

**OVERVIEW OF THE OREGON JUDICIAL DEPARTMENT  
BEFORE THE SENATE JUDICIARY COMMITTEE  
FEBRUARY 1, 2017  
PRESENTED BY: JUSTICE RIVES KISTLER AND JUSTICE JACK L. LANDAU**

Branches of Oregon state government

- Legislative
- Executive
- Judicial

The Oregon Judicial Department upholds the Rule of Law by providing an orderly system that allows our citizens to resolve disputes in a fair and peaceful manner.

Oregon Judicial Department (OJD) and Oregon Department of Justice (DOJ) Distinction

- OJD – Judicial
  - Provides impartial court services to resolve disputes
  - Chief Justice Thomas A. Balmer, administrative head
- DOJ - Executive
  - Provides legal representation and services to government entities; enforces law
  - Attorney General Ellen Rosenblum, administrative head

OJD Mission Statement

- As a separate and independent branch of government, our mission is to provide fair and accessible justice services that protect the rights of individuals, preserve community welfare, and inspire public confidence.

OJD Statement of Values

- Fairness, equality, and integrity
- Openness and timeliness
- Independence, impartiality, and consistency
- Excellence, innovation, and accountability
- Respect, dignity, public service, and community wellbeing

OJD Vision Goals:

- Ensure access to court services for all people
- Earn the public's enduring trust and confidence
- Help people choose the best way to resolve their disputes
- Build strong partnerships with local communities to promote public safety and quality of life
- Make courts work for people

Courts within the OJD unified state court system

- Supreme Court (7 Justices)
- Court of Appeals (13 Judges)
- Tax Court (1 Judge, 3 Magistrates)
- Circuit Courts (173 Judges in 27 Judicial Districts)

Courts outside of the OJD unified state court system

- Justice Courts (justice of the peace)

- Established by county commissioners
- Municipal Courts
  - Established by incorporated cities
- County Judges
  - Chair of the board of county commissioners in certain counties
  - Some probate and juvenile judicial function in 6 eastern counties
    - Gilliam, Grant, Harney, Malheur, Sherman, and Wheeler
- Tribal Courts
- Federal Courts

#### Oregon Supreme Court

- Discretionary review of Court of Appeals decisions
- Required review
  - Direct appeals in death penalty cases
  - Appeals from Tax Court decisions
  - Review of attorney discipline and judge discipline
  - Review of ballot measure titles
  - Prison-siting disputes
  - Other direct review cases
- Permissive review
  - Habeas corpus
  - Mandamus
  - Quo warranto

#### Oregon Court of Appeals

- Appeals from circuit courts (criminal, civil, domestic relations, juvenile)
- Appeals from state agency rules and actions
- Appeals from local government decisions

#### Oregon Tax Court

- Exclusive court jurisdiction on matters arising under state tax laws
- Regular Division: Tax Court judge presides over trials without a jury
- Magistrate Division: Magistrates conduct proceedings by telephone or in person

#### Oregon Circuit Courts

- General jurisdiction trial courts of record
- Public safety
  - Felonies and misdemeanors
  - Violations
  - Juvenile delinquency
  - Protective orders (stalking, domestic violence)
- Families in crisis
  - Dependency (child abuse and neglect)
  - Child support
  - Domestic relations (divorce, child custody, adoption)
  - Termination of parental rights
- Economic
  - Establish and collect debts
  - Foreclosures
  - Contract disputes

- Personal injury
- Landlord / tenant
- Consumer protection
- Small claims
- Other
  - Civil commitment
  - Post conviction proceedings
  - Probate
  - Guardianship / conservatorship

#### Office of the State Court Administrator

- Oversees all administrative and executive operations of the state trial and appellate courts
  - Appellate records
  - Business and fiscal
  - Education and training
  - Enterprise technology
  - Human resources
  - Internal audit
  - Interpreter services
  - Juvenile and family court programs
  - Legal counsel
  - Security and emergency preparedness
  - State law library

#### Offices of the Judicial Branch that are separate from the state court system

- Council on Court Procedures
- Office of Public Defense Services
- Commission on Judicial Fitness and Disability
- Oregon State Bar

#### OJD and the Legislative Assembly

- Judges and staff should tell you whether they are representing OJD or themselves
- OJD generally does not take positions on policy bills
- We do provide information on how legislation might affect OJD or court proceedings
- OJD has a limited policy agenda relating to court administration

#### OJD can be affected by legislative actions that create or change

- Crimes, penalties, and criminal procedures
- Rights of action and civil procedures
- Docket priorities and timelines
- Court locations and the number of judges
- Court fees
- Judicial salaries
- Budget appropriations

#### OJD Budget and Revenue

- OJD receives less than 3 percent of State General Fund budget
- An increasing amount is passed through to others
  - Court facilities and security

- Legal Aid, mediation
- Most of the OJD budget is for trial court operations
  - Most of trial court budget is for people – judges and staff
- The OJD collected \$257 million in fines/fees in 2013-15
  - Most goes to state General Fund and Criminal Fines Account
  - We also collected over \$20 million for crime victims

#### Chief Justice Budget Priorities for 2017-2019

- A stable and adequate operating budget so that courts can meet their core responsibilities
- Adequate funding for maintenance of Oregon eCourt Technology
- Judicial compensation commensurate with the median for comparable states
- New judicial positions to accommodate population growth and caseload changes
- Expanded assistance for self-represented individuals and family law cases
- Ensure safe courthouse facilities
- Preserve statewide availability of treatment court programs
- Continue funding for court collections
- Improve court outreach efforts
- Resources for the Oregon Law Commission

#### OJD efforts to increase efficiency

- Implementation of Oregon eCourt
  - eFiling
  - Online document access
  - Online payments
- Docket Management
  - Best practices in all case types
  - Specialty courts: drug, mental health, DV, DUI, Veteran's
  - Family courts
  - Complex Commercial Court
- Centralized debt collection

#### OJD efforts to improve access

- Oregon eCourt
  - eFile documents with the court beyond business hours
  - Online payments – no waiting in line
  - 24/7 online access to court information
  - Intelligent forms, a la Turbo Tax
- Safe courthouses
  - Upgrade security
  - Capital improvements
- Improve interpreter services
- Self-help centers for litigants who don't have a lawyer

#### Future issues and challenges

- Stable resources
- Continued work on efficiency and court processes
- Improve access to justice
  - Language

- Self-represented litigants (no attorney)
- Impact of changing technology challenges
- Court facilities