

OJD Updates: Equity, Diversity and Inclusion, Court Procedures, and Legislative Initiatives

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Presentation to the House Committee on Judiciary

September 23, 2022





OREGON JUDICIAL DEPARTMENT

EQUITY, DIVERSITY, AND INCLUSION INITIATIVES AND EFFORTS



Four Commitments: Many Initiatives Centered on Equity, Diversity, and Inclusion (EDI) and Racial Justice

- Commitment 1
 - Initiative 1.1 – Meeting the needs of Oregonians with mental and behavioral health challenges
 - Initiative 1.2 – Fines and Fees
 - Initiative 1.5 – Expanding problem-solving courts
- Commitment 2
 - Initiative 2.3 – Recruiting and retaining interpreters
- Commitment 3
 - Initiative 3.1 – Community outreach and engagement
 - Initiative 3.4 – Assisting with monitoring public defender caseloads and performance
- Commitment 4
 - Initiative 4.1 & 4.2 – Ongoing education and training on issues related to equity, diversity, and inclusion (EDI also referred to as DEI) for judges, staff, and court security personnel



Strategic Campaign Commitments 2020-2022

The Oregon Judicial Department renews these four commitments to the people of Oregon

Commitment 1



We will join with community partners to improve services and outcomes for people who are underserved, vulnerable, or marginalized; and we will develop effective, supportive, and creative solutions to respond to their legal needs.

Commitment 2



We will improve access to justice by eliminating barriers; continuing to simplify and streamline our processes and forms; enhancing service options; leveraging technology; improving interpreter services; and advocating for resources to keep courts open, safe, and secure.

Commitment 3



We will enhance the public's trust and confidence in Oregon's state government, including the judicial branch, by listening and responding to the needs of those we serve; holding ourselves to high standards; and communicating the role of our courts in providing justice for all.

Commitment 4



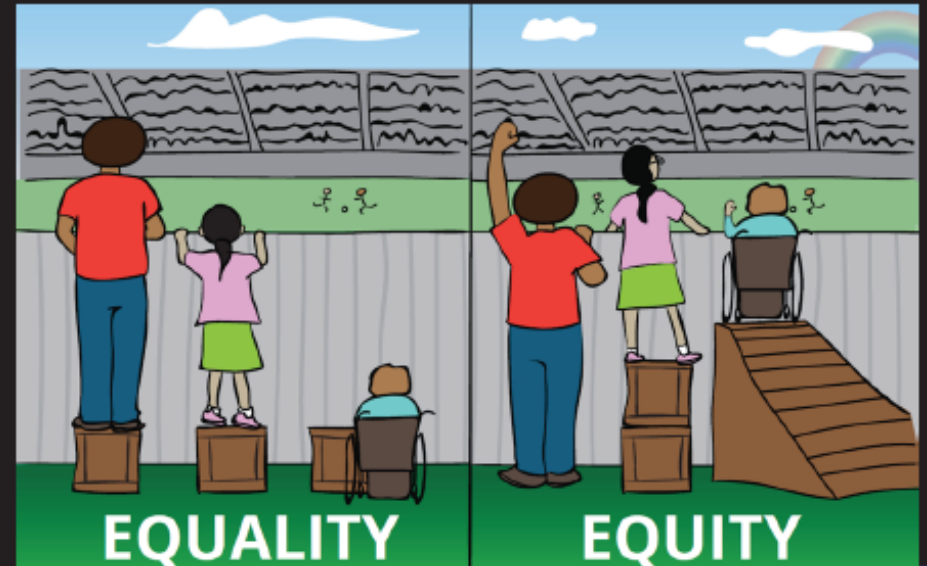
We will create a workplace and courthouse culture that is supportive, inclusive, welcoming, and affirming; that embraces diversity; and where all people can thrive and are treated with respect and dignity.

