
When Bias Compounds:
Insuring Equal Justice for Women of Color
In the Courts and Legal Profession

I. PROJECT DESCRIPTION

The lessons presented in the “When Bias Compounds” program explore the most important issues affecting the quality of justice in the courts: how women of color are perceived and treated by jurors, court personnel, lawyers, and judges. The lessons examine the impact of such bias and its effects on women who experience this compound bias and its impact on the justice system. The program addresses how compound bias may occur even through unconscious stereotyping. The program is interactive and participants study and apply a learning model related to race and gender consciousness to scripted scenarios and their own life experiences.

II. PROJECT PLANNING/DEVELOPMENT

A. Identification of Need

When Bias Compounds: Insuring Equal Justice for Women of Color in the Courts was developed by the National Judicial Education Program to Promote Equality for Women and Men in the Courts. The program was adapted for use in Washington State and presented at the Washington State Bar Association Convention as a three hour judicial education training. Through various discussions regarding gender issues, the Washington State Gender and Justice Commission and the Minority and Justice Commission found that women of color often identified unique issues not previously addressed by the committees. While both commissions looked at either race or gender issues separately, the compound bias issues had not been clearly identified as a topic for regular discussion.

B. Determination of Project Goals and Design

1. Decisions to be made:

a. Options-Project Goals

The goal of the lesson is to provide teach participants tools and techniques for overcoming the negative effects of compound bias, so as to insure equal justice in the courts for women of color. Participants study and apply a learning model related to race and gender consciousness to scripted scenarios and their own life experiences.

b. Options-Project Design

The program is designed so that it can be easily implemented by small or large affiliates. Such factors as financial resources, number of members, and geographic location may determine the type of program/presentation used however, the curriculum allows for short programs as well as a longer three hour training session.

Smaller Scale

The smaller scale lesson plan is designed to have one person take the lead in organizing the session, but not take a presentation role. Instead the organizer will make sure that there are handouts for each participant, that the group follows the lesson plan, and the lesson proceeds generally within the time frames indicated. The organizer will select the most appropriate scenario for discussion by the particular group. The session could be offered as part of a brown bag lunch series or other similar setting.

If the organizer chooses to present the program for a small group of attorneys, judges, or court personnel during a lunch hour or mini-training session, the following schedule can be used to cover the lesson:

Time: 45 minutes

Materials:

- Notes During the Video Handout
- Video Tape: "Cultural Competency" – 6 minutes
- Learning Model Diagram
- Scripted Hearings – Select one for discussion prior to session.

Procedures:

10 minutes - View video and complete the Notes During the Video Handout

10 minutes - Discuss the Learning Model Handout

10 minutes - Complete the Stereotypes Chart; compare where the stereotypes are similar and where different.

10 minutes Read the scenario, assigning roles to individuals in their group. Discuss the various stereotypes about women of color. Consider what the players did well and what they should or could have done differently or better.

5 minutes - Conclude with a discussion of what tools and techniques are needed to reduce and eliminate the use of stereotypes of women of color in the court.

If the presentation is scheduled to occur at a courthouse or local law firm, there will be no cost for room rental. Organization of a brown bag lunch series also eliminates the cost of food and beverages. This type of presentation can be planned within a month and a half with minimal cost to the affiliate. Other than the cost of copies, a full presentation can be accomplished for less than \$100.00. Since the goal is to present the training to as many individuals as possible it is important to keep costs to a minimum. With that in mind, a brown bag series may be the most cost efficient option for a small affiliate.

Larger Scale

The three hour larger scale judicial training was incorporated into the Washington State Bar Association ("WSBA") Convention. This mandatory training/presentation was planned over an entire year due to the logistics involved in coordinating with the entire Convention. Participants included all members of the judiciary and WSBA members were allowed to attend on a first come-first serve basis. Since it was important to have a diverse audience, the conference organizers arranged for the program to occur in a large ballroom with a capacity of approximately 300. A continental breakfast was provided for participants. The cost of this presentation was significant and the organizers were required to fund the program through grants and individual sponsors.

Depending on the community, costs for such a program could be in the range of \$2,000-\$3,500.00. Room rental charges generally range from \$300-\$800 (some hotels will waive the fee if a certain amount of food is purchased for the event); continental breakfast should be estimated at approximately \$10-\$15 per person (it is usually more affordable to have a small buffet with coffee and juice service); and copy costs will vary with the number of participants. The program could also be scheduled to occur so that meals would not factor in to the costs.

