

PROPOSAL TO ESTABLISH THE

# **Oregon Supreme Court Council on Inclusion & Fairness (OSCCIF)**



December 2015

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# Proposal to Establish the Oregon Supreme Court Council on Inclusion & Fairness (OSCCIF)

## **BACKGROUND**

At the request of Justice Richard Baldwin, Chief Justice Thomas Balmer approved the formation of a small, ad hoc committee to examine reactivating, in some form, the Oregon Judicial Department (OJD) Access to Justice for All Committee (Access Committee). The Access Committee, established by Chief Justice Wallace Carson in 1997, was suspended in 2009 due to budget cuts. The following judges and staff served on the ad hoc committee:

- The Honorable Richard Baldwin, Oregon Supreme Court - *chair*
- The Honorable Cheryl Albrecht, Multnomah County Circuit Court
- The Honorable Oscar Garcia, Washington County Circuit Court
- Leola McKenzie, Juvenile & Family Court Programs Division (JFCPD) - *co-chair*
- Kelly Mills, Court Language Access Services (CLAS)
- Daniel Parr, Office of Education, Training and Outreach (OETO)
- Yvette Tamamoto CLAS - *staff*

Chief Justice Balmer directed the ad hoc committee to:

1. Determine the current status of OJD's access and fairness activities related to racial and ethnic fairness, gender fairness, and access to state courts for people with disabilities;
2. Investigate opportunities for the OJD to coordinate with the Oregon State Bar's (OSB) related initiatives;
3. Identify state and national initiatives, trends, or practices related to access to justice and the National Consortium of Racial and Ethnic Fairness initiatives;
4. Examine the lessons learned from the past OJD Access Committee; and
5. Make recommendations for a future OJD committee name, structure, and mission, along with a slate of potential members.

Chief Justice Balmer requested that the ad hoc committee not overlap efforts of national and state access to justice commissions focused on legal aid and pro bono services.

## **PRIOR OJD WORK ON ACCESS AND FAIRNESS**

The Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System, led by former Chief Justice Edwin Peterson, published its [report](#), in 1994. Soon after, former Chief Justice Wallace P. Carson Jr. established an Implementation Committee to describe implementation efforts, make additional proposals, and serve as a networking and coordinating entity. The Implementation Committee published its final [report](#) in 1996. The report recommended a Standing Implementation Committee to monitor and assist in implementing the Task Force recommendations to ensure the momentum continued. Chief Justice Carson established the 16-member OJD Access Committee in 1997. In addition to monitoring activities, the Access Committee supported efforts by the Supreme Court and Oregon State Bar (OSB) to assess gender fairness and access to state courts for people with disabilities. That work was documented in the following reports:

- [Report of the Oregon Supreme Court/Oregon State Bar Task Force on Gender Fairness](#) (1998)
- [Gender Fairness 2002: Implementation Status Report of the Oregon Judicial Department Access to Justice for All Committee](#) (2002)
- [Task Force on Access to State Courts for Persons with Disabilities](#) (2006)

The mission of the Access to Justice Committee from 1997-2009 was to:

- Pursue and coordinate implementations of the recommendations of the Task Force, the Oregon Supreme Court Implementation Committee, and the Oregon Supreme Court/ Oregon State Bar Task Force on Gender Fairness;
- To monitor and evaluate the progress and effectiveness of implemented reforms; and,
- To make recommendations for education, additional reforms, and study concerning gender fairness, access to justice for racial and ethnic minorities, and as otherwise directed by the Chief Justice.

## **AD HOC COMMITTEE ACTIVITIES: MAY – DECEMBER, 2015**

The ad hoc Committee invited OJD leaders and the OSB representatives responsible for inclusion and fairness activities to discuss the status of current efforts. The work group learned about activities, successes and challenges related to access and fairness in the years since the Access Committee disbanded. The table below summarizes information learned by the ad hoc committee and notes the committee’s conclusions and observations.

<b>Meetings &amp; Discussion Topics</b>	<b>Ad hoc Committee Observations</b>
<p> <b>July 2015</b></p> <ul style="list-style-type: none"> <li>• OJD Workforce w/Terrie Chandler, Director of Human Resource and Services Division (HRSD)</li> <li>• Terrie Chandler shared the following resources:               <ul style="list-style-type: none"> <li>○ Judicial Department Personnel Rule 1 (General)</li> <li>○ Judicial department Personnel Rule 5 (EEO)</li> <li>○ OJD Affirmative Action Report dated January 2015</li> <li>○ USDOJ EEO Utilization Report</li> </ul> </li> <li>• The National Perspective - Report from 2015 National Consortium of Racial &amp; Ethnic Task Forces Conference and promising trends and practices: Justice Baldwin and Kelly Mills</li> </ul>	<ul style="list-style-type: none"> <li>✓ There has been a reduction of resources for judicial and staff training, ie. inclusive work environment; impact on employee recruitment.</li> <li>✓ Data is not tracked on discrimination complaints made to HRSD</li> <li>✓ New York State Judiciary is a leader. The State of NY Chief Justice lobbied the legislature for Legal Aid funding and made a business case for equity (impacts of immigration on court systems; SRL).</li> <li>✓ Implicit Bias training is needed for all judges. A possible presenter is Dr. Rachel Godsil of New York.</li> <li>✓ Oregon was active in the 1990s and 2000s in improving judicial responses related to racial and ethnic issues. As one of the founding members of the Consortium for State Court Interpreter Certification, Oregon was a national leader.</li> <li>✓ The OJD has the opportunity to build on positive foundation.</li> </ul>

