



**National Association
for Court Management**
Strengthening Court Professionals

DEI: Evolution of Terms, Concepts, and Strategies

Presented By:

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**National Association
for Court Management**

“Committed to Excellence”

**National
Association
for Court
Management
(NACM)**

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Mission



The mission of the National Association for Court Management (NACM) is to be an inclusive member organization dedicated to developing all court professionals as leaders, providing community, sharing information, and advocating on important court and justice system topics.

Vision



The National Association for Court Management will continue to be a global leader in the achievement of an independent, interdependent, inclusive, accessible and forward-looking Judicial Branch that is committed to excellence. NACM will provide outstanding service to its members through quality professional development, relevant publications, collegial fellowship, and opportunities to participate in the organization. The core values of integrity, diversity, visionary leadership, innovation, and collaboration will be reflected throughout NACM.

Membership Benefits



- Continuing education opportunities
- Networking opportunities
- Publications
 - Court Manager
 - Court Express
 - Guides
- CORE[®] Champion Certification
- Mentoring Opportunities
- Access to ICM courses
- Conference videos and webinars
- Reduced conference fees

NACM Webinars



Recent Webinars offered:

- **Landmark SCOTUS Decisions: Haaland v. Brackeen (2/24)**
- **From Parchment to Pixels: How AI Can Turbocharge Court Data Accuracy and Efficiency (3/24)**
- **CORE Leadership (4/24)**
- **Increasing Court Appearance (6/24)**
- **DEI: Evolution of Terms, Concepts, and Strategies (9/24)**
- **Understanding AI in Courts (11/24)**



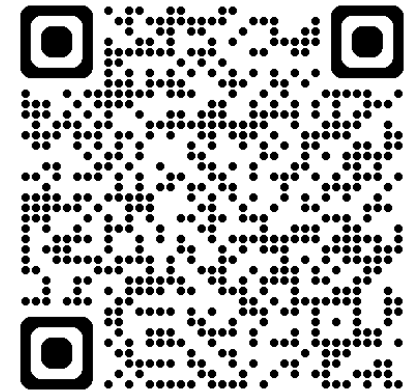
NACM Webinar Page

Standing NACM Publications



Court Express, Court Manager & Guides

- DEI Guide 2023
- The Core in Practice (2024)
- Court Security Guide (2024)
- Courting AI Guide 2024



NACM Collaborations



- National Center for State Courts (NCSC)
- National Association of State Judicial Educators (NASJE)
- American Judges Association (AJA)
- National Association of Women Judges (NAWJ)
- National College of Probate Judges (NCPJ)
- National Conference of Metropolitan Courts
- Federal Court Clerks Association
- National Conference of Appellate Court Clerks
- Justice Management Institute
- American Bar Association (ABA)
- State Judicial Institute (SJI)
- National Judicial College
- National Court Reporters Association
- Conference of Chief Justices (CCJ)
- Conference of State Court Administrators (COSCA)
- National Council of Juvenile and Family Court Judges (NCJFCJ)
- Conference of Court Public Information Officers (CCPIO)
- National Conference of Bankruptcy Clerks
- American Institute of Architects
- Bureau of Justice Assistance
- Self-Represented Litigation Network (SRLN)

NACM Committees



- Governance
 - Ethics
- Communications
 - Website
 - Social Media
- Education
 - Conference Development
 - CORE®
- Membership
 - Early Career Professionals (ECP)
 - International
 - State Associations
- Diversity, Equity and Inclusion (DEI)



“Committed to Excellence”

Agreements



Respect each other's thinking and value everyone's contributions



Practice Civility (formal politeness and courtesy in behavior and speech)



Assume positive intent (If a mistake is made, we acknowledge it, take accountability, apologize, and move on)



Be encouraged to participate (allow others to share, even if their thoughts aren't fully formed or polished)

2020 Diversity, Equity, and Inclusion (DEI) Headlines



Diversify Your Recruitment Sources to Improve DE&I

Employers have promised to improve diversity, equity and inclusion (DE&I) at their



Congress.gov

<https://www.congress.gov/bills/hres756> PDF

H. Res. 756 In the House of Representatives, U. S.,

Mar 10, 2020 — 102. Reports on operation of **Office of Diversity and Inclusion**. Sec. 103.

Examining feasibility of updating staff payroll system. Sec. 104.

