



JUDICIAL BRANCH

Oregon Judicial Department (OJD)

Chief Justice
Recommended Budget 2019-21

OJD PRESENTATION – AGENDA

April 1 – 4, 2019

Day 1	Overview of the Judicial Branch
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Day 2	Oregon Tax and Circuit Court Programs
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Day 3	OJD Budget and Policy Option Packages
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Day 4	Public Testimony
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Oregon's Judicial Branch



Legislative Branch



Judicial Branch



Executive Branch



Oregon Judicial Department

Office of Public Defense Services

Commission on Judicial Fitness

Oregon State Bar*

*The Oregon State Bar is a public corporation and an instrumentality of the Judicial Department... (ORS 9.010(2))

Remembering Our Past

It was a rare occurrence, but it exemplified the administrative abyss in which Oregon's courts dwell.

Court reformers seek unity, command chain

By DAVID WHITNEY
of The Oregonian staff

It was a rare occurrence, but it exemplified the administrative abyss in which Oregon's courts dwell.

Because the Supreme Court's budget was sharply cut by the Legislature when a deficit became apparent last summer, two justices lost their secretaries in order to retain other needed staff. So Chief Justice Arno Denecke went before the legislative Emergency Board last month to ask for enough money to restore the two secretarial positions. The board agreed.

After learning of Denecke's victory, George Joseph, chief judge of the Oregon Court of Appeals, marched before

in what it considers its most necessary piece of legislation, the commission is proposing an administrative re-vamping that would make the state courts closely parallel the structure of the federal courts. It also would take funding of all court operations from the counties and turn it over to the state.

The commission recommends that the governor appoint the chief justice to a six-year term and that the chief justice's administrative powers be enhanced. The Supreme Court's seven justices currently elect the chief justice. All of them, except Denecke, are opposed to the governor choosing the

Unification Required Tremendous Effort

THE OREGONIAN, FRIDAY, AUGUST 7, 1981

Court veto 'giant step backward'

By DAVID WHITNEY
of The Oregonian staff

Gov. Vic Atiyeh's decision to veto legislation bringing the state judicial system under a uniform administrative structure with full state funding deeply disappointed proponents Thursday, one of whom said Oregon counties will be worse off financially as a result.

"I am disappointed," said Don Denney, executive director of the Oregon State Bar, in a statement on the Judiciary Committee's court-reform proposal by the 1979 Legislature. "The bill would have created a state judicial system with a number of improvements. The governor has before us a unique coalition of interests that came

to go to four-day work weeks. Indigent defense costs are rising at a rate of 20 percent a year. The finance bill was designed to get a handle on that.

"It is fair to say that the counties will be worse off if this legislation is vetoed."

Although Atiyeh said he would veto the administrative-structure bill because it denied the governor the opportunity to select the chief justice, the legislation would have created other major administrative changes the commission believed would improve the court system.

It would have provided a system of accountability from the highest trial court on up to the lowest court. Presiding judges of the Oregon Court

approved a bill equalizing judicial salaries.

Although they were disappointed, several sources contacted for reaction to the governor's veto intention privately said they hoped the legislation could be restored in a fashion acceptable to the governor at a special legislative session next year.

"My inclination is not to give up. I hope there will be a session for one

C The Oregonian
WEDNESDAY, AUGUST 26, 1981

Atiyeh vetoes reform proposal for state court system

By LESLIE L. ZAITZ
of The Oregonian staff

SALEM — With the stroke of a pen, Gov. Vic Atiyeh has dismissed a six-year effort to improve operation of Oregon's court system by vetoing two bills containing major judicial reforms. Atiyeh Monday night signed a three-page veto message that killed House Bill 2696, which would have consolidated court administration under the chief justice of the Oregon Supreme Court. He also vetoed House Bill 2733, through which the state would have paid all costs of circuit and district courts in the state's 36 counties.

Atiyeh said the reform bills would "merely reinforce the status quo." He said, "I cannot justify a major general fund commitment and increasing fees for citizens using the courts without improvement in the efficiency of the court system."

Atiyeh's veto was triggered by his objections to the process designated for appointment of the Supreme Court chief justice.

Atiyeh insisted the law be changed to grant the governor authority to appoint the chief justice. Currently, the court's members select the chief justice from among themselves. That process

was said by the supporters of the measure to be its essential element and in disregard of my warning that I would accept nothing less."