The three hour program can also be incorporated into a smaller forum. For example, the Washington State Young Lawyers Division (WYLD) provides a Practice Conditions Forum every other year to members. This Forum is generally attended by 60-100 people. The program is combined with a presentation on mentoring and part of a three-part program addressing stress relief/health issues and alternative careers. The WYLD incurred the flat fee for the room rental, but a \$30 registration fee offset the costs of food and beverages. Participants also received CLE credit for the program. The first workshop was scheduled to begin at 12:30 p.m. and the last session ended by 5:30 p.m. A small reception was organized to allow participants to network and learn more about the WYLD and member benefits following the forum. Since the agenda was so varied it allowed for co-sponsorship by several different bar association committees. The cost to the Equality in Practice Committee for sponsorship of the bias compounds workshop was under \$1,000.00.

The materials and basic procedure outlined in Section B.1.b., smaller scale will remain the same regardless of the forum.

c. Panel Presentations/Selection of Speakers

It is very important to select speakers who are able to motivate discussion within the group. Because the program curriculum relies on group interaction, the speaker(s) must be able to create a safe environment for the participants. Since issues of race and gender can often trigger heated conversations, ground rules should be addressed up front so that a broad range of views will be addressed. If a panel is used, efforts must be made to create a diverse panel to address the different issues. The curriculum can be used without the scripted scenarios however it is generally more productive to have the scenarios acted out during the program. With this in mind, organizers would need to recruit volunteers either from the group of participants or the planning committee to act out the different skits. The volunteers should be given some time for instruction and review of the script—with this in mind, recruiters should focus on recruiting "willing" participants from the group. Since the scenarios are scripted it is not difficult to encourage participation.

Depending on the curriculum used for the presentation, the planning committee needs to identify 1-6 panel participants. In the smaller forum (brown bag series) one speaker can conduct the session. Scenarios would more likely be read by the participants and discussed in

the small groups. In a larger group, a panel of six could be used to act out the scripted scenarios. This type of presentation works well in larger groups because the attention is focused on the dramatic presentation. The large group would be asked to identify issues from the scenario presented and later break into small groups to further discuss and identify issues of bias using the handouts provided.

d. Choice of date

If the program is coordinated as part of a conference or bar association function, the date is usually arranged far in advance. Therefore it is important for the planning committee to obtain dates for all planning deadlines from the conference planner. If the program is offered on independent of a conference or bar association function, the planning committee should select a date in the middle of the week for brown bag luncheons to ensure better attendance. If planning a three hour training session, organizers should consider applying for CLE credit in order to encourage participants to take three hours of work time to attend.

e. Audience/choice of facility

This program is designed to attract a statewide audience (the more diverse the group the better). For this reason, it is important to consider a location that will ensure maximum attendance. If the conference committee plans the brown bag series, the host site should be easily accessible, preferably within walking distance of your target audience. The local courthouse or a centrally located law firm is ideal for the brown bag series. If a larger forum is planned then organizers should make every effort to find a location that can accommodate a large group but still offer such benefits as free parking.

f. Room Layout

Logistically, the presenters should be seated at the front of the room (preferably on a raised platform if the scripted scenarios are acted out). The room should be set up to allow for small group discussions – round tables are usually better than classroom seating to facilitate discussions and also allow for writing notes. If the room is set up in a theater style, organizers must allow time for arranging/rearranging room during the sessions.

2. Decision-Making Process

This is an ongoing project that is sponsored by the WYLD. As such, the YLD appropriates the initial seed money to pay for the majority of the conference. The YLD president, president-elect, and committee chairperson are responsible for making the policy decision to support the conference financially. In light of cutbacks, they must also make this type of program a priority of the affiliate.

The Conference Planning Committee is organized (on an annual basis?). The Planning Committee is accountable to the WSBA/YLD president and Board of Trustees. The committee chairperson must keep the president and president-elect informed regarding the progress in planning the conference. It is particularly important to have the support of the bar association president when presenting the conference on a larger scale. The day-to-day decisions about the actual presentation of the conference are made by the Planning Committee members and subcommittee members. If a brown bag series is planned a smaller committee will be able to coordinate the training sessions. One person could even coordinate the program however it is always helpful to have 1-2 committee members help with setting up sites and finding different facilitators/speakers.

The materials and curriculum are already designed for easy implementation, so the role of committee members is limited to finding sites, helping with publicity, and identifying different presenters. The time commitment is fairly insignificant and most planning can be done via e-mail or telephone conferences depending on your budget. In person meetings are not generally required for this type of program unless the volunteers are overly eager to rehearse the scripted scenarios. If this is the case, consider organizing an after hours practice somewhere local with a good happy hour to make it fun!

