



Oregon Courts, COVID-19, and Keeping People Safe

Martha L. Walters, Chief Justice

Melvin Oden-Orr, Judge, Multnomah County Circuit Court

Nancy Cozine, State Court Administrator

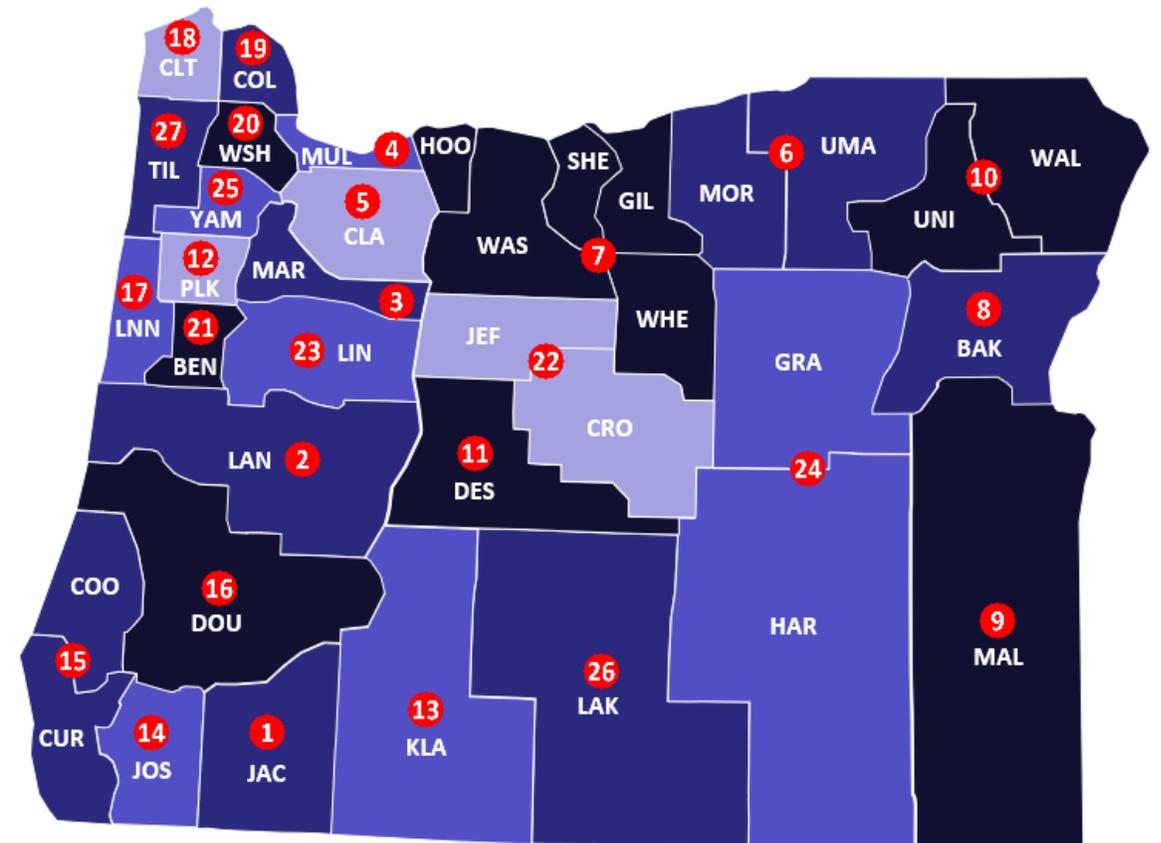
Valerie Colas, Access to Justice Counsel for Equity, Diversity, and Inclusion

**December 10, 2020
Senate and House Judiciary Committees
Oregon State Legislature**



Oregon Courts

- Oregon Supreme Court
- Court of Appeals
- Tax Court
- 27 Judicial Districts
 - Circuit Courts in every county
 - 198 Judges
 - 1,620 Staff
 - Serving 4.22 million Oregonians
- Office of the State Court Administrator





During the Pandemic, Courts Can

Open to the public

While some courts closed early due to wildfires and unhealthy air quality in courthouses in September, no court closed due to the pandemic.

Pivot to remote services

Courts have held more than 22,000 Webex video hearings, and OJD quickly purchased and distributed hundreds of laptops, cell phones, and cameras to allow judges and staff to work and conduct proceedings remotely.

New cases

More than 317,000 new cases have been filed since March, and more than 1,112,000 documents have been electronically filed.

Essential services

Courts have held almost 15,000 hearings in protective order and restraining order cases since March.

Trials

Since March, courts have held 4,000 trials, including nearly 350 jury trials.

Social distancing

Since March, courts have required social distancing in courtrooms, staff areas, and throughout court facilities. At least five courts have held trials or other proceedings at county fairgrounds or other large pavilion spaces.

Protective orders

Courts have issued over 10,000 emergency protective orders to keep victims of domestic abuse safe.



During the Pandemic, Courts Can

Help for those with mental illness

More than 7,000 hearings have been held to determine whether defendants can aid and assist in their own defense; courts are tracking data and working closely with system partners to resolve cases and reduce the number of people waiting in custody.

Community safety efforts

Courts have resolved more than 38,000 felony and misdemeanor cases, including 5,000 “person” crimes with \$1.3 million in restitution.

Revenue for government services

OJD has collected more than \$108 million in court filing fees and fines, with more than 250,000 payments received electronically.

Suspension of fines

Courts have been allowed to suspend or waive collections and collection fees to eliminate obstacles to fulfilling responsibilities.

IT integrations

OJD has continued to develop and launch key stakeholder integrations, such as direct data to State Police to report judgments affecting statutory weapons restrictions.

Community engagement to create positive change

From the Chief Justice’s Criminal Justice Advisory Committee, the Oregon Supreme Court Council on Inclusion and Fairness, to the Presiding Judges’ Racial Justice Committee, judges and staff are engaging and listening to the voices of those impacted by the justice system.



