Established access-to-justice commissions—most created since 2000—and several other states are presently looking into the possibility of doing so. The Access Brief also provides a useful collection of resources on existing commissions, with links to other web resources.

We do want to note one good resource that wasn’t included in the Access Brief: Liz Neeley’s 2009 Court Review article, “From Investigation to Implementation: Factors for Successful Commissions on the Elimination of Racial and Ethnic Bias” (http://goo.gl/U8yRW). Her article discusses a number of questions that are good to consider when setting up any statewide commission to address a specific issue. (And it also explains the work of the National Consortium for Racial and Ethnic Fairness in the Courts.)

NEW PUBLICATIONS

Future Trends in State Courts 2012
http://www.ncsc.org/trends

For more than two decades, the National Center for State Courts has been producing an annual look at “future trends” in the state courts. This has become a big-time process: In addition to National Center staff, there’s now an Editorial Board just to provide feedback on each potential submission for the latest edition of this monograph.

The 2012 edition (which may be downloaded in its entirety at http://goo.gl/wSBjw) runs 165 pages and contains 31 separate articles. Key features of the Future Trends series are that the articles are short and easy to grasp, often contain a helpful chart or graph, and usually include further resources that can be used to explore that topic. So it’s an enjoyable publication that provides an excellent overview of lots of issues affecting judges and their courts.

The 2012 edition focused on courts and the community, with articles on veterans courts, housing courts, improved access to court for non-English speakers, how to encourage effective court-community collaboration, and how to better work with Indian tribes in child-protection cases. There also are groupings of articles on four other topics: court leadership, making better courts, court education, and the intersection between privacy policies and court technology.

Natalie Knowlton & Malia Reddick, Leveling the Playing Field: Gender, Ethnicity, and Judicial Performance Evaluation (2012)
(http://goo.gl/XIFWbO)

The Institute for the Advancement of the American Legal System at the University of Denver (IAALS) recently released a report that considers whether judicial-performance-evaluation programs are fair to women and minority judges. IAALS researchers Natalie Knowlton and Malia Reddick carefully consider whether implicit bias against women or minority judges might impact formal evaluations of their performance as judges.

Knowlton and Reddick looked closely at four states with long-established judicial-performance-evaluation programs—Alaska, Arizona, Colorado, and Utah. Although women and minority judges scored lower in evaluations by attorneys, the differences were quite small. But in detailed reviews of data from these states, they concluded that the differences, though small, “tend to be pervasive.”

The study does a good job of summarizing the available data, past studies of bias in judicial-performance-evaluation programs, and general reviews of implicit bias in forming opinions about judges. Because implicit bias—to the extent it exists—could impact judicial-performance-evaluation programs “in ways that are difficult to detect,” Knowlton and Reddick provide a series of recommendations to minimize it to the extent possible.