



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-188

For business meeting on December 2, 2022

Title	Agenda Item Type
Judicial Branch Administration: Judicial Branch Strategic Plan Amendments	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 2, 2022
Submitted by	Date of Report
Hon. Marsha G. Slough, Chair Executive and Planning Committee	November 3, 2022
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Executive Summary

The *Strategic Plan for California's Judicial Branch* sets forth the seven principal goals for guiding and improving the statewide administration of justice. Recent tragedies and events have reenergized racial and social justice reform movements and motivated action across government and in communities to affirm the core values of democracy and ensure fair and equitable treatment for all. As the judicial branch continues working to advance access, fairness, and diversity in the justice system, these events and the related public discourse on the importance of diversity (representation and responsiveness to individual and group differences) and inclusion

(leveraging diversity to foster an environment of respect and engagement) have prompted reflection on how these fundamental values are articulated in the branch’s strategic plan.

The Judicial Council has a timely opportunity to elevate and further define the strategic plan’s focus on access, fairness, and diversity by adding specific language on inclusion to Goal I and emphasizing inclusion within the context of other goals in the plan. The chairs of the Judicial Council’s internal committees propose several amendments with clarifying language to make explicit the branch’s commitment to leveraging diversity to foster an inclusive court system in which all individuals are—and feel—respected and engaged, and their contributions are valued.

Recommendations

The Judicial Council’s internal committee chairs recommend the Judicial Council, effective December 2, 2022, make the following changes to the *Strategic Plan for California’s Judicial Branch*:

1. Approve the addition of the term “inclusion” to the overarching articulation of Goal I, Access, Fairness, and Diversity, and add specific additional references to inclusion within the introductory language to the goal and related recommended best practices;
2. Approve the addition of language to emphasize inclusion within the introductory statements and related recommended best practices to Goal IV, Quality of Justice and Service to the Public, and Goal V, Education for Branchwide Professional Excellence; and
3. Approve other clarifying language amendments.

The text of the proposed revisions is included as Attachment A to this report.

Relevant Previous Council Action

The judicial branch strategic plan sets the direction for improving the quality of justice by advancing the consistent, independent, impartial, and accessible administration of justice.

The first branch strategic plan was created and approved by the council in 1992, in response to the analysis of the Commission on the Future of the California Courts in *Justice in the Balance: 2020*.¹ In December 2006, the council adopted an updated plan for 2006–2012. In December 2014, the council added a seventh goal to the plan regarding the necessity of securing adequate, stable, and predictable funding for the branch to meet operational needs and fulfill its constitutional responsibilities to the public. In July 2019, the council reaffirmed the strategic plan goals for the judicial branch.² Since adoption of the plan by the Judicial Council in 1992, and in

¹ Available at www.courts.ca.gov/documents/2020.pdf.

² Judicial Council of Cal., Internal Com. Rep., *Judicial Branch Administration: Proposal to Reaffirm an Updated Strategic Plan for California’s Judicial Branch* (June 26, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7413381&GUID=F3B712AC-A6A6-4B79-BA66-F7E2F70DE65F>.

all subsequent iterations, the goal of access, fairness, and diversity has served as an anchor in guiding the branch’s strategic priorities.

Analysis/Rationale

The strategic goals that the council adopted represent foundational and enduring priorities for the judicial branch. For decades, the Judicial Council has developed and implemented branchwide initiatives, programs, and services to enhance and promote diversity and inclusion within California’s court system. A summary of the council’s initiatives promoting diversity and inclusion is included as Attachment B, and Attachment C contains a summary of the council’s educational offerings promoting diversity and inclusion. The judicial branch continues to advance access, fairness, and diversity in the justice system, and this work remains central to how the branch effectively serves court users and the public at large.

Policy implications

This proposal would make explicit a commitment to leveraging diversity to foster an inclusive court system in which all individuals are—and feel—respected and engaged, and their contributions are valued. It also reaffirms each of the seven goals in the *Strategic Plan for California’s Judicial Branch*.

Alternatives considered

No other alternatives were considered as the internal chairs determined this addition to the strategic plan necessary due to the importance of inclusion to the branch.

Fiscal and Operational Impacts

The proposed changes impose no specific implementation costs on the courts.

Attachments and Links

1. Attachment A: Recommended Amendments to the Judicial Branch Strategic Plan
2. Attachment B: Judicial Council of California Diversity, Equity, and Inclusion Initiatives
3. Attachment C: Judicial Council of California Diversity, Equity, and Inclusion Educational Offerings

Recommended Amendments to the Judicial Branch Strategic Plan

Goal I. Access, Fairness, ~~and~~ Diversity, and Inclusion

[Introductory Statement] 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 and social backgrounds. The makeup of California’s judicial branch will reflect the diversity of the state’s residents. The judicial branch will leverage diversity to foster an inclusive court system in which all individuals are—and feel—respected and engaged, and their contributions are valued.

California’s judicial branch serves an increasingly diverse population. The branch must work to remove all barriers to access and fairness by being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender, sexual orientation, and age diversities, and to all people as a whole. Branch efforts in this regard must include ensuring that the courts are free from both bias and the appearance of bias, meeting the needs of increasing numbers of self-represented litigants, demonstrating inclusion and remaining receptive to the needs of all branch constituents, ensuring that court procedures are fair and understandable, and providing socially and culturally responsive programs and services. Finding effective strategies for removing barriers in all case types will require a continued branchwide commitment to innovation, excellence in public service, and strong leadership at local and state levels.

In addition, to serve the state people of California effectively, public servants in the judicial branch should reflect-be representative of the diversity of the state’s population and continue efforts to enhance public trust and confidence by working with other branches of government toward a ~~judicial branch that mirrors the state’s diversity~~ strongly diverse judiciary.

Recommended Best Practices

1. Identify and work to eliminate all barriers to access to judicial branch programs and services.
2. ***
3. Work to prevent bias, and the appearance of bias, in ~~all parts of~~ the judicial branch and its operations.
- 4.–8. ***
9. Promote respectful interaction and a dignified experience for court users and employees of the judicial branch.

~~9:10.~~ Implement, enhance, and expand multilingual and culturally and socially responsive programs, including educational programming, self-help centers, and interpreter services.

