

# The Oregon Supreme Court Council on Inclusion & Fairness

## Meeting Minutes

Date	Time	Location
September 16, 2016	1:30 pm to 4:00 pm	The Oregon Room 1133 Chemeketa St NE Salem, OR 97301

Members		
Justice Richard C. Baldwin Jeff Hall Leola McKenzie Tawna Sanchez Serena Stoudamire-Wesley*	Lane Borg John Haroldson Kelly Mills Bonnie Savage Hon. Eva J. Temple	Hon. Oscar Garcia Helen Hierschbiel Hon. Adrienne Nelson Janet W. Steverson Angelica R Vega
<b>Others Present</b>		*not present
Chief Justice Thomas Balmer Kingsley Click, State Court Administrator Daniel Parr, OJD Office of Education, Training and Outreach Ed Alletto, OSCCIF Staff		

## Agenda

<b>Welcome</b>	<b>Justice Baldwin</b>
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Role & Charge of OSCCIF	Chief Justice Balmer
<p>The Chief welcomed and thanked the Council, both those who are fellow members of OJD and those who are joining us from outside the Department. He pointed to the <a href="#"><i>Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System</i></a> (1994) as evidence of the great accomplishments of the Access to Justice Committee (OSCCIF's predecessor) and an indication of the important work that remains to be done.</p> <p>In 2008, that work was interrupted by severe budget cuts and layoffs that resulted in the loss of staff support and the suspension of the Access Committee. The budget picture is still challenging, but it is now possible to resume the work of the Committee.</p> <p>Though the Committee's work was suspended, OJD has been able to make progress toward its inclusion and fairness goals. For example, there have been judicial education sessions on the topics of implicit bias, procedural fairness and the over representation of some groups in the criminal justice system. Multnomah County recently held a listening session during which members of the community were able to speak directly to their judges.</p> <p>OSCCIF is an opportunity to institutionalize OJD's efforts to improve inclusion and fairness. We see inequality in our society and in our courts. This is not a surprise. OSCCIF will bring outside perspectives that will help us see beyond what we ourselves can see. OSCCIF will help OJD identify and speak to its own biases and, ultimately, to get around them. OSCCIF will be a means by which OJD can coordinate with its partners in the justice system to do this work.</p> <p>The Chief looks forward to working with the Council. Though he cannot commit to accepting all of the Council's recommendation's, he promised to consider them and welcomes the Council's help in making sure that there is less bias and less discrimination in Oregon's courts, that OJD follows the law and that everyone is treated fairly.</p>	

## Introductions

Leola

Using a penny as a prompt, each person briefly described:

- Their current job
- Their background, and
- Something about what was going on in his or her life during the year their penny was minted

## Inclusion & Fairness: Why is this work important to you?

Leola

This part of the meeting was an individual and small group exercise designed to help those present explain to each other why inclusion and fairness work is important to them.

1. Each person took about 2 minutes to think about the question.
2. The group broke into pairs and each person explained their response to their partner.
3. Each pair joined with another pair and each quartet continued the discussion.
4. A member of each quartet described their discussion to the larger group.

## OJD Access to Justice History

Kelly

The attached slides were posted on the wall of the meeting room in chronological order. Kelly briefly reviewed them and participants were invited to browse them before, during and after the meeting.



OJD Access to  
Justice Timeline 9.201

## OSCCIF Proposal & Structure

Justice Baldwin

- Structure
  - OSCCIF is a permanent council
  - Member terms are 3 years and are staggered to maintain continuity
  - The Council steering committee (for the near term):
    - Plans and coordinates meetings
    - Members: Justice Baldwin, Leola McKenzie and Kelly Mills
  - Council subcommittees
    - Meet between Council meetings
    - Focus on specific issues and work
    - Participation is open to non-Council members
    - Will make periodic reports to the full Council
- Council meetings
  - At some point they will be open to the public
  - It is anticipated that the Council will hold meetings around the state
- Ed Alletto provides staff support to the council (as outlined on page 11 of the Proposal to Establish OSCCIF)

