



TEXAS JUDICIAL COUNCIL

2020 PUBLIC TRUST & CONFIDENCE COMMITTEE

REPORT AND RECOMMENDATIONS
September



In June 2019, the Texas Judicial Council charged the Public Trust and Confidence Committee with:

- Continue to monitor public trust and confidence in the Texas Judiciary and recommend any necessary reforms to increase public support and respect.

Members of the Committee are:

Hon. Ed Spillane, Chair
Hon. Sherry Radack
Hon. Vivian Torres
Hon. Maggie Sawyer
Senator Judith Zaffirini

Mr. Ken Saks
Ms. Sonia Clayton
Ms. Rachel Racz

The Texas Judicial Council's Public Trust and Confidence Committee met January 23, 2020, and August 28, 2020.

Recommendations

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Recommendations in Brief

Remote Proceedings

1

The Legislature and the Texas Supreme Court should remove any barriers to continuing remote online court proceedings and court innovations developed as a result of the COVID-19 pandemic.

Civics Education

1

The Legislature should amend state law to require a comprehensive civic education that results in informed and responsible civic engagement for Texas school-aged children.

Judicial Training

1

The Texas Court of Criminal Appeals should require judges to obtain additional training on implicit bias.

2

The Texas Judicial Council should create an advisory committee of the Council to assist the Council in its focus on judicial training, community engagements, and developing judicial summits.

Recommendations in Detail

REMOTE PROCEEDINGS

BACKGROUND

Texas saw its first diagnosed case of COVID-19 on March 4, 2020. No one could have predicted the destruction and disruption the Coronavirus pandemic would cause our communities in Texas, the nation, and the world. Luckily, the Texas Judiciary had begun preparing for Coronavirus weeks before the first diagnosis by participating in preparedness briefings with Governor Greg Abbott, emergency services and health and human services staff starting on February 27th. Based upon the information gathered at those briefings, the Texas Judiciary activated its response plan and began taking actions including preparing to hold court online.

On March 13th, hours after Governor Abbott issued a disaster declaration and public health emergency declaration for the state, the Supreme Court, joined by the Court of Criminal Appeals, used its emergency powers under Section 22.0035(b), Texas Government Code, to issue the First Emergency Order Regarding the COVID-19 State of Disaster. The order permitted all courts in all cases, without a participant's consent, to modify or suspend deadlines, allow or require remote participation by anyone involved in a hearing or proceeding (except jurors), conduct proceedings away from the court's usual location, and permitted courts to extend statutes of limitations in Civil cases.

The Office of Court Administration (OCA) considered several technology platforms that would enable judges to conduct court proceedings remotely. After testing several different options, OCA determined that Zoom would be the best fit for the Texas Judiciary. OCA asked twenty judges to test the platform with remote hearings during the week of March 16-20. Almost 100 proceedings were conducted during that week, with judges providing positive feedback about the platform's utility for remote hearings.¹ With this feedback, OCA procured enough licenses for every judge in Texas to have one so that the full features and security of the Zoom platform would be available to those judges.

Texas judges fully adapted to the technology holding an estimated 500,000 remote hearings in every case type and type of proceeding, including bench and jury trials, with 1.5 million participants, lasting more than 1.1 million hours during the 7- month period between March and September.

Not only did judges use the tools made available to them to continue providing access to justice during the pandemic, they found that the tools had significant advantages over in-person proceedings in certain types of cases and hearings, as discussed below. With these improvements, ensuring that judges can continue using the tools post-pandemic is critical to improving access to justice.

¹ JURY TRIALS DURING THE COVID-19 PANDEMIC: Observations and Recommendations 3, TEX. OFFICE OF COURT ADMIN. (AUG.. 2020), <https://txcourts.gov/media/1449660/jury-report-to-scotx-final.pdf>.

Texas Courts Online

March - September 15, 2020

1,859
Judges

98%
Customer
Satisfaction

More than
450,000
Hearings

1,446,001
Participants

1,084,545
Meeting
Hours



1,154
Court
Channels
YouTube



RECOMMENDATION

Recommendation: The Legislature and the Texas Supreme Court should remove any barriers to continuing remote online court proceedings and court innovations developed as a result of the COVID-19 pandemic.

