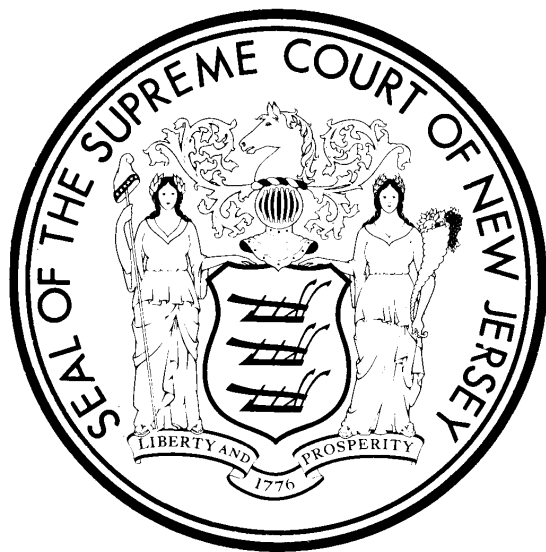


SUPREME COURT COMMITTEE ON DIVERSITY, INCLUSION, AND COMMUNITY ENGAGEMENT



2021-2023 REPORT

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**SUMMARY OF 2021-2023 RECOMMENDATIONS OF THE
SUPREME COURT COMMITTEE
ON DIVERSITY, INCLUSION, AND COMMUNITY ENGAGEMENT**

RECOMMENDATION 2023:01

The Committee recommends the Court convene a special committee, working group, or other advisory body to address the effect and relevance of true poverty calculations to the courts and consider replacing exclusive reliance on the FPL with TPL or the possible use of true poverty assessment where applicable across the Judiciary.

RECOMMENDATION 2023:02

As the Court continues to offer virtual court operations to further reduce barriers to the courts for a range of court users, the Committee, guided by the best practices identified by the NCSC, encourages the Judiciary’s ongoing support of current remote proceedings, identification of potential areas of expansion, and identification of case types where remote participation options should be a mainstay of normal operating procedures. The Committee further supports the Judiciary’s efforts to bridge the access to technology gap by continuing to provide technology kiosks at court facilities and consideration of opportunities to leverage technology to enhance public access to the courts such as through standard livestreaming of in-person and virtual court proceedings as deemed appropriate.

RECOMMENDATION 2023:03

In support of the use of virtual and hybrid formats for court events as set forth in the framework established by the Court, the Committee recommends the Judiciary explore expansion of the resources available to judges, court staff, and court users to promote the formality of judicial proceedings and facilitate quality court events when utilizing technology.

RECOMMENDATION 2023:04

As the Court continues to monitor and potentially further refine the operational framework for in-person, hybrid, and virtual proceedings, the Committee recommends, within the parameters that staffing, resources, and other operational considerations permit, the Judiciary explore establishing a baseline standard for routine livestreaming of certain in-person, hybrid, and virtual court proceedings at the trial court level, beginning with criminal cases beyond first appearances and detention hearings.

RECOMMENDATION 2023:05

In support of ongoing efforts to identify the factors external to the judicial process that contribute to overrepresentation of people of color in pretrial detention and youth of color in pre-adjudication juvenile detention, the Committee proposes the Court consider establishing a joint working group or other short-term advisory entity to identify and collaboratively examine the contributing factors and the potential interventions to remediate the systemic racial and ethnic disparities in the pretrial detention and pre-adjudication juvenile detention systems.

RECOMMENDATION 2023:06

Consistent with the recent amendments to Rule 1:38 that make all records relating to name changes confidential, the Committee proposes that where name change hearings are necessary such proceedings also be excluded from public access except on request of the name change applicant.

RECOMMENDATION 2023:07

The Committee recommends the Judiciary explore opportunities and methods to obtain (on a voluntary basis) race, ethnicity, and other demographic data such as gender to better understand the composition of the applicant pool and effectiveness of outreach and recruitment efforts. In addition, the Committee proposes the Judiciary explore the value of establishing a law clerk alumni network and collaboratively enhancing in-house career services.

RECOMMENDATION 2023:08

The Committee recognizes the need for judges to have broad discretion in the selection of their law clerks and other chambers staff, however there is institutional value to adding some standards and relevant data collection to the pre-hiring process to assure diversity within the law clerk ranks. In support of a balanced approach to the law clerk hiring process, the Committee encourages the Judiciary to explore and identify what additional resources and supports would be helpful to judges in optimizing outreach to law schools, increasing the applications they receive, selecting applicants to interview, conducting interviews, and making selections.

RECOMMENDATION 2023:09

The Committee recognizes the array of external factors that influence the decision to apply for a judicial clerkship with the state courts and recommends that the Judiciary expand the scope of its focus to identify the barriers to achieving more diverse applicant pools and facilitate the development of innovative or collaborative solutions, including public-private partnerships to the degree feasible and appropriate.

Introduction

The Supreme Court Committee on Diversity, Inclusion, and Community Engagement (Committee or SCC DI&CE) presents for the Court's consideration its 2021-2023 report. This report summarizes key aspects of the Committee's work during this term under six thematic headings resulting in nine substantive recommendations.

Through its annual [*Action Plan for Ensuring Equal Justice*](#) the New Jersey Supreme Court continues to express an institutional commitment to remove barriers to justice and eliminate the vestiges of institutional bias and the effects of personal bias. The discussions set forth in this report emerge from the Committee's ongoing focus on its mission in the context of the continuing COVID-19 pandemic, ongoing racially-motivated acts of violence and bias in society, and the realities of institutional racism and structural barriers that affect access to justice through the courts.

The Committee offers its recommendations in its advisory role to the Court in furtherance of ongoing efforts through the practice areas, other Supreme Court Committees, and the daily work of the New Jersey Judiciary to facilitate the administration of equal justice through equitable and bias-free courts.

The Committee aims to build on the New Jersey Judiciary’s tradition of systemic advancement, data-informed recommendations for structural and operational improvements, and innovative proactive approaches to improving the administration of justice. The New Jersey Judiciary’s work on racial and ethnic fairness in and through the courts formally marks its fortieth anniversary in 2023. Beginning with the work of the Committee on Minority Concerns, chaired by then-Judge James H. Coleman, Jr., the Judiciary has methodically worked to eliminate structural barriers to equity and justice. Known since its inception in 1993 as the Supreme Court Committee on Minority Concerns, the Committee was renamed and received an updated charge from the Court, effective September 1, 2019, in recognition of the centrality of its mission and the expanding scope of its work.¹

Through its updated charge the Committee continues to address systemic barriers to justice, structural bias, and the historic vestiges of exclusion and marginalization relating to race, ethnicity, economics, and other primary aspects of identity and experience. The broadened charge supplemented the Committee’s original obligations, which charge included permanent oversight and

¹ The New Jersey Supreme Court established the Committee on Minority Concerns as a standing committee in 1993 to implement the recommendations of the Supreme Court Task Force on Minority Concerns.

coordination of Court-approved initiatives; enhancing competency and awareness of court personnel on issues regarding equal access and treatment; assuring public accountability and responsibility; heightening public understanding of and access to the judicial system; increasing minority representation in various areas; and interfacing with other branches of government.

As the Committee engaged in its work this term, the Court engaged in several significant efforts to advance equal access to justice. Some of these include actions long-supported by the Committee, including [the adoption of a policy on access and inclusive communications \(Directive #07-22\)](#), the Fall 2021 [Judicial Conference on Jury Selection](#) and the adoption of the recommendations of the Judicial Conference Committee resulting in significant reforms to our jury system, and the establishment of the [Special Committee on the Non-Dissolution Docket](#). The Committee is grateful for the leadership the Court continues to show in these and other critically important areas of the justice system, and appreciative of the opportunities afforded its members and staff, to contribute to these and other system reform initiatives described herein.

I. Economics, Class, and Poverty: The Implications of True Poverty on Access to the Courts

The Committee's updated charge includes a focus on economics and poverty. During the course of this term, the Committee spent substantial time discussing the impact of economics on access to the courts and the related racial

and ethnic disparities after receiving several presentations by Legal Services of New Jersey (LSNJ) on the [LSNJ Poverty Research Institute 2021 True Poverty Report](#) (“the True Poverty Report”).² Here, the Committee highlights key findings of the report and summarizes its analysis of the LSNJ True Poverty 2021 Report and the implications for the courts.³

A. Key Findings of the LSNJ True Poverty Report

The *True Poverty Report* centers on the following question: “How much income does one need to make it ‘on one’s own’ without any public or private support and without making tradeoffs?” The *True Poverty Report* specifically considers:

- the need to measure poverty accurately;
- the rationale for measuring true poverty (TPL = true poverty level);
- discussion of true poverty budgets for each of the twenty-one counties in New Jersey;
- exploration of the major cost components of the true poverty budgets;

² Legal Services of New Jersey: Poverty Research Institute. “True Poverty: What It Takes to Avoid Poverty and Deprivation in the Garden State,” July 2021.

³ The Committee thanks LSNJ President Dawn Miller and LSNJ Poverty Research Institute Director Shivi Prasad for LSNJ’s presentations on the 2021 True Poverty Report. This work product of the LSNJ Poverty Research Institute has been very informative to the Committee’s discussions and deliberations in this area of access to the courts and supporting racial and ethnic equity in the justice system.

- differentials in experiences of poverty by family type and community of residence;
- why true poverty matters; and
- selected policy implications.

The *True Poverty Report* “defines the point where people face significant deprivation in critical life areas” by calculating a family’s cost of living based on geography and annual income.

Historically, measures of poverty have been calculated using the Federal Poverty Level indicator (FPL) or multiples of the FPL. The FPL was introduced in 1963 by the Social Security Administration and includes the projected cost of food multiplied by 3. The food costs rely on the calculations provided by the U.S.D.A. Thrifty Food Plan. Except for updating the food cost calculation for inflation, the formula underlying the FPL remains the same today, sixty years later. The FPL includes no geographical variation, yet it is widely known that costs differ by region, state, and even by county.

