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Vote yes on Senate Bill 5514
Adequately Fund the Judiciary
Keep the courthouse doors open and accessible to all Oregonians
Shelley Russell

Thank you Co-Chairs Senator Shields and Representative Williamson and members of the committee. My name is Shelley Russell and I am President of the Oregon Trial Lawyers Association. I'm here today to express our organization's strong support for the Oregon Judicial Department's budget priorities.

The OTLA is a statewide association of 1000 civil plaintiffs' attorneys. We do most of our advocacy in state civil court representing Oregonians in business, civil rights, consumer, employment, family, legal and medical negligence, motor vehicle and workers' compensation litigation. Access to the courthouse in a timely, efficient manner is as important for our clients as it is for the criminal docket where the right to a speedy trial is guaranteed by our constitution.

Adequately funding our judiciary, the third branch of government and a cornerstone of democracy, is fundamental to any just society. America's founders created the judicial branch to protect individual rights and liberties against overreaching by the executive and legislative branches. In the words of Andrew Jackson, "All the rights secured to the citizens under the Constitution are worth nothing, and a mere bubble, except guaranteed to them by an independent and virtuous Judiciary."

In 2000, the Constitution Project's Court Initiative released *Uncertain Justice: Politics and Americas Courts*. This report stated that The Task Force on the Role of the Legislature in Setting the Power and Jurisdiction of the Courts concluded that 'legislatures should ensure that courts have adequate resources and judges to perform their essential functions'... and 'should refrain from restricting' and 'take necessary affirmative steps to ensure' access to the courts."

This same report concluded that "cutbacks on courtrooms, hours, personnel, and programs pose dire consequences for individuals and organizations that rely on the courts to protect their freedoms and rights." It went on to say "In civil cases, such delays may have acute economic and emotional consequences on the parties involved, particularly where one or more parties have suffered monetary loss or personal injury or trauma."

We wholeheartedly support Chief Justice Balmer's priority of maintaining current service levels so courthouses are open 5 days a week, 8 hours a day. We also support the Chief's efforts to finish implementing eCourt, improve court services, help families access justice, provide support for self-represented litigants, fund treatment courts, provide appropriate judicial compensation and safe and suitable court facilities by improving the infrastructure of our courthouses.

The Constitution Project concluded "profound fiscal crises have led states across the country to make drastic funding cuts and reductions to the operations of their judicial systems. These cuts have taken a heavy toll on the ability of our country's courts to fulfill their constitutional mission of providing access to justice and protecting constitutional rights and liberties."

You are dealing, day-to-day with the many demands on our state's budget. But as taxpayers and stewards of the court, we strongly believe adequately funding our judiciary must take a priority in any budget discussions. "Morality cannot be legislated, but behavior can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless." Martin Luther King.

Thank you for your consideration.

Shelley Russell