33 pages

Google to set up DEI Advisory Council, will strengthen D&I agenda



Meta

Facebook 2020 Diversity Report: Advancing Opportunity for All

Microsoft D&I Strategy Is Growth Mindset In Action: A Conversation With Lindsay-Rae McIntyre

Roadmap

DEI: Evolution of Terms, Concepts, and Strategies



History of DEI

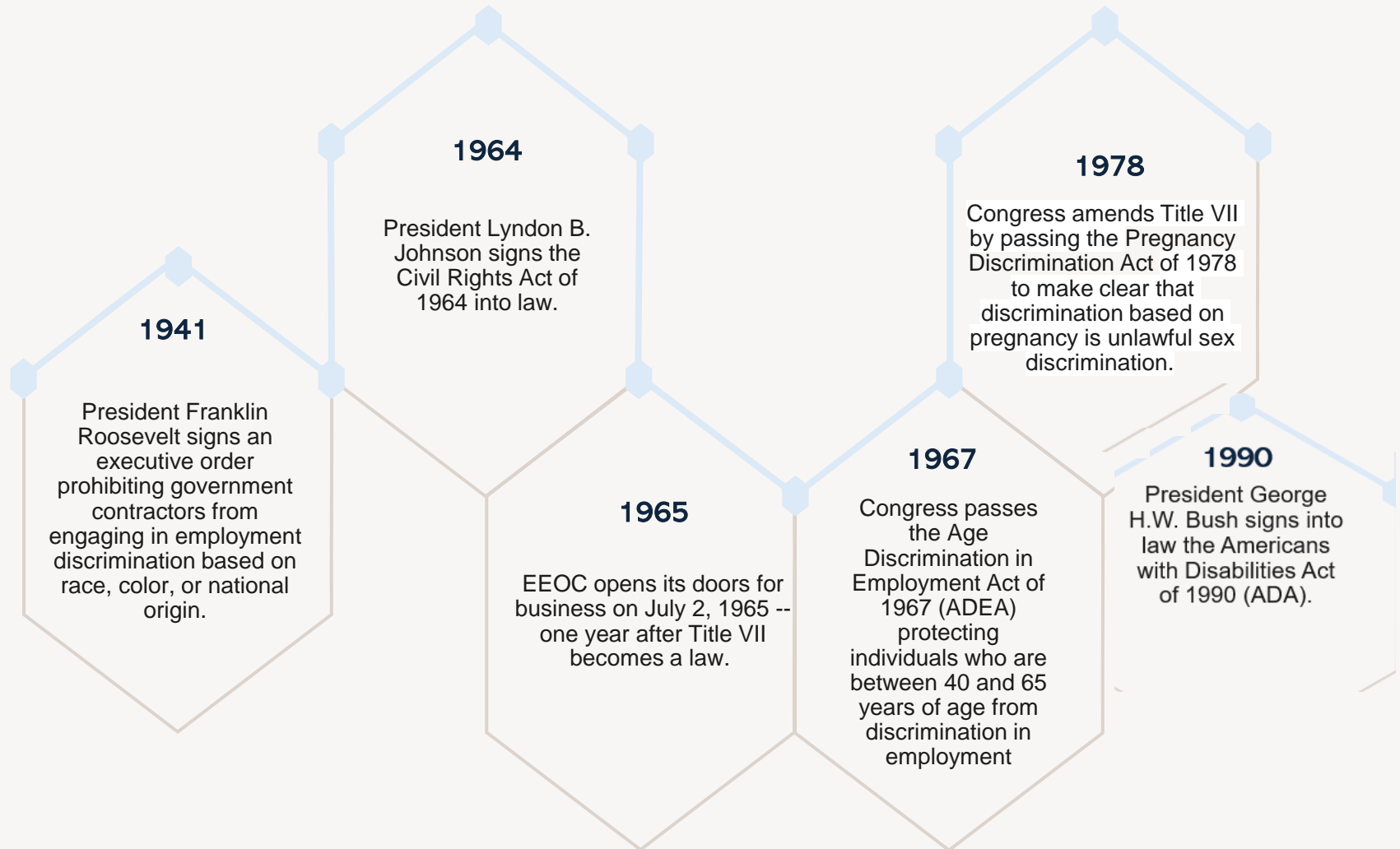
When did DEI programs and trainings start?