Each year the U.S. Census Bureau publishes updated information on the amount of income a family needs to stay above the FPL. For example, in 2019, a three-person household (i.e., a single parent head of household with two children under the age of eighteen) exceeded the FPL with an annual income of \$20,598. Given that on average, rental housing for this family in New Jersey costs approximately \$1,443 month (range of \$952 - \$1,752 by county), the True

Poverty Report asks: “Does [\$20,598] look like enough to afford all the basic necessities in a high-cost state such as New Jersey?” Following through on this example, 84% of the FPL would be spent on housing alone, leaving just \$3,282 to meet all other basic expenses for the entire year. By contrast, the annual gross median rent in 1960 was \$888 while the federal poverty level was \$2,654 (33%), whereas the annual gross median rent in 2019 was \$17,316 while the federal poverty level was \$20,598 (84.1%).

According to the *True Poverty Report*, the main deficiencies of the FPL are:

- the FPL fails to adjust for regional differences in the cost of living;
- the FPL does not include the value of many benefits;
- the FPL fails to consider significant costs incurred by working families;
- the FPL fails to measure current poverty realistically; and
- over reliance on the FPL leads to a mismatch between who the government considers as “living in poverty” and who needs assistance. (*True Poverty Report*, p. 14-15).

The *True Poverty Report* suggests the proper measure is the True Poverty Level, or TPL, as an alternative to address the shortcomings of the FPL.

The TPL is based on the nationally established Self-Sufficiency Standard methodology pioneered by Dr. Diana Pearce, originally for the organization Wider

Opportunities for Women. Since 1999, LSNJ has sponsored and conducted cost-of-living studies in collaboration with Dr. Pearce and the University of Washington. (True Poverty Report, pp. 16.)

The TPL defines the income level at which a family can meet its basic needs without making trade-offs and without any public or private support. TPL includes the costs of seven necessities: housing, healthcare, food, childcare, transportation, taxes, and miscellaneous self-care items such as clothing and cleaning and hygiene supplies. The TPL does not include restaurant or take-out food nor savings for retirement, college expenses, or emergency needs. The TPL varies by county, family size, and family composition.

Nationally, New Jersey ranks 47th lowest in poverty using the FPL and 17th highest in poverty using the TPL. On average, for most families in New Jersey, true poverty is at 300% of the FPL. According to the report, “[s]hocks such as unemployment or sickness can easily push people who live just above the true poverty level below the poverty line.” When that happens, families are often left without recourse to support services since many, if not most, rely in some way on the FPL. The *True Poverty Report* concludes “the federal poverty threshold grossly understates the income required to avoid deprivation in New Jersey.”

The gaps illustrated between calculations using the FPL contrasted to calculations utilizing the TPL are striking:

- According to the FPL, 12% of children in New Jersey in 2019 lived in poverty. According to the TPL, 42% of children in New Jersey (803,968) experience the effects of poverty.
- According to the FPL, 8% of adults (age 18-64) in New Jersey in 2019 lived in poverty. According to the TPL, 30% of adults in New Jersey experience the effects of poverty.
- According to the FPL, 9% of seniors (age 65 and over) in New Jersey in 2019 lived in poverty. According to the TPL, 35% of seniors in New Jersey experience the effects of poverty.

When considered through the lenses of race and ethnicity, the data on true poverty in New Jersey outlines a familiar pattern of disproportionality and systemic disparities that occur along racial and ethnic lines.

- According to the FPL, 6% of people who are White (non-Hispanic/Latino) in New Jersey in 2019 lived in poverty. According to the TPL, 24% of people who are White (non-Hispanic/Latino) in New Jersey experience the effects of poverty.
- According to the FPL, 16% of people who are Hispanic/Latino in New Jersey in 2019 lived in poverty. According to the TPL, 54% of people who are Hispanic/Latino in New Jersey experience the effects of poverty.
- According to the FPL, 16% of people who are Black in New Jersey in 2019 lived in poverty. According to the TPL, 49% of people who are Black in New Jersey experience the effects of poverty.
- According to the FPL, 6% of people who are Asian in New Jersey in 2019 lived in poverty. According to the TPL, 20% of people who are Asian in New Jersey experience the effects of poverty.

Pursuant to these data, the True Poverty Report concludes “Black/African American and Hispanic/Latino New Jerseyans experience true poverty at more than double the rate of their non-Hispanic White and Asian neighbors.”

A further look into the *True Poverty Report* data shows even greater disproportionality and disparities for children living in poverty in New Jersey.

- According to the FPL, 6% of children who are White (non-Hispanic/Latino) in New Jersey in 2019 lived in poverty. According to the TPL, 28% of children who are White (non-Hispanic/Latino) in New Jersey experience the effects of poverty.
- According to the FPL, 21% of children who are Hispanic/Latino in New Jersey in 2019 lived in poverty. According to the TPL, 63% of children who are Hispanic/Latino in New Jersey experience the effects of poverty.
- According to the FPL, 23% of children who are Black/African American in New Jersey in 2019 lived in poverty. According to the TPL, 65% of children who are Black/African American in New Jersey experience the effects of poverty.
- According to the FPL, 6% of children who are Asian in New Jersey in 2019 lived in poverty. According to the TPL, 19% of children who are Asian in New Jersey experience the effects of poverty.

B. Summary of Key DI&CE Discussion Points

The Committee found the LSNJ report informative and thought-provoking. As the *True Poverty Report* states: “While viewing the data, it is crucial to be mindful that existing and persistent disproportionalities and disparities in true poverty are rooted in systemic, institutional, and structural

barriers to economic and life opportunities.” The root causes of the inequities cited are not within the Court’s administrative purview to solve nor the result of judicial actions, yet the effects of poverty and the reality of poverty’s reach far beyond the FPI calculations led the Committee to this question: *What are the potential implications of this information for courts?*

In follow up to the multiple presentations offered by LSNJ in various settings, the Committee, in its plenary session and subcommittee contexts, and through the Conference of Vicinage Advisory Committee Chairs discussed the *True Poverty Report* and considered these questions:

- In what ways does the broader expanse of actual poverty (“true poverty”) affect access to the courts?
- What are the implications of this knowledge and awareness for the Judiciary?
- How can the information provided by the LSNJ study inform ongoing institutional efforts to eliminate barriers to justice (or conversely to improve access to justice) through the New Jersey Courts, particularly as related to the DI&CE charge and the framework of the Supreme Court Action Plan on Ensuring Equal Justice?

The Committee recognizes the legal standards that apply in certain areas, such as eligibility for court-appointed counsel, and in this discussion endeavors to: (a) share perspectives as to how this information enhances our understanding of the people who interact with the New Jersey Courts and in turn how this

awareness can expand access to the courts; and (b) sets forth an initial discussion of the potential implications of this information for the Judiciary. In addition, the Committee identified several specific areas of practice and operations where the lessons from the *True Poverty Report* seem particularly relevant.

Considering the underlying structure of the FPI calculation, the Committee believes the FPI (even when extended to 125% or 250%) is no longer a sufficiently reliable measure for assessment of “ability to pay” in a number of court-related instances. While there might be some limited circumstances in which the FPI remains a viable and necessary tool, the Committee believes the Judiciary would benefit from exploring the use of a true or actual poverty indicator in many of the contexts in which courts need to know, evaluate, and apply a person’s economic status or ability to pay. The Committee identified several areas where the consideration of true poverty is clearly relevant, including: child support calculations; applications for court-appointed counsel; wage and asset garnishments; monetary sanctions; restitution hearings; fee waiver and document and transcript requests. These few examples represent a starting point for further discussions regarding where the Court can implement systemic reforms on this issue.

The Court already has a strong track record of addressing systemic economic inequities in policies and procedures, which previously disparately

impacted communities of color and the economically disadvantaged. Some of these initiatives are highlighted in Year 1 and Year 2 of the Action Plan for Ensuring Equal Justice. The LSNJ True Poverty Report offers a meaningful opportunity for the Judiciary to continue its in-depth treatment of the impact of true poverty on access to the courts and the administration of justice by standardizing the use of TPI across as many contexts as possible.

RECOMMENDATION 2023:01

The Committee recommends the Court convene a special committee, working group, or other advisory body to address the effect and relevance of true poverty calculations to the courts and consider replacing exclusive reliance on the FPL with TPL or the possible use of true poverty assessment where applicable across the Judiciary.

In consideration of the issues highlighted by the LSNJ report, the Committee also discussed the impact of language in relation to economics, particularly relating to income and evaluations of financial need. Experiences of poverty or low-income, whether temporary or long-term, contextualize people's circumstances and give insight into the challenges they face; however, experiences of poverty or low-income do not define who people are as individuals. Mindful of the implicit associations, assumptions, and biases relating to class and economics, the Committee recommends the Judiciary's efforts include a specific focus on poverty, economics, and class as work continues in the diversity, inclusion, and elimination of bias. Consistent with

the inclusion principles relating to person-centered language set forth in Directive #07-22, the Judiciary Policy on Accessible and Inclusive Communications, the Committee encourages a focus on ability to pay rather than “making determinations of *indigency*” or the classification of a person as *indigent*.

II. Sustaining Access to the Courts: Virtual Proceedings, Remote Appearances, and Monitoring the Access to Technology Gap

A. Ongoing Support for Virtual Courts and Remote Proceedings

“A [2020] Pew Research Center survey ... [found] that roughly half of U.S. adults (53%) say the internet has been essential for them personally during the pandemic and another 34% describe it as ‘important, but not essential’.”⁴ The Committee's 2019-2021 report discussed the access to technology gap and expressed support for ongoing virtual court and remote first options in order to advance access to the courts. This term the Committee continued its exploration of technology to enhance access to the courts despite the access to technology gap that continues to exist along economic and other lines.