Meetings & Discussion Topics	Ad hoc Committee Observations
<p> <b>August 2015</b></p> <p><b>OJD Language Access w/ Kelly Mills</b>  <b>CLAS Program Manager</b></p> <ul style="list-style-type: none"> <li>• Title VI Civil Rights Act 1964 and Executive Order 13166, requires meaningful language access to court services. Continued federal funding depends on OJD language access compliance per authority of the US Department of Justice.</li> <li>• In May 2015, the Oregon Legislature passed a bill that provides interpreters for crime victims.</li> <li>• OJD does not provide spoken language interpreters for jurors selected for a panel (statutes do not allow interpreters in juror deliberations except when needed for ADA accommodations). OJD does provide spoken language interpreters for the orientation and voir dire processes. ASL interpreters are provided as part of the ADA.</li> <li>• In 2013 and 2014, the OJD implemented two State Justice Institute grants that provided funding to improve interpreter services, increase translations, and provide expanded interpreting services at court public counters.</li> </ul> <p><b>Oregon eCourt w/Daniel Parr</b>  <b>eCourt Communications and Outreach Manager, OETO</b></p> <ul style="list-style-type: none"> <li>• The eCourt Vision is to provide better access, better information, and better outcomes.</li> <li>• OJD is working to expand the number of uniform forms, available in interactive format (iForms).</li> </ul> <p><b>OJD Strategic Plan w/Leola McKenzie, Director, JFCPD</b></p> <ul style="list-style-type: none"> <li>• Justice 2020 documents from 1994 and 2001.</li> <li>• 2009-2013 and 2014-2019 OJD Strategic Plans</li> </ul> <p> <b>September 2015</b></p> <p><b>JFCPD Activities Related to Access and Fairness</b>  <b>w/ Leola McKenzie, Director, JFCPD</b></p> <ul style="list-style-type: none"> <li>• JFCPD received federal funding (CRB, JCIP, VAWA) which allowed training to continue in juvenile and family court programs, serving approximately 2000 participants (Judges, staff, volunteers, stakeholders...)</li> <li>• Related training topics included: overrepresentation of children and youth in juvenile court systems, implicit bias, Native American cultures and Tribal Courts. JFCPD brought National Council of Juvenile Court Judges (NCJFCJ) staff and judges to Oregon to provided diversity training and tools.</li> </ul>	<ul style="list-style-type: none"> <li>✓ In Oregon, 13% of the population does not use the internet.</li> <li>✓ iForms will be translated into various languages.</li> <li>✓ The Access Committee was <i>the</i> key mechanism from 1997-2009 to an OJD long-term commitment to inclusion and fairness.</li> <li>✓ The Access Committee leveraged the volunteer efforts of numerous attorneys, judges, legislators, and community leaders.</li> <li>✓ Training is incorporated throughout the OJD Strategic Plan, but it is not named as a stand-alone strategy.</li> </ul>

Meetings & Discussion Topics	Ad hoc Committee Observations
<p><b>Family Law w/Samantha Benton, Family Law Program Manager, JFCPD</b></p> <ul style="list-style-type: none"> <li>• More than 70% of family law litigants are unrepresented.</li> <li>• A family law analyst position &amp; support staff position were restored in 2014.</li> <li>• The OJD Family Law Program provides support for unrepresented litigants and vulnerable populations.</li> <li>• JFCPD is currently reviewing funding and service levels for court connected mediation programs.</li> <li>• A UCR draft rule has been developed to support “Unbundled Legal Services.”</li> <li>• Unrepresented trend is the provision of “Certified Legal Technicians” at the court... Washington state.</li> <li>• FAPA forms are being converted to i-Forms.</li> </ul> <p><b>Patti Tobias, Consultant, NCSC</b></p> <ul style="list-style-type: none"> <li>• Patti Tobias provided resources and recommendations for a council based on national trends.</li> <li>• The group reviewed two written resources, the NCSC Report: Establishing &amp; Operating a Task Force or Commission on Racial and Ethnic Bias in the Courts (1995) and the results of an informal NCSC 2015 compilation of 13 current Supreme Court commissions to address racial and ethnic fairness, and/or access to justice, and the various commissions’ membership compositions, charges, funding, and staffing.</li> </ul> <p><b>Oregon State Bar w/Mariann Hyland Director, OSB Diversity and Inclusion</b></p> <ul style="list-style-type: none"> <li>• Mariann Hyland provided recommendations and reviewed the <a href="#">OSB Diversity Action Plan (2014-16)</a>. She provided additional resources: The Diversity Council Saboteurs Checklist and Seven Steps to Managing Diversity and Inclusion</li> <li>• With a clear mandate and strong leadership, the OSB managed a major culture shift in 2011.</li> <li>• A commission must examine both strategic and operational activities and advocate for training programs as vehicles for implementing change.</li> <li>• Avoid: fear of risk; lack of urgency, lack of data, lack of resources, lack of energy, reluctance to talk to people in power, infrequent meetings, lack of diversity education and self-development, no operational ground rules</li> </ul>	<ul style="list-style-type: none"> <li>✓ Some of the advice included the need to make the council relevant to bench judges, to leverage in-kind work and retired judges and contacts at the Governor’s office and at the legislature.</li> <li>✓ A full time staff position is typical to support such a council.</li> <li>✓ Access and Fairness must be an integrated priority at the Oregon Judicial Department. Leadership around access and fairness issues requires executive level commitment for change. The Oregon State Bar shared how the alignment of inclusion and fairness values is transferring to organization-wide decision-making processes based on leadership.</li> </ul>

