

# CONFERENCE OF STATE COURT ADMINISTRATORS

## Policy Statement

### State Courts' Responsibility to Address Issues of Racial and Ethnic Fairness

The last century witnessed significant progress in the effort to eliminate racial and ethnic prejudice in this country, but such bias still exists--even in our governmental institutions, including the courts and the justice system as a whole. The issue remains as pressing as ever, with the recent census underscoring just how diverse the American population is, and nationwide surveys revealing that sizeable segments of society believe that minorities are unfairly treated in the courts. While bias cannot, of course, be tolerated in any governmental branch or institution, it is particularly harmful in the courts, to which the public looks, above all, for fairness and neutrality. This is true in terms of both perception and reality, as the public must have confidence in its courts and the judicial process. It is therefore imperative that state judiciaries actively work to address bias, real and perceived, within the court system, and take a leadership role to address bias in the entire justice system.

Many states already pursue various strategies to address bias-related issues. These includes measures such as appointing state or local task forces; promoting a representative workforce; conducting educational awareness programs for all court personnel; providing adequate interpreter services and multilingual court forms; and setting and enforcing court policy and procedures for reporting and handling bias incidents. While different strategies will work best in different jurisdictions, depending on a variety of factors, we offer the following general principles to serve as guideposts to developing a coherent policy for each state judiciary.

1. **Engage in outreach and improve access to justice.** All efforts to increase public understanding of the courts and ensure that all citizens have equal access to the courts will bolster public confidence in the courts and reduce incidents of bias. Measures range from local community education programs to jury diversity to adequate pro bono representation.
2. **Initiate inter-branch dialogue and cooperation at all levels of government.** The judiciary should take the lead to bring together its governmental and institutional partners, as well as community leaders, to engage in an ongoing dialogue about bias issues across the entire continuum of the criminal and civil justice systems and work toward comprehensive solutions. A permanent collaborative effort enables the participants to establish a solid working relationship, fostering genuine communication and minimizing the often arms-length approach that often inhibits meaningful progress. As issues arise or incidents occur, there is an existing forum that can respond; an ongoing entity can also recognize and address issues at an early stage and formulate joint strategies. An inter-branch entity also provides a mechanism for credible data collection, which is critical to most discussions of bias issues but is hard to come by.
3. **Share strategies and information among jurisdictions.** The National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts has grown to include 37 states. While we urge states to establish and maintain task forces or commission that participate in the Consortium, this is but one conduit for information-sharing. COSCA should assume a role in this regard, promoting information- and strategy-sharing among states, so that jurisdictions can benefit from the experience of others and work together to solve problems and identify new strategies.
4. **Maintain issue visibility in court leadership.** Whatever particular strategies are adopted, and whatever form inter-branch efforts take, the issue of racial and ethnic fairness must also be a visible priority for court leadership at the highest levels. COSCA should work with CCJ to assume a leadership role as well, in order to ensure that the proper focus remains on the issue and its solutions. Within individual states, Chief Justices and State Court Administrators should seek out higher visible opportunities to model fairness, such as taking on leadership roles in ensuring that employment in the courts reflects the racial makeup of local communities.

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