

Frances E. Burge, Presiding Judge
(541) 957-2420
(541) 957-2461 (fax)

George W. Ambrosini, Judge
(541) 957-2422
(541) 957-2461 (fax)

Kathleen E. Johnson, Judge
(541) 957-2433
(541) 957-2445 (fax)

William A. Marshall, Judge
(541) 957-2436
(541) 957-2445 (fax)



Ann Marie Simmons, Judge
(541) 957-2430
(541) 957-2445 (fax)

Luke A. Stanton, Hearings Referee
(541) 957-2408
(541) 957-2445 (fax)

Jessie M. Larner
Trial Court Administrator
(541) 957-2409
(541) 957-2461 (fax)

CIRCUIT COURT FOR DOUGLAS COUNTY
Sixteenth Judicial District

RE: TESTIMONY ON HB 2605 (LC 819) BEFORE THE HOUSE JUDICIARY COMMITTEE
FEBRUARY 14, 2017

Dear Chair Member Baker and Members of the Judiciary Committee:

Thank you for the opportunity to present information on Douglas County's need for an additional judicial position. My name is Frances Burge and I am the Presiding Judge for Douglas County. I am submitting my testimony today to request that your committee approve the Oregon Judicial Department's request for another judicial position for Douglas County.

Douglas County Circuit Court has been at the top of the list for a much needed additional judicial position for over ten years. Each work caseload study conducted over the years has designated Douglas County second on basis of need for an additional judicial position.

Douglas County Circuit Court currently has five elected judges who hear all types of cases daily. We also have a referee/pro tem position that handles mostly statutorily designated cases such as juvenile dependency, juvenile delinquency, probate, small claims trials, FED trials, traffic trials, and in-custody arraignments. While this position assists the remaining bench's heavy caseload, it has been funded from the Douglas County local judicial and administrative budget over the past sixteen years, thereby decreasing other essential staff positions. The most recent judicial officer caseload study was conducted in 2015 by the Oregon Judicial Department with the results posted in 2016. Under the Judicial Resource section, the report documents while Douglas County has five authorized judicial positions, our collected workload data shows an FTE Judicial Resource Predicted Demand for 7.19 judges.

From 2015 – 2016, our court has experienced an increase in the filing of most case types, including the following:

Criminal cases	11.38%
Domestic Relations	10.61%
Family Abuse Prevention Act Orders (FAPA)	2.61%
Elder Abuse Restraining Orders	31.71 %
Stalking Orders	83.33%
Juvenile Dependency	14.29%
Juvenile Delinquency	7.58%

Along with our individually assigned caseloads, Douglas County is progressive in that we have an established Drug Court Program of 20 years, a Domestic Violence Court Program of over 15 years, and a Mental Health Court program that is flourishing after just two years in existence. We also developed the first in-patient incarceration court program – the Residential Substance Abuse Treatment program that coordinates in-custody inpatient treatment for individuals with addiction issues and provides an aftercare component through Drug Court. We are trying to solve problems in cases related to addiction, domestic violence and manage mental health issues. In each of these specialty courts, we are also trying to provide intervention and resources for our local veterans. Although these specialty courts collectively require our judges to devote a great deal of time to their particular area, which means that other cases are handled with fewer available judicial resource hours for general case processing and trials, we understand the benefits of treatment courts to clients and the system as a whole. The goal of each of the specialty courts is to improve the outcomes of each defendant, including reducing recidivism, as well as increasing long term public safety and quality of life for our entire community. Each specialty court uses evidence based best practices and techniques to engage defendants and address the reasons which gave rise to their criminal activity. Each of these specialty courts relies on the dedication of the community partners and the judge assigned to the program. Judicial time for these programs is provided only through our general fund budget. While treatment courts and their benefits are well worth it, they are becoming increasingly difficult to sustain without additional judicial resources. Our court, through the efforts of our judges and community partners, has recently restructured our criminal docketing procedures in an attempt to streamline the criminal process and avoid unnecessary or additional court appearances or trial re-sets.

Our goal has continually been to be able to provide meaningful access to justice for all segments of our community. Douglas County serves a population of 107,667 residents. The efficacy of a court system depends upon the public's confidence and trust that the criminal matters and civil disputes brought before the court will be promptly heard with the time and attention each matter deserves. Many of our court cases involve vulnerable populations. These populations include veterans, addicts and families who struggle with our depressed economy, the homeless and mentally ill. We have also seen an increase in the numbers of persons representing themselves, especially in domestic relations. In 2016, 82% of our domestic relations/family law cases involved pro se litigants. This increase necessitates the expenditure of additional judicial time to maximize the ability of self-represented litigants to understand the court proceedings and present their case. Domestic Relation cases in particular, have a great impact on judicial resources since those cases generally continue to reappear on our dockets subsequent to the General Judgment of Dissolution or Custody being entered in the form of modification trials, parenting time enforcement hearings and immediate danger custody hearings. Our court averages ten immediate danger custody hearings per month, which requires the judge to stop other court proceedings and hold the hearing as close in time to the filing as possible.

Unlike counties that have greater judicial resources, based on our heavy dockets and routine settings of multiple trials per judge per day, many trials must be re-set because all of our courts are in session. This occurs often, despite the fact that our judges routinely handle matters up to and including jury trials, for one another. The constant use of full days of court time for pre-scheduled hearings and trials leaves little or no time for the "behind the scenes" judicial work, including unanticipated ex parte matters, research and writing opinions, reviewing search warrants, or reviewing files for upcoming court appearances. That work, although it does not occur on the bench, is not a luxury, but a necessity and often requires the work to get done before 8:00 am, after 5:00 pm, or during lunch and weekends. Further, our court has no research law clerk, therefore, all of our judges research and write their own opinions.

As we have moved forward, anticipating the need for an additional judicial position, we sought funds and committed some of our local court and administrative funds in the remodel project of the referee's court room. The courtroom was originally constructed from two file rooms and did not have a witness stand or a jury box, or even a door directly to the judge's bench. The completed remodel project has provided an additional court room, complete with a 12 person jury box, a jury room and the required seating for full court proceedings. This means that a circuit court judge would be able to walk into this newly renovated courtroom and get to work immediately.

In summation, our judges are dedicated to the task of administering justice efficiently and promptly. In order to meet the needs of our community, we need sufficient judicial resources. I urge you to authorize another judicial position for Douglas County Circuit Court. Again, thank you Chair Member Baker and all members of the Judicial Committee for your dedicated service and for your consideration.

A handwritten signature in cursive script that reads "Frances E. Burge". The signature is written in black ink and has a long, sweeping underline that extends to the right.

Frances E. Burge
Presiding Judge
Douglas County Circuit Court