Texas was the first state to have its nine-member Supreme Court host remote oral arguments, the first state to hold a virtual non-binding civil jury trial in May 2020, and it became the first state to hold a virtual criminal jury trial in August 2020. The Texas Judiciary continues to lead the nation with its innovation and ability to adapt during the pandemic. However, some of the innovation and move to online proceedings would not be possible without the Governor's Disaster Declaration in place and subsequent emergency orders from the Texas Supreme Court. The disaster declaration allows the Supreme Court to "modify or suspend procedures for the conduct of any court proceeding affected by a disaster declared by the governor"² and allows for courts to host hearings away from their typical locations.³

A silver lining of the pandemic has been the improvement in access to justice. Many judges have reported that they are seeing greater participation from litigants via Zoom due to the ease of using the platform and the fact that litigants can more efficiently attend court hearings by simply logging in to their computer or mobile device. Judges are also reporting cost savings from traveling to and from court for litigants, attorneys and judges. Access to interpreters has increased as well. OCA reports that its Texas Court Remote Interpreter Service's (TCRIS) demand is up 50% from March-August 2020 over the same time period in 2019.

Texas Supreme Court Justice Eva Guzman praised virtual participation on Twitter tweeting, "Judges statewide lauding virtual participation as a game changer in CPS cases. Virtual allows more efficient and expeditious docket management across the state, removes transportation and financial barriers to successful reunification and keeps parents and kids in contact."⁴ Justice Guzman continued, "Imagine the possibilities. Non-custodial parents can help with homework, meet with a teacher or doctor, and stay present in their children's lives. Often, parents are penalized for not doing so despite economic impediments like lack of transportation or inflexible work schedules."⁵

² Tex. Govt. Code § 22.0035(b)

³ See Tex. Govt. Code §§ 24.033(b) (district courts), 25.0019(b) (statutory county courts), 25.0032(b) (statutory probate courts), 26.009(b) (constitutional county courts), 27.0515 (justice courts), 29.015 (municipal courts), and 30.000123 (municipal courts of record)—relating to designating alternative locations for proceedings during a disaster. These provisions were enactments of the 86th Legislature (2019) in Senate Bill 40 (Zaffirini/Leach) on the recommendation of the Texas Judicial Council's Public Trust and Confidence Committee in our last report.

⁴ Justice Eva Guzman (@JusticeGuzman), Twitter (Sept. 18, 2020, 12:08PM), <https://twitter.com/JusticeGuzman/status/1307003608962158597>.

⁵ Justice Eva Guzman (@JusticeGuzman), Twitter (Sept. 18, 2020, 2:39PM), <https://twitter.com/JusticeGuzman/status/1307003608962158597>.

In addition, in survey of more than 3000 Texas attorneys conducted in June 2020, attorneys reported positive feedback on remote hearings:

- 94%** had no issues communicating with their client during hearings
- 93%** had positive or neutral impression of remote hearings
- 85%** would recommend remote hearings to colleagues or clients
- 44%** feel remote hearings are worse than in-person hearings, but 73% say they are effective.
- 43%** open to conducting some portion of a jury trial remotely. Jury qualification, witness testimony, and voir dire were the top answers.⁶



It is this Committee's belief that remote hearings will never fully replace in person proceedings and they shouldn't; however, the progress made during the pandemic in access to justice, accessibility and efficiency should continue long after the pandemic ends. The Committee recommends that any statutory or rule barriers to holding remote proceedings outside a disaster declaration, should be removed.

