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## **IN MEMORY AND WITH GRATITUDE**

*The Committee acknowledges the passing of the Honorable James H. Coleman, Jr., Chair of the original Committee on Minority Concerns (1984), and the Honorable Harold Fullilove, Sr., first Chair of the Supreme Court Committee on Minority Concerns (1993) with deepest respect and sincerest gratitude to the countless contributions they made to the foundation of the New Jersey Judiciary's longstanding work on systemic reforms in race equity, diversity, and inclusion. This report is dedicated to them.*

**SUMMARY OF 2023-2025 RECOMMENDATIONS OF THE  
SUPREME COURT COMMITTEE  
ON DIVERSITY, INCLUSION, AND COMMUNITY ENGAGEMENT**

**RECOMMENDATION 2025:01**

The Committee recommends the Court continue to lead and support innovation in the expansion of access to pro bono and low-cost quality representation in partnership with legal system stakeholders and review its offering of educational seminars and videos designed to provide procedural information and related supports to self-represented litigants.

**RECOMMENDATION 2025:02**

In furtherance of the Court’s leadership in addressing the unnecessary burdens of excessive fines and fees, the Committee recommends the Court identify ways to standardize and streamline fee waiver applications, as well as waivers for costs of transcripts for purposes of appeal, while also preserving judicial discretion through consideration of the unique circumstances of individual applicants.

**RECOMMENDATION 2025:03**

The Committee recommends the Judiciary continue to evaluate the effects of the access to technology gap on self-represented court users and identify substantive steps that the Judiciary can take to bridge the gap in the delivery of court services and access to court programs. To that end, the Court might wish to consider the convening of a working group or other project team tasked with consideration of these issues specifically from the perspective of court users to determine what steps, if any, the Judiciary can take to advance self-represented court users' efficient and easy use of court-related technology.

**RECOMMENDATION 2025:04**

The Committee recommends the Court authorize the convening of a special study group, such as a Working Group on Access to Justice in Rural Communities or a series of listening sessions among local stakeholder groups across practice divisions and case types to identify issues of relevant concern, such as access to housing and related community-based resources that are affected by geographical considerations to develop a shared set of proposed solutions.

**RECOMMENDATION 2025:05**

Building on the leadership of the New Jersey Courts in the areas of mental health and well-being, the Committee recommends the Court convene a Special Committee on Children and Trauma-Conscious Courts to identify the ways that trauma-conscious praxis can be expanded across practice areas, court services, and court programs to reduce the effects of exposure to traumatic content on children during court proceedings and in court settings.

**RECOMMENDATION 2025:06**

The SCC DI&CE recommends the Judiciary publicly memorialize its general and practice-area specific inclusive practices that advance access and eliminate barriers to the courts for LGBTQ+ people. In addition, the Committee suggests that an implementation document be developed to advance the principles set forth in Directive #7-22, *the Judiciary Policy on Accessible and Inclusive Communications*. This recommendation is presented to support operational consistency, advance procedural fairness through clear procedural standards, and promote efficiency across vicinages, practice divisions, and case types.

**RECOMMENDATION 2025:07**

In continuing to employ the analytical lens of intersectionality in its race equity work, the Committee recommends the Judiciary expand its intersectional approach to systemic reforms through data collection, policy reforms, and targeted interventions to ensure equitable treatment and protection for all individuals, including an examination of the challenges encountered by transgender people with the criminal justice system. Examples of areas of potential examination include the effects of custodial versus non-custodial sentences for transgender, nonbinary, and gender nonconforming individuals and the disparities of impact of custodial sentences on cisgender people contrasted to transgender and nonbinary people.

**RECOMMENDATION 2025:08**

While most of these factors and dynamics are outside the administrative purview of the courts, the SCC DI&CE recognizes the leadership role the Judiciary plays in supporting continuing diversity, equity, and inclusion efforts in the legal profession. In addition, the Committee recommends the Judiciary explore the collection (on a voluntary basis) of other demographic data as part of the annual attorney registration process to better understand the demographic profile of the legal profession in New Jersey. These voluntary data points include, but are not limited to: gender identity, sexual orientation, and ability.

**RECOMMENDATION 2025:09**

The Committee recommends the Judiciary continue to identify and employ meaningful opportunities to leverage the use of technology to enhance and expand community engagement initiatives and public education efforts to foster public trust and confidence in courts to support people’s positive views of the quality of justice delivered by the New Jersey Courts.

## **Introduction**

The Supreme Court Committee on Diversity, Inclusion, and Community Engagement (“the Committee” or “SCC DI&CE”) presents its 2023-2025 report for the Court's consideration. This report summarizes key aspects of the Committee’s work during this term under five thematic headings resulting in nine substantive recommendations.

Through its annual [\*Action Plan for Ensuring Equal Justice\*](#), the New Jersey Supreme Court has communicated a sustained institutional commitment to the removal of barriers to justice and the elimination of 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 mandate in the context of the continuing social challenges, ongoing racially-motivated and identity-focused acts of violence and bias in society, and the realities of institutional biases and structural barriers that affect access to justice through the courts.

The SCC DI&CE in its advisory role to the Court offers its recommendations in furtherance of the Judiciary’s ongoing work to facilitate the administration of equal justice through equitable and bias-free courts. The Committee continues to build on the New Jersey Judiciary’s tradition of sustainable systemic reform, data-informed recommendations for structural and



operational improvements, and innovative proactive approaches to improve the administration of justice.

The New Jersey Judiciary's work on racial and ethnic fairness in and through the courts marked its fortieth anniversary during this term. Since the inception of this systemic work in 1983 through the work of the Committee on Minority Concerns, chaired by then-Judge James H. Coleman, Jr., the Judiciary has worked methodically 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 to Diversity, Inclusion, and Community Engagement and received an updated charge from the Court, effective September 1, 2019, in recognition of the centrality of its ongoing mission and the expanding scope of its work.<sup>1</sup>

Through its updated charge the Committee continues to address, through the lens of intersectionality, systemic barriers to justice, structural bias, and the historic vestiges of exclusion and marginalization relating to race, ethnicity, sexual orientation, gender identity, and other primary aspects of identity and experience as well as economics and experiences of poverty. The broadened

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<sup>1</sup> 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.

charge and reaffirmed commitment continue to enhance the Committee's ability to provide the Court with meaningful input on the most pressing challenges facing historically marginalized and strategically underrepresented communities in New Jersey. This report reflects the Committee's continuing efforts to contribute to the Court's ongoing work to ensure equal access to justice through the New Jersey Courts.

