CONTENTS

FOREWORD — MEETING THE CHALLENGE - A COMMITMENT TO FAIRNESS

Introduction 2

Overview 3

The Past: The Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System ... 3

The Present: The Oregon Supreme Court Implementation Committee 3

The Oregon Supreme Court Implementation Committee 3

Overview 3

The Subcommittees and Work Process 3

The Implementation Progress Report 4

The Future: Ongoing Oversight and Coordination 5

Executive Summary 6

Chapter One: Equal Access to Justice — Opening the Doors 6

Chapter Summary 6

Implementation Committee Proposals 7

Implementation Committee Proposal 1.1 7

Implementation Committee Proposal 1.2 7

Implementation Committee Proposal 1.3 7

Implementation Committee Proposal 1.4 7

Implementation Committee Proposal 1.5 7

Implementation Committee Proposal 1.6 7

Implementation Committee Proposal 1.7 7

Implementation Committee Proposal 1.8 7

Implementation Committee Proposal 1.9 7

The Role of the Standing Implementation Committee 8

Chapter Two: The Criminal Justice System — An Issue of Public Trust 8

Chapter Summary 8

Implementation Committee Proposals 9

Implementation Committee Proposal 2.1 9

Implementation Committee Proposal 2.2 9

The Role of the Standing Implementation Committee 9

Chapter Three: The Juvenile Justice System — Minority Youth Are Overrepresented 9

Chapter Summary 9

Implementation Committee Proposals 10

Implementation Committee Proposal 3.1 10

Implementation Committee Proposal 3.2 10

The Role of the Standing Implementation Committee 10

Chapter Four: A Representative and Culturally Competent Justice System—
The Cornerstone of Equality 10
Chapter Summary 10
Implementation Committee Proposals 11
Implementation Committee Proposal 4.1 11
Implementation Committee Proposal 4.2 11
Implementation Committee Proposal 4.3 11
Implementation Committee Proposal 4.4 12
The Role of the Standing Implementation Committee 12
Chapter Five: Staying Vigilant Against Bias — A Need for Ongoing Oversight 12
Chapter Summary 12
Implementation Committee Proposal 5.1 13
Implementation Committee Proposal 5.2 13
Implementation Committee Proposal 5.3 13
Implementation Committee Proposal 5.4 13
The Role of the Standing Implementation Committee 14
Chapter Six: Minorities and Jury Service — The Goal: A Jury of One's Peers 14
Chapter Summary 14
Implementation Committee Proposals 15
Implementation Committee Proposal 6.1 15
Implementation Committee Proposal 6.2 15
Implementation Committee Proposal 6.3 15
Implementation Committee Proposal 6.4 15
Implementation Committee Proposal 6.5 15
Implementation Committee Proposal 6.6 15
The Role of the Standing Implementation Committee 16

Chapter One: Equal Access to Justice — Opening the Doors

Introduction 18

Interpreters 19

Quality Control in Court 19
An Interpreter Certification and Appointment Process—ORS 45.273 to 45.297 19
The Legal Requirements 19
The Testing Program. 19
The Code of Ethics 19
The Training Program 20
Interpreter Fees 20
Jury Instructions 20
Implementation Committee Proposal 1.1 20
Contacts 20
Quality Control in Administrative Hearings 21

A Preference for Cerfified Interpreters—Senate Bill 864 21
Implementation Committee Proposal 1.2 22
Expanding The Explicit Provision of Interpreters 22
The Problem 22
Court-Annexed Arbitration and Mediation 22
Juvenile Proceedings 23
The Solution—Senate Bill 865 23
Implementation Committee Proposal 1.3 24
Other Language Services 24
The Spanish Language Legal Network Directory 24
The AT&T Language line 24
Implementation Progress "At a Glance" 25
Translations 26
Commonly Used Court Forms 26
The Forms 26
Translation Obstacles 28
No Certifying Process 28
ORS 1.150 28
Translation Strategy — Implementation Committee Proposal 1.4 28
Centralized Translation Effort 28
Reading Level — Eighth-Grade 29
Format - Dual Language Forms 30
Languages 30
Forms 30
The Future of the Courts — Judicial Kiosks and OJIN 31
Translation Methods and Associated Costs 31
Professional Translation Service 31
Certified Court Interpreters 31
Bilingual Attorneys, Members of the Public and College Interns 32
Language Professors 32
Translating Court Signs 32
Implementation Status 32
Implementation Committee Proposal 1.5 32
Court System and Processes - Creating a More "User-Friendly" Court 33
General Information Regarding the Court System and Its Processes 33
Task Force Recommendation 2-1 33
The Implementation Status 34
Implementation Committee Proposal 1.6:
A Specific Blueprint for an Informational Booklet 34
Models from Oregon and Other Jurisdictions 34
The Corresponding Videotape 35
The Workers' Compensation System 36

