





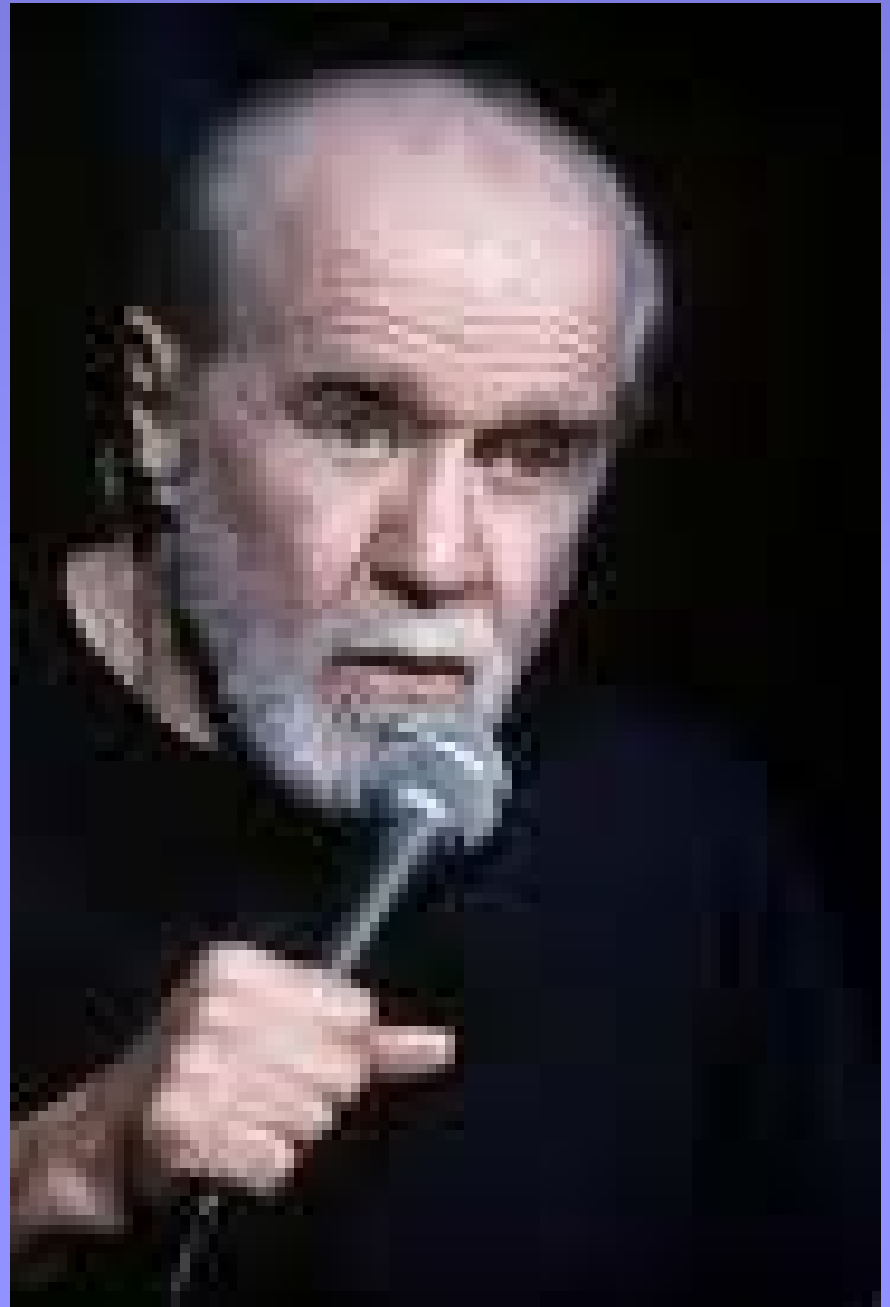
Dimensions of Diversity

FCCC

June 14, 2017

Judge Scott M. Bernstein

7 words
You can't
say on
television



7 words you
can't say
in a
courthouse



Learning Objective



Final Report

Perceptions of **Fairness**
in the **Florida Court System**



Florida Supreme Court

Standing Committee on

Fairness and Diversity

March 14, 2008



STANDING COMMITTEE OPINION SURVEYS



Opinion Survey Responses

| | | |
|---------------|---|-------|
| ■ Attorneys | - | 1,333 |
| ■ Judges | - | 240 |
| ■ Court Staff | - | 1,084 |
| ■ Jurors | - | 1,232 |
| ■ Litigants | - | 1,171 |
| ■ TOTAL | - | 5,060 |

Courts treat men and women alike

| | Attys | Judges | Staff | Jurors | Parties |
|----------|-------|--------|-------|--------|---------|
| Agree | | | | | |
| Disagree | | | | | |

Courts treat men and women alike

| | Attys | Judges | Staff | Jurors | Parties |
|----------|-------|--------|-------|--------|---------|
| Agree | 55% | 76% | 67% | 84% | 50% |
| Disagree | 28% | 16% | 11% | 3% | 28% |

Courts treat Caucasians and minorities alike

| | Attys | Judges | Staff | Jurors | Parties |
|----------|-------|--------|-------|--------|---------|
| Agree | | | | | |
| Disagree | | | | | |

Courts treat Caucasians and minorities alike

| | Attys | Judges | Staff | Jurors | Parties |
|----------|-------|--------|-------|--------|---------|
| Agree | 55% | 79% | 72% | 82% | 50% |
| Disagree | 26% | 13% | 12% | 3% | 26% |

Courts treat English-speaking and non-English speaking persons alike

| | Attys | Judges | Staff | Jurors | Parties |
|----------|-------|--------|-------|--------|---------|
| Agree | | | | | |
| Disagree | | | | | |

Courts treat English-speaking and non-English speaking persons alike

| | Attys | Judges | Staff | Jurors | Parties |
|----------|-------|--------|-------|--------|---------|
| Agree | 46% | 70% | 62% | 68% | 47% |
| Disagree | 22% | 15% | 14% | 6% | 21% |



PUBLIC MEETINGS



Public Meetings

- Miami, January 19-20, 2006
- Tallahassee, October 20, 2006
- Orlando, December 7, 2006
- Jacksonville, February 2, 2007



Procedural Justice:

