



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

January 12, 2018
(SENT BY EMAIL)

The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Nancy Nathanson, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Re: Request for Supplemental Appropriation to the 2017-2019 Legislatively Adopted Budget for the Oregon Judicial Department

Dear Co-Chairpersons:

Nature of Request

The Oregon Judicial Department (OJD) requests an additional General Fund appropriation of \$2.09 million to the Department's 2017-19 Legislatively Adopted Budget (LAB) in order to encourage retention of Oregon's most experienced judges and promote the recruitment of highly-qualified attorneys to the bench.

Background

Judicial compensation has been in critical need of attention for many years. Oregon's judges continue to be paid significantly less than their peers in western states and also less than many other public-service legal positions in Oregon.

OJD deeply appreciates the increases granted to judges in recent years, especially the cost-of-living adjustment mechanism approved in 2015. Those actions have helped judicial salaries keep pace with inflation and narrow the gap with other comparable positions.

We also are aware that this request comes at a time when the State's budget – and the OJD budget in particular – is in a difficult position. However, those circumstances increase, rather than diminish, the need for an increase in judicial salaries.

Oregon's most experienced judges are leaving the bench at a time when the state desperately needs to retain their experience. The Oregon Supreme Court has four members with less than two years' experience on that court. Similarly, nearly one-third of the 13 judges on the Oregon Court of Appeals have less than two years of experience on that court, and fully one-fourth of Oregon's trial court judges have been on the bench less than two years.

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Because of staff reductions, more work will be transferred to judges (e.g., assuming work formerly done by court staff in verifying eligibility for appointment of state-paid counsel in criminal cases, and ensuring pleadings are complete in family law cases when the case arrives in the courtroom). Retaining experienced judges who can make those decisions quickly and correctly is increasingly urgent. Similarly, OJD has significantly reduced its training budget in order to avoid additional reductions in direct services, so there will be fewer training opportunities for new judges to assist them in learning case processes, effective courtroom management, and staying current on law changes.

The Chief Justice has submitted a bill for introduction in the February 2018 legislative session that would provide salary increases to circuit, tax, and appellate judges based on median (middle) average salaries for the 13 western states, phased-in with three statutory increases (July 2018, January 2019, January 2020). These increases would enhance OJD's ability to attract and retain highly qualified lawyers to the bench.

The proposed legislation would have a General Fund impact of \$2.09 million in the 2017-19 biennium and a \$7.70 million General Fund impact in the 2019-21 biennium.

Establishing a schedule of increases will provide certainty to the large number of remaining judges with significant experience who are beginning to contemplate retirement. These judges would need to serve an additional three years beyond the scheduled increase in order to fully realize its benefit. Staged increases also would provide more certainty to experienced attorneys who are contemplating a judicial career but are concerned about the financial consequences to themselves and their families.

Action Requested

The Oregon Judicial Department requests that the Legislative Assembly appropriate during the 2018 legislative session an additional \$2.09 million General Fund to provide equitable judicial compensation.

Legislation Affected

Increase the General Fund appropriation established by chapter 575, Section 1(1), Oregon Laws 2017, for the Oregon Judicial Department by \$2,090,000 for the 2017-19 biennium. Salaries of judicial officers established under ORS 292.406, 292.411, 292.416, and 292.426.

Sincerely,



Nancy J. Cozine
State Court Administrator

NC:DM:ma/18eNC001ma

ec: Chief Justice Thomas A. Balmer
Steve Bender, Principal Legislative Analyst, LFO
April McDonald, Policy and Budget Analyst, CFO-BAM
David Moon, Director of BFSB, OJD