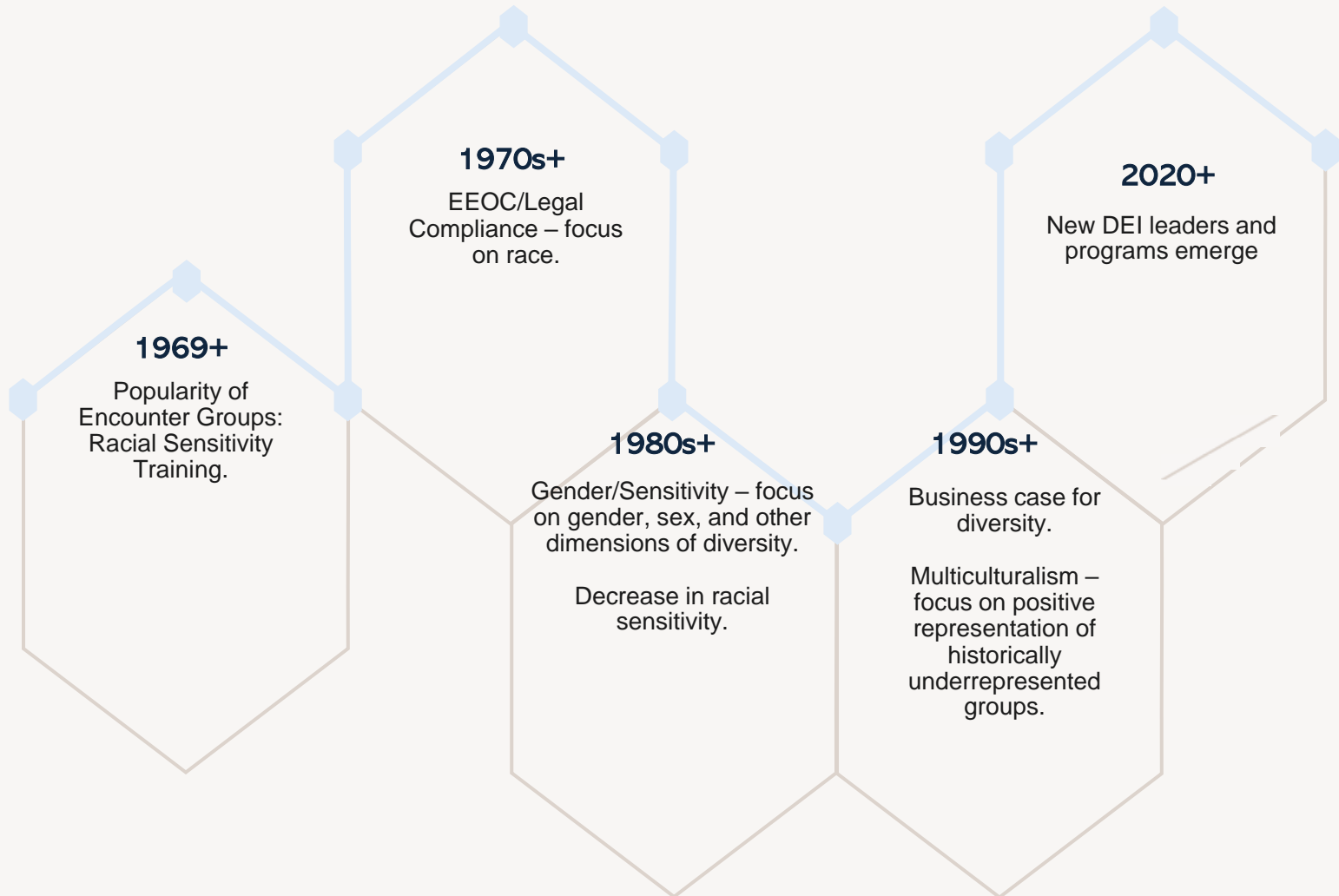
DEI IN COURTS

Where are we today? And, where are we going?

Evolution of Concepts: Early Legal Timeline Overview



Evolution of Strategies: DEI Training Timeline



Encounter Groups – Popular in the 1970s



In 1967 Price Cobbs (psychiatrist) and George Leonard (writer) held their first encounter workshop at the Esalen Institute.



“Minority” and “Multicultural Affairs” offices at universities

1980s – Shift from solely race to include other dimensions of diversity

- Gender/Sensitivity – focus on gender, sex, and other dimensions of diversity. More diversity professionals emerge.
- Microaggressions is coined by Harvard Prof. Chester Pierce in the 1970's.
- Lewis Brown Griggs (diversity consultant) coins the phrase diversity & equity in the early 1980s.
- Glass ceiling is a term first coined by Marilyn Loden in 1978.
- Intersectionality is a term first coined in 1989 by American civil rights advocate and scholar Kimberlé Williams Crenshaw.

Strategies: 1990s- Popularity of the Business Case for Diversity

From affirmative action to affirming diversity – Article written by R. Roosevelt Thomas, Jr.

“So companies are faced with the task of managing unassimilated diversity and getting from it the same commitment, quality, and profit they once got from a homogeneous work force. To reach this goal, we need to work not merely toward culture- and color-blindness but also toward an openly multicultural workplace that taps the full potential of every employee without artificial programs, standards, or barriers.”