Interpersonal Respect

Neutrality

Participation

Trustworthiness




Trampling of constitutional rights



Expediency is paramount




Pro se litigants do not
understand court rules



Litigants not allowed to
“tell their story”




The party with the best
attorney wins



Whether you win or
lose ... is secondary to
fairness



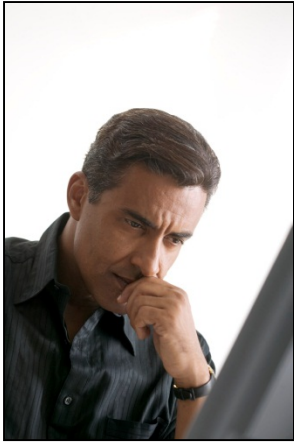
IMPLICIT ASSOCIATION TEST



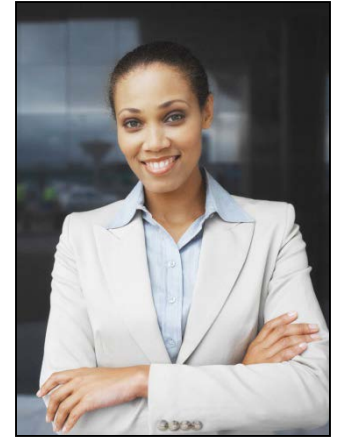
We make connections more quickly with things that are familiar than with things that are unfamiliar.

- www.implicit.harvard.edu

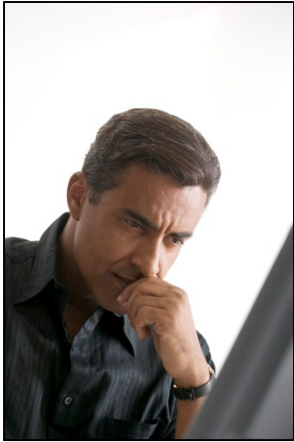
MALE



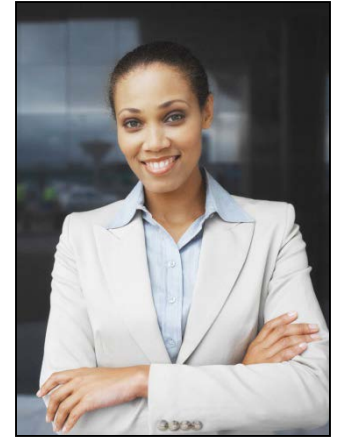
FEMALE



MALE

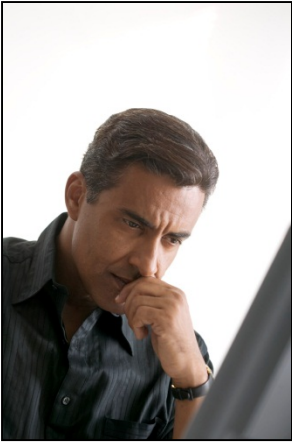


FEMALE



JOHN

MALE

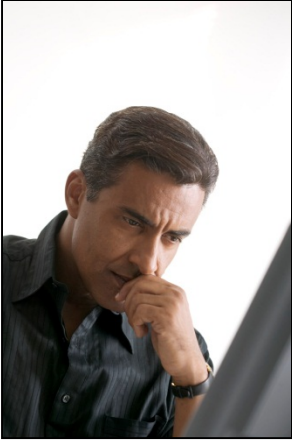


FEMALE



BOB

MALE

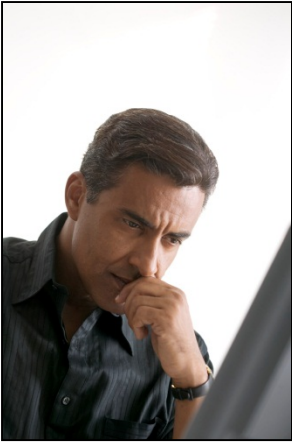


FEMALE



AMY

MALE

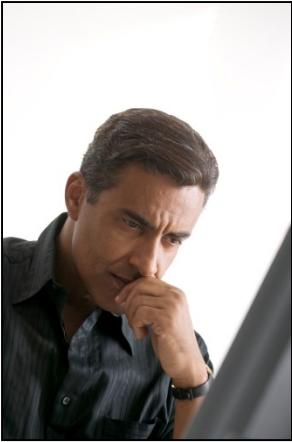


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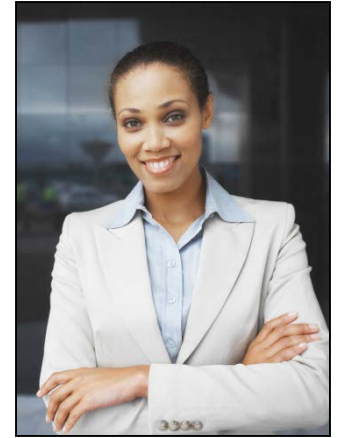


HOLLY

MALE



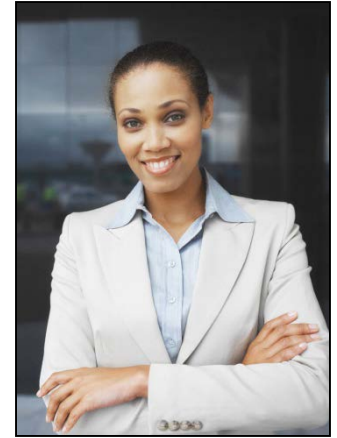
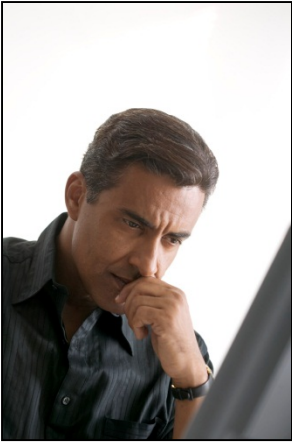
FEMALE



