HELPING COURTS ADDRESS IMPLICIT BIAS:
PHASE II OF A NATIONAL CAMPAIGN TO ENSURE THE RACIAL AND ETHNIC
FAIRNESS OF AMERICA’S STATE COURTS

PROJECT DESCRIPTION

PURPOSE

Phase II builds on the first phase of the campaign to mobilize the expertise, experience, and commitment of state court judges and officers across the country to address both the perception and reality of racial and ethnic fairness. The first phase resulted in a national compilation of promising programs to achieve racial and ethnic fairness in five key areas:

- diverse and representative state judicial workforces;
- fair and unbiased behaviors on the part of judges, court staff, attorneys, and others subject to court authority in the courthouse;
- comprehensive, system-wide improvements to reduce racial and ethnic disparities in criminal, domestic violence, juvenile, and abuse and neglect cases;
- the availability of timely and high-quality services to improve access to the courts for limited-English-proficient persons; and
- diverse and representative juries.

The programs are available on the Campaign’s Web site at http://www.ncsconline.org/ref/.

Phase II is developing national resources and providing technical assistance on implicit bias, an issue relevant to each of the five key areas and central to “fair and unbiased behaviors in the courthouse. Research indicates that all individuals develop implicit attitudes and stereotypes as a result of their experiences with the world. Because implicit biases are unconscious, they can affect behaviors and attitudes in ways, both positive and negative, unknown to the individual. Thus strategies to ensure fairness, such as education and training on diversity and cultural competency issues, should address implicit biases as well as explicit behaviors and attitudes.

STRATEGY

During Phase II, the project is working with three states—California, Minnesota, and North Dakota—to incorporate information about implicit bias into their judicial education programs and assess the effects of including this information. A National Training Team (NTT), consisting of six experts in diversity issues, judicial education, and project evaluation, is assisting the states with incorporating the information in the most appropriate way given each state’s needs and resources, and determining the best method for evaluating the effects of providing the information.
Following the delivery of the education programs in the pilot jurisdictions, the NTT and project staff will summarize the lessons learned from each site and offer suggestions to other jurisdictions interested in adding implicit bias components to their judicial education curricula. In addition, limited assistance will be provided to all states through the Campaign's Web site, electronic newsletter, presentations to national organizations, and facilitation of discussions with experts and/or representatives from the pilot jurisdictions. Please visit the Campaign's Web site (http://www.nesconline.org/ref/) and click on the implicit bias tab to obtain information on the project and available resources.

**Organization**

The Campaign's Steering Committee of representatives from the Conference of Chief Justices, the Conference of State Court Administrators, the National Consortium on Racial and Ethnic Fairness in the Courts, the National Association for Court Management, the National Association of State Judicial Educators, and the National Association of Women Judges continues to guide the work of the project. Because of the specialized nature of the topic, the project also relies on the advice of two scholars in the implicit bias area as well as the National Training Team of experts. The project team also relies on the primary contacts designated by the chief justice of each state and U.S. Territory as a primary vehicle for input and dissemination.

**Funding**

The Open Society Institute, the State Justice Institute, and the National Center for State Courts fund the project.

**Contacts**

- Dr. Pamela Casey, National Center for State Courts, pcasey@ncsc.org
- Hon. Roger K. Warren, President Emeritus, National Center for State Courts, rwarren@ncsc.org