



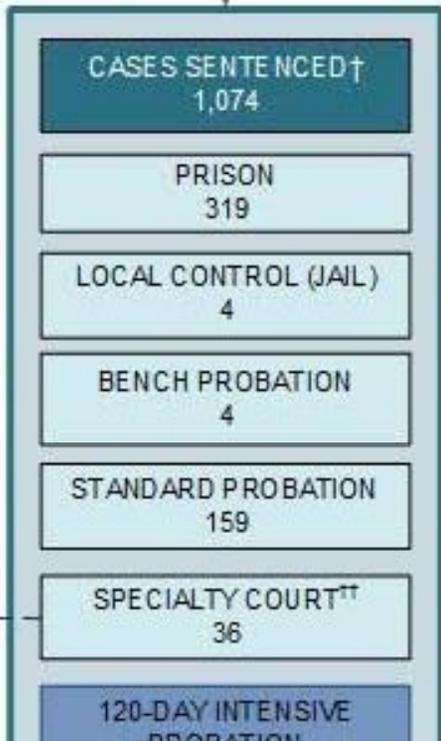
# JUDICIAL SETTLEMENT CONFERENCES STANDARDS OF EXCELLENCE

## **BEST PRACTICES FOR JUDGES**

Multnomah County Justice Reinvestment Program  
Standards of Excellence Task Force  
April 15, 2016

# Task Force Approach

- Convened by the Multnomah County Justice Reinvestment Steering Committee
- Collaboration: Judges, Defense Attorneys, Probation Officers and Prosecutors
- Best Practice: Before, During and After a Judicial Settlement Conference



