JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

ITC SP21-03

Title
Judicial Administration: Court's Duty to Prevent Bias

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Standards of Judicial Administration, standard 10.20

Proposed by
Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings
Hon. Brad R. Hill, Cochair
Hon. Stacy Boulware Eurie, Cochair

Action Requested
Review and submit comments by June 25, 2021

Proposed Effective Date
January 1, 2022

Contact
Michael Etchepare, 916-643-7019
michael.etchepare@jud.ca.gov

Executive Summary and Origin

The Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings recommends amendments to California Standards of Judicial Administration, standard 10.20 (Court's duty to prohibit bias), to support the integrity and impartiality of the judicial system and to promote a courtroom environment free of bias or the appearance of bias. The work group was appointed by Chief Justice Tani G. Cantil-Sakauye to identify improvements and propose amendments to standard 10.20. The work group was charged with ensuring that the standard, last substantively amended in 1997, reflects current law and current understandings regarding the elimination of bias and provides a framework for courts to work with their local communities to address these important issues.

Background

The Judicial Council first adopted a standard addressing bias in court proceedings in 1987. At that time, the council adopted a general statement on a judge's responsibility to prevent bias as California Standards of Judicial Administration, section 1. In 1993, the council amended the standard to add a recommendation for courts to create local bias committees and adopt informal complaint resolution procedures. In 1997, the council amended the standard to specify that bias was prohibited on the basis of "disability, gender, race, religion, ethnicity, and sexual orientation." The standard was renumbered in 2007, but has not been substantively amended since 1997. In its current form, standard 10.20 recommends that judges and courts take steps to

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

prohibit bias on these protected classifications, and includes provisions for the creation of local committees to sponsor and support educational programs and develop and maintain an informal procedure for receiving complaints about courtroom bias.

In November 2020, the Chief Justice appointed the work group to identify improvements and propose amendments to standard 10.20. The work group was charged with ensuring that the standard reflects current law and current understandings regarding the elimination of bias, and provides a framework for courts to work with local bar communities to address these issues. The work group was asked to report back to the Chief Justice and Judicial Council in fall 2021.

While bias is separate and distinct from intentional discrimination and harassment, there is often significant overlap in the learned behaviors, attitudes, and stereotypes underlying bias, discrimination, and harassment. Accordingly, the work group considered the recommendations of the Work Group for the Prevention of Discrimination and Harassment, appointed by the Chief Justice in October 2018, and the Rules Committee proposal to adopt rule 10.351 (Judicial branch policies on workplace conduct) of the California Rules of Court, which the Judicial Council adopted in January 2020.

The work group is cochaired by Administrative Presiding Justice Brad R. Hill, Court of Appeal, Fifth Appellate District, and Judge Stacy Boulware Eurie, Superior Court of Sacramento County.[1] Many members of the work group served on the Work Group for the Prevention of Discrimination and Harassment and the committee to develop rule 10.351.

The Proposal

The work group recommends amendments to standard 10.20 to ensure the standard reflects current law and understandings regarding the elimination of bias. This includes amendments to:

- Update the list of protected classifications enumerated in the standard;
- More broadly define the scope of the standard and its applicability to all court interactions;
- Define the optimal role for local bias committees and outline contemporary considerations for the makeup of those committees; and
- Ensure that court users can access information regarding how they can submit complaints regarding bias about court employees and judicial officers in court interactions.

The work group proposes amendments to each subdivision of standard 10.20.

[1] The work group includes Justice Carin T. Fujisaki, Court of Appeal, First Appellate District, Division Three; Presiding Judge Joyce D. Hinrichs, Superior Court of Humboldt County; Judge Kevin C. Brazile, Superior Court of Los Angeles County; Court Executive Officer Nancy CS Eberhardt, Superior Court of San Bernardino County; and attorneys Rachel W. Hill and Gretchen Nelson.

Substitution of "prevent" for "prohibit"

The proposed amendment changes the title of standard 10.20 from "Court's duty to prohibit bias" to "Court's duty to prevent bias" and replaces all uses of "prohibit" with "prevent," such that the standard now asks courts, judicial officers, and court employees to take actions to prevent bias, rather than prohibit bias. This proposed change reflects the work group's charge to modernize the standard to better reflect current understandings regarding the elimination of bias, and reflects a more comprehensive approach to the elimination of bias in court interactions.