DEREK

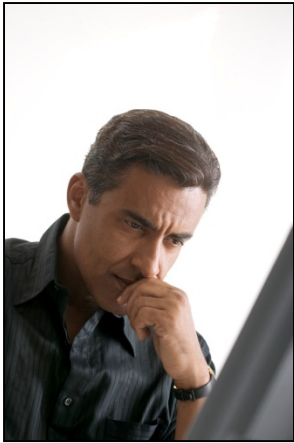
MALE

FEMALE

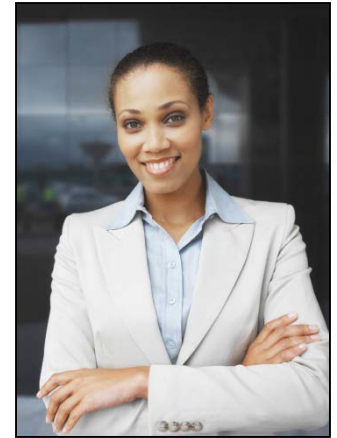


PEGGY

MALE

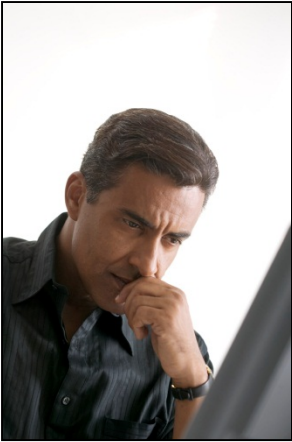


FEMALE



JASON

MALE

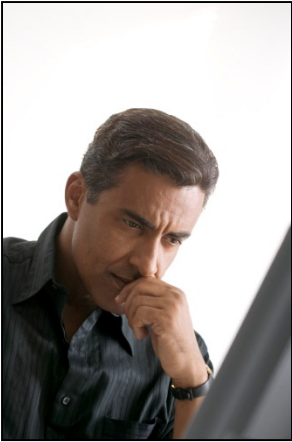


FEMALE



MATT

MALE

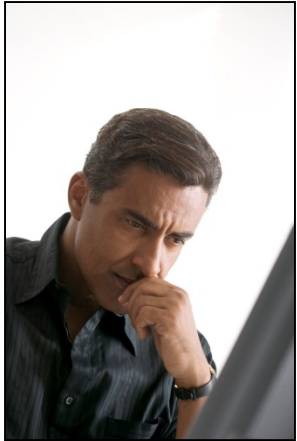


FEMALE

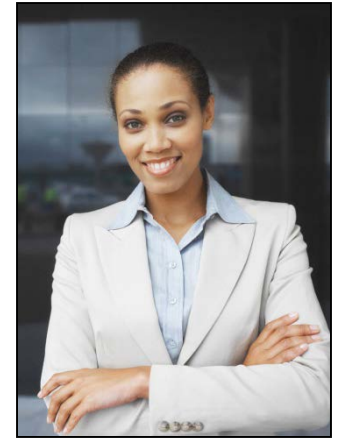


SARAH

**MALE OR
CAREER**



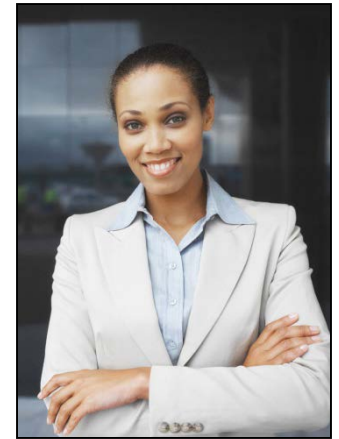
**FEMALE
OR FAMILY**



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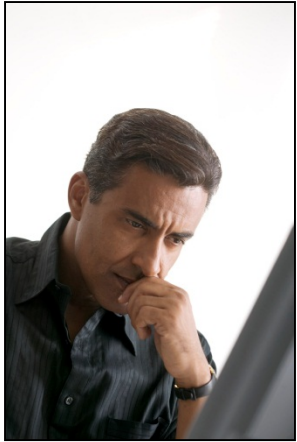


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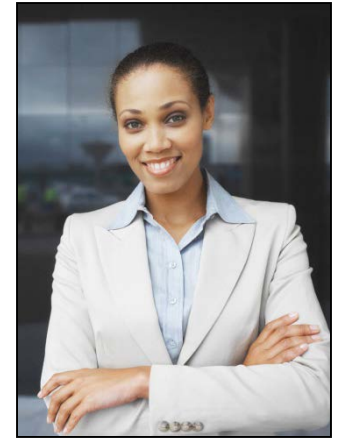


BABIES

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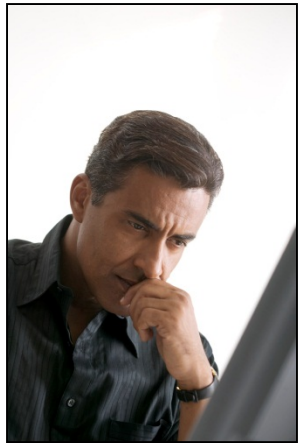


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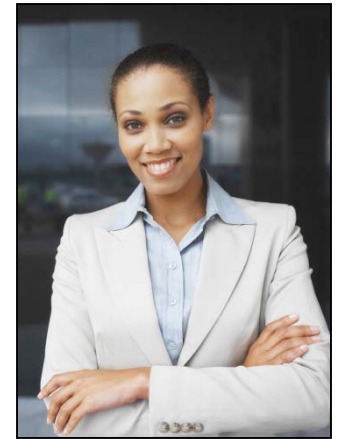


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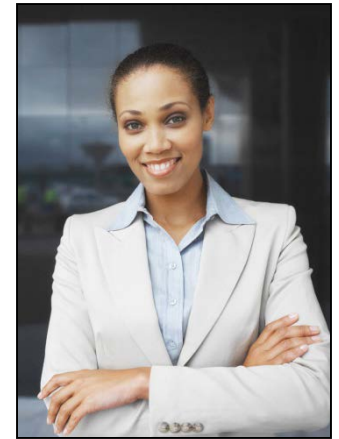


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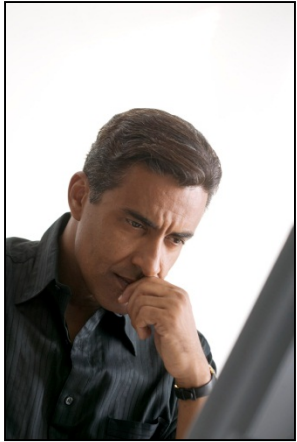