Protecting Staff and Litigants

- **OJD Pandemic Plans activated February 2020**
- **Chief Justice Orders issued to keep people safe and continue mandated and essential services**
- **Implemented flexibility granted by HB 4212-A (First Special Session, 2020) (Emergency Authority During Pandemic) through Chief Justice Order**



Chief Justice Orders (CJO) Direct Safe Operations During COVID-19

- **Require face coverings, with very limited exceptions**
- **Require social distancing and cleaning protocols**
- **Current Chief Justice Orders on COVID-19 operations can be found here: <https://www.courts.oregon.gov/courts/Pages/coronavirus.aspx>**



Authority to Act

Statutory Authority and Role of the Chief Justice Under Oregon Law

- 1. ORS 1.002: Chief Justice's administrative authority**
- 2. ORS 1.002(9): Chief Justice Delegation to Presiding Judges**
- 3. ORS 1.171(4): Presiding Judge delegation to other judges and trial court administrator**
- 4. HB 4212 (2020): Chief Justice authority during state of emergency**
 - Extend or suspend certain statutory timelines**
 - Waive statutory requirements for in-person appearances**



Advisory Committees and Work Groups

- Criminal
- Civil
- Landlord-Tenant
- Family
- Juvenile
- Probate
- Behavioral Health
- Treatment Courts
- Appellate
- Quarantine
- Tax
- Long-Term Planning

Additional Feedback: CJO Feedback email, OSB Feedback, Regular Communication with Public Safety Leadership, Weekly Calls with Presiding Judges and Trial Court Administrators



Appellate and Tax Courts

**No closures or reduced services due to the pandemic
Judges and most staff moved to remote operations mid-March**

- **Oral arguments and tax hearings initially postponed, but all three courts processed cases that didn't require argument or hearing**
- **Court of Appeals began conducting fully remote oral arguments in May**
- **Supreme Court began using hybrid of remote and in-person oral arguments in June and moved to fully remote arguments in November**
- **The Tax Court is holding most hearings by phone or video**

Both appellate courts continue to work remotely, with the Supreme Court regularly issuing decisions and the Court of Appeals publishing decisions every week in 2020



Access to Justice: Equity, Diversity, and Inclusion

Valerie Colas, Access to Justice Counsel for Equity, Diversity, and Inclusion



Strategic Campaign 2020-2021

- **Commitment 4: “We will create a workplace and courthouse culture that is supportive, inclusive, welcoming and affirming; that embraces diversity; and where all people can thrive and are treated with respect and dignity.”**



Equity, Diversity, Inclusion and Belonging Action Plan

- **Developed an Equity, Diversity, Inclusion and Belonging Action Plan that provides for (1) an assessment and intensive training; (2) messaging; (3) accountability measures; and (4) education and training**



Ongoing Education and Training

- Conversations on COVID-19, Protests, and Moving Forward Webinar Series
- Signature Counter Experience Pilot Project with Massachusetts Court Office of Diversity, Equity, Inclusion & Experience
 - <https://www.mass.gov/orgs/trial-court-office-of-diversity-equity-inclusion-experience>
- Equity, Diversity, Inclusion and Belonging SharePoint (intranet) site



Additional efforts to foster inclusion and address bias in our courts:

- **Unconscious Bias Juror Video**
 - https://www.youtube.com/watch?v=BA-z4mS_Evg
- **Oregon Supreme Court Council on Inclusion and Fairness**
- **Engaging with and presenting to national organizations to share ideas**
 - **One example - DEI presentation to National Association of Presiding Judges and Court Administrators:**
 - <https://napco4courtleaders.org/2020/09/webinar-meaningful-strategies-to-combat-systemic-racism-in-trial-courts-part-iii/>



Strategic Campaign 2020-2021

- **Commitment 3: “We will enhance the public’s trust and confidence in Oregon’s state government, including the judicial branch, by listening and responding to the needs of those we serve; holding ourselves to high standards; and communicating the role of our courts in providing justice for all.”**



Community Engagement and Outreach

- **Outreach toolkits to guide courts in their efforts to connect with those they serve, particularly communities of color and historically marginalized communities.**
- **Remote delivery of Access and Fairness Survey 2020**



Statewide Progress and Initiatives

Melvin Oden-Orr, Judge, Multnomah County Circuit Court

- Criminal Justice Advisory Committee, Co-Chair
- Strategic Campaign Initiative 1.2, Judicial Sponsor



Community Safety and Accountability

- **Since March, courts have:**
 - **Resolved more than 38,000 felony and misdemeanor cases, including 5,000 “person” crimes**
 - **Imposed approximately \$20 million in fines, fees, and restitution**
 - **Collected approximately \$6.3 million**
 - **Conducted almost 15,000 protective order hearings**
 - **Entered over 10,000 emergency protective orders to keep victims safe**



Statewide Initiatives Lead to Local Change

OJD is reducing the burden of court financial obligations by

- Suspending or waiving collection fees**
- Not imposing late fees**
- Not suspending driver licenses for failure to pay (HB 4210, First Special Session, 2020)**

Additionally, more than 2,000 citations based on expired licenses, registrations, and permits are subject to dismissal pursuant to SB 1601 (First Special Session, 2020).

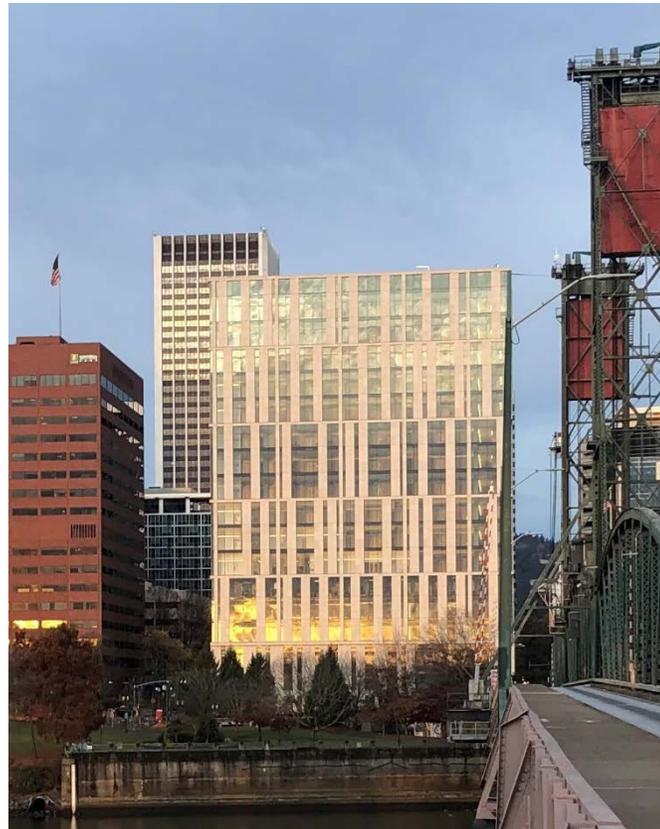


Criminal Justice Advisory Committee (CJAC)