The work group was concerned that, as used, "prohibit" is a narrow term, focused only on forbidding a certain behavior without any corresponding discussion, education, or opportunity to learn and improve. When conduct is prohibited or forbidden, people might understand that they are not allowed to engage in that conduct, but might not otherwise understand why the conduct is problematic, why the conduct occurs, or how it can still impact people and situations even though it is explicitly forbidden. Simply prohibiting conduct, without taking the steps to educate and prevent the conduct from occurring, is insufficient to achieve the goal of fully understanding and eliminating both unconscious and explicit biases.

"Prevent" is a broader, more encompassing term focused on the comprehensive elimination of bias. Prevention of bias still allows a court to prohibit or forbid bias as part of its plan to prevent bias in court interactions. But a plan to prevent bias necessarily includes a wider array of actions, including:

- Encouraging judicial officers, employees, and court users to report bias;
- Being open to discussing and learning from real misunderstandings and instances of unconscious bias; and
- Focusing on robust education regarding how unconscious and explicit biases develop, how to recognize unconscious and explicit biases, and how to address and eliminate specific instances of unconscious and explicit biases.

In short, the change from "prohibit" to "prevent" represents a fundamental change in how courts are asked to combat bias, with a focus on actually understanding the many forms, causes, and impacts of bias, rather than simply forbidding it.

Statement of purpose

The proposed amendment to standard 10.20(a) sets forth a revised statement of purpose that includes courts ensuring the integrity and impartiality of the judicial system and promoting interactions free of bias and the appearance of bias. Subdivision (a) encourages courts to work within their local communities to improve dialogue and engagement with members of various cultures, backgrounds, and groups to learn, understand, and appreciate the unique qualities and needs of each group.

Ensuring the integrity and impartiality of the judicial system

To achieve these goals, subdivision (b) states that judicial officers and court employees should refrain from and take action to prevent biased behavior in all court interactions, and recommends additional responsibilities for judicial officers to ensure unbiased decisions, fairness, and impartiality in courtroom interactions. In outlining these responsibilities, the proposal clarifies or expands on existing standard 10.20 in several key areas.

First, in subdivision (b)(1), the proposal expands the responsibility to ensure integrity and impartiality beyond "courtroom proceedings" to all "court interactions." This change encompasses interactions beyond the courtroom itself—including interactions in clerk's offices, at public counters, and in other places where court users may interact with judicial officers and court staff.

Second, also in subdivision (b)(1), the proposal greatly expands the list of covered protected classifications to now encompass bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law, including Government Code section 12940(a) and canon 3(B)(5) of the Code of Judicial Ethics, whether that bias is directed toward counsel, court staff, witnesses, parties, jurors, or any other person. The proposal adds language to clarify that a court, judicial officers, and court employees may consider such classifications only if necessary or relevant to the proper exercise of their adjudicatory or administrative functions, such as considering military and veteran status in criminal sentencing, or age in juvenile proceedings. This change is intended to reflect current law and significantly broadens the understanding of what type of conduct constitutes impermissible bias in court interactions.

Third, in subdivisions (b)(1), (b)(2), and (b)(3), in stating the responsibility to ensure fairness in courtroom interactions and unbiased decisions, the proposal clarifies that it applies to all judicial officers, which includes justices, judges, subordinate judicial officers, and temporary judges. This clarification broadens the coverage of standard 10.20 and encompasses all courtroom proceedings at both the trial and appellate court levels.

Composition and role of local bias committees

In addition to these expansions and clarifications, the proposal also builds on the suggestion in existing standard 10.20 that courts create local bias committees. Specifically, in subdivision (c), the proposal recommends that courts collaborate with local bar associations to establish local or regional committees, joint trial and appellate court committees, or separate or joint appellate court committees. This change allows more flexibility to all courts. For instance, smaller courts may decide to partner with other similarly situated courts to form regional committees that have the ability to better combine and marshal resources. Likewise, appellate courts may partner with other appellate courts or with trial courts within their region, such that these courts have the option to work with other similarly situated courts to create stronger and more uniform committees.

Further, in subdivision (c)(1), the proposal recommends that the local committee be composed of representative members of the court community, including judicial officers, lawyers, court administrators, representatives, and individuals who interact with the court and reflect and represent the diverse and various needs and viewpoints of court users. This is a departure from the existing standard, which delineates specific groups that should be represented in local committees. As discussed in greater detail in this report under Alternatives Considered, while the work group understands the need for consistent and objective standards throughout the judicial branch, the reality is that counties vary greatly in size, demographics, needs, and viewpoints of the local bar community, and each county has unique and specific issues within its legal community. As a result, the proposal focuses on providing courts with a broader framework and guidelines for its committees, rather than rigid standards and quotas, and allows each court to create procedures and programs that work for that community, within the framework.

