

ACCESS TO JUSTICE FOR ALL COMMITTEE
Oregon Judicial Department



2003-2004 Progress Report

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ACCESS TO JUSTICE FOR ALL COMMITTEE

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 (OJD) 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

RECENT ACCOMPLISHMENTS

The Oregon Judicial Department was limited in its ability to initiate new projects during 2003 because of state budget reductions. Nonetheless, several areas of progress towards improved access to the courts are noteworthy.

Oregon Judicial Department Strategic Plan

The OJD has identified "Access to Court Services for All People" as one of five Goals in its 2003-2005 Strategic Plan. Three objectives have been established for this goal, each of which will be pursued actively by the Office of the State Court Administrator, the trial courts, and the appellate courts.

PRO SE SERVICES. The OJD will increase access and availability of easy to understand and use court processes and procedures for people without lawyers.

INTERPRETER SERVICES. The OJD will increase quality, timely, and cost effective interpreter services to persons with limited English proficiency accessing court services.

WORKFORCE DIVERSITY. The OJD will increase the racial, cultural, and language diversity and competence of judicial branch employees and volunteers.

Citizen Review Board

DIVERSITY RECRUITMENT PLANS. The OJD Citizen Review Board (CRB) is Oregon's statewide foster-care review program of citizen volunteers, created to help state courts ensure that case plans and services meet the needs of children and youth in foster care. The CRB is currently developing diversity recruitment plans for the volunteer boards in all 33 counties it serves. With guidance from the CRB Cultural Competency Committee, these plans will be in place by July 2004.

Interpreter Services

INTERPRETER TESTING. The OJD Interpreter Certification Program administers written and oral tests for interpreter certification in Spanish, Russian, and Vietnamese. The written test includes general English language and usage and a translation from English into the test language. In 2004, 125 candidates registered to take the written exam. Eighty-six candidates passed the general English language and usage section; 61 passed both sections of the written exam. Among them, one Russian candidate passed the English language and usage section; results of the translation section are pending. None of the five Vietnamese candidates passed both sections of the written exam. In 2003, OJD offered tests in Russian only due to budget constraints. Two candidates opted to take the oral interpreting exam, and both passed.

FORMS TRANSLATIONS. The Office of the State Court Administrator received Violence Against Women Act STOP Grant funding to develop Russian, Vietnamese, and Korean translations of Oregon's Family Abuse Prevention Act materials for distribution to the courts and a Spanish translation of the *Safety Focused Parenting Plan*. The parenting plan translation has been completed, and completion of the Russian translation is expected by June 2004.

TREATMENT COURTS. The Office of the State Court Administrator sent a memo to every judicial district regarding the use of interpreters in treatment courts. This notice emphasized that effective treatment courts must be prepared to work with a broad range of participants, including people with disabilities and people with limited English proficiency. Treatment courts must provide interpreters for program participants with limited English proficiency in all court proceedings and communications with court staff. The OJD pays for interpreter services for participants and for the parents/guardians of juvenile participants. The OJD encourages treatment court programs to refer participants to local service providers who can accommodate the needs of individuals with limited English proficiency. The OJD prohibits state court programs from excluding individuals with disabilities on the basis of their disability and requires treatment courts to provide reasonable accommodations for all court proceedings. Treatment court programs must ensure that all materials and services are ADA accessible, including services that take place outside of the court, such as treatment and education.

Legal Education

MEDIATORS. The Access to Justice for All Committee advised the OJD on improving the cross-cultural issues curriculum of its OJD Basic Mediation Training Program. Suggestions included additional training on working with interpreters for individuals with limited English proficiency and ways to incorporate issues of fairness in every substantive component of the mediation training program.

LAWYERS. The Oregon Supreme Court adopted changes to the Minimum Continuing Legal Education (MCLE) Rules in February 2004 that require all members of the Oregon State Bar (OSB) to participate in at least three hours of education per three-year reporting period on the "elimination of bias" in the justice system as a component of professional responsibility. To be accredited as an activity pertaining to the elimination of bias under this rule, an activity shall be directly related to the practice of law and designed to educate attorneys to identify and eliminate from the legal profession and from the practice of law, biases against persons because of race, gender, economic status, creed, color, religion, national origin, disability, age or sexual orientation. The Access Committee worked closely with the OSB on the development of this rule.

Judicial Education

PRESENTER GUIDELINES. The OJD Education Team developed a new database to track all OJD education programs offered by OJD. This database instructs program developers to consider MCLE Rules on professional responsibility (including elimination of bias) and the OJD Judicial Education Committee (JEC) Policy on incorporating ethics and fairness issues in OJD education programs. The JEC Policy states: "It is the policy of the Judicial Education Committee and Education and Training to incorporate fairness issues and ethics issues in every education program and product that we sponsor and co-sponsor, including those on substantive law and court processes and administration."

JUVENILE JUDGES. The OJD is planning the Juvenile Court Improvement Project Sixth Annual Conference on the Judicial Role in Achieving Permanency for Oregon's Foster Children; Through the Eyes of a Child, VI. Each year JCIP brings together judges and judicial officers who preside over child abuse and neglect cases to hear educational presentation and to exchange ideas. The 2004 Conference includes a presentation on Child Welfare in Indian Country.

EMPLOYEE AND JUDGE ORIENTATION. The OJD orientation programs for new employees, new judges, and court supervisors in 2003 and early 2004 have all included presentations on effective interactions and management tools in a diverse environment.

CITIZEN REVIEW BOARD. The CRB 2003 Fall Conference included a workshop on diversity, entitled "Do You See What I Say; Communication Barriers and the Review Process" that focused on identifying and recognizing perception and responding appropriately to bias. The CRB also collaborated with the Oregon Department of Human Services and several Oregon tribes on a multi-disciplinary training offered in 16 locations throughout the state on principles and expectations for implementing the Indian Child Welfare Act in child abuse and neglect cases.

