Office of the Ombudsman Policies/Procedures & FAQs

Purpose

The primary purpose of the Office of the Ombudsman is to improve the performance of Oregon judges through education, training, coaching, and accountability. It is a confidential and neutral place where people can share their comments or concerns about their experiences in court. The information provided by the public helps us improve our courts and provides better experiences for others in the future.

Authority

Oregon law (ORS 1.011) gives the Chief Justice of the Supreme Court the power to create an Ombudsman's Office. This office can receive and respond to questions, comments, and concerns about court experiences. It can also recommend plans to help judges improve through mentoring, coaching, and education.

Mission Statement

The Office of the Ombudsman is a confidential and neutral resource for the public to share comments and concerns about their experiences in court. The goal of the office is to promote trust and confidence in the judicial branch by improving communication about court processes and providing judges with confidential feedback, coaching, and education to enhance judicial performance.

Guiding Principles

- **Confidentiality:** We protect the privacy of people who share concerns and the judges who receive coaching or mentoring.
- **Neutrality:** We listen to all sides, gather information fairly, and give balanced feedback to judges. We do not try to influence the result of any court case.
- **Accessibility:** We make it easy for people to share concerns about their experience with a judge.
- **Accountability:** We support continuous improvement for judges through education, training, and mentoring.
- **Respect and fairness:** We treat everyone with respect and encourage positive communication between the courts and the public.
- **Integrity and transparency:** We are honest and clear about our role and what we can or cannot do.

What the Ombudsman's Office Does

- Listen to concerns about judges.
- Research concerns to see whether a judge may benefit from coaching, mentoring, or other support.
- Help court users understand court processes.
- Guide people to the right resources when the office cannot assist.
- Track patterns of concerns to help improve judicial performance statewide.

What the Ombudsman's Office Does NOT Do

- Provide legal advice or represent anyone.
- Intervene in a case or change a judge's decision.
- Handle concerns about attorneys
- Handle concerns about court staff or court buildings.
- Handle concerns about agencies or courts outside the Oregon Judicial Department.

Submitting a Concern

Submit your concern using the online intake form on our website. Only concerns submitted using this form will be reviewed. If you cannot use the form, call the Ombudsman's Office at 503-986-5918 for help. If needed, the office will mail you a paper form as an exception or an ADA accommodation. Any concerns received by regular mail without approval will not be reviewed or retained.

What happens next:

After you submit your concern, you will receive a confirmation message with a reference number. Keep this number. If you provide your contact information, we will use the **reference number** when communicating with you.

1. **Do I have to provide my contact information?** No. But we may need it to ask follow-up questions or to share helpful information.
2. **If I do provide my contact information, is it kept confidential?** Yes. We protect your information as much as the law and the rules of the office allow.

   a. Sometimes we may need to share it with certain Oregon Judicial Department staff who help address concerns. We will only share it with those who need to know.
   b. We will protect your identity unless you choose to waive confidentiality.
3. Every concern goes through an intake review. The Ombudsman decides whether to accept it for further review based on the information provided.
4. If we cannot assist, we may suggest another resource.
5. If your concern is accepted, the Ombudsman will review it. This may include reading court files, listening to court recordings, or speaking with witnesses. We may also ask you for more information.
6. If the concern is supported by what we learn, the Ombudsman may recommend education, training, coaching, or mentoring for the judge.
7. These recommendations are not disciplinary, so any training, coaching, education, and mentoring for judges will remain confidential.
8. If a judge does not follow the Ombudsman's recommendations, the Ombudsman may refer the matter to the Chief Justice. The Chief Justice may then make a referral to the Commission on Judicial Fitness and Disability. That referral is not confidential, but the supporting materials from the Ombudsman are.

Data and Reporting

The Ombudsman's Office values the privacy of people who raise concerns and the judges who receive mentoring or training.

The office collects anonymous information to show how the program is working. The Ombudsman may share general information with the public but will always protect private details about individual cases.

The Ombudsman looks for patterns in submissions. For example, if many concerns relate to the same area of law, the office may recommend training for judges or improvements to court policies.

At a minimum, the Ombudsman will publish:
• The number of concerns submitted
• The number accepted for review
• The number that result in training, mentoring, coaching, or other improvement
• The completion rate for judges who receive training or coaching
• The average time to respond and resolve cases

The Ombudsman may also share other non-confidential information as needed.

Frequently Asked Questions (FAQs)

Q: I need assistance from an interpreter to complete the intake form. Is there an option for that?