In subdivision (c)(2), it is recommended that local committees sponsor and support educational programs designed to eliminate unconscious and explicit biases within the court. This is of particular importance because education is critical to developing an awareness of the origins of bias and the impact of bias on individuals, culture, and society. It is only by better understanding bias that courts and local committees can work to prevent bias in court interactions.

Finally, in subdivision (c)(3), it is recommended that local committees engage in regular outreach to their local communities to learn about issues of importance, including ongoing dialogue regarding concerns related to bias in court interactions. As discussed, it is important that court users feel that they have an avenue to discuss issues of bias in court interactions. While each local community has its own diverse needs and viewpoints, it is imperative that courts and local committees work to understand and represent those ideas and give voice to those concerns.

Complaint resolution

Although existing standard 10.20 suggests that local bias committees create their own complaint resolution procedures, the current proposal eliminates that suggestion and instead recommends that courts ensure that the public can easily access existing information about how to make a complaint regarding bias in court interactions based on a protected classification. As explained in the proposed Advisory Committee Comment to standard 10.20, and as further explained in the Alternatives Considered section below, this decision was made in large part because of the many existing and updated avenues for making complaints regarding bias in court interactions, including avenues at both the local court level and through the Commission on Judicial Performance, and to avoid conflicts between those procedures; to avoid concerns that committees overseeing confidential complaints against judicial officers and court employees may trigger privacy, personnel, or labor-relations issues; and due to concerns that all local committees may not have sufficient resources or expertise to handle such complaints.

Given these concerns, and given the existing complaint resolution processes, the work group recommends that each court communicate to its users how they can use the existing procedures to make complaints about bias in court interactions based on a protected classification. While many courts already provide this information on their court websites, in their local rules, or in

courthouses, the revised standard recommends that all courts take similar steps to ensure that they are providing complaint procedure information to court users in a meaningful and accessible manner.

Application of local rules and implementation

Other than being renumbered and removing reference to the no-longer-included informal complaint procedure, subdivision (e) contains no substantive changes. As discussed, in lieu of creating an additional complaint resolution procedure to address bias complaints based on a protected classification, courts should instead ensure that court users can access existing complaint resolution procedures.

Finally, the proposal adds subdivision (f) on implementation and encourages courts to implement the revised standard as soon as possible. This acknowledges both the importance of addressing bias in court interactions and the fact that standard 10.20 has not been substantively amended since 1997. The revised standard better reflects current law and current understandings regarding the elimination of bias and provides a modern framework to address these important issues.

Alternatives Considered

In drafting its proposal, the work group provided judicial branch leadership, judicial branch employees, judicial officers, and members of the public an early opportunity to provide input via email from January 19 through February 12, 2021. Information regarding this opportunity was posted and circulated in *Court News Update*, reported in the *Daily Journal,* and distributed to court leadership and others who expressed interest in the work group, including the Judicial Council's Tribal Court–State Court Forum, the California Lawyers Association, the California Employment Lawyers Association, and California Attorneys for Criminal Justice. The work group received a number of helpful and informative comments as part of this process.

In addition, the work group obtained information from several courts that have already created local bias committees, education programs, and community outreach activities to address bias in court interactions. Some members of the work group met with committees early in the review process, and two committees were invited to speak to the entire work group at its meeting on May 4, 2021. These meetings provided valuable information about these committees, and the work group used those experiences to discuss ways to accentuate the positive work of these committees and address the challenges they reported. This information, and the information received during the early input period, provided a wide array of ideas, perspectives, and educational material, and was used to shape this proposal.

One alternative the work group considered was to continue to suggest, as the existing standard does, that members of certain demographic groups be included in local bias committees. While the work group believes strongly in promoting diverse membership in local committees, it recognizes that identifying certain groups for inclusion can have the opposite effect—leading to exclusion of some groups and viewpoints, and creating a false sense of diversity that is antithetical to the elimination of bias. Instead, the proposal reflects that each community varies

greatly in size, demographics, needs, and viewpoints, and that the issues that confront each local community are unique. The proposal allows courts to recognize and build on the unique aspects of their communities and create committees within the broad framework and guidelines of standard 10.20 that address those unique viewpoints and needs.