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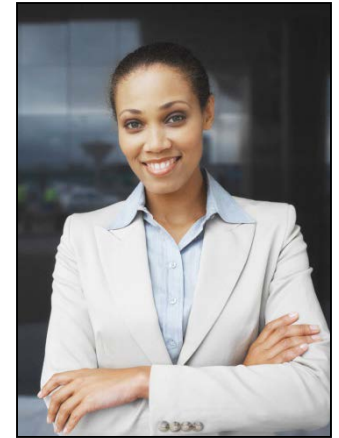


MERCHANT

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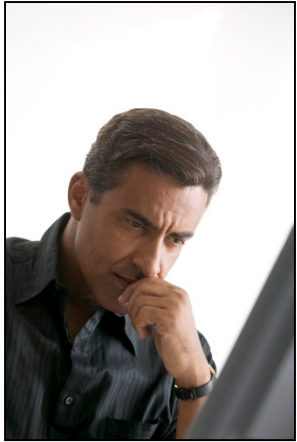


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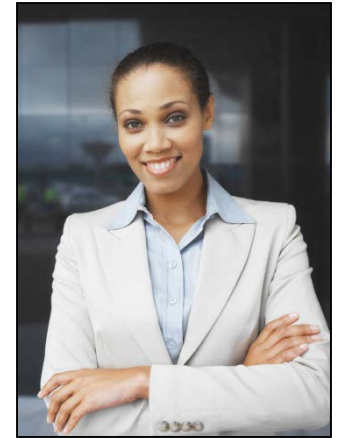


JOHN

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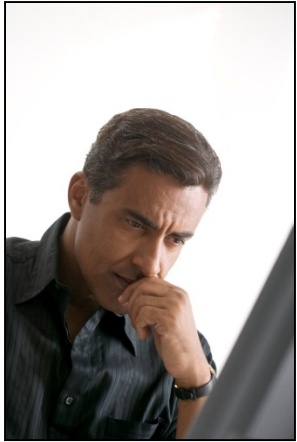


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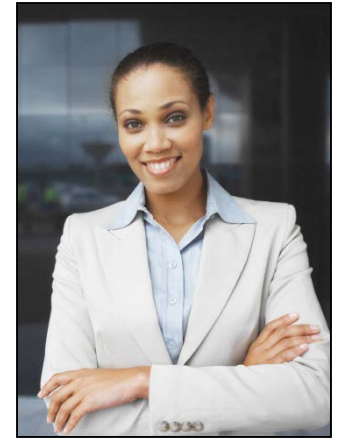


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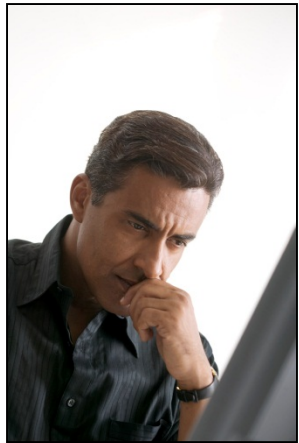


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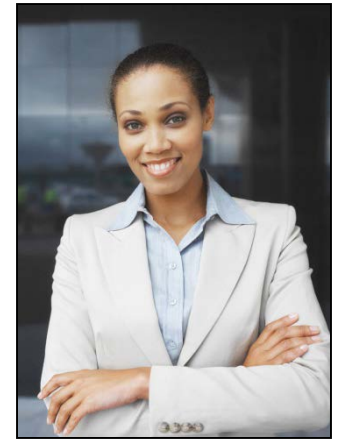


DOMESTIC

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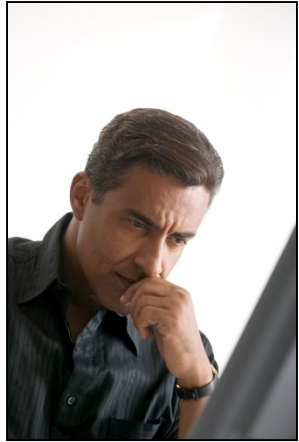


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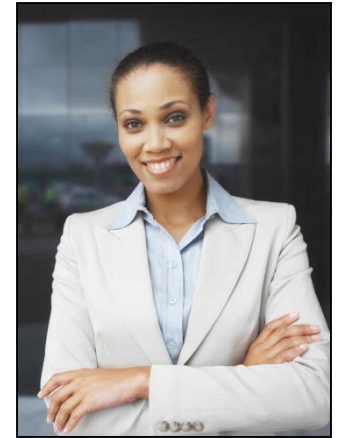


ENTREPRENEUR

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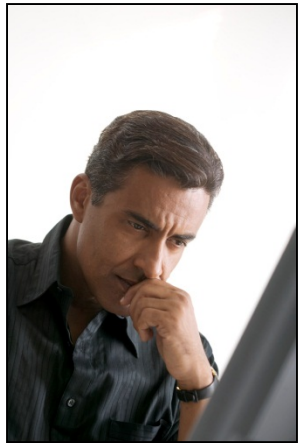


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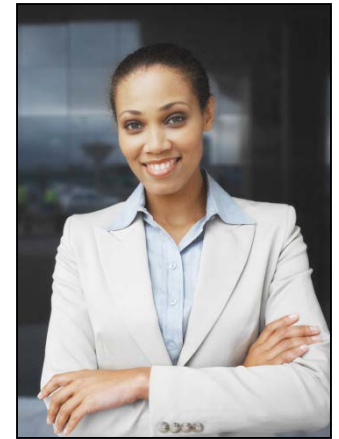


OFFICE

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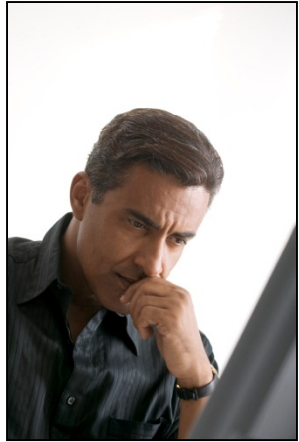


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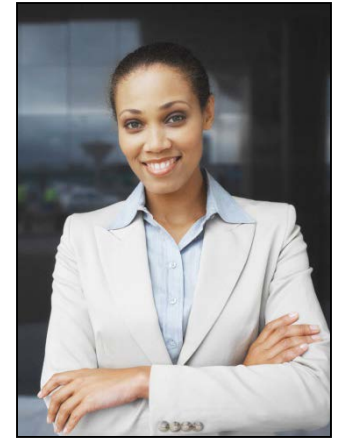