⁶ *Remote/ In-Person Proceedings Survey, TEX. OFFICE OF COURT ADMIN. (June 2020).*

CIVIC EDUCATION

BACKGROUND

We have all heard the unbelievable statistics – only 27 percent of 12th graders are proficient in civics education and government, or from a study conducted by the American Bar Association – less than half of adults in America can identify the three branches of government.⁷ In a 2018 public opinion poll conducted by the Texas Judicial Council, 52 percent of respondents said it was up to the person accused of the crime to prove his or her innocence.⁸

These statistics point out a need to strengthen and improve civic education in our schools, especially a deeper understanding of the purpose and role of the 3rd branch of government.⁹

The Council has long-supported measures to improve civic education. In 2018 it recommended expanding the widely successful program *Access to Justice: Class in the Courtroom*. The program, developed by Sen. Judith Zaffirini, Ph.D., performed monthly mock trials in Laredo based off of beloved fairytale characters. The program has developed handbooks, mock trial scripts, and certificates of achievement and has made them available for courts to use across the country.¹⁰ Since December 2017, 6,190 students have seen 50 mock trials at Webb County's County Court at Law Number Two with Judge Victor Villarreal presiding.

7 *Advocacy for Civic Education: A Statistical Cry for Help*, iCivics (July 24, 2014), <https://www.icivics.org/news/advocacy-civic-education-statistical-cry-help>.

8 TEXAS PUBLIC TRUST AND CONFIDENCE SURVEY TOPLINE REPORT, SSRS (June 29, 2018), <https://www.txcourts.gov/media/1442332/public-trust-and-confidence-survey-topline-report.pdf>.

9 We note that, due to a lack of proper civics education, some Americans do not know there are three branches of government.

10 *Texas Access to Justice: Class in the Courtroom*, TEX. OFFICE OF COURT ADMIN. (materials developed by Sen. Judith Zaffirini, Ph.D.), <https://www.txcourts.gov/publications-training/training-materials/class-in-the-courtroom/>.



“ The committee recommends building on these civic education successes by partnering with various stakeholders interested in strengthening civic instruction and curriculum.

The committee recommends building on these civic education successes by partnering with various stakeholders interested in strengthening civic instruction and curriculum. One organization of interest is the Texas Civic Education Coalition. The Coalition was formed in November 2019 with the mission of preparing Texas' students for responsible, informed participation in civic life by promoting non-partisan education initiatives that support the key pillars of a comprehensive civic education.

RECOMMENDATION

Recommendation: The Legislature should amend state law to require a comprehensive civic education that results in informed and responsible civic engagement for Texas school aged children.

The Committee adopts the recommendations of the Texas Civic Education Coalition and recommends legislative changes to civic education in Texas for grades K-12 with the following components:

1. Define the elements of a comprehensive civic education that research shows results in informed and responsible civic engagement:
 - a. **Civic Knowledge** - an understanding of the history and heritage of our civic life; the structure, functions, and processes of our civic institutions at all levels; founding-era documents; geography and economics that affect public policy; and the role of the citizen.
 - b. **Civic Skills** - the abilities necessary to participate as active and responsible citizens in a democracy; training on how to effectively engage in the civic life and civic institutions of their community, state and nation; how to analyze text and determine the reliability of sources; how to formulate and articulate reasoned positions; how to actively listen and engage in civil discourse; and collaboration and community organizing skills.
 - c. **Civic Attitudes** - appreciation of the importance and responsibility to participate in civic life; commitment to our nation and system of government; appreciation for the rule of law, free speech, and civil discourse; civic self-efficacy and understanding of perspectives that differ from one's own.
 - d. **Civic Behaviors** - practicing civic habits, including voting, engaging in deliberative discussions, volunteering, attending public meetings and participating in other civic activities related to civic life through meaningful experiential opportunities or classroom simulations.
2. Recognizing the foundational civic knowledge requirements already existing in Texas educational standards but emphasizing the need for additional K-12 instruction on civic skills as well as appropriate civic attitudes in addition to just civic facts;
3. Mandating a student-led but curriculum-based, non-partisan civics practicum or project in the 8th grade and once in high school to effectively demonstrate understanding of crucial civic behaviors;
4. Requiring the Board of Education, during the already scheduled 2023 revision cycle, to revise or enhance the current social studies teaching standards (Texas Essential Knowledge and Skills) to provide for all four civic education domains described above and to specifically include these civic education domains where possible in existing history standards;
5. Instructing the TEA to infuse civics education into other disciplines by providing content rich, non-fiction civics texts in English Language Arts testing where reading and writing prompts are used and in approved ELA reading lists;
6. Requiring social studies teachers to have 25% of their teacher continuing education hours mandated every 5 years by the Education Code be specifically on effective teaching of media literacy, simulations of democratic processes, civic practicums, and guided classroom discussions of current events.