The Business Case for Diversity – 1990s

“Enter Elsie Cross. This 63-year-old, soft-spoken black woman from Philadelphia is one of the most persuasive and potent “diversity consultants” in this country. Her clients include Eastman Kodak, American Express, G.E. Silicones, Corning Glass and Ortho Pharmaceutical. Her 20-year-old business, Elsie Y. Cross Associates, is at the top of a fast-growing field that includes other independents (such as her main competition, the Kaleel Jamison Group in Albany, N.Y.) and corporations, which sometimes launch internal diversity programs. Cross’ company has more work than it can handle and a Fortune 100 waiting list.”

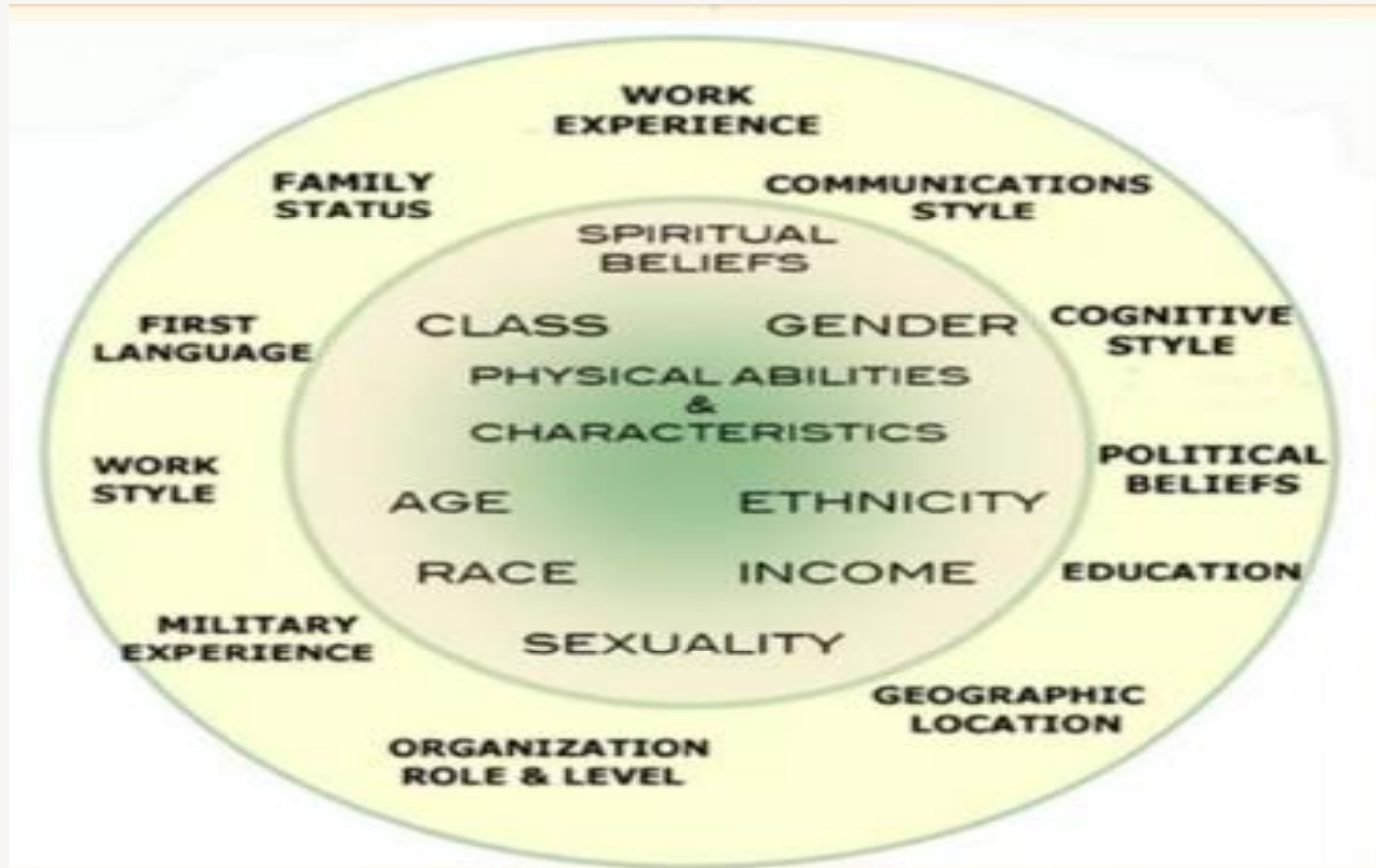
- Los Angeles Times, August 9th 1992

Moving Beyond The Business Case for Diversity – 2020's

“While leaders have fallen back on the “business case” for hiring and promoting employees from historically marginalized groups, this rationale can trigger resistance, backlash, and biases, particularly among White decision-makers, according to research by Jamillah Bowman Williams, a visiting fellow at Harvard Business School’s Institute for the Study of Business in Global Society (BiGS). And perhaps even worse, DEI efforts based on the business case usually fail to address the root causes of inequality.”