- **Stakeholder group comprised of legislators, judges, attorneys, advocates and community leaders**
- **Organized to advise the Chief Justice and the State Court Administrator regarding reforms and innovations in criminal justice**
- **Current topics include:**
 - **Pretrial justice**
 - **Fines and fees**
 - **Equity and fairness in the criminal justice system**
 - **Remote proceedings during the pandemic**



Daily Operations in Oregon's Highest Volume Court During the Pandemic



- Pivot to remote technology
- Courthouse move!
Multnomah Circuit Court transitioned mid-pandemic



Benefits of Remote Hearings

- **Remote proceedings can be held from any location with internet**
- **Continuing to meet statutory responsibilities with safety in mind**
- **Expanding support to self-represented litigants through investments in remote services and problem-solving assistance from staff**



Challenges of Remote Hearings

- **Digital Divide - Lack of technology or internet connection, especially for self-represented litigants**
- **Opportunity for confidential conversations between lawyers and clients**
- **Coordination of remote interpreter services**
- **Technical difficulties including dropped connections, and poor audio, and video quality**
- **Creating the court record (required by statute) including audio recording and submission of exhibits**



Jury Trials During COVID-19

Since March, courts have held nearly 350 jury trials including 90 in custody trials since August.

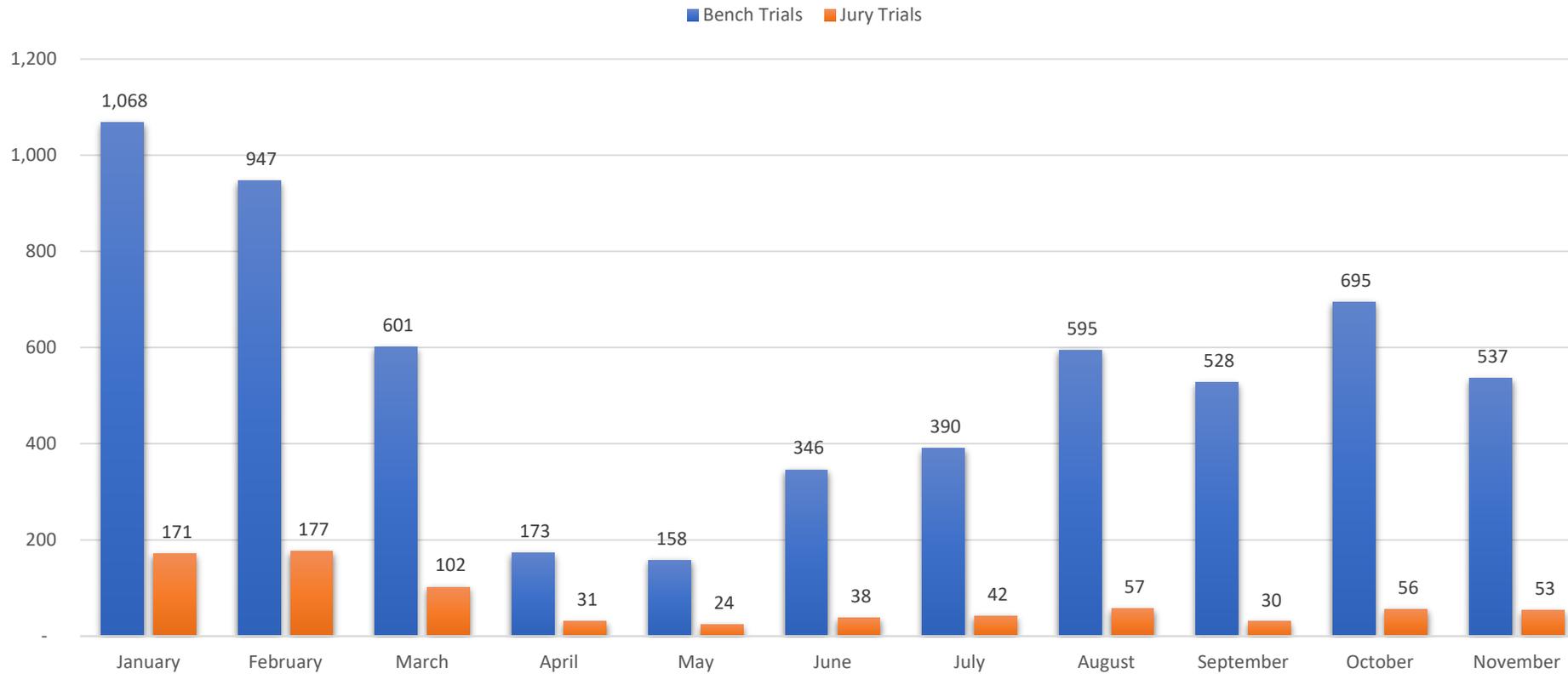
Require

- **Multiple courtrooms to implement social distancing**
- **Significantly more staff**
- **Social distancing measures throughout the courthouse**
- **Substantially more time to complete**
- **Continuous cleaning of rooms and equipment**



