

**TESTIMONY ON SENATE BILL 710
BEFORE THE SENATE COMMITTEE ON JUDICIARY
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**PRESENTED BY: AARON KNOTT,
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The need to understand the impacts of trauma, stress, and dynamics of victimization informs every area of judicial practice. These factors can impact memory, how a person testifies, how they respond to stressful situations, and how they present themselves in court. Participants in the judicial system often come before the court with no prior legal experience and no concrete sense of what to expect. For many, the experience is inherently stressful. For some, the uncertainty of the process can be deeply uncomfortable.

Fortunately, there are proven techniques that judges and court staff can use to make the experience of being in court more welcoming, and to become more aware of how the dynamics of trauma and victimization can be addressed throughout the court process. These techniques, however, are not always self-evident, and while they can be developed through years of practice, it is far better to affirmatively provide judges with specialized training.

Studies show that judicial training improves outcomes in cases involving domestic violence including in the areas of access to justice, judicial leadership, victim safety, and perpetrator accountability.¹

The consistent availability of judicial training is a recognized challenge for the Oregon Judicial Department. The law, science, and best practices are ever changing and require constant refreshing. Judges must balance the need to refine their skills with the competing obligations of the courtroom, and training all judges simultaneously poses significant challenges. Opportunities – and funding – to provide training to judges, especially in digital or other on-demand formats, have been limited.

Pending amendments to **Senate Bill 710** would establish the framework necessary for the Oregon Judicial Department (OJD) to offer consistent, recurring trainings in evidence-based and trauma-informed education related to domestic violence, sexual assault, stalking, and other matters related to interpersonal violence. While the enacting amendments have not yet been fully drafted, OJD anticipates the following components:

¹ Peter G Jaffe, Claire V Crooks, Maureen Reid, Jennifer White, Danielle Pugh-Markie & Linda Baker (2018) *Enhancing judicial skills in domestic violence cases: the development, implementation, and preliminary evaluation of a model US programme*, Journal of Social Welfare and Family Law, 40:4, 496-514.

- **SB 710 will give the Chief Justice the ability to establish minimum judicial education standards, which will include continuing education.** At present, OJD lacks a mechanism to provide education outside of very limited judicial training activities. SB 710 would allow OJD to provide additional training, both digital and in-person, to support compliance with the standards.
- **SB 710 will require the development of evidence-based and trauma-informed education related to domestic violence, sexual assault, stalking, and other matters related to interpersonal violence.** As directed by the Chief Justice, the State Court Administrator may establish and supervise training programs for judges and court staff. This contemplates initial training when new judges take the bench, as well as ongoing training, which subsequently can be made available to additional court staff as budgeting permits.
- **SB 710 will contemplate a community driven process.** The Chief Justice will be authorized to form and consult with an advisory committee to inform the work of developing the curriculum, including victim service providers, prosecutors, defense attorneys, culturally specific partners, and others with relevant experience. The Chief Justice already maintains advisory committees in areas of law with expertise on this topic including juvenile, family, civil, and criminal law. Inclusion of voices across the justice system reflects the broad reach of interpersonal violence in our community and as it appears in many case types.
- **SB 710 will promote accountability.** Minimum standards will ensure judges are knowledgeable about the dynamics of interpersonal violence and apply that knowledge in the courtroom. It also will support OJD efforts to get feedback on the experiences of court users as we continue working to improve justice services in our courts.

Oregon's judges are deeply compassionate and committed to maintaining a courtroom that is welcoming to all who enter, no matter their needs or the nature of their business with the judicial branch. All participants, including survivors of domestic and sexual violence, deserve a court system that understands the realities of their experiences. SB 710 provides needed investments in helping our judges to succeed in this mission.