The access to technology gap, also known as “the digital divide,” has been a longstanding interest of the Committee in the context of equal access to

⁴ Emily A. Vogels, Andrew Perrin, Lee Rainie, and Monica Anderson. [“53% of Americans Say the Internet Has Been Essential During the COVID-19 Outbreak”](#) (Pew Research Center: April 30, 2020).

systems and services. The digital divide is a pressing issue, particularly as it concerns economic disparity. The factors contributing to the digital divide and the impact of the digital divide vary. Indeed, the digital divide is not always an issue of economics and can be a matter of geography, familiarity, comfort, and sometimes even personal choice.

In the context of access to courts, the impact of the access to technology gap divides into two primary categories: (1) people with limited or no access to hardware and broadband for purposes of transacting court business such as the completion of forms such as fillable PDFs; and (2) people with limited access to mobile devices and lack of sufficient data in order to interface with the courts whether through virtual services, court proceedings, transactional applications, social media, SMS text messaging, and the internet.⁵

Throughout the pandemic, the Court leveraged technology to ensure access and narrowed the digital divide by setting forth standards and operational principles relating to virtual courts and remote first proceedings. In addition to establishing policies and adopting procedures that center on the goal of access to justice, the New Jersey Judiciary has been a leader in bridging the access to

⁵ The latter group also includes the population of people without access to smartphones, such as those using “flip-style” phones.

technology gap by providing technology kiosks at each court facility, which have proved to be a valuable resource for the community.

The Court's [October 27, 2022 Order](#) (superseding its [November 18, 2021 Order](#)) "updates ... the framework for those court events that are to be conducted in person and those that in general will proceed in a virtual format. Informed by experience, [the Order] establishes a more sustainable approach to court operations on order to optimize access, participation, and the timely administration of justice" (pp. 1). The Court further noted: "By permitting more onsite presence and continuing to leverage virtual technologies, the Court... effectively balance[s] in-person and virtual proceedings in a way that maximizes access and fairness and supports meaningful participation and timely justice" (pp. 2).

The Committee supports this operational framework and the Court's continued leadership in determining the proper balance between in-person and virtual proceedings as virtual events and remote appearances become standard aspects of court operations rather than a temporary crisis management measure. As noted in our 2019-2021 report, the National Center for State Courts (NCSC) has provided [a centralized repository](#) of resources relating to court operations during the pandemic and digital divide and there are valuable resources provided by the

Casey Family Programs regarding [virtual proceedings and child welfare matters](#), [which the Court should continue to utilize](#).

RECOMMENDATION 2023:02

As the Court continues to offer virtual court operations to further reduce barriers to the courts for a range of court users, the Committee, guided by the best practices identified by the NCSC, encourages the Judiciary's ongoing support of current remote proceedings, identification of potential areas of expansion, and identification of case types where remote participation options should be a mainstay of normal operating procedures. The Committee further supports the Judiciary's efforts to bridge the access to technology gap by continuing to provide technology kiosks at court facilities and consideration of opportunities to leverage technology to enhance public access to the courts such as through standard livestreaming of in-person and virtual court proceedings as deemed appropriate.

The Committee reviewed resources relating to virtual proceedings and remote appearances, including those provided by the NCSC and considered for discussion purposes select examples of virtual court event experiences of judges, practitioners, and court users. Preliminarily, the Committee identified a few examples of resources that could be very helpful to judges, staff, and court users in the long-term. Ideas, which could support judicial economy and supplement existing resources developed by the Judiciary, include:

- routine periodic statewide training for court and chambers staff at the trial court level involved in supporting virtual and hybrid court events;
- designation of technology coordinators or technology contacts for each trial judge's chambers;

- development of best practices relating to virtual and hybrid court events to promote the formality and quality of proceedings that produce quality recordings for purposes of transcription;
- evaluation of the changing expectations regarding traditional courtroom roles such as stenographers, reporters, and court clerks, and identification of workflow enhancements and other professional supports that most effectively and efficiently leverage the knowledge, skills, and experiences of such professionals in the context of new technologies; and
- exploration of the possible institutional benefit to including assessment of engagement with virtual court technologies to current visitation team protocols.

RECOMMENDATION 2023:03

In support of the use of virtual and hybrid formats for court events as set forth in the framework established by the Court, the Committee recommends the Judiciary explore expansion of the resources available to judges, court staff, and court users to promote the formality of judicial proceedings and facilitate quality court events when utilizing technology.

B. Supporting Public Access to Court Proceedings

During this term, the Committee expanded its discussion in these areas and offers the following highlights for the Court's consideration.

At the peak of the pandemic, when the Judiciary was largely functioning virtually, it expanded the livestreaming of court events, which expanded public access to the courts. Whether it was general community interest in watching a court event, school children learning about court processes, law students observing court procedures, or community members affected by a case desiring

to observe the proceedings, the livestreaming of court events has proved valuable to both justice system stakeholders and the community-at-large.

1. Live-Streaming of In-Person Court Events

The matters listed in the Court's October 27, 2022 Order as required or presumptively in-person include matters of broad significance. Consider criminal cases where there is also a justice interest on the part of the community, the victim and their family and friends, as well as the accused and their family and friends who might live at great distances and lack the means of travel, or have work or other circumstances that limit or preclude their in-person attendance.

As noted, during the pandemic, the Judiciary assured that most court proceedings were virtual and that criminal matters were livestreamed. The Committee acknowledges that the volume of court events during the peak of the pandemic was less than the norm and that there are staffing and resource considerations in fully supporting livestreaming of court events. However, the interests of public access are important, and the Committee urges the Judiciary to explore the feasibility and benefits of potentially developing a standard baseline for routine livestreaming of certain court proceedings at the trial court level.

2. Live-Streaming of Virtual Court Proceedings

The livestreaming of virtual court proceedings beyond first appearance and detention hearings to include as standard practice a range of court proceedings in criminal and other practice areas successfully increased public access to the courts. Although the return to in-person proceedings has led to a reduction in livestreaming of routine court proceedings, the Committee believes broad access through continued livestreaming promotes public trust and confidence in the courts.

RECOMMENDATION 2023:04

As the Court continues to monitor and potentially further refine the operational framework for in-person, hybrid, and virtual proceedings, the Committee recommends, within the parameters that staffing, resources, and other operational considerations permit, the Judiciary explore establishing a baseline standard for routine livestreaming of certain in-person, hybrid, and virtual court proceedings at the trial court level, beginning with criminal cases beyond first appearances and detention hearings.

C. Promoting Procedural Fairness through Virtual Proceedings: The Role of Litigant Choice in Appearance-Format

The Committee addressed technology-related issues regarding incorporating virtual proceedings as an element of standard court operations. The Committee recognized the value that remote proceedings offer to the court, to litigants, and other interested parties while also acknowledging concerns about the quality and pace of remote proceedings. The Committee reviewed research published by the NCSC that analyzed the correlation between litigant

perceptions of procedural fairness and the ability of court users to choose to appear for court in-person or virtually. As society emerges from the pandemic into a new norm, the Committee will continue its research in this area in order to make further recommendations to the Court to enhance the litigant experience.

D. Encouraging Equity in the Platforms Utilized for Virtual Appearances

A key element of the Court's framework for in-person, hybrid, and virtual proceedings is the discretion afforded judges in deciding the format for court proceedings, which the Committee believes has great value in facilitating access to the courts. The Committee notes some practitioners and court users have observed there are unintended inequities that may arise when parties participate in (connect to) a proceeding via different means. For example, some have asked whether in an entirely virtual proceeding someone who connects via audio only has a different quality of experience than those who are connected via video and audio. Others have noted the ability to connect via audio only, despite others being connected via video and appearing in person, might be a plus and could put parties wishing to attend court at ease.

The Committee has not fully researched these dynamics. However, it is clear there is not a single universal approach to be taken. The Committee offers

this discussion as an expression of support for judges and the Court's embrace of technology and urges flexibility in deciding the format of court proceedings.

E. Leveraging Technology to Engage with the Community

The view of the Committee is that live virtual public education, community engagement, and continuing legal education programming provides valuable returns on investment and eliminates many barriers to participation that exist with traditional in-person court proceedings. The Committee hopes the Judiciary will continue to utilize available technologies to enhance engagement with the community and promote public trust and confidence in the courts.

III. Sustaining Justice Systems Reforms

This term the Committee reviewed the status of systemic reforms in a variety of areas, including: (1) criminal justice and pretrial services; (2) expanded access to expungements; (3) ongoing juvenile justice systems improvements; (4) municipal court reforms; (5) ongoing efforts relating to race equity in areas such as children-in-court; (6) probation services; and (7) jury service. The Committee examined in detail [the 2021 Annual Criminal Justice Reform Report](#) and [the 2021 Juvenile Detentions Alternative Initiatives \(JDAI\) report](#).

The Committee is pleased to learn of the progress made because of systemic reforms in the adult criminal justice system and in the juvenile justice

system. In reviewing the outcomes data presented in each of these areas, the Committee's focus was on the race and ethnicity data and discussions relating to systemic disparities, disproportionality, and overrepresentation. The following highlights represent a few observations from initial review of both reports:

- As the CJR report notes, “The discontinuation of monetary bail as a primary consideration in the release of defendants has no doubt created a fairer system of pretrial justice, but historical inequities continue at each stage of the criminal justice process.” (pp. 20)
 - New Jersey residents identified as [B]lack or African American make up 15.2 percent of the state’s population. However, as [the data] shows, Black defendants now represent more than half of the population of individuals who receive complaint-warrants. (pp.21).
 - [D]efendants [who identify as identified as [B]lack] made up 45.3 percent of the defendants in 2020, up from 43.5 percent in 2019. Conversely, [W]hite defendants comprised 51.0 percent of defendants in 2020, a small decrease from 2019. Other defendants stayed at 3.7 percent for 2020. (pp. 21)
 - The disparity between the rates at which [B]lack and [W]hite defendants were issued complaint-warrants widened between 2019 and 2020. [Data] demonstrates that in 2019, 52.3 percent of warrants were issued to Black defendants while in 2020 54.4 percent of complaint-warrants were issued to Black defendants. (pp. 22)
- These examples of the racial disparities cited by the CJR Report show that disparities occur from the very first step in the criminal justice continuum.