Trials Being Conducted

Trials Held in 2020

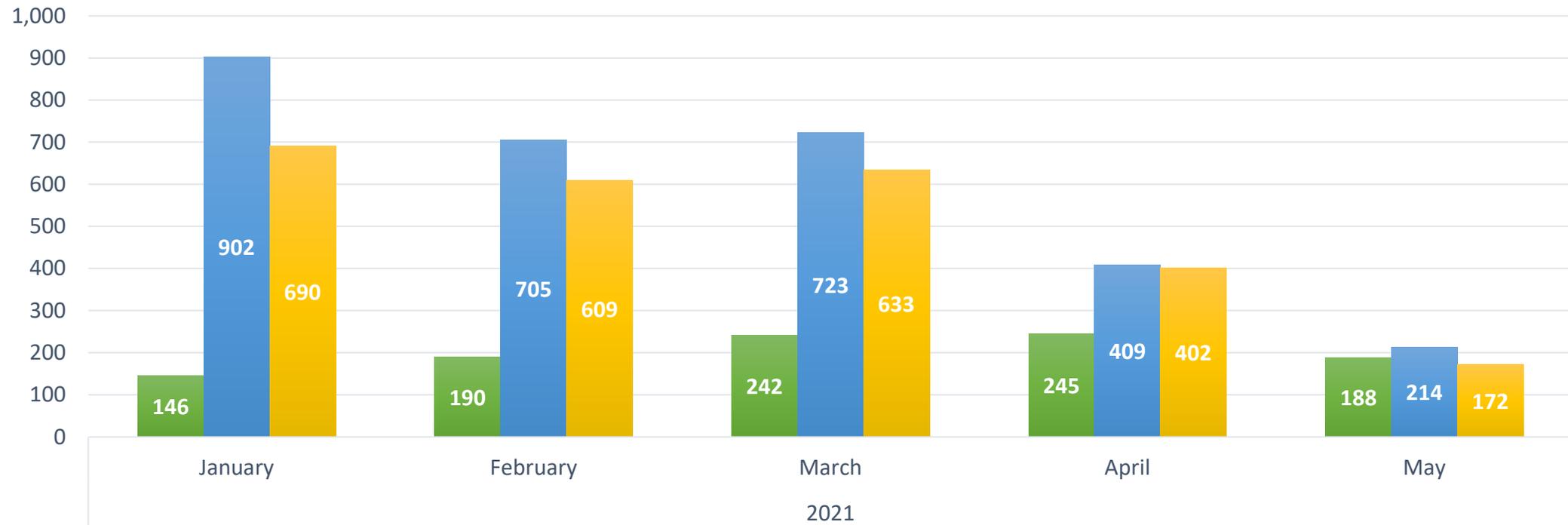




Jury Trials Scheduled

Jury Trials Scheduled - Next Six Months

■ Civil ■ Felony ■ Misdemeanor





Multnomah County Circuit Court Confronting Bias in the Justice System

Impartial Jury Project

- **Conversations among Multnomah County lawyers and judges about implicit bias and ways to minimize its impact in jury trials and other court proceedings**
- **Goal: to develop a list of best practices**



Youth Mural Project: Aspirations for Justice



- Community engagement project working with The Regional Arts and Culture Council (RACC).
- 18 organizations invited, 6 organizations participated, 11 mural designs created.
- The youth met and had a conversation with Judge Oden-Orr about the justice system and their concerns.
- The young people will develop the themes and concepts for a permanent mural that will be displayed in the courthouse.



