

Judicial Branch Program Area

The Judicial Branch includes the Judicial Department (OJD), the Public Defense Services Commission (PDSC), and the Commission on Judicial Fitness. Within this framework, the branch includes the judges and the administrative staff that operate and support the state’s general-jurisdiction circuit courts, the Tax Court, the Court of Appeals, and the Supreme Court. The PDSC provides defense services to defendants unable to afford counsel, in cases where they have a constitutional or statutory right to counsel. The Commission on Judicial Fitness investigates and acts upon complaints of judicial misconduct or disability.

JUDICIAL BRANCH (Millions of Dollars)	2009-11 Actuals		2011-13 Leg. Approved		2013-15 Current Service Level		2013-15 Co-Chairs' Budget (1.0)		% Change 2011-13 LAB to 2013-15 CSL	
	GF/LF	TF	GF/LF	TF	GF/LF	TF	GF/LF	TF	GF/LF	TF
Judicial Department	\$284.1	\$366.1	\$368.0	\$426.2	\$409.3	\$433.1	\$0.0	\$0.0	11.2%	1.6%
Judicial Fitness, Commission on	\$0.2	\$0.2	\$0.2	\$0.2	\$0.2	\$0.2	\$0.0	\$0.0	15.3%	15.3%
Public Defense Services Commission	\$211.4	\$223.5	\$224.5	\$228.4	\$251.4	\$254.6	\$0.0	\$0.0	12.0%	11.5%
JUDICIAL BRANCH TOTAL	\$495.6	\$589.8	\$592.7	\$654.7	\$660.9	\$687.9	\$0.0	\$0.0	11.5%	5.1%
Percent of State Budget	3.7%	1.0%	4.0%	1.1%	3.9%	1.2%	0.0%	0.0%		
State Government Employment	Positions	FTE	Positions	FTE	Positions	FTE	Positions	FTE	Positions	FTE
	2,154	1,973.54	1,955	1,828.56	1,907	1,785.75	0	0.00	-2.5%	-2.3%

Major Revenues	Budget Environment	Comparison by Fund Type																
<ul style="list-style-type: none"> The program area is primarily funded by General Fund. In the 2011-13 biennium, the Legislature directed fine and assessment revenues to the General Fund, and transferred funding for the programs these revenues had supported to the General Fund. OJD collects significant Other Funds revenues from fees, fines, and charges. These are projected to total \$269 million during the 2011-13 biennium. The revenues are primarily transferred to the General Fund or to the Criminal Fine Account, or in the case of fines transferred also to cities and counties. Expenditures of Other Funds revenue 	<ul style="list-style-type: none"> OJD staffing has fallen from 1,928.35 FTE in the 2007-09 biennium to 1,752.66 FTE today. Certain court operations have been reduced as an outcome. OJD is implementing an electronic court records and management system (eCourt). Implementation of the current iteration of this system was approved in 2011-13, and will continue through the 2015-17 biennium. The system is complex and requires changes in business processes at the courts and in OJD’s central offices. The Legislature made substantial revisions to court fees and to fine levels (primarily for violations offenses) in the 2011 session. Fine amounts were 	<table border="1"> <caption>JUDICIAL BRANCH Revenue (Millions of Dollars)</caption> <thead> <tr> <th>Year</th> <th>General Fund/Lottery</th> <th>Other Funds</th> <th>Federal Funds</th> </tr> </thead> <tbody> <tr> <td>2009-11</td> <td>\$496</td> <td>\$93</td> <td>\$1</td> </tr> <tr> <td>2011-13</td> <td>\$593</td> <td>\$61</td> <td>\$1</td> </tr> <tr> <td>2013-15 CSL</td> <td>\$661</td> <td>\$26</td> <td>\$1</td> </tr> </tbody> </table>	Year	General Fund/Lottery	Other Funds	Federal Funds	2009-11	\$496	\$93	\$1	2011-13	\$593	\$61	\$1	2013-15 CSL	\$661	\$26	\$1
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<p>within the Judicial Branch itself are primarily limited to funds collected from defendants for indigent defense, when the state does not fund the total amount of defense costs.</p> <ul style="list-style-type: none"> • Other Funds revenues are also received from the proceeds of certificates of participation or Article XI-Q bonds issued to finance the eCourt system. • Federal Funds support the Juvenile Court Improvement Project. 	<p>generally reduced from prior levels. The resulting revenue reductions do not directly affect OJD operations, because the Department does not retain the revenues from these charges. Reduced fine levels, however, along with a reduction in the number of violations charges, are negatively affecting the revenue generation of justice and municipal (i.e., local) courts.</p> <ul style="list-style-type: none"> • An ongoing decline in state court caseload levels (especially for criminal cases) appears to have ended. Some caseloads are now increasing. • The right of defendants to have court appointed counsel was expanded by a recent Court of Appeals decision. The impact of this ruling on the cost of providing public defense services is still unclear. 	

MAJOR CHALLENGES AND DECISION POINTS

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| <ol style="list-style-type: none">1. OJD will be requesting approximately \$11.7 million General Fund to restore services and programs it reduced in recent biennia. These include support for Drug Courts and supporting self-represented litigants, and support in increase staff at the circuit courts to speed delivery of court services.2. OJD will request an additional \$24.3 million of Article XI-Q bond proceeds to finance installation of the next phase of the eCourt system. These bonds would have additional debt services costs of \$5.2 million General Fund in the 2013-15 biennium.3. OJD will request \$27.4 million of Article XI-Q bond proceeds to finance repairs and improvements to the Oregon Supreme Court Building.4. OJD is additionally seeking \$1.3 million General Fund for ongoing technical and training support for eCourt.5. In 2012 the Legislature approved adding a three-judge panel to the Court of Appeals. OJD requests \$3 million General Fund for this purpose.6. OJD is requesting \$12.2 million General Fund to increase judicial compensation, and \$1.5 million General Fund to increase compensation for language interpreters for trial court proceedings.7. PDSC is requesting \$4.9 million General Fund to increase compensation for contract attorneys and investigators, and \$280K General Fund to increase compensation for its employees.8. PDSC is requesting \$3.8 million General Fund to reduce trial-level juvenile dependency caseloads.9. In addition to the PERS rate reductions that are generally applied in the Governor's budget (GB), the GB includes an additional, unspecified \$47.7 million reduction to reduce OJD funding to 5% below CSL. | <ol style="list-style-type: none">10. In addition to the PERS rate reductions that are generally applied in the GB, the GB includes an additional, unspecified \$16 million reduction to reduce PDSC funding to 3% below CSL. |
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* See attachment for additional information on this item.