## **I. Economics: The Implications of Poverty on Access to the Courts**

This term the Committee, consistent with its updated charge, which includes a focus on economics, continued to discuss the impact of experiences of poverty and the related racial and ethnic disparities on access to the courts. By contrast to the Committee's prior term discussion, which considered the calculation of true poverty, this term's discussion took a broad approach to considering the general and overall effects of poverty on access to justice through the courts. The Committee considered:

- why and how experiences of poverty affect the lives of people interfacing with the New Jersey Courts;
- the differences in experiences of poverty by family type and community of residence, including the challenges posed by geography; and
- selected policy implications and operational considerations.

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

- According to the federal poverty level measurements, as of 2019<sup>2</sup> in New Jersey, 6% of people who are White (non-Hispanic/Latino), 16% of people who are Hispanic/Latino, 16% of people who are Black, and 6% of people who are Asian in New Jersey experienced poverty.

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<sup>2</sup> The 2019 data are the most recent update to the U.S. Census Data.

As reflected by these data, “Black/African American and Hispanic/Latino New Jerseyans experience [actual] poverty at more than double the rate of their non-Hispanic White and Asian neighbors” (2021 LSNJ Report).<sup>3</sup>

A further look into the data shows even greater disproportionality and disparities for children living in poverty in New Jersey:

- According to federal poverty level measurements, in 2019 in New Jersey, 6% of children who are White, 21% of children who are Hispanic/Latino, 23% of children who are Black/African American, and 6% of children who are Asian experienced poverty.

[New Jersey True Poverty Tracker: A Report on Populations Experiencing Deprivation in New Jersey](#) (2022), the most recent report by Legal Services of New Jersey Poverty Research Institute, reveals several notable findings regarding poverty in New Jersey:

- Nearly 2.9 million, or 33.3%, of New Jersey residents experienced deprivation<sup>4</sup> in 2019.
- Forty-two percent of children in New Jersey experienced deprivation in 2019.

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<sup>3</sup> [LSNJ Poverty Research Institute 2021 True Poverty Report](#), Legal Services of New Jersey (2021).

<sup>4</sup> Deprivation refers to experiences of true poverty or the material effects of experiencing poverty, including the consequences of having to forego some fundamental basics of daily living to survive.

- Black/African American and Hispanic/Latino children had actual poverty rates three times higher than children who were White or Asian.
- There is a considerable wage gap by race and ethnicity. For every dollar earned by a White worker in 2019, Hispanic/Latino workers made 69 cents and Black/African American workers made 74 cents.

“[E]xisting and persistent disproportionalities and disparities in true poverty are rooted in systemic, institutional, and structural barriers to economic and life opportunities.”<sup>5</sup> The root causes of those inequities are not within the Court’s administrative purview to resolve nor are they the result of judicial actions, yet the effects of poverty and the reality of poverty’s reach extends into the lives of many court users. The following question guided the Committee’s discussions in this area during the current term:

- How can a deeper understanding and broad awareness of the effects of poverty assist in the elimination of barriers to justice (or conversely the improvement of access to justice) through the New Jersey Courts, particularly as related to framework of the Supreme Court Action Plan on Ensuring Equal Justice and the DI&CE charge?

The Committee considered the effects of poverty in three areas: (1) access to representation and the judicial process; (2) access to technology; and (3) access to resources and the challenges presented by geography.

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<sup>5</sup> See Footnote 3.

## A. Access to Representation and the Judicial Process

Economic disparities, specifically experiences of poverty, substantially affect the administration of justice, the practice of law, the delivery of court services, and access to justice. Short-term financial hardships and prolonged experiences of poverty create significant barriers affecting people's ability to seek and obtain just legal outcomes through the court system.

Experiences of poverty can contribute to increased reliance on the legal system for those whose experiences of poverty are long-term or intergenerational. Research indicates that such households are more likely to encounter legal problems potentially requiring court involvement, including issues related to housing, employment, and family disputes. [Legal Services Corporation 2017 Justice Gap Report](#) found that “71% of low-income households have experienced at least one civil legal problem in the past year.” The report further observed: “Seventy-one percent of low-income households have experienced at least one civil legal problem in the past year. Many of these households have had to deal with several issues. Indeed, more than half (54%) faced at least two civil legal problems and about one in four (24%) has faced six or more in the past year alone. The civil legal problems these Americans face are most often related to basic needs like getting access to health care, staying in their homes, and securing safe living conditions for their families.” However,

due to limited financial resources, individuals experiencing poverty often struggle to navigate the legal system effectively, resulting in unresolved legal issues perpetuating cycles of systemic disadvantage.

Economic disparities also affect the practice of law, particularly concerning the availability and quality of legal representation for individuals with limited or low incomes. As the number of people experiencing poverty increases, the limits of financial resources allocated to legal aid services results in a growing population of people who require access to free or low-cost legal representation and expanded resources for self-representation before the courts.

Additionally, the rise of high-value and complex cases can strain the justice system and divert resources away from addressing the legal needs of people experiencing poverty. This trend underscores the necessity for a more equitable distribution of access to legal resources to ensure all individuals, regardless of economic status, have access to competent legal representation and related services.

While New Jersey continues to be at the forefront of supporting legal aid and public defense and remains a leader in innovative approaches to expanding access to legal representation, the need for more resources for people experiencing poverty and requiring legal representation still exists.

### **RECOMMENDATION 2025:01**

The Committee recommends the Court continue to lead and support innovation in the expansion of access to pro bono and low-cost quality representation in partnership with legal system stakeholders and review its offering of educational seminars and videos designed to provide procedural information and related supports to self-represented litigants.

The effects of poverty also concerns court users' access to fee waivers and barriers to obtaining transcripts due to their costs. Further refinement, including streamlining of the fee waiver application and exploration of ways to make access to transcripts more economically feasible would assist in eliminating barriers to justice resulting from economic disparities and experiences of poverty. Streamlining the fee waiver application process using proxies to substantiate qualification for fee waivers respects the dignity of people, avoiding their re-traumatization by undergoing a process that lays bare their experiences of poverty. For example, permitting applicants that have already been determined eligible for government benefits (e.g., Medicaid) to present proof of benefits or other relevant documentation in lieu of submission of extensive personal financial documents. Related efforts might also include a review of Directive #3-17 to determine if there need to be updates, revisions, or refresher training on the review of applications for fee waivers to ensure there is a standard minimum that judges apply to decide these applications.



## RECOMMENDATION 2025:02

In furtherance of the Court’s leadership in addressing the unnecessary burdens of excessive fines and fees, the Committee recommends the Court identify ways to standardize and streamline fee waiver applications, as well as waivers for costs of transcripts for purposes of appeal, while also preserving judicial discretion through consideration of the unique circumstances of individual applicants.