Meetings & Discussion Topics	Ad hoc Committee Observations
<p> <b><u>October 2015</u></b></p> <p><b>ADA w/ Brenda Wilson, Statewide ADA Coordinator &amp; Records Analyst</b></p> <ul style="list-style-type: none"> <li>• Improvement of compliance with ADA is goal #5 in the OJD Strategic Plan.</li> <li>• The OSCA ADA Coordinator is a full time analyst with other duties: records, retention, rules, OJD info email, legislative analyst, law and policy committee.</li> <li>• TCAs frequently consult with the OSCA ADA coordinator.</li> <li>• Some current ADA projects include assessing statewide assistive listening devices, updating statewide ADA public information and rights posters, developing New Employee Orientation ADA curriculum, and revising the statewide ADA complaint process and form.</li> </ul>	<ul style="list-style-type: none"> <li>✓ The ADA Coordination position requires a staff person who can dedicate time to improving access to our courts.</li> <li>✓ ADA may fit under language access services.</li> <li>✓ ADA training is needed for all staff.</li> </ul>
<p> <b><u>November 2015</u></b></p> <p><b>OJD Sentencing Issues w/ David Factor Staff Counsel, OETO</b></p> <ul style="list-style-type: none"> <li>• The Oregon Legislature created the Justice Reinvestment Initiative and the Public Safety Task Force Group to reduce Oregon prison populations.</li> <li>• The Criminal Justice Commission reports to the Governor. The Commission prepares the Criminal Justice Commission’s Racial and Ethnic Impact Statement Historical Data, <a href="#">Appendix A-4</a>.</li> <li>• Recidivism and prison resources are a concern. Confusion of how various funding streams function between the courts, jails, and local programs is of concern.</li> <li>• Resources: <ul style="list-style-type: none"> <li>○ Oregon Felony Sentencing Data</li> <li>○ Oregon Crime Arrest Rates Data</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>✓ The ad hoc committee recognizes that the public’s perception of justice and the judicial system is effected by community incidents involving law enforcement publicized by the media. There are ever increasing numbers of self-represented litigants in today’s court system. Social media in our daily lives immediately affects the public’s perception of “the justice system.” The public understands the “justice system” to be the grouping of the police, courts, district attorneys, and prisons into a single “them.” When there is negative news about one part of the system, it creates a crisis in the public’s trust in the Oregon Judicial Department as well. OJD should address the issue of public trust and confidence.</li> </ul>

Meetings & Discussion Topics	Ad hoc Committee Observations
<p><b>Mollie Croisan, Director, OETO and Cheryl Fowler, Deputy Director, OETO</b></p> <ul style="list-style-type: none"> <li>• For the past six (6) years, judicial education and New Employee Orientation were continued after budget cuts.</li> <li>• OETO has continued to incorporate diversity / access to justice education in all programs as requested by the original Access to Justice Committee and agreed upon by the JEC and EAC.</li> <li>• OETO uses technology to provide training opportunities for judges and staff.</li> <li>• The New Employee Orientation includes ADA, interpreter information, professional conduct (JDPR Rule 7), and customer service through fairness and equality.</li> <li>• Clerk College and other staff and leadership centered education and training programs are planned to resume in the 2015-17 biennium.</li> <li>• Supervisory C.A.M.P. was brought back in September 2015 and included education on implicit bias, cultural ethics, diversity, neutrality, and equality.</li> <li>• Change Management education has been provided to all courts in the last several years.</li> <li>• OJD training needs assessments are conducted through ongoing education and training evaluations and through the work of CREW, JEC, SCA, and CJ.</li> <li>• The OJD Education Advisory Committee (EAC) (administrators, managers, supervisors, staff) was suspended in 2009; OETO anticipates reactivating this committee in 2016.</li> <li>• A session on Gender Identity that included practical application within the courtroom was presented at the 2015 Judicial Conference and was well received.</li> <li>• OETO is working with the CJ, SCA, and JEC on additional education and training opportunities through curriculum development specific to Procedural Fairness.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Daniel Parr is assigned to a procedural fairness curriculum project. OETO considers implicit bias a part of procedural fairness. Judges should be encouraged to participate in IAT (Implicit-Association Testing) and implicit bias training. JFCPD has provided implicit bias training to Juvenile judges. An implicit bias session should be recommended for the 2016 Judicial Conference.</li> <li>✓ Strategic planning documents from the 1990s articulated, for the first time, the OJD’s commitment to cultural awareness and meeting the needs of a diverse community. The ad hoc committee repeatedly heard that the training of judges and court staff has suffered or been eliminated. A lack of diversity education and self-development leads to complacency about emerging access and fairness issues.</li> </ul>

## **OTHER AD HOC COMMITTEE ACTIONS**

The ad hoc committee also developed and distributed a survey to OJD leadership and judges. The purpose of the survey was to poll leaders about current areas of concern related to access and fairness and determine the perceived impact the Access Committee's projects and activities on trial court judges, staff and the public. The survey also gathered the names of people who may be interested in serving on a future committee and identified access and fairness issues of particular concern:

- Non-represented litigants
- Staff & judicial education
- Customer service
- Interpreter services
- Employee retention

See [Appendix A-3](#) for 2015 OJD Access and Fairness Survey results.

## **ADDITIONAL OBSERVATIONS THAT SUPPORT ESTABLISHING A NEW COUNCIL**

The ad hoc committee was guided by the 2001 Oregon Judicial Branch Mission Statement, Statement of Values and Vision Goals (see [Appendix A-1](#)). That document points to the provision of "fair and accessible justice services" to the public and it states the following values:

- Fairness, equality and integrity
- Openness and timeliness
- Independence, impartiality and consistency
- Excellence, innovation and accountability
- Respect, dignity, public service, and community well-being.

The ad hoc committee also reviewed the 2011-2014 Oregon Judicial Branch Report and the OJD 2014-2019 Strategic Plan. A number of specific strategies in the Strategic Plan implicate inclusion and fairness issues, and there is much work to be done to implement those strategies. The committee is confident that the proposed council will provide constructive assistance in the implementation of these specific strategies (see [Appendix A-2](#)).

During the twelve years that it operated (1997-2009), the Access to Justice for All Committee assisted OJD in meeting its mission to providing fair and accessible justice services to the public. Our review indicates that the committee accomplished positive outcomes by enlisting the efforts of a number of attorneys, judges, legislature, and community leaders in this regard. However, in August 2009, the Committee's activities were suspended due to budget restrictions. Moreover, our review found that many previous programs within OJD offering training, services, and technical assistance to the courts, many of which were directly relevant to inclusion and fairness, have not recovered from the 2009 budget cuts. Those budget cuts appear to have undermined a focus on inclusion and fairness issues and, in many instances, a lack of coordination in developing and implementing strategies to increase awareness and integration of those values into programs and services.

The ad hoc committee was encouraged by the response we received from our brief survey directed to judges, trial court administrators, senior managers, and division directors about inclusion and fairness issues. Respondents were generally impressed with the prior work of the Access Committee and recognized the need for an ongoing effort by such a committee. A number of respondents expressed an interest in serving on a committee or subcommittee to further inclusion and fairness efforts by OJD (see [Appendix A-3](#)).