- Harvard Business Review, October 31, 2023

1990s – Loden's Diversity Wheel

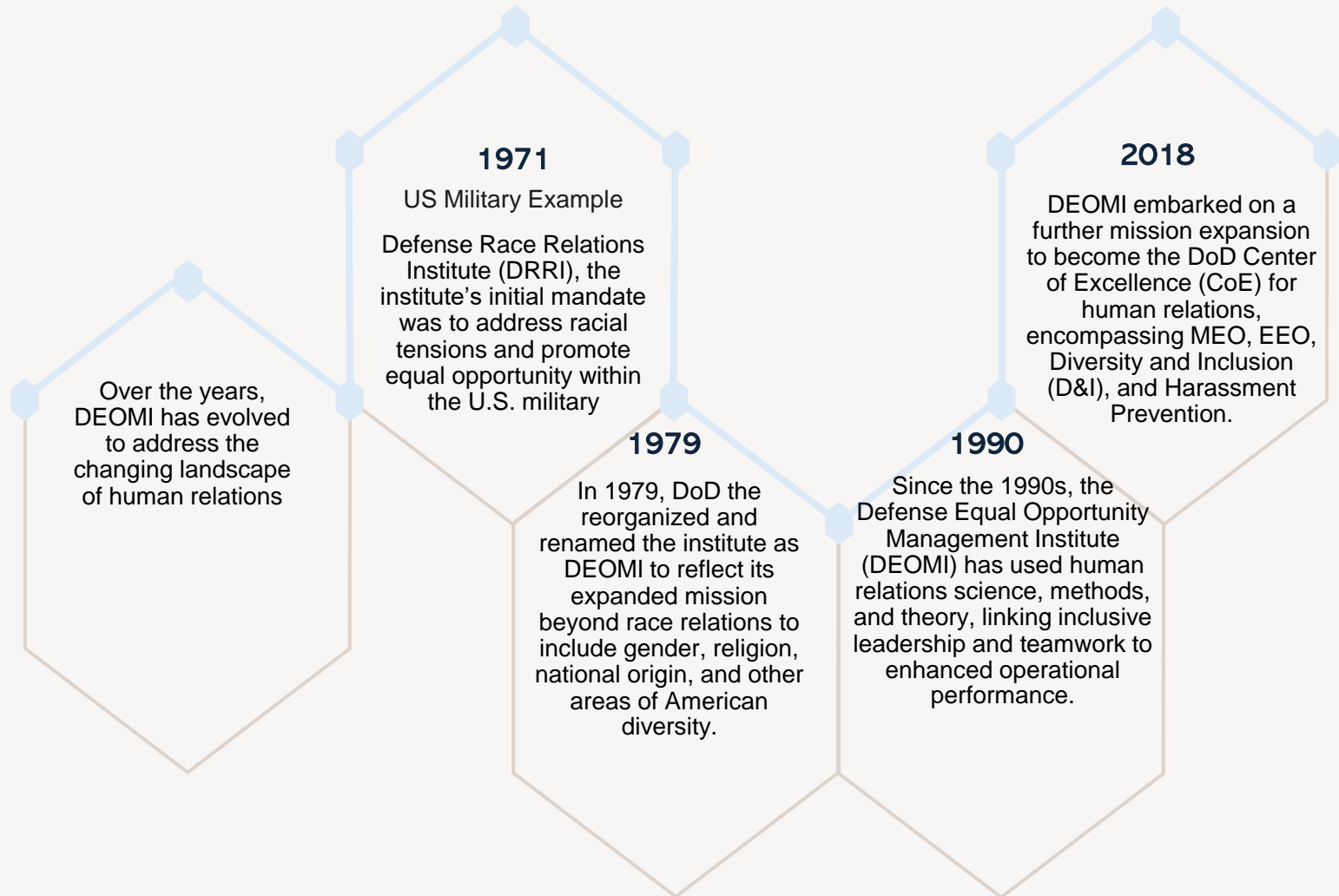


2003 Gardenswartz & Rowe's Dimensions of Diversity

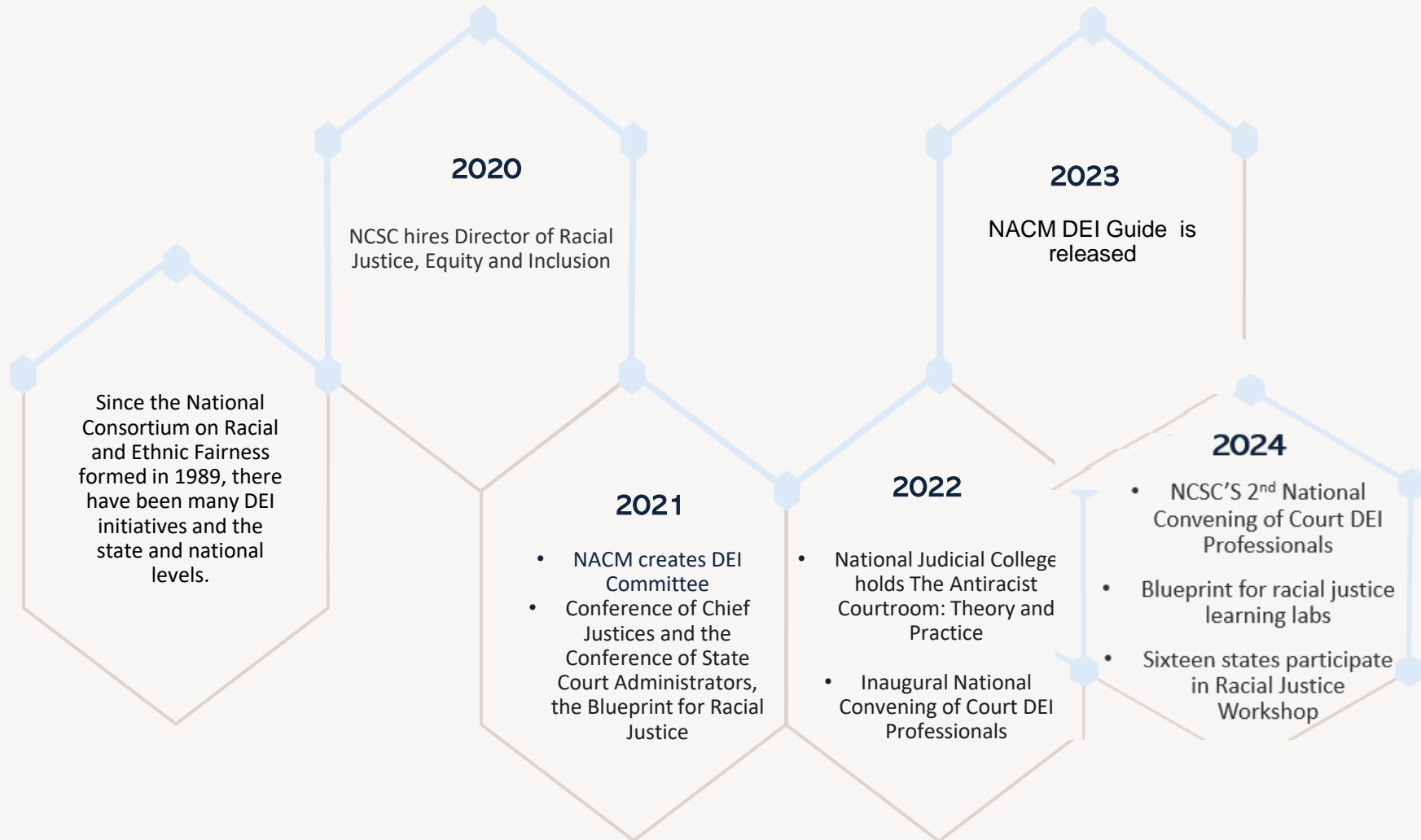


Case Study: US MILITARY

Defense Equal Opportunity Management Institute (DEOMI)



DEI in the Judicial Branch



2023+ DEI Headlines

Diversity And Inclusion

Why Dropping the E in DEI Is a Mistake

by Enrica N. Ruggs and Oscar Holmes IV

US House Office of Diversity and Inclusion to be disbanded as part of government spending bill

Tech companies like Google and Meta made cuts to DEI programs in 2023 after big promises in prior years

Microsoft Reportedly Eliminates Its DEI Department Due To 'Changing Business Needs' But Claims Its 'D&I Commitments Remain Unchanged'

Are DEI Office Name Changes Enough?

As DEI bans impact colleges nationwide, many institutions are renaming their offices to something more innocuous. The results have been varied.

Concepts & Terminology: What is Diversity, Equity, and Inclusion?

Diversity

The state or fact of being diverse, with diverse being defined as “of a different kind, character, etc.” —
Random House Dictionary

Equity

The quality, state, or ideal of being just, fair, and impartial.
— Merriam-Webster Dictionary

Inclusion

The idea that everyone should be able to use the same facilities, take part in the same activities, and enjoy the same experiences, including people who have a disability or other disadvantage. —
Cambridge Dictionary

Other Acronyms and Terms



DEIA
Accessibility



DEIB
Belonging



JEDI
Justice

DEI in Courts, where are we today?

