

THE OREGON SUPREME COURT
COUNCIL ON INCLUSION & FAIRNESS

Meeting Minutes

Date: Friday, March 19, 2021
Time: 1:00-3:00 PM
Location: Virtual only; WebEx

Members Present:	Hon. Adrienne Nelson (chair); Hon. Sheryl Bachart; Jim Belshe; Cathryn Bowie; Sophorn Cheang; Jeff Hall; John Haroldson; Helen Hierschbiel; Mariann Hyland; Ed Johnson; Kelly Mills; Kimberly Rockeman; Jessica Roeser; Gina Marie Stewart; Hon. Debra Velure
Members Absent:	Karen Lee; Hon. Melvin Oden-Orr; Rep. Tawna Sanchez
Presenter(s):	
Guest(s):	
Others Present:	Valerie Colas, OSCCIF Staff Counsel

The meeting was called to order at 1:02 PM.

WELCOME AND INTRODUCTIONS

Justice Nelson welcomed everyone. Check in with Council members (what are you looking forward to: What is going well, and it would be even better if?)

Congratulations to Sophorn Cheang on new position as the Director of Business Oregon. Sophorn shared that Shannon Singleton will be the new director of Diversity, Equity and Inclusion for the Governor's Office.

Justice Nelson acknowledged Cathryn Bowie for her work in making the law library accessible to incarcerated individuals. Valerie shared article highlighting Cathryn's work.

MINUTES

John Haroldson moved to approve the minutes from the November 2020 meeting. Mariann Hyland seconded the motion.

ACTION: Council members approved the minutes from November 2020 meeting.

PROPOSAL FOR OJD TO COLLECT RACE, ETHNICITY, AND GENDER DEMOGRAPHIC DATA

Presenters: Valerie Colas and Jessica Roeser

Materials: Proposal from Data Analysis Subcommittee

PRESENTATION:

- Justice Adrienne Nelson provided background on the need to collect race, ethnicity, and gender data. Also shared that there is a policy option package (POP) in the legislature to get funding for OJD to be able to collect this demographic information. Justice Nelson also acknowledged Jeff Hall for his work on this.
- Jessica Roeser shared the challenges that OJD has with its current ability to collect race, ethnicity, and gender data. The data that we have in our system is mostly observed data that comes from law enforcement agencies. Another challenge with Odyssey is that we do not have configurable options for race and ethnicity, and the options that are available are incomplete and ambiguous, so we have a lot of underrepresentation for white Hispanic and Native American individuals. The other challenge that complicates things even further is that violations from e-citation system is not correctly mapped, so we have a lot of over-representation for white non-Hispanic. So, if an officer writes Hispanic on the ticket there is not programming to accommodate to update Odyssey to white Hispanic.
 - We do not know about the quality of the data – we do not have a Business process or statewide effort to collect race and ethnicity data to enter this information or how to do so when there is ambiguity and it is not possible with Odyssey at this time.
 - We are having meetings with Tyler to see if we can get configurable race and ethnicity and gender options. And other Tyler customers are asking for this as well –they want it to be configurable to have their own drop-down options.
 - We have been collecting self-reported race and ethnicity data from Department of Correction (DOC) – we have an integration with them -- that is in our data warehouse. The decision that we need to make, if we want to start collecting this data from criminal cases, is how to use this (CJC also uses this data because it is a good source of information).
 - We would need to make the decision about whether to collect self-reported data and how to do so – what are the business processes for this.

- The Data Analysis subcommittee would be the one that helps with figuring out how to do this and provide the best practices. This would probably be a 5-month timeline to get this done. We would also include stakeholders in this process and find out other collection efforts that are taking place within OJD. For instance, specialty courts are also collecting race and ethnicity data.

DISCUSSION

- No further discussion.

ACTION: John Haroldson moved for OSCCIF to recommend that OJD develop and implement a policy to collect, retain, and use race, ethnicity, and gender demographic data. Seconded by Helen Hierschbiel. Approved.

EQUITY LENS

Presenters: Hon. Adrienne Nelson Valerie Colas

Materials: OJD Equity Lens

PRESENTATION:

- We have provided the draft of the document that Erin Pettigrew wrote. We have gotten input after we did a presentation from Presiding Judges in January. And we also presented in webinars in February. Overwhelmingly, we got feedback that we should adopt an equity lens and that it would be helpful for our work at OJD from those who participated in the webinars and from the presiding judges.
- OSCCIF will be voting by email on this.
- Other states may want to use our Equity lens for their own – hoping to get as much feedback from Council members before this is finalized.

DISCUSSION

- John Haroldson noted that it is so much easier to address issues on equity when we have an audience that is receptive. Further noted that in discussing these issues and seeking feedback must be mindful that there are folks that have a strong opposition to applying an equity lens. And that we need to be mindful there may be challenges that we face that may dilute or derail the process. For instance, the concept of diversity of thought being offered as an interesting concept but it shifts the discussion from people to the process.
- Jim Belshe shared that the trial court administrators did receive the equity lens and that it was time for us to start on this effort even if there are some who are not ready yet.

SUBCOMMITTEE AND WORK GROUP UPDATES

COVID-19 Equity Lens Work Group

Presenters: Valerie Colas

Materials: See above re: Equity Lens discussion

PRESENTATION:

- See presentation above. We have had two meetings for this work group. The next step is for the work group to meet to review the feedback that Valerie has gathered and to finalize the document for OSCCIF to vote on.