### B. Access to Technology

The SCC DI&CE recognizes the multitude of ways that expanded use of technology by courts can enhance access to justice, including for people experiencing poverty. The Committee also acknowledges the continuing challenges the access to technology gap, or digital divide, poses to many people. Technology is, without a doubt, a significant aspect of many people’s daily lives.<sup>6</sup> The advent of artificial intelligence (“AI”) will only supercharge this reality.

The Committee's past reports have discussed the access to technology gap, including support for ongoing virtual court and remote first options to advance access to the courts. This term the Committee continued its exploration of

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<sup>6</sup> 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). “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.’”

technology to enhance access to the courts in the context of continuing efforts to close or bridge “the digital divide” that continues to exist along economic and other lines.

The SCC DI&CE's continued interest in the access to technology gap or the digital divide, regards the concern for equal access to procedures, systems, and services. The digital divide refers to the gulf between individuals who have access to modern information and communication technology and those who do not. In the context of the legal system, this divide significantly impacts the administration of justice, the practice of law, the delivery of court services, and access to justice overall. As courts increasingly adopt digital tools, including expansion of virtual court proceedings and AI, to enhance efficiency and accessibility, those lacking adequate technological resources or digital literacy remain at risk of being marginalized.

The factors contributing to the digital divide and its impact vary. The digital divide is not necessarily an issue of economics and poverty. Although it commonly has a financial dimension, it can be a matter of geography, familiarity, comfort, and even personal choice involving the trust/mistrust of technology.

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, e.g., 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.<sup>7</sup>

Throughout the COVID-19 pandemic, the Judiciary leveraged expanded technology effectively and efficiently to ensure access and narrow 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 technology gap by providing technology kiosks at each court facility, resources that proved to be valuable tools for the community.

The integration of technology into court operations has streamlined many processes, such as electronic filings, virtual hearings, and online access to case information. As a result, access to the courts has been enhanced for people across the economic spectrum and technology has facilitated improved appearance rates for people with caregiving responsibilities, limited access to

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<sup>7</sup> The latter group also includes the population of people still without access to smartphones, such as those using “flip-style” phones.

public transportation, and hourly wage earners. However, individuals without reliable internet access or the necessary devices continue to face challenges to full participation in these digital services.

The challenge is not unique to New Jersey: Courts across the country have adopted various digital services, including e-filing systems, virtual hearings, and online dispute resolution platforms, aiming to increase efficiency and accessibility. However, these advancements can inadvertently exclude individuals without internet access and those experiencing limited digital literacy. A [July 2023 report](#) by the National Center for State Courts (“NCSC”) regarding court-based self-help centers notes that mobile internet services and devices alone are insufficient for equitable access to courts and legal services, and emphasizes the need for even more robust solutions to bridge the continuing access to technology gap. The NCSC report notes several specific initiatives aim to address the digital divide within the legal system in collaboration with law schools and legal academia, including:

- *Educational Programs*: Institutions like the University of Pennsylvania Carey Law School are developing programs to educate legal professionals on leveraging technology to democratize law and design legal solutions for systemic change.
- *Technological Innovations*: The incorporation of artificial intelligence and other advanced technologies presents opportunities to enhance court user experience and increase access to justice in civil courts across the United States.

- *Policy Development:* Organizations advocate for expanding broadband services, providing digital literacy training, and increasing access to electronic devices to ensure equitable access to justice.

The New Jersey Judiciary also leads through educational programs, technological innovation, and policy development. While technology has the potential to enhance the efficiency and accessibility of the legal system, it is imperative to continue to address the digital divide with a focus on possibilities of technology to ensure equitable access for all individuals. By implementing comprehensive strategies that include infrastructure development, education, and policy reforms, the legal system can continue to work for everyone by bridging the digital divide and upholding access to justice for all.

The effects of the access to technology gap are not limited to litigants and courts but also relate to attorney-client relationships. Legal professionals are increasingly utilizing AI and digital platforms for case management, client communication, and research.<sup>8</sup> Attorneys serving rural communities or those with notable populations of people with limited incomes might encounter a significant number of clients who lack the means to engage digitally, complicating case preparation and communication. Moreover, law firms with limited technological infrastructure might struggle to keep pace with more

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<sup>8</sup> New Jersey State Bar Association. [Report of the Task Force on Artificial Intelligence \(AI\) and the Law \(2024\)](#).

resourced firms that have invested heavily in legal technology, potentially affecting the overall experience of the representation relationship.

Access to justice is a fundamental principle that ensures individuals can seek and obtain remedies through formal or informal institutions of justice. The digital divide poses a significant barrier to access, particularly for historically marginalized and under-resourced communities. Expanding access to broadband services; providing digital literacy training, including AI; and increasing access to electronic devices to mitigate these challenges will support court users navigating the digital divide.

**RECOMMENDATION 2025:03**

The Committee recommends the Judiciary continue to evaluate the effects of the access to technology gap on self-represented court users and identify substantive steps that the Judiciary can take to bridge the gap in the delivery of court services and access to court programs. To that end, the Court might wish to consider the convening of a working group or other project team tasked with consideration of these issues specifically from the perspective of court users to determine what steps, if any, the Judiciary can take to advance self-represented court users' efficient and easy use of court-related technology.

**C. Access to Resources and the Challenges of Geography**

Experiences of poverty also impact access to resources and supports in the communities in which people live, especially where the reach of poverty is expansive. The effects of poverty are also exacerbated when issues relating to geography include scarcity of resources, including limited public transportation, employment and housing options, and technology access. The challenges in

accessing resources faced by people in large urban areas are well-known and remain unresolved. By contrast, the challenges facing rural communities are less central in popular discourse yet just as important.

While challenges to accessing resources in urban areas tend to be shaped by volume, in rural areas they are shaped by the effects of geography. Throughout the course of its work this term, the Committee considered the overlapping needs across practice areas and case types around transportation, employment, housing, and technology faced by rural communities in New Jersey. In the Committee's view, these shared challenges require further examination.

**RECOMMENDATION 2025:04**

The Committee recommends the Court authorize the convening of a special study group, such as a Working Group on Access to Justice in Rural Communities or a series of listening sessions among local stakeholder groups across practice divisions and case types to identify issues of relevant concern, such as access to housing and related community-based resources that are affected by geographical considerations to develop a shared set of proposed solutions.

**II. Trauma-Conscious Courts**

Trauma-conscious practices and environments in courts are essential, especially as regards children. Recognizing and addressing the impact of trauma will better judicial outcomes and promote the well-being of young people involved in or affected by legal proceedings.

The Committee recognizes the multiple ways the Judiciary has embraced trauma consciousness in its internal policies and public outreach. Indeed, the New Jersey Judiciary is a leader in promoting wellness and well-being throughout the legal system. The Judiciary has been at the forefront in supporting trauma-informed praxis, most notably in Family Practice and Probation Services. It is also a leader in fostering a culture of well-being in the justice system and the legal profession through the ongoing work of the Supreme Court Committee on Well-Being in the Law.