DEI programs/strategies should bolster and support:

- Codes of Conduct (Judicial and Employee)
- Hiring & Promotion Practices
- Public Trust and Confidence
- Access to Justice
- Employee Training
- Customer Service

Common DEI concerns:

- Anti-DEI bills
- Tracking and measuring progress
- Funding for speakers, trainers, and programming
- Potential DEI backlash
 - Why do we need DEI?, we're all non-biased court professionals; or
 - Why isn't the court doing more?

DEI in Courts, where are going?

10 Things to consider going forward:

- DEI is dynamic and will continue to evolve.
- There are many different approaches to DEI: One size does not fit all
- Intentionality is a must.
- Data driven and measured.
- DEI concepts are imbedded in justice ideals.
- Consider flexibility: Is it hardcore, watered down, or on point.
- Results over Rhetoric. Change behaviors. Change systems.
- DEI can be standalone topic or can be integrated into other topics.
- Be tactical and strategic.
- DEI is a marathon, not a sprint.

DEI RESOURCES FOR COURTS

- NACM
- National Center for State Courts - Blueprint for Racial Justice
- NCJFCJ – Diversity, Equity, and Inclusion Collaborative
- Universities
- Professional Organizations
- Court Conferences
- Webinars

INCLUSIVE LANGUAGE RESOURCES

NACM's DEI Guide: [https://nacmnet.org/wp-content/uploads/NACM-2023-DEI-Guide Online.pdf](https://nacmnet.org/wp-content/uploads/NACM-2023-DEI-Guide%20Online.pdf)

Advancing Equity in the Administration of Justice through Inclusive Communications and Person-Centered Language: [https://www.ncsc.org/data/assets/pdf file/0026/87182/Inclusive-Communications-Person-Centered-Language.pdf](https://www.ncsc.org/data/assets/pdf_file/0026/87182/Inclusive-Communications-Person-Centered-Language.pdf)

Gender Inclusive Language: [https://www.ncsc.org/data/assets/pdf file/0028/84916/Gender-Inclusivity-in-the-Courts.pdf](https://www.ncsc.org/data/assets/pdf_file/0028/84916/Gender-Inclusivity-in-the-Courts.pdf)

NACM'S DEI GUIDE

Definitions



DIVERSITY

The state or fact of being diverse, with diverse being defined as “of a different kind, character, etc.”

— *Random House Dictionary*



EQUITY

The quality, state, or ideal of being just, fair, and impartial.

— *Merriam-Webster Dictionary*



INCLUSION

The idea that everyone should be able to use the same facilities, take part in the same activities, and enjoy the same experiences, including people who have a disability or other disadvantage.

— *Cambridge Dictionary*

Glossary of Common DEI Terminology ¹⁶



BELONGING

"The human emotional need to be an accepted member of a group."



CULTURAL COMPETENCE

"Refers to an ability to interact effectively with people of different cultures. Cultural competence comprises four components: (a) awareness of one's own cultural worldview, (b) attitude toward cultural differences, (c) knowledge of different cultural practices and worldviews, and (d) cross-cultural skills."



ETHNICITY

"A grouping of people who identify with each other on the basis of perceived shared attributes that distinguish them from other groups. Those attributes can include common sets of traditions, ancestry, language, history, society, nation, religion, or social treatment within their residing area."



GENDER

"The social, psychological, cultural and behavioral aspects of being a man, woman, or other gender identity." Transgender refers to an individual whose gender identity does not align with the sex assigned to them at birth.



INDIVIDUAL BIAS

"Learned beliefs, opinions, or attitudes that people are unaware of and often reinforce stereotypes. These personal biases are unintentional, automatic, and inbuilt, leading to incorrect judgments."



INSTITUTIONAL BIAS

"A tendency for the procedures and practices of particular institutions to operate in ways which result in certain social groups being advantaged or favored."



INTERSECTIONALITY

"An analytical framework for understanding how a person's various social and political identities combine to create different modes of discrimination and privilege."



MICROAGGRESSION

"A term used for commonplace daily verbal, behavioral or environmental slights, whether intentional or unintentional, that communicate hostile, derogatory, or negative attitudes toward stigmatized or culturally marginalized groups."



PLAIN LANGUAGE

"Writing designed to ensure the reader understands as quickly, easily, and completely as possible. Plain language strives to be easy to read, understand, and use. It avoids verbose, convoluted language and jargon."



RACE

"A categorization of humans based on shared physical or social qualities into groups generally viewed as distinct within a given society."



RACIAL EQUITY IMPACT ASSESSMENT

"A Racial Equity Impact Assessment (REIA) is a systematic examination of how different racial and ethnic groups will likely be affected by a proposed action or decision."



