
From: Jaclyn Daumerie <Jaclyn.Daumerie@txcourts.gov>
Sent: Monday, February 6, 2023 12:06 PM
To: Elaine Carlson (elainecarlson@comcast.net)
Cc: Tom Riney; Babcock, Chip; Zamen, Shiva; Vernis McGill
Subject: SCAC - TRCP 226a - Implicit Bias
Attachments: Court Rules Committee Proposed Amendments to TRCP 226a.pdf

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Dear Professor Carlson,

In 2021, the Court asked SCAC to review the SBOT Court Rules Committee's proposal to amend TRCP 226a to add an instruction regarding implicit bias. SCAC discussed the proposal at the September 3, 2021 meeting (Tr. at 32734-778). SCAC didn't take any votes and it's unclear whether this item was passed to the Court, but the discussion centered around whether such an instruction would actually move the needle and when it would be most effective (e.g. during voir dire, after close of evidence, etc.). Last week, the CRC submitted a new proposal (attached)—I think to try to address some of the concerns raised by SCAC.

The Court is now requesting that your subcommittee please review and bring back the proposals to the full SCAC for an update and discussion.

If you have any questions about the proposals, Andy Jones (ajones@sawickilawfirm.com) is the CRC's Chair and liaison to SCAC. Of course, I'm here to help too.

Thanks very much in advance,
Jackie