OFFICE OF ENGAGEMENT, EQUITY, AND INCLUSION

- The Office of Engagement, Equity, and Inclusion (OEEI) leads the development and implementation of a comprehensive, strategic, and programmatic vision that advances and promotes equity, diversity, inclusion, racial justice, and access to justice for all.
- OEEI Responsibilities Include
 - Judicial Education
 - EDI Training and Education for Judges, Staff, and Volunteers
 - Community Outreach and Engagement
 - EDI and Access to Justice Strategic Campaign Initiatives
- Committees Supported by OEEI
 - Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF)
 - Tribal, State, and Federal Court Forum (TSFCF)
 - Judicial Leadership and Education Committee (JLEC)

Equity Framework

- Developed by the Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF)
- Adopted by Chief Justice on August 1, 2022, by Chief Justice Order 22-014
- OSCCIF creating materials to educate and promote use of the framework for OJD courts, programs, and committees



EQUITY =

FAIRNESS



**OREGON JUDICIAL
DEPARTMENT**

Equity is fairness. It is about making sure everyone has access to the same opportunities. It is understanding that we are all different and have different needs.

Equity is treating individuals according to their needs.

COMMUNITY OUTREACH WITH ACCESS AND FAIRNESS SURVEY

- In 2018, OJD launched an Access and Fairness Survey, developed by the National Center for State Courts, to better understand how court users experience our courts and services. Survey results are a Key Performance Measure and reported during our budget hearings.
- In 2021-2022, OJD updated the survey to capture the experiences of court users involved in remote hearings (telephone or video conference) and can be filled out online. The updated survey is available in Spanish, Russian, Vietnamese, and Traditional Chinese.
- Most recent survey (May/June 2022)
 - 565 respondents completed the survey from 35 of 36 circuit courts
 - OJD Access Index Score of 74.4 and Fairness Index Score of 65.5
 - OSCCIF target score is 85
 - Index scores show a slight increase from 2020

Your Opinion Matters!

Oregon Judicial Department

Please complete this anonymous Access and Fairness Survey about your court experience. We will use the feedback to improve user experience and to guide us in ensuring access to justice for all.

<https://www.surveymonkey.com/r/PB8DMRW>



¡SU OPINIÓN ES IMPORTANTE!

Departamento Judicial de Oregon

Por favor, rellene esta encuesta anónima sobre su experiencia con respecto al acceso y la imparcialidad en el tribunal. Usaremos sus comentarios para mejorar la experiencia del usuario y para guiarnos en nuestro afán de garantizar el acceso a la justicia para todos.

<https://www.surveymonkey.com/r/FDCTBHH>

Training, Education, and Other Opportunities to Engage

A Conversation on "Breaking Chains: Slavery on Trial in the Oregon Territory"



Gregory Nokes

Join Gregory Nokes, author of *"Breaking Chains: Slavery on Trial in the Oregon Territory,"* to discuss *Holmes v Ford*. In 1844, Missouri slaveowner Ford promised Mr. and Mrs. Holmes, and their children, freedom if they traveled with him to the Oregon Territory to start a farm. But in Oregon, Ford changed his position. He claimed rights to the Holmes' children. Mr. Holmes obtained a lawyer. A 15-month court case ensued over custody of Holmes children. This famous case, and other Black experiences in the Oregon Territory, are highlighted.



Rakeem Washington

Deschutes County Circuit Court Judge Raymond Crutchley and Portland State University Instructor and co-owner of Engage to Change Rakeem Washington will explore with Mr. Nokes the significance of the Holmes' story and slavery in Oregon, including infamous Black exclusion laws, and the current state of Blacks in Oregon.



Hon. Raymond Crutchley

Thursday, February 24, 2022

12:00 - 1:15 P.M.

[Register here](#) for the webinar

(Applying for CLE credits)



For more information or questions, please contact Valerie Colas at Valerie.Colas@ojd.state.or.us.

