

The Supreme Court of Ohio

Racial & Ethnic Fairness in the Courts Update

The Supreme Court of Ohio's work in examining and addressing issues of racial and ethnic fairness in the state's courts has focused upon two primary areas: (1) access-to-justice improvements and (2) interpretation services initiatives. The following is a summary of the various efforts the Supreme Court has taken over the past few years.

Access to Justice Improvements

Educational Efforts

The Supreme Court has focused on educational efforts aimed at addressing access-to-justice issues. The most prominent example of this focus is the Supreme Court's work regarding fines, costs, and other legal financial obligations. Use of these obligations to generate revenue for local municipalities, counties, or the state serves as an impediment to access to justice. In recognition of the problem, the Supreme Court's staff developed a bench card to educate judges on the proper use of fines, costs, and other financial sanctions.

Additionally, the Supreme Court's Judicial College offers various educational courses to not only judges, but also to magistrates, acting judges, clerks, and other court personnel, concerning the collection of fines and costs. Since 2013, the College has conducted the following courses related to this topic:

- **Ensuring a Fair Judicial Process for All** - Ohio Judicial Conference Annual Meeting, 9/15/16;
- **The Assessment and Enforcement of Fines and Fees** - Association of Municipal/County Judges in Ohio, 7/13/16;
- **Landlord Tenant** - (contained fines and court costs material) - New Judge Orientation II, 5/4/16;
- **Costs of Pretrial Detention Risk Assessments** - Pretrial Services in Ohio: Past, Present and Future, 11/20/15;
- **Bond Issues** - Acting Judges Essentials: Criminal Procedure, 11/13/15;
- **Misdemeanor Sentencing** - New Judge Orientation I, 12/11/14;
- **The Cost of Detention; The Use of Validated Risk Instrument Data in Making Bail Decisions; Why and how bail decision should be risk-based versus charge-based** - Pretrial Detention and Risk Assessment: The Newest Findings from the Field, 10/3-4/14;
- **Collection Issues for Courts** - OAM Fall Conference, 10/2/14;
- **Trials, Pleas & Sentencing in DV & Traffic Cases** - Acting Judge Essentials 2014: Domestic Violence and Traffic Issues, 10/16/14, 9/19/14, and 3/27/14;

- **Evidence-Based Practices Panel** - Evidence-Based Pretrial Services and Ohio Law, 11/22/13;
- **Small Claims in Municipal and County Courts: Judgment and Collections** -Acting Judge Essentials, 9/20/13;
- **Fines and Costs Revisited** - Association of Municipal/County Judges in Ohio, 7/15/13;
- **Court Reimbursement** - Probate Seminar, 6/10/13;
- **Judgment and Collections** - Small Claims in Municipal and County Courts, 4/12/13;
- **Court Costs- Authorization, Collection and Assessment** - Association of Municipal/County Judges in Ohio, 2/6/13.

Implementation of Task Force on Access to Justice Recommendations

In March of 2015, the Supreme Court’s Task Force on Access to Justice issued its Final Report and Recommendations. The Task Force’s recommendations were aimed, in part, at identifying gaps in and obstacles to accessing the civil justice system in Ohio. The following is a list of those recommendations implemented thus far by the Supreme Court:

- The annual *pro hac vice* registration fee was increased from \$150 to \$300, with the additional fees directed to help fund civil legal aid in Ohio;
- A voluntary “add-on” charge was added to the biennial attorney registration, with the funds directed to help fund civil legal services;
- The state’s *pro hac vice* rules were amended to allow for the temporary practice of law by attorney spouses of military members stationed in Ohio;
- New Emeritus Pro Bono Attorney Registration rules were adopted to permit non-active attorneys to provide pro bono legal services;
- Supreme Court-prescribed forms that are frequently used by non-attorneys are being reviewed to determine if user-friendliness can be improved.

Interpreter Service Initiatives

The second major area of focus for Ohio’s Supreme Court is its interpreter service initiatives. These have taken the form of state-court’s required use of interpretation services, as well as participation in a State Justice Institute grant to develop interpreter education.

Required use of interpreters

As part of the Supreme Court’s continuing effort to ensure judicial access by limited English proficient individuals, the Court has adopted Rules 80 through 89 of the Rules of Superintendence for the Courts of Ohio. These rules do the following:

- Establish a procedure through which foreign language interpreters who appear in Ohio’s courts may receive and maintain official recognition as a “Supreme Court certified foreign language interpreter;”

- Generally require courts, when appointing a foreign language interpreter for a court or case function¹, to use a Supreme Court certified foreign language interpreter;
- Require the use of bilingual communications for ancillary services that are outside or separate from a court or case function, such as alternative dispute resolution programs, evaluations, information counters, and pro se clinics.² Bilingual services include communication services provided in person, telephonically, or via video.

State Justice Institute Grant

The Supreme Court was awarded a grant by the State Justice Institute through which it will partner with a college or university to develop a curriculum that will prepare interpreters to enter the court interpreting profession and provide a foundation to pursue court interpreting certification or credentialing. The project will involve close collaboration with a law school and/or a foreign language department to create this unique curriculum and include these offerings as regular educational options available at the college or university.

The curriculum will be delivered in a combination of distance learning and practical experience that encompasses the development of modules that include topics such as introduction to the courts, legal terminology and research, criminal procedure, civil procedure, ancillary court services, and a mock experience or practicum. Each module will be designed into a new class and will contain targeted material identified in each specialized topic. As part of the proposal, the selected partner will also identify additional course material and provide a course syllabus.

The Supreme Court, along with the education vendor and stakeholders, will also assist with the creation of a recruitment strategy. It is anticipated that the increased educational opportunities coupled with the recruitment strategy will increase the number of certified interpreters in the state of Ohio.

¹ “Case or court function” means any hearing, trial, pre-trial conference, settlement conference, or other appearance before a court in an action, appeal, proceeding, or other matter conducted by a judge, magistrate, or other court official (Sup.R. 80(B)).

² “Ancillary court services” means any activity, other than a case or court function, that includes the exchange of legal or general court-related information with the public or parties in interest and is paid for or provided by the court (Sup.R. 80(A)).