An Architecture of *Absence*

Al Karsh

73% of U.S. jurisdictions require zero bias, equity, or diversity training for the judges who sit on their benches

WHY THIS MATTERS

The decision is studied. The training is not.

Sentencing disparities along racial and ethnic lines are among the most documented patterns in American criminal justice. The training judges receive before those decisions is not. States are now rolling back equity programming, stripping interventions before they have been tested. An audit of LexisNexis, NCSC, NASJE, and the major law and criminology databases returned no dataset measuring dose or substantiating absence.

Finding no existing map, I built one.

TWO QUESTIONS

1. What is the structure and dose of mandatory bias, equity, and diversity training for sitting judges across U.S. jurisdictions (N = 52)?
2. Where that training is absent, what structural mechanism produces the absence?

THE HEADLINE NUMBERS

52 JURISDICTIONS	**14** REQUIRE TRAINING
38 REQUIRE NOTHING	**66%** BAR RULES STOP AT THE BENCH

66% is 31 of 47: the bar requires the training and exempts the bench. The denominator excludes MA, MD, MI, SD, and D.C. The stricter count, 36 of 52, is a footnote, not the headline.

HOW THIS WAS CODED

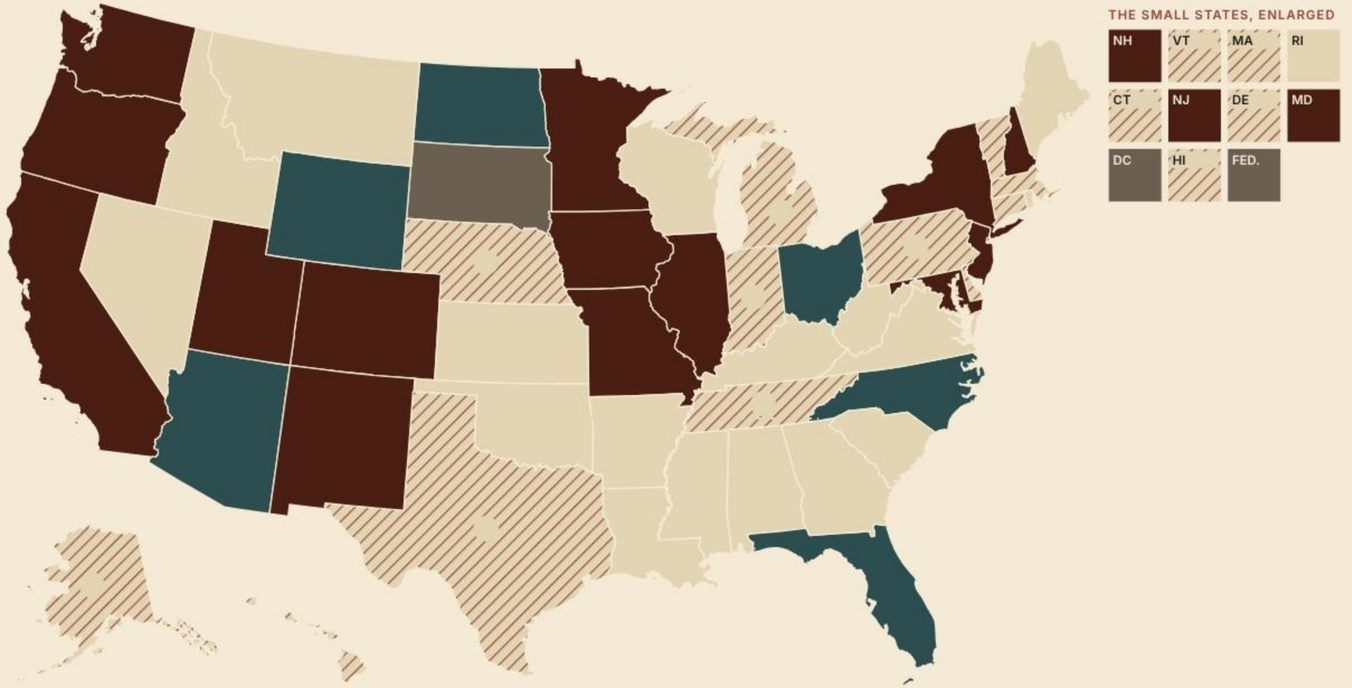
Coding Manual v3.3a, Appendix A, May 4, 2026. 52 jurisdictions: 50 states, the District of Columbia, and the federal judiciary.

A mandate is coded only where a binding instrument requires training of sitting judges. JETI, 0 to 6, scores six features of a mandate and is scored only where one exists.

Open flags, printed rather than hidden: Illinois pending (a reversal makes the count 13); Nebraska pending (confirmation makes it 15); New Hampshire scored at 1 on purpose.

WHERE THE ZERO IS

Mandatory bias, equity, and diversity training for sitting judges, 52 jurisdictions



THE ARCHITECTURE

Eight ways to arrive at zero.

1. **Pure Absence** 17
   No mandate, no active advocacy, no codified or proposed structure on the books.
   AL AR GA ID KS KY LA ME MS MT NV OK RI SC VA WI WV
2. **Institutional Advocacy Without Adoption** 9
   Commissions or reports issued without codification into binding rules.
   AK CT DE HI IN MA NE PA VT
3. **Administrative Dilution** 3
   Reversal of DEI requirements while retaining other education mandates.
   AZ FL OH
4. **Failed Advocacy** 3
   Proposals introduced and rejected during rulemaking or legislative cycles.
   MI TN TX
5. **Infrastructure Absence** 3
   No entity exists capable of administering judicial bias training.
   DC SD FEDERAL
6. **Court-Led Reversal** 1
   A requirement withdrawn by the court system that had adopted it.
   ND
7. **Three-Mechanism Suppression** 1
   Overlapping structural barriers sustaining the zero-dose condition across regulatory layers.
   NC
8. **Legislative Prohibition** 1
   Statutory limits placed on DEI training for the judiciary.
   WY

Absence has an architecture.

ONE MINUTE, IF I AM NOT STANDING HERE

The headline is the finding; the map is the data. This maps the prescription, not the effect; it cannot say whether training works.

SOURCES

Coding Manual v3.3a, Appendix A (May 4, 2026). The Sentencing Project, The Color of Justice (2021). New Hampshire HB 318 (effective July 2025). Wyoming HB 147.