~~10:11-12.~~ ***

Goal IV. Quality of Justice and Service to the Public

[Introductory Statement] The judicial branch will deliver the highest quality of justice and service to the public. In order to remain responsive to the varying needs of diverse court users, the judicial branch will work with branch constituencies to better ascertain court users' needs and priorities. The branch will also employ community outreach to provide information about the judicial branch to the public, and effect programs and strategies to ensure that court procedures and processes are fair, inclusive, and understandable.

Recommended Best Practices

1.-2. ***

3. Provide services that meet the needs of all court users and that promote social and cultural sensitivity and inclusion, and a better understanding of court orders, procedures, and processes.

4.-6. ***

7. Improve the quality of jury service, including compliance with summonses and a heightened awareness of the civic responsibility for jury service; work to achieve a fair cross-section of the community in jury ~~venires~~ panels.

8. ***

Goal V. Education for Branchwide Professional Excellence

[Introductory Statement] ***

Professional excellence is the standard and expectation for all judicial officers and court personnel throughout California's judicial branch. The judicial branch must provide ongoing professional development, education, and training to continuously improve the administration of justice and address ~~many concerns~~ areas of change, including:

1. - 4. ***

5. Succession planning through A accelerated management and executive development programs ~~needed to complement succession planning efforts~~.

6. Importance of procedural fairness in all court operations and interactions with the public.

7. Addressing implicit bias and fostering inclusion within the judicial branch workforce and with court users.

8. ***

Recommended Best Practices

1. ***

2. Maintain and enhance branchwide professional development by continually identifying new subject-matter experts and developing new qualified, diverse faculty, and inclusive educational resources, and service-delivery approaches.

3. Create and maintain education-based partnerships between judicial branch entities and institutes of higher learning, nonprofit organizations, and other professional organizations to maximize shared use of learning resources and to ensure branchwide access to comprehensive, and relevant, educational content.

4. – 5. ***

Judicial Council of California Diversity, Equity, and Inclusion Initiatives

- **Ad Hoc Racial Justice Working Group** (Advisory Committee on Providing Access and Fairness) to gather information on branchwide efforts on racial justice and bias, work with stakeholders in promoting those activities, and consider recommendations on racial justice.
- **Workgroup to Enhance Administrative Standards Addressing Bias in Court Proceedings** to consider how state courts should implement local bias committees (Cal. Stds. Jud. Admin., std. 10.20, Court’s duty to prohibit bias).
- **Workgroup for the Prevention of Discrimination and Harassment** to improve how judicial branch entities prevent and address harassment, discrimination, retaliation, and inappropriate conduct at their workplaces, including new rules that clarify how courts should update policies to expressly address inappropriate workplace conduct and complaint reporting and response procedures.
- **Racial Equity and Inclusion Work Group** (Collaborative Justice Courts Advisory Committee) to convene a working group of Collaborative Justice Courts Advisory Committee members to identify best practices and priority policy areas for improving equity within collaborative court programs. The working group will gather information on equity efforts and challenges throughout court collaborative programs in California and nationally and consider recommendations on equity to the committee. This project is aligned with national efforts in collaborative courts that have developed programmatic and data-driven solutions to address racial disparities.
- **California Jury Selection Workgroup** (California Supreme Court) to study changes or new measures to guard against impermissible discrimination in jury selection, including diversity in jury pools, changes to jury instructions, and the impact of unconscious bias.
- **Workgroup on Homelessness** to study and recommend ways the judicial branch can further assist people experiencing homelessness or facing the possibility of losing their homes; includes investigating the disproportionate impact of homelessness on people of color.
- **Education on bias**
 - Amendment of rule 10.469 of the California Rules of Court (effective Jan. 1, 2021) to make education on unconscious bias and the prevention of discrimination and harassment mandatory for judicial officers.
 - Expansion of bias education for the judicial branch, including designing and delivering additional bias courses, adding to the Access & Fairness podcast series and the Continuing the Dialogue video series, adding bias content to the Presiding Judges/Court Executive Officers Institute, and providing mandatory bias training for Judicial Council employees. Programs and training resources

include topics such as implicit bias and judicial decision-making, social cognition, judicial ethics, and unconscious demotion.

- ***Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant*** published annually under Penal Code section 1170.45 since 2001 (available at www.courts.ca.gov/7466.htm).
- **Increasing focus on diversity, equity, and inclusion within the Judicial Council staff**
 - Appointed a diversity, equity, and inclusion (DEI) officer within the Human Resources office to build on the ongoing DEI efforts and lead the pursuit of additional priorities such as proposing DEI goals and initiatives and identifying key metrics.
 - Judicial Council employee recruitment: Broadened recruitment outreach through established partnership with Professional Diversity Network to offer comprehensive and inclusive options that allow for all positions listed on the “Careers” webpage of the California Courts website to be shared on Professional Diversity Network’s website and their network of affiliate sites targeting underrepresented groups. Staff also attended several diversity career fairs to widen applicant pools.
- **Language access**
 - Adoption and implementation of the *Strategic Plan for Language Access in the California Courts* (www.courts.ca.gov/documents/CLASP_report_060514.pdf).
 - Public outreach campaign: Free public webinars providing an overview of language access services and multilingual materials available for court users.
 - *Model Translation Guidelines for the Courts*.
 - Implementation of rule 1.300 of the California Rules of Court on using technology and other means to expand access for court users with limited English proficiency to court-ordered services in their language.
 - Language access signage and technology grants, including support for remote technology.
 - Annual language access survey.
- **Self-Help Guide to the California Courts** (<https://selfhelp.courts.ca.gov/>): Online self-help resources on a wide variety of legal topics—basic information, step-by-step guides, frequently asked questions, and triage to identify and complete the correct legal forms and understand the court process, including how to find interpreters and obtain appropriate accessibility accommodations. Information is provided in English and Spanish. Chat resources are available for family law, small claims, fee waivers, evictions, name change, and other topics. Links are provided to court self-help centers, legal aid programs, and other legal resources.