JOAN

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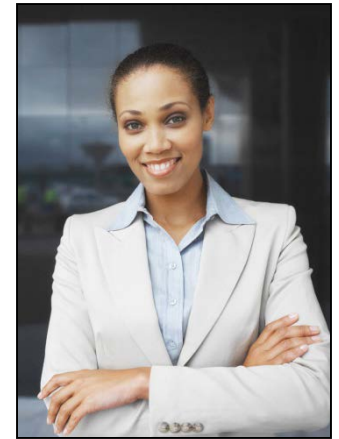


PEGGY

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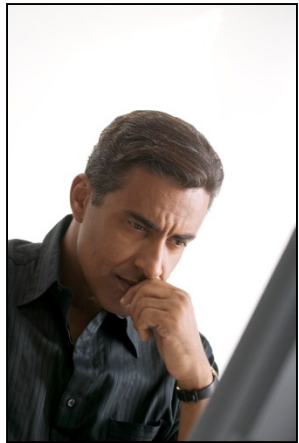


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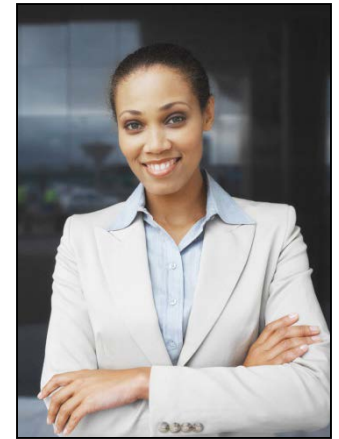


COUSINS

**MALE OR
CAREER**



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OR FAMILY**

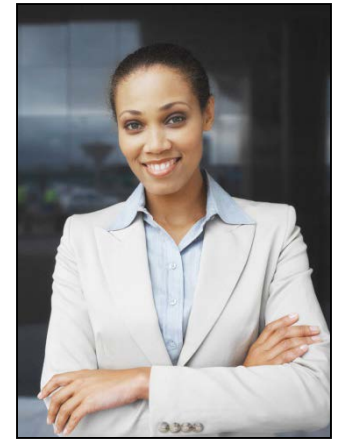


GRANDPARENTS

**MALE OR
CAREER**

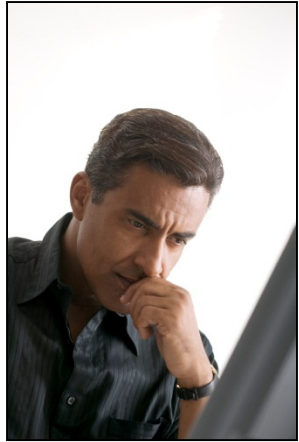


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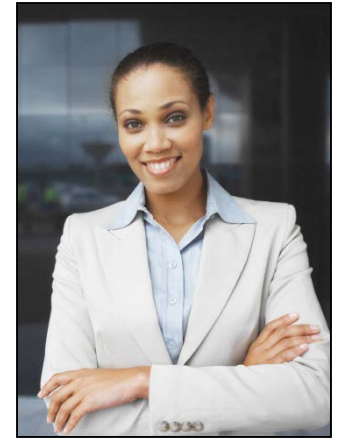


JASON

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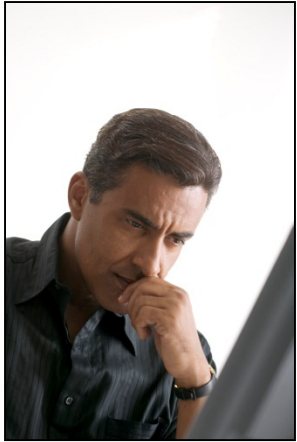


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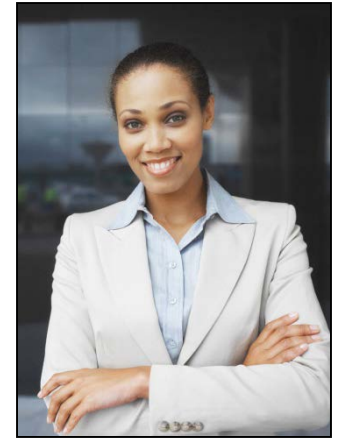


HOME

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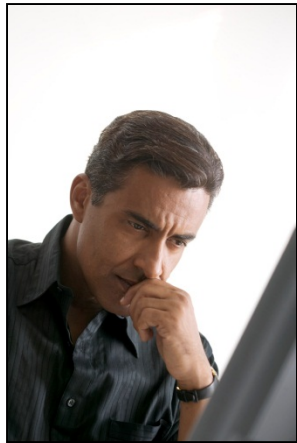


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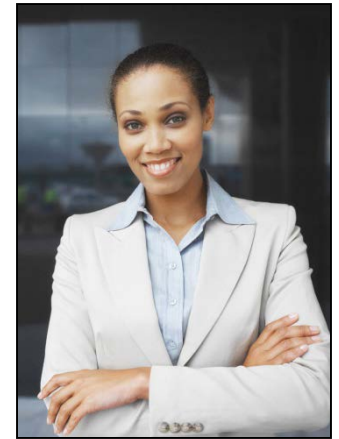


LISA

**MALE OR
CAREER**



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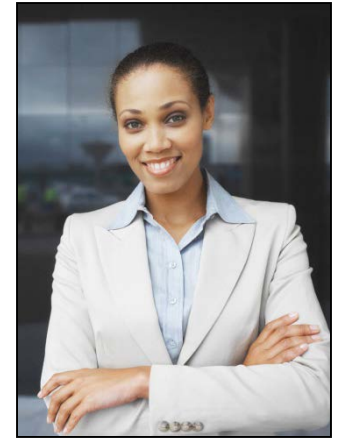


CORPORATION

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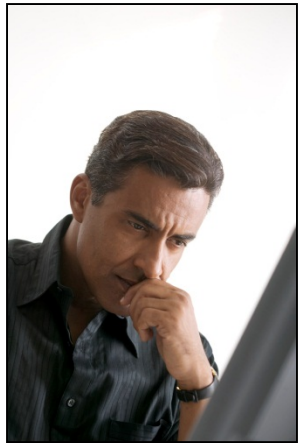


