

Fourth Judicial District – Impact of Budget Reductions to Date in the 2011-13 Biennium:

Provided by The Honorable Nan Waller, Presiding Judge

March 18, 2013

1. July 2011, the court took a permanent reduction of 34.31 positions including abolishing and laying-off 3 management level positions and continuing the reduction from 2010 of 3.5 referee positions. In April 2012, the court put into place another 30.59 position reduction to balance to the 2 percent set aside for the 2011-13 Biennium. In May 2012, the court was restored \$1.1 million from the Judicial Department Special Purpose Appropriation which was used to add back 4.5 FTE, hire additional temporary staff and meeting the service timelines identified in the SPA, including at the newly-opened East County Courthouse in April, 2012.
2. Loss of staff may be compensated by a turn to more automation and moving public service to the internet or to outside vendors. An example is that the Small Claims and FED eCourt pilots put documents on the public terminals and eliminates the need for staff assistance for a person to look at a document in one of those cases (filings on and after September 2009). The loss of judicial officers can be off-set only by taking regular circuit court judges away from their normal civil and criminal work and have them serve as arraigning and first appearance magistrates. This criminal first appearance and arraignment magistrate work has been performed by the referees since 1995; referees have been used in the court since 1989.
3. **What is protected:**
 - a. The commitment to provide access and timely disposition of actions across the Family Court, Criminal and Civil work of the circuit court.
 - b. Full hours of operation for public service counters and courtrooms.
 - i. 1681 people per day come into the courthouse for service, 614 to the Justice Center, 204 to the Juvenile Justice Center and 191 to the East County Courthouse, on average.
 - c. Court calendars – the court continues to focus on meeting the Oregon Judicial Conference’s Standards for Timely Disposition. The standards are met for civil actions, but Criminal actions and Domestic Relations actions are not currently meeting these standards.
 - d. On-line processes for citation payments, approximately 200 payments per business day. This program is an Oregon eCourt pilot program to prove the concept that an on-line payment system could work within the present OJIN/FIAS environment; it will be replaced with a similar system in Oregon eCourt as that system is implemented throughout the state. The program directly off-sets staff time in taking telephone or counter payments. This on-line system is available only from 6 a.m. to 9 p.m. each calendar day due to OJIN program availability limits. Twenty-four hour access is desirable.
 - e. On-line access to Family Abuse Prevention Act petitions for restraining orders have reduced the demand for public service. The petition forms are part of a “guided document assembly” program which is on a universally available web site that may be accessed at any time and from any place a petitioner can sit at a computer and go through the steps. This saves time on customer service and provides to the petitioner for filing a higher quality document both in appearance and content.
 - f. Scanning and processing FED and Small Claim filed documents same business day as received for filing, and processing documents in On-Base to maintain a “paperless” environment for these case.

- g. eFiling parking citations, approximately 247,000 annually for the City of Portland, and eFiling traffic citations, approximately 60,000 annually between Portland Traffic Division and the Photo Radar Speed and Photo Red Light offense citations. This eFiling program has been operational since 2004.

4. What is not protected:

- a. With the net loss of 60 positions in the 2011-13 Biennium, every department in the court is operating with employees who are now covering work formerly done by the incumbents in the abolished positions. Individually, employees are under more workload stress. More workload stress translates directly to more leave taken and more employee friction and discipline. It is not a work environment that is sustainable over the long run.
- b. To be able to focus remaining staff on the operational work to be accomplished each day, the following responses were made in July, 2012:
 - i. Public telephone hours have been reduced in the main case operational areas. This does not include the Office of the Trial Court Administrator or the Judge's Offices. The public may reach staff in the main operational areas of the court by telephone from 8:30 to 10:30 AM, and from 1:30 to 4:30 PM, each business day. 3,650 calls per day are made to the circuit court over all locations, on average.
 - ii. The court's one-day jury system was dropped for the duration of the fiscal emergency in favor of a two day system with jurors called only on Monday and Wednesday. This change permits the jury staff to work with reduced resources and still provide public service at a level appropriate to the needs of jurors, but comes at an individual cost to each juror of serving an extra day.
- c. Response on telephone services is degraded significantly by the reduction in telephone hours. Out of the daily calls to our high-volume operations areas, calls dropping out of the queue are at 30 percent. Calls drop out because wait times approach 30 minutes during peak periods. Most of these calls are to "revenue" queues, people calling to make payments, the rest are information calls regarding court appearance time and dates or individuals seeking information regarding pending or planned filed matters.
- d. The court had 359,057 traffic and parking violations filed in 2012. Mail sent by defendants in these citation matters which requires some judicial actions (mail pleas) can take from 120 to 180 days from receipt and filing through disposition.
- e. Processing civil papers submitted for review and signature by the presiding judge can now take up to three weeks, due to 50 percent staff cut in that office – two clerks were reduced to one clerk to cover all courtroom proceedings and all submitted judgment and other documents for presiding judge approval.
- f. Processing paper documents into paper files – moving paper from hand to hand, there are longer delays as staff reductions are particularly devastating in this area– this results in long waits by the public to have access to filed and entered court documents. Currently, civil and criminal papers have a 40-day backlog from filing and entry into OJIN to being put into a paper file for the case. Such a backlog has never existed before. For domestic relations cases, the current backlog is 15 days.
- g. Judicial time resources are reduced and regular circuit court judges are required to cover former referee rotations. There is less judicial time for hearing and trials in civil and criminal matters.