- **Self-Help Centers**
 - Supported funding to expand attorney-supervised, court-based self-help centers to over 125 locations with 314 staff members to serve over 1 million persons per year.
 - Expanded JusticeCorps to include over 250 college students who provide at least 300 hours of volunteer service in self-help centers as well as 41 full-time postgraduate fellows per year.
- **Online Immigration Resource Directory** (www.courts.ca.gov/immigration.htm) of information and resources available from federal, state, local, and nongovernmental entities in California.
- **Tribal Court–State Court Forum**
 - *California Tribal Court–State Court Joint Jurisdiction Toolkit: A Resource Guide to Promote and Facilitate Cross-Jurisdictional Collaboration.*
 - *Bench Handbook: The Indian Child Welfare Act.*
 - Implemented a legislative proposal to facilitate recognition of tribal court orders regarding the division of marital assets.
 - *Indian Child Welfare Act (ICWA): Best Practices Guide for California Courts and Judicial Officers.*
- **Sponsorship of Assembly Bill 855** in 2021 to make **Native American Day** a judicial holiday in lieu of Columbus Day.
- **Persons with disabilities**
 - ADA requirements for court activities, programs, and services (Cal. Rules of Court, rule 1.100).
 - Accessible web pages.
 - Accessible Judicial Council forms: Ongoing revision for accessibility for those with visual impairments and translation into multiple languages, focusing on those forms most likely to be used by self-represented parties.
- **Gender**
 - Gender-neutral Judicial Council forms.
 - Self-help page on recognition of gender change and forms for name and gender change.
 - Use of gender-neutral language in jury instructions (Cal. Rules of Court, rule 2.1058).
 - Sexual harassment awareness and prevention training.
- **Ability to Pay:** As part of a pilot program, the Judicial Council worked with seven California superior courts to develop an online option for people struggling with court debt from eligible infraction violations. The MyCitations tool allows users to look up their citation, answer a series of simple questions, and submit a request to

the court for a possible reduction in the amount owed. Users can also request a payment plan, more time to pay, or community service in lieu of payment. With the passage of Assembly Bill 143 (Stats. 2021, ch. 79), each of the 58 trial courts will offer online ability-to-pay determinations using MyCitations by June 30, 2024.

- **Pretrial Pilot:** The program aims to increase the safe and efficient release of arrestees before trial, use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances, validate and expand the use of **risk assessment tools**, and assess any bias. A Legislative report containing recommendations to mitigate bias and disparate effect in pretrial decisionmaking will be submitted in January 2022.
- **Judicial demographics tracking and public reporting:** Aggregate annual demographic data on gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California justices and judges (Gov. Code, § 12011.5(n)).
- **Pathways to Achieving Judicial Diversity:** Toolkit, local outreach, Judicial Diversity Summits
 - Cosponsored Judicial Diversity Summit in 2011, 2016, and 2021 to discuss issues impacting judicial diversity, assess efforts to increase judicial diversity, and make recommendations to support judicial diversity efforts, in partnership with the California Lawyers Association (CLA) and California Judges Association (CJA).
 - Updated the *Pathways to Achieving Judicial Diversity* toolkit into a digital-first, online resource for judicial officers and courts to conduct outreach and provide programs to underrepresented attorneys and communities (www.courts.ca.gov/partners/judicial-diversity-toolkit.htm).
 - Since October 2019, cosponsored, organized, and conducted 11 presentations on judicial demographics, the *Pathways to Achieving Judicial Diversity* toolkit, and the judicial appointment process with partners including the Governor’s Office of Judicial Appointments, Commission on Judicial Nominees Evaluation, CLA, and CJA.
- **Community outreach**
 - Judges in the Classroom, the Chief Justice’s Power of Democracy Committee event, provided California’s diverse student population with exposure to judicial officers.
 - Standard 10.5(a) of the California Standards of Judicial Administration provides for community outreach as an official judicial function.
- **Collaborative Justice Courts**
 - Education programs for judges, court personnel, and partners on meeting the needs of adults and youth with behavioral health issues.

- *Homeless and Community Court Blueprint* to assist courts in expanding capacity to help those who are homeless or housing insecure; Homeless Court Summit.
- *Girls' Court and Commercially Sexually Exploited Children Court Model Briefing* that provides an overview of girls' courts and courts designed to meet the needs of commercially sexually exploited children of all genders.
- *Mental Health Services Act Information Sheet: A Guide for Courts to Access Funding* and the Mental Health Services Act Funding webinar to help courts better understand how to access Mental Health Services Act funding.
- Distribution of National Association of Drug Court Professionals' *Equity and Inclusion* toolkit to collaborative courts.
- **Judicial Council employee recruitment:** Broadened recruitment outreach through established partnerships with LatPro, Inc., also known as DiversityJobs.com, and Professional Diversity Network to offer comprehensive and inclusive options that allow for all positions listed on the California Courts website to be shared on these and affiliate websites.
- **Nominations and appointments to advisory committees:** California Rules of Court, rule 10.32(a)(2): "[N]ominees should represent diverse backgrounds and experiences as well as geographic locations throughout California."

Judicial Council of California Diversity, Equity, and Inclusion Educational Offerings

Extensive education and training have been dedicated to diversity, equity, and inclusion efforts across the branch. Three major Judicial Council offices that offer extensive education and training are the Center for Judicial Education and Research, the Center for Families, Children & the Courts, and Criminal Justice Services. Following is a summary of what is offered under each of these offices as it relates to diversity, equity, and inclusion.

CENTER FOR JUDICIAL EDUCATION AND RESEARCH

The Judicial Council of California's Center for Judicial Education and Research (CJER) educates the state's approximately 2,500 justices, judges, and subordinate judicial officers and nearly 20,000 court staff as required by California Rules of Court, rules 10.451–10.491. California's judicial officers and court personnel participate in mandatory and elective in-person, live remote, and distance education to perform their responsibilities competently, impartially, and efficiently. Judicial branch education supports standardizing court practices and procedures to ensure that all Californians have equal access to participate in court proceedings and are treated fairly.

Education is designed and delivered on a two-year planning cycle to meet the judicial branch's shifting educational needs. Unconscious bias and cultural competency content are integrated into products across all subjects. CJER offers live education, both in person and remote, that emphasizes interactivity and a learner-centered content approach. CJER Online contains in-depth distance education resources including videos, webinars, podcasts, job aids, bench tools, publications, program materials, and online courses.