Inspired by these and related institutional efforts, the SCC DI&CE Subcommittee on Children, Youth, and Families evaluated ways to reduce exposure to trauma, discussions of traumatic experiences, and related information when a parent, guardian, or other caregiver needs to attend court and due to a variety of circumstances beyond their control must bring a child/children to court with them. Considering the range of court events across practice areas and case types beyond Family Part matters, the subcommittee moved from its initial brainstorming discussions of specific resources (such as noise cancelling headsets, repurposed tablets loaded with children's activities, and other quiet activities) to a broader discussion of the issue and a recommendation for further study via a systematic approach involving a cross-section of stakeholders.



## A. Connections to Well-Being and Mental Health

Implementing trauma-conscious practices in courts is crucial for several reasons: (1) reducing re-traumatization; (2) enhancing participation; and (3) improving outcomes. Key components of such practices recognize the following:

- Standard court procedures can be intimidating and distressing for children. Trauma-informed approaches aim to minimize these stressors, creating a more supportive environment.
- When children feel safe and understood, they are more likely to engage meaningfully in the legal process, providing accurate testimonies and cooperating with court directives.
- Courts that recognize and address trauma can make more informed decisions regarding custody, placement, and rehabilitation, leading to better long-term outcomes for children.

## B. Understanding the Need for Trauma-Informed Court Facilities and Courtroom Supports for Children

Trauma refers to experiences that overwhelm an individual's ability to cope, often resulting in lasting psychological effects. Children exposed to trauma—such as abuse, neglect, or witnessing violence—may exhibit behavioral and emotional challenges that influence their interactions within the judicial system. Traditional court settings can inadvertently exacerbate these challenges, potentially leading to re-traumatization.

### C. Benefits of Trauma-Conscious Court Environments

Creating trauma-conscious environments within court facilities offers numerous advantages: (1) emotional safety, (2) supportive interactions, and (3) holistic healing. These are achieved by:

- designing spaces that are welcoming and non-threatening helps children feel secure, reducing anxiety and fear;
- training court personnel to interact with children in a trauma-informed manner fosters trust and openness; and
- by acknowledging the psychological aspects of trauma, courts can connect children with appropriate mental health resources, facilitating comprehensive recovery.

### D. Practice Area Considerations

These issues and concerns are not limited to Family Part matters. The presence of children in courtrooms and at court facilities occur across practice areas and a range of contexts and circumstances. Several resources have been implemented to support children in court settings:

- **Child-Parent Psychotherapy:** Some trauma-informed courts provide mental health services, such as child-parent psychotherapy, to support families and children during legal proceedings.
- **Comfort Items:** Providing books, toys, and nourishing snacks for young children while they wait in court can help reduce stress and create a more child-friendly environment.

- Trauma-Informed Design: Incorporating trauma-informed design in physical spaces, such as creating more welcoming and calming environments, can help children feel more at ease during court visits.

Examples from other courts further demonstrate the range of ways judges continue to operationalize trauma-conscious praxis in individual courtrooms:

- Since 2009, Family and Juvenile Courts nationwide have continued to promote trauma-informed policies, emphasizing the importance of supportive judges and multidisciplinary teams working together to create environments that empower young people to make positive changes.<sup>9</sup>
- Judges, attorneys, and child welfare system stakeholders regularly advocate for trauma awareness training for family lawyers and judges to prevent unjust outcomes for survivors of abuse and exposure to other traumas. Understanding the impact of trauma on individuals can lead to fairer judicial processes and better support for vulnerable people.<sup>10</sup>
- The introduction of court support dogs in some courts has provided emotional comfort to child witnesses, helping them remain calm and focused during testimonies. Studies have shown that the presence of a court support dog can reduce stress and improve the quality of evidence provided by children.<sup>11</sup>

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<sup>9</sup> National Council of Juvenile and Family Court Judges. [“Trauma-informed Courts”](#) Resource Portal.

<sup>10</sup> Bolch Judicial Institute, Duke Law School. [“Trauma-informed Judicial Practice from the Judges’ Perspective.”](#) Vol. 106, No. 2 (2022).

<sup>11</sup> Campbell Law Observer. [“Dogs in the Courtroom: The Increasingly Widespread Use of Facility Dogs in the Courtroom,”](#) Feb. 1, 2023. This article, in pertinent part, notes: “The American Bar Association (ABA) recently recognized the importance of having facility dogs in a courtroom. Courtroom dogs help victims or witnesses open up and talk about difficult topics, and the

To meaningfully expand trauma-conscious practices in courts, ongoing continuing legal education for attorneys and other system stakeholders should:

- Establish guidelines that prioritize the emotional and psychological well-being of children.
- Engage mental health professionals to provide insights and support for trauma-affected children.
- Design court facilities with child-friendly areas equipped with comforting resources.

While work has continued on the first two points, the SCC DI&CE discussed the third point in depth, acknowledging that trauma-conscious court environments are essential to supporting the well-being of children involved in or affected by legal proceedings. By recognizing the profound impact of trauma and implementing supportive measures, the judicial system can enhance the experiences of young individuals, leading to more just and compassionate outcomes.

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ABA recognizes the importance of those testifying feeling free to speak their truth. The ABA passed and adopted a [resolution](#) in 2021 urging governments from the local level through the federal level to implement legislation authorizing the use of facility dogs by victims and witnesses participating in any process of the criminal justice system.”

## **RECOMMENDATION 2025:05**

Building on the leadership of the New Jersey Courts in the areas of mental health and well-being, the Committee recommends the Court convene a Special Committee on Children and Trauma-Conscious Courts to identify the ways that trauma-conscious praxis can be expanded across practice areas, court services, and court programs to reduce the effects of exposure to traumatic content on children during court proceedings and in court settings.

### **III. 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 people with diverse gender identities and sexual orientations, recognizing the barriers and biases people who are lesbian, gay, bisexual, transgender, queer, and others face (LGBTQ+ people). The 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 access to justice through the courts is nationally known and sought after as Central Office staff with subject matter expertise in LGBTQ+-inclusive practice often present professional development courses to a variety of external audiences, including most recently the National LGBT Bar Association, the International Association of LGBTQ+ Judges, and other regional and state judicial and legal professional audiences.

During the past five years the New Jersey Supreme Court has expanded the adoption of inclusive policies. These include: 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 as confidential records relating to name changes, for adults, children, and youth under Rule 1:38. As the Committee observed in its 2021-2023 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.”