Another alternative was to create a uniform, mandatory complaint resolution process to be used by all courts, whereby local committees would be responsible for receiving and investigating complaints of bias against judicial officers. While the work group considered various branchwide processes and requirements, it refrained from creating new complaint resolution procedures. As discussed, this decision was made in large part because of the many existing avenues for making complaints regarding bias in court interactions, and to avoid creating conflicts between those procedures. For example, authority, responsibility, and procedures for addressing complaints concerning judicial officers and subordinate judicial officers are outlined in California Rules of Court, rules 10.603 and 10.703, and the California Code of Judicial Ethics, canon 3(D). In practice, courts have developed robust procedures for addressing such complaints, and at many courts, complaints against judicial officers and subordinate judicial officers are made to the court's presiding judge. In addition, the Commission on Judicial Performance—the independent state agency responsible for investigating complaints of judicial misconduct and judicial incapacity and for disciplining judges, under article VI, section 18 of the California Constitution—provides detailed information on its website at *cjp.ca.gov* about how to file complaints and the procedures it employs for addressing such complaints.

Similarly, California Rules of Court, rules 10.351 and 10.610, as well as Government Code section 71650 et seq., create authority and complaint resolution processes for addressing complaints against court employees. In practice, courts have developed procedures for addressing complaints against employees, including those raised by court users, and have a responsibility to take immediate corrective action on certain types of complaints against court employees. Generally, those complaints can be made to the employee's supervisor or court management and are ultimately the responsibility of the court executive officer.

In addition to concerns about creating duplicative and conflicting complaint procedures, the complaint resolution guidelines outlined in the existing standard were often unworkable for courts and committees. For example, the existing standard envisions informal complaint procedures to resolve incidents that do not warrant formal discipline, but rather can be resolved through education. However, it is often difficult to determine at the outset if the complaint warrants discipline or would be appropriate for less formal resolution. Likewise, there was concern that some local committees would not be resourced to make these determinations and may not have the expertise to investigate and resolve these complaints. Further, having local committees—often composed of local bar members—oversee complaints against judicial officers and court employees created privacy and personnel concerns and potential labor-relations issues.

Rather than creating additional new processes and procedures, the work group opted to recommend that each court effectively communicate information to its court users regarding existing procedures to submit complaints regarding bias in court interactions.

Fiscal and Operational Impacts

The work group does not anticipate any significant one-time or sustained annual costs associated with the amendment of standard 10.20. It does anticipate some minor operational impacts on courts and some judicial officers. Specifically, the work group anticipates that some courts may examine existing complaint procedures to ensure that avenues for complaints about bias based on a protected classification are easily accessible to the public. In addition, some members of court leadership, some judicial officers, and some court employees may be tasked with working with local bar communities to create local bias committees or update processes and procedures for existing committees.

Request for Specific Comments

In addition to comments on the proposal to amend standard 10.20, the work group is interested in comments on the following:

- Does the amended standard appropriately address the stated goal of amending Standard 10.20 to reflect current law and current understandings regarding the elimination of bias and provide a framework for courts to work with their local bar communities to address courtroom bias?
- Does the proposal create any additional workload not considered by this *Invitation to Comment*?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Standards of Judicial Administration, standard 10.20, at pages 9–14
2. Link A: Cal. Standards of Judicial Administration, standard 10.20, *www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard10_20*

Standard 10.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2022, to read:

Standard 10.20. Court's duty to ~~prohibit~~ prevent bias

(a) ~~General~~ Statement of purpose

The California judicial branch is committed to ensuring the integrity and impartiality of the judicial system and to court interactions free of bias and the appearance of bias. Consistent with this commitment, each court should work within its community to improve dialogue and engagement with members of various cultures, backgrounds, and groups, to learn, understand, and appreciate the unique qualities and needs of each group.

(b) Duty to ensure integrity and impartiality of the judicial system

Each court, its judicial officers, and its employees have the duty to ~~preserve~~ ensure the integrity and impartiality of the judicial system~~, each judge should:~~.