From 2017 to present, CJER has offered 336 hours of live (in-person and remote) diversity, equity, and inclusion education to 5,527 judicial officers and court employees, at all levels. CJER Online provides 83 hours of online resources related to diversity, equity, and inclusion that are available to judicial and non-judicial court audiences. These online resources have received 20,373 plays since 2017.

- The **Cultural Responsiveness Channel** plays a selection of Continuing the Dialogue videos for people interested in learning more about diverse cultures, LGBTQ+ issues, and those with apparent and non-apparent disabilities, and how to relate respectfully to these demographics of people.
- **Faculty Development Fundamentals** is a four-day course that offers two hours of fairness content for volunteer faculty participants, exploring how fairness intersects with course development and delivery. CJER has also developed individual two-hour or full-day live courses focused on this content (e.g., Workplace Civility and Inclusive Leadership).

- **Implicit Bias and Judicial Decision-Making** is a one- to two-hour course that explores how unconscious biases can impact the impartiality and integrity of judicial decisions. The course helps judges become more comfortable in identifying potential biases and provides suggestions and tools for mitigating them. The course was offered at many of CJER's institutes in fiscal years 2016–17 and 2017–18, including the Family Law Institute, Juvenile Law Institute, Cow County Judges Institute, and Probate and Mental Health Institute.
- **Digging in, Discovering, and Dismantling Implicit Bias** is a new course that will now be included in all institutes for judges and is also available on demand. It examines how to discover implicit bias and covers strategies to address it and move forward toward impartiality.
- **Implicit Bias in a Time of the Resurgence of White Supremacy** is a 90-minute course that highlights that although most, but (significantly) not all, Americans feel revulsion at manifestations of racism and white supremacy, disparities based on race persist. This presentation addressed the phenomenon of implicit bias and unequal access to justice and provided methods for minimizing implicit bias.
- **Implementing Strategies for Managing Our Unintentional Bias** is a new course that will now be included within institutes for judicial officers and is also available as a stand-alone offering upon demand, provides an opportunity for participants to identify the impact of unintentionally biased behaviors, and to explore seven strategies to help reduce actions and behaviors that stem from unintentional bias. Through lecture, reflection, and group discussion, participants define unintentional bias and discuss the source of their biases, discuss each of the seven strategies and possible challenges in implementing them, apply the strategies to specific scenarios, and develop a personal plan by choosing the strategies on which to focus.
- **Best Practice Strategies for Autism Spectrum Disorders** is a video that provides an overview of the social, behavioral, and communication difficulties associated with autism. The focus is on helping court investigators develop strategies to communicate with and engage persons with autism so a successful interview and advisement can be accomplished. The session was taped at the 2009 Probate Conservatorship and Guardianship Institute for Court Investigators.
- **The Neuroscience and Psychology of Decisionmaking, Part 1: A New Way of Learning** is a video in which experts discuss both emerging and well-settled research in neuroscience and social psychology, describing how unconscious processes affect our decisions.
- **The Neuroscience and Psychology of Decisionmaking, Part 2: The Media, the Brain, and the Courtroom** is a video in which a group of nationally recognized experts discuss exciting emerging research on how the brain reacts when different images are presented to us.
- **The Neuroscience and Psychology of Decisionmaking, Part 3: Dismantling and Overriding Bias** is a video that highlights neuroscientific and psychological evidence that we can dismantle and override bias using specific techniques.

- **Building and Leading Multigenerational Teams** is a video designed for anyone who supervises or manages court employees and would like to explore the benefits and challenges of leading multigenerational teams.
- **Strategies for Addressing Implicit Bias in the Workplace** is a course that highlights examples of implicit bias in the court and covers strategies to counteract unfair practices.
- **Respect and Understanding** is a course addressing ways unintentional bias and prejudice negatively impact the workplace using workplace scenarios to allow participants to apply specific strategies to counteract unfair practices.
- **Agents of Change** is a four-part series involving self-reflection, team discussions, and educational content about crucial conversations about bias and how participants can increase access and fairness in their roles.
- **Inclusive Leadership** is an interactive course addressing ways a leader demonstrates inclusive behaviors that disrupt bias and engages the full involvement and participation of their employees.
- **Fostering Workplace Civility in Your Court** is a course in which experts define civility as behavior that demonstrates concern for others, thus contributing to a more collegial, respectful, and inclusive work environment. But in recent years there has been a rise in workplace incivility. This two-hour webinar considers some of the possible causes of incivility and what participants can do to contribute to a culture of civility at their court.
- **Contributing to Workplace Civility in Your Court** (see *Fostering Workplace Civility in Your Court*, above).

Continuing the Dialogue Courses

- **A Conversation on Islam and the Workplace** is a video inspired by the events of September 11, 2001, that is intended to provide court personnel an opportunity to learn from the experts about recent events in the context of providing service to the public. Judicial branch employees throughout the state can best serve the public by learning about the history, religions, and cultures of California's people. This program focuses on a growing part of California's population.
- **A Legacy of Civil Wrongs and Rights: The Fred T. Korematsu Story** is a video featuring Fred T. Korematsu, who was among 120,000 Americans of Japanese ancestry rounded up into 10 internment camps located in desolate regions from California to Arkansas. Korematsu defied military orders, evaded authorities, and was arrested and jailed in 1942. He appealed his case to the United States Supreme Court, which ruled against him in *Korematsu v. United States*. In this video, Karen Korematsu, Fred Korematsu's daughter, along with Don Tamaki, a member of the legal team that successfully reopened the case, share his story and explore its continued relevance today for the California courts.