This term the Committee has continued to engage in related discussions regarding refinements to administrative and operational practices that will further advance the principles of access, equity, and fairness in this area. With all that has been accomplished and institutionalized, the work continues. Most recently, following up on the Court’s approval of a recommendation from a prior term to adopt model colloquies for children’s name change hearings, the Committee completed the drafting of model colloquies for use in name change hearings for children in the Family Part. These drafts have been shared with the Supreme Court Family Practice Committee for review and feedback.

#### A. Ongoing Efforts to Ensure LGBTQ+ Inclusion and Access to the Courts

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 Committee strongly supports this ongoing work, including ensuring inclusive language on court forms and providing routine training and professional development on issues relating to gender identity and sexual orientation.

This work concerns the physical well-being and safety of transgender, gender non-conforming, and non-binary people, concerns that are neither theoretical nor abstract. The Human Rights Campaign report, “[An Epidemic of Violence: Fatal Violence Against Transgender and Gender Non-Conforming People in the United States in 2020](#),” chronicles the growing epidemic of fatal violence against transgender and gender nonconforming people. “This epidemic disproportionately impacts Black and Hispanic transgender women and transfeminine people, who comprise 66% of all [reported] victims of fatal violence against transgender and gender non-conforming people.” (p. 4)<sup>12</sup>

The Committee encourages the Judiciary to continue judicial and staff training on LGBTQ+ inclusive practices and support bench practices informed

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<sup>12</sup> The full Human Rights Campaign report is available online [here](#).

by caselaw and quality service principles to minimize a litigant's unnecessary exposure or self-identification with their deadname<sup>13</sup> in court proceedings and to ensure people are properly addressed by name, honorific, and pronouns. The Judiciary has made much progress in this regard because of judicial education and staff training. These efforts can be enhanced by continuing to educate practitioners and court users especially self-represented litigants.

The SCC DI&CE encourages the Judiciary to consider opportunities for such reforms as part of its ongoing review of court records and records management systems. The Committee urges the development and adoption of additional resources in support of the implementation of Directive #7-22, *the Judiciary Policy on Access and Inclusive Communications*. The Committee stands ready to provide additional detail and resources to the Court in support of these continuing efforts.

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<sup>13</sup> [Merriam-Webster dictionary](#) defines deadname as “the name that a transgender person was given at birth and no longer uses upon [affirming their gender].” For a person who is transgender or nonbinary, deadname refers to the name the person was assigned at birth, usually in alignment with the sex assigned at birth but which they no longer use in the context of affirmation of their gender identity. The Cleveland Clinic in [this November 2021](#) article explains the harms that result from exposure to or forced identification with one’s deadname and the ways that it can be traumatic and harmful to the individual to be forced to associate with a name that does not align with their own self-knowledge and sense of self.



## RECOMMENDATION 2025:06

The SCC DI&CE recommends the Judiciary publicly memorialize its general and practice-area specific inclusive practices that advance access and eliminate barriers to the courts for LGBTQ+ people. In addition, the Committee suggests that an implementation document be developed to advance the principles set forth in Directive #7-22, *the Judiciary Policy on Accessible and Inclusive Communications*. This recommendation is presented to support operational consistency, advance procedural fairness through clear procedural standards, and promote efficiency across vicinages, practice divisions, and case types.

### B. Intersectionality and Race Equity: The Needs of Transgender and Nonbinary People of Color in the Criminal Justice System

Sexual orientation and gender identity (SOGI) inclusion is intrinsically linked to race equity, especially in a diverse state like New Jersey. This section of the Committee’s report applies intersectional analysis to a very contemporary challenge in the criminal justice system.<sup>14</sup> To provide a foundation for this

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<sup>14</sup> “Intersectionality” is a legal analytical framework developed by Kimberle Crenshaw and other Black women legal scholars. This framework recognizes and takes into consideration the compounding effects of multiple marginalizations and highlights the ways that single axes approaches (e.g., race or gender alone) fail to recognize. For example, the distinct set of systemic barriers that Black women face as a group contrasted with a generalized assessment of the experiences of women as a monolithic class. In practical terms, an intersectional lens considers the ways that all aspects of a person’s identity and lived experience combine or compound to shape the opportunities and barriers a person (or groups of people) might encounter in their interactions with the legal system. See [“Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics”](#) (University of Chicago Legal Forum, 1989:1) for Crenshaw’s original presentation of intersectional analysis in the legal profession.

section, the Committee presents seven contributing factors: (1) disproportionate impact of discrimination; (2) economic disparities; (3) healthcare access and quality; (4) legal and policy barriers; (5) educational inequities; (6) community and social supports; and (7) demographic data and racial disparities for transgender women of color in New Jersey.

### *1. Disproportionate Impact of Discrimination*

LGBTQ+ people of color face compounded forms of discrimination that affect their daily lives, including in housing, healthcare, and employment. For instance, they experience heightened levels of discrimination in the workplace and healthcare systems compared to their White counterparts. Barriers and biases lead to broader systemic inequities, limiting economic and social mobility for LGBTQ+ people of color and affect their interactions with the legal system.

### *2. Economic Disparities*

Economic challenges are more severe for LGBTQ+ people of color. Numerous studies, including those reported by The Williams Institute, document that LGBTQ+ people of color are more likely to live in poverty, with significant portions of the population earning less than \$40,000 annually and relying on assistance programs like SNAP at higher rates than White LGBTQ+ individuals. Addressing economic inequities requires tackling racial, sexual orientation, and

gender identity related bias, as these issues are interconnected and affect the overall economic well-being of LGBTQ+ people of color.<sup>15</sup>

### *3. Healthcare Access and Quality*

LGBTQ+ people of color, particularly transgender individuals, often experience substandard care and face discriminatory treatment in healthcare settings. These barriers lead to worse health outcomes and contribute to broader health disparities. Improving healthcare inclusivity and cultural competency for LGBTQ+ people of color is essential for achieving race equity, as it ensures equitable access to quality healthcare for all communities.

### *4. Legal and Policy Barriers*

Many states, including New Jersey, have worked to pass inclusive non-discrimination laws. However, the enforcement and awareness of these laws can vary, and LGBTQ+ people of color often still face significant legal and social barriers. Strengthening legal protections and ensuring they are effectively enforced is crucial to addressing the compounded discrimination faced by LGBTQ+ people of color.

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<sup>15</sup> Williams Institute. “[Racial Differences Among LGBT Adults in the U.S.](#),” part of the LGBT Well-Being at the Intersection of Race series, January 27, 2022.

### *5. Educational Inequities*

Bias and barriers in educational settings disproportionately affect LGBTQ+ students of color, leading to higher dropout rates and lower educational attainment. These outcomes perpetuate experiences of poverty and limit future opportunities. Inclusive policies and practices in schools that address intersectional biases and barriers are essential for fostering an equitable educational environment.