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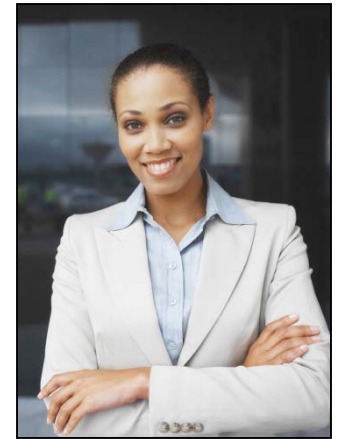


MATT

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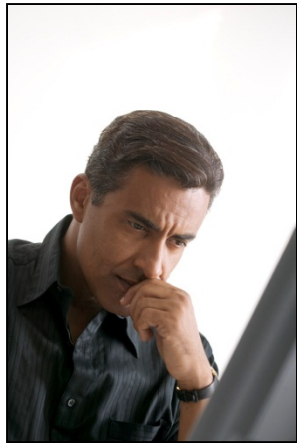


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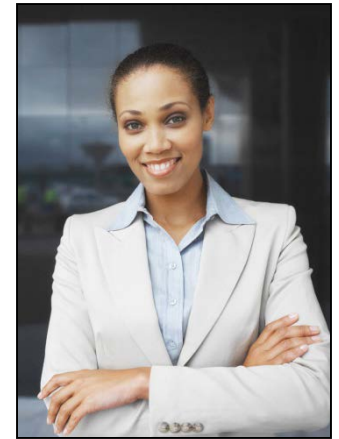


DEREK

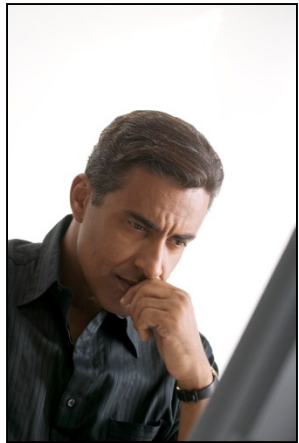
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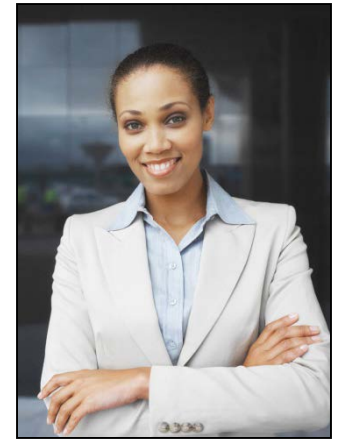
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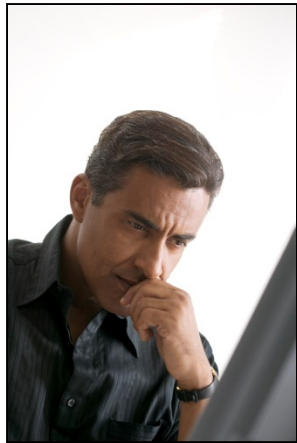


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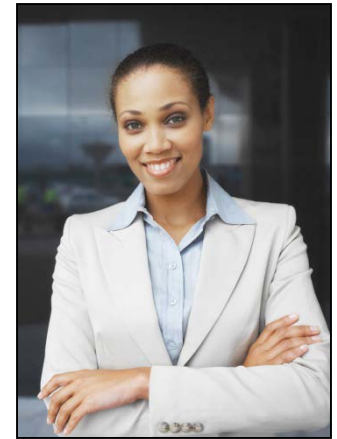


BABIES

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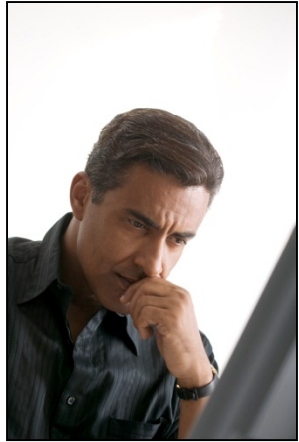
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SARAH

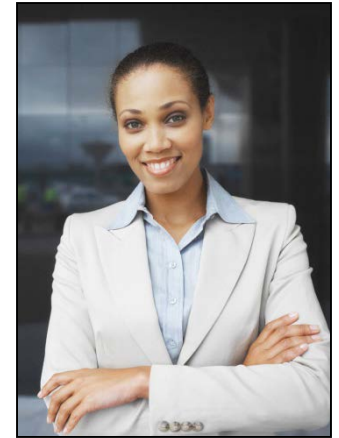
MALE OR

FAMILY



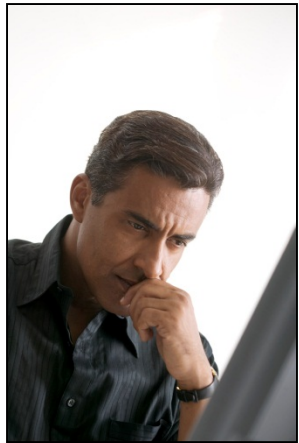
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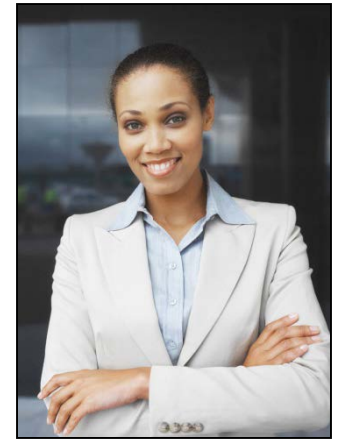


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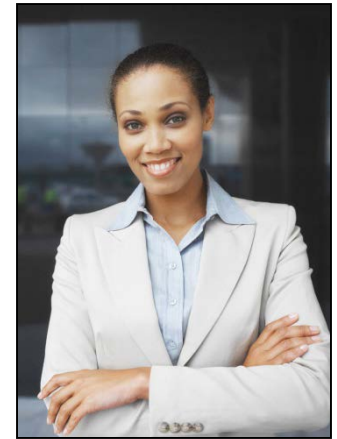


MERCHANT

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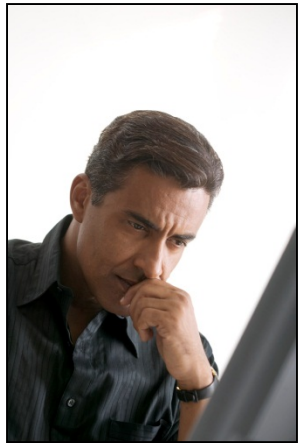


