



OREGON JUDICIAL DEPARTMENT
Josephine County Court

TESTIMONY BEFORE THE WAYS AND MEANS PUBLIC SAFETY SUBCOMMITTEE
MARCH 16, 2017

PRESENTED BY: THE HONORABLE LINDI BAKER, PRESIDING JUDGE,
JOSEPHINE COUNTY CIRCUIT COURT

Co-Chair Winters and Co-Chair Stark and Subcommittee Members, my name is Lindi Baker and I serve as the Presiding Judge of the Josephine County Circuit Court located in Grants Pass, Oregon. Thank you for the opportunity to present information relating to our Court's needs.

I also include and incorporate by this reference my written and oral testimony before the House Judiciary Committee on February 14, 2017 when the Committee was considering HB 2605 relating to the need for additional judgeships in Oregon. Josephine County is one of the courts included in HB 2605.

Specifically, I want to emphasize that Josephine County has struggled for several years to address the challenges of providing sufficient law enforcement for a county of our size. The citizens of this community continue to work endlessly on solutions that will promote the interests of public safety and still provide a financially viable plan that a community with our poverty level (21.9%) can accommodate. Community leaders are working hard to find an affordable solution to this challenge, taking into account the large percentage of retirees (25.2%) who are living on limited incomes and the poverty level households that are facing difficult financial decisions daily.

We have an accredited, highly experienced and well trained Department of Public Safety for the City of Grants Pass and an active Oregon State Police unit headquartered out of Grants Pass. Our Sheriff's Office uses its resources primarily to fund and staff the Josephine County Jail but also is providing limited patrol units for the county and has a private contract to provide public safety services in the City of Cave Junction. This community continues to actively find solutions for its public safety needs, including the presentation of varying local levies at most every election cycle. However, the case filings keep coming to our court, even without the passing of a local levy to provide additional law enforcement services. If and when a funding levy passes, we will have even more criminal filings as there will be additional law enforcement investigations. When law enforcement services are not adequately provided, social disputes and issues present themselves as other types of court cases such as domestic violence, complex civil disputes, restraining orders and other protective proceedings, criminal violence and exacerbated mental health issues.

Please see my February 14, 2017 testimony which provides that our criminal case filings alone increased 53% in the past year. But, it is not just criminal cases filings that have increased. Other court filings also have increased, specifically in the area of child welfare cases. We have only four judges in this court and we cannot keep up with the workload that has resulted from the increases in filings over the past 36 years. We have needed an additional judge for years and have requested one whenever the opportunity was allowed. At our current level, we are not able to provide timely disposition of cases or to meet all statutorily required deadlines for a variety of cases. In a continuing effort to address those cases that have statutory deadlines, we must delay and set over all other pending cases which further delays disposition in those cases. Also, the time needed to address certain types of cases has increased over the years due to statutory and case law requirements.

In addition to our four circuit court judges, we also utilize the volunteer spirit of six local attorneys who serve as pro tem judges and an additional pro tem judge who handles our arraignments one day a week in an effort to assist with the case overload. That means that we regularly have volunteers hearing trials and handling the day to day business of this court rather than elected circuit court judges. All totaled, we utilize approximately 85 volunteers at the Josephine County Circuit Court (pro tem judges, court security officers, jury bailiffs, mediators, CASAs, and CRB members).

I fully appreciate the fiscal issues before this Subcommittee and am grateful for the opportunity to provide information on the issues of Josephine County Circuit Court.

Respectfully submitted,



Lindi Baker
Presiding Judge
Josephine County Circuit Court



OREGON JUDICIAL DEPARTMENT
Josephine County Court

TESTIMONY ON HB 2605
BEFORE THE HOUSE JUDICIARY COMMITTEE
FEBRUARY 14, 2017

**PRESENTED BY: THE HONORABLE LINDI BAKER, PRESIDING
JUDGE, JOSEPHINE COUNTY CIRCUIT COURT**

Chair Barker and Committee Members, my name is Lindi Baker and, since 2005, I proudly have served as the Presiding Judge of the Josephine County Circuit located in Grants Pass, Oregon. Thank you for the opportunity to present information relating to our Court's needs for an additional judgeship.

Local Court and County Information

Our Court has four judges. We have had four judges since our last new judgeship that was implemented in 1981. It's been 36 years. In 1981 our county population was 52,202. In 2015 it was 84,745, an increase of 61%. Our poverty level is 21.9% (tied for 3rd highest in the State and highest of all Southern Oregon counties) and we have a higher than average retirement age population (vulnerable population) (25.2% as compared to the national average of 14.9%). Our homeless population is the highest of the Southern Oregon counties and ranks 3rd largest in the state. Although this County has struggled with budget shortfalls and limited resources for years, our community members are proud of our county and work hard to make it a great place for businesses to thrive and families to raise children. Indeed, the Milken Institute recently named the City of Grants Pass the 8th "Best Performing Small City" in the United States based on job and wage growth and other economic metrics. But, we need support for our local Court System. We need another judge.