### *6. Community and Social Support*

Community-based support services that address the unique needs of LGBTQ+ people of color are vital for promoting social inclusion and equity. These services often provide critical resources and support that are not readily provided by mainstream LGBTQ+ organizations. Investing in and supporting organizations that focus on the intersection of race, sexual orientation, and gender identity can help bridge gaps in services and foster a more inclusive society.

In New Jersey, promoting sexual orientation and gender identity inclusion as a race equity issue means continuing to recognize and address the unique challenges faced by LGBTQ+ people of color. By implementing policies and practices that tackle racial, sexual orientation, and gender identity discrimination, the Judiciary working with community stakeholders can

continue to contribute to a more equitable and inclusive environment for all its residents and improved access to the courts through the elimination of barriers and reduction of biases.

*7. Demographic Data and Racial Disparities  
for Transgender Women of Color in New Jersey*

Transgender women of color in New Jersey face significant challenges due to intersecting racial and gender identities. While specific state-level data is limited, the following information provides insights:

- Nationally, about 0.8% of Black/African American adults and 0.8% of Hispanic/Latino adults identify as transgender. Applying these percentages to New Jersey's population suggests that transgender people of color form a substantial portion of the transgender community in the state.<sup>16</sup>
- National data shows that 28% of Black transgender respondents and 18% of Hispanic/Latino transgender respondents reported being unemployed or underemployed due to bias, highlighting severe economic challenges.<sup>17</sup>
- Black transgender women are disproportionately affected by fatal violence. In 2022, at least 36 transgender people were killed in the

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<sup>16</sup> The Williams Institute. “[Race and Ethnicity of Adults Who Identify as Transgender in the United States](#),” (October 2016).

<sup>17</sup> National Institutes of Health (NIH). “[Exploring Individual and Structural Factors Associated with Employment Among Young Transgender Women of Color Using a No-Cost Transgender Legal Resource Center](#).” (March 2017)

U.S. in instances of anti-transgender violence, half of whom were Black transgender women).<sup>18</sup>

In summary, transgender women of color in New Jersey face substantial disparities in health, economic opportunities, and safety. Addressing these challenges requires targeted interventions that account for the intersections of race, sexual orientation, and gender identity. Efforts to reduce these inequities must include increasing access to healthcare, strengthening anti-discrimination laws, and addressing systemic biases in policing and social services.

In terms of the legal system, transgender women of color in New Jersey also encounter significant challenges, stemming from the same intersecting racial, gender, and socioeconomic factors that transgender women of color experience nationally. While specific state-level data in this regard is also limited, national trends and available reports provide insights on these disparities.<sup>19</sup>

- Transgender individuals, particularly those of color, are disproportionately represented in the incarcerated population. A national survey revealed that among transgender inmates, 28%

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<sup>18</sup> Human Rights Campaign. [“2024 Epidemic of Violence Report: Fatal Violence Against Transgender and Gender Non-Conforming People.”](#) (November 2024)

<sup>19</sup> The Committee relies on reports and data from several national sources including the American Bar Association’s Criminal Justice Section’s publication, [“A Crisis Behind Bars: Legal Issues Impacting Transgender People Behind Bars”](#) (Winter 2024), Lambda Legal’s 2022 [“Protected and Served” Report](#), and publications and studies by the National Institutes of Health, The Sentencing Project, and the Prison Policy Initiative.

identified as Black/African American and 28% as Hispanic/Latino, indicating a significant overrepresentation compared to their population sizes.

- Incarcerated transgender women often face inadequate access to gender-affirming healthcare.
- National reports document that transgender women housed in male correctional facilities are at heightened risk of violence and sexual assault. The lack of appropriate housing and protective measures exacerbates their vulnerability.

Considering these national trends, it is reasonable to examine whether transgender women of color in New Jersey face the same compounded challenges in the criminal justice system. Addressing any identifiable disparities or disproportionate impact requires comprehensive data collection, policy reforms, and targeted interventions to ensure equitable treatment and protection for all individuals, regardless of their race, gender identity, or socioeconomic status.

#### **RECOMMENDATION 2025:07**

In continuing to employ the analytical lens of intersectionality in its race equity work, the Committee recommends the Judiciary expand its intersectional approach to systemic reforms through data collection, policy reforms, and targeted interventions to ensure equitable treatment and protection for all individuals, including an examination of the challenges encountered by transgender people with the criminal justice system. Examples of areas of potential examination include the effects of custodial versus non-custodial sentences for transgender, nonbinary, and gender nonconforming individuals and the disparities of impact of custodial sentences on cisgender people contrasted to transgender and nonbinary people.

## **IV. Equity, Diversity, and Inclusion**

This section presents discussion of the leadership role of courts in advancing equity and the elimination of bias in the administration of justice, the practice of law, and the delivery of court services and programs. The section includes a brief discussion on diversity and representativeness of the state court bench and highlights the current challenges and opportunities in diversity, equity, and inclusion facing the practice of law.

### **A. Role of Courts in Advancing Equity and Elimination of Bias**

#### *1. Historical Overview and New Jersey Judiciary Framework*

The New Jersey Judiciary has a forty-year history of engagement and leadership in systemic judicial reforms, programs, and initiatives to advance equity and support the elimination of bias through diversity and inclusion initiatives. The New Jersey Supreme Court in the early 1980s formed committees to support equity and elimination of bias within the administration of justice and court operations. In 1993, the Court issued a Statement and Action Plan on Minority Concerns, and in 2000 the Court issued its first statewide Judiciary Equal Employment Opportunity/Affirmative Action (“EEO/AA”) Master Plan. During this same period, the Judiciary collaborated with three other state courts to found the National Consortium on Racial and Ethnic Fairness in the Courts (“the National Consortium”).



Consistent with the mission and purpose of courts, the work of a judicial system requires the advancement of equity and elimination of bias holistically in all aspects of policies, procedures, and operations to sustain equity and support the reduction, interruption, and elimination of bias throughout the judicial system. In the years since the formal inception of equity and elimination of bias work, particularly since statewide unification, the Judiciary's work on equity and elimination of bias has become amplified, expanded, and now integrated into routine operations.

The New Jersey Supreme Court and the Administrative Director of the Courts lead the Judiciary's equity and elimination of bias efforts, through the establishment and clarification of guiding principles in the form of directives and policies and implementing specific initiatives. A significant portion of the day-to-day responsibilities for this work is shared by two Central Office units: EEO/AA and DI&CE. Other Central Office Units, including Judicial Education and Organizational Development & Training, play key roles in the integration of equity and elimination of bias into all aspects of professional development, continuing legal education, and ongoing staff training. Various vicinage-level efforts also support and implement the Court's equity and elimination of bias goals. That frontline work, in combination with the Court's annual Action Plan to Ensure Equal Justice and the adoption of an Equity Impact Analysis

framework, ensure the work of equity and elimination of bias extends to all court areas, programs, and services.