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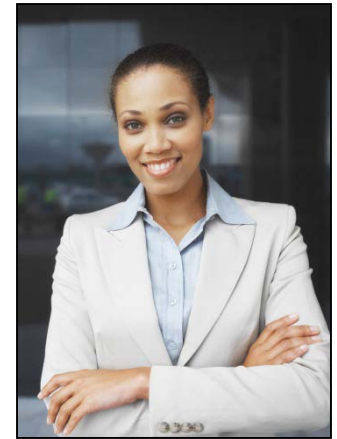


JOHN

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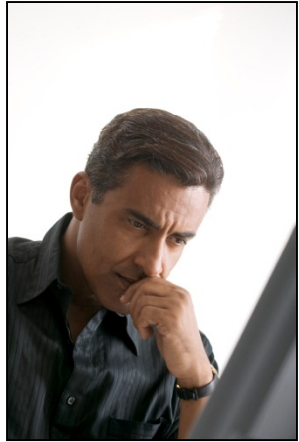


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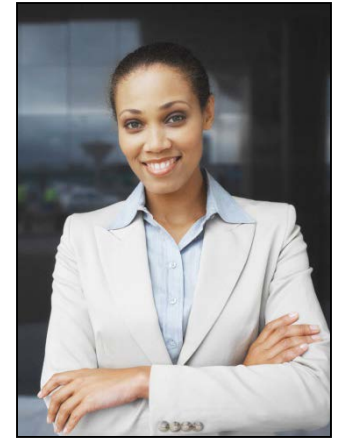


BOB

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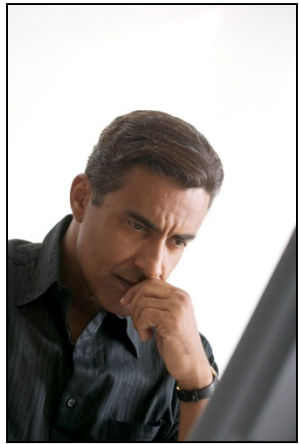
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DOMESTIC

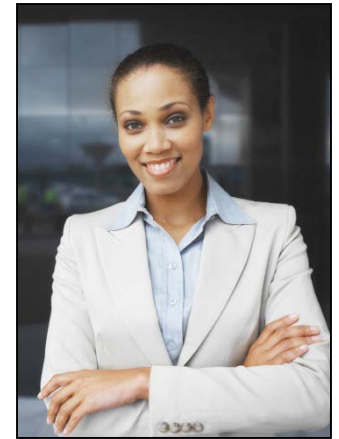
MALE OR

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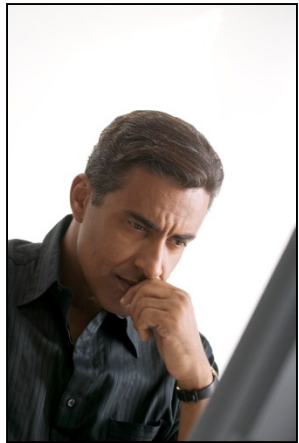
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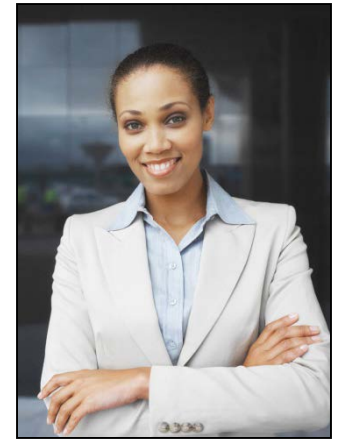


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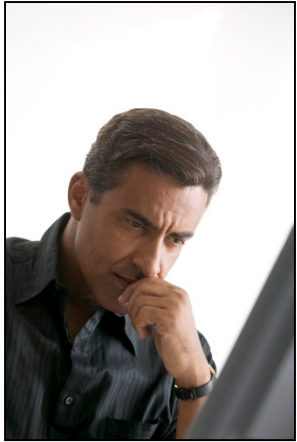


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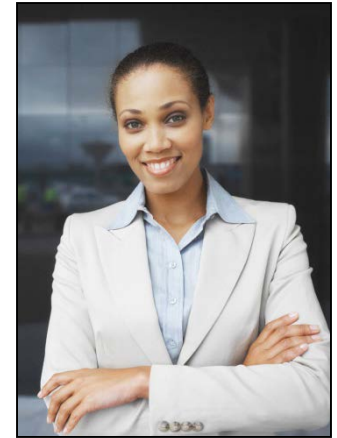


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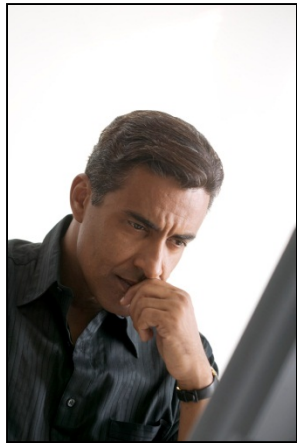


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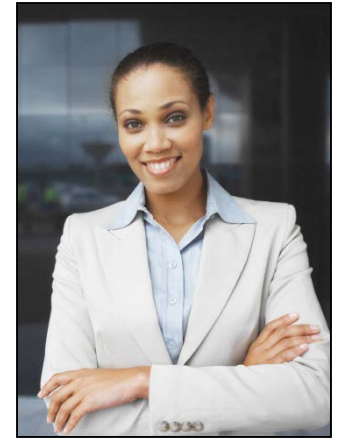


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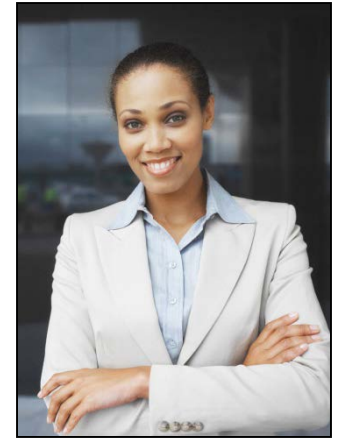