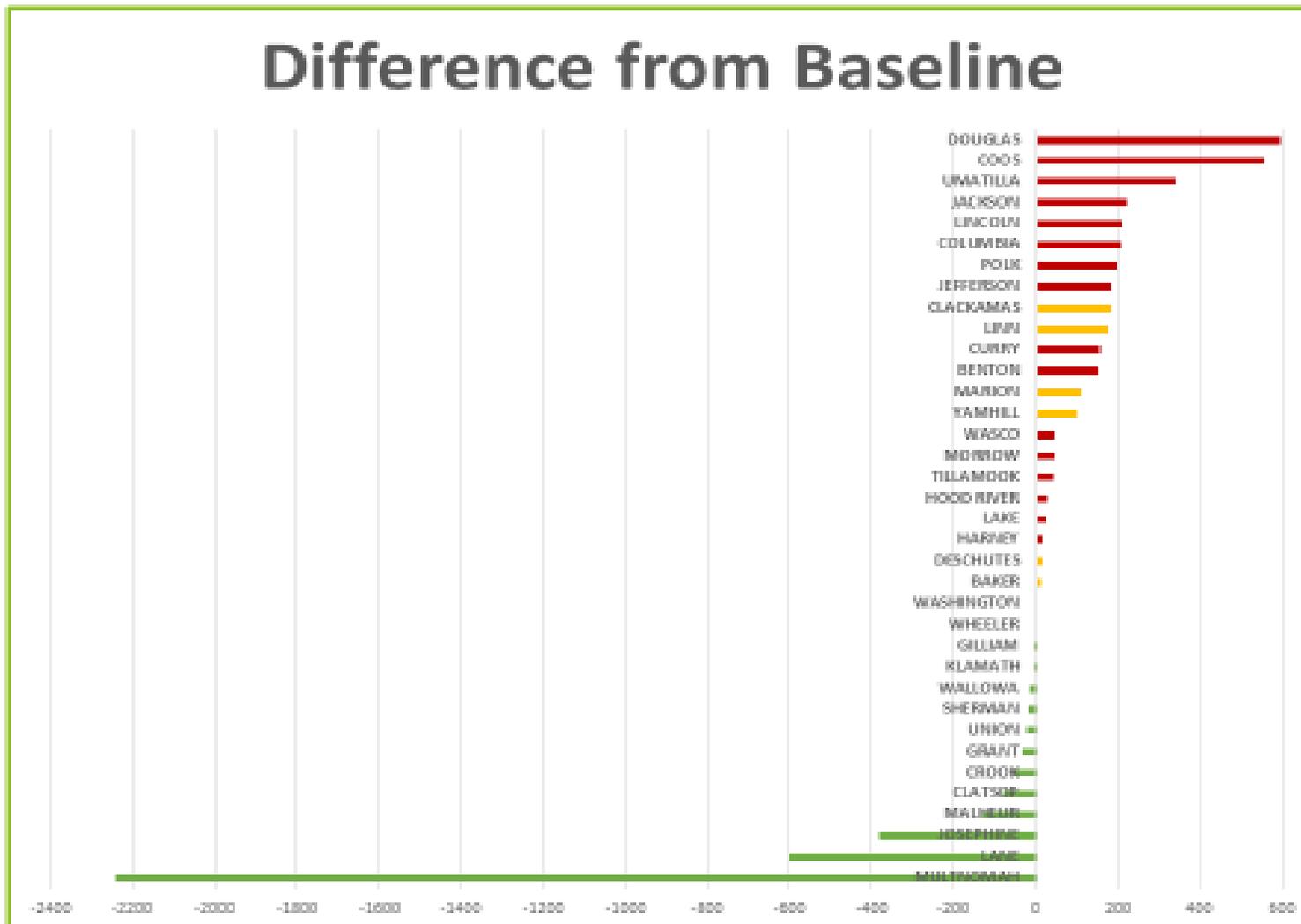
# MCJRP

CASE DISPOSITION	MCJRP CASES PLED
CONVICTIONS	1064
PLEA	1056
TRIAL	8
DISMISSED	1
NOT GUILTY	1
TRIAL	1
<b>TOTAL CASES</b>	<b>1066</b>

# JUSTICE REINVESTMENT

- Improving public safety by reducing spending on incarceration in order to reinvest savings in evidence-based strategies that decrease crime
- Controlling Prison Growth: HB 3194 (2013)
  - 3194 sentencing reforms can no longer control growth of Oregon's prison population
  - Local use of funding will determine outcomes

# IMPACT ON PRISON POPULATION



# BEFORE THE JSC

- Read assessment report and materials
- Review case file
- Identify existing probation and Judge
- Identify and Track pending cases
- Consider Specialty Court
- Calendar and Negotiation systems
- Know MCJRP rules and procedures
- Understand LS/CMI

# AT THE JSC

## ATTORNEY AND PROBATION OFFICER COMMUNICATIONS

- Meet in chambers
- Determine negotiation stage
- Ask how you can best help
- Determine best victim participation
- PO's as resources
- Address special issues
- Determine A&D evaluation timing
- Judge's opinion
- Proceed with JSC whenever possible

# MOTIVATIONAL INTERVIEWING

## CONVERSATIONAL APPROACH TO DEFENDANTS

Discover their own interest in changing their lives

Change Talk: Expresses a desire for change

Examine ambivalence about the change

Plan and begin the process of change

Elicit and strengthen change-talk

Enhance their confidence in taking action and noticing that even small, incremental changes are important

Strengthen their commitment to change

# AT THE JSC

## COMMUNICATING WITH THE DEFENDANT-INFORMATIVE STAGE

- Approaching the defendant
- Explain the JSC Process
- Presence of third parties
- Explain trial v plea
- Explain sentencing
- Judge role in a JSC
- Explain purposes and goals of MCJRP

**DEFENDANTS  
THIRD PARTIES**

Encourage defendant  
to speak

Open ended questions

Ask about plan for  
success

Involve family, friends,  
mentors, employers  
when helpful

**COURT PARTIES**

**Include DA's**

- Negotiations and Sentencing

**Include PO's**

- Evaluations
- Services
- Supervision Options

**Include Defense Attorneys**

- Mitigation

# EVALUATE AND DISCUSS POTENTIAL OUTCOMES

## Non-negotiable offers

- Request second look
- Length of sentence

## Be creative

- Probation conditions
- Local time

## Terms of agreement

- Separate meetings

## Assist resolution

- Accept plea and set sentencing date
- Set for possible plea
- Setting second JSC
- ORS 135.432(1)(b)
- Recommendations
- Summarize action items

# AFTER THE JSC

- Maintain notes in case of second JSC
- Set Plea with JSC Judge
- ORS147.512(2)(b)(B)
- Requesting DA reconsideration
- Motivational atmosphere
- Milestone ceremonies

# JUDICIAL SETTLEMENT CONFERENCES

STANDARDS OF EXCELLENCE



# *TOP 10*

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*THINGS YOU DON'T WANT TO HEAR IN A  
JSC*

10. CLIENT ENTERS AND SAYS

*Soooo, what's this all about?*

9. CLERK ENTERS AND SAYS

*Judge is in chambers, said to call if you need them*

8. DA ENTERS AND SAYS

*You're going down so hard, you are going to bounce*

7. PROBATION OFFICER ENTERS

*...and starts a crossword puzzle*

6. CLIENT SAYS : *Settlement !!?*

*I'm here for a dismissal & an apology letter from the DA*

# TOP 10: *THINGS YOU DON'T WANT TO HEAR AT A JSC*

## 5. DEFENSE ATTORNEY GOES

*Non-deportable!?*

*Man, you're screwed*

## 4. DA GOES

*Probation?*

*And starts laughing  
hysterically*

- 3-

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***THE JUDGE AND THE PO JOIN IN***

-2-

**PO SAYS**

***YEAH, I GOT YOUR TREATMENT RIGHT  
HERE***

***AND THE NUMBER 1 THING YOU  
DON'T WANT TO HEAR AT A JSC***

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**CLIENT SAYS**

***I'll take MCJRP with cheese, fries and a  
chocolate shake***