Signature Counter Experience Part I

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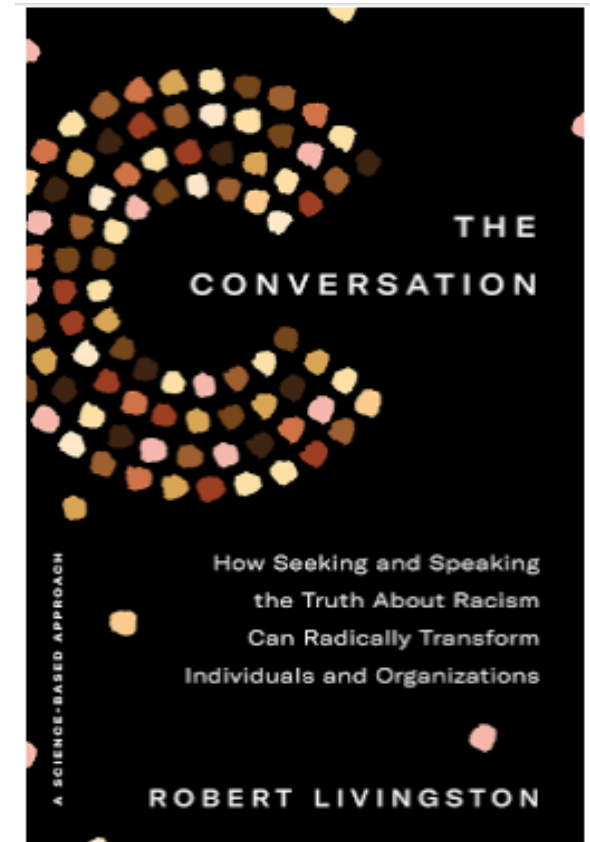
TRAINING AND EDUCATION FOR JUDGES, STAFF, AND VOLUNTEERS

OJD is committed to raising awareness and understanding on issues relating to EDI, bias, unconscious bias, and racial justice for judges, staff, and volunteers. Those efforts include creating banners and posters with a retrospective of Black judges and legal professionals in Oregon, providing a SharePoint site for self-guided learning, and training.

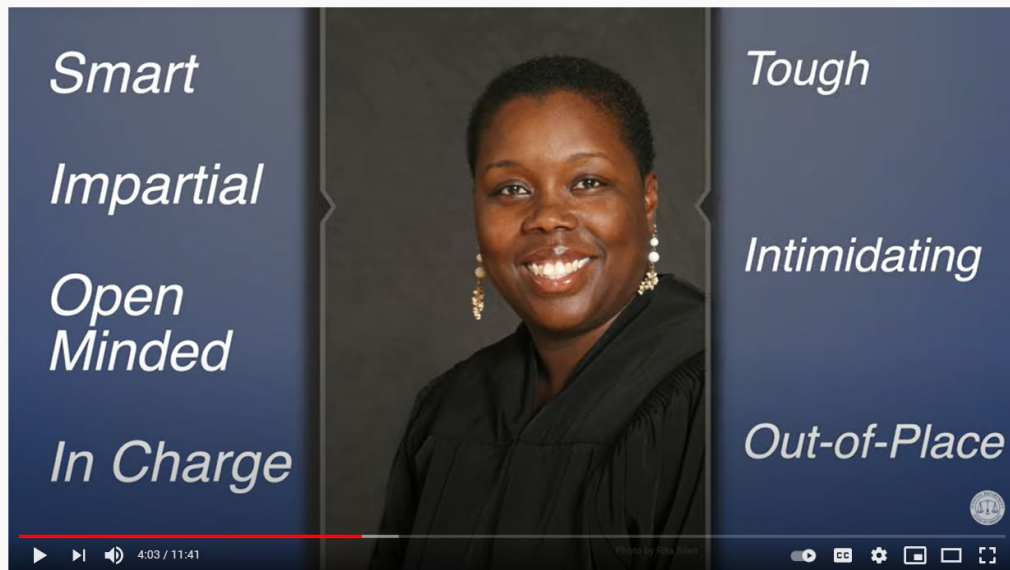
- Signature Customer Experience Training
 - Pilot Training Project in 2021-2022 in Multnomah and Marion County Circuit Courts in collaboration with Massachusetts Trial Court Office of Diversity, Equity, Inclusion and Experience
 - Launching this customer experience training program in November 2022
- Conversations at OJD Webinar Series
 - Ongoing webinar series on various topics relating to EDI facilitated by the OEEI and Human Resource Services Division
 - Webinar topics on self-care and resilience, customer services in difficult times, addressing Anti-Asian Bias, Equity at OJD, and Significance of Juneteenth

