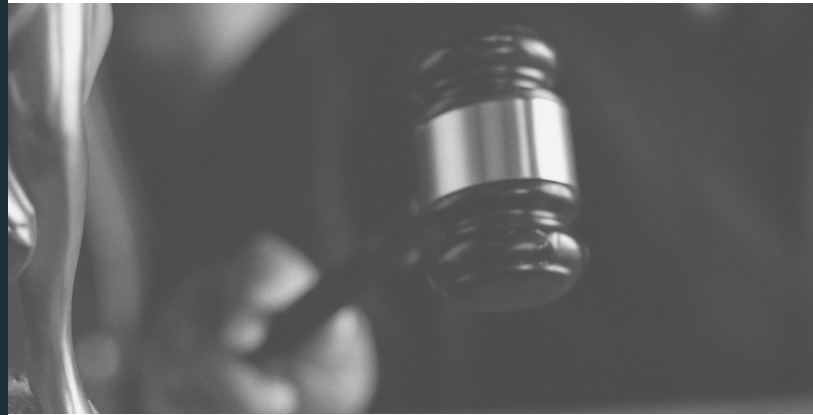
9/21 at 4:30 - 6:00 PM | SUMMIT DAY 2

WHAT WORKS

What is the Judicial Nominations Evaluation (JNE) Commission Doing Differently?

California's New Judicial Mentoring Program

Side Bar Conversation: The "Perceived" Glass Ceiling



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