- As the JDAI report notes, “Comparing the year prior to JDAI in each site to the current year, across sites average daily population has decreased by -73.9%. On any given day, there were 612 fewer youth in secure detention, with youth of color accounting for 88.8% of this drop.” (pp. iii) Yet youth of color remain overrepresented in pre-adjudication detention. The following are examples from the report:
 - Accounting for changing demographics in the general youth population, ... the overrepresentation of youth of color in detention [across sites] has decreased by 5.0 percentage points since JDAI implementation. (pp. iv)
 - In terms of average length of stay (LOS) data, Tables 25, 26, and 27 report average (mean) . . . trends for youth of color and white youth across the 21 JDAI sites. Averaging across sites, mean LOS for youth of color in 2021 was 44.2 days, +11.8 days longer than that for [W]hite youth (32.4 days). This gap has increased since JDAI implementation, when youth of color remained in detention +10.0 days longer than [W]hite youth. In 2021, average LOS for youth of color was longer than that for [W]hite youth in 13 sites and shorter than that for [W]hite youth in four sites. (pp. 24)
- These examples show that disparities occur in multiple ways relating to pre-adjudication detention despite ongoing reductions in the number of youth of color in detention.

The Committee intends to delve deeper into these reforms to see what additional insights can be learned. The Committee will explore the ways juvenile justice systems improvement and Criminal Justice Reform might inform one another particularly in the efforts to address systemic disparities.

In this regard, we propose that there should be cross-systems/joint systems discussions around systemic disparities to explore the factors that contribute to

these outcomes and how the entities involved in both the juvenile and adult criminal systems can identify potential strategies to remediate these disparities.

RECOMMENDATION 2023:05

In support of ongoing efforts to identify the factors external to the judicial process that contribute to overrepresentation of people of color in pretrial detention and youth of color in pre-adjudication juvenile detention, the Committee proposes the Court consider establishing a joint working group or other short-term advisory entity to identify and collaboratively examine the contributing factors and the potential interventions to remediate the systemic racial and ethnic disparities in the pretrial detention and pre-adjudication juvenile detention systems.

IV. Promoting Operational and Administrative Equity: Sustaining LGBTQ+ Inclusive Court Practices

The New Jersey Judiciary continues its strong leadership in promoting equal access to the courts for LGBTQ+ people. The New Jersey Judiciary is only one of two state court systems that are known to have an identified Central Office resource person in this area of diversity and inclusion. The standard set by the Judiciary in this area of ensuring access to justice through the courts is nationally known as Central Office staff with subject matter expertise in LGBTQ+-inclusive practice offer professional development presentations to a number of external audiences, including most recently the National LGBT Bar Association, the International Association of LGBTQ+ Judges, members of the Georgia Judiciary, and other judicial and legal professional audiences regionally and across the state.

Recently, the Court approved the following policies: Allowing staff, on a voluntary basis, to include their pronouns in their email signatures; providing general and advanced practice-specific training for judges, managers, and staff; eliminating the newspaper publication requirement in name change matters; making judgments of name change effective immediately; and classifying records relating to name changes, for adults, children, and youth confidential under Rule 1:38. As the Committee stated in its 2019-2021 report: “These steps have positive material impact, improving access to the courts for numerous individuals including transgender women of color, who based on intersectional systemic oppressions often find themselves as the most marginalized of the marginalized.”

Building on these significant advances, the Committee this term engaged in related discussions regarding refinements to administrative and operational practices that will further advance the principles of access, equity, and fairness, which ground the Court’s actions in this area.

A. Application of the Protections of Rule 1:38 to Name Change Hearings

As noted, the Court approved the Rules Change proposed in the Committee's 2019-2021 report so that all records relating to name change are now confidential and not accessible to the public pursuant to Rule 1:38-3(d)(20) and Rule 1:38-3(f)(10) effective September 1, 2021. These rules amendments

support the safety and well-being of name change applicants who seek the court-affirmed changes in affirmation of their gender identity.

As the 2019-2021 report noted, concerns for the physical well-being and safety of transgender, gender non-conforming, and non-binary people are neither theoretical nor abstract. The Human Rights Campaign in “An Epidemic of Violence: Fatal Violence Against Transgender and Gender Non-Conforming People in the United States in 2020,” reports that since 2013, advocates have tracked 202 cases of fatal violence against transgender and gender nonconforming people across 30 states and 113 cities nationwide. Although each case is unique in its circumstances, this epidemic disproportionately impacts Black transgender women, who comprise 66% of all [reported] victims of fatal violence against transgender and gender non-conforming people. (p. 4)⁶

Practically speaking, court information relating to name changes is not fully confidential when the related hearings are open to the public. For these reasons, the Committee recommends the Court designate hearings on name change applications be considered closed/confidential (unless otherwise requested by the name change applicant). This recommendation is presented to

⁶ The full Human Rights Campaign report is available online [here](#).

establish operational consistency, advance procedural fairness through a clear procedural standard, and promote efficiency in the transaction of these matters.

RECOMMENDATION 2023:06

Consistent with the recent amendments to Rule 1:38 that make all records relating to name changes confidential, the Committee proposes that where name change hearings are necessary such proceedings also be excluded from public access except on request of the name change applicant.

B. Captioning of Name Change Matters

The Committee discussed ways to minimize court user experiences of trauma and avoid unnecessary trauma triggers and considered several scenarios. In the context of name change matters, particularly in relation to applications by people who are transgender, non-binary, or gender non-conforming, the trauma frequently experienced by individuals who are required to self-identify with the name assigned at birth, which often aligns with the sex assigned at birth and not with their gender identity and lived experience.

One way this occurs in the context of the name change application process relates to the current system for captioning of name change matters, which includes the former name and the current/future name. The Committee recognizes that the former name or name assigned at birth is a part of the court record and must be stated in the verified complaint, but the Committee proposes

that it is not essential to include the prior/original name (i.e., referring to the person by their “deadname”⁷) in the case caption.

Elimination of the reference to the “deadname” in the case caption would reduce the frequency with which the “deadname” is spoken or referenced in the context of a related court hearing and minimizes the opportunities for court staff and others to inadvertently address the party by the former name. The Committee understands there might be systems limitations that would not allow such a change at this time. The Committee encourages the Judiciary to continue to provide judicial and staff training on LGBTQ+ inclusive practices and support bench practices informed by caselaw and quality service principles to minimize a litigant's unnecessary exposure or self-identification with their deadname in name change applications.

The Committee further notes this concept is not limited to name change applications or consideration for transgender, non-binary, and gender non-conforming court users. There are other case types where updating the current standard captioning would align with principles of procedural fairness, elimination of barriers to courts, and the protection of individual privacy while

⁷ [Merriam-Webster dictionary](#) defines deadname as “the name that a transgender person was given at birth and no longer uses upon transitioning.” The Cleveland Clinic in [this November 2021](#) article explains the harms of deadnaming.

supporting open and transparent courts. Examples include certain Family Part proceedings, guardianship matters, and appeals of Megan’s Law classifications.

The Committee encourages the Judiciary to continue to consider opportunities for such reforms as part of its ongoing review of court records and records management systems. The Committee stands ready to provide additional detail and resources to the Court in this regard.

C. Ongoing Efforts to Ensure LGBTQ+ Inclusion

The 2022 Action Plan on Ensuring Equal Access to Justice commits to “enhancement of practices, protocols, and trainings to ensure inclusion and the elimination of structural barriers to the courts for LGBTQ+ people.” The Court’s leadership in this area is without question and the Committee strongly supports this continuing work, including ensuring inclusive language on court forms and providing routine training and professional development on issues relating to sexual orientation and gender identity.

V. **Equity, Diversity, and Inclusion**

This section presents a review of Judiciary data on the diversity and representativeness of the bench, law clerks, and volunteer corps. As it customarily does, the Committee offers snapshots for each group along with highlights relating to any particularly significant observations.

This term the Committee focused on select areas of discussion rather than reporting an expanse of general demographic data. This section includes brief reporting and summary analysis of demographic data relating to: the diversity of the bench; a continuing review of the Judiciary’s model Law Clerk Program; and a demographic overview of the Judiciary’s volunteer services programs.

The Committee notes that references in this section to *historically underrepresented race and ethnicity groups*, utilizing the terminology employed by EEO/AA, reference the combined total for all race and ethnicity groups other than White. This expression replaces the terms “*racial and ethnic minorities*” and “*minorities*” utilized in prior reports. Further, the use of the race and ethnicity categories relative to the bench and law clerks reflects the terminology in the tables and charts provided by the EEO/AA Unit, which correspond to the U.S. Equal Employment Opportunity Commission (“EEOC”) reporting categories.

A. Diversity and Representativeness of the Bench

1. Historical Overview

Five jurists of color have served on the New Jersey Supreme Court, including: three Black/African American⁸ justices and two Hispanic/Latino

⁸ The race and ethnicity categories presented in this section correspond to the wording of the U.S. E.E.O.C. categories that the Judiciary EEO/AA Unit reports and do not necessarily reflect the terms used by the individual(s) counted here.

justices. The seven-member Court has included at maximum two justices of color at a given moment in time and at present includes one. While for many years, the Committee reported that no woman of color had been nominated to the Supreme Court, that longstanding gap ended with the nomination and confirmation of Justice Fabiana Pierre-Louis. The confirmation of Justice Pierre-Louis continues to reflect the collective will among the branches of state government to expand diversity, inclusion, and representativeness on the New Jersey Supreme Court.