TRAINING AND EDUCATION FOR JUDGES

- The Judicial Leadership and Education Committee (JLEC) assists with identifying and providing educational and training opportunities for judges on both substantive law and EDI matters.
- Educational and training opportunities are held throughout the year
 - Judicial Conference (Sessions on Incorporating EDI and racial justice into Judicial Decision-Making, “The Conversation” by Robert Livingston, and Red Door Project’s “The Evolve Experience”)
 - New Judge Seminar
 - Judicial Practical Training
 - Appellate Case Updates



TRAINING AND EDUCATION FOR JURORS



Oregon Implicit Bias Training

Excerpt from the “Oregon Unconscious Bias Video”

- The Unconscious Bias Juror Video is a court resource to help ensure the right to fair and impartial jury trials.
- The video, developed by the Committee on Bias in the Justice System in Oregon and created with funding from OJD and federal courts, explains the concept of unconscious bias and provides useful tools for jurors.
- Watch the video here:
<https://www.courts.oregon.gov/how/Pages/jury.aspx>

Recent Programmatic Initiatives to Further EDI

UNA CONVERSACIÓN
SOBRE CÓMO
GARANTIZAR LA
JUSTICIA RACIAL
EN LOS
TRIBUNALES



ENSURING
RACIAL JUSTICE
IN COURT



munk-yaxan k^hanawi-łaksta
k^hanawi-kakwa

ACCESS TO COURTS AND THE JUSTICE SYSTEM

- Court Language Access Services works to eliminate communication barriers to ensure that all people have access to the courts
- Court Language Access Services has provided
 - 35,000 interpreting requests per year in more than 200 languages, including American Sign Language
 - Translations of statewide court forms
 - Language access training for court staff at public counters and family law facilitators

Mission Statement: Court Language Access Services provides mandated linguistic access to the Oregon State Courts through trained ethical interpreters, education of the court and responsible resource management.



[View English Resources](#)



[View Korean Resources](#)



[View Russian Resources](#)



[View Spanish Resources](#)



[View Traditional Chinese Resources](#)



[View Vietnamese Resources](#)

CRIMINAL LAW AND SPECIALTY COURTS

- Criminal Justice Advisory Committee (CJAC)
 - Stakeholder committee advises Chief Justice and State Court Administrator on reforms and innovations in criminal justice
- Pretrial Program
 - Implemented SB 48 (2021), reducing reliance on security release in circuit courts
 - Building high-performance pretrial programs throughout the state
- Fines and Fees
 - Sponsored legislation to address inequities and barriers arising from fines and fees
 - Reduced payment plan fee and allowed courts to waive or suspend that fee (CJO 21-043 & CJO 21-003)
 - Established procedures to implement other legislation
 - Satisfy fines and fees in certain juvenile delinquency cases – SB 817 (2021)
 - Remove driver license suspensions for non-payment of court fines and fees – HB 4120 (2020)
- Specialty Courts
 - Utilized the Racial & Ethnic Disparities (RED) self-assessment tool to examine the potential for racial and ethnic disparities
 - Focused on implementing statewide recommendation to alleviate racial and ethnic disparities

JUVENILE DEPENDENCY AND DELINQUENCY CASES

- **Juvenile Court Improvement Program (JCIP)**
 - Uses federal grant funds to promote continuing quality improvement in juvenile dependency cases
 - Improving juvenile courts handling of cases involving the federal Indian Child Welfare Act (ICWA)
 - Implemented Oregon's Indian Child Welfare Act (OR ICWA) – HB 4214 (2020)
 - Created a combined ICWA and OR ICWA Bench Book and ongoing training
- **Juvenile Delinquency Improvement Program (JDIP)**
 - Improving Oregon's response to youth who are involved in the delinquency system
 - Examining and avoiding disproportionate impacts through training for juvenile justice stakeholders and judges
 - Hosting online Juvenile Justice Summit on September 28
<https://www.courts.oregon.gov/programs/jcip/EducationMaterials/Pages/Juvenile-Justice-Summit.aspx>

