

ACCESS TO JUSTICE FOR ALL COMMITTEE

Oregon Judicial Department



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NATIONAL CONSORTIUM STATUS REPORT 2002-2003

Chief Justice Wallace P. Carson, Jr. established the Oregon Judicial Department Access to Justice for All Committee (Access Committee) in 1997. This committee continues the Oregon Supreme Court's efforts to ensure that all persons in Oregon have equal access to state courts for fair and efficient dispute resolution.

The Oregon Judicial Department has produced four reports that describe barriers to access, recommend changes, and highlight progress to date. All reports are available online at <http://www.ojd.state.or.us/access>.

- 1994 *Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System*
- 1996 *A Commitment to Fairness: Progress Report of the Oregon Supreme Court Implementation Committee*
- 1998 *Report of the Oregon Supreme Court/Oregon State Bar Task Force on Gender Fairness*
- 2002 *Gender Fairness 2002: Implementation Status Report of the Oregon Judicial Department Access to Justice for All Committee*

ACCESS TO JUSTICE FOR ALL COMMITTEE MISSION

- ◆ To pursue and coordinate implementation of recommendations by task forces and workgroups on racial, ethnic, and gender fairness in the Oregon justice system;
- ◆ To monitor and evaluate the progress and effectiveness of implemented reforms;
- ◆ To educate, recommend additional reforms, and further study issues concerning gender fairness and access to justice for racial and ethnic minorities.

RECENT ACCOMPLISHMENTS

This section highlights initiatives of the Oregon Judicial Department and its partners in the state justice system to improve access to justice.

MONITORING AND EVALUATION

Interpreter Services. The Oregon Judicial Department administered the written interpreter certification test to 209 candidates and hired five additional certified staff interpreters in 2002. A Telephone Interpreting Project was initiated to provide access to interpreting services to courts with no certified or qualified interpreters. Pilot programs in the Tax Court and Tillamook and Lincoln Counties provided telephone interpreting services using certified interpreters for 158 hearings between April and November 2002.

Gender Fairness 2002 Report. The Access Committee released Gender Fairness 2002 in October, a status report on the recommendations of the Oregon Supreme Court/Oregon State Bar Task Force on Gender Fairness. This report highlights many successful initiatives, recognizes ongoing issues, and suggests next steps for the Oregon Judicial Department and its justice system partners.

WORKFORCE DIVERSITY

Cultural Competency and Workforce Diversity Council. Chief Justice Wallace P. Carson, Jr., serves on Oregon's Cultural Competency and Workforce Diversity Council. The Oregon Department of Administrative Services created this Council in 2002 to develop and coordinate a statewide strategy to implement policies, action plans, guidelines, and practices that ensure cultural competency and workforce diversity within all state agencies, departments, and commissions. The Access Committee participated in the steering group that proposed this Council.

Oregon Judicial Department. According to its 2003 Affirmative Action Plan, the Oregon Judicial Department made improvements in the representation of people of color in the Officials/Administrators, Professional, and Technicians job categories. The OJD continues to work to achieve parity for people of color in the Administrative Support category. In the 2003-05 biennium, the OJD will utilize the following strategies to pursue our goals:

1. Recruit competitively; use diverse interview panels where possible.
2. Prioritize efforts to recruit people of color, women, and persons with disabilities in all job categories.
3. Maintain gains during the 2001-2003 biennium and continue to strive to reach parity in all categories.
4. Participate annually in career fairs and other outreach events targeting women, people of color, and persons with disabilities.
5. Provide developmental opportunities for current employees to enhance their careers.
6. Begin tracking applicant demographic data for analysis in the next affirmative action plan.
7. Encourage participation in the statewide School-to-Work program to reach out to students interested in a career in the judicial branch of state government.

Oregon State Bar. The new Diversity Section of the Bar, established in 2001, is working actively to encourage, coordinate, and track progress in this area. The number of employers participating in the Bar's Affirmative Action summer clerkship program increased more than threefold from 30 to 100 participants.

COMMUNITY OUTREACH AND COLLABORATION

Governor's Summit on the Over-representation of Minorities in the Juvenile Justice System. The Access Committee continued to represent the OJD on the planning committee of this annual event for state agencies, community organizations, justice system professionals, and youth. Several prominent Oregon leaders expressed their commitment to addressing minority overrepresentation, including the Governor, Chief Justice, Attorney General, Superintendent of Public Instruction, a state senator, and the leading gubernatorial candidates for 2002.

American Bar Association National Issues Forum. The Access Committee assisted the ABA Coalition for Justice with a National Issues Forum in November, 2002. This forum was part of a national series to bring together local communities to discuss their perceptions of the justice system. Findings will be published in a national report. Participants in Portland, Oregon focused on racial/ethnic fairness in the courts and offered three recommendations to improve the justice system: more civic education for people of all ages, more funding for government services to minorities and low-income people; and greater accountability for political leaders to diversify the justice system and make it fair.

Police Stops. The Law Enforcement Contacts Policy and Data Review Committee (LECPDR) was created by the Oregon legislature in 2001 to obtain data on law enforcement stops, provide technical assistance in collecting and analyzing that data, and identify and disseminate information on programs, procedures and policies from communities that have made progress toward eliminating discrimination based on race, color, or national origin during law enforcement stops and other contacts with individuals. The LECPDR's 2002 Annual Report is available at http://www.ocjc.state.or.us/Racial_Profiling/LECC_Report_2002.pdf.