PEGGY

**MALE OR
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OR CAREER**



COUSINS

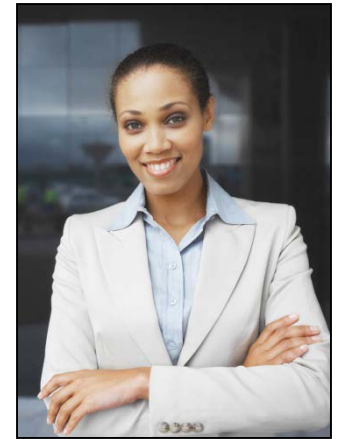
MALE OR

FAMILY



FEMALE

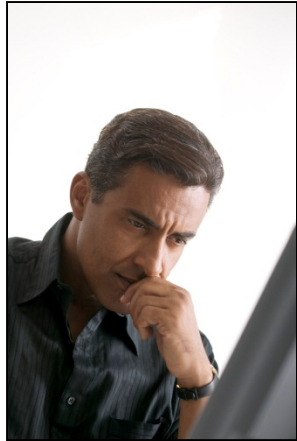
OR CAREER



GRANDPARENTS

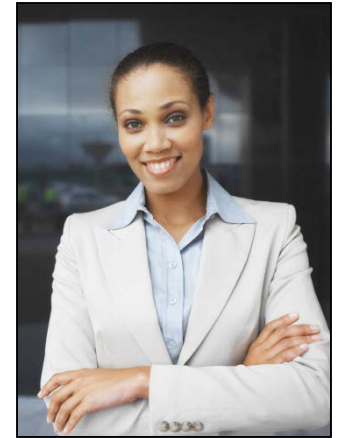
MALE OR

FAMILY



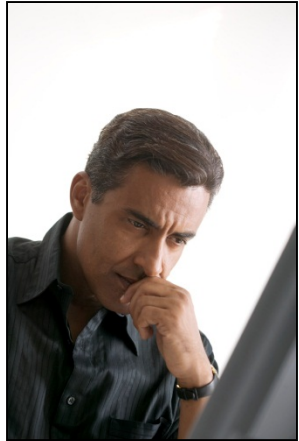
FEMALE

OR CAREER

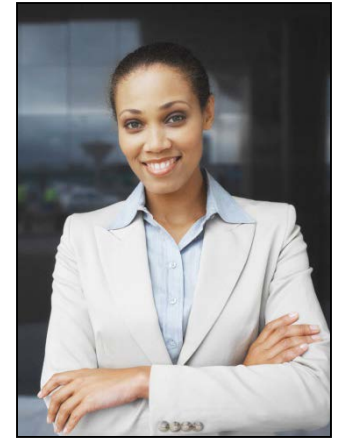


JASON

**MALE OR
FAMILY**



**FEMALE
OR CAREER**

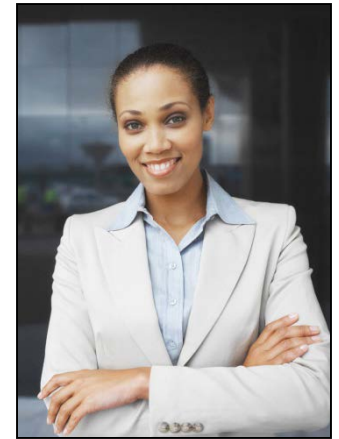


HOME

**MALE OR
FAMILY**

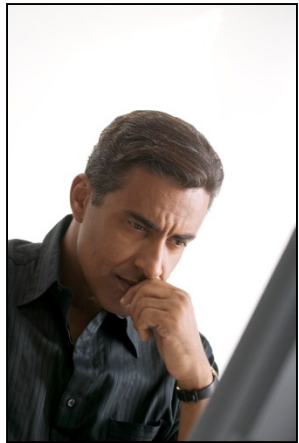


**FEMALE
OR CAREER**

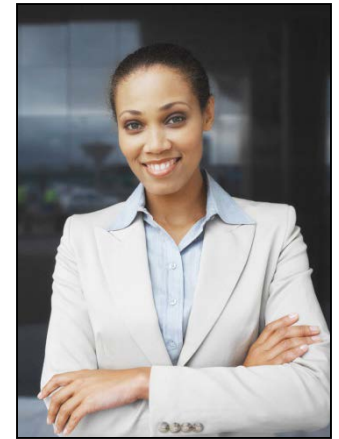


LISA

**MALE OR
FAMILY**



**FEMALE
OR CAREER**

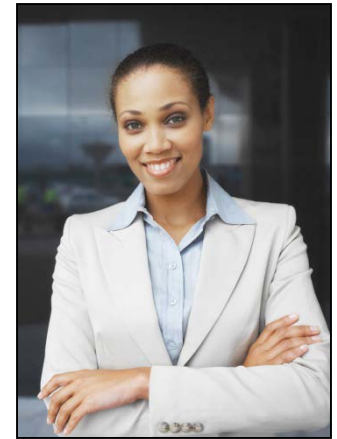


CORPORATION

**MALE OR
FAMILY**



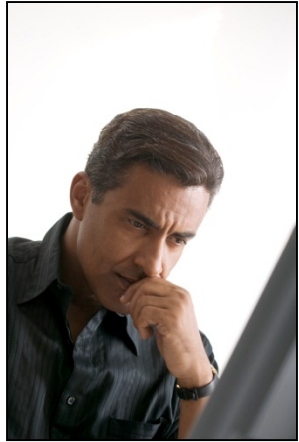
**FEMALE
OR CAREER**



MATT

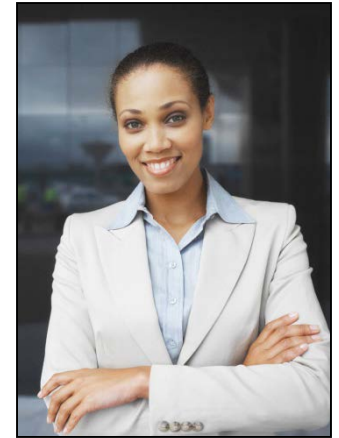
MALE OR

FAMILY



FEMALE

OR CAREER




DEREK





List methods of conduct which promote the perception of fairness in mediation.



We want you to feel comfortable with everything that goes on here.

Please take a seat and wait for the interpreter to arrive.

- Queremos que se sienta comodo con todo lo que pasa aqui.
- Por favor tome asiento mientras esperamos la llegada del interprete.