JUDICIAL TRAINING

BACKGROUND

The Texas Court of Criminal Appeals is responsible for adopting rules for programs related to education for training for attorneys, judges, justices of the peace, district and county clerks, law enforcement officers, law students and other court personnel in Texas.¹¹

Appellate, District and County Judges are required to complete 30 hours of education before or within one year of taking office and 16 hours each fiscal year thereafter.¹² Justice of the Peace must complete an 80-hour live course within one year of taking office and 20 hours of education each year thereafter.¹³ Municipal Judges who are attorneys must complete 16 hours of education within the first year--32 hours if they are non-attorneys--and 16 hours each year thereafter.¹⁴

The Legislature regularly mandates specific training for Judges,¹⁵ and the Council in the past has recommended additional education in a multitude of areas including pretrial release, mental health and juvenile justice.

RECOMMENDATIONS

Recommendation 1: The Texas Court of Criminal Appeals should require judges to obtain additional training on implicit bias.

Implicit bias training has been part of required judicial education for Texas Judges since at least 2001 when the Texas Rules of Judicial Education were amended to require “judicial education entities [to] provide training in ethics, which must include information about issues related to race, fairness, ethnic sensitivity and cultural awareness.”

Since 2012, the College for New Judges has included implicit bias and implicit judgment training for all newly-elected and-appointed judges as part of its curriculum. A full list of implicit bias training sessions compiled by the Texas Center for the Judiciary is located in the appendix of this report.

However, unlike requirements to obtain family violence training hours, there is no requirement that judges obtain a certain number of hours of implicit bias training on a regular basis. If judges do not attend the events or sessions offered by the training entities on implicit bias, they might not receive the training.

In light of recent national events and in an effort to continue the judiciary’s dedication to continuously working to improve public trust and transparency, the Committee recommends that judges be required to obtain training on implicit bias annually.

11 TEX. GOV’T. CODE § 56.006(a).

12 TEX. R. JUD. ED. 2.

13 TEX. R. JUD. ED. 3.

14 TEX. R. JUD. ED. 5.

15 TEX. R. JUD. ED. 12(b)

Recommendation 2: The Texas Judicial Council should create an advisory committee of the Council to assist the Council in its focus on judicial training, community engagements and developing judicial summits.

The Council and Texas Judiciary have a strong history of commitment to public engagement and efforts to increase trust and confidence in the third branch.

In December 2016, the Supreme Court of Texas and the Texas Court of Criminal Appeals hosted a summit called *Beyond the Bench: Law, Justice and Communities* in Dallas, Texas at Paul Quinn College. The day long conversation brought together a diverse group including Texas judges, law enforcement, educators, clergy, and national, state, and community leaders. The goal was to strengthen trust and confidence in our justice system and to have an open dialogue between community members.¹⁶

More recently, the Council conducted a public trust and confidence survey in 2018 that continues to be used to inform its work including recommendations to expand civic education in Texas.¹⁷

In 2019, the Texas judiciary was one of six states chosen for a Public Engagement Pilot Project sponsored by the National Center for State Courts. The Texas team held three engagements in late 2019 and early 2020 in Alpine, Brownsville, and Houston. The goal of the projects was to learn how to effectively engage focus groups and gain insight on ways to improve the court system through community engagement in order to assist other courts in doing the same.¹⁸

Recognizing that the efforts above take significant work and planning, the Committee recommends that the Council create an advisory committee to focus on judicial training, community engagement, and developing judicial summits. The Committee should be comprised of members of the Texas Judicial Council, judicial officers, advocacy groups, attorneys, community members, law enforcement and any other members necessary to its mission.

¹⁶ *Beyond the Bench: Law, Justice, and Communities Summit*, TEX. JUD. BRANCH, <https://www.txcourts.gov/publications-training/training-materials/beyond-the-bench-law-justice-and-communities-summit/>.

¹⁷ TEXAS PUBLIC TRUST AND CONFIDENCE SURVEY TOPLINE REPORT, *supra* note 8.