OJD's vision goals include ensuring access to court services and earning the public's trust and confidence. As communities and the expectations of community members change, OJD must be responsive to those changes. As Oregon's demographics rapidly change there are more court users who encounter barriers when accessing the courts. In addition to ensuring that there are court interpreters for non-English speaking litigants, OJD must:

- Translate court information for people who are not proficient in English,
- Provide court information in alternative formats for people who are unable to read,
- Ensure that court services and information is available at trial courts for the 16.5% of Oregonians who do not use the internet at home due to the cost,
- Provide education and training to court staff and judges on the unique needs of minorities and other special populations who must interact with our courts, and
- Recruit and retain a workforce that reflects the population served by our courts.

For recent race and ethnic data, see the Criminal Justice Commission's Racial and Ethnic Impact Statement Historical Data, [Appendix A-4](#).

We also note that a new national survey conducted on behalf of the National Center for State Courts (NCSC) stresses the need for courts to better understand and respond to the needs of the diverse people who enter our court system. As stated on the NCSC website, the key findings of [the NCSC public opinion survey](#) include:

- Support for the courts is stronger than in the heart of the recession, but shows signs of softening;
- Concerns about inefficiency and unfairness are deep-seated and real;
- Such concerns may be making the public enthusiastic about alternatives to traditional dispute resolution;
- African-Americans express significantly less faith in the courts than the population as a whole.

Based on our review, we are confident that the ongoing efforts of a council on inclusion and fairness could significantly assist OJD by monitoring and assisting in the implementation of the OJD's adopted strategies relating to access, inclusion, and fairness. The council would identify ways to integrate inclusion and fairness into OJD practices and procedures and coordinate efforts to ensure access, fairness, and equality within the department and courts. Further, the council would establish, implement, and monitor methods to ensure that OJD reaches out to the diverse people it serves to understand and address their needs and priorities as they relate to Oregon courts. The council would also serve in an advisory role to the Chief Justice and the SCA with respect to access, inclusion, and fairness issues.

# **RECOMMENDATION TO ESTABLISH THE OREGON SUPREME COURT COUNCIL ON INCLUSION AND FAIRNESS (OSCCIF)**

The ad hoc committee recommends that the Chief Justice establish a council called the Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF).

## **PROPOSED CHARGE:**

### **Oregon Supreme Court Council on Inclusion & Fairness (OSCCIF)**

- 1) Monitor and assist in the implementation of the OJD's Strategic Plan's strategies related to access, inclusion, and fairness.
- 2) Identify ways to integrate inclusion and fairness into OJD practices and procedures and coordinate efforts in order to ensure access, fairness, equality and integrity at all levels.
- 3) Establish, implement and monitor methods to ensure OJD reaches out to the diverse people we serve to understand and address their needs and priorities as they relate to Oregon Courts.
- 4) Advise CJ/SCA with respect to this charge

## **PROPOSED STRUCTURE:**

The ad hoc committee recommends that the OSCCIF be established as a permanent council within the OJD. The ad hoc committee recommends the following:

- The Chief Justice shall appoint the members of the OSCCIF and designate the Chair.
- Member should be appointed for 3-year terms, except the terms in the first appointment order should be staggered to ensure continuity.
- The OSCCIF should have half-day quarterly meetings that are structured to promote inclusion and are held in different geographic regions of the state. Meetings should include invitations to local judges, trial court administrators, justice partners, community members and business leaders.
- OSCCIF meetings should be open to the public and offer an opportunity for the public to address the council.
- OSCCIF meetings and activities should take advantage of technology and have an active website presence.
- The OSCCIF may establish sub-committees to address specific issues, topics, or recommendations.

## **PROPOSED MEMBERSHIP**

The ad hoc committee recommends 15 OSCCIF members representing diverse groups:

- 1 Supreme Court Justice
- 3 Circuit Court Judges
- 2 OSCA
- 2 Trial Court Administrators
- 1 OSB Representative
- 1 District Attorney
- 1 Public Defender
- 1 Private Attorney
- 1 Public member
- 1 Governor's Office
- 1 Legislator

The work group has developed a partial list of potential members by role.

## **PROPOSED STAFFING:**

The work group recommends dedicating a portion of a current OJD employee's time to focus on development and implementation of the OSCCIF. Ideally, there should be dedicated professional staff and support staff. Examples of duties that will be required of professional staff are:

1. Provide professional staff support to the OSCCIF. Professional staff support includes but is not limited to the following tasks as they relate to access, inclusion, and fairness in Oregon courts:
  - Coordinate meeting logistics and ensure that minutes are developed and maintained for all OSCCIF meetings.
  - Assist the Chair by drafting meeting agendas and coordinating presentations, reports, and activities to occur at OSCCIF meetings.

- Provide technical assistance to solve problems, develop programs, policies or procedures, or plan for change.
  - Analyze, evaluate, and suggest recommendations to the OSCCIF regarding OJD policy, programs, procedures, and systems.
  - Coordinate the work of the OSCCIF with the Oregon State Bar and local court staff and judges; exercising leadership and accountability to achieve the objectives and priorities of the OSCCIF.
  - Seek out and develop ways for the OSCCIF to gather and utilize input from staff, judges, and the public.
  - Establish and maintain effective lines of communication with the OSCCIF, trial court staff and judges, the State Court Administrator, and the Chief Justice.
  - Initiate, promote, and maintain professional working relationships with judges, community leaders, attorneys, community groups, and other professionals.
2. Serve as the liaison between OSCCIF and OSCA with courts, the Oregon State Bar, governmental agencies and others, responding to inquiries and concerns, and providing information and written materials regarding access, inclusion, & fairness in Oregon's courts.
  3. Work with division managers, staff, courts, the Oregon State Bar, and other agencies to coordinate initiatives, implementation plans, and priorities; consult with managers, court staff, and judges on projects and systems design efforts.

This position does not require a law degree. The duties above are similar to duties of an OJD Analyst 3.

Two possible options for locating this position are provided below. The ad hoc committee understands that the Chief Justice and the State Court Administrator will need to determine if either of these options are feasible or if other options are available:

- 1) Court Language Access Services. CLAS is preparing a small reorganization, and has identified, .2 FTE of an Analyst 3 that could be assigned these duties.
- 2) The Supreme Court Staff Attorney Pool. If the Chief would prefer for this to be staffed from the Supreme Court, perhaps this function could be assigned to one of the staff attorneys.

