

# Oregon Judicial Department

National Consortium on Racial and Ethnic Fairness in the Courts  
2015 Status Report



## HISTORICAL PERSPECTIVE

The Oregon Judicial Department (OJD) has produced five reports that describe barriers to access, recommend changes, and highlight progress. The reports are available online at (<http://www.ojd.state.or.us/access>):

- 1994 - Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System
- 1996 - A Commitment to Fairness: Progress Report of the Oregon Supreme Court Implementation Committee
- 1998 - Report of the Oregon Supreme Court/Oregon State Bar Task Force on Gender Fairness
- 2002 - Gender Fairness 2002: Implementation Status Report of the Oregon Judicial Department Access to Justice for All Committee
- 2006 - Report of the Task Force on Access to State Courts for Persons with Disabilities

From 1994 until 2009, access to justice issues were monitored and addressed by OJD's Access to Justice for All Committee (Access Committee). In 2009, the Access Committee was suspended due to severe budget restrictions (as were all of OJD's state wide committees). Despite these restrictions, OJD has continued to make progress toward improved access to justice.

## 2015 ACCOMPLISHMENTS

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

In May of 2015, Chief Justice Thomas Balmer established a workgroup, chaired by Justice Richard Baldwin, to determine the current status of OJD's access and fairness activities, identify lessons learned from OJD's Access Committee, and make recommendations regarding reactivating the Access Committee. The workgroup interviewed state and national leaders, reviewed current activities, and conducted a survey of OJD leaders and judges. The workgroup came to the conclusion that the OJD's vision goals to ensure access to court services and earn the public's trust and confidence should guide a future committee's efforts.

Based on the recommendation of the workgroup, Chief Justice Balmer is establishing the Oregon Supreme Court Council on Inclusion & Fairness (OSCCIF). The new Council is charged with:

- Monitoring and assisting with the implementation of the OJD's Strategic Plan strategies related to access, inclusion, and fairness.
- Identifying and recommending ways to integrate inclusion and fairness into OJD practices and procedures and coordinating efforts in order to ensure access, fairness, equality and integrity at all levels.
- Establishing, implementing and monitoring methods to ensure OJD reaches out to the diverse people we serve in order to understand and address their needs and priorities as they relate to Oregon Courts.
- Advising the Chief Justice and State court Administrator with respect to this charge.

OSCCIF members are being appointed and the Council will have its first meeting in the fall of 2016.

### ❖ Language Access

In May 2015, the Oregon Legislature passed a bill authorizing the OJD to provide interpreter services to Limited English Proficient (LEP) crime victims who wish to exercise their constitutional right to be present at court proceedings.

The OJD is installing laptop computers equipped to provide on-demand video remote interpreting services in courthouse family law service centers.

Oregon provides many statewide translated forms in Chinese (Traditional), Spanish, Russian, and Vietnamese. In 2015, the following documents were revised or added to the translated forms library:

- Korean Family Abuse Prevention Act Packets,
- Korean Elderly/Disabled Person Abuse Prevention Act Packets,
- Korean Stalking Forms,
- Multiple-language Sexual Abuse Protection Order Packets,
- Multiple-language on-line language access complaint forms, and
- Multiple-language counter assistance cards and courthouse signs.

## ❖ Educational Programs

OJD provided the following inclusion and fairness related educational programs in 2015:

- Bias in Decision Making
- Tribal Cultures and the Indian Child Welfare Act
- ICWA: Making Active Efforts
- Supporting Procedural Fairness for LGBTQ Persons In Your Courtroom
- Supervisor training on implicit bias, cultural ethics, diversity, neutrality, and equality
- Language access training sessions for court staff, judges, attorneys, and mediators
- State Court Findings for Abused Youth Seeking Special Immigrant Juvenile Status
- BIA Guidelines
- Tribal Court/State Court Forum
- The Protection of Immigrant Children Involved in Juvenile Courts
- Understanding the Needs of LGBTQ Youth
- Cultural Trauma and Collective Identity
- Customs, Values and Practices—Ensuring Families Receive Culturally Appropriate Services
- State Courts and the Protection of Immigrant Crime Victims and Children
- Ethics of Unbundled Legal Services in Domestic Relations Cases
- The Myth of Objectivity: Understanding Implicit Bias
- New Employee Orientation ADA curriculum

## ❖ ADA Access

In 2015, OJD updated and distributed to the trial courts new ADA public information and rights posters and revised the ADA complaint process, information, and forms. Additionally, OJD reassessed trial court assistive listening technology and updated equipment where necessary.

## ❖ Access for Unrepresented Litigants

OJD convened a workgroup that proposed a Uniform Trial Court Rule (UTCRC) that provides guidance on notice and termination of limited scope representation when an attorney appears in court with a client and adds language clarifying service requirements. The workgroup also created two forms: (1) Notice of Limited Scope Representation; and (2) Termination of Limited Scope Representation. The rules and forms were approved by the UTCRC committee and become effective August 1, 2016.

OJD released the following new iForms: the Small Claims Complaint, Small Claims Response, Satisfaction of Money Award, Residential Eviction Complaint and Summons, and FAPA Renewal. These new iForms represent OJD's next step in providing interview-based forms for the public. These forms are used and accepted in every circuit court. OJD launched a new iForms webpage: <http://courts.oregon.gov/OJD/OnlineServices/iForms/Pages/index.aspx>. The new webpage provides users access to all of OJD's interactive forms.

*For more information please contact:*

Ed Alletto CSC, SC:L, OIC:v/s,s/v | Interpreter and OSCCIF Analyst | Court Language Access Services | Oregon Judicial Department | 1163 State Street Salem, Oregon 97301 | 503.929.9627 | [Edward.C.Alletto@ojd.state.or.us](mailto:Edward.C.Alletto@ojd.state.or.us)