Workers Compensation. The Oregon State Bar Workers Compensation Section sought input from the Access Committee on addressing barriers to justice for injured workers with limited English proficiency. The Access Committee stressed the importance of ensuring that attorneys and clients are aware of new state laws mandating certified court interpreters when available. It also suggested reviving a legislative proposal to require employers subject to workers compensation laws to post notice of compliance forms and provide injury reporting forms in foreign languages.

LEGISLATION

Jurors. The 1999 Oregon legislature adopted legislation proposed by the Access Committee to increase daily compensation to jurors for service beyond two days and mileage reimbursement amounts for all jurors. Because of an unexpected fiscal crisis, the 2001 legislature substantially reduced the amount that juror compensation and reimbursements would increase. The Access Committee proposed legislation to the 2003 legislature to restore the original legislation.

Vienna Convention for Consular Relations. The Access Committee supported legislation to codify this international treaty in Oregon statute, requiring law enforcement to notify detainees that foreign nationals who are detained have a right to contact their consulate.

Certified Interpreters. The Access Committee recognized a lack of certified and qualified interpreters for individuals with limited English proficiency in a variety of legal settings. The Committee may propose legislation next biennium to provide certified interpreters for jurors, crime victims, and participants in pre-sentencing investigations and Department of Human Service proceedings.

EDUCATION

Interpreters. The OJD Interpreter Unit has developed several new continuing education programs for certified interpreters, including a workshop on indigenous languages in the courts and relay interpreting.

Mediators. Last spring, the OJD sponsored an Institute for Court-Connected Domestic Relations Mediators. One of the workshops at the Institute was Cultural Diversity and Domestic Violence Issues.

Lawyers. Under a new Minimum Continuing Legal Education rule adopted in 2001, Oregon attorneys must complete three hours of continuing education each three-year reporting period on the role of lawyers concerning racial and ethnic issues, gender fairness, disability issues, and access to justice. The Access Committee worked with the Oregon State Bar to promote this rule change and continues to assist the OJD to provide qualifying programs for judges and court staff. This rule faced strong opposition from some Bar members, including proposals to the Bar's 2002 House of Delegates for its elimination. While these resolutions were defeated, the rule remains vulnerable. The Access Committee is committed to preserving the rule's principle that all lawyers have an affirmative obligation to the public, as a matter of professional responsibility, to help make our legal system more inclusive and to increase access to justice.

Integrated Treatment/Juvenile Drug Courts. The Office of the State Court Administrator (OSCA) held an education session for Integrated Treatment Court (ITC) coordinators in September 2002 to discuss gender specific and cultural competence issues and to assist them in assessing cultural barriers to ITC participation. OSCA will help coordinators to implement the action plans they developed at this training.

Judges. The OJD's Judicial Education Committee recently adopted a policy to address fairness and ethics issues as they relate to substantive topics in all education programs. Since then, the 2002 Juvenile Court Improvement Project Conference featured a poverty simulation for juvenile judges, and the Office of the State Court Administrator presented "Eyes Wide Shut: Race and Class in the Courtroom," a regional program for Mid-Willamette Valley judges in January, 2003.

JUDICIAL ADMINISTRATION

Translations. The Office of the State Court Administrator received Byrne Grant funding to develop Spanish translations of Oregon's Family Abuse Prevention Act materials for distribution to the courts. Documents were translated by American Translators Association accredited consultants and proofread by the OJD Interpreter Staff Unit staff.

Bilingual Court Staff. The Marion County Circuit Court Project received Violence Against Women Act grant funding, beginning July 1, 2002, for a bilingual staff person to provide direct services to Hispanic and Latina women related to restraining and stalking orders.

Parenting Plans. The Office of the State Court Administrator developed a Safety Parenting Plan Guide in 2002, providing a more specialized resource than its Basic Parenting Guide. Both are available on the OJD's Family Law website, <http://www.ojd.state.or.us/familylaw>. A local community organization has received grant funding to translate these guides into Spanish.

Pro Se Assistance. OJD has expanded its pro se family law facilitation assistance in the last two years. Family law forms are continually being revised and updated, and new forms packets created, e.g., co-petitioner forms and forms to prevent disclosure of personal information when there are safety concerns. Also, the OJD Family Law website was recently updated and improved (www.ojd.state.or.us/familylaw).

Access to Justice Internship. The Access Committee established a college-level internship position to help the Oregon Judicial Department with initiatives to improve access to justice. Projects during the 2002-2003 academic year include a juror information pamphlet, preparation for a task force on disability access in the courts, and the design and implementation of a Law Day 2003 program for fifth-graders.

UPCOMING EVENTS

Law Day 2003. In April, the Access Committee will host a five-hour program at Highland Elementary School in Salem, where 74% of students are Hispanic, African American, and Native American, and 99% of students receive free or reduced-price lunch. Through interactive sessions with judges, lawyers, interpreters, law enforcement officers, and court staff, this program will teach students about the Oregon justice system and encourage them to pursue a career in law.

SHORT-TERM ACCESS COMMITTEE GOALS

- ★ Provide information to state legislators about the role of the courts and the work of the Access Committee.
- ★ Develop a brochure or other printed materials on fairness in the courts for use in the New Employee Orientation, Customer Service Program, and New Judge Seminar.
- ★ Assist the Oregon Judicial Department Personnel Division to implement strategies to increase workforce diversity in the courts.
- ★ Expand the Access Committee website to provide more information about issues of racial and ethnic fairness in the courts and resources for the entities working to improve fairness in Oregon's justice system.

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