¹⁸ *Public Trust and Confidence Pilot Projects*, NAT'L CTR. FOR STATE COURTS (2019), <https://www.ncsc.org/topics/court-community/public-trust-and-confidence/public-engagement-pilot-projects>.

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Attachment A

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TEXAS CENTER FOR THE JUDICIARY

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Judge Mark D. Atkinson, Chief Executive Officer

Implicit Bias Trainings

Rule 12 of the Rules of Judicial Education lists the statutorily mandated training for judges. Rule 12b specifies “Judicial Education entities shall provide training in ethics, which must include information about issues related to race, fairness, ethnic sensitivity and cultural awareness.”

While the mandate is on training entities, most judges in Texas attend the Texas Center’s College for New Judges. Implicit bias training was integrated into the curriculum of the College for New Judges in 2012 and has been included every year since then except in 2013 and 2015. With the exception of 2012, it has been taught by Professor Jeffrey Rachlinski¹ from Cornell Law School.

The following is a list of programs and presentations that are clearly and readily identifiable as bias training, followed by a list of additional presentations incorporate bias (including ethnic, gender, cultural, or racial) as part of the subject matter.

Programs Dedicated Solely to Implicit Bias

Undoing Racism Workshops (2010-2014)

Grants funds available through the Court Improvement Project, administered by The Permanent Judicial Commission on Children, Youth, and Families, were used by the Texas Center for the Judiciary to partially support an Undoing Racism workshop for judges in 2011.

Grants funds available through the Children’s Justice Act (CJA), administered by The Texas Center for the Judiciary, were used to bring Undoing Racism workshops to local communities. The CJA Task Force sponsored one training at the Texas Center in 2010; provided funding to the Texas Center to partially support a workshop for judges in 2011; provided funding to the Department of Family and Protective Services to bring two workshops to local communities in 2012 and;

¹ Jeffrey Rachlinski is the Henry Allen Mark Professor of Law at Cornell Law School. He holds a BA and an MA in psychology from Johns Hopkins University, a JD from Stanford Law School, and a PhD in Psychology from Stanford. In 1994, Professor Rachlinski joined the faculty at Cornell Law School. He has also served as visiting professor at the University of Chicago, the University of Virginia, the University of Pennsylvania, Yale, and Harvard. Professor Rachlinski’s research interests primarily involve the application of cognitive and social psychology to law with special attention to judicial decision making. He has presented his research on judicial decision making to audiences in attendance at over 70 judicial education conferences, which have included over 5,000 judges in a dozen states and three countries.

provided funding to the Center for the Elimination of Disproportionalities and Disparities to bring Undoing Racism trainings to communities across the state as part of a pilot project.

Implicit Bias Conferences (2010 – 2013)

The Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Children’s Commission) and the Texas Center for the Judiciary hosted the Implicit Bias Conference for four consecutive years. The goal of the conference was to educate judges about the effect of implicit biases on decision making and how these biases have contributed and continue to contribute to disparate outcomes for African American, Native American and Hispanic youth and families involved in the judicial system. Some of the nation’s pre-eminent experts led discussions on race and racism, including its history in the United States, the effects of unintentional biases, current research, and tools judges can use to effect change in their courtrooms. Course titles and objectives are listed below.

Presentations Dedicated Solely to Implicit Bias (2010 – Present)

2020

Many conferences have been canceled due to COVID-19. Implicit bias training will be included in the College for New Judges, in-person or virtually.

2019

College for New Judges

Implicit Judgment – 1 hr

Explored how implicit bias based on gender, race/ethnicity, and a whole host of other individual traits can affect judgments in both civil and criminal cases, in the courtroom and beyond.

DWI Court Teams Advanced Conference

Culturally Informed Practice: Making Implicit Bias Visible – 1 hr

Reviewed emerging research on the science of implicit bias and consequent outcomes such as micro aggressions, and offered strategies to better understand members of diverse communities.

2018

College for New Judges

Implicit Judgment – 1 hr

Explored how implicit bias based on gender, race/ethnicity, and a whole host of other individual traits can affect judgments in both civil and criminal cases, in the courtroom and beyond.

