

PURPOSE OF SB 818

October 3, 2009

The Purpose of OABA Bill **SB 818** is to correct the difficulties that Black Oregonians as well as other Oregonians have in obtaining effective legal representation in Oregon, regardless of their ability to pay or their status in society.

The chief sponsors of SB 818 were **State Senator Jackie Winters (R)** and **State Senator Vicki Walker (D)**.

SB 818 was introduced and sponsored, in the 2009 Oregon Legislature, at the request of the Oregon Assembly for Black Affairs (OABA), and its main purpose was to amend ORS 9.460 to read that "An attorney shall **provide unbiased and effective representation for all clients**’."

Also SB 818 would have provided for "all active members of the Oregon State Bar to **receive cultural competency training designed to educate members on providing unbiased and effective representation for all clients**."

The "Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System" dated May 1994, points out two outstanding admissions. They are:

1. "Nonminorities have brought about many of the problems that minorities encounter and are discussed in this report. Addressing these problems, and ultimately solving them, is the joint responsibility of nonminorities and minorities."
2. If a poll were taken of all the lawyers, court staff and judges in Oregon, it is doubtful that even one person would admit that he or she discriminates against minorities in any way... That attitude makes the education process even more difficult." "The truth is that many nonminorities were raised in a culture in which discrimination was common, even accepted. Not surprisingly, the habits and attitudes learned as children carry over into adult life."

The Oregon Assembly for Black Affairs (OABA) cannot speak for all minorities in Oregon, but it can share what is happening with Black Oregonians. Also OABA knows "What Benefits Black Oregonians Benefits ALL Oregonians," and this does not work in reverse. OABA has received evidence that attorneys are not providing effective legal representation for Black Oregonians.

The Oregon Assembly for Black Affairs (OABA) has defined a problem faced by one group of minorities and has determined the cause of this problem. The problem is the difficulty that Black Oregonians have in obtaining effective legal representation in Oregon, regardless of their ability to pay or their status in society. It is OABA position that Blacks in Oregon receive ineffective legal representation because of fear and racism. OABA has corresponded about this problem with many elements of the legal system in Oregon, which include Black attorneys, the Oregon State Bar President, Oregon State Bar Executive Director, Oregon State Supreme Court, Oregon Governor, Oregon Legislative Assembly, Oregon Labor Commissioner, and the deans of law schools in Oregon.

Should effective legal representation be based upon whether one has an attorney who looks like oneself to handle the case? OABA does not think so. **Should any attorney licensed by**

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the State of Oregon be capable of providing effective legal representation to any client regardless of the client's race or position in society? OABA believes that all attorneys should be able to do so.

It is OABA understanding that the “Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues” is **not** law in Oregon. However, Conclusion 11 of this Task Force Report would go a long way to ensuring effective legal representation for Black Oregonians if it was law in Oregon. This conclusion states:

“All nonminorities involved in the justice system—judges, court staff, lawyers, law school professors and law students—need ongoing, cross-cultural training. Nonminorities have contributed to most of the problems facing minorities today. Nonminorities must recognize that problems exist; nonminorities must address them with resolve and sensitivity.”

OABA believes that attorneys, like teachers, must be culturally competent in the cultures of their clients if effective legal representation is to be possible. When the OABA Board of Directors learned on January 6, 2007, that some members of the Oregon State Bar were trying to eliminate mandatory bias training for attorneys and that the Oregon State Bar might eliminate its Affirmative Action Committee, the OABA Board of Directors recognized that these efforts will not make effective legal representation of Black Oregonians better. When OABA Board learned that the Oregon Supreme Court approved only a delay in the elimination of the bias training so that a study could be conducted, the OABA Board expressed that both mandatory culturally competency training for attorneys and effective legal representation should be established by law.

The “Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues” is an excellent study of bias and racism that exist in the legal system; but the recommendations and conclusions made in this report are not law. However, many of them should be in law. Attorney's fear when providing effective legal representation for Blacks in Oregon is not addressed by the report. This is the reason for OABA bill for effective legal representation.

OREGON ASSEMBLY FOR BLACK AFFAIRS - An Organization For CHANGE And Building A Better Oregon for the Black Community. What Benefits Black Oregonians Benefits ALL Oregonians. --- OABA, P. O. BOX 12485, SALEM, OREGON 97309
