



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

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Title

Judicial Branch Education: Update on
Judicial Diversity Toolkit

Submitted by

Advisory Committee on Providing Access
and Fairness
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Executive Summary

The *Pathways to Achieving Judicial Diversity in the California Courts* toolkit (Judicial Diversity Toolkit) is a compilation of model mentorship programs, seminars, and outreach resources designed to increase the diversity of applicants for judicial appointment in California. Conceived as a result of the 2006 Summit on Judicial Diversity, the Judicial Diversity Toolkit was first published in 2010 by the Judicial Council in consultation with the Access and Fairness Advisory Committee—now the Advisory Committee on Providing Access and Fairness (PAF). In January 2019, in partnership with the State Bar’s Council on Access and Fairness, PAF formed the Judicial Diversity Toolkit Working Group to redesign a “digital-first” version of the toolkit as an online resource, with a goal of making its content and resources more user-friendly for judicial officers and courts to adopt in outreach efforts to diverse communities statewide.

Relevant Previous Council Action

On October 25, 2012, the Judicial Council reviewed recommendations from the 2011 Judicial Diversity Summit and directed the Access and Fairness Advisory Committee—now PAF—to

initiate the review and approval process for those recommendations that merited council action.¹ On July 28, 2015, the Judicial Council approved PAF’s recommendations from the summit, including using the Judicial Diversity Toolkit (see Link A) to address the underrepresentation of minorities and communities of color in the judiciary as a foundation for diversity outreach programs.²

Analysis/Rationale

The Strategic Plan for California’s Judicial Branch

Goal I of the judicial branch strategic plan³—Access, Fairness, and Diversity—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 branch that mirrors the state’s diversity.” In addition, Goal I’s Recommended Best Practices for the branch include guidance to:

- “Collaborate with other branches of government and justice system partners to identify, recruit, and retain highly qualified appellate court justices, trial court judges, commissioners, referees, and other members of the judicial branch workforce, who reflect the state’s diversity”; and
- “Collaborate with law schools, the State Bar, local bar associations, and specialty bars to achieve greater diversity in the legal profession.”

The Judicial Diversity Toolkit, as affirmed by previous council action, embodies the full spirit and purpose of Goal I, as a branch initiative that directly seeks to increase the diversity of the judiciary—to better reflect the population of the state—through judicial officer mentorship programs, seminars, and outreach at all stages of the numerous pathways to the bench. Also, built into the toolkit redesign process and outreach currently being planned are partnerships with the State Bar, California Lawyers Association, California ChangeLawyers, and California Judges Association to organize numerous workshops, seminars, and presentations on the judicial appointment process at partner conferences and events. At the superior court level, the Judicial Diversity Toolkit, in its new form, will likely further strengthen and encourage greater diversity outreach efforts and partnerships throughout the pipeline with local and affinity bar associations, law schools, undergraduate universities, community colleges, and K–12 schools.

¹ Judicial Council of Cal., mins., Item 1 (Oct. 25, 2012), p. 7, www.courts.ca.gov/documents/jc-20121026-minutes.pdf.

² Judicial Council of Cal., mins., Item F (July 28, 2015), p. 9, www.courts.ca.gov/documents/jc-20150728-minutes.pdf.

³ Judicial Council of Cal., *The Strategic Plan for California’s Judicial Branch*, www.courts.ca.gov/documents/CAJudicialBranch_StrategicPlan.pdf (as of July 30, 2019).

Tracking and public reporting on judicial demographics and vacancies

For the 13th straight year, California's judicial bench has grown more diverse.⁴ Increasing the diversity of judicial officers to be more representative of the state's populace continues to be a key goal of the branch. Each year since 2007, the Judicial Council has collected and released self-reported demographics from the state's judiciary. In accordance with Government Code section 12011.5(n), the council aggregates data relative to the gender identity, race/ethnicity, sexual orientation, and veteran and disability status of state court justices and judges, by specific jurisdiction. All reports are posted on the California Courts public website (see Link B). In addition, the council posts a monthly report on the number of vacant judicial positions on the California Courts public website, enabling attorneys applying for a judgeship to track vacancies.⁵ The new Judicial Diversity Toolkit website features an interactive infographic on the most recent judicial demographics for the state in comparison with state population, law student, Bar Exam passage, and active attorney statistics. Judicial officers using the website for mentorship and outreach to diverse communities will have access to a broad overview of the state's up-to-date demographics throughout the pathway to the bench.