- **ADA Awareness: Court Users Who Are Deaf or Hard of Hearing** is a video highlighting the experiences of the over 7.6 million Americans over the age of 15 who have hearing loss. This video covers the history, laws, appropriate terminology, and accommodations (assistive listening devices, CART, ASL interpreters, and VRI) for court users with hearing loss. In addition, this video shares true stories of persons who are deaf or hard of hearing and their personal court experiences.
- **ADA Awareness: Mental Health Disability** is a video in which experts discuss the experiences of the nearly one in four American adults who will have a mental health experience in any given year, according to the National Alliance on Mental Illness. This video looks at the misperceptions and stereotyping of people with mental health disabilities and provides tips on how to interact and communicate with a person with a mental health disability. Court users with nonapparent and mental health disabilities share true stories.
- **ADA Awareness: Nonapparent Disabilities** is a video designed to increase the awareness of nonapparent disabilities with a focus on Parkinson's disease, multiple sclerosis, and chronic fatigue. The video looks at some of the misconceptions and stereotyping of people with nonapparent disabilities and shares the true stories and experiences of people with nonapparent disabilities.
- **ADA Special Issues** is a video focused on 10 special Americans with Disabilities Act issues including entrance security, obesity, diabetic needles, transcripts, ADA Advocates, in-custody defendants, and mental health.
- **Batson/Wheeler and AB 3070** is a video in which experts discuss how the *Batson* and *Wheeler* cases tried to eliminate racial discrimination in jury selection, but the three-part framework was unsuccessful in preventing the unfair exclusion of jurors of color. With the passage of AB 3070, the California Legislature seeks to address the exclusion of jurors based on intentional or unconscious bias. This video discusses the history of the *Batson* and *Wheeler* cases, the impact of AB 3070, and the importance addressing unconscious and explicit bias in the courtroom.
- **Brown v. Board of Education: Today, Yesterday and Tomorrow** is a video that presents a dialogue on the recent United States Supreme Court cases based on the landmark case of *Brown v. Board of Education*. The broadcast features a keynote address by Juan Williams at the *Brown v. Board of Education* Symposium in 2004 to commemorate the 50th anniversary of the *Brown* decision. Mr. Williams, senior correspondent for National Public Radio, reflects on the late Supreme Court Justice Thurgood Marshall and his role in the *Brown* decision. The dialogue continues with a discussion of whether the new cases have an impact on racial integration in California's public schools.
- **Cesar Chavez: Cultivating Justice in California** is a video in which experts recognize that if not for California's favorable climate, nutrient-rich soil, and the labor of Filipino, Asian and Mexican farmworkers, this state would not be the leader that it is today in agriculture. Unfortunately, the rights of farmworkers were often not protected by their employers. The arrival of the charismatic organizer Cesar Chavez dramatically changed

the fortunes of these farmworkers. This broadcast celebrates the life of Cesar Chavez and his efforts to improve the working conditions of farmworkers.

- **Chinese Americans and the California Courts: The Myth and Paradox of Being a “Model Minority”** is a video that acknowledges how Chinese Americans enriched California’s diversity through language, culture, music, religion, innovations, food, and the arts. Yet, Chinese Americans have often had a peculiar and conflicted relationship (not unlike that of other ethnic and immigrant groups) with the justice system. This video explores their views of the justice system, one shaped by historical and contemporary experiences.
- **Cultural Competency and Court Culture** is a video that will begin to transform the approach to cultural interactions by observing court practices. It looks carefully at the principles of due process and impartiality and the methods for achieving these principles through our court culture. The program is designed to increase an appreciation of our practices in the courts while at the same time increasing appreciation for how other cultures approach justice and impartiality.
- **Disability Accommodations: What You Need to Know** is a program that discusses the accommodation request, different types of accommodations, requests for continuances, confidentiality, the review process, and service animals. In addition to the discussion, there is a short video on how to interact with people with disabilities.
- **Dr. Martin Luther King, Jr.: Americans Who Tell The Truth** is a video recognizing that Dr. King is widely respected as one American who challenged and stood steadfast against the status quo. Yet many others have also pursued truth against the tide of public opinion.
- **From Oscar Grant to Trayvon Martin—A Dialogue about Race, Public Trust, and Confidence in the Justice System** is a video focusing on the role that courts play in reducing racial bias, disparity, and disproportionality in the criminal justice system.
- **From the Headlines to the Courtroom** is a video in which national experts in the field discuss the California Supreme Court cases of *Perez v. Sharp* (interracial marriage) and *In re Marriage Cases* (same-sex marriage).
- **Gender Identity** is a video that features a panel discussion with judges and transgender advocates and discusses current issues in gender identity and best practices in ensuring equal access for transgender and gender nonconforming people.
- **In the Interest of Justice: Southeast Asians and the California Courts** is a video noting how, through language, culture, music, religion, food, and the arts, immigrants have enriched California’s diversity. Because Southeast Asians come from many different countries, some from distinct minorities within those countries, we cannot speak too generally about them. This video focuses on four of these groups: the Hmong, Cambodians, Laotians, and Vietnamese. While each group is unique, they have all adapted with varying degrees of success to this society. However, with increasing numbers from each of these groups using the courts to resolve disputes, court employees are encountering difficulties in expectations and procedures arising from the cultural

divide. This broadcast explores these differences and successful efforts underway in the California courts to strengthen their relationship with the Southeast Asian community.

- **Indian Civil Rights Act: Fifty Years Later** is a video that features a panel discussion from judges and leaders in the Native American community and focuses on the history of the Indian Civil Rights Act, the effects of the act, and tribal courts 50 years after enactment of the act.
- ***Mendez et al. v. Westminster School District of Orange County et al.: Forbidden, Barred and Excluded*** is a video that features a panel discussion from judges across the state and focuses on the seminal school desegregation case in California and its continued relevance for California courts today.
- **Mexican Americans and the California Courts** is a video that depicts that understanding the culture, perspectives, and beliefs of Mexican Americans is essential to appreciating their perception of the judicial system. According to a National Center for State Courts survey, “How the Public Views the State Courts” (1999), Hispanics express concern about fair treatment of racial and ethnic groups by the courts. Improving the public’s trust and confidence in the courts is a primary goal of the Judicial Council’s access and fairness efforts. Improving access to justice and fairness in the courts is the number one goal of the Judicial Council.
- **Mindsight: Strengthening the Mind to Improve the Administration of Justice** is a video that describes the integration of the brain/mind relationships and outlines mindfulness strategies for judicial officers and court staff to disrupt biased reactions in judgments to achieve personal and institutional change.
- **Overcoming Language Barriers to Court Access** is a video in which experts discuss *Language Barriers to Justice in California* (2005), the definitive report from the State Bar of California on improving access to the courts for persons with limited proficiency in using English. The report found courts to be an overwhelming and complex place for people in general, but even more perplexing for those with limited or no English proficiency. The situation is compounded in cases in which court interpreters are not required. This video explores the report findings and their implication for improving access to the courts.
- **Redlining, Restrictive Covenants and the Fair Housing Act** is a video in which experts discuss the Fair Housing Act of 1968 that prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, or sex. This video features a panel discussion about the history of the act, the effects of the act, and the impact the law has had on communities.
- **Sexual Orientation and Gender Identity** is a video that discusses the report issued by the Sexual Orientation Subcommittee of the Judicial Council’s Access and Fairness Advisory Committee finding that gay and lesbian court users and employees are not always treated fairly in their interactions with the court. This video focuses on issues that LGBT court users face in court interactions, defines key terms, discusses socio-cultural and historical events related to sexual orientation and identity, and describes related fairness issues.