Thomas Howser, president of the Oregon State Bar, said in a prepared statement that Atiyeh's veto was "most unfortunate. The governor's desire to draw more power to his office was more important than the needs of the citizens of this state who use the court system and deserve a real lack of concern for this segment of our society."

Also critical of the veto was Multnomah County Executive Don Clark. Clark said at a press conference that Oregon has "not a chance to write

3M

THE OREGONIAN, MONDAY, AUGUST 31, 1981

Atiyeh made mistake on court reform issue

By RUSSELL SADLER
GOV. VIC ATIYEH vetoed one of the longest accomplishments claimed by the state's history.

Despite the vacillation and doubt that characterized the last session, legislators capped a six-year effort to modernize Oregon's bucolic court system

The bill creates minimum, uniform rules of court administration; unifies personnel rules; establishes minimum qualifications for court employees; and prevents diversion of court funds as enable court officials to get some control over court costs.

House Bill 2733 gradually phas

The Purpose of Unification

ORS 1.001: *The Legislative Assembly hereby declares that, as a matter of statewide concern, it is in the best interest of the people of this state that the judicial branch of state government, including the appellate, tax and circuit courts, be funded and operated at the state level. The Legislative Assembly finds that state funding and operation of the judicial branch can provide for best statewide allocation of governmental resources according to the actual needs of the people and of the judicial branch by establishing an accountable, equitably funded and uniformly administered system of justice for all the people of this state.*
[1981 s.s. c.3 § 1]

A Unified Branch

- Effective January 1, 1983, the legislature consolidated Oregon's district, circuit, and appellate courts into a unified, state-funded court system known as the Oregon Judicial Department (OJD).
- Municipal, county, and justice courts continue outside of the state-funded court system and control.



Oregon Judicial Department *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.



Goals

The overall goal of the Oregon Judicial Branch is to
sustain the Rule of Law environment

- **Access**
 - Increase Public Access to Justice
- **Trust**
 - Provide Public with Improved Experience, Safety, and Awareness
- **Resolution**
 - Improve Docket and Caseflow Management Systems
- **Partnership**
 - Focus on Specialized Dockets and Plans for Improved Outcomes
- **Administration**
 - Improve Accountability and Performance

OREGON JUDICIAL BRANCH

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.