Caseload Trends

Nancy Cozine, State Court Administrator

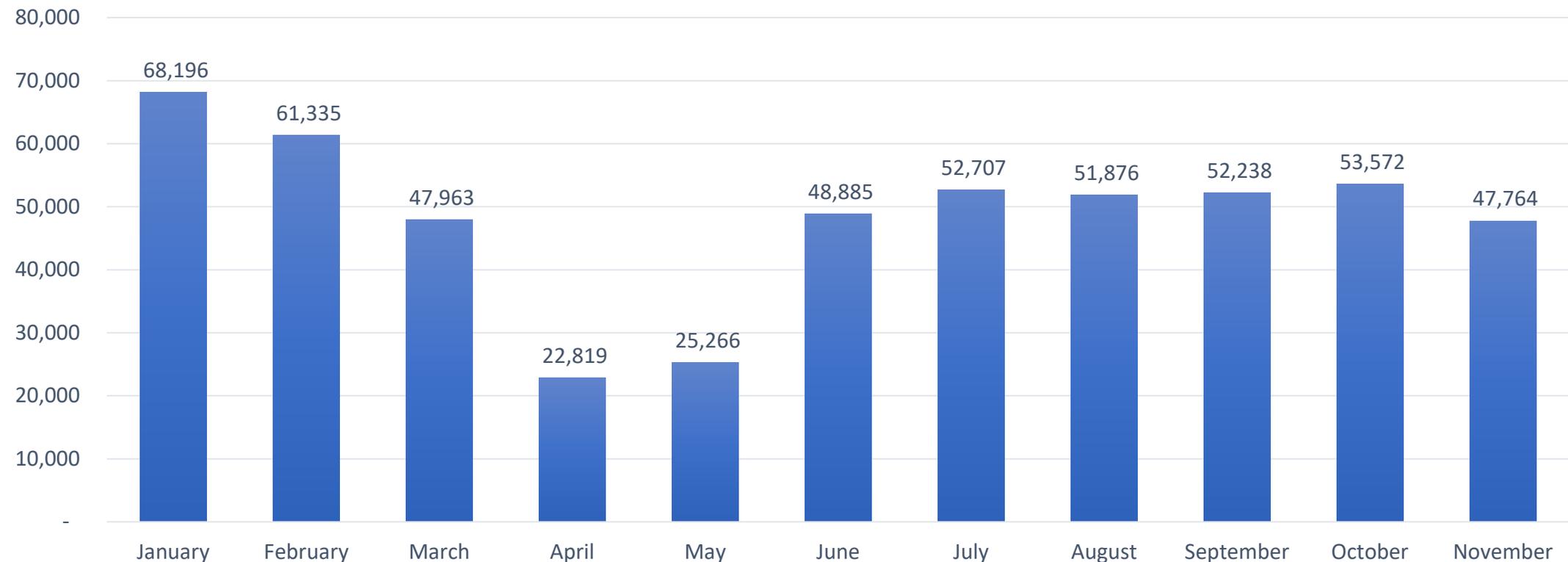




Hearings Held During 2020

532,000+ Hearings Held

Circuit Courts - All Hearings Held in 2020

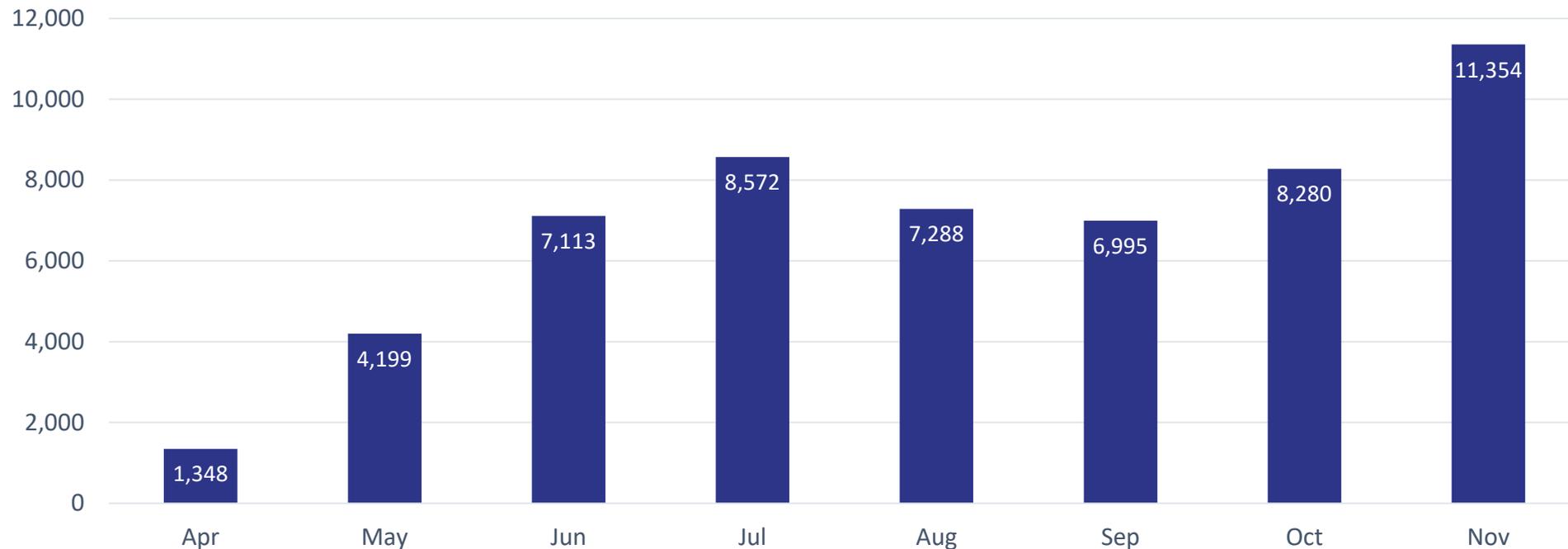




Use of Video Conference Technology

55,000+ Remote Hearings in 8 Months

Circuit Court Remote Hearings Held Using Video Conference Technology

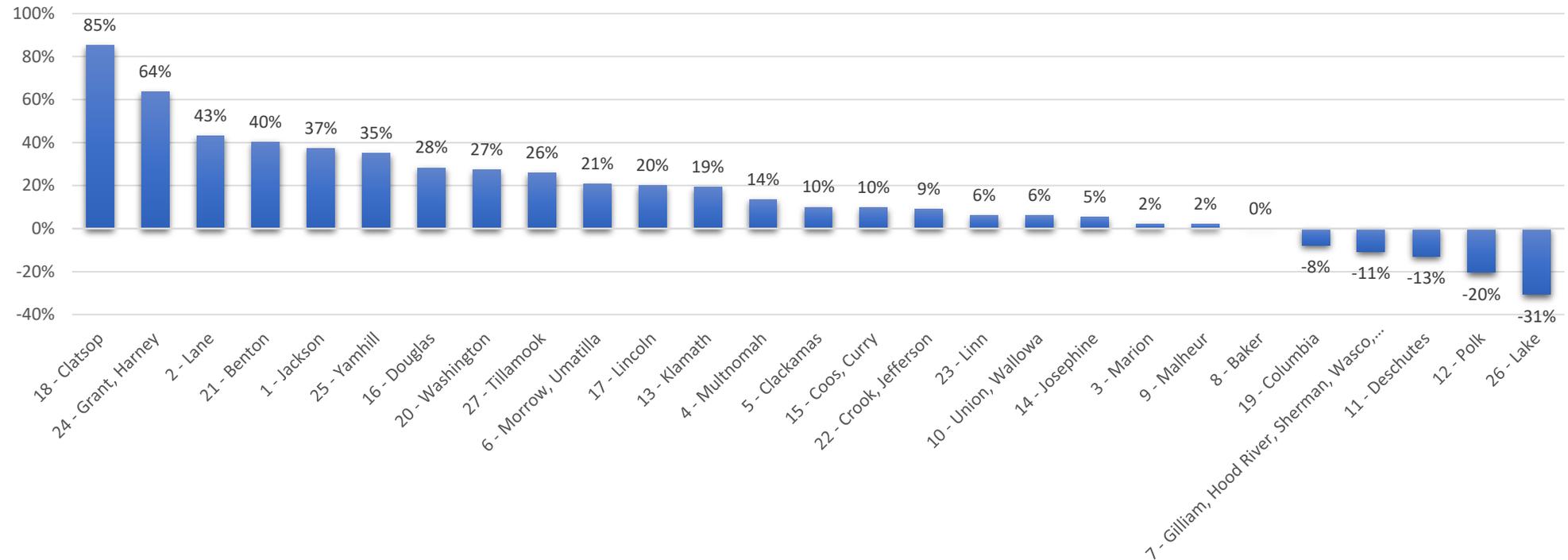




Felony Caseload

Up 15% statewide, almost 1,800 cases