FAMILY AND CIVIL LAW CASES

- Family Law Cases
 - Training for judges and staff on creating a trauma-informed courthouse and courtroom, with a focus on the meeting the needs of survivors of sexual and intimate violence
- Civil Law Cases
 - Probate court improvement work to identify gaps, disparities, and inconsistencies in guardianship and conservatorship cases and to promote better outcomes for persons subject to a protective proceedings
 - Enhanced auditing of guardianship and conservatorship filings
- Support for Self-Represented Litigants (SRLs)
 - Enhanced centralized and local support for SRLs
 - Re-establishing program support for mediation services
 - Guide-and-File Forms (33 unique forms in interview-based format, can be electronically filed)
 - Collaborating with Oregon State Bar, Oregon civil legal aid providers, and Oregon Law Foundation to develop Oregon Law + Connect, a one-stop coordinated civil legal help portal

NATIONAL RESOURCES AND COLLABORATION EFFORTS

- Blueprint for Racial Justice (created by national court organizations)
 - Workgroups
 - Equity Awareness
 - Systemic Change
 - Communication and Implementation
 - Increasing the Diversity of the Bench, Bar, and Workplace
 - Projects
 - Webinars on EDI and Racial Justice and self-guided reading/discussion resources
 - Develop materials and tools for national circulation and use
 - Resolutions and recommendations for racial equity and justice
- National Association for Presiding Judges and Court Officers
- National Association for Racial and Ethnic Fairness in Courts





COURT EFFORTS

PROCEDURES IN CRIMINAL AND JUVENILE CASES



COURT PROCEDURES IMPACT MANY SYSTEM PARTICIPANTS



EXAMPLE OF A LOCAL COURT'S EFFORTS

- Multnomah County
 - Chief Justice Walters began hosting regular meetings in April 2022
 - Expanded scope of specialized Resolution Dockets to increase opportunities for case closure by plea or trial
 - Assigned Senior Judges for specialized settlement dockets focusing on serious crime types
 - Worked with court data and lists from prosecution and defense to identify cases ripe for settlement
 - Court-issued email reminders to lawyers regarding call and trial dates
 - Issued temporary 30-day grace period from court appearances for new attorneys and newly felony-qualified attorneys
 - Consolidated felony morning call dockets to reduce number of appearances
 - Cross-trained OJD staff to allow for early resolution of cases in the Justice Center
 - Worked with district attorney's office to improve discovery practices (DA developed new reminder system to ensure timely discovery)
 - Assigned consistent judicial officer to arraignments (rather than using usual rotation schedule)
 - Added new staff analyst position to focus on criminal case data analysis and evaluation and implementation of procedural changes

EXAMPLE OF A LOCAL COURT'S EFFORTS, CONT.

- Multnomah County, cont'd
 - Restructuring misdemeanor docket to reduce the number of required appearances
 - Expanding omnibus hearings beyond dispositive motions
 - Working with Sheriff's Department to address available staffing for court hearings to minimize transport delays for hearings and trials
 - Exploring and implementing increased use of remote appearances to reduce in-person court appearances

STATE-LEVEL OJD EFFORTS

- Chief Justice Martha Walters
 - Worked with the Oregon State Bar (OSB) to expedite admission of out-of-state lawyers to practice in Oregon (comity rule)
 - Contacted the Professional Liability Fund to allow attorneys to practice on a limited basis
 - Encouraged all judges and courts to convene local meetings and implement improvements
 - Wrote articles highlighting the value and importance of public defense providers
 - Hosted and engaged in conversations at all levels of state government – from local jurisdictions to state workgroups and three-branch leadership discussions

STATE-LEVEL OJD EFFORTS, CONT.

