

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Appropriations Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 455
State Personnel – Implicit Bias Awareness Training - Required
DATE: February 2, 2022
(2/8)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 455. This bill requires state personnel to complete certain implicit bias awareness training.

While the Judiciary is not opposed to the intent of the legislation which is to require annual implicit bias training for all State personnel, it is opposed to the legislature mandating that the Judiciary do something that is the Chief Judge's authority; education and training for the Judiciary has been addressed through an administrative order. This bill ignores the existing mechanisms in the Judicial Branch currently requiring certain trainings as well as offering other educational opportunities through the expertise of the Judicial Council (specifically the Education Committee). The bill interferes with efforts by the Maryland Judiciary, including the work of the Equal Justice Committee, to develop implicit bias training strategies that are effective for the Judicial Branch. Instead of being able to use independent, professional judgement to select a targeted strategy for training – for example, by prioritizing implicit bias training for senior managers or public-facing personnel – the bill would require the Judiciary to develop a training strategy that requires it first to train new hires (within 6 months of hire) and incumbent personnel within a year. The approach mandated by the bill would, as a result, hamper the Judiciary from developing training that best achieves the underlying goal of the bill – to build workplaces and foster public interactions where likelihood of implicit bias is reduced. Further, the Judiciary currently offers several courses around the issue of implicit bias and the Equal Justice Committee is working, along with the Education Committee and the Judicial College, to expand the training to make it more comprehensive.

Similarly, it restricts the Judiciary in its ability to identify the topic and format of training it provides to judges, judicial officers, and support personal. Training resources are limited. There are a wide variety of anti-discrimination topics worthy of training. This bill would impair the Judiciary's ability to prioritize those other trainings for staff – and

would make implicit bias training involve significantly more resources than training on preventing sexual harassment, which is only required every two years under SP&P § 2-203.1 and is not mandated to have the personal assessments and reflections contained in this bill, all of which would make this bill complex to implement.

In addition, the bill provides insufficient meaningful resources for the Maryland Commission for Civil Rights (MCCR) and subsequently the branches of the Maryland government to implement the training. The MCCR has dedicated training staff focused on core anti-discrimination topics. Similarly, the Equal Employment Opportunity Commission (EEOC) has a dedicated training unit. The bill directs agencies to rely on the MCCR for training material and encourages state agencies to use material from the federal EEOC. Neither agency, however, is known to have existing training material that will assist the Judicial Branch in providing implicit bias training that directly relates to the work of courts.

cc. Hon. Melissa Wells
Judicial Council
Legislative Committee
Kelley O'Connor