SEXUAL ORIENTATION

"An enduring pattern of romantic or sexual attraction (or a combination of these) to persons of the opposite sex or gender, the same sex or gender, or to both sexes or more than one gender." Asexual individuals experience little to no sexual attraction towards others, which is recognized and respected as a valid sexual orientation, as well.



SYSTEMIC RACISM

"Policies and practices that exist throughout a whole society or organization, and that result in and support a continued unfair advantage to some people and unfair or harmful treatment of others based on race."

NCSC's Gender-Inclusive Language in the Courts:

Terms:

It is important to recognize and honor everyone's gender identity by using gender-inclusive language. One important distinction needed to understand gender-inclusive language is the difference between gender and sex.

“Sex” refers to categorization based on reproductive function and external anatomy. Most humans and many other living things are categorized as male or female based on these characteristics.ⁱⁱ It is important to remember, however, that sex is a continuum. Folks are assigned a sex at birth, typically based on their external anatomy. But this **“sex assigned at birth”** often does not consider biological factors beyond anatomy, chromosomal factors, or a person's gender identity. And some people have anatomy that does not clearly correspond to perceived “male” or “female” anatomy.

“Gender” refers to socially and culturally defined roles and expressions that are often labeled as “male” or “female” (e.g. name, pronouns, clothing, haircut, voice, and/or behavior).ⁱⁱⁱ For example, a person who has long hair and wears dresses is often perceived as female in the U.S., because long hair and dresses are often seen as femaleness or feminine in this culture. Or a person named John might be perceived as male in the U.S., because this name is culturally viewed as male or masculine.

Someone's **“gender identity”** refers to that person's deeply held knowledge of self and may or may not be visibly identifiable.^{iv} A person who is **transgender** is a person whose **gender identity**, their deeply held knowledge of self, does not match their sex assigned at birth.^v

People may have a gender identity that is not male or female, that moves between genders, or that encompasses multiple genders. There are many terms people use to express their gender identity in addition to male or female. These terms include gender-diverse, gender nonconforming, and nonbinary.

“Gender expression” is the way that people present themselves using various modes of expression that are commonly culturally associated with gender (e.g. name, pronouns, clothing, haircut, voice, and/or behavior). Assuming a person's **gender identity** based on gender expression markers, such as a name, haircut, dress, or behavior is often a mistake. A person's **gender expression** does not necessarily tell anything about their **gender identity**. Many markers of gender expression are tied to cultural norms and assumptions or stereotypes that do not hold true for all people.

These terms are not all-inclusive, and some people may use words not included here to define or talk about their gender identity. The important thing is that courts recognize

BLUEPRINT FOR RACIAL JUSTICE



BLUEPRINT
for Racial Justice

Advancing Equity in the Administration of Justice through Inclusive Communications and Person-Centered Language

Inclusive communications are central to fairness and individualized decision making, and a foundational skill for judges and other court professionals. The practice of inclusive communications is a key means by which courts can interrupt the systemic effects of racially marked disparities in outcomes within the justice system and enhance equal access to courts. Inclusive communications today encompass a range of considerations intended to facilitate greater public trust in courts by incorporating key aspects of diversity, inclusion, equity, and interruption of bias principles into court communications. Inclusive communications also serve to cultivate a sense of belonging for internal and external stakeholders including the public. Inclusive communications incorporate the full range of primary aspects of identity and experience: race, ethnicity, national origin, age, gender, sexual orientation, gender identity, disability, culture, and belief systems, among others. Inclusive communications also consider people's lived experiences as related to secondary and tertiary aspects of identity such as family responsibilities, occupation, and education.

Future Conferences



NEXT CONFERENCE

2025 Midyear Conference
Atlantic City, New Jersey

February 9, 2025 - February 11, 2025

2025 Annual Conference
Omaha, Nebraska

July 20, 2025 - July 24, 2025

**Midyear Conference: Measuring and Taking
Action on Public Trust and Confidence**

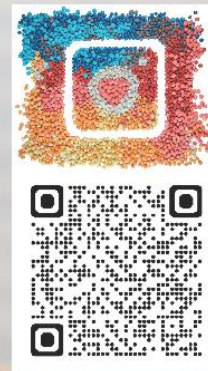
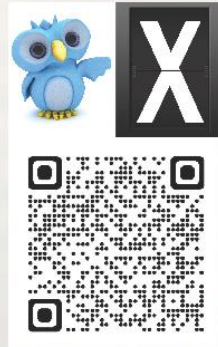
**Annual Conference: Promoting Public Trust
and Confidence through Service and
Collaboration**



Call for Proposals

“Committed to Excellence”

Social Media



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Thank you!



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Established 1985

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