Felony Pending Caseload by Judicial District Percentage Change from 2019 to 2020

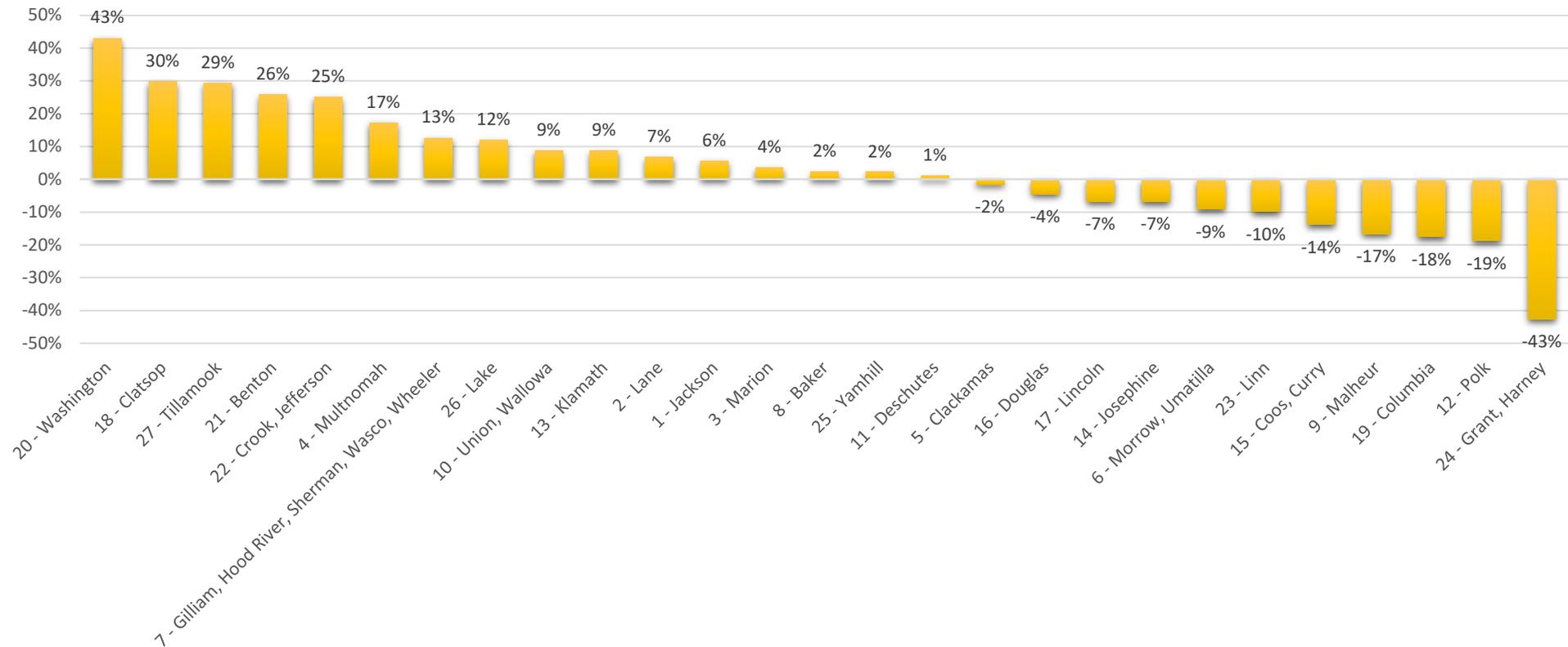




Domestic Relations Caseload

Up 10% statewide, almost 1,200 cases

Domestic Relations Pending Caseload by Judicial District
Percentage Change from 2019 to 2020

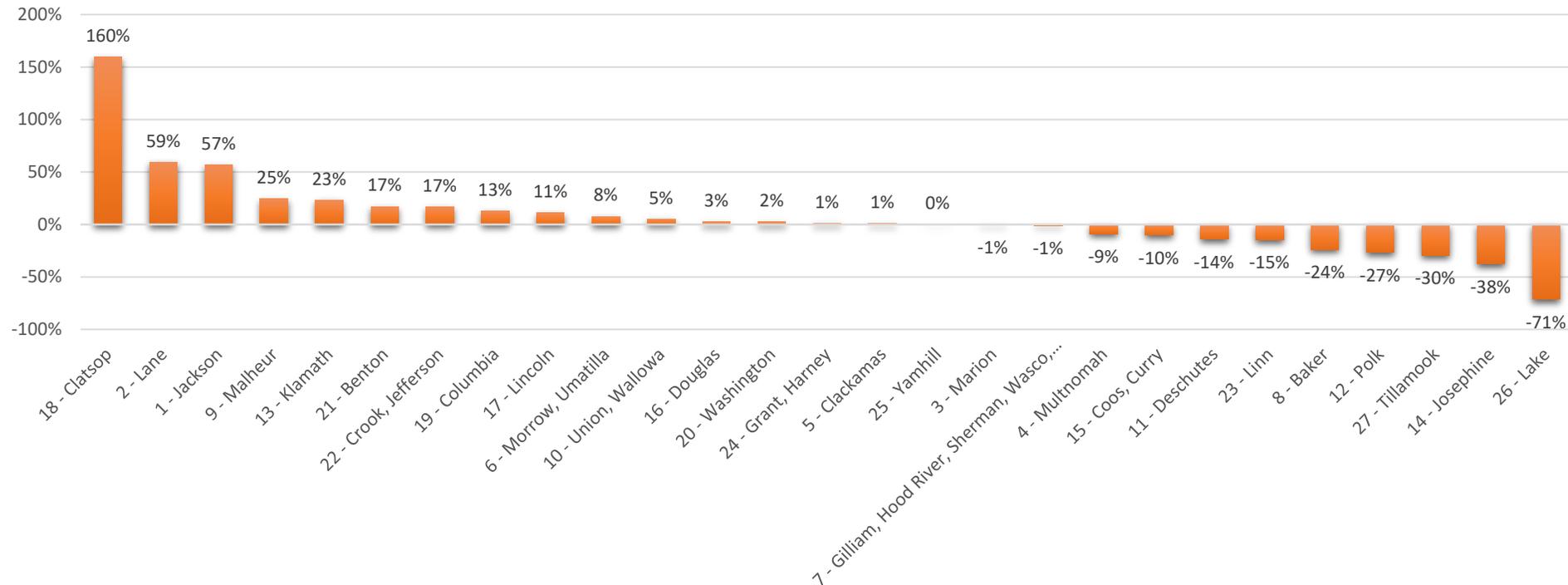




Misdemeanor Caseload

Up almost 2% statewide, 300 cases

Misdemeanor Pending Caseload by Judicial District Percentage Change from 2019 to 2020



