



Judicial Council of California

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November 17, 2023

Subject Text

Meeting materials
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File #: 21-175, Version: 1

Title

Judicial Branch Administration | Court's Duty to Prevent Bias (Action Required)

Summary

To support the integrity and impartiality of the judicial system and to promote a court environment free of bias and the appearance of bias, the Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings recommends amendments to California Standards of Judicial Administration, standard 10.20 (Court's duty to prohibit bias). The work group was appointed by Chief Justice Tani G. Cantil-Sakauye to identify improvements and propose amendments to standard 10.20. The work group was charged with ensuring that the standard reflects current law and current understandings regarding the elimination of bias.

Recommendation

The Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings recommends that the Judicial Council approve amendments to California Standards of Judicial Administration, standard 10.20 (Court's duty to prohibit bias) to ensure the standard reflects current law and understandings regarding the elimination of bias and provides a framework for courts to work with local communities to address this important issue. These include amendments to:

- Emphasize the goal for courts to prevent bias, rather than simply prohibit bias;
- More broadly define the scope of the standard and its applicability to all court interactions;
- Update the list of protected classifications enumerated in the standard;
- Define the optimal roles for local or regional bias committees, and outline contemporary considerations for the composition of those committees; and
- Ensure that court users can access information regarding how they can submit complaints about court employees and judicial officers concerning bias in court interactions.

These amendments are consistent with the work group's goal to create a framework and expectations for the elimination of bias, while also recognizing the diversity of size, demographics, needs, and viewpoints of the various legal communities in the state, and the need to allow them to develop customized approaches that will best result in the elimination of bias in court interactions.

Speakers

Hon. Brad R. Hill, Cochair, Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings

Hon. Stacy Boulware Eurie, Cochair, Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings