

**SUPREME COURT COMMITTEE ON WOMEN IN THE COURTS
WOMEN OF COLOR SUBCOMMITTEE**

October 6, 2020

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625-0037

**Re: Comments on Proposed Amendments to R. 1:42-1 and CLE
Regulations – Diversity, Inclusion, and Elimination of Bias
Requirement**

Dear Judge Grant:

On behalf of the Women of Color Subcommittee of the Supreme Court Committee on Women in the Courts (“WIC”), we thank you for the opportunity to provide written comments on the proposal to amend R. 1:42-1 regarding continuing legal education and CLE regulations 103:1 and 201:1 to require diversity, inclusion and elimination of bias training for New Jersey licensed attorneys. We endorse this Rule change and believe that modification of the CLE rule advances the goal of diversity and inclusion by ensuring that all attorneys and judges receive key training focused on the elimination of bias in the legal profession.

Starting in 2015, the Women of Color Subcommittee was tasked with identifying ways to help eliminate bias in the legal profession and courts. Subsequently, WIC submitted a proposal for a diversity and inclusion continuing education requirement. While it has taken nearly five years for the proposed Rule change to be fully considered or implemented, we endorse the Court’s current efforts to universalize and require diversity training.

The elimination of bias and fairness in the courts is an integral part of the Judiciary’s core values. The Court has set forth anti-discrimination prohibitions in both the Canons of Judicial Conduct, Rule 3.6(A), (B) and (C), and the Rules of Professional Conduct, RPC 8.4(g). This proposed Amendment to R. 1:42-1 serves to implement those core values.

Our Subcommittee’s research demonstrated that CLE requirements on diversity and inclusion have been adopted in a variety of states and supported by both the American Bar Association and the New Jersey State Bar Association. The time is now for New Jersey to adopt a similar continuing legal education requirement.

We have reviewed the proposed Amendment to CLE Regulation 103:1 and make the following suggestion for broadening of the definitions of permissible topics for ethics

and professional responsibility coursework under the diversity, inclusion and elimination of bias rubric:

Diversity, inclusion, and elimination of bias programs and courses relevant to the practice of law may include, among other topics, the identification and elimination of implicit and explicit bias, equal access to justice, serving a diverse population, diversity and inclusion initiatives in the legal profession. Educational coursework may include, but not be limited to, the importance of increasing the number of judges of diverse backgrounds (i.e., racial, ethnic, sexual orientation and gender identity) as well as the hiring, promotion and retention of diverse attorneys in both the public and private legal sectors, and cultural competency in the practice of law and the administration of justice.

(The underlining contains additional recommended language by our Subcommittee.)

Finally, while we support this mandatory coursework, necessary to maintain a license to practice law in New Jersey, without reservation, we want to be clear that the requirement for a minimum of two credit hours in a two year cycle for diversity, inclusion and elimination of bias training will apply equally to lawyers and judges. In making this requirement applicable to all, the proposed amendment to R. 1:42-1 implements our State's commitment to the promotion of diversity and access and fairness by all members of the legal community. New Jersey has provided broad protections to its citizens in these key areas, both legislatively and judicially. Implementing this requirement is both consistent with, and fosters, these integral values.

Respectfully submitted,

Members of Women of Color Subcommittee
(Supreme Committee on Women in the Courts)
Hon. Verna Leath, J.S.C., Co-Chair
Hon. Lourdes Santiago, J.S.C. (ret.), Co-Chair
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cc: Hon. Karen Cassidy, A.J.S.C.
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