- **Sexual Orientation and Gender Identity: Emerging Law and Legal Issues** is a video that discusses emerging laws related to sexual orientation and gender identity that impact the courts, including legal challenges to domestic partner laws and benefits to same-sex partners and avoiding disclosing private facts that may inadvertently “out” a potential juror.
- **Sorting Out the Dogs: Animals in Your Courts** is a video that discusses service and comfort animals and court dogs.
- **The Americans with Disabilities Act at 25** is a video that provides an overview and history of the Americans with Disabilities Act and shares the true stories of judicial officers, court users, and persons with disabilities and their perspectives about the act.
- **The Linked Histories of the People of California: A New Way of Learning** is a video that demonstrates how the history of the American Indian and all our histories in the California courts are linked together in a surprising way.
- **The Lives of Frederick Douglass and Booker T. Washington: Lessons For Today** is a video that explores how the lives of Frederick Douglass and Booker T. Washington continue to inspire, and have changed forever our views of freedom, equality, and equal opportunity—challenges that are with us still, for example, in the reality of human trafficking and modern-day slavery.
- **Tools for Understanding the Real Meaning of Court Users’ Verbal Communication** is a video that focuses on how miscommunication can occur when court users misinterpret our statements. The video looks carefully at the ways in which California’s diverse court user population communicates differently based on culture.
- **Untold Stories of the Civil Rights Movement** is a video that shows how the history of many different groups in California are linked and reveals truths about the civil rights movement that few people know. The program asks what role the courts might play in the future of civil rights in this country.
- **What Do You Mean?** is a video that looks carefully at the ways in which California’s diverse court-user population communicates differently based on culture.
- **Wrongful Convictions, Part I** is a video that discusses how, as we see more news stories about individuals set free after serving decades in prison for crimes they did not commit, we should pause to consider whether our criminal justice system contributed to such a travesty of justice. This video features the personal stories from three exonerees about their years in prison and the devastating impact on their lives, families, and communities.
- **Wrongful Convictions, Part II** is a video that asks what lessons judicial officers can learn to prevent wrongful convictions in the future. In this video, some of the judicial officers that were involved with overturning exonerees’ convictions discuss lessons learned and the impact the exonerees’ cases made on their lives.
- **First Impressions: Communication in the Courthouse** is a video that examines communication in the courthouse and the responsibility of court employees to monitor

themselves for personal bias. Viewers will be able to identify instances of possible bias in their interactions with customers and colleagues and consider strategies for working toward a bias-free courthouse environment.

- **Managing Bias** is a video designed to help court leaders understand the difference between conscious and unconscious bias, demonstrates how bias affects decision-making, and offers some tips on how to address biased behavior or language in the workplace.
- **Exploring Implicit Bias** is a video that explores implicit bias (also called unconscious bias). The moderators explain the difference between explicit and implicit biases, demonstrate how this bias impacts us, and discuss how to combat it. Participants also hear from court employees and experts including neuroscientists, law professors, and judges. There are activity breaks to discuss the concepts with co-workers or reflect on one's own. Understanding implicit bias will help all court employees exceed fairness expectations and maintain public trust in the courts.
- **Effective and Unbiased Interviewing** is a recorded webinar in which the faculty go over the current trends and best practices for eliminating bias and choosing the best candidates during interviews. They begin by identifying characteristics of bias and the reasons that various predispositions exist, and then examine a wide variety of methods for mitigating bias before, during, and after interviews.
- **Managing a Diverse Workforce** is a video that identifies the ways diversity is experienced in the workplace and introduces common challenges that arise in such an environment. Specific leadership skills needed to effectively manage the diversity are discussed using scenarios and vignettes based on actual experiences.
- **The COVID-19 Opportunity: Juvenile Court and the Moral Construction of Poverty** is a webinar that discusses why poor families are overrepresented in juvenile court and how the cultural impact of COVID-19 could change that. It also discusses bias issues related to poverty.
- **Handling Name Change Requests** is a podcast in which Judge Victoria Kolakowski, California's only openly transgender judge, discusses recent changes in the gender identity name change process, as well as effective approaches for keeping the courtroom open and accessible to transgender people, especially transgender youth.
- **Lactating and Nursing Jurors, Attorneys and Court Users** is a podcast in which tips are shared for complying with lactation and nursing laws, using best practices, and protecting confidentiality of information provided by the lactating or nursing mother.
- **LGBTQ Sensitivity in Family Court** is a podcast that discusses how judicial officers can ensure sensitivity to the LGBTQ community in family court.
- **Making Courts Fair and Accessible to Transgender Litigants** is a program in which Judge Victoria Kolakowski, California's only openly transgender judge, discusses how to navigate the sometimes tricky question of how to keep the courtroom fair and accessible to transgender and gender nonconforming people. Judge Kolakowski also notes the

recently enacted SB 179 (the Gender Recognition Act) and that law's modification to change of gender petitions in California courts.

- **Real World Judicial Ethics: Parts I–IV** is a series of one-hour online courses that feature a number of video vignettes of judges engaging in activities that raise ethical issues, including examples of implicit bias and the appearance of bias.
- **Taking It To The Streets** is a podcast that discusses the multifaceted issues facing homeless people when accessing justice, successful models for homeless courts to address such barriers, and how judges can apply these approaches in all courts to keep their courtroom open and accessible to people without housing.
- **Unconscious Demotion Inside and Outside the Courtroom** is a program that discusses unconscious demotions—encounters when someone is mistakenly assumed to have a role different from the one he or she actually has, for instance, when counsel is greeted as a court reporter or as a defendant. Dr. Wertheim explains how implicit bias is often behind these mistaken assumptions, the damage they can do, and how to keep those encounters from happening in the courtroom.