## Discussion

**Goal — Select 2 to 3 subcommittees and appoint members**

This discussion followed the 1-2-4-All process:

1. Each person took 2 minutes to answer the question “If we had 2 subcommittees what would they be?” and wrote their 2 subcommittee ideas on a 3x5 card.
2. Members broke into pairs and selected 2 subcommittee ideas to pass on to the next step.
3. Each pair joined with another pair and, by consensus, each quartet selected 2 subcommittee ideas.
4. The whole council reconvened and heard reports from each quartet.
5. Ideas were combined or clarified and the list was narrowed to 3 subcommittees
6. Each council member was asked to volunteer for at least one subcommittee

## Conclusions

**The Council will consider the following potential subcommittees:****Data Analysis**

- Develop the means to use data to accurately measure the impact of the court system on traditionally under represented communities
- Evaluate available data for accuracy
  - Examples:
    - Disproportionality in sentencing
      - Hispanic people can be listed as white, Hispanic or indigenous therefore they are likely underrepresented in reported data.
    - One person's ethnicity changes in different systems
      - An officer can determine a person's ethnicity by guessing, asking the person or consulting other sources
    - OJD eCourt ethnicity fields are often blank
  - Identify future data needs
    - Examples:
      - Do jury pools over/under represent certain groups?
      - Look at the collateral consequences of:
        - Incarceration
        - Fines
        - Sentencing
      - Are there sentencing disparities by:
        - Race/ethnicity
        - Location
        - Judge
        - Others?
      - Are outcomes disparate?
  - Members
    - Lane Borg
    - John Haroldson
    - Leola McKenzie
    - Tawna Sanchez
    - Janet Steverson
    - Judge Eva Temple

**Community Engagement**

- Collect community feedback, perceptions and suggestions
  - Involve stakeholders on subcommittees
  - Hold Council meetings around the state
  - Invite community members to attend Council meetings
  - Invite community members into courthouses
- Use community feedback to:
  - Develop judge & staff training
    - Include pipeline programs (ex. law schools)
  - Address procedural fairness
    - Example: After leaving the courthouse, do court users:
      - Understand what happened and what it means for them

- Know what they must do next
  - Feel heard
  - Feel the process was fair
- Aid decision making
- Members
  - Judge Oscar Garcia
  - Leola McKenzie
  - Kelly Mills
  - Judge Adrienne Nelson
  - Daniel Parr
  - Judge Eva Temple
  - Angelica Vega

**Workforce Development**

- Recruitment, retention and promotion
  - If the community does not see itself represented, then the community loses trust in the institution
- Education
  - OJD staff are the public face of the court system
  - Provide locally based education opportunities for all courthouse workers
  - Develop topics based on community feedback (see Community Engagement subcommittee)
- Members
  - Justice Richard Baldwin
  - Helen Hirschbiel
  - Leola McKenzie
  - Judge Adrienne Nelson
  - Bonnie Savage

Action Items	Person(s) Responsible	Timeline
Organize conference calls for each subcommittee	Ed	ASAP
Hash out proposed subcommittee charge/goals/objectives and prepare a report for the December Council meeting	Members of each subcommittee	12/16/2016

Calendar			Ed
Members are encouraged to forward information about relevant events to Ed so he can share them with the Council and add them to the calendar.			
Event	Date & Time	Location	Contact
OSCCIF Winter Meeting	12/16/2016 1:00 pm to 4:00 pm	Oregon State Bar Center 16037 SW Upper Boones Ferry Rd Tigard, OR 97224	Ed 503-929-9627
OSCCIF Spring Meeting	3/17/2017 1:00 pm to 4:00 pm	TBD	Ed
OSCCIF Summer Meeting	6/16/2017 1:00 pm to 4:00 pm	TBD	Ed