~~(1) *Ensure fairness*~~

~~Ensure that courtroom proceedings are conducted in a manner that is fair and impartial to all of the participants.~~

~~(2)~~(1) *Refrain from and ~~prohibit~~ prevent biased conduct*

In all ~~courtroom proceedings~~ court interactions, each court, its judicial officers, and its employees should refrain from engaging in conduct and ~~prohibit~~ should take action to prevent others from engaging in conduct that exhibits bias, including but not limited to bias based on age, ancestry, color, ethnicity, ~~disability,~~ gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, ~~ethnicity, and~~ sexual orientation, socioeconomic status, and any other classification protected by federal or state law, including Government Code section 12940(a) and Code of Judicial Ethics, canon 3(B)(5), whether that bias is directed toward counsel, court ~~personnel~~ staff, witnesses, parties, jurors, or any other ~~participants~~ person. The court, judicial officers, and court employees may consider such classifications only if necessary or relevant to the proper exercise of their adjudicatory or administrative functions.

(2) *Ensure fairness*

Each judicial officer should ensure that courtroom interactions are conducted in a manner that is fair and impartial to all persons.

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Standard 10.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2022, to read:

(3) *Ensure unbiased decisions*

Each judicial officer should ensure that all orders, rulings, and decisions are based on the sound exercise of judicial discretion and the balancing of competing rights and interests and are not influenced by stereotypes or biases.

~~(b)~~(c) Creation of local committees on bias

~~Each court should establish a local committee with local bar associations to assist in maintaining a courtroom environment free of bias or the appearance of bias. Courts within one or more counties may choose to form a single committee.~~ To assist in providing court interactions free of bias and the appearance of bias, courts should collaborate with local bar associations to establish a local or regional committee. Trial courts may choose to form a regional committee. Appellate courts may choose to form separate or joint appellate court committees or join a trial court committee or regional committee formed by or composed of trial courts within the appellate courts' districts. ~~The local~~ Each committee should:

(1) Be composed of representative members of the court community, including but not limited to ~~judges~~ judicial officers, lawyers, court administrators, ~~and~~ representatives, and individuals who interact with the court and reflect and represent the diverse and various needs and viewpoints of court users ~~from minority, women's, and gay and lesbian bar associations and from organizations that represent persons with disabilities~~;

(2) Sponsor or support educational programs designed to eliminate unconscious or explicit bias within the court and legal communities~~, including but not limited to bias based on disability, gender, race, religion, ethnicity, and sexual orientation; and~~. Education is critical to developing an awareness of the origins of bias and the impact of bias on individuals, culture, and society. Education should include:

(A) Information as to bias based on the protected classifications listed in (b)(1); and

(B) Information regarding how unconscious and explicit biases based on these classifications develop, how to recognize unconscious and explicit biases, and how to address and eliminate unconscious and explicit biases;

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Standard 10.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2022, to read:

(3) ~~Develop and maintain an informal procedure for receiving complaints relating to bias in the courtroom, including but not limited to bias based on disability, gender, race, religion, ethnicity, and sexual orientation.~~ Engage in regular outreach to the local community to learn about issues of importance to court users. Specifically, committee members should be encouraged to:

(A) Inform local community groups regarding the committee's activities; and

(B) Seek information from the local community regarding concerns as to bias in court interactions and how the court can address those concerns.

~~(c)~~(d) ~~Minimum components of a complaint procedure~~ Providing information regarding complaint procedures

~~An informal complaint procedure developed and maintained by a local committee on bias should:~~

~~(1) Contain a provision specifying that the intent of the procedure is to educate with the purpose of ameliorating the problem rather than disciplining the person who is the subject of the complaint;~~

~~(2) Accommodate local needs and allow for local flexibility;~~

~~(3) Apply to all participants in courtroom proceedings;~~

~~(4) Apply only to complaints as to which the identity of the complainant is known;~~

~~(5) To the extent possible and unless disclosure is required by law, protect the confidentiality of the complainant, the person who is the subject of the complaint, and other interested persons;~~

~~(6) Relate to incidents of behavior or conduct occurring in courtroom proceedings;~~

~~(7) Apply to incidents of bias whether they relate to race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status;~~

~~(8) Contain a provision that exempts activities constituting legitimate advocacy when matters of race, sex, religion, national origin, disability, age, sexual~~

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Standard 10.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2022, to read:

~~orientation, or socioeconomic status are relevant to issues in the courtroom proceeding;~~

~~(9) Focus on incidents that do not warrant discipline but that should be corrected;~~

~~(10) With respect to those incidents that if substantiated would warrant discipline, advise the complaining party of the appropriate disciplinary authority;~~

~~(11) Contain a provision specifying that nothing in the procedure in any way limits the ability of any person to submit a complaint of misconduct to the appropriate disciplinary body; and~~

~~(12) To the extent possible and unless disclosure is required by law, prohibit retention of written records of complaints received but permit collection of data on types of complaints or underlying anecdotes that might be useful in educational programs.~~

Each court should ensure that court users can access information regarding how they can submit complaints regarding bias based on protected classifications, as listed in (b)(1), in court interactions. This should include information regarding how to submit complaints about court employees directly to the court and how to submit complaints about judicial officers either directly to the court or to the Commission on Judicial Performance.