2. Current Snapshot

The Committee highlights several select data views regarding the current diversity of the state court bench. Following the race/ethnicity and gender data for each level of court, the Committee places these data in context by considering it in relation to comparative data for the years 2012 and 2022.

Table 1. New Jersey Judiciary - Justices and Judges by Court, Race/Ethnicity and Gender, As of December 1, 2022, presents race, ethnicity, and gender⁹ information for all judges by court level. In summary, *Table 1* shows the following:

⁹ The gender categories of female and male that appear in the tables and charts prepared by the Judiciary's EEO/AA Unit are based on EEOC reporting categories and 2010 Census availability. Since February 2019, the State of New Jersey offers a third gender option captioned "undesignated or non-binary." Due to the non-alignment between federal reporting requirements and state gender categories, any

- One of the six justices on the Supreme Court is a person of color (one Black/African American) and three are females.
- Five of the twenty-five judges in the Appellate Division are people of color (four Black/African American and one Hispanic/Latino(a/x)) and twelve are females.
- Eighty-one of the 370 judges in the Superior Court-Trial Division are people of color (thirty-eight Black/African American, twenty-nine Hispanic/Latino(a/x), and five Asian/Amer. Ind/NHOPI*) and 135 are female.
- One of the ten judges in the Tax Court is a person of color (Asian/Amer. Ind/NHOPI*) and five are female.
- In sum, eighty-eight of the 411 judges for all levels of court combined are people of color and 155 are female.

The representation of judges from historically underrepresented race/ethnicity groups is currently 21.4% (n=88). In terms of percentages, the representation of historically underrepresented racial and ethnic groups combined is 16.7% for the Supreme Court, 20.0% for the Superior Court-Appellate Division, 21.9% for the Superior Court-Trial Division, 10.0% for the Tax Court, and 21.4% for all levels of court combined.

information on employees identifying as undesignated or non-binary needs to be presented separately since “availability” data has not been established. “Availability” is the measure by which representation in the workforce is reviewed and determined to be underrepresentation, sufficient representation, or overrepresentation. Currently, the Judiciary has no judges or non-judge staff that have self-identified as undesignated or non-binary.

Considering these data for historically underrepresented race/ethnicity groups by E.E.O.C. category, representation is 16.7% (n=1) Black/African American, 0.0% (0) Latino/a/x, and 0.0% (0) Asian/American Indian/NHOPI at the Supreme Court; 16.0% (1) Black/African American, 6.1% (2) Latino/a/x, and 0.0% (0) Asian/American Indian/NHOPI at the Superior Court-Appellate Division; 10.3% (38) Black/African American, 7.8% (29) Latino/a/x, and 3.8% (14) Asian/American Indian/NHOPI at the Superior Court-Trial Division; 0.0% (0) Black/African American, 0.0% (0) Latino/a/x, and 10.0% (1) Asian/American Indian/NHOPI at the Tax Court; and 10.5% (43) Black/African American, 7.3% (30) Latino/a/x, and 3.6% (15) Asian/American Indian/NHOPI for all levels of court combined. Except for the absence of Hispanic/Latino/a/x representation at the Supreme Court, these figures all reflect increases in number and percentage in comparison to this Committee's 2019-2021 report.

In terms of gender, the representation of women (all races/ethnicities combined) is 50.0% for the Supreme Court, 48.0% for the Superior Court-Appellate Division, 36.5% for the Superior Court-Trial Division, 50.0% for the Tax Court, and 37.7% for all levels of court combined. The representation of women of color is 16.7% for the Supreme Court, 12.0% for the Superior Court-Appellate Division, 12.2% for the Superior Court-Trial Division, 10.0% for the Tax Court, and 12.2% for all levels of court combined. These percentages also

reflect increases at all levels of court compared to the Committee's 2019-2021 report.

The Committee considered data provided by the Judiciary's EEO/AA Unit that illustrates the current diversity of the bench and representativeness of the bench in the context of twenty-seven years of longitudinal data. Presenting select intervals spanning a twenty-seven-year period, *Table 2. New Jersey Judiciary - Comparison of Judges for Total, Whites, Females, and Historically Underrepresented Race and Ethnicity Groups, 1995-2022* shows that the representation of judges of color incrementally increased in number and percentage.

- In 1995, there were 28 judges from historically underrepresented race/ethnicity groups out of 397 judgeships (7.1%).
- In 2022, there are 88 judges from historically underrepresented race/ethnicity groups out of 411 judgeships (21.4%). This represents the highest proportional representation by judges from historically underrepresented race and ethnicity groups since the Judiciary began collecting such data in 1995.

The expanded diversity across these twenty-two years also reflects greater inclusion and representation. For example, in 1995 judges from historically underrepresented race and ethnicity groups were primarily Black/African American and Hispanic/Latino whereas in 2020 judges of color include growing representation of Hispanics/Latinos of different heritages and expanding diversity among judges of Asian heritage. In terms of religious and cultural

diversity, the bench now includes an increasing representation of Muslim judges.

Continuing diversity, inclusion, and representation on the bench is critically important. Without a doubt, the trends depicted above are positive. However, the Committee's ability to assess whether the observed level of diversity and inclusion reflects underrepresentation, adequate representation, or overrepresentation, using an objective standard of measure, is limited by the lack of corresponding data on prospective judicial applicants among members of the Bar. Access to reliable self-reported data on the race, ethnicity, gender, and other primary aspects of identity experience that can be cross-tabulated with the year of bar admission¹⁰ is critical in order to accurately assess the diversity of the bench.

With the Court's implementation of the collection of voluntary demographic data relating to race, ethnicity, and gender beginning in January 2023,¹¹ the Committee hopes to undertake an analysis of representativeness of

¹⁰ One of the requirements for nomination to the bench in New Jersey is that the nominee be a licensed attorney admitted a minimum of five years for municipal court judgeships, and a minimum of ten years for Superior Court judgeships.

¹¹ The [October 4, 2021 Notice to the Bar](#) communicates the Supreme Court's approval of the Committee's 2019-2021 recommendation to collect attorney demographic data through the annual attorney registration process. This Notice includes information relating to the implementation of this approved

the bench. In doing so, the Judiciary can serve as a point of reference for such data to better inform the public and the work of the executive and legislative branches on this issue.

3. Key Areas of Advancement in Judiciary Leadership

Diversity, inclusion, and representativeness in judicial leadership has been the result of the Chief Justice's appointment of jurists to the Appellate Division and selection of Assignment Judges, Presiding Judges, and Chairs of the Presiding Judge Conferences. To illustrate this growth, the Committee notes the increased diversity among presiding judges (including both the Trial and Appellate Divisions and Tax Court). In 1995, 3.6% of presiding judges were from historically underrepresented race/ethnicity groups, 5.8% in 2005, 17.4% in 2010, 14.5% in 2015, and 17.6% in 2022. Similarly, this diversity is reflected among assignment judges: In 1995, 6.7% of assignment judges were from historically underrepresented race/ethnicity groups, 6.7% in 2005, 13.3% in 2010, 20.0% in 2015, and 20.0% in 2022.¹²

Diversity of experience yields diversity of thought and enhances the quality of the justice system, produces better and more equitable outcomes, and

recommendation beginning with the January 2023 annual attorney registration process.

¹² December 1, 2022 data from EEO/AA Unit, Administrative Office of the Courts.

strengthens public trust and confidence. The assignment of diverse judges to leadership positions is a recognition of the extensive experience and administrative expertise of these well-qualified judges bring to the table. This approach, coordinated by the Chief Justice and Administrative Director, continues to improve the quality of judicial outcomes and justice overall.

B. Diversity and Representativeness in the Law Clerk Program

Each term, the Committee has reported extensive data and offered analysis of the diversity trends in New Jersey's model law clerk program as relates to race and ethnicity, and occasionally, the schools from which the clerks have graduated. This term, the Committee continued its review of the program to further support its reputation as a national model and advance the principles of inclusion and representation.

1. History and Program Goals

For at least four decades, diversity, inclusion, and opportunity have been core elements of the New Jersey Courts Law Clerk Program. The commitment to excellence through diversity and inclusion has been supported and promoted by Judiciary leadership. The Committee appreciates Chief Justice Rabner's and Administrative Director Grant's continuing commitment to promote diversity.

2. Diversity, Inclusion, and Representation: The Current Diversity Snapshot

Table 3. New Jersey Judicial Law Clerks for Court Term 2022-2023 (as of December 1, 2022) presents the number, percentage, and corresponding availability rate by race and ethnicity and for females. The New Jersey Judiciary measures its successes in supporting diversity and inclusion in the judicial clerkship program by comparing the demographics of a law clerk class to the combined race/ethnicity profile of the New Jersey law school graduating class as provided by the New Jersey Department of Education. The local law school graduate profile measure is used as a standard of availability to recruit in a similar fashion to the use of availability factors utilized to assess the representativeness of the workforce. The measure is neither a quota nor a target, but instead a means of measurement and an opportunity to self-assess inclusion and representation within the law clerk ranks.

The representation of law clerks from historically underrepresented race/ethnicity groups for the 2022-2023 term is 25.1%. While this is above the estimated availability of 23.9%, this term's diversity profile is nearly 4 percentage points lower than that reported in the Committee's 2019-2021 report, which was 29.2% and the highest representation of diversity and inclusion in the prior five years.

The Committee notes the Judiciary for the 2022-2023 term has met or exceeded availability for law clerks of color combined, Blacks/African Americans, Asians/American Indians/NHOPIs, and for females. However, Hispanics/Latinos/a/x, remain slightly underrepresented at 10.1% actual representation versus 10.2% availability. By contrast, Hispanic/Latino/a/x representation in the Committee's 2019-2021 report was 11.3% contrasted to 16.2% estimated availability at the time. Current levels of representation compared to availability shows improvement.