The OSCCIF will also need some dedicated support staff assistance to:

- act as a liaison for OSCCIF members,
- prepare and distribute meeting materials and minutes to committee members,
- coordinate activities and information with SCCIF staff, judges, other employees, local and central administrative staff, the public, and other stakeholders,
- maintain files and records,
- create/type/format various documents, forms, reports, presentations, and publications,
- develop schedules and calendars,
- arrange travel and meeting logistics,
- provide general information, and
- develop and maintain web presence.

Support staff assistance could best be done by a management assistant experienced in providing support to committees and work groups. A management assistant in CLAS or JFCPD could probably assume these tasks.

## **LIST OF ACRONYMS:**

AC – OJD Access to Justice For all Committee (1997-2008)  
ADA – Americans with Disabilities Act  
CJ – Chief Justice of the Oregon Supreme Court  
CLAS – Court Language Access Services, Office of the State Court Administrator  
CRB – Citizen Review Board, Juvenile and Family Court Programs Division  
CREW – OJD Court Re-engineering and Efficiency Work Group  
eCourt – Oregon statewide web-based courthouse; Also known as Oregon eCourt  
EEO – Equal Employment Opportunity  
EEOP – Equal Employment Opportunity Plan  
FAPA – Family Abuse Prevention Act  
FTE – Full Time Equivalent  
HRSD – Human Resource and Services Division  
IAT – Implicit-Association Test  
iForms – “Intelligent”/ interactive forms  
JCIP – Juvenile Court Improvement Program, Juvenile and Family Court Programs Division  
JFCPD – Juvenile & Family Court Programs Division  
MH Task Force – Mental Health Task Force  
NCJFCJ – National Council of Juvenile Court Judges  
NCSC – National Center for State Courts  
OETO – OJD Division: Office of Education, Training & Outreach  
OJD – Oregon Judicial Department  
OSB – Oregon State Bar  
OSCA – Office of the State Court Administrator  
OSCCIF – Oregon Supreme Court Council on Inclusion and Fairness  
SCA – State Court Administrator  
SFLAC – Sate Family Law Advisory Committee  
SJI – State Justice Institute  
SRL – Self Represented Litigants, also known as unrepresented, pro se, or non-represented  
Supervisory C.A.M.P. – Supervisor Creating Administrative Management Professionals, OETO education program  
TCA – Trial Court Administrator  
USDOJ – United States Department of Justice  
UTCR – Uniform Trial Court Rules  
VAWA – Violence against Women Act

## OREGON JUDICIAL BRANCH

### MISSION STATEMENT

As a separate and independent branch of government, our mission is to provide fair and accessible justice services that protect the rights of individuals, preserve community welfare, and inspire public confidence.



### STATEMENT OF VALUES

Fairness, equality, and integrity

Openness and timeliness

Independence, impartiality, and consistency

Excellence, innovation, and accountability

Respect, dignity, public service, and community wellbeing



### VISION GOALS

**ACCESS** - *Ensure access to court services for all people*

**TRUST AND CONFIDENCE** - *Earn the public's enduring trust and confidence*

**DISPUTE RESOLUTION** - *Help people choose the best way to resolve their disputes*

**PARTNERSHIPS** - *Build strong partnerships with local communities to promote public safety and quality of life*

**ADMINISTRATION** - *Make courts work for people*

# OJD Strategic Plan as It Pertains to OSCCIF

The Oregon Judicial Department has a five-year strategic plan covering the period July 1, 2014, through June 30, 2019. The plan is built around the five vision goals that lie at the heart of OJD’s mission:

- **Access:** Ensure access to court services for all people;
- **Trust and Confidence:** Earn the public’s enduring trust and confidence;
- **Dispute Resolution:** Help people choose the best way to resolve their disputes;
- **Partnerships:** Build strong partnerships with local communities to promote public safety and quality of life;
- **Administration:** Make courts work for people.

For each goal, key strategic areas have been identified. The plan also lays out strategies and performance objectives in support of each goal.

This document calls out the OJD wide strategies and performance objectives that seem to touch on OSCCIF’s charge from the Chief Justice.

## ACCESS Goal: Increase Public Access to Justice

### *Key Strategic Area: Improve Access to Public User-Friendly Courts*

OJD wide strategies and performance objectives	Possible OCCIF involvement
<b>#3: Improve Services for Self-Represented and Unrepresented Litigants</b> – Falls under State Family Law Advisory Committee (SFLAC)	
<b>#4 : Improve Limited-English-Proficient-Person Services</b> – Falls under Court Language Access Services (CLAS)	OSCCIF could have subcommittee to advise
<b>#5: Improve ADA Accommodations and Services</b> – Falls under OSCA	OSCCIF staff could also be ADA coordinator and work with committee

## TRUST Goal: Promote Public Trust and Confidence

### *Key Strategic Area: Provide Public with Improved Experience, Safety, and Awareness*

OJD wide strategies and performance objectives	Possible OCCIF involvement
<b>#6: Improve Juror Service Experience</b> – Falls under OSCA	
#6.2 Evaluate and implement systems, services, and tools aimed at improving the quality of jurors’ experiences. For example, adopt “one-trial or one-day” service and improve the tools and services available for the jury room and jury box	– follow up with recommendations to SCA
#6.3: Develop and use an automated Jury experience survey instrument	

<b>#8 Institutionalize Public Outreach</b> – Falls under OETO	
#8.2 Expand local and statewide outreach efforts designed to enhanced public understanding of the role of judiciary and the Oregon court system an how it processes	– Expanding outreach and collaborate with OSB on their public outreach forums with selected community organizations