~~(d)~~(e) Application of local rules

The existence of the local committee~~,~~ and its purpose~~, and the features of the informal complaint procedure~~ should be memorialized in the applicable local rules of court.

(f) Implementation

All courts should implement the recommendations of this standard as soon as possible.

Advisory Committee Comment

Subdivision (b). An earlier version of this standard referred to the "court's duty to prohibit bias." The word "prohibit" has been replaced with "prevent" in the title of the standard and in subdivision (b), such that the standard now asks courts, judicial officers, and court employees to take actions to prevent bias rather than prohibit bias. This change reflects a more comprehensive approach in how courts are to combat bias, focusing on understanding the many forms, causes,

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Standard 10.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2022, to read:

and impacts of bias rather than simply forbidding it. Preventing bias may include, for example, prohibiting bias; encouraging judicial officers, employees, and court users to report bias; being open to discussing and learning from real misunderstandings and instances of unconscious bias; and focusing on robust education regarding how unconscious and explicit biases develop, how to recognize them, and how to address and eliminate bias.

The judicial officer duties stated in this subdivision are consistent with the California Code of Judicial Ethics, which addresses judicial officer responsibilities for performing judicial duties without bias, prejudice, or harassment (canon 3(B)(5)); for requiring attorneys in proceedings before the judicial officer to refrain from manifesting bias, prejudice, or harassment (canon 3(B)(6)); for discharging judicial administrative duties without bias or prejudice (canon 3(C)(1)); and for requiring staff and court personnel under the judicial officer's control to refrain from manifesting bias, prejudice, or harassment in the performance of their duties (canon 3(C)(3)).

An earlier version of this standard applied solely to judges and referred to "courtroom proceedings." "Judge" has been expanded to "judicial officers," which includes all judges as defined by California Rules of Court, rule 1.6, and all appellate and Supreme Court justices. The expanded phrase broadly covers any judge, justice, subordinate judicial officer, or temporary judge who might conduct a courtroom proceeding. Additionally, in subdivision (b)(1), "courtroom proceedings" has been changed to "court interactions" to expand the scope of proceedings and actions covered by this standard to include not only proceedings occurring in courtrooms but also interactions in other areas of the court, including in the clerk's office and at public counters.

Subdivision (d). An earlier version of this standard encouraged local committees to create informal complaint procedures for court users and members of the public to submit complaints regarding bias in court proceedings. This informal complaint process has been eliminated in large part because of the many existing and updated avenues for making complaints regarding bias in court interactions, and to avoid creating conflicts between those procedures. For example, the authority and procedures for addressing complaints concerning judicial officers and subordinate judicial officers are outlined in rules 10.603 and 10.703 of the California Rules of Court and canon 3(D) of the California Code of Judicial Ethics. Similarly, rules 10.351 and 10.610 of the California Rules of Court, as well as Government Code section 71650 et seq., create authority and complaint resolution processes for addressing complaints against court employees. In practice, courts have developed robust procedures for addressing such complaints against judicial officers, subordinate judicial officers, and court employees, and the Commission on Judicial Performance provides detailed information on its website at *cjp.ca.gov* about how to file complaints and the procedures it employs for addressing such complaints.

In addition to the concerns regarding duplicative and conflicting complaint procedures, the informal complaint procedure guidelines outlined in the earlier version of this standard were often unworkable for courts and committees. For example, the earlier version of the standard envisioned informal complaint procedures to resolve incidents that do not warrant formal discipline; however, it is often difficult to determine at the outset if a complaint is disciplinary in nature or can be ameliorated by education. Other concerns were raised that local committees were

Standard 10.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2022, to read:

not necessarily resourced to make these determinations, and may not have had the expertise to investigate and resolve these complaints. Additional concerns were raised that having local committees oversee complaints against judicial officers and court employees created privacy and personnel concerns and potential labor relations issues.

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