CENTER FOR FAMILIES, CHILDREN & THE COURTS

The Judicial Council of California's Center for Families, Children & the Courts (CFCC) is charged with providing mandatory professional training for court staff and justice partners who provide a broad range of services in court programs. CFCC trainings are developed by multidisciplinary teams to help courts, justice partners, and Judicial Council of California employees better meet the changing needs of court customers, including the vulnerable populations who face challenges accessing court services, such as those with limited English proficiency, disability, and behavioral health issues.

CFCC frequently collaborates with other Judicial Council of California offices in the development and delivery of diversity, equity, and inclusion (DEI) trainings, primarily Criminal Justice Services (CJS) and the Center for Judicial Education and Research. For example, CFCC worked with CJS on content development for five DEI trainings delivered at the Beyond the Bench Conference and with CJER to provide three Indian Child Welfare Act trainings at the CJER Judicial Appellate Attorney Institute.

CFCC also partners with stakeholders and justice partners outside of the agency on education that supports initiatives to address DEI issues. CFCC recently partnered with the California Health and Human Services Agency on their initiative to transform the way they look at foster care placement. This collaborative partnership resulted in trainings to help minimize bias and address systemic inequities for youth and children in the child welfare system.

Most DEI training is offered over the course of several conferences, including the AB 1058 Child Support Annual Conference, Beyond the Bench, Child and Family Focused Education, Annual Youth Court Summit, and Stronger Together: Judicial Diversity Summit.

Since 2017, CFCC has offered over 500 hours of live (in-person or remote) DEI training to over 18,000 court staff and stakeholders. CFCC currently offers over 100 hours of DEI training available on demand through a variety of platforms. On-demand offerings received over 33,000 views.

- **AB 1058 Child Support Annual Conference** provides training for child support commissioners, family law facilitators, court administrators, accounting staff, court clerks, and paralegals working in the title IV-D program and includes presentations by child support commissioners, family law facilitators, and CFCC program staff who provide the judicial branch's perspective.
 - An Interactive and Practical Approach to Implicit Bias for Facilitators and Commissioners
 - Plenary Session: The Stories in the Data: What They Tell Us About Our Communities
 - AB 1058 from the Perspective of Tribal Members
 - Racial Justice Applied to the Child Support Program, Implicit Bias: Impact on Decision Making

- Cultivating Radical Belonging: Self-Compassion for Reckoning with “Internalized” Racism, Healing Our Wounds and Practicing Transformation
- **Beyond the Bench** is a statewide conference held every other year for judges, court professionals, attorneys, social workers, probation officers, agency leaders, students, volunteers, advocates and subject matter experts, mental and behavioral health specialists, educators, and other system partners to transform practice.
 - Culture, Trauma, and Context: Strategies for Successful Case Outcomes
 - Eliminating Racial Disproportionality in School Discipline
 - Ensuring Equity and Protection for LGBTQ Youth in Juvenile Court
 - Film and Panel on Tribal Justice
 - Hispanics and Latinos in Drug Courts: Cultural Strategies to Enhance and Sustain Recovery
 - Indian Child Welfare Act: The California ICWA Compliance Task Force Report Findings and Implementation
 - Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming, and Transgender Youth in California’s Juvenile Justice System
 - New Federal Indian Child Welfare Act Regulations and Guidelines: Changes for California Law and Practice
 - Promising and Cutting-Edge Brain Science to Reduce Implicit Bias in Decisionmaking
 - Rapid Response Needed: Ensuring Access to Justice for Immigrant Families
 - Recognizing the Needs of Multiracial Children and Families in the Child Welfare and Juvenile Justice Systems: A Social Work/Policy, Medical, and Legal Perspective
 - Reducing Racial & Ethnic Disparity in Juvenile Justice Through Court-Appointed Advocacy and Interagency Collaboration
 - The Case of Kalief Browder: Continuing the Conversation on Race and the Justice System
 - The Devil in the Details: Race and the Use of Algorithms to Guide Decisionmaking
 - Beyond Trauma-Informed Care: The Epigenetics of Racial and Historical Trauma
 - California ICWA Update: Understanding and Applying AB 3176
 - Centering the Lives of Girls, Young Women, and TGNC [Transgender and Gender Nonconforming] People: Research and Action
 - Child Welfare & Immigration: Tools for Improving Outcomes for Immigrant Families
 - Convening of State, County, and Court Leaders: A Vision for Mental Health Reform
 - Do No Harm: Improving Outcomes for Families of Color
 - Improved Outcomes for Tribal Youth
 - Lessons From the Central Park 5: A Conversation With Yusef Salaam
 - Missing & Murdered Indigenous Women & Girls: Creating Change in Data, Research, Policy & Practice

- Newcomer Immigrant Youth in Juvenile Justice Proceedings: A Trauma-Informed Approach
- **Child and Family Focused Education** is open to court staff working with Family Court Services including judicial officers, self-help staff, court investigators, court-connected child custody and visitation mediators and child custody recommending counselors, evaluators, and probate court investigators.
 - Parenting Plans with Special Needs Children
 - Incorporating Compromise with Multi-Culturally Diverse Families
 - Building Trust, Safety, and Respect with Native American Families: Understanding Historical and Intergenerational Trauma
 - Language Access Public Outreach Campaign for the California Courts
 - An Interactive and Practical Approach to Bias for Court Mediators
 - Contemplating Race, Racism, and Inner Work of Racial Justice (Workshop)
 - ColorInsight: Race and Racism, Inner Work of Racial Justice
 - What We Can Do to Minimize Bias in Domestic Violence Cases
 - It's Not Me, It's Them: Blindspot Bias and the Family Court
 - Disaster Mental Health: Maximizing Resiliency Outcomes Following Trauma for Children and Adults
 - Ensuring Access to Justice for Neurodivergent People
 - The Neurodivergent Litigant
 - Outcomes Outside the Lines
- **Annual Youth Court Summit** provides an opportunity for youth, volunteers, judges and staff of youth courts and youth-focused organizations to learn about and share best practices on areas such as juvenile court diversion, truancy prevention, and civics education, and is produced by a collaboration of youth/peer courts, the California Association of Youth Courts, and the Judicial Council's Collaborative Justice Courts Advisory Committee. Past offerings have included:
 - Implicit Bias and How Youth Can Be Empowered to Act
 - Gender and LGBTQ Targeted Bullying Behavior
 - How Do We Decide? How Our Brains Work in Teen Court and How Culture Affects Us
 - Know Your Rights! Equity and Justice for All
 - The Impact of Stereotype Threat and Implicit Bias in Youth Courts
 - The Neighborhood: How Bias and Discrimination Affect People's Lives
- **Stronger Together: Judicial Diversity Summit** is the fourth summit in the Stronger Together series focusing on the status of diversity in the California judiciary and is co-sponsored by the California Judges Association, the California Lawyers Association, and the Judicial Council of California. Prior summits were convened in 2006, 2011, and 2016. The 2021 Summit served as a five-year review of accomplishments since 2016 and encouraged open dialogue on key issues and solutions impacting judicial diversity.
 - Contemplating Race, Racism, and Inner Work of Racial Justice (Workshop)