**PARTNERSHIP Goal: Engage Actively with Justice System Participants and Community**

***Key Strategic Area: Focus on Specialized Dockets and Plans for Improved Outcomes***

<b>OJD wide strategies and performance objectives</b>	<b>Possible OCCIF involvement</b>
<b>#11 Develop Specialty Court Docket Programs for Vulnerable Persons</b> – Falls under Juvenile & Family Court Programs Division (JFCPD) along with Office of Education, Training and Outreach (OETO): JFCPD works on vulnerable persons and OETO puts together interactive piece per Kingsley	
#11.3 Provide legal and awareness training and develop bench guides for judges and staff on handling cases and case types involving vulnerable or incapacitated adults, including how to identify abuse of persons in fact situations before a court	– OSCCIF could have subcommittee on vulnerable persons and provide guidance and recommendations
11.4 Pilot specialty elder and family law court dockets for coordination of various cases or matters involving the same elder or vulnerable person – OSCCIF could have subcommittee on vulnerable persons and provide guidance and recommendations	– OSCCIF could have subcommittee on vulnerable persons and provide guidance and recommendations
<b>#13 Promote Juvenile Court Improvements</b> – Falls under JFCPD: JCIP Advisory Committee, CRB Advisory Committee and MH Task Force	

**ADMINISTRATION Goal: Advance Best Practices in Judicial Administration**

***Key Strategic Area: Improve Accountability and Performance***

<b>OJD wide strategies and performance objectives</b>	<b>Possible OCCIF involvement</b>
<b>#14 Automate Performance Measures</b>	– Pull data from performance measurements. What data is important on an access perspective an committee can make recommendations
<b>#15 Enhance Financial Accountability and Transparency</b>	
#15.1 Study and implement programs to improve the effective collection of monetary orders – restitution, fines, and fees – and compliance with related court orders to increase individual accountability to the justice system, victims, and society	- ??? Access & Fairness issues in Oregon?
<b>#16 Advance Human Resource Best Practices and Principles</b> – Falls under HRSD	

#16.1 Enhance knowledge, skills and abilities in the area of court administration for judges and managers throughout the court system by regular training and evaluation	– The former Access Committee had a subcommittee on this.
# 16.2 Develop and implement career-ladder planning and development programs and opportunities for all court and administrative staff	– The former Access Committee had a subcommittee on this.

## APPENDIX A-3 ACCESS TO JUSTICE WORKGROUP SURVEY RESULTS

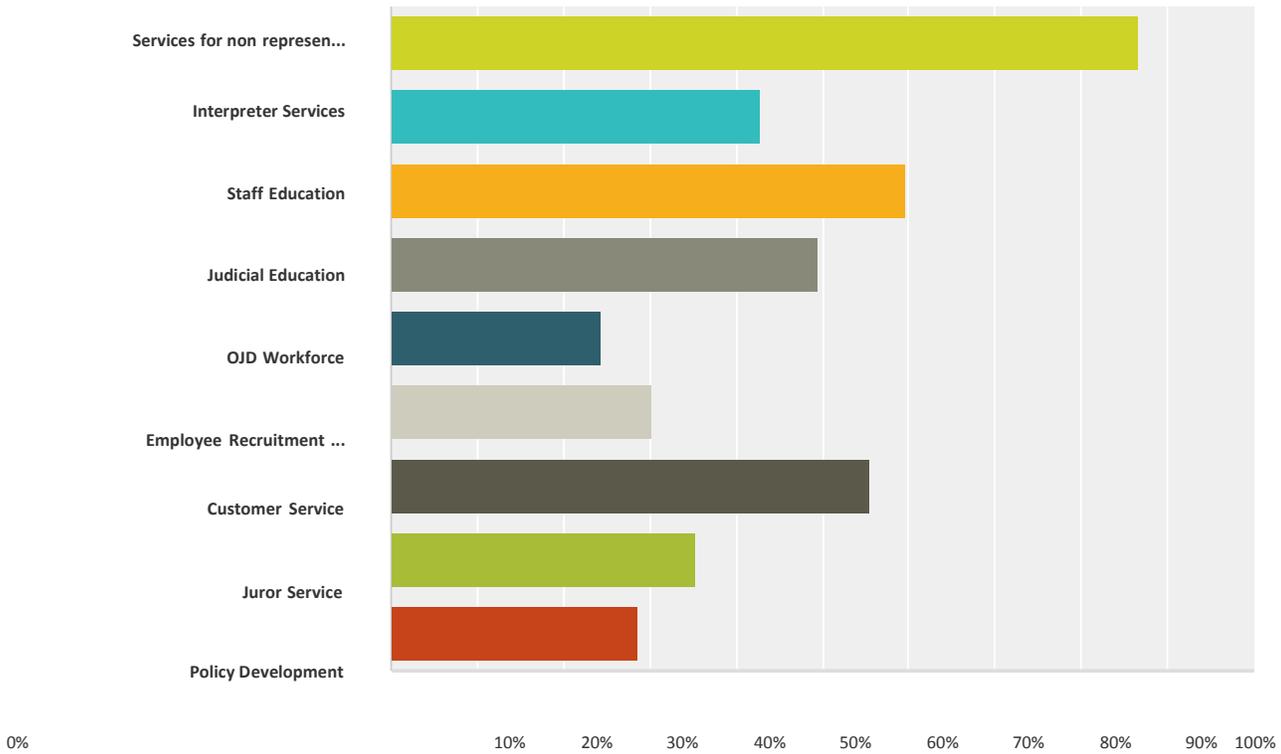
Q1 Prior to its suspension in June 2009 due to the recession, the OJD's Access to Justice For All Committee (AC) worked on numerous projects\*. For each AC project listed in the matrix below, please check any of the column choices that reflect your knowledge or understanding of the project:

