



OREGON JUDICIAL DEPARTMENT
WASHINGTON COUNTY CIRCUIT COURTS
TWENTIETH JUDICIAL DISTRICT
WASHINGTON COUNTY COURTS
145 N.E. Second Avenue
Hillsboro, Oregon 97124
Email: d.charles.bailey@OJD.state.or.us

RE: TESTIMONY ON HB 2605 BEFORE JUDICIARY COMMITTEE
FEBRUARY 14, 2014

Chair Barker and Representatives, thank you for the opportunity to talk to you about the need to improve the judicial infrastructure of Washington County by adding additional judges and staff. As many of you are attorneys, have worked in Law Enforcement, or represent parts of Washington County you, are very aware how fast Washington County has grown and that it continues to be the fastest growing county in Oregon. For historical reference, the legislature has added one judge to Washington County since 1994 and none in the last 14 years.

Here are some fun facts about what has happened since 1994. There were no smart phones, no HD TVs, no iPhones, iPads, or iPods. In fact, Steve Jobs didn't even work at Apple in 1994. DVDs hadn't been invented; instead you got VHS rentals from Blockbusters located in your local strip mall, not from a Redbox at 7-11. Less than 10% of U.S. Population had cell phones, now there are more cell phones than people. In fact, we used pagers and FAX machines to send information and we thought it was pretty cool. Forest Gump had just been released at the box office so we had no idea there were over 20 ways to use shrimp, the "fruit of the sea".

In 1994 Washington County had a population of 357,789 people and 13 judges. Since 1994, while Washington County's population has increased by over 200,000 people, only 1 judge and a few staff have been added to the Washington County courts. As a result, Washington County currently has one judge for every 42,000 residents. This is the highest ratio in the state of Oregon. For comparison, Multnomah County is 21,000 and Marion is 24,000 per judge. The judicial infrastructure in Washington County is far behind what is currently needed; let alone what will be needed for the fastest growing populous county in Oregon.¹

We have maximized our current resources. Washington County has a nationally regarded drug court program that has saved Oregon prison beds for over a decade (long before Justice Reinvestment had started). Since 2008 our Early Case Resolution (ECR) program resolves approximately one third of all criminal cases filed at a defendant's first appearance. In addition

¹ See handouts for more examples of population growth in four major courts

to drug court and ECR, we have DUII, reckless drive, and domestic violence diversion programs and a Mental Health court. Each of these programs helps to reduce recidivism and hold defendants accountable while saving state and local resources.

Two years ago we started a complete reengineering of our criminal docket process. Our goal was to be more efficient in processing criminal cases so we could reallocate resources to the high demands of our family law, probate, and civil cases. We have achieved our goal and recently reallocated a half time judicial position away from criminal to family law. Moreover, we currently are able to stay within the recommended range of timely dispositions in civil cases. That said, we find ourselves exhausted, slipping, with nothing more to squeeze from the turnip.

Our population growth has led to greater needs in our family, juvenile, and civil dockets. We only have 1 circuit court judge assigned to juvenile who is required to maintain all the federal and state timelines in dependency cases while trying to keep our communities safe and help delinquent youth. Per Judge Menchaca, Washington County's only juvenile circuit court judge, "the shortage of judicial resources in Washington County is beginning to fall short in meeting the needs of the families we are obligated to serve."

To help the void, in addition to recently adding .5fte to the family law case load, we currently supplement our elected positions with one paid referee as well as volunteer Pro Tempore judges, Reference Judges, volunteer mediators in small claims and Landlord Tenant cases, arbitrators, and mediators for family law parenting matters. It simply is not enough. We believe we are on the brink of falling behind in our ability to serve our community.

Meanwhile, legislators, community partners, and concerned citizens have come to us asking us to do even more. For example, we have been asked to develop a Justice Reinvestment Court to help save prison beds and avoid the new prison having to be built. We have been asked to develop a Community Restoration Court to help the Oregon State Hospital with their rising costs. Each would require at least one judge and several staff members to implement. We would love to help; we just don't have the resources to do it. With two or more judges we will work to developing these types of dockets.

I worked in these very halls in 1995 and 1997 legislative sessions for Rep. Tom Brian. I remember the Catch-22 that our local courts found themselves in. The county would tell the court "we will build you a courtroom when the legislators approve one." Meanwhile, the legislators would tell them "we will approve one when the county builds you a courtroom." Well, our County government recognized our need and built us a new courtroom which opened in 2015. Moreover, we are in discussions about an additional courtroom because the County understands our population growth and how important the justice system is to our community.

I have not talked to a single person who doesn't understand that Washington County is in desperate need for more judges and who doesn't support more judges. It is not a political issue

and shouldn't be seen as a political issue. It is not a question of what is more important and shouldn't be weighed against schools or DHS. It is simply what is right. I just need this body to start the process of telling your other colleagues that it is time to take care of the judicial infrastructure of this state by approving all these positions being requested by OJD. Again, Chair Barker and members, thank you for the opportunity to talk to you about HB 2605, specifically Washington County's needs.