Child Welfare Judges Conference

Cultural Competency – 1 hr

Through personal and professional experiences about interacting with the various and diverse populations which come before their courts, two Texas judges discussed how they created a respectful environment in which collaboration, family empowerment, and strength-based solutions contributed to fair and positive treatment of all involved.

2017

College for New Judges

Implicit Judgment – 1 hr

Explored how implicit bias based on gender, race/ethnicity, and a whole host of other individual traits can affect judgments in both civil and criminal cases, in the courtroom and beyond.

DWI Court Teams Advanced Conference

Addressing Disparities: Cultural and Gender Issues – 1 hr

Focused on helping courts provide equivalent access, retention, treatment, incentives and sanctions, dispositions, and stress the importance of providing team training on race, ethnicity culture, diversity and becoming a culturally competent and responsive program.

2016

College for New Judges

Implicit Judgment – 1 hr

Explored how implicit bias based on gender, race/ethnicity, and a whole host of other individual traits can affect judgments in both civil and criminal cases, in the courtroom and beyond.

2014

College for New Judges

Implicit Bias – 1 hr

Explored how implicit bias based on gender, race/ethnicity, and a whole host of other individual traits can affect judgments in both civil and criminal cases, in the courtroom and beyond.

Annual Judicial Education Conference

The Impact of Race and Gender on Judicial Decision-Making: The Empirical Evidence in Employment Discrimination Cases – 2hrs

Reviewed research that has shown how unconscious preferences can affect reactions and judgments, then explored the complex race and gender dynamics in judicial decision-making and their consequences.

Texas College for Judicial Studies

Justice for All: Creating a Bias-Free Court– 1.5 hrs

Presented a plan for creating a bias free court using the human relations approach. Focusing on communications tools, diversity issues were presented and discussed.

Child Welfare Judges Conference

Neuroscience of Judicial Decision-Making – 1.25 hrs

Analyzed emerging research in neuroscience and discussed how unconscious processes can affect decision-making and identified ways to increase sound decision-making and fairness.

DWI College for Court Teams

Cultural Competency 101 & Cultural Competency Discussion – 1.5 hrs

Discussed how cultural filters can impact a client's motivation and how being aware of these when creating a treatment plan can increase the likelihood of a successful outcome.

2013

Education Summit

Mandatory Reporting and Disproportionality – .5 hr

Focused on the impact that mandatory reporters have on disproportionate representation of children of color in the child welfare and juvenile justice systems and projects that have been implemented across the state to increase awareness of this issue.

Implicit Bias Conference

Disproportionality and Disparities in Texas: an Overview – .75 hr

Discussed the Texas specific data on disproportionality in its child welfare system as well as the move to a broader effort to improve equity across all systems.

Video Presentation: Race – The Power of an Illusion – 1 hr

Challenged the assumption of race as biology and explores how the social understandings and the implications of race have changed over time. Also scrutinized the effect that changing ideas about race have had on institutions.

Power, Privilege and Race – 2.5 hrs

Explored the historic construction of race and power in the United States and examined why these inequalities endure and what can be done to correct them.

The Science of Implicit Bias – 1.5 hrs

Provided information about the state of the science of implicit bias as well as detailed methods of measuring and understanding unconscious prejudices.

Helping Courts Address Implicit Bias – 1.75 hrs

Introduced research-based methods that can alter automatic mental processing to improve fairness in decision-making and will identify techniques for overriding unconscious bias.

Mobilizing Communities to Address Inequalities – .75 hrs

Experts identified ways that the judiciary, CPS, and the community work together to develop solutions to disproportionality and disparities.

2012

College for New Judges

Implicit Bias – 1.5 hrs

Used Texas-specific data to illustrate the existence and extent of disproportionality in the criminal justice system and how this can affect the role of a judge.

Family Violence Conference

The Neuroscience and Psychology of Judicial Decision-Making in Family Violence Cases – 1 hr

Dr. Kim Papillon analyzed the relationship between a person's brain, preferences and judicial decision-making in the context of cultural and gender differences in nonverbal

communication. She then offered methods and tools that can alter automatic mental processes to improve fairness and identify techniques for overriding unconscious bias.