Answered: 124 Skipped: 2

	I have not seen this	This had a positive impact on courts	This benefited the public	I do not know what impact this has had on the courts and/or public	Total Respondents
Issued and monitored recommendations based on the following reports: 1994 – Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System, 1998 – Oregon Supreme Court/Oregon state Bar Task Force on Gender Fairness, 2006 – Taks Force on Access to State Courts for Persons with Disabilities	28.46% 35	26.83% 33	28.46% 35	45.53% 56	123
Co-sponsored with OJD legislation that became law that allows trial courts to provide interpreters in all juvenile delinquency proceedings for the non-English speaking parents/ guardians of youth before the court	5.69% 7	64.23% 79	75.61% 93	13.01% 16	123
Co-sponsored with OJD legislation that became law that increased the juror per diem rate	10.48% 13	45.97% 57	63.71% 79	22.58% 28	124
Encouraged and supported the development of translations of family law forms	7.32% 9	63.41% 78	77.24% 95	11.38% 14	123
Encouraged and supported the expansion of family law facilitation assistance in the trial courts	6.50% 8	70.73% 87	73.98% 91	13.01% 16	123
Co-sponsored with OJD legislation that became law that allows jurors to waive payment and elect that the funds be distributed to OJD programs identified by the Chief Justice.	12.20% 15	56.10% 69	36.59% 45	29.27% 36	123
Drafted and advocated for Judicial Education policy to incorporate fairness and ethics issues in all education programs and products.	21.49% 26	44.63% 54	38.84% 47	33.88% 41	121
Helped plan and actively supported the Annual Governor's Summit on the over-representation of Minorities in the Juvenile Justice System.	24.39% 30	25.20% 31	24.39% 30	50.41% 62	123
Developed and distributed to trial courts a poster that explains how court staff may help court-users, what court staff cannot do by law, and how to find legal help - English and Spanish versions.	20.16% 25	45.97% 57	50.00% 62	25.00% 31	124
Developed and distributed juror information pamphlet	19.51% 24	41.46% 51	55.28% 68	24.39% 30	123
Developed and distributed juror orientation video	5.69% 7	68.29% 84	75.61% 93	13.01% 16	123

Q2 If the Chief Justice reinstates a committee to work on such issues, what areas of concern, activities, or projects should the committee address? (please check all that apply)

Answered: 119 Skipped: 7

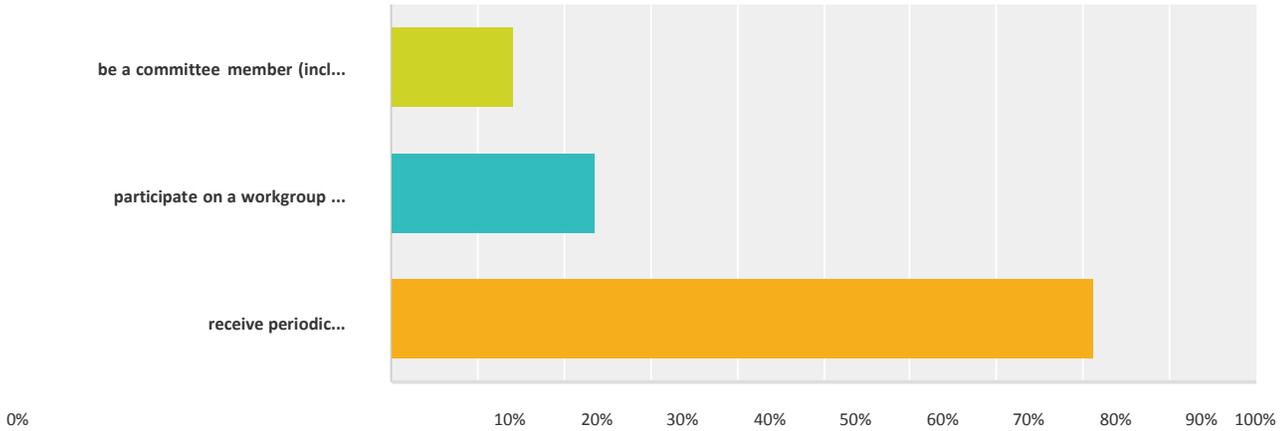


Answer Choices	Responses	Count
Services for non represented litigants	86.55%	103
Interpreter Services	42.86%	51
Staff Education	59.66%	71
Judicial Education	49.58%	59
OJD Workforce	24.37%	29
Employee Recruitment & Selection	30.25%	36
Customer Service	55.46%	66
Juror Service	35.29%	42
Policy Development	28.57%	34
<b>Total Respondents: 119</b>		

#	Other (please specify)	Date
1	Many of our courthouses still fail to comply with ADA standards for physical access for people with physical disabilities. Is there something that the task force can do?	9/30/2015 2:43 PM
2	Not sure what the difference is between "staff education" and "OJD Workforce." Attention to staff and support is the reason I chose both.	9/30/2015 8:35 AM
3	Information for the court and system partners about the impacts of domestic violence on underserved populations, including minorities/ESL communities, people with disabilities, the LGBTQ community, etc.	9/29/2015 5:03 PM
4	Employee Retention	9/22/2015 11:09 AM
5	I think all are worthy areas but I prioritize the ones I selected.	9/14/2015 1:14 PM
6	Measuring Performance	9/10/2015 10:53 AM
7	more extensive access to legal representation - as opposed to encouraging self representation	9/9/2015 2:40 PM
8	I am actually not a big fan of increasing services to self- represented parties I believe that it compromises judicial neutrality and puts staff in the position of giving legal advice. I would prefer that e focus on expanding access to legal services and support assistance to self-represented parties coming from somewhere other than the court like perhaps the bar	9/9/2015 2:14 PM
9	In the context of this survey I don't know what OJD Workforce means.	9/9/2015 2:04 PM
10	This is a ridiculous survey. The OJD naturally is unbiased, fair, and access is available to all. To establish ANOTHER committee to work toward a goal of something that we already do is a useless waste of time and resources when there are so many other areas that could benefit from some attention. I hope that the Chief realizes that time needs to be spent on better things for the judicial branch then on something that we already area aware of, educated on and naturally do in our everyday work environments.	9/9/2015 1:12 PM
11	no opinion	9/9/2015 12:53 PM
12	Court staff need and deserve assistance in ways to optimize services for and interactions with the public. Staff have a tremendously difficult job and are understaffed and limited in the type of assistance they can give but public expectations conflict with these limitations.	9/9/2015 12:44 PM
13	Disporportionality of minority defendants in criminal cases. Effectiveness and impact on public of driver's license suspension as a collection tool.	9/9/2015 11:57 AM
14	Services for disabled (includes hearing issues); working with OSB to increase lawyer assistance for self-represented litigants; public education efforts re: court system and civics (including partnering with schools)	9/9/2015 11:45 AM

Q3 If the Chief Justice reinstates a statewide committee to work on these issues, how would you like to be involved?