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

VISION GOALS

ACCESS - Ensure access to court services for all people

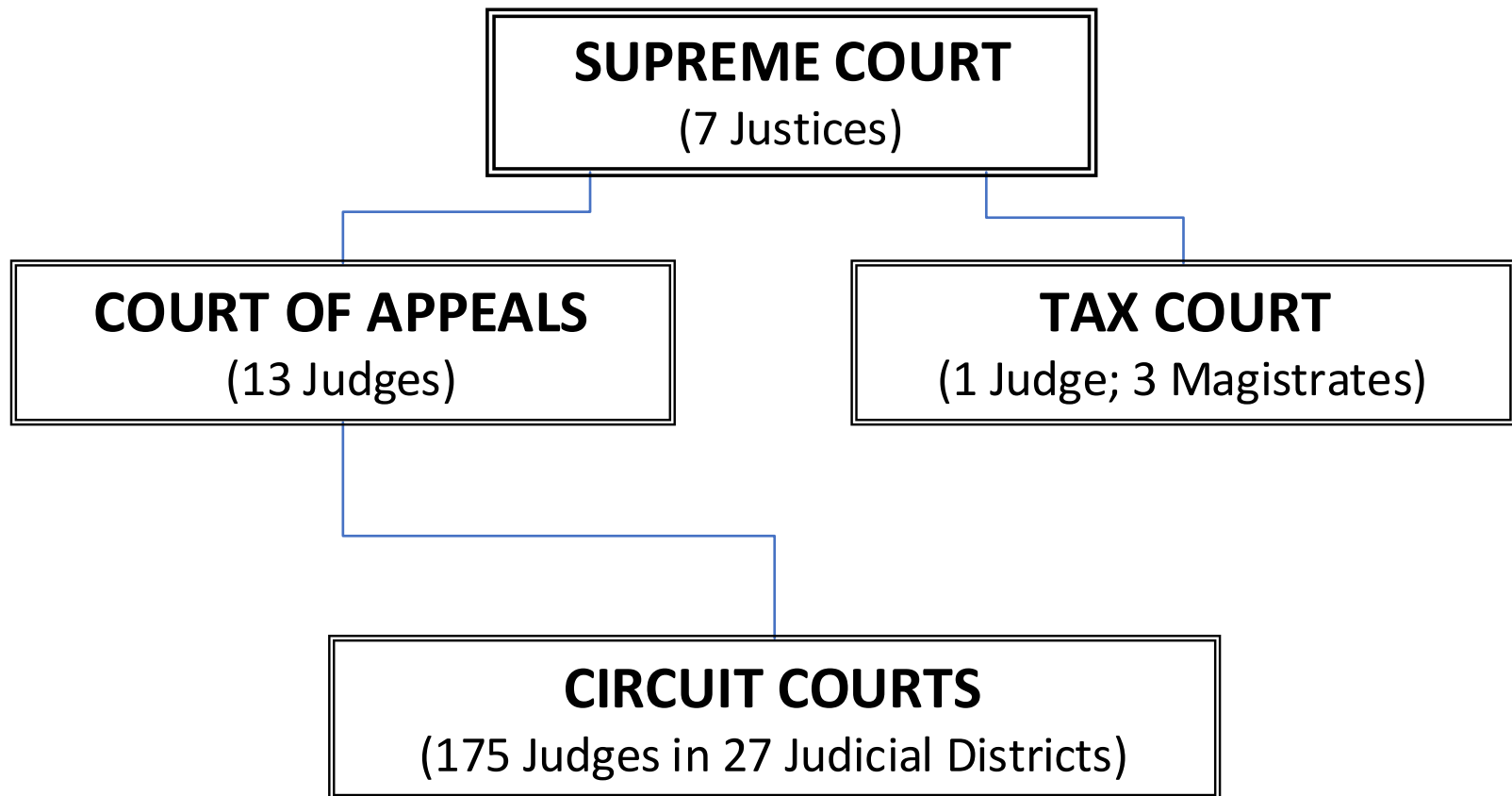
TRUST AND CONFIDENCE - Earn the public's enduring trust and confidence

DISPUTE RESOLUTION - Help people choose the best way to resolve their disputes

PARTNERSHIPS - Build strong partnerships with local communities to promote public safety and quality of life

ADMINISTRATION - Make courts work for people

Oregon's State Court System



Oregon Supreme Court (OSC)

State Court of Last Resort



■ **Special Programs**

- Appellate eCourt (electronic from filing to disposition); electronic brief banks
- Free online access to opinions and calendars
- Web-casting of oral arguments
- Court outreach – oral arguments in schools and communities

OSC Review

- Average 907 cases filed per year (2013-2018)
- Discretionary review of Court of Appeals decisions
- Required Review (statutorily mandated)
 - Direct appeals in death penalty cases
 - Appeals from Tax Court decisions
 - Review of attorney discipline and judge discipline
 - Review of ballot measure titles
 - Prison and energy facility siting disputes
 - Other direct review cases
- Discretionary Review with original jurisdiction
 - Habeas Corpus
 - Mandamus
 - Quo Warranto



Court of Appeals (COA)