- Office of the State Court Administrator (OSCA)
 - Added criminal analyst position to evaluate and develop data, and identify opportunities for statewide improvements
 - Committing significant senior judge resources to case settlement efforts
 - Worked with OPDS to develop consistent data collection on unrepresented persons in each judicial district
 - Worked with OSB to create temporary Bar numbers in the Odyssey case management system to identify attorneys admitted through comity
 - Working with OSB to evaluate changes in conflict rules to increase representation opportunities
 - Continuing to explore ways to support and expand use of remote hearings

ACTIONS TAKEN IN RESPONSE TO OCDLA LETTERS AND NEXT STEPS

- OCDLA Proposals (received September 5 and 8)
 - Reviewed by Chief Justice's Presiding Judge and Trial Court Administrator Advisory Committee on September 16
 - Continued examination in local courts, committees, and workgroups
 - Uniform Trial Court Rule Committee – Fall Meeting on October 20, 2022
 - CJAC – at next meeting, date TBD
 - Local stakeholder meetings to improve processes and procedures
 - OSCA staff reviews

PROVIDE DAILY ONLINE UPDATES ON UNREPRESENTED PERSONS

See Change Over Time

As Of Date

All

9/22/2022

1,292

Unrepresented As Of Date Selected

1,292

Unrepresented Today

0

Change

0.0%

Change %

Category	Felony Class A	Felony Class B	Felony Class C	Misdemeanor	Contempt	Civil Commitment	Habeas	Post Conviction Relief	Delinquency	Dependency	Perm. Guardianship	Termination of Parental Rights	Total
▲													
⊕ In Custody	18	10	23	16	1								52
⊕ Out of Custody Pretrial	22	29	356	367	13								771
⊕ Out of Custody Probation Violation	2	3	11	21	2								39
⊕ Active Warrant on Case	7	11	198	190	6								404
⊕ Non-Criminal Case						1	4	19	9	1	1	2	37
Total	49	53	585	591	22	1	4	19	9	1	1	2	1,292

<https://www.courts.oregon.gov/about/Pages/reports-measures.aspx>



OREGON JUDICIAL DEPARTMENT

2023 CHIEF JUSTICE LEGISLATIVE CONCEPTS



LC 270: INCREASING JUROR COMPENSATION

Background

- Jurors in Oregon are currently paid \$10.00/day for the first two days of service and \$25.00/day thereafter. ORS 10.061
- Jurors also receive \$0.20 cents/mile for transportation. ORS 10.065

Proposal

Raise juror pay to \$50.00/day for the first two days and \$60.00/day thereafter and tie mileage reimbursement to the federal GSA rate (currently \$0.625/mile). Authorize periodic increases tied to federal cost-of-living measures.

- Improves fairness of juror compensation, broadens jury pool
- Brings Oregon to parity to the federal court system
- Raises Oregon from the bottom range of juror compensation among the states

LC 271: OJD OMNIBUS BILL

Primary Provisions

- OJD struggles to maintain an active roster of transcriptionists due to low pay set in statute. Amend ORS 21.345 to raise transcriber rates from \$3.00/page to \$4.25/page, with ability to provide cost-of-living increases.
- Statutes need to be updated to reflect current electronic options and opportunities for the appointment and use of senior judges. The proposal will streamline senior judge appointment provisions.
- Technical fixes and clean ups in statutory references to procedural rules.
- Added protections for filers in the Odyssey (Oregon eCourt) case management system.

LC 272: SENSITIVE DEMOGRAPHIC INFORMATION

Background

Demographic data in OJD's Odyssey (Oregon eCourt) system are not always accurate or complete. Existing data generally comes from law enforcement or other third parties based on perceived characteristics. The lack of accurate data impacts the state's ability to assess representation and disparities in the legal system. The Oregon State Bar similarly seeks to gather and protect sensitive demographic information of its members. To encourage self-reported disclosures, a measure of privacy must be offered to individuals sharing this information.