Answered: 106 Skipped: 20



Answer Choices	Responses
be a committee member (include name and county in comment field)	14.15% 15
participate on a workgroup or subcommittee of interest to me (include name, county, and topic areas of interest to you in the comment field)	23.58% 25
receive periodic updates of the work of the committee or subcommittees	81.13% 86
<b>Total Respondents: 106</b>	

#	Comment	Date
1	I am interested in all aspects of access to justice issues and I would like to lend a hand in any way that would be helpful. Suzanne Chanti, Lane County.	9/30/2015 2:43 PM
2	Would be happy to help. Amy Holmes Hehn, Circuit Court Judge	9/29/2015 5:03 PM
3	Too much time is spent on this when there are other areas that should have resources assigned.	9/29/2015 5:03 PM
4	Sherry L. Bryant, TCA 7th Judicial District Staff Education OJD Workforce Employee Recruitment & Selection	9/29/2015 2:14 PM
5	Susie Norby, Clackamas County	9/29/2015 2:07 PM
6	Kirk Brust, Trial Court Administrator Josephine County Circuit Court	9/29/2015 1:57 PM
7	Brenda Wilson/OSCA - Salem -- Americans with Disabilities Act (ADA) - *current Statewide ADA Coordinator; -- Records Management - *current Statewide Records Manager.	9/22/2015 11:18 AM
8	Jim Belshe, Trial Court Administrator Linn County Circuit Courts Subjects: Customer Service, Recruitment, Policy Development.	9/22/2015 7:42 AM
9	Tammy Dover, Yamhill Circuit Court	9/17/2015 11:45 AM
10	Linda Hukari, Benton County Circuit Court Self-represented litigants, policy development, education	9/16/2015 4:07 PM
11	Deanne darling clackamas. Self represented litigants	9/16/2015 3:09 AM
12	Karrie McIntyre, Lane County, Self represented litigants workgroup.	9/14/2015 1:14 PM
13	Mary M James Marion Access to courts and court referred services for economically disadvantaged litigants.	9/13/2015 8:46 PM
14	Beth A. Allen, Multnomah County Circuit Court	9/11/2015 4:45 PM

15	I was on the Disability Task Force and would be happy to continue to help in any way but will be retiring soon so that's why I didn't mark the boxes. If you want Plan B Judges, I would be happy to be involved and have lots of experience working with pro se litigants, court interpreters and a special interest in access to courts.	9/10/2015 9:54 AM
16	Not ready to volunteer as a Committee Member at this time (but perhaps in future years). Thank you!	9/9/2015 3:47 PM
17	Lauren Holland, Lane County - better access to legal representation	9/9/2015 2:40 PM
18	Bonnie Savage, Lincoln County - Either participating as a committee member or in a workgroup addressing: Staff Education, OJD workforce, Employee Recruitment, Juror Selection	9/9/2015 2:37 PM
19	Since I will be retiring in December, I would not be involved.	9/9/2015 2:31 PM
20	Eva Temple Umatilla/Morrow	9/9/2015 2:28 PM
21	Jim Egan	9/9/2015 2:17 PM
22	Jay McAlpin, Lane. I would be interested in being of use, in general. There is no specific topic area of interest.	9/9/2015 2:04 PM
23	Darleen Ortega. Particularly interested in employee recruitment and retention.	9/9/2015 1:38 PM
24	Benjamin Bloom, Jackson County Circuit Court	9/9/2015 1:25 PM
25	Jim Nass, Court of Appeals. Services for non-represented litigants; customer service	9/9/2015 1:10 PM
26	Cathryn Bowie, Marion, services for non represented litigants	9/9/2015 12:50 PM
27	Interested in SRL issues. Maureen McKnight, Multnomah	9/9/2015 12:44 PM
28	Jeff Hall, Deschutes County Circuit Court Any of the above.	9/9/2015 11:57 AM
29	Bob Kleker, TCA, Jackson County: OJD Workforce, Services to non represented litigants	9/9/2015 11:57 AM
30	Rebecca Orf; OSCA; retired judge Jackson County; all/any topic areas per #2 above	9/9/2015 11:45 AM
31	Kenneth R. Walker Multnomah county	9/9/2015 11:44 AM
32	As needed.	9/9/2015 11:39 AM



# Racial and Ethnic Impact Statement Historical Data

## Criminal Justice Commission

Senate Bill 463 (2013) requires the Oregon Criminal Justice Commission to prepare a racial and ethnic impact statement that describes the effects of proposed legislation on the racial and ethnic composition of the criminal offender population or recipients of human services. To obtain a racial and ethnic impact statement, one member of the Legislative Assembly from each major political party must sign a written request. Oregon, along with all states in the nation, has an overrepresentation of minority groups in the criminal justice system. This report highlights Oregon specific data that displays this overrepresentation. This report does not attempt to explain why racial and ethnic disparity exists in the Oregon criminal justice system, but simply displays the extent of the disparity at different points within the system. Racial and ethnic impacts on decisions made in the criminal justice system are highly correlated with other factors such as geography, income, education, employment, health care, and a myriad of other factors; see appendix for details.

Oregon is less diverse than the nation as a whole, but minority groups in Oregon are growing at a faster pace than nationwide.<sup>1</sup> As of July 2013 Oregon's population was just above 3.9 million and the largest minority group in Oregon is the Hispanic population at 12.3% of all Oregonians. The next largest minority group in Oregon is the Asian/Pacific Islander population at 4.0% of the total population. African Americans comprise 1.8% of Oregon's total population. The majority of African Americans in the state reside in Multnomah County, with 60% of this minority group's population. Washington County contains nearly 15% of the state's African American population, with the remainder residing in the rest of the state. Native American/Alaska Natives make up 1.1% of Oregon's population. This group is concentrated in urban areas, as well as more sparsely populated rural counties that contain existing or planned Indian reservations. Female Oregonians comprised 50.6% of the total population as of July 2013.

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<sup>1</sup> [http://www.oregon.gov/DAS/OEA/docs/demographic/OR\\_pop\\_trend2012.pdf](http://www.oregon.gov/DAS/OEA/docs/demographic/OR_pop_trend2012.pdf)