Task Force Recommendation 6-3 36
Implementation Status — Senate Bill 867 36
Implementation Committee Proposal 1.7 37
Oregon State Bar's "Tel-Law" Service & Other Informational Material 37
Task Force Recommendation 6-2 37
The Implementation Status 37
Implementation Committee Proposal 1.8 38
Other Informational Resources 38
The Oregon State Bar's Lawyer Referral Service (LRS) 38
Implementation Committee Proposal 1.9 38
Oregon Legal Services' Translated Informational Booklets 38
The Campaign for Equal Justice 38
The Oregon Department of Justice 38
Portland Police Bureau's Domestic Violence Unit 38
Implementation Progress "At a Glance" 40
Public Education 41
Public Education Efforts 41
The Office of the State Court Administrator 41
The Oregon State Bar 41
Oregon State Bar New Lawyers Division 42
Asian-Pacific American Lawyers Association. 42
The Street Law Program of Northwestern School of Law of Lewis & Clark College 42
The People's Law School of the University of Oregon School of Law 42
Implementation Progress "At a Glance" 42

Chapter Two: The Criminal Justice System — An Issue of Public Trust

Introduction 44
Decisions Made Before Trial 45
Arrest and Detention 45
Cross-Cultural Training for Police Officers 45
Task Force Recommendation 4-1 45
The Implementation Status 45
The Board on Public Safety Standards and Training 45
The Operating Philosophy 46
The Courses 46
The Future 46
The Department of State Police 47
The Operating Philosophy 47
The Latin American Law Enforcement Association (LALEA) 47
Charging Decisions 47

The Development of Uniform Charging Standards 47
Task Force Recommendation 4-4 47
The Implementation Status 48
Implementation Committee Proposal 2.1 48
Pretrial Release Decisions 48
Amend the Pretrial Release Criterion in ORS 135.230(9) 48
The Pretrial Release Process — ORS 135.230 to 135.295 48
Task Force Recommendation 4-7 49
The Implementation Status 49
Implementation Progress "At a Glance" 50
Decisions Made At Trial 51
Conduct of Trial 51
Judges Should Refer to Race Only When Necessary to the Disposition of the Case 51
Task Force Recommendation 4-8 51
The Implementation Status 51
Sentencing 51
The Sentencing Guidelines Board Should Consider Amending the Guidelines to Establish a Five-Year Sunset Period for Consideration of Prior Criminal History 51
Oregon's Sentencing Guidelines 51
Task Force Recommendation 4-11 52
The Implementation Status 52
Implementation Progress "At a Glance" 53
Decisions Made At Prison 54
Imprisonment 54
The Entrance Requirements of the Department of Correction's Educational, Vocational and Treatment Programs Must Be Race Neutral 54
Task Force Recommendation 4-14 54
The Implementation Status 54
The Treatment Programs 54
The Educational and Vocational Programs 55
The Future — Ballot Measure 17 (The Prison Reform and Inmate Work Act of 1994) 55
Implementation Committee Proposal 2.2 56
The DOC's Minority Affairs Council 56
Implementation Progress "At a Glance" 56
CHAPTER THREE: THE JUVENILE JUSTICE SYSTEM — MINORITY YOUTH ARE OVERREPRESENTED
Introduction 58
Improving the System 59
The State Commission on Children and Families 59
Maintaining the Progress in Addressing the Overrepresentation Problem—

Phase I and II Efforts 59
Task Force Recommendation 5-1 59
The Implementation Status 59
The Commission's Phase I Efforts 59
Lane County — The Minority Youth Advocacy Program 60
Marion County — Minority Initiatives Program: Cultural Competency Criteria .. 60
Multnomah County — Parole Transition Project 60
The Commission's Phase II Efforts 60
The Process Evaluation 61
The Impact Report 61
The Three New Demonstration Projects 61
The Cultural Competency Training Program 62
The Data Collection Systems Plan 62
The Native American Pass Through Initiative (NAPTI) 62
Other Related Efforts 62
Ballot Measure 11 62
Senate Bill 1 63
Multnomah County Juvenile Detention Alternatives Initiative 63
List of Culturally Competent Juvenile Experts 63
Implementation Committee Proposal 3.2 64
Implementation Progress "At a Glance" 64