Proposal

Expand current Chief Justice authority to adopt rules to safely gather data distinguishing persons from other persons, gather demographic information, and gather information for the purpose of identifying and evaluating disparities and impacts in the justice system in Oregon. Individuals' information would be protected from public disclosure, while aggregate data may be reported. ORS 1.002. The Oregon State Bar would have parallel permission.

LC 274: JUDICIAL POSITIONS

Background

Oregon communities need more judicial resources, as demonstrated by nationally-developed, validated measure of judicial workload.

Proposal

To begin filling the gap, OJD proposes to add judicial positions (with accompanying staff) in six circuit courts

- Jackson
- Washington (2 judicial positions)
- Lane
- Josephine
- Douglas
- Clackamas

Listed in order of need

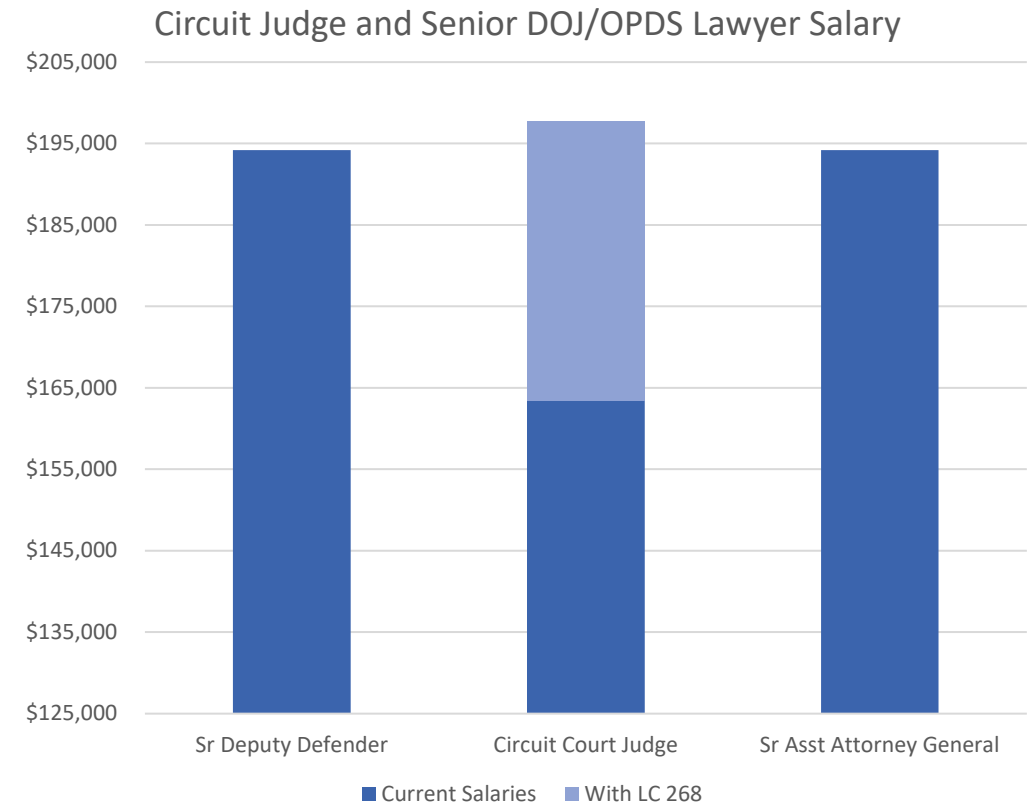
LC 268: JUDICIAL COMPENSATION

Background

- Oregon circuit judges continue to have the lowest cost-adjusted salary in the country. *July 2022 NCSC Survey of Judicial Salaries*
- Recruitment and retention are a challenge when judges are paid substantially less than similarly-experienced public-sector attorneys.

Proposal

- Provide two 10% salary increases to bring Oregon out of the bottom range of the nation and achieve parity with senior OPDS and ODOJ attorneys.





THANK YOU

Questions? Please contact:

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- Valerie Colas, valerie.colas@ojd.state.or.us
- Erin M. Pettigrew, erin.m.pettigrew@ojd.state.or.us