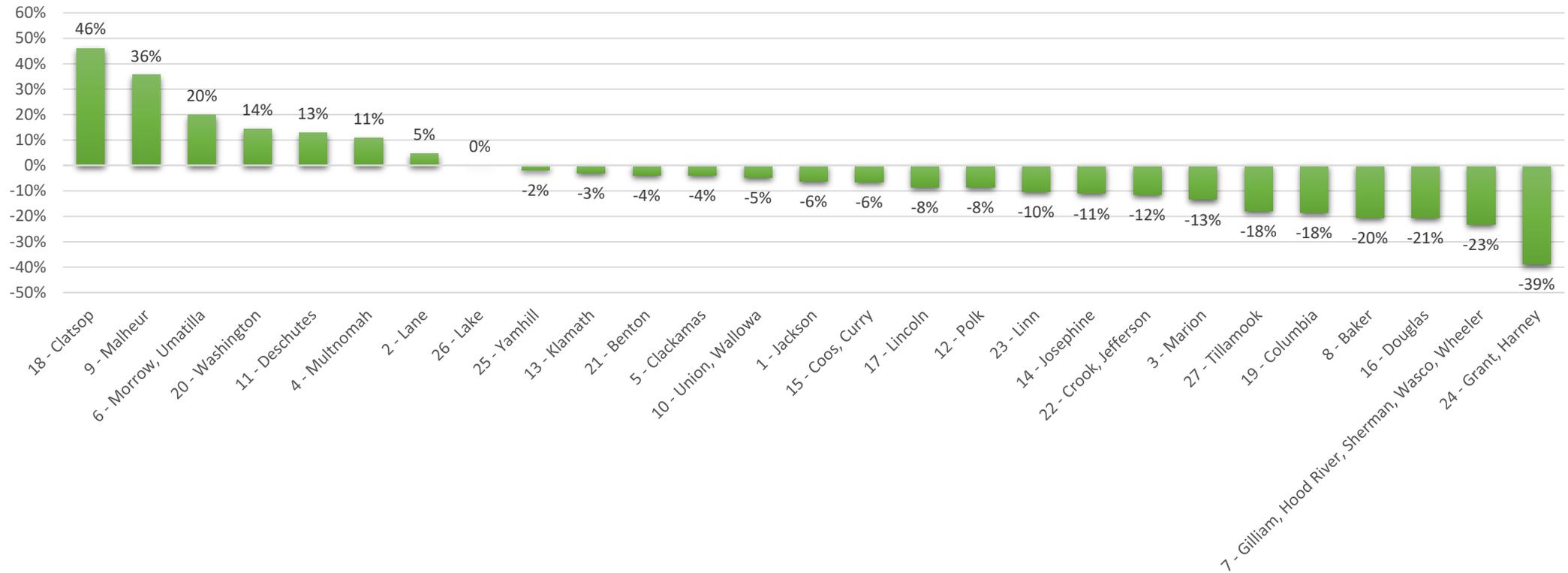


Civil Caseload

Up 2% statewide, 600 cases

Includes 370% increase in Habeas Corpus writs filed in 2020

Civil Pending Caseload by Judicial District
Percentage Change from 2019 to 2020

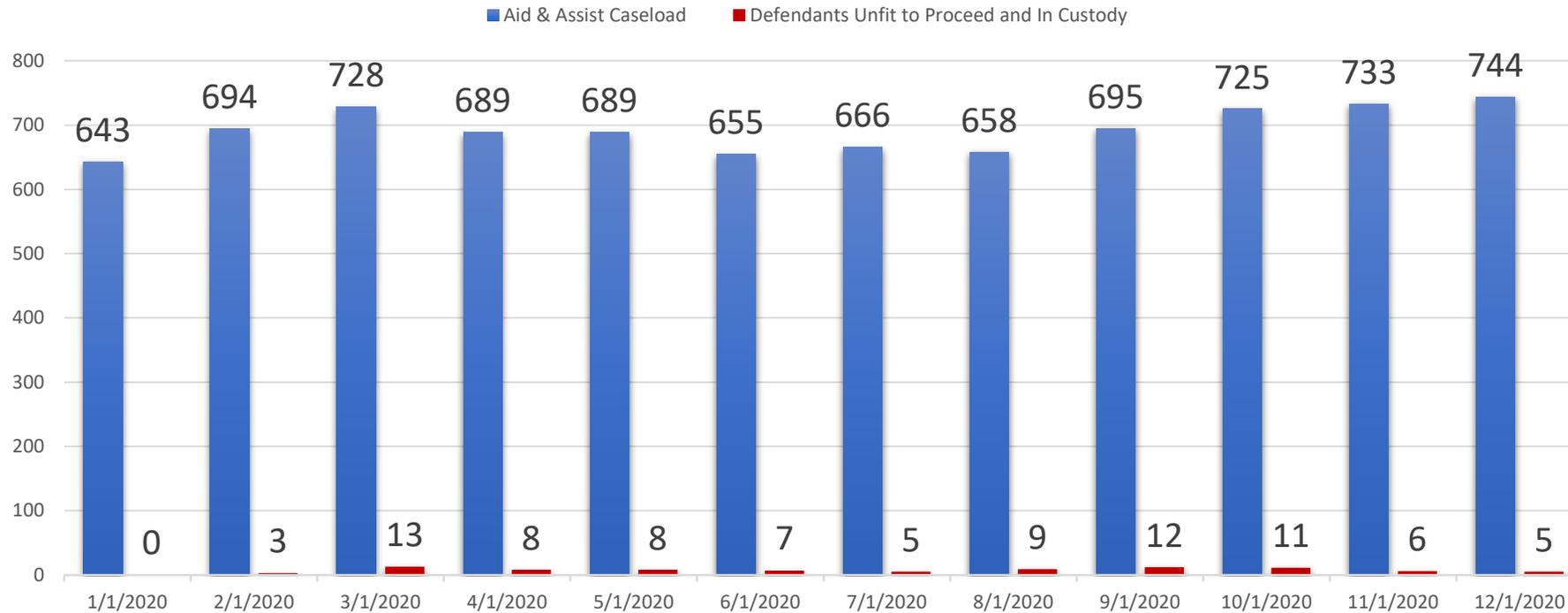




Aid & Assist

7,000+ Hearings, 598 In-Custody Reviews

Aid & Assist Caseload and Defendants Found Unit in Custody Over Time



Since OJD has been tracking placements (February 2020), on average only 1% of people found unfit to proceed remain in jail waiting for a placement in OSH/Community.

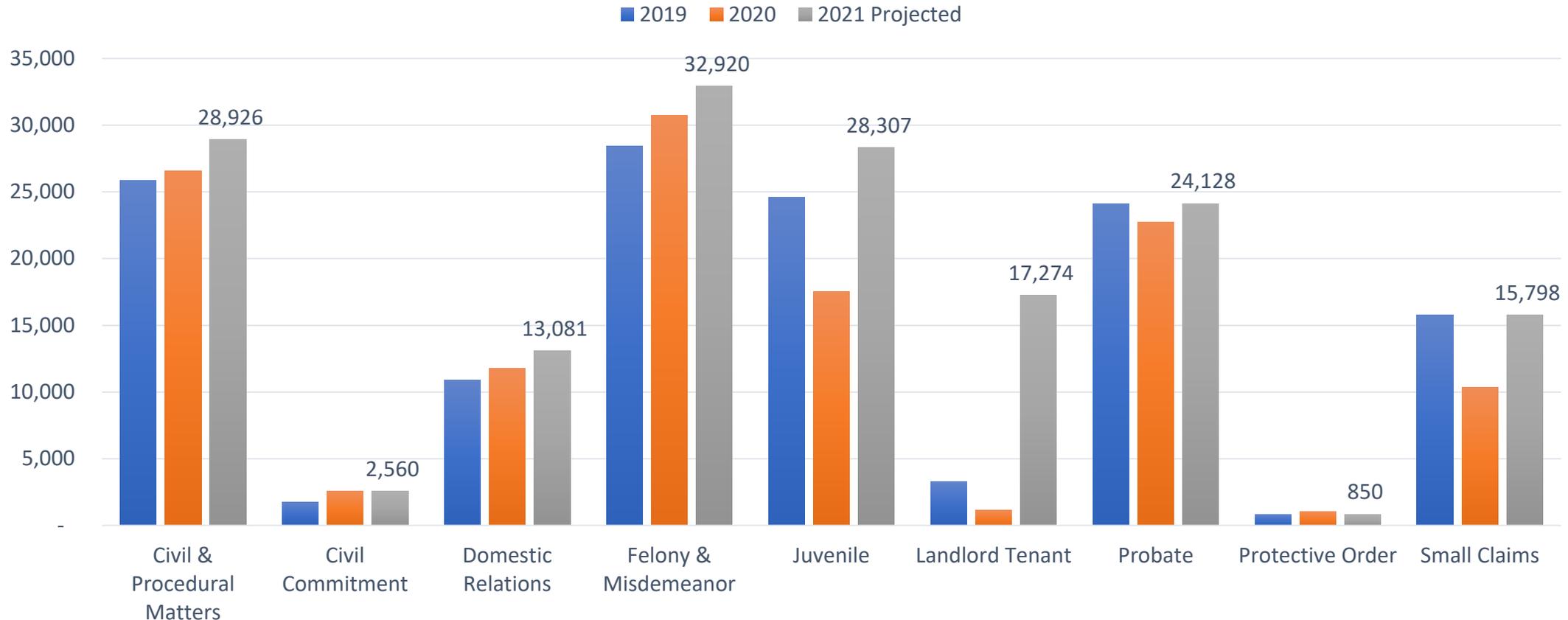


Looking Ahead – 2021 Caseloads

OJD projects a 32% increase in pending caseload (39,000+ cases)

Next year courts could face a wave of new filings in evictions, juvenile, small claims, and possibly debt collection (civil) in addition to higher pending caseloads coming into the year.

Circuit Court Pending Caseloads





Eviction Caseloads in Circuit Courts

- **Current moratorium on non-payment cases ends on 12/31/2020**
 - Courts are still processing “for cause” evictions (damage to property, illegal conduct, safety concerns)
- **14,000 is the estimated number of nonpayment cases that will be filed when the moratorium is lifted, based on prior years’ trends.**



Eviction Cases Present Challenges

- **Eviction cases move quickly**
 - Statute requires first appearance within 14 days
 - If both parties appear, court must set a trial date as soon as practicable, but no later than 15 days from the first appearance
- **Many litigants are self-represented; tenants at a rate of 97%**



Oregon eCourt & Remote Services

- Self-guided electronic forms
- eFiling, with 24/7 ability to file pleadings
- Online access to court calendars and registers of actions in most cases
- Online payments
- Online access to case documents for authorized users
- Electronic files, document processing, and electronic judicial signatures
- Statewide consistency in many court processes
- Integrations with justice partners to send and receive information
- Livestreamed appellate court oral arguments
- Enhanced security to protect information
- Text to Jury



OJD is a Critical Part of Oregon's Recovery

- **Business Contracts and Transactions**
- **Housing**
- **Debtor/Creditor and Small Claims**
- **Treatment Courts**
- **Mental Health Dockets**
- **Domestic Relations**
- **Child Welfare**
- **Protective Orders**



Questions?



More information online at

www.courts.oregon.gov

- **Courts**
- **Hours**
- **Contact information**
- **Services**
- **Court records**
- **Court calendars**
- **Self-help information and forms**



**Thank You
Be Safe**