Implicit Bias Conference

The Texas Story – 1 hr

Described the institutional change Texas made to reduce disproportionality within the child welfare system, which included the voices of those whose lives have been changed by these efforts.

What Blood Won't Tell: A History of Race on Trial in America– 1.75 hrs

Reviewed the legal history of racial identity, showing how the relationships of race have affected claims of citizenship over the past 150 years.

Analyzing Power – 1.75 hrs

Explored the historic construction of race and power in the United States and examined the systems external to the community that create the internal realities that many people experience on a daily basis.

Racial Wealth Gap – 1.25 hrs

Addressed how disparities in family assets along with continuing discrimination in critical areas such as homeownership dramatically impacts the lives of black families, perpetuating the cycle of poverty.

Uneven Justice – 1.25 hrs

Discussed the collateral effects of high incarceration in communities of color, including family stress and dissolution.

Intersection of Criminal Justice and Child Welfare – 1 hr

Focused on how parental involvement in the criminal justice system is a much higher risk factor for children of color.

The Neuroscience and Psychology of Decision-Making – 1.25 hrs

Dr. Kim Papillon analyzed the relationship between a person's brain, preferences and judicial decision-making in the context of cultural and gender differences in nonverbal communication. She then offered methods and tools that can alter automatic mental processes to improve fairness and identify techniques for overriding unconscious bias.

2011

Texas College for Judicial Studies

Justice for All: Creating a Bias-Free Court– 1.5 hrs

Presented a plan for creating a bias free court using the human relations approach. Focused on communications tools, diversity issues are presented and discussed.

CPS & Associate Judges Conference

How Implicit Bias Affects Decision-Making – 1 hr

Described how the way information is processed impacts decision-making, taking into account implicit bias - what it is, how it works, and how to address it to improve decision-making from the bench.

Implicit Bias Conference

The Texas Story – .25 hr

Described the institutional change Texas made to reduce disproportionality within the child welfare system.

Leading with the Data – 1 hr

Texas-specific data was used to illustrate the existence and extent of disproportionality in the child welfare system and how it increases at each stage of service.

Video Presentation: Race – The Power of an Illusion – 2 hrs

Challenged the assumption of race as biology and explores how the social understandings and the implications of race have changed over time. Also scrutinized the effect that changing ideas about race have had on institutions.

Analyzing Power – 1.75 hrs

Explored the historic construction of race and power in the United States and examined the systems external to the community that create the internal realities that many people experience on a daily basis.

Anthropology of Race – 1.5 hrs

Examined assumptions about race and biology, analyzed the difference between looking at race as a social idea versus a scientific one, and discussed other explanations for why individuals look different from each other.

Colorblindness – 1.5 hrs

Explored racial paradigms and how they contribute to a system of white privilege socially and legally defended by restrictive definitions of what counts as race and racism, and what doesn't, in the eyes of the law.

Structural Racism – 1.5 hrs

Explored the practices, cultural norms, and institutional arrangements that help create and maintain disparate racialized outcomes.

Courts Catalyzing Change – 1.5 hrs

Reviewed a study that investigated disproportionate representation and disparate outcomes for children and families of color in child protection courts.

2010

Implicit Bias Conference

The Texas Story – .75 hr

Described the institutional change Texas made to reduce disproportionality within the child welfare system.

Race: The Power of an Illusion Video Presentation – 1 hr

Challenged the assumption of race as biology and explores how the social understandings and the implications of race have changed over time.

History of Racism in America– 2.25 hrs

Examined how racism has distorted, suppressed, and denied the histories of people of color and white people.

Implicit Bias in Decision-Making – 1 hr

Explored how implicit biases work and how despite pretexts of “color blindness,” racism still results in disproportional treatment in all major social institutions, including child welfare.

Training and Strategies: Judges Role – 3 hrs

Explored how racial bias or cultural misunderstanding by judges, social workers, and attorneys perpetuates disproportionality in child welfare; and provided an opportunity to develop an understanding of cultural and sub-cultural context.