DISCUSSION:

- None

Community Engagement Subcommittee

Presenters: Valerie Colas and Hon Adrienne Nelson

Materials: None

PRESENTATION:

- The committee has not met recently. There is a smaller work group working on an update to the Access and Fairness Survey to include questions about remote hearings and use of the website. The members of that work group are: Hon. Debra Velure, Hon. Melvin Oden-Orr, Hon. Eva Temple, Kelly Mills, Conor Wall, and trial court administrator Trina Swaja. We last presented on the results of the Access and Fairness survey for 2020 at the November meeting of OSCCIF. The Access and Fairness survey was developed by OSCCIF and is a key performance measure for OJD.
- The work group expects to complete the update by June or July 2021. The next meeting is March 25 at noon.

DISCUSSION:

- None

Data Analysis Subcommittee

Presenters: Valerie Colas

Materials: None

PRESENTATION:

- No additional updates aside from the proposal presented for a policy to collect race, ethnicity, and gender data. Once we get the approval of Chief Justice Walters and State Court Administrator Cozine, the subcommittee will start on its

work plan and engaging with various stakeholders in addition to Minnesota, which is already collecting this information.

DISCUSSION:

- None.

Workforce Development Subcommittee – Gender Neutral and Lactation Facilities in Courthouses

Presenters: Valerie Colas

Materials: None

PRESENTATION:

- This work group/subcommittee has been on hold due to Valerie working on other committees. This work group/subcommittee will be started up again with the participation of stakeholders.

DISCUSSION:

- None

UPDATES ON OJD STRATEGIC CAMPAIGN INITIATIVES AND OTHER PROJECTS

OJD Strategic Campaign Initiatives 2.1 and 4.1

Presenter: Valerie Colas

Materials: Strategic Campaign 2020 Two-Pager

PRESENTATION:

Initiative 2.1 – We will launch and participate in collaborative initiatives to better serve self-represented litigants throughout the state.

(Team: Valerie Colas and Nanci Thaemert – Co-Leads; Erin Pettigrew – Executive Lead; Judge Jenefer Grant and Judge Maureen McKnight – Judge Sponsors; Tina Qualls – Trial Court Administrator Sponsor)

- This initiative is still moving forward. Ongoing projects are the self-represented litigant legal portal, legislative concepts, and POP for facilitators, developing Title-IV program to get federal reimbursements for child support cases. Judge Maureen McKnight is helping tremendously with this initiative.

Initiative 4.1 – We will provide judges and staff with ongoing education and training in the areas of diversity, equity, and inclusion. (There is another similarly related initiative to provide training to court security personnel – Initiative 4.2).

(Team: Valerie Colas – Lead; Kimberly Rockeman – Executive Lead; Judge Darleen Ortega – Judge Sponsor; Barb Marcille – Trial Court Administrator Sponsor)

- We are continuing with the webinar series called Conversations on COVID-19, Protests, and Moving Forward.
- We have held a Black History webinar and Equity Discussions webinar. At our upcoming webinar, Kim Rockeman will be helping with introducing Blake Dye, who will be our new Equity and Engagement HR manager working of the equity, diversity, and inclusion efforts for OJD.
- We have also invited judges and staff to engage in the ABA-Wide 21-Day Racial Habit-Building Challenge. Valerie will forward the link to members.
- We are moving forward with our pilot project with Massachusetts court to provide their Signature Counter Experience training. They will be providing the training virtually in June and July for Marion County Circuit Court.
- We participated in the first Oregon Legal Diversity Fair in March. We also held an informational session on judicial clerkships for law students with our appellate and tax court judges.
- In September we launched a self-learning SharePoint site and we have had over 3,000 site visits since that time.

DISCUSSION

- None

Community Outreach with Yamhill County Circuit Court

Presenter: Valerie Colas and Hon. Adrienne Nelson

Materials: None

PRESENTATION:

- Presiding Judge Cynthia Easterday invited Justice Nelson and Valerie Colas to present on OJD’s statewide efforts relating to equity, diversity, inclusion, and racial justice. It was on February 18 and included a local judge (Judge John Collins) and a tribal court/municipal court judge (Judge Cynthia Kauffman Noble) to share information about local efforts. We were able to use the community outreach toolkit as a resource.

- Jude Easterday created a Racial Justice Committee with the local county bar and the court, and they will continue to engage in outreach efforts in their community.

DISCUSSION

- None.

EDI and OSCCIF Presentation to presiding judges and Behavioral Health Advisory Committee

Presenter: Valerie Colas and Hon. Adrienne Nelson

Materials: None

PRESENTATION:

- Justice Nelson and Valerie Colas have done various presentations both for OJD and other organizations. The webinars include a presentation of the Equity Lens to the presiding judges and an equity discussion with judges and staff. In addition, we presented on the work of OSCCIF to the Behavioral Health Advisory Committee's Procedural Fairness Subcommittee.

DISCUSSION

- None.

THE GOOD OF THE ORDER

- OSB Convocation on Equality is November 5, 2021. The conference will be virtual with the possibility of some in-person events. Valerie Colas sent an email asking members to volunteer if they were able to participate in a subcommittee.
- Next meeting in May 2021.