## 2. *National Initiatives*

For forty years, the New Jersey Judiciary has been and remains a national leader. As noted, the New Jersey Judiciary co-founded the National Consortium. Representatives of the New Jersey Judiciary serve on the National Consortium's Board of Directors and Advisors, attend its national conference and annual meeting, and participate in the Consortium's support of other state courts implementing systemic initiatives. In addition, the Judiciary is an active participant in and contributor to the NCSC *Blueprint for Racial Justice in State Courts*, an initiative developed in 2020 as a result of a joint resolution of the Conference of Chief Justices and the Conference of State Court Administrators, to renew the collective systemic efforts to eliminate barriers to justice and reduce the effects of bias in the legal system.

### B. Diversity and Representativeness of the Bench

#### 1. *Historical Overview*

Six jurists of color have served on the New Jersey Supreme Court, including: three Black/African American<sup>20</sup> justices and three Hispanic/Latino

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<sup>20</sup> The race and ethnicity categories presented in this section correspond to the wording of the U.S. E.E.O.C. categories 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 two. The addition of Justice Michael Noriega to the Court reflects another historic first in diversity: Justice Noriega is the first member of the Court of Peruvian ancestry as well as the first former Public Defender to serve on this state's highest court. The diversity of New Jersey's highest court 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.<sup>21</sup>

- Two of the six justices on the Supreme Court are people of color (one Black/African American and one Hispanic/Latino), and three are female.
- Seven of the twenty-eight judges in the Appellate Division are people of color (five Black/African American and two Hispanic/Latino), and fourteen are female.
- Ninety-two of the 368 judges in the Superior Court-Trial Court are people of color (thirty-nine Black/African American, thirty-six Hispanic/Latino, and seventeen Asian/Amer. Ind/NHOPI\*), and 148 are female.

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<sup>21</sup> January 10, 2025 data from the Data Analytics Unit, Administrative Office of the Courts.

- One of the nine judges in the Tax Court is a person of color (Asian/Amer. Ind/NHOPI\*), and four are female.

In sum, 102 of the 412 judges for all levels of court combined are people of color, and 169 are female.

The representation of judges from historically underrepresented race/ethnicity groups is currently 24.8% (n=102) statewide for all levels of court combined. In terms of percentages, the representation of historically underrepresented racial and ethnic groups combined is:

- 28.6% for the Supreme Court;
- 25.5% for the Superior Court-Appellate Division;
- 25.0% for the Superior Court-Trial Court; and
- 11.1% for the Tax Court.

Considering these data for historically underrepresented race/ethnicity groups by E.E.O.C. category, representation is

- 14.3% (n=1) Black/African American, 14.3% (1) Hispanic/Latino, and 0.0% (0) Asian/American Indian/NHOPI at the Supreme Court;
- 17.9% (5) Black/African American, 7.1% (2) Hispanic/Latino, and 0.0% (0) Asian/American Indian/NHOPI at the Superior Court-Appellate Division;
- 10.6% (39) Black/African American, 10.6% (39) Hispanic/Latino, and 4.9% (18) Asian/American Indian/NHOPI at the Superior Court-Trial Court;

- 0.0% (0) Black/African American, 0.0% (0) Hispanic/Latino, and 11.1% (1) Asian/American Indian/NHOPI at the Tax Court.

In sum, there are 10.9% (45) Black/African American, 9.5% (39) Hispanic/Latino, and 4.4% (18) Asian/American Indian/NHOPI for all levels of court combined. These figures all reflect increases in numbers and percentage-wise from this Committee's 2021-2023 report.

In terms of gender, the representation of women (all races and ethnicities combined) is:

- 42.9% for the Supreme Court;
- 50.0% for the Superior Court-Appellate Division;
- 40.5% for the Superior Court-Trial Court;
- 33.3% for the Tax Court; and

The sum is 41.0% for all levels of the courts combined.

The representation of women of color is as follows:

- 14.3% for the Supreme Court;
- 14.3% for the Superior Court-Appellate Division;
- 13.9% for the Superior Court-Trial Court; and
- 11.1% for the Tax Court.

The total is 13.8% for all levels of court combined. These percentages also reflect increases at all levels of the courts compared to the Committee's 2021-2023 report.

The expanded diversity across the 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 as well as expanded diversity among East Asian and South Asian women.

Continuing diversity, inclusion, and representation on the bench is essential to enhancing the quality of the Judiciary and ensuring its legitimacy. 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 admission<sup>22</sup> is critical to accurately assess the diversity of the bench. With the Court's implementation of the collection of voluntary demographic data

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<sup>22</sup> 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.

relating to race, ethnicity, and gender beginning in January 2023 and the release of the first report on these data, the Committee looks forward to examining the annual data to gain a deeper understanding of the representativeness of the bench. By doing so, the Judiciary can be a resource to better inform the public and the executive and legislative branches on this issue.

In addition, annual voluntary attorney demographic data collection from the annual attorney registration process has proven key to shedding light on diversity in the legal profession and opportunities for enhancing inclusion and promoting belonging in the practice of law and the administration of justice. For the first time, the [August 7, 2024 Notice to the Bar](#) published aggregate information on the demographics of attorneys who practice in New Jersey related to race, ethnicity, and gender as voluntarily provided. These data inform us better about the inclusion of people of different races, ethnicities, and genders. For example, and without limitation, 90 attorneys responding to the question on gender self-reported as nonbinary, a fact that invites greater consideration of opportunities for inclusion and elimination of barriers in the legal profession and the administration of justice.

### *3. Key Areas of Advancement in Judiciary Leadership*

Diversity, inclusion, representativeness, and excellence 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. 2024 marked another historic first when the Chief Justice appointed the Honorable Thomas W. Sumners, Jr., to serve as the Chief Judge of the Appellate Division upon the retirement of the Honorable Carmen Messano. An accomplished jurist, Judge Sumners is the first person of color to serve as Chief Judge of the Appellate Division. To illustrate the continued growth in diversity in leadership, the Committee notes the following longitudinal data.

- In 1995, 3.6% of presiding judges (including both the Trial Court and Appellate Division and Tax Court) were from historically underrepresented race/ethnicity groups, 5.8% in 2005, 17.4% in 2010, 14.5% in 2015, and 25.8% in 2024.
- In 1995, 6.7% of assignment judges were from historically underrepresented race and ethnicity groups, 6.7% in 2005, 13.3% in 2010, 20.0% in 2015, and 13.3% in 2024.

