

COUNCIL ON ACCESS & FAIRNESS PROPOSED COMMENTS
Re: Report and Recommendations from the Judicial Council
Commission for Impartial Courts

PUBLIC INFORMATION AND EDUCATION:

COAF COMMENTS on CIC Recommendations 46-48 and Recommendation 50:

The Council on Access and Fairness supports the public outreach goals in the report to better inform the public about the rule of law and the importance of an independent judiciary, but notes that with the stated goals for public outreach to all segments and communities in the state, mention should be made regarding the need to create materials and programming in languages in addition to English. This appears to be a significant oversight in these identified recommendations. There should be translations of basic educational materials and efforts to conduct appropriate educational programs in other languages by judges, court personnel, bar staff, etc.

Specific comments and proposed language for CIC Recommendations 46-48 and Recommendation 50 are recommended as follows:

***Recommendation 46.** A leadership advisory group should be appointed to oversee, identify, and coordinate public outreach programs and opportunities; to establish benchmarks of good practice, including the provision of materials and speakers accessible to populations with limited English proficiency; and to promote the assembly of local teams to assist courts with local outreach programs.*

***Recommendation 47.** The AOC should collect, summarize, and evaluate public outreach resources currently available for judges and court administrators and should also collect, summarize, and evaluate educational materials for K–12 teachers and for judges and court administrators making classroom visits. These efforts should include the following:*

- *Creating a repository of all public outreach resources;*
- *Translating key materials and identifying bilingual speakers for outreach to populations with limited English proficiency statewide;*
- *Assigning AOC staff to coordinate outreach, education, and voter education efforts at the state and local level;*

- *Cultivating leaders who would make use of the repository in local courts;*
- *Creating a standing advisory group on public outreach that would help the judicial branch maintain a focus on outreach efforts;*
- *Maintaining a menu of public outreach options for local courts;*
- *Establishing benchmarks of good practice and promoting the assembly of local teams to assist courts with local outreach programs; and*
- *Encouraging bench-bar coalitions to reach out to key stakeholders and interest groups, including political parties, in order to increase awareness and understanding of the judicial branch.*

Recommendation 48. *The AOC should maintain a menu of public outreach options for local courts that will:*

- *Reflect the diversity of the state's demographic and geographic differences and include descriptions of the programs, the targeted audiences, and where they can be used; and*
- *Explore ethnic media outlets to reach more audiences and investigate multimedia outreach opportunities, such as the California Courts Web site, local court Web sites, radio, podcasts, public service announcements (PSAs), public video hosting sites, instant messaging, and the California Channel.*

COAF Comments re CIC Recommendation 48:

The tone and focus in Recommendation 48 refer to the creation of public outreach options reflecting the State's diversity, ***with the proper denominator of the demographics of the state, and not the bench.*** All Public Outreach Recommendations should be reviewed to ensure that ***reaching all populations statewide, including populations with limited English proficiency,*** is properly incorporated.

Recommendation 50. *The standing advisory group mentioned in recommendation 46 should partner with local courts, bar associations, the CJA, the NCSC, the State Bar, and others to offer outreach and public information programs and media guidelines to courts or regional areas, taking advantage of ongoing outreach to diverse communities and existing translated materials in languages other than English.*

COAF COMMENTS on CIC Recommendations 63-71:

The Council generally supports the concept of improved civics education in grades K-12 as proposed in these CIC Recommendations and finds a number of the proposals consistent with many of the Council's early pipeline initiatives designed to increase full participation of our diverse population in the legal profession. Courts partnering with the bar to bring civics education to youth, furthers the goals of an informed electorate, respect for the rule of law, and public trust and confidence in our courts, as well as increasing diversity in our profession and our courts. To the extent such proposals might affect how MCLE credit is awarded, the Council does not take a position and defers to the appropriate State Bar entities on these issues.

DIVERSITY IN THE JUDICIARY:

COAF COMMENTS on CIC Recommendations 97-100:

The COAF agrees with the Commission on Impartial Courts that increasing judicial diversity is a critical component of the judicial selection process in California and supports these recommendations in concept. In particular, the COAF supports the recommendation for expanded public outreach and publicity programs to encourage all members of the bar to consider applying for judicial office. Also, the COAF urges the Judicial Council to work with the appropriate entities to ensure that evaluation of judicial applicants, decisions re: judicial appointments, as well as appointments of subordinate judicial officers incorporate the factors included in these recommendations, *namely the candidate's exposure to and experience with diverse populations and issues related to these populations*. The application of these criteria will help to ensure that appointments will take into consideration cultural competency, minimize the possibility of stereotyping of litigants by judicial officers, and increase diversity of those judicial officers with the greatest contact with the members of the public, thereby promoting public trust and confidence in the courts and legal system.