A: The online intake form includes a section where you can request an interpreter. It also provides instructions for changing your browser's language settings, if needed. You may complete the form in your preferred language; it will automatically translate into English when submitted. Please still indicate which language you need an interpreter for, so we can arrange one if we need to contact you by phone. You may also call our office at 503-986-5918 for assistance.

Q: What if I need ADA accommodations to complete the form?

A: The online intake form has a link to an ADA assistance form. You may also call our office at 503-986-5918 for assistance.

Q: Do I need to answer all the questions on the intake form?

A: No. There are only three required fields. All the other fields are optional, but the more information you provide to us the easier it will be for us to research your concern.

Q: Why are there so many other questions on the intake form?

A: We ask for information to help us research your concern and to gather information for training and educational purposes. Information that you provide about a concerning experience you had in a court proceeding may help us improve the experience of others who appear in that judge's courtroom and other courtrooms around the state.

Q: Do I have to provide my contact information?

A: No. But we may need to contact you if we need more information about the concern you submitted. We may also want to contact you to explain court processes or share resources that might be helpful to you.

Q: If I do provide my contact information, is it kept private?

A: Your name and contact information will be kept private. Confidentiality is one of the guiding principles of our office. We respect the privacy of those who submit concerns and the privacy of those who have concerns submitted about them. We will keep both parties' information confidential and exempt from public disclosure to the greatest extent permitted under the law and the rules of the office.

Q: Can you give me an example of when you might need to share my information?

A: We may need to share your information with Oregon Judicial Department staff who must know, so they can help resolve your concern. We take your privacy seriously and will protect your identity to the fullest degree possible, *unless you waive confidentiality.*

Q: What can I expect after I submit my concern?

A: When you submit your concern using the online intake form you will immediately get a confirmation receipt. It will include a reference number**.** Please save the reference number.

Q: What happens next?

A: We will review your submission to determine if it is something we can help with. After we review your submission:

- We **may** contact you if we need more information from you
- We **may** contact you to explain court processes to you
- We **may** contact you if the Ombudsman can't help, but we have useful information which may help you find assistance elsewhere
- We will **not** contact you to inform you about the outcome of your concerns or what education, mentoring, or training was recommended for a judge

Q: Why will I not be told the outcome of what I submitted or what education, coaching, or training was recommended for a judge?

A: The Ombudsman values the privacy of **all** individuals in the program. The identity of those seeking assistance from the Ombudsman and those who have things submitted about them is confidential. Further, the rules of the program direct that all records related to the Office are confidential. This is to ensure the privacy of everyone involved.

Q: What are the things you can't help me with?

A: We can't:

- Give legal advice or be your lawyer in court
- Change a judge's decision, an order in a case, or the result of a case
- Interfere with a case that is still going on
- Change a court date
- Change which judge you have
- Speed up a case
- Hear concerns about attorneys
- Hear concerns about court staff or court facilities
- Hear concerns outside the OJD (e.g., other courts, agencies, or government offices)

Q: Why can't the Ombudsman consider a concern about an open case?

A: The Ombudsman cannot change the outcome of a case or argue about a judge's legal decisions. Because of this, cases must be completely finished before they can be reviewed by the Ombudsman.

Q: What is considered an "open case"?

A: Whether your case is open depends on the type of case it is. In family law cases, such as parenting or custody, the case is open until the judge makes a final decision about custody. In criminal cases, the case is open until the person is convicted or the case is dismissed.

At times, you may still need to go to court even if your case is no longer open. *If you are unsure about the status of your case, contact the Ombudsman's Office and they can tell you whether they are able to help.*

Q: If I submit a concern about a judge and you determine that it needs to be addressed, what will you do?

A: The Ombudsman may, at their discretion, recommend education, training, coaching, or mentoring to the judge.

Q: What if a judge refuses to follow the Ombudsman's recommendations?

A: If a judge refuses to follow the Ombudsman's recommendations, the Ombudsman may report this to the Chief Justice. The Chief Justice may then decide to send the issue to the Judicial Fitness Commission.

Q: What is the difference between the Commission on Judicial Fitness and Disability versus the Ombudsman?

A: The Commission on Judicial Fitness and Disability investigates claims that a judge has broken the Code of Judicial Conduct. These are rules all judges must follow, and they can be disciplined for not following them.

The Ombudsman's job is different. ***The Ombudsman does not discipline judges***. Instead, they help judges improve through education, coaching, and training.

Q: What if I want to submit a concern about someone who is not a judge?

A: The Ombudsman can only help with concerns about judges.

- For concerns about an attorney, contact the Oregon State Bar.
- For concerns about other agencies, contact that agency.
- If your concern is about court staff or court facilities, contact the Trial Court Administrator's office at the court.