Workload

While our case filings change from year to year, many times reflecting other influences in our county, our **total filings** have increased a dramatic **24%** in just the last year. We have experienced the greatest increases in the following areas:

- Criminal filings (total) increase in the past year - 53%
- Probate filings increase in the past year - 46%
- Felony case filings increase in the past year - 63%
(almost doubled in the past 10 years)
- Misdemeanor case filings increase in the past year - 31%
- Violation case filings increase in past year - 53%

- Permanency Hearings increase in past year - 50%
- Termination of Parental Rights cases filings increase in the past year - 49%
- Search warrants increase in the past year - 12%
- and increase in the past ten years - 139%
- Failure to Appear Warrants increase in the past year - 118%

The National Center for State Courts Workload Assessment Study of 2016 concluded that Josephine County is ranked #2 in the state in need for additional judicial resources and #3 in the state for additional statutorily authorized judicial positions.

Our judges work long, hard hours. We preside over a diverse caseload from capital murder cases to small claims and family court matters. Some of us also carry additional loads, including presiding over treatment courts which require significantly more time than is reflected in courtroom proceedings. The four of us rotate “on call” duty 24 hours a day, 365 days a year, so that we are available to address search warrant affidavits, probable cause affidavits for defendants placed in jail and emergency protective orders any time, day or night.

We Attempt to Utilize All Available Resources

- Pro Bono Pro Tempore Judges have assisted with traffic trials, small claims and limited landlord tenant cases since 1993. We currently have six local attorneys who volunteer their time to handle these caseloads. In 2016 our volunteer Pro Tem judges resolved 535 cases.
- Special Pro Bono Pro Tempore Judge volunteered two days per week for a year and currently presides over the arraignment docket one day per week to assist with the lack of judicial resources.
- Mediation Services are provided in child custody and small claims cases.
- Family Court Facilitator assists self-represented litigants with dissolution and child custody procedures to streamline the court process and reduce courtroom requirements.
- Justice Reinvestment Funds are utilized to reduce prison population and provide local drug and alcohol treatment in our jail, transitional housing for probationers and Drug Court participants and mental health counseling for incarcerated individuals. Such resources support the work done by our Court.
- Drug Court (established 1996) and Mental Health Court (established 2009) implement evidenced based practices to enhance public safety and address respective needs. Two judges devote significant time to these effective and proven treatment courts which are widely known as the most effective reformation movements in the history of the criminal justice system.
- Although we have no ability to perform settlement conferences due to lack of judicial resources, we obtain assistance from Plan B Judges through the State Court Administrator’s Office to perform settlement conferences when possible.

Local Challenges to Providing Access to Justice

- Difficult to achieve timely disposition of cases and to meet federal and state standards.
- In custody/speedy trial, child welfare, mental health commitment and protective order cases preempt scheduled cases which then have to be set over to a later date. As a result, civil cases and domestic relations cases suffer the greatest as we are unable to set such matters as “primary” trials with guaranteed trial dates as litigants expect in other jurisdictions.
- Extraordinary failure to appear rate due to lack of jail resources which results in warrants being issued, law enforcement taking defendants into custody and then citing them for future court dates. This causes excessive efforts by the courts, law enforcement and attorneys and delays case disposition.
- Child Welfare cases have increased decidedly in complexity in recent years. Each such case requires considerable more time to review, hear, decide and then properly process all documentation.
- Josephine County is a major marijuana growing area (3rd most number of producer applications in the state plus many medical and illegal grows) which has caused considerable disputes and resulted in increased cases in our court (murders, assaults, robberies, contract disputes, landlord tenant cases, small claims cases, dissolutions, protective orders and child endangerment cases).

We Have a Vacant Courtroom, Judge’s Chambers and Judicial Assistant’s Office Ready and Available

Such facilities have been vacant and available since 1998 when one of our four judges was transferred to a new Juvenile Justice Center and Courtroom.

I understand the difficult budgetary decisions that are before the Legislature this session. I also strongly believe in the need to support the core operations that administer justice and the necessity to shore up those operations when they fall below minimal levels of ability.

We thank you for your leadership and respectfully ask that you consider our urgent need for judicial assistance in Josephine County so that we can provide the access to justice that our community requires and our citizens deserve. It’s been 36 years.

Respectfully,



Lindi Baker
Presiding Circuit Court Judge
Fourteenth Judicial District