To place this general diversity snapshot in context, the Committee presents data on law clerk race, ethnicity, and gender diversity by level of court. In summary, *Table 4. New Jersey Judicial Law Clerks – Race/Ethnicity and Gender by Court Level for Court Term 2022-2023, As of December 1, 2022*, shows the following:

- Three of the nineteen law clerks at the Supreme Court are from historically underrepresented race/ethnicity groups (15.8%) and eight are females (47.4%).
- Fifteen of the fifty-two law clerks in the Appellate Division are from historically underrepresented race/ethnicity groups (28.8%) and twenty-two are females (42.3%).
- 100 of the 402 law clerks in the Superior Court-Trial Division are from historically underrepresented race/ethnicity groups (24.9%) and 239 are female (59.5%).

- Three of the ten law clerks in the Tax Court are from historically underrepresented race/ethnicity groups (30.0%) and six are female (60.0%).
- In sum, 121 of the 483 law clerks for the Judiciary, all levels of court combined, are from historically underrepresented race/ethnicity groups (25.1%) and 276 are female (57.1%).

Percentagewise, the representation of law clerks from historically underrepresented race/ethnicity groups is 15.8% for the Supreme Court, 28.8% for the Superior Court-Appellate Division, 24.9% for the Superior Court-Trial Division, 30.0% for the Tax Court, and 25.1% for all levels of court combined. These data reflect increases for the Supreme Court, Superior Court-Appellate Division, and Tax Court, and a decrease for the Superior Court-Trial Division.

Considering these data by E.E.O.C. race/ethnicity category, representation is 0.0% (n=0) Black/African American, 0.0% (0) Latino/a/x, and 15.8% (3) Asian/American Indian/NHOPI at the Supreme Court; 1.9% (1) Black/African American, 13.5% (7) Latino/a/x, and 13.5% (7) Asian/American Indian/NHOPI at the Superior Court-Appellate Division; 8.5% (34) Black/African American, 10.4% (42) Latino/a/x, and 6.0% (24) Asian/American Indian/NHOPI at the Superior Court-Trial Division; 0.0% (0) Black/African American, 0.0% (0) Latino/a/x, and 30.0% (3) Asian/American Indian/NHOPI at the Tax Court; and 7.2% (35) Black/African American, 10.1% (49) Latino/a/x, and 7.7% (37) Asian/American Indian/NHOPI for all levels of court combined.

These numbers and percentages reflect decreases for some groups and increases for others compared to the data shared in the Committee's 2019-2021 report. These data reflect a loss in representation by Blacks/African Americans at nearly every level of court with reduced representation for all historically underrepresented race/ethnicity groups at the Superior Court-Trial Division compared to the 2019-2021 report data. By contrast these data show an increase in representation of Asian/American Indian/NHOPI at the Supreme Court and Superior Court-Appellate Division levels.

In terms of gender, the representation of women (all races/ethnicities combined) is 47.7% (n=9) for the Supreme Court, 42.3% (22) for the Superior Court-Appellate Division, 59.5% (239) for the Superior Court-Trial Division, 60.0% (6) for the Tax Court, and 57.1% (276) for all levels of court combined. Overall female representation at all levels of court increased compared to the data presented in the 2019-2021 report.

The representation of female law clerks from historically underrepresented race/ethnicity groups is 10.5% (n=2) for the Supreme Court, 15.4% (8) for the Superior Court-Appellate Division, 16.2% (65) for the Superior Court-Trial Division, 20.0% (2) for the Tax Court, and 15.9% (65) for all levels of court combined. These data reflect an increase in representation at the Supreme Court level, a steady level in the Superior Court-Appellate

Division, an increase in the Tax Court, and a decrease of nearly 5 percentage points in the Superior Court-Trial Division, compared to the data presented in the Committee's 2019-2021 report.

Although the Committee offers the preceding data in the context of longitudinal law clerk diversity data provided by EEO/AA, the Committee believes it is more meaningful to consider it in the context of comparable data over time. To that end, the Committee considered data provided by the Judiciary's EEO/AA Unit that illustrates the current diversity of the judicial clerkship cohorts for ten consecutive court terms.

Table 5. Hiring Of New Jersey Judicial Law Clerks by Court Level and Race/Ethnicity Over 10 Court Terms presents several notable observations. Generally, the representation of law clerks from historically underrepresented race/ethnicity groups in the Superior Court-Trial Division continues to increase over time from seventy-eight for the 2013-2014 term to 100 for the 2022-2023 term, an increase of approximately 25% over this ten-term period. In contrast, for the Supreme Court, Superior Court-Appellate Division, and Tax Court, representation in terms of numbers and percentages fluctuates over time. For the Supreme Court, representation during this ten-term period ranged from 4.8% in 2014-2015 to 40.0% in 2021-2022. For the Superior Court-Appellate Division, representation ranged from 12.5% in 2013-2014 to 28.8% in 2022-

2023. For the Tax Court, it ranged from 0.0% in 2016-2017 to 30% in both 2021-2022 and 2022-2023.

Viewing these data by race/ethnicity categories, the representation of Black/African American law clerks across these ten terms ranged from 5.8% in 2015-2016 to 9.9% in 2020-2021; the representation of Hispanic/Latino/a/x law clerks ranged from 4.7% in 2014-2015 to 11.3% in 2020-2021; and Asian/American Indian/NHOPI law clerk representation ranged from 5.3% in 2015-2016 to 9.6% in 2021-2022.

3. State Court Judicial Clerkship as a Career Builder

In addition to the skills and experiences judicial law clerks acquire, a judicial clerkship is a career building and networking opportunity. The Judiciary continues to enhance its outreach efforts, including in the virtual environment, to present New Jersey judicial clerkships as more than a job. This is key to attracting a qualified and diverse law clerk applicant pool. The Committee believes that the central coordination of these efforts by Human Resources at the Administrative Office of the Courts as well as the enhanced administrative oversight of the application and hiring processes, including the use of the application portal, has resulted in efficiency and strengthened the Judicial Clerkship Program.

Communication of the diversity of experiences obtained and skills developed during a judicial clerkship to historically underrepresented law students must be a central component to the outreach and recruitment effort. The Committee believes this requires not just outreach to prospective law clerks, but development of a judicial law clerk alumni network whereby former law clerks of diverse backgrounds can share their clerking experience with law students considering beginning their career in the Judiciary.

Furthermore, just as law schools have career services offices, creating an in-house counterpart inside the Judiciary to guide prospective applicants to match their applications to judges in courts and divisions where their experiences and skills can best be utilized and their personal goals for the clerkship realized, is key to supplement the ongoing outreach by Human Resources and EEO/AA. These outreach and recruitment strategies contribute to supporting diversity in the composition of Judiciary law clerk classes because representativeness in hiring starts with the diversity of the applicant pool.

The Committee is aware there are certain barriers that eliminate a judicial clerkship from the possible options for some recent law school graduates. These barriers include student loan debt; the complexity of student loan forgiveness programs; lack of transportation to vicinages that are not readily accessible by public transportation; and the unavailability of affordable rental housing for law

clerks. The Committee will continue to review these topics, including exploring the possibility of public-private partnerships to ease the burden on prospective law clerk applicants. The Judiciary is no stranger to such partnerships as demonstrated by ongoing successes such as [the JOBS Program](#).

4. Recruitment, Application, Selection, and Hiring

The Committee considers law clerk recruitment, application, selection, and hiring procedures and protocols critical to the diversification of the Judiciary. External factors that influence a law student's decision to consider a state court clerkship after graduation must be given consideration. In support of the Judiciary's continuing commitment to the judicial clerkship program, the Committee makes the following recommendations.

RECOMMENDATION 2023:07

The Committee recommends the Judiciary explore opportunities and methods to obtain (on a voluntary basis) race, ethnicity, and other demographic data such as gender to better understand the composition of the applicant pool and effectiveness of outreach and recruitment efforts. In addition, the Committee proposes the Judiciary explore the value of establishing a law clerk alumni network and collaboratively enhancing in-house career services.

RECOMMENDATION 2023:08

The Committee recognizes the need for judges to have broad discretion in the selection of their law clerks and other chambers staff, however there is institutional value to adding some standards and relevant data collection to the pre-hiring process to assure diversity within the law clerk ranks. In support of a balanced approach to the law clerk hiring process, the Committee encourages the Judiciary to explore and identify what additional resources and supports would be helpful to judges in optimizing outreach to law schools, increasing the applications they receive, selecting applicants to interview, conducting interviews, and making selections.

RECOMMENDATION 2023:09

The Committee recognizes the array of external factors that influence the decision to apply for a judicial clerkship with the state courts and recommends that the Judiciary expand the scope of its focus to identify the barriers to achieving more diverse applicant pools and facilitate the development of innovative or collaborative solutions, including public-private partnerships to the degree feasible and appropriate.

C. Supporting Public Confidence in the Courts through Judiciary Volunteer Programs

The community members who serve as volunteers for the programs coordinated by the Judiciary's Volunteer Services Programs play a significant role in supporting public confidence in the courts. These programs offer community members an opportunity at public service through which they gain insight into the operations, services, and programs provided by the courts. The community benefits from the knowledge that people drawn from the local community through volunteerism are playing meaningful roles in the delivery of justice through the courts. This term, the Statewide Volunteer Services

Manager gave an informative presentation to the Committee. The Committee looks forward to continuing its review of the information shared and the data provided and developing a related discussion in a future report.