5. Why degraded service levels matter:

- a. Less access for court customers to judges, court staff, case information and case documents is less access to justice in our community.
- b. Less revenue processed for the general fund and crime victims until the public has a fully available on-line payment system.
- c. Less service to our community.

6. What is the solution:

- a. **Oregon eCourt implementation** would ease many of the problems which are incident to the consequence of the loss of operation positions – TurboCourt on-line forms services for all domestic relations cases, electronic filing and document storage for all cases, web availability of court documents and case management information, and electronic payment options for financial obligations which must be paid to the court on accounts receivable or for violation bail forfeiture dispositions.
- b. **Work study students** – the court has a contract with Portland State University, Portland Community College, Mount Hood Community College and the University of Portland for work study student help. Each academic term the court has 4 to 8 students. These students have a cost, but it is greatly reduced.
- c. **Internship programs** – Paralegal Students. The court serves as an internship site for the Portland Community College's Paralegal program. The court uses paralegal interns each academic term. There is no cost for paralegal interns. The interns are assigned to either administrative operations or to judicial offices for their work experience.
- d. **Internship programs** – Law School students and recent graduates. During summers the court uses law student interns in the judge offices to help with research and writing on legal subjects. Unemployed recent graduates are another pool for the court to recruit volunteers who are willing to exchange work for documented experience in a court setting.
- e. **Volunteer lawyers** who sit as judges pro tempore of the circuit court and hear certain civil motions. The volunteer lawyers are very experienced and provide about 4 days a month of service of actual court time, plus preparation time for the hearings and time for any written disposition.
- f. **Continued emphasis on access to justice** as a founding principal of Oregon government – strong courts build strong communities – and accessibility requires the court to be open during all business hours.
- g. **Cross training all staff**, including judicial staff, in court operations duties and cease to differentiate staff by assignment.
- h. **Re-purposing judicial staff** - Most judicial assistants in the court now spend 5 hours of their work week in court operations and 35 hours as a judicial assistant working with a judge. In addition, when courtroom proceedings are completed, courtroom clerks are now assigned to cross training in other court room functions such as the Justice Center. Additional efficiencies in judicial staffing are under review.

7. Factors of significance:

- a. Total revenue collected from all sources for Calendar Year 2012: \$48,884,418 (\$4,073,701/mo average).
- b. The court serves 741,925 people and the first and fourth largest cities in the state from four locations in Multnomah County.
- c. The court sent juror summons to 118,403 people in CY 2012.
- d. 5,551 Oregon State Bar Attorneys have their office in Multnomah County, and 7,676 are located in the Clackamas, Multnomah and Washington County metropolitan area – 64 percent of the total Oregon OSB membership.

- e. Total incoming phone calls per month 73,000 – including 29,552 to Automated Call Distribution (ACD) queues for processing in high volume public service sections. 30 Percent of ACD calls hang up due to long waits for telephone service.
- f. The dilapidated one-courtroom facility used for circuit court services in the east county area was replaced with a new three-courtroom facility in April, 2012. Multnomah County invested \$21 million to build this new facility.
- g. There were 359,057 traffic violation offenses, parking violation offenses, and other types of violation offenses filed in 2012 in the circuit court. Each of those violations brings before the court a defendant and an enforcement agency; most of these offenses are closed without trial by the defendant paying the fine. Every one of these cases, however, creates a demand for customer service. The actual judicial workload associated with these cases is measured in minutes. Every violation case, however, requires customer service and management from filing through disposition by court staff.
- h. There were 78,618 other matters filed in the circuit court in 2012; these included 23,056 felony and misdemeanor offenses, 17,044 civil actions, 6,357 landlord and tenant (FED) actions, 15,107 small claims, and 17,054 matters in the Family Court. All of these actions require far more staff time than the court's violation cases and far more judicial time, and the loss of staff during the current biennium has eroded services across all of these case types.

8. Present harm and Future uncertainty

At present, operating at our substantially reduced Current Service Level allocation, the court is accumulating serious backlogs in areas that have substantial effect upon the public. The people we serve must wait for prolonged periods for the processing of court documents which impact individuals - whether it is waiting 3 weeks for a judge to sign a default order on a collection case, 20 days to obtain a certified copy of a judgment dissolving a marriage in order to close on a real estate sale or purchase, 40 days to obtain a certified copy of a \$600,000 judgment to being enforcement action, or 6 months for a refund on a \$39 parking violation payment after a judge has reviewed the letter of explanation entered a ruling, the waiting is at the least irritating and in some cases causing harm in both personal and commercial contexts.

Judicial staff was also reduced in the current biennium. There is uncertainty for parties around whether a scheduled proceeding can take place because the court has five judges without courtroom clerks. Parties to a trial may be waiting, and losing witnesses, on the day of trial, because there is no courtroom clerk free to be assigned to the proceeding. Having a judge and courtroom assigned is not enough to begin a trial, there must also be a clerk to manage jurors, maintain the audio record of the proceeding and track exhibits during the proceeding.

The future uncertainty is whether there will ever be a restoration of staff to correct these identified harms. The current service level budget for OJD presently exceeds the funds identified in the Governor's Balanced Budget and in the Co-Chairs Budget for appropriation to the Oregon Judicial Department. There may be further reductions in resources. If that is so, then the harm identified above will be not just perpetuated, by a current service level appropriation, but enlarged by further loss of resources.