

THE SUPREME COURT *of* OHIO

NATIONAL CONSORTIUM ON RACIAL AND ETHNIC FAIRNESS IN THE COURTS

While the COVID-19 pandemic brought many unexpected challenges, the Supreme Court of Ohio and the Ohio judicial system experienced a number of unique opportunities in the areas of access to justice. This report will highlight a few of the areas of growth since the last NCREFC conference in May 2019.

The Ohio Legal Assistance Foundation began its work in 1994 and is a statewide, nonprofit organization committed to ensuring that civil legal aid is available to all low-income Ohioans. In 2019, the Foundation changed its name in an effort to more clearly reflect a broader commitment to access to justice initiatives. The new name, [Ohio Access to Justice Foundation](#), emphasizes the commitment to funding and supporting Ohio's legal aid entities, but also recognizes all efforts to increase justice for economically disadvantaged Ohioans. In the fall of 2019, the Access to Justice Foundation unveiled the Justice Bus, a mobile legal aid office that allows legal aid and pro bono attorneys to travel to rural areas of the state to provide legal services at no cost to clients. As recognition of the Foundation's expanded role in Ohio's civil legal aid, in January 2020, the Supreme Court voted to make the Foundation Ohio's official Access to Justice Commission.

As the pandemic took hold in early 2020, Chief Justice O'Connor quickly realized that access to justice would suffer greatly without swift and deliberate action. On March 20, 2020, Chief Justice O'Connor announced a \$4 million emergency remote technology grant program for Ohio's local courts. After all was said and done, she awarded just over \$6 million in remote technology grants. These emergency funds allowed Ohio's courts to purchase the technology needed to provide remote access for judges, magistrates, court staff, and the public. Chief Justice O'Connor also encouraged live-streaming of hearings, when possible, and created a [statewide directory](#) of all virtual hearings.

A few months later, the tragic death of George Floyd, at the hands of police officers, in Minneapolis brought protests to many cities across the country and Columbus, Ohio was no exception. Unfortunately, on May 28 and 29, 2020, vandals saw the protests as an opportunity to inflict extensive damage on the home of the Ohio Supreme Court, the Thomas J. Moyer Ohio Judicial Center. The damage to the building along with Chief Justice O'Connor's reactions to the civil unrest in the country were documented in a [short video](#) produced by the Court's Office of Public Information.

Shortly after these events, Chief Justice O'Connor issued a [statement](#) calling for criminal justice reform and a call to action. In that statement, she outlined several items that would drive reform in Ohio:

- Creation of a statewide sentencing database.
- Cameras in every courtroom to increase public access and awareness.
- Development of jury education and training on implicit bias.
- Use of registries other than voting records from which to summon potential jurors to ensure a more diverse pool.
- Sentencing reform.
- Pre-trial detention regardless of the ability to pay when the danger to a person or the community is great, and the release would be unsafe.
- Pre-trial detention when the risk of flight is great.

Within months of Chief Justice O'Connor's statement regarding criminal justice reform, the [Ohio Criminal Sentencing Commission](#) announced that it had received a grant award to create and implement a statewide sentencing database. This method of standardized data collection is crucial to identifying potential racial bias in arrest and sentencing data. The project was launched in conjunction with the University of Cincinnati and a pilot court was identified. To date, multiple courts are testing the database and it has received very favorable reviews.

Data collection continued to be a focus well into the fall of 2020 as thirty specialized dockets (problem solving courts) worked with American University's Justice Programs Office's [Racial and Ethnic Disparity Assessment Tool](#) (RED Tool) to capture information about each specialized docket's operations and procedures. A team then used the RED Tool to examine the docket for potential racial and ethnic disparities. The final report was released in September 2020 and since that time, the Supreme Court, along with each local specialized docket, has received technical assistance from the [Center for Court Innovation](#). Staff continues to work diligently to understand the data and work to improve processes which will alleviate racial and ethnic disparities in the programs.

Reform efforts have also continued into 2021. Earlier this year, the Supreme Court voted in favor of a rule which would require any limited jurisdiction court, which uses a bail schedule, to include a rebuttable presumption for personal recognizance. If approved by the Ohio General Assembly, that rule will be effective on July 1, 2021.

Additionally, Chief Justice O'Connor has created a new position in the Office of Chief Legal Counsel which will provide emphasis and focus on the Court's desire to promote inclusion in all aspects of its work. The Court's Diversity and Inclusion Counsel will facilitate considerations of diversity, equity, and inclusion in the formulation and adoption of rules, policies, procedures, practices, and communications. This will ensure long-lasting and systemic change that will have a positive impact on generations to come.

Lastly, no reform effort can be successful without a robust educational component. Ohio has an innovative Judicial College that fortunately, had many online courses available prior to the pandemic. Even so, as soon as the extent of the pandemic became evident last March, Chief Justice O'Connor asked the Ohio Judicial College to convert *all* educational offerings to online courses. Last year, 23 courses focused on access to justice issues and many of those courses are available "on demand" and they can be viewed at any time of day, as needed. Already in 2021, an additional 19 access to justice focused courses are scheduled for release.

For further information, contact:

MAUREEN O'CONNOR

Chief Justice

614.387.9060

Maureen.OConnor@sc.ohio.gov

STEPHANIE E. HESS

Interim Administrative Director

614.387.9407

Stephanie.Hess@sc.ohio.gov