VI. Engagement with the Community

The community is a central element of the Judiciary's DI&CE work and this Committee's charge over the past forty years. The community engagement aspect of the Judiciary's DI&CE model has three key elements: (1) the involvement of the public, including people outside the legal profession as members of the SCC DI&CE and the Vicinage Advisory Committees (VACs); (2) the role of the VACs in facilitating engagement with local communities; and (3) the role of DI&CE program staff in the community. These three components serving as a critical conduit to both disseminate information to the public and external stakeholder and justice system partners and bring the community's needs, concerns, and ideas to the Court.

This term the Committee, working with the Conference of VAC Chairs and the Committee of VAC Coordinators, continued to focus on: (1) technical and administrative support for the work of the fifteen VACs; (2) identification of new areas of programming and opportunities to conduct virtual engagement, including expanded community conversation programs; and (3) development of ideas for expansion of/enhancements to the student, youth, and law school

engagement initiatives such as “One Judge, One School” and Law Day related programs.

The Conference of VAC DI&CE Chairs has continued to ensure that time is allotted for substantive discussions within local committee meetings to provide an opportunity to hear, listen, and respond to the concerns of advisory committee members relating to the ongoing targeted violence against groups. VACs have addressed the recent violence against people of Asian heritage, Jewish heritage, and the LGBTQ+ community. This commitment aligns with the Court’s priorities set forth in the 2022-2023 Action Plan on Ensuring Equal Access to Justice.

In March 2022, a statewide meeting of the VACs on poverty was held. This marked the third such statewide meeting, an annual event that was implemented since the start of the pandemic due to the availability of technology to facilitate a live virtual statewide program for the local advisory committee members. Included in the virtual audience were the VAC chairs, coordinators, membership of all fifteen VACs, and Assignment Judges and Trial Court Administrators. The March 2022 program presented by LSNJ’s Poverty Research Institute, was coordinated by the Central Office DI&CE staff in collaboration with the Conference of VAC-DICE Chairs and the Committee of

VAC-DI&CE Coordinators. The event was attended by approximately 150 people.

The use of platforms such as Zoom and Teams continues to prove successful for interactive community engagement and public education programs such as the Community Conversations series developed and produced by the Central Office DI&CE Program staff. The initial program in the Community Conversation series was a re-envisioned general community CJR outreach presented in a facilitated community conversation format. This program, initiated in 2021, included practice area updates from Criminal, Municipal, Probation, Civil, and Family and operational updates by Language Services, Jury Reforms, Litigant Services, and the Office of the Ombudsman. This program, which was offered bimonthly during 2021 and quarterly during 2022, was designed to facilitate access to the courts and engagement with the community, modifying an approach taken by the Massachusetts Trial Courts in similar programming efforts.

In late 2022, the Community Conversations series was expanded to special topic sessions. The first of these special topic sessions, which was offered as a collaboration between Family Practice and the DI&CE Program, focused on domestic violence and the court process. Engagement with the community also means providing information in the format most accessible to individuals

seeking the information. This live virtual program included simultaneous interpretation in Spanish and ASL with a certified deaf interpreter.

The DI&CE Program continues to be involved actively in student and youth engagement programming and outreach initiatives and in supporting law student clerkship informational programming as opportunities arise. The VAC-DI&CE continue to explore innovative ways to sustain the school and youth engagement efforts, employing in-person, virtual, and hybrid strategies. Members of the VACs also support community outreach regarding jobs and career opportunities with the Judiciary. Judges who serve on the Committee and who chair the VACs are actively involved in the Judiciary's outreach to law students to promote internship, externship, and clerkship opportunities. Judges and staff remain committed to ensuring the court-community partnership that symbolizes the New Jersey Judiciary Diversity, Inclusion, and Community Engagement Program.

Conclusion

The Committee is grateful for the Court's continuing leadership in eliminating structural barriers to justice and addressing the vestiges of institutional racism and effects of structural, explicit, and implicit biases on the administration of justice. Although much has been done in this regard, much work remains. The Committee thanks the Court for the privilege serving in its

advisory capacity and the opportunity to offer its recommendations on this critically important work.

/January 13, 2023

2021-2023 Committee Membership List

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Vice-Chair: Hon. Morris G. Smith, J.A.D.

Members:

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Carlo Abad, J.S.C.

Arupa Barua, Esq.

Hon. Avion Benjamin, J.S.C.

Alnisa S. Bell, Esq.

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Nina D. Bonner, Esq.

Elizabeth F. Caraballo, Esq.

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Alicia Hubbard, Esq.

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Hon. Sohail Mohammed, P.J.Cr.

Kimberly Mutcherson, Esq.

Evelyn Padin, Esq. (2021-2022)

Hon. Stephen L. Petrillo, J.S.C.

Lauren Rainey, Esq. (2021-2022)

Francisco J. Rodriguez, Esq.

Akil S. Roper, Esq.

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Nora Vele

Hon. Kay Walcott-Henderson,
J.S.C.

Marquis Whitney, Esq.

Committee Staff:

Lisa R. Burke

Kimberly Douglas – Subcommittee
Staff (EEO/AA)

Crystal Wilson – Subcommittee
Staff (Criminal Practice)

The Committee acknowledges the countless contributions made by Dr. Yolande P. Marlow, who retired as of September 1, 2022, after decades of service as manager of the Judiciary's Diversity, Inclusion, and Community Engagement Program (formerly known as Minority Concerns) and executive staff to this Committee.

Appendices

**Table 1. New Jersey Judiciary
- Justices and Judges By Court, Race/Ethnicity and Gender
as of December 1, 2022¹³**

New Jersey Judiciary - Justices and Judges By Court, Race/Ethnicity and Gender
As of December 1, 2022

	Total	Sub-Total H.U. R/E. G. ¹		White		African American/ Black		Hispanic/ Latino(a/x)		Asian/Amer. Ind/NHOPI ²	
		#	%	#	%	#	%	#	%	#	%
Supreme Court											
Male	3	0	0.0%	3	50.0%	0	0.0%	0	0.0%	0	0.0%
Female	3	1	16.7%	2	33.3%	1	16.7%	0	0.0%	0	0.0%
Total Supreme Court	6	1	16.7%	5	83.3%	1	16.7%	0	0.0%	0	0.0%
Appellate Division											
Male	13	2	8.0%	11	44.0%	2	8.0%	0	0.0%	0	0.0%
Female	12	3	12.0%	9	36.0%	2	8.0%	1	4.0%	0	0.0%
Total Appellate Division	25	5	20.0%	20	80.0%	4	16.0%	1	4.0%	0	0.0%
Superior Court, Trial Division (excluding Appellate)											
Male	235	36	9.7%	199	53.8%	14	3.8%	13	3.5%	9	2.4%
Female	135	45	12.2%	90	24.3%	24	6.5%	16	4.3%	5	1.4%
Total Superior Court, Trial Division	370	81	21.9%	289	78.1%	38	10.3%	29	7.8%	14	3.8%
Tax Court											
Male	5	0	0.0%	5	50.0%	0	0.0%	0	0.0%	0	0.0%
Female	5	1	10.0%	4	40.0%	0	0.0%	0	0.0%	1	10.0%
Total Tax Court³	10	1	10.0%	9	90.0%	0	0.0%	0	0.0%	1	10.0%
Total All Judges											
Male	256	38	9.2%	218	53.0%	16	3.9%	13	3.2%	9	2.2%
Female	155	50	12.2%	105	25.5%	27	6.6%	17	4.1%	6	1.5%
Total All Judges	411	88	21.4%	323	78.6%	43	10.5%	30	7.3%	15	3.6%

¹Sub-Total H.U. R/E. G. = Historically underrepresented racial/ethnic groups (African American/Black, Hispanic/Latino(a/x), and Asian/American Indian/NHOPI)

²NHOPI = Native Hawaiian/Other Pacific Islander

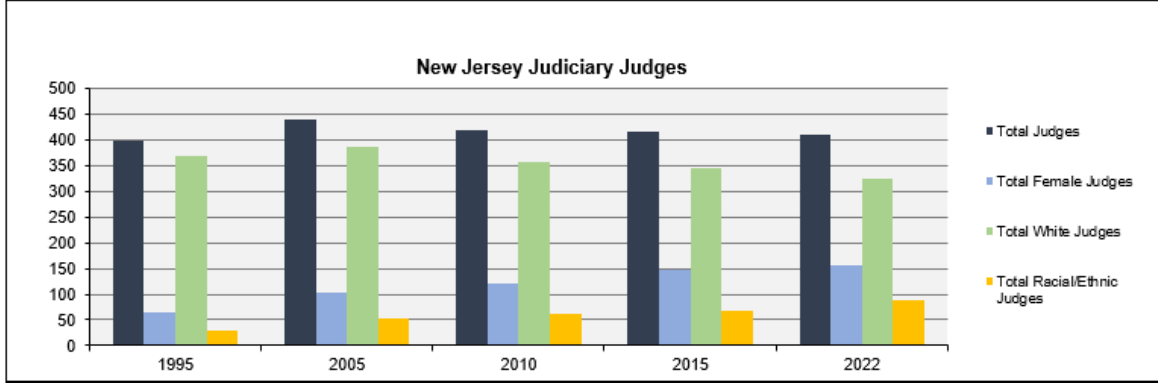
³The Tax Court total includes two judges who are splitting duties between the Tax Court and vicinage Superior Court: one white female judge (Burlington County General Equity and Family Divisions) and one white male judge (Cumberland County Civil Division). These judges are not included under the Superior Court section of this table.

¹³ Chart Notes: * NHOPI = Native Hawaiian/Other Pacific Islander; ** The Tax Court total includes four judges who are splitting duties between the Tax Court and vicinage Superior Court: one white female judge (Burlington County General Equity and Family Divisions), and one white male judge (Cumberland County Civil Division). These judges are not included under the Superior Court section of this table.