Chapter Four: A Representative and Culturally Competent Justice System — The Cornerstone of Equality

Introduction 66
Law Schools 67
Enlarging the Pool Of Qualified Oregon Minority Attorneys 67
Increasing the Interest in a Legal Career Among Oregon Minorities 67
The Classroom Law Project 67
Oregon State Bar New Lawyers Division 68
The Oregon State Bar's (OSB) Youth-At-Risk Internship Program 68
The Three Oregon Law Schools 68
Northwestern School of Law of Lewis & Clark College (Northwestern) 69
1993 Pre-Law Conference For Portland's Ethnic Minority High School Students .. 69
Participation at Minority Career Symposiums 69
The Summer Law Camp 69
The Street Law Course 69
The University of Oregon School of Law (UOSL) 70
Minority Graduate Program Career Fair 70
The Undergraduate Mentoring Program 70
The People's Law School 70
Summer Community College Classes 70
Undergraduate Courses Taught by Law Professors 70

Willamette University College of Law (Willamette) 70
General Efforts 70
Project Summit - A Program to Encourage Hispanic Youth to Pursue a Legal Career 70
Recruiting Bilingual and Minority Law Students 71
Northwestern School of Law of Lewis & Clark College (Northwestern) 71
Recruitment 71
Scholarships 71
The University of Oregon School of Law (UOSL) 72
Recruitment 72
Scholarships 72
Willamette University College of Law (Willamette). 72
Recruitment 73
Scholarships 73
The Oregon Law Foundation's Minority Law Student Scholarship Program 73
Graduating Prepared and Culturally Competent Law Students — The Oregon Law Schools 74
The Academic Support Programs 74
Northwestern School of Law of Lewis & Clark College (Northwestern) 74
The Summer Institute 75
The First Year AEP 75
The Bar Support Program 75
The University of Oregon School of Law (UOSL) 75
The Summer Orientation 75
The Academic Support Component 76
Willamette University College of Law (Willamette) 76
The Three-Day Summer Orientation 76
The Traditional Academic Support Program (ASP) 76
The Academic Circles Program (ACP) 76
The Mentoring Programs 77
The Oregon State Bar (OSB) 77
Oregon Women Lawyers (OWLS) 77
Northwestern School of Law of Lewis & Clark College (Northwestern) 77
The University of Oregon School of Law (UOSL) 77
Willamette University College of Law (Willamette) 77
Institutionalizing Cultural Awareness 78
Implementation Progress "At a Glance" 79
The Work Force 82
A Culturally Diverse & Bilingual Work Force 82
Oregon State Bar's Minority Law Student and Attorney Employment Programs 82
The Diversity Task Force 82
The Minority Law Student First Year Honors Program 83
The First-Year Minority Clerkship Program. 83
The Public Honors Fellowship Program 83
The Professional Partnership Mentoring Program 83

The Minority Attorney Employment Project 83
The Commitment of Oregon's Legal Employers 84
Participation in the Bar's Minority Law Student Employment Programs 84
Participation in the Black Law Students Association (BLSA) Northwest Regional Job Fair 84
Sponsorship of Northwest Minority Job Fair 85
The Bar's Youth-At-Risk Internship Program 85
Pledge to Increase Diversity by Nine of Portland's Largest Law Firms 85
Implementation Committee Proposal 4.1 85
Implementation Committee Proposal 4.2 — The Demand Side Approach 86
The Minority Counsel Demonstration Project (the Project) 86
The City of Portland — An Example of a Demand Side Initiative 87
Oregon's Effort 87
The Judicial Department 87
Hiring 87
Education 88
Implementation Committee Proposal 4.3 88
The Judiciary 88
Related Publication 88
Law Enforcement Agencies 89
The Department of Corrections 89
Culturally Competent Staff 90
Cross-Cultural Education 90
The Judicial Department 90
The Oregon State Bar 91
The Judiciary 92
The Oregon Judicial Department 92
The American Inns of Court 92
The National Judicial College 93
Other Judicial Education Organizations 93
Law Enforcement Agencies 93
The Department of Corrections 93
Two Related Publications 93
Federal Judicial Center, Diversity in the Courts: A Guide for Assessment and Training 93
Metropolitan Human Rights Commission, Road Map for the Journey Toward Diversity — A Diversity Training Resource Guide 94
Implementation Committee Proposal 4.4.— Cultural Diversity Training In Private Law Firms 94
Professional Standards 94
The Oregon Code of Professional Responsibility for Lawyers 95
The Oregon Code of Judicial Conduct 95
Implementation Progress "At a Glance" 96
Professional Groups 100