Judicial Diversity Summits

The Judicial Council, State Bar, and California Judges Association collaborated to convene Judicial Diversity Summits in 2006, 2011, and 2016 to assess progress toward the goal of a judiciary that reflects the rich diversity of California's population. The summits gathered justices, judges, other judicial branch leaders, bar leaders, and law school deans or their designees to:

- Evaluate achievements,
- Focus on the status of judicial diversity in California,
- Identify best practices for achieving greater judicial diversity, and
- Create five-year action plans for further accomplishments.

(See Link C.)

Following the summits in 2006 and 2011, final reports were produced based on recommendations made by participants. Resulting recommendations included a focus on education and outreach through the development of the Judicial Diversity Toolkit as a project of PAF. Recommendations on data collection and accessibility resulted in the Judicial Council's expansion of judicial demographic data collection to include options for judges to self-report on veteran status, gender identity, and sexual orientation.

Judicial Diversity Toolkit Working Group

In 2016, as part of the committee's annual agenda process, PAF identified updating the Judicial Diversity Toolkit and making the resource more accessible, more user-friendly, and available

⁴ Judicial Council of Cal., "Survey: California Bench Continues to Grow More Diverse," news release (Mar. 5, 2019), <https://newsroom.courts.ca.gov/news/survey-california-bench-continues-to-grow-more-diverse-6746448>.

⁵ Judicial Council of Cal., Judicial Vacancy Reports, www.courts.ca.gov/15893.htm (as of July 30, 2019).

online as a Priority 1 project. In fall 2018, the Judicial Council and the State Bar began discussions to form an ad hoc working group of members of PAF and the State Bar’s Council on Access and Fairness to update the toolkit. In January 2019, the Judicial Diversity Toolkit Working Group was formed—consisting of eight members from PAF and two members from the State Bar council (see the Judicial Diversity Toolkit Working Group Roster at Attachment A)—and convened its first meeting on April 3, 2019. Members of the working group met four times by conference call between April and July 2019 to provide feedback on the design, usability, and content of the new Judicial Diversity Toolkit website, entitled “Pathways to Judicial Diversity.” A collaborative effort by Judicial Council staff—representing PAF; the Center for Families, Children, and the Courts; the Executive Office; Leadership Support Services/Special Projects; Public Affairs; and Web Services—provided substantial support to this vital project.

Fiscal Impact and Policy Implications

Because of PAF’s ongoing online Judicial Diversity Toolkit project and its charge to improve diversity in the judicial branch, the committee anticipates continuing costs for council staff resources to update and revise the online Judicial Diversity Toolkit through implementation, user testing, and routine site maintenance. Should courts implement judicial mentorship programs or partner with local bar associations, schools, or universities to conduct presentations and seminars, costs associated with judicial and staff time for planning, outreach, coordination, participation, and printing of materials are likely.

Attachments and Links

1. Attachment A: Judicial Diversity Toolkit Working Group Roster
2. Link A: *Pathways to Achieving Judicial Diversity in the California Courts: A Toolkit of Programs*, www.courts.ca.gov/documents/Judicial-Diversity-Toolkit.pdf
3. Link B: 2019 Judicial Officer Demographic Data, www.courts.ca.gov/13418.htm
4. Link C: *Judicial Branch: Report and Recommendations from 2011 Summit on Judicial Diversity* (Oct. 25, 2012), www.courts.ca.gov/documents/jc-20121026-item1.pdf

Judicial Diversity Toolkit Working Group Roster

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