Table 2. New Jersey Judiciary - Comparison of Judges For Total, Whites, Females, and Minorities, 1995-2022

**New Jersey Judiciary - Comparison of Judges
(Over the Past 27 Years)**

	1995		2005		2010		2015		2022	
	#	%	#	%	#	%	#	%	#	%
Total Judges	397	100.0%	439	100.0%	418	100.0%	415	100.0%	411	100.0%
White	369	92.9%	387	88.2%	356	85.2%	346	83.4%	323	78.6%
Total Female Judges	65	16.4%	104	23.7%	121	28.9%	147	35.4%	155	37.7%
Sub-Total H.U. R/E. G.	28	7.1%	52	11.8%	62	14.8%	69	16.6%	88	21.4%



* Sub-Total H.U. R/E. G. = Historically underrepresented racial/ethnic groups (African American/Black, Hispanic/Latino(a), and Asian/American Indian/NHOPI)

Chart Summary: Over the past 27 years, female judges have increased from 65 (16.4%) in 1995 to 155 (37.7%) in 2022, and judges from historically underrepresented racial/ethnic groups have increased from 28 (7.1%) in 1995 to 88 (21.4%) in 2022.

**Table 3. New Jersey Judicial Law Clerks for Court Term 2022-2023
As of December 1, 2022¹⁴**

New Jersey Judicial Law Clerks for Court Term 2022-2023 as of December 1, 2022
(Excluding Landlord/Tenant and Foreclosure Law Clerks)

	#	%	Availability% ¹
Total Law Clerks	483	100%	
Sub-Total H.U. R/E. G. ²	121	25.1%	23.9%
African American/Black	35	7.2%	5.9%
Hispanic/Latino(a/x)	49	10.1%	10.2%
Asian/Amer. Ind/NHOPI ³	37	7.7%	7.6%
Total Females	276	57.1%	51.0%

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.

Data Source: Payroll Management Information System.

¹Availabilities are based on the graduation rate at the two New Jersey law schools (Rutgers and Seton Hall) for 2022. This data was provided by the New Jersey Commission on Higher Education.

²Sub-Total H.U. R/E. G. = Historically underrepresented racial/ethnic groups (African American/Black, Hispanic/Latino(a/x), and Asian/American Indian/NHOPI*)

³NHOPI = Native Hawaiian/Other Pacific Islander

¹⁴ Table Notes: Percentages are % of total in each major category. Percentages may not always add due to rounding.

Data Source: Payroll Management Information System.

* NHOPI = Native Hawaiian/Other Pacific Islander

1. Availability is based on the graduation rate at the two New Jersey law schools (Rutgers and Seton Hall) for 2022. This data was provided by the New Jersey Commission on Higher Education.

2. Female availability is based on the graduation rate at the two New Jersey law schools for 2022.

3. Total females includes all racial and ethnic groups reported.

Table 4. New Jersey Judicial Law Clerks - Race/Ethnicity and Gender by Court Level for Court Term 2022-2023, As of December 1, 2022¹⁵

New Jersey Judicial Law Clerks - Race/Ethnicity and Gender by Court Level for Court Term 2022-2023 as of December 1, 2022
(Excluding Landlord/Tenant and Foreclosure Law Clerks)

	Total		White		Sub-Total H.U. R/E. G. ¹		African American/Black		Hispanic/Latino(a/x)		Asian/Amer. Ind/NHOPI ²	
	#	%	#	%	#	%	#	%	#	%	#	%
Supreme Court												
Male	10	52.6%	9	47.4%	1	5.3%	0	0.0%	0	0.0%	1	5.3%
Female	9	47.4%	7	36.8%	2	10.5%	0	0.0%	0	0.0%	2	10.5%
Total	19	100.0%	16	84.2%	3	15.8%	0	0.0%	0	0.0%	3	15.8%
Appellate Division												
Male	30	57.7%	23	44.2%	7	13.5%	1	1.9%	4	7.7%	2	3.8%
Female	22	42.3%	14	26.9%	8	15.4%	0	0.0%	3	5.8%	5	9.6%
Total	52	100.0%	37	71.2%	15	28.8%	1	1.9%	7	13.5%	7	13.5%
Superior Court												
Male	163	40.5%	128	31.8%	35	8.7%	11	2.7%	15	3.7%	9	2.2%
Female	239	59.5%	174	43.3%	65	16.2%	23	5.7%	27	6.7%	15	3.7%
Total	402	100.0%	302	75.1%	100	24.9%	34	8.5%	42	10.4%	24	6.0%
Tax Court												
Male	4	40.0%	3	30.0%	1	10.0%	0	0.0%	0	0.0%	1	10.0%
Female	6	60.0%	4	40.0%	2	20.0%	0	0.0%	0	0.0%	2	20.0%
Total	10	100.0%	7	70.0%	3	30.0%	0	0.0%	0	0.0%	3	30.0%
Grand Total - All Law Clerks												
Male	207	42.9%	163	33.7%	44	9.1%	12	2.5%	19	3.9%	13	2.7%
Female	276	57.1%	199	41.2%	77	15.9%	23	4.8%	30	6.2%	24	5.0%
Total	483	100.0%	362	74.9%	121	25.1%	35	7.2%	49	10.1%	37	7.7%

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.

Data Source: Payroll Management Information System

¹Sub-Total H.U. R/E. G. = Historically underrepresented racial/ethnic groups (African American/Black, Hispanic/Latino(a/x), and Asian/American Indian/NHOPI*)

²NHOPI = Native Hawaiian/Other Pacific Islander

¹⁵ Note: Percentages represent a percentage of the total in each major category. Percentages may not always add due to rounding.

Data Source: Payroll Management Information System

* NHOPI - Native Hawaiian/Other Pacific Islander

Table 5. Hiring Of New Jersey Judicial Law Clerks by Court Level and Race/Ethnicity Over 10 Court Terms

Totals by Court Term and Court Level						Sub-Total H.U. R/E. G.		
Year	Supreme Court	Appellate Division	Superior Court	Tax Court	Totals	Race/Ethnicity	#	%
2022-2023								
Total # Law Clerks	19	52	402	10	483	African Amer./Black	35	7.2%
# of R/E Law Clerks ¹	3	15	100	3	121	Hispanic/Latino/Asian/AI/NH/PI ²	49	10.1%
% of R/E Law Clerks ¹	15.8%	28.8%	24.9%	30.0%	25.1%		37	7.7%
2021-2022								
Total # Law Clerks	20	56	395	10	481	African Amer./Black	32	6.7%
# of R/E Law Clerks ¹	8	15	94	3	120	Hispanic/Latino/Asian/AI/NH/PI ²	42	8.7%
% of R/E Law Clerks ¹	40.0%	26.8%	23.8%	30.0%	24.9%		46	9.6%
2020-2021								
Total # Law Clerks	21	64	391	11	487	African Amer./Black	48	9.9%
# of R/E Law Clerks ¹	3	15	121	3	142	Hispanic/Latino/Asian/AI/NH/PI ²	55	11.3%
% of R/E Law Clerks ¹	14.3%	23.4%	30.9%	27.3%	29.2%		39	8.0%
2019-2020								
Total # Law Clerks	21	64	407	10	502	African Amer./Black	45	9.0%
# of R/E Law Clerks ¹	4	12	119	2	137	Hispanic/Latino/Asian/AI/NH/PI ²	50	10.0%
% of R/E Law Clerks ¹	19.0%	18.8%	29.2%	20.0%	27.3%		42	8.4%
2018-2019								
Total # Law Clerks	21	66	426	10	523	African Amer./Black	47	9.0%
# of R/E Law Clerks ¹	2	12	116	3	133	Hispanic/Latino/Asian/AI/NH/PI ²	48	9.2%
% of R/E Law Clerks ¹	9.5%	18.2%	27.2%	30.0%	25.4%		38	7.3%
2017-2018								
Total # Law Clerks	21	63	439	10	533	African Amer./Black	39	7.3%
# of R/E Law Clerks ¹	3	13	111	1	128	Hispanic/Latino/Asian/AI/NH/PI ²	44	8.3%
% of R/E Law Clerks ¹	14.3%	20.6%	25.3%	10.0%	24.0%		45	8.4%
2016-2017								
Total # Law Clerks	21	64	426	8	519	African Amer./Black	49	9.4%
# of R/E Law Clerks ¹	3	14	109	0	126	Hispanic/Latino/Asian/AI/NH/PI ²	35	6.7%
% of R/E Law Clerks ¹	14.3%	21.9%	25.6%	0.0%	24.3%		42	8.1%
2015-2016								
Total # Law Clerks	21	61	424	8	514	African Amer./Black	30	5.8%
# of R/E Law Clerks ¹	5	11	73	4	93	Hispanic/Latino/Asian/AI/NH/PI ²	36	7.0%
% of R/E Law Clerks ¹	23.8%	18.0%	17.2%	50.0%	18.1%		27	5.3%
2014-2015								
Total # Law Clerks	21	55	402	10	488	African Amer./Black	30	6.1%
# of R/E Law Clerks ¹	1	9	68	4	82	Hispanic/Latino/Asian/AI/NH/PI ²	23	4.7%
% of R/E Law Clerks ¹	4.8%	16.4%	16.9%	40.0%	16.8%		29	5.9%
2013-2014								
Total # Law Clerks	21	48	397	8	474	African Amer./Black	33	7.0%
# of R/E Law Clerks ¹	2	6	78	1	87	Hispanic/Latino/Asian/AI/NH/PI ²	23	4.9%
% of R/E Law Clerks ¹	9.5%	12.5%	19.6%	12.5%	18.4%		31	6.5%

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.
 Data Source: Payroll Management Information System
¹Sub-Total H.U. R/E. G. = Historically underrepresented racial/ethnic groups (African American/Black, Hispanic/Latino(a/h), and Asian/AI/NH/PI)
²AI/NH/PI = American Indian/Native Hawaiian/Other Pacific Islander