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Submitted via Comments.Mailbox@njcourts.gov.

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Proposed Amendments to Rule 1:42-1 and CLE Regulations
Diversity, Inclusion, and Elimination of Bias Requirement
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Dear Honorable Justice Grant:

I am writing to you on behalf of the New Jersey Coalition to End Domestic Violence (NJCEDV) in response to The New Jersey Supreme Courts proposal to amend Rule 1:42-1 (“Continuing Legal Education Required”) and CLE Regulations 103:1 and 201:1 to require diversity, inclusion, and elimination of bias training for attorneys licensed in New Jersey. We urge the adoption of this proposal, and support its implementation.

NJCEDV is a statewide coalition whose purpose and mission is to end domestic violence in New Jersey. NJCEDV facilitates its mission through advocacy for survivors of domestic violence, collaboration with state agencies, culturally-specific providers, and its member programs, education and training, as well as coordinating efforts to change societal attitudes and systemic barriers that perpetuate domestic violence. NJCEDV recognizes the disproportionate impact marginalized communities face in accessing help for domestic and other forms of violence. Our social justice work promotes systemic change in attitudes and beliefs to support survivors of marginalized communities so they can get the support and resources needed to help them realize their full potential.

A greater diverse legal profession is more just, productive and intelligent because diversity, both cognitive and cultural, often leads to better questions, analysis, solutions, and processes, especially for survivors of domestic violence and sexual assault. NJCEDV supports not only adopting the training of attorneys on diversity, inclusion and the elimination of bias, but supports increased diversity in different sectors of the legal profession, namely law firms, the judiciary, government, law schools and the bar associations. As the State of New Jersey and the United States as a whole become more diverse it is imperative professional organizations, especially the legal profession occupy a crucial role in legitimizing, facilitating, and instantiating the changes that are implicit in diversifying the larger society and its professions. Without a diverse bench and bar, the rule of law is weakened as the people, especially survivors of domestic violence and sexual assault see and come to distrust their exclusion from the mechanisms of justice.

Explicit and implicit biases, including stereotypes about gender roles, sexual assault, and domestic violence, are embedded in our culture and can affect people in all different professions. With respect to the legal profession, these biases may affect attorneys perceptions of sexual assault and domestic violence incidents and prevent them from effectively handling allegations of these crimes. The intersection of racial and gender stereotypes and biases can also pose unique difficulties for women and LGBT individuals of color seeking the legal system to address sexual assault and domestic violence incidents. The need for attorneys to learn about implicit and explicit bias and cultural competency is necessary for ethical, competent and zealous legal representation of domestic violence survivors, especially from marginalized communities. How can an attorney effectively execute the wishes of their client if they lack the sensitivity around understanding the impact of divorce on a Muslim woman, especially in a domestic violence case? Or the harm that can be done to a black woman survivor, whose attorney insists she call the police because the attorney is not cognizant of the negative effect the police have in some marginalized communities throughout the state and the country.

NJCEDV hopes that the training being proposed for New Jersey attorneys will foster more attorneys who represent victims of domestic violence and sexual assault to understand that the violence perpetrated against survivors is more than just physical, but a broad, contextual, interdisciplinary set of various factors that can only be understood after attorneys acknowledge their own implicit biases toward their clients. It is our hope this training is a prelude toward that process. A lawyers recognition of the importance of social context in the life of a survivor (poverty, systemic racism) is an important aspect to effective lawyering on behalf of survivors of domestic violence and sexual assault.

Moreover, NJCEDV wants to remind the Court that diversity encompasses identities beyond race and gender. Minority-owned firms, as well as women, LGBTQ+, and disabled attorney owned firms also face unique opportunities and challenges in our quest towards advancing diversity throughout the legal profession. Therefore, it is crucial to recognize that none of our identities are singular. When adopting these courses NJCEDV hopes that various particular intersections of identities are considered. For many individuals identify as members of multiple racial, ethnic, gender or sexual orientation. Thus, NJCEDV hopes that the CLE diversity and inclusion courses will encompass an awareness of the vast array of underrepresented lawyers throughout our State, and their unique circumstances that attend such intersections.

NJCEDV also supports the Court's proposal because we feel greater diversity in the legal profession allows minority attorneys to be their authentic selves. Diverse attorneys are routinely under pressure to assimilate. By repressing their diverse attributes, diverse attorneys lose their qualities that make them so valuable in the workplace. NJCEDV places individuality ahead of conformity, and only under a culture of acceptance and inclusion can individuals from diverse backgrounds truly thrive.

In closing, NJCEDV hopes that the proposal to require diversity, inclusion, and elimination of bias training for attorneys licensed in New Jersey is not an end state toward diversity in the legal profession, but a means to a greater end. NJCEDV is here to work with the Courts and the State Bar Association collectively, proficiently, and purposefully to include diversity within all aspects of the legal profession. It is utmost important that we include diversity in our everyday lives to make us better as individuals and professionals. *NJCEDV urges the approval of this proposal.*

Sincerely,

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