- ColorInsight: Race and Racism, Inner Work of Racial Justice
- What We Can Do to Minimize Bias in Domestic Violence Cases
- A Conversation on Identifying and Disrupting Barriers to the Bench
- 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
- Judicial Diversity Today
- Judicial Diversity Tomorrow
- Judicial Diversity Yesterday: A Fireside Chat
- Judicial Diversity: What Works
- Judicial Mentoring: Inside and Out
- Other CFCC conferences that offer DEI training are the Child Support Annual Conference, California Social Work Education Center Summit, California Lawyers Association conference, and Bay Area Indian Child Welfare Act Conference.

CRIMINAL JUSTICE SERVICES

- **Incarcerating Our Youth: The Case of Kalief Browder—Plenary Session (Beyond the Bench Conference)** tells the story of 16-year-old Kalief Browder—held for three years on Rikers Island for a crime he did not commit, due to his inability to pay bail—and illustrates the need for a reformed justice system. Akeem Browder, Kalief’s brother, and Adam Foss discuss the role played by race, institutionalized racism, charging decisions, and poverty in the mass incarceration of young African Americans, and the possibilities for reform at the grassroots and in state and federal policy.
- **Promising and Innovative Practices to Address Implicit Bias (Beyond the Bench Conference)** is an interactive session, divided into three parts, that focuses on the types of decisions made by judges, court professionals, and justice partners and what cognitive scientists have learned about how decisions are made and influenced by unconscious bias. The first part offers an overview of implicit bias; the second and third parts cover de-biasing and the application of the new science of virtual reality.
- **Solutions to Reduce Disparities for California’s Children & Families (California Association of Collaborative Court Conference)** highlights current disparities for children and families in California; introduces solution-based tools from the racial equity curriculum of the Interstate Agency Workgroup to Eliminate Disparities with potential for transformation; and delivers hands-on guidance in the development of a customized Racial Impact Tool. Racial Impact Tools systematically analyze how racial and ethnic groups are affected by an existing or proposed action or policy and are now widely regarded as critical in the assessment of possible unintended impacts for undeserved communities.
- **Beyond Trauma-Informed Care: The Epigenetics of Racial and Historical Trauma (Beyond the Bench Conference)** is a half-day session that examines historical and contemporary racial trauma, its roots, epigenetics, healing, and what professionals need to know and do.
- **Film Screening and Discussion Panel on Children With an Incarcerated Parent: “Tre Maison Dasan” (Beyond the Bench Conference)** includes a panel and showing of the documentary “Tre Maison Dasan” and discusses the consequences and cost of separation on the health and well-being of children with incarcerated parents and efforts to keep criminal justice-involved parents connected with and not separated from their children, and resources available to parents.
- **Lessons From the Central Park 5: A Conversation With Yusef Salaam (Beyond the Bench Conference)** is a continuation of the preconference session Beyond Trauma-Informed Care: The Epigenetics of Racial and Historical Trauma and provides an opportunity for an intimate dialogue with Yusef Salaam, one of the Central Park 5, about the 1989 case in which five teenagers were falsely accused of murder, assault, and rape; its impact on him and the others convicted; and his view of the criminal justice system and whether it can be fixed.

- **Race and Risk Assessment** is a highly interactive webinar that discusses race and use of pretrial risk assessment tools, what research tells us, and how assessment tools can improve judicial decision-making and increase public safety.
- **AB 2542: California Racial Justice Act of 2020** (webinar) provides a comprehensive overview of AB 2542—a bill that would prohibit the state from seeking a criminal conviction or sentence based on race, ethnicity, or national origin and would allow a writ of habeas corpus to be prosecuted on the basis of that prohibition—prior to its implementation.
- **A Practical Approach to Implicit Bias and Decision-making, California Judges Association** (webinar) explores unconscious bias from the perspective of judicial officers and justice partners.
- **Implicit Bias and Decision-making, Alameda Superior Court** (webinar) is an interactive session and discussion of practices that reduce unconscious bias in decision-making. It includes discussions of the Racial Justice Act of 2020 that requires judges to act when they observe any form of bias in the courtroom. Participants receive the model implicit bias bench guide and review a video for jurors developed by the District of Columbia Court to educate prospective jurors about bias.
- **Unconscious Bias in the Court Room, Los Angeles Superior Court** (webinar) is an interactive panel that discusses racial and ethnic bias and what judges can do to reduce implicit bias in the courtroom.
- **New Policies in Justice Reform: Collaborative Courts and New Directions in Equity, Inclusion and Cultural Competency (California Association of Collaborative Courts Conference)** reviews policy initiatives in California and at the federal level that address equity and inclusion; discusses ways to operationalize these policies through collaborative court practices, including efforts to increase inclusion and improve outcomes; and considers possible implications for funding. Additionally, the session covers new laws and court rules in California regarding implicit bias education requirements for court staff and judicial officers, as well as training requirements for court staff and policy papers from the California Judicial Council regarding LGBTQ issues.
- **Facilitated Discussion of Equity and Inclusion in Veterans Court** is a discussion that builds on a prior conference session, New Policies in Justice Reform: Collaborative Courts and New Directions in Equity, Inclusion, and Cultural Competency, and provides an opportunity to discuss barriers to Veterans Treatment Court participation and what can be done to make the court more diverse and inclusive.