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The Resource Page

HELPFUL RESOURCES ON BIAS

AMERICAN BAR ASSOCIATION

The ABA maintains an impressive collection of materials under its “Perspectives” online page. It provides a clearinghouse for a variety of content on equity and the improvement of the judicial system. Recently, it examines the issues regarding how pretrial incarceration affects the integrity of the courts, the status of police civil rights litigation, and a good set of articles dealing directly with the wider questions of race and the American legal system. The materials are written by a diverse group of expert academics, jurists, analysts, and ABA staff.

<https://www.americanbar.org/advocacy/justice-system/perspectives/>

NATIONAL JUDICIAL COLLEGE

“As our nation grapples with the principles of diversity, equity, and inclusion, there has never been a more opportune time to take an honest look at the implicit biases we each have undoubtedly inherited.” This how the NJC introduces its timely webinar called “Mirror, Mirror On the Wall, Who’s the Least Biased of Us All?” It is free and it is worth watching for its 90 minutes. It is led by a great panel, including Chief Judge Roger L. Gregory of the United States Court of Appeals for the Fourth Circuit, Gerald H. Goldstein, Esq. of Goldstein & Orr, San Antonio, Texas, Rachel D. Godsil, Co-Founder and Co-Director of Perception Institute, Professor of Law and Chancellor’s Scholar at Rutgers Law School, and moderated by Justice Luz Elena D. Chapa of the Texas Fourth Court of Appeals. It actively addresses how implicit bias, identity anxiety, and stereotypes affect members of the bar and the judiciary, including at the appellate level, and how we can improve the public’s trust and confidence in our systems. It seeks to help identify unconscious bias in ourselves and others that may alter our decision-making process in our work and daily lives.

https://www.judges.org/courses/mirror-mirror-on-the-wall-whos-the-least-biased-of-us-all/?utm_source=Judicial+Edge&

[utm_campaign=07ee42ab8c-EMAIL_CAMPAIGN_2019_1_31_2019_COPY_01&utm_medium=email&utm_term=0_245b20c264-07ee42ab8c-253833089&mc_cid=07ee42ab8c&mc_eid=316dca76bc](https://www.americanbar.org/advocacy/justice-system/perspectives/?utm_campaign=07ee42ab8c-EMAIL_CAMPAIGN_2019_1_31_2019_COPY_01&utm_medium=email&utm_term=0_245b20c264-07ee42ab8c-253833089&mc_cid=07ee42ab8c&mc_eid=316dca76bc)

ONLINE COURTROOM PROJECT

Ready for a jury trial totally online? Probably not, but there are ways to get help. The Online Courtroom Project (“OCP”) is described as an advisory task force on the psychological, behavioral, communication, and technical elements of online courtroom operations for criminal and civil matters. The OCP provides research and recommendations to the courts and the legal profession to improve the efficacy of online operations in all aspects of the criminal and civil litigation process, including pretrial, alternative dispute resolution (ADR), and the trial. It is made up of a wide-ranging group of professional jury trial consultants who are trying to help us adapt to the emerging online world of litigation. The information and articles are all helpful to all of us facing the future of remote justice. One describes how remote jurors explain that it was a less stressful experience than being live in a courtroom. Another addresses the question of how a court can deal with right to confrontation issue when having remote witnesses. There is even a bench guide for judges about conducting fair remote hearings. There seems to be something for everyone.

<https://www.onlinecourtroom.org/ocpresources>

STRUGGLING BUSINESSES, THEIR INSURERS, AND THE PANDEMIC

The Institute for the Advancement of the American Legal System (IAALS) in Denver has served as a longstanding mainstay for valuable research, data, and information to benefit judges. Earlier this year, it announced a new project to help courts more quickly resolve the anticipated wave of business interruption insurance cases stemming from COVID-19-related closures and losses. The project will develop discovery protocols specific to these cases, to reduce conflict and cost,

and to help both businesses and insurers alike reach a quick resolution. Called the *Initial Discovery Protocols for COVID-19 Insurance Claims* project, it is focused on formalizing pattern rules or agreements to get information earlier, frame the issues faster, and determine the best cases for easy resolution. Our civil courts will undoubtedly see growing claims in this area and the need for efficient discovery. The project is modeled on other efforts that successfully addressed litigation specific to natural disasters. It will be a great benefit for courts to have access to such background as the new wave of insurance cases begins to take hold.

LET’S KEEP TALKING

WE WANT YOUR FEEDBACK.

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And Help Us To Improve:

https://ssp.qualtrics.com/jfe/form/SV_aV3rMngzMJceYo5



COVID-19 AND STATE COURTS

The National Center for State Courts is collecting information on a variety of ways that COVID-19 has impacted the courts. Just go to <https://www.ncsc.org/> and you will see among other things, links to State Court COVID-19 websites and information on how states are dealing with jury trials and in-person proceedings.