Without question, diversity of experience yields diversity of thought and enhances the quality of the justice system. This, in turn, strengthens public trust and confidence in the Judiciary. The assignment of diverse judges to leadership positions is a recognition of the extensive experience and administrative expertise these well-qualified judges bring to the job. This approach, coordinated by the Chief Justice and Administrative Director, continues to enrich the administration of justice throughout the New Jersey Courts.



### C. Diversity, Equity, and Inclusion in the Legal Profession

The U.S. Supreme Court's decision in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023), coupled with the pushback against the surge of diversity, equity, and inclusion efforts that have emerged in the context of the national racial reckoning following the murder of George Floyd, has significantly impacted diversity initiatives within the legal profession. The impact has been felt across the societal spectrum, including within private practice and legal academia, stands to affect the administration of justice, law firm management, and the ability of diverse attorneys to succeed in the profession.

Indeed, since the United States Supreme Court's decision there has been increasing concerns expressed regarding the potential impact on the enrollment of students of color in law schools. The reduction in diversity at the educational level would pose challenges for the legal profession's efforts to reflect the demographics of society-at-large. This impact would reverse the positive effects diversity has historically played within the profession in terms of enriching legal discourse, the development of culturally competent legal professionals, and ultimately a representative bench.

The ruling in the Harvard case has also prompted scrutiny of diversity, equity, and inclusion initiatives in the private sector, including at law firms.

Some firms have faced legal challenges to their diversity programs, particularly those that include race-conscious elements.<sup>23</sup>

These legal challenges have led some firms to reevaluate and, in certain cases, modify or scale back their diversity, equity, and inclusion initiatives to mitigate legal risks.<sup>24</sup> This trend raises concerns about the future effectiveness of efforts to promote diversity within the legal profession, as firms may become more cautious in implementing programs aimed at increasing representation among historically marginalized groups.

A decline in diversity within the legal profession can have broader implications for the administration of justice. A judiciary and legal community that lack diverse representation may struggle to fully understand and address the unique challenges faced by various communities. This disconnect can undermine public confidence in the legal system's fairness, impartiality, and legitimacy.

The reduction or elimination of diversity initiatives will affect the recruitment and retention of diverse legal talent, leading to a less inclusive legal

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<sup>23</sup> For example, the American Alliance for Equal Rights filed lawsuits against two large national law firms, alleging that their diversity fellowship programs violated Section 1981 of the Civil Rights Act of 1866 by being open exclusively to applicants from underrepresented racial groups.

<sup>24</sup> Associated Press. "[As Diversity, Equity and Inclusion Comes Under Legal Attack, Companies Quietly Alter Their Programs](#)," (January 14, 2024).

profession. This will likely deter individuals from historically marginalized and underrepresented backgrounds from pursuing legal careers, further exacerbating an historic lack of diversity in the profession.

The SCC DI&CE urges the Judiciary to remain steadfast in its commitment to equity and the elimination of barriers and bias through continuing diversity and inclusion policies, practices, and initiatives despite the growing headwinds to the contrary. The Judiciary should remain a vocal leader in supporting this critically important work.

**RECOMMENDATION 2025:08**

While most of these factors and dynamics are outside the administrative purview of the courts, the SCC DI&CE recognizes the leadership role the Judiciary plays in supporting continuing diversity, equity, and inclusion efforts in the legal profession. In addition, the Committee recommends the Judiciary explore the collection (on a voluntary basis) of other demographic data as part of the annual attorney registration process to better understand the demographic profile of the legal profession in New Jersey. These voluntary data points include, but are not limited to, gender identity, sexual orientation, and ability.

**V. Engagement with the Community and Fostering of Public Trust and Confidence in the Courts**

People’s perception of the quality and reality of justice through the legal system is shaped by theirs and others trust and confidence in courts. The New Jersey Judiciary has long understood this dynamic and continues to foster public trust and confidence in the courts through community engagement and longstanding court-community partnerships.

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 dimension of the Judiciary’s DI&CE model has three key elements:

- the involvement of the public, including people outside the legal profession, as members of the SCC DI&CE and the Vicinage Advisory Committees (VACs);
- the role of the VACs in facilitating engagement with local communities; and
- the presence 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 SCC DI&CE, working with the Conference of VAC Chairs and the Committee of VAC Coordinators, has continued to promote:

- technical and administrative support for the work of the fifteen VACs;
- identification of new areas of programming and opportunities to conduct virtual engagement, including expanded community conversation programs; and
- 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 fifteen VACs have continued to ensure that time is allocated at their periodic meetings for substantive discussions about 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, people of Jewish heritage, and members of 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 and the charge to the Judiciary's DI&CE Program.

The DI&CE Program continues to be involved actively in student and youth engagement programming and outreach initiatives, in supporting law student clerkship informational programming as opportunities arise and expanding the Judiciary's outreach to diverse LGBTQ+ communities across the state. The VACs 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 and often work in partnership with EEO/AA on related outreach and engagement initiatives. Judges who serve on the Committee and chair the VACs are actively involved in the Judiciary's outreach to law students to promote internship, externship, and clerkship opportunities. Judges and staff are committed to ensuring the court-community partnership symbolizes the Judiciary's DI&CE Program.

The SCC DI&CE believes that live virtual public education, community engagement, and continuing legal education is vital to eliminating many barriers to participation that exist with traditional in-person events and programs. Although the pandemic, which necessitated the virtual forum is now behind us, the Committee urges the Judiciary to continue utilizing available technologies to enhance community outreach and promote public trust and confidence in the courts alongside in-person outreach events.

**RECOMMENDATION 2025:09**

The Committee recommends the Judiciary continue to identify and employ meaningful opportunities to leverage the use of technology to enhance and expand community engagement initiatives and public education efforts to foster public trust and confidence in courts to support people’s positive views of the quality of justice delivered by the New Jersey Courts.

**Conclusion**

The SCC DI&CE expresses its gratitude for the Court’s continuing leadership in eliminating structural barriers to justice, addressing the legacy of institutional racism, and the effects of structural, explicit, and implicit biases on the practice of law and the administration of justice. Although there will always be much to be done in this regard, the good work done by the jurists and staff of the New Jersey Judiciary, day-in and day-out, assures us these problems will be overcome.

/January 14, 2025

**2023-2025 Committee Membership List**

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Marquis Whitney, Esq.

**Committee Staff:**

Lisa R. Burke  
Issac Green

**Subcommittee Staff:**

Kimberly Douglas  
Crystal Wilson

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The Committee also acknowledges the contributions of the following judges who served on the SCC DI&CE during this term until the time of their retirement from the bench.

- Hon. Catherine I. Enright, J.A.D. (ret.)
- Hon. Janetta D. Marbrey, J.S.C. (ret.)
- Hon. Thomas Walsh, P.J.F.P. (ret.)

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