3. Considerations in Project Planning

a. Community Resources

The Planning Committee can request assistance from the local county bar association, Black Lawyers' Association, Hispanic Bar Association, Northwest Indian Bar Association, Asian-Pacific Islanders Bar Association, Minority Lawyers' Association of Eastern Washington, Gender and Justice Commission, private attorneys, and other professional organizations, such as the American Inns of Court, local business associations, local churches, and community service organizations committed to diversity. The organizations that have been approached by the WYLD supported the conference wholeheartedly. Since these issues impact the entire community, the planning committee should be able to find a broad range of support. Other resources include local libraries, legal support networks, etc.

b. Personnel

Once the project is selected, a group of volunteers must organize a Planning Committee. This committee may include 1-6 persons committed to the conference. The Committee should select a chairperson ultimately responsible for monitoring deadlines. Responsibilities should be divided as follows:

- i. Logistics
- ii. Fundraising (if necessary)
- iii. Public relations
- iv. Workshop Presenters
- v. Materials
- vi. Evaluations

The entire program is staffed by volunteers. There is no paid staff on the Program Committee. However, the WSBA/YLD does have an administrator that has assisted the Planning Committee in assuring that the proper contracts (? What does this mean) were signed and in-house copy services were used to keep copy costs to a minimum. In addition, the conference Notebook was put together by the desktop publishing services available through the state bar association. The state bar association also had a media relations person who assisted the Committee by dispersing media releases. A listserv was used to promote the program and a mailing was sent with registration materials – on-line registration is preferred in order to reduce costs. If a brown bag series is planned there is minimal time commitment once the sites are confirmed.

A planning committee can expect to have at least one telephone conference before the event. Generally the planning can be done by e-mail since the curriculum is in place. If, however, the committee chooses to present a full half-day conference, volunteers may be required to donate a substantial amount of time.

c. Revenue Availability/Fundraising

In Washington, the Young Lawyers Division provides some funds for the program, but the Committee is responsible raising any additional funds to pay for costs incurred. The cost of presenting the larger scale conference ranges from \$3,000 to \$5,000. The Planning Committee for the Statewide convention met on a monthly basis over the course of the year and reports were provided to the executive committee regarding progress and funding issues. The WYLD program was a much smaller event, costs were kept at a minimum, and funding had been allocated through the YLD and WSBA. Therefore, no outside fundraising was required

To the extent that fundraising is required, the Committee's fundraising efforts must start as soon as the date, site, and theme of the conference are confirmed. The Committee should send out letters to potential supporters, informing them of the upcoming conference and requested financial support as a source of funds. Following each contact, a committee member should follow up with a phone call. Affiliates should not overlook local law enforcement agencies or court personnel organizations. Committee members must be prepared to attend meetings and discuss the conference to a variety of organizations. All financial supporters should be invited to the conference and/or highlighted in the conference materials. After the conference ends, each supporter should be sent a thank-you letter.

d. Other

Conference Site: If a large scale conference is planned, the availability of the conference site will largely depend on the available funds. Hosting the conference at a hotel makes the costs involved significantly higher. Most hotels require that they provide all lunches and beverages. Moreover, fewer dates are available, and reservations for the facility must be made at least nine to twelve months in advance.

Some conferences have been hosted at the local courthouse, with a reception following at a law firm or law school. This type of setting is only available on weekdays and during business hours. If the affiliate decides to host a conference on a Saturday, the courthouse and schools will likely be closed and unavailable. Each Planning Committee needs to obtain a site that will meet the needs of the conference program and conference participants.

Equipment needs: Depending upon the conference program, there may be a need to arrange for a podium, microphone, TV/VCR, overhead projector, video recorder, and tables and chairs. It is important to confirm with the different presenters that the equipment they require will be available on the date of the conference. It also helpful to have risers available or a stage setting if the scenarios are to be acted out during the presentation.

III. IMPLEMENTATION

A. Timetable

The committee recommends that the planning for a large conference start at least six to eight months prior to the date of the conference. Although other affiliates have planned the conference in as little as two months, a well planned conference with sufficient lead time makes the project more credible. It is very important for the Conference Planning Committee to appear organized when its members contact media, potential keynote speakers, and local bar organizations especially given the topic. If a brown bag series is planned the timetable below can be adjusted to weeks versus months of planning.

Six to Eight Months (brown bag ("BB") series 6-8 weeks): The conference date and site must be confirmed. Make sure that the proposed conference date does not conflict with important events such as judicial conference dates or conventions. It will not be possible to accommodate all schedules, but the committee should try to make its best effort to find a date most likely to facilitate maximum attendance and participation.

The Committee will need to decide whether the conference will be held on a weekday or weekend. There are advantages and disadvantages to each. If the affiliate chooses to hold the conference on a weekday, be prepared to apply for CLE credit so that participants are given extra incentive to attend. Brown bag sessions must be held at centrally located sites so participants can easily attend without having to worry about driving out to the conference site. Training sessions at the courthouse are a perfect setting for a brown bag series.

