



Twenty Actions Judges Can Take to Combat Racial Injustice

The following ideas were generated from The National Judicial College's online [Conversations on Racial Justice](#), held during 2020 in the wake of the George Floyd killing, and from an online [National Roundtable on Racial Justice](#) facilitated by the NJC and the National Center for State Courts. The Roundtable took place February 25, 2021, and featured representatives from nearly every national judicial organization.

1. Seek out impartial observers to visit your courtroom and critique your behavior and decision-making regarding racial bias.
2. Track and compare demographic information on which defendants you deem eligible for compassionate release. Do you notice any patterns by race? Conduct the same sort of audit with sentences and bail decisions. Realize that if you aren't looking at these trends yourself, a third party probably is or will be soon. And they will probably make their findings public.
3. If your state's court rules grant you discretion, look to change practices that have tended to disadvantage people of color. Shorten or eliminate pretrial detention. Reduce fines and fees in criminal cases. Restore the civil rights and expunge convictions of those who have paid their debt to society.
4. Consider the collateral consequences of convictions for various serious offenses. These side effects, such as extreme difficulty in finding a job with a conviction for certain crimes, almost always have longer-term consequences than the prison terms or fines you impose.
5. Take time to understand every defendant's circumstances. Can they afford their rent? Will the person be working or need child care during the hours you're expecting them to be in court? The virtual hearings made necessary by the pandemic made it easier for some underprivileged people to keep court appointments. Continue to offer remote hearings as an option.
6. Don't settle for homogenous juries. If you notice a pattern of few Black people in your jury pools, consider asking ministers in Black churches to preach about the importance of serving, or ask other Black community leaders to discuss the importance of serving.
7. Ask your state's supreme court to adopt a rule similar to Washington state's GR37, which prohibits race-based peremptory challenges during jury selection.
8. Sign up for courses on implicit bias, cultural awareness and antiracism – even if your state or the Model Code doesn't require them yet.

9. Do your part to diversify the bar and bench by creating more externship, internship and clerkship opportunities for people of color. Be proactive. Encourage young lawyers of color to apply for these opportunities, including programs available through the ABA. If you are a judge of color, help increase the flow of minorities into the pipeline to the bench and bar by visiting schools with high percentages of students of color. These children may have never seen someone who looks like them on the bench.
10. Compile a more diverse list of mediators and special masters to whom you refer civil disputes.
11. In jurisdictions with judicial appointments, encourage the judicial selection committee to adopt the equivalent of the NFL's Rooney rule. The Rooney rule requires that at least one minority candidate be interviewed for every head coaching or senior front-office job opening.
12. Carefully review charges of resisting arrest.
13. Don't rely on artificial intelligence tools that promise bias-free recommendations for sentencing or bail decisions unless that technology has been thoroughly validated. Realize that such validation may be impossible.
14. Review the language in all of your court's policies and forms to see if they unintentionally offend or disadvantage or communities of color.
15. Survey all who pass through your court about their perception of its access and fairness. (The National Center for State Courts offers a [template](#).)
16. Schedule listening sessions out in the community to find out how locals view your court.
17. If you are a chief judge and control case assignments, ensure that judges of color are considered for assignment to high-profile cases and leadership positions.
18. Accept that you and everyone else have biases (good and bad). Some are explicit (conscious). Some are implicit (unconscious). Learn how to discover and combat your biases. Recognize that this will take more than a one-hour training once a year.
19. Become conscious of microaggressions and eliminate them. In court, do you look Black defendants in the eye or avoid eye contact? Are the hallways of your courthouse lined with portraits of white males exclusively going back a hundred years or more? This can look like a gauntlet to people of color.
20. Speak out whenever you see evidence of structural racism in your jurisdiction. Share your proposed solutions. Understand that the canons of judicial ethics are not an impediment to your raising these concerns. Rather, they impose an ethical *obligation* on you to do everything you can to promote public confidence in a fair and impartial judiciary.