Improving the Diversity of Professional Organizations 100
The Minority Lawyer Associations 100
The Lane County Bar Association 101
The Multnomah Bar Association 101
Oregon Criminal Defense Lawyers Association 101
The Oregon State Bar 101
Oregon Women Lawyers 102
Implementation Progress "At a Glance" 103

Chapter Five: Staying Vigilant Against Bias — A Need For Ongoing Oversight

Introduction 106

Maintaining Momentum 107

The Need for a Standing Implementation Committee 107
Task Force Recommendation 1-1 107
The Implementation Status 107
Implementation Committee Proposal 5.1 — A Standing Implementation Committee 107
Implementation Progress "At a Glance" 108

Data Collection Needs 109

The Criminal Justice System 109
Task Force Recommendations 4-3, 4-5, 4-6, 4-9, 4-10, 4-12 and 4-13 109
Implementation Status 109
Senate Bill 866 109
Sentencing Guidelines — The Need for More Data 110
House Bill 2704 110
Implementation Committee Proposal 5.2 110
Uniform Judgment and Pretrial Release Forms 111
Implementation Committee Proposal 5.3 111
Felony Guidelines Sentencing Report Form 111
Uniform Sentencing Judgment System 111
The Future — Establish a Working Group to Coordinate Data Collection Efforts 112
The Civil Justice System 112
Task Force Recommendation 6-6 112
Implementation Status 113
Clarification of Purpose 113
Civil Action Data Form 113
Implementation Progress "At a Glance" 114

Complaint Procedures 115

The Appointment of an Ombudsperson 115
Recommendations 3-7 and 3-8 115
Implementation Status 115
Implementation Committee Proposal 5.4 — The Appointment of One Ombudsperson 115
The Three Formal Complaint Mechanisms for Discriminatory Acts 116
Judges — The Commission on Judicial Fitness 116
Lawyers — File An Ethics Complaint with the Oregon State Bar 116
Oregon Judicial Department Employees — File A Discrimination Complaint with the Judicial Department Personnel Director 116
Implementation Progress "At a Glance" 117

Chapter Six: Minorities and Jury Service — The Goal: A Jury of One's Peers

Introduction 120
Compiling Jury Pools 121
The Jury Master Source List 121
The Master Source List 121
Task Force Recommendations 7-1 and 7-2 121
The Implementation Status 121
The Jury Summons Process — Creating an Atmosphere of Compliance 122
The Summons Process 122
The Problem: An Atmosphere of Leniency 122
Task Force Recommendations 7-5 and 7-6 123
The Implementation Status 123
Implementation Committee Proposal 6.1 123
The Jury Experience — Jury Service Should Be Easier and More Rewarding 124
Length of Jury Service 124
Task Force Recommendation 7-3 124
One-trial/One-day Jury Service 125
The Implementation Status 125
Juror Compensation 125
Task Force Recommendation 7-4 125
The Implementation Status 125
Implementation Committee Proposal 6.2 125
A Public Education Effort Regarding Jury Service — Motivating Service 126
Recommendation 7-7 126
The Implementation Status 126
Implementation Committee Proposal 6.3— A Short Public Service Announcement for Radio 126
Implementation Progress "At a Glance" 128

Jury Selection 129
The Juror's Duty To Disclose Bias 129
Juror Orientation 129
Task Force Recommendation 7-8 129
The Implementation Status 129
Oral Orientation 130
The Oregon State Bar's "Handbook for Jurors." 130
The State Court Administrator's Juror Orientation Videotape 130
Implementation Committee Proposal 6.4 and 6.5 130
"Handbook for Jurors" (IC Proposal 6.4) 130
The SCA's Video Orientation — Postpone Update (IC Proposal 6.4) 130
Voir Dire 131
Task Force Recommendations 7-9 and 7-10 131
The Implementation Status 131
Implementation Committee Proposal 6.6 132
The Jury Selection Process — The Oregon Rules of Civil Procedure 132
Challenge for Cause 132
Task Force Recommendation 7-11 133
The Implementation Status — Senate Bill 868 133
Peremptory Challenges 133
Task Force Recommendation 7-12 133
The Implementation Status — Senate Bill 869. 134
Implementation Progress "At a Glance" 135

APPENDICES

Appendix A 137
Appendix B 151
Appendix C 155
Appendix D 169