Selecting a Saturday date does not allow the Planning Committee to use the county courthouse, since the building is closed.

The next step is to choose a conference site. The Committee found that the conference date will largely be determined by the availability of conference sites. Fundraising should start as soon as the date and site have been confirmed. Fundraising efforts will continue until the date of the conference. The Planning Committee must make sure that the fundraising subcommittee members feel comfortable requesting financial donations. Members should be prepared to attend meetings, write letters, and make phone calls. If a smaller presentation is planned, fundraising efforts are kept to a minimum and often not necessary for a brown bag series.

Four to Six months (BB 4-6 weeks): The Committee should have the conference program completed by this time. Once the program is complete, the Committee must start contacting lawyers or other volunteers who will participate in the program as workshop facilitators and "actors" for the scenarios. If the Planning Committee uses a brown bag series, different dates should be set and speakers can be alternated so that one person is not required to do multiple presentations. This will keep "volunteer burnout" from developing too soon. Announcements in bar bulletins and websites should be done as soon as the program and site are confirmed. It is helpful to send out "save the date" messages four to six months in advance, registration materials at least three to four months in advance and reminders at least one month in advance. Early bird registration perks are encouraged for large conferences.

Three months (BB 4-6 weeks): The Committee should send out conference registration materials to the target audience. If the training is held at the courthouse or local law firm, flyers should be posted on accessible bulletin boards. Use of listserves to spread the word quickly and affordably is encouraged.

If the Committee chooses to put together a conference notebook, the Notebook Committee should send this out to the printer or local publisher at this time. If the state bar association's desktop computer services is available to compile the notebooks, the committee needs to confirm deadlines for printing. This will significantly cut down the costs of the materials if in house printing can be used. The Committee should also assemble the supplies needed for the conference.

One Month: Participants should start receiving their confirmations of attendance and directions to site if necessary. If the brown bag series is planned, a list of dates for different sites should be sent out via listserves if available.

The hotel or caterer will probably need a confirmation on the number of people attending the conference. Hotel reservations should be made for the keynote speaker if he/she is traveling to the conference site.

Two Weeks: Confirm the keynote speaker and workshop presenters. Contact the conference site to make sure everything is proceeding as planned and that all equipment needs are met.

One Week: It is helpful for Conference Planning Committee members to call or e-mail reminder notices to registered participants.

The Day of the Program: Arrive early to set up the registration tables and to assure that the hotel has met its set-up obligations. Test the microphones, podium, and TV/VCR equipment to ensure everything is functioning properly. For brown bag series, make sure to arrive early to post directions and make sure conference room is unlocked!! The committee chairperson should designate an individual, who is calm and collected, to be in charge of "troubleshooting."

The Day After the Program: There is much work to be completed after the conference. First and foremost, write thank-you letters to the keynote speakers and workshop leaders. If an affiliate is going to pay for travel costs for those speakers from out of town, make sure the speakers know where to send the reimbursement form. If at all possible send thank-you letters to every volunteer who assisted with the conference. Make sure to check the local newspaper for coverage of the conference. Cut out the articles and send copies to the volunteers and speakers. Make sure all bills are submitted. Check to see if the conference stayed within the budget or exceeded its budget.

B. Recruitment and Training of Volunteers and Personnel

The Committee should focus on recruiting volunteers from specialty bar organizations with a focus on litigation, access to justice, gender issues, etc. While there is no formal training required to participate in the scenarios, the facilitator of the program should be very familiar with the materials and be very comfortable in managing the time schedule in order to work through all of the materials.

C. Publicity

If a publicity committee or director is designated, that person should be responsible for contacting newspapers, bar association publications, community organizations, websites, listserv coordinators, etc., with information on the conference.

D. Day-to-Day Operations

Depending on the size of the conference presentation, the committee should be prepared to spend some time each week to make contacts, schedule dates and coordinate sites, and recruit volunteers. For a brown bag series, time commitment varies depending on the number of sessions planned. The committee will have less to do if the schedule is planned well in advance and speakers are lined up early. Confirmation of speakers is critical so that the Committee is not dealing with last minute cancellations. It may be helpful to have back up facilitators available so that sessions do not need to be cancelled.

IV. EVALUATION AND IMPACT

The Committee should develop an evaluation form, which should be passed out to the participants at the beginning of the conference (or included in the packet distributed to the participants). At the end of the conference, participants must be given time to complete the evaluation and instructed on how and where to return the form. It is usually best to collect the forms as participants are leaving. If CLE credit is available you might include the evaluation form with the CLE verification form.

How has the WYLD program been evaluated? Any changes made as a result of evaluation?

V. BIBLIOGRAPHY/OTHER SOURCES

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