The Travis County Story on Disproportionality – .25 hr

Reviewed Travis County disproportionality data and discussed strategies and efforts being implemented by the local DFPS Disproportionality Task Force and Travis County Model Court to address and eradicate racial disproportion in the child welfare population.

Presentations that Incorporate Implicit Bias as a Part of the Subject Matter (2010 – Present)

2019

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1 hr

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

2018

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

Child Welfare Judges Conference

The Power of Perception and The Positive Impact of Humanizing Justice – .5 hr

Discussed the concept of procedural fairness, and why having a humane and fair courtroom process has more impact on the parties than the actual decision.

2017

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

Child Welfare Judges Conference

Recognizing Judicial Leadership and Innovate Practices – 1 hr

Judge Cyndi Wheless discussed her long-time efforts to address disproportionality and her use of the National Council of Juvenile and Family Court Judges Courts Catalyzing Change bench card. Judge Carlos Villalon presented on the Collaborative Family Engagement program and the difference it has made in his community, along with docketing practices and becoming a trauma-informed courtroom. Judge Katrina Griffith discussed involving youth in the decisions affecting their lives and moving youth to permanent homes and relationships.

2016

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

2015

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

Child Welfare Judges Conference

Handling Well-Being Issues From the Bench – 2.25 hrs

Foster youth discussed their experiences, specifically related economic, social, and emotional well-being, and judges engaged in a Q & A forum that included the subtopic of disproportionality.

2014

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

Texas College for Judicial Studies

Public Perception of the Courts through Media – 1.5 hrs

Compared how movies have portrayed judges, the concepts of fairness and justice depicted in courtroom scenes, and showed movie examples of unethical behavior by judges.

Constructive Communication – 3 hrs

Identified courtroom events that included nonverbal messages, addressed personal nonverbal styles and self-monitoring, and presented tools to help judges develop strategies for managing nonverbal perceptions and problems.

Child Welfare Judges Conference

Laws and Policies Affecting Limited English Proficient People in Texas Courts – .5 hr

Reviewed statutes and rules addressing the appointment of court interpreters as well as available resources and information to assist courts with this process to ensure due process.

2013

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

Child Welfare Judges Conference

Criminal Convictions and Kinship Placements – 1 hr

Examined the higher rates of incarceration of African Americans and what effect it had on the child welfare system, as well as the potential implications of criminal justice involvement on children and families this question as well as the effect of criminal convictions on kinship/relative placements and permanency.

2012

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

Child Welfare Judges Conference

Procedural Fairness in CPS Cases – 1 hr

Provided recommendations and ideas to improve the perception of procedural fairness by all parties in child welfare cases.

2011

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

Annual Judicial Education Conference

When Justice Fails – 1.5 hrs

Analyzed the impact of judicial decisions and implications of judges' position as the branch of government charged with maintaining order. When significant actions by the executive or legislative branch threaten to encroach on the freedoms of citizens, it is up to the judiciary to enforce the principles of law and the constitution.

Texas College for Judicial Studies

Creative Sentencing – 1 hr

Examined factors judges rely on when sentencing offenders, highlighting factors that they may not be aware they are taking into consideration, including race and gender. You may not even be aware of the factors influencing your decision.

Public Perception of the Courts through Media – 1 hr

Compared how movies have portrayed judges, the concepts of fairness and justice depicted in courtroom scenes, and showed movie examples of unethical behavior by judges.

Constructive Communication – 3 hrs

Identified courtroom events that included nonverbal messages, addressed personal nonverbal styles and self-monitoring, and presented tools to help judges develop strategies for managing nonverbal perceptions and problems.

2010

College for New Judges

Role of a Judge – 1 hr

Examined the role of the judge in the justice system and a judge's ability to affect and improve his or her community by being fair and equitable to all that come before the Court.

Self-Represented Litigants – 1 hr

Addressed issues relating to judicial sensitivity to self-represented litigants and how judicial responses might be interpreted as unethical or displaying bias and lack of sensitivity.

Ethics In and Out of the Courtroom – 1.5 hrs

Explored moral, legal and ethical obligations imposed by Texas Judicial Code of Conduct.

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