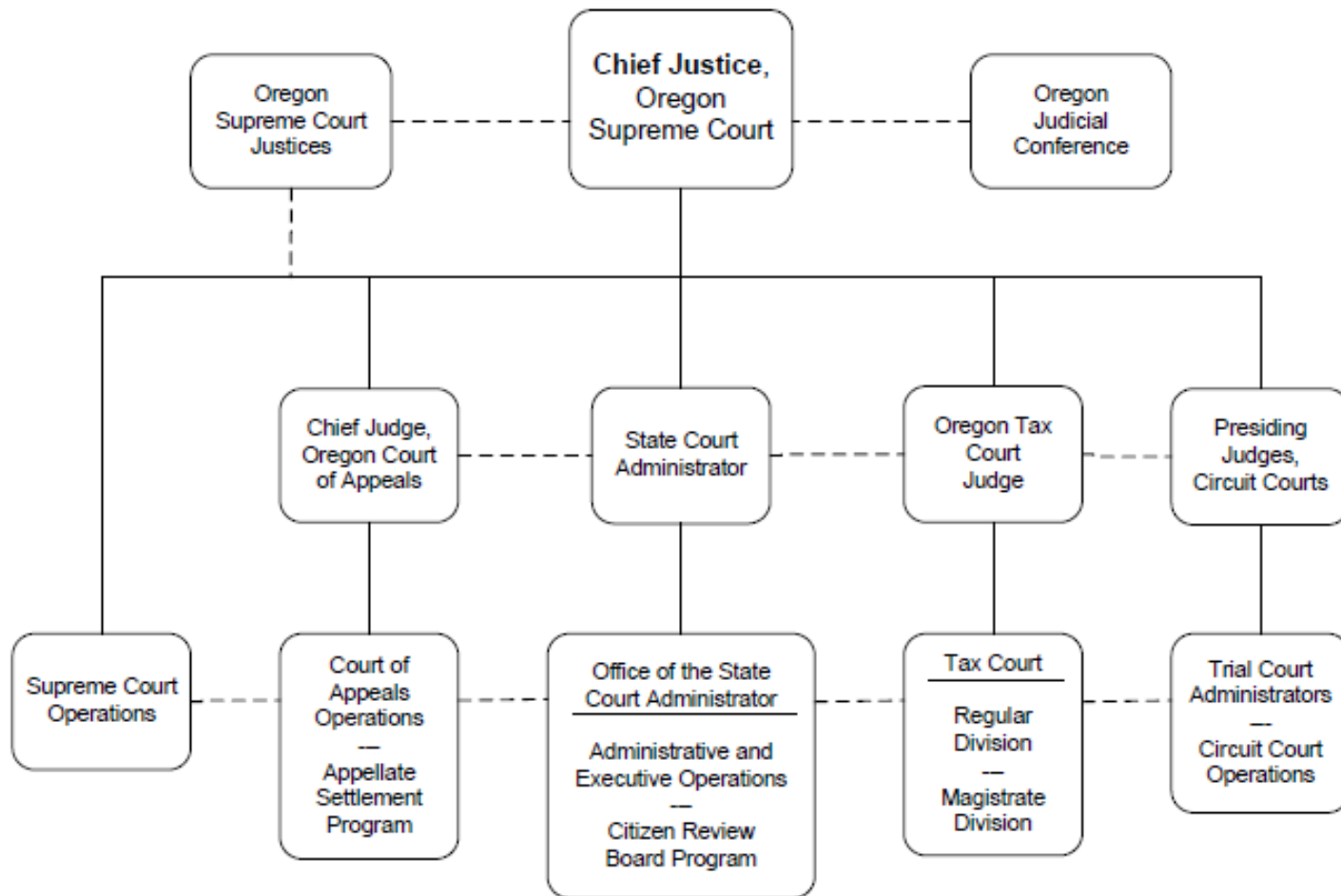
- Most cases reviewed by three-judge panels
- **Efficiencies**
 - Appellate Commissioner's office
 - Appellate Settlement Program
- **Special Programs**
 - Trading Benches Program
 - Court Outreach Program – oral arguments in schools and communities

COA Review



- Average 2,700 filings per year (2013-2018)
- Opinions available online
- Must accept and decide all:
 - Appeals from circuit courts (criminal, civil, domestic relations, juvenile)
 - Appeals from state agency rules and actions
 - Appeals from local government decisions
- Juvenile dependency matters are on an expedited schedule
 - 108 juvenile dependency matters submitted (2018)
 - 96 resolved (2018); 10 resolved (early 2019)

Organization Structure



Statutory Responsibilities

Oregon's Chief Justice

(See primarily ORS Chapters 1, 3, 7-10, 21, 36, 151, and 174)

Statutory Responsibilities:

- Serve as administrative head of the state judicial branch of government
- Make rules and issue orders as administrative head
- Require reports related to administrative supervision
- Assign or reassign state judges on a temporary basis
- Set staffing levels; assign and reassign staff for all state courts and operations
- Establish time standards for disposition of cases
- Establish budgets for the state court system, including the state courts
- Establish statewide personnel rules and policies
- Appoint presiding judges of the circuit courts, Court of Appeals, and Tax Court
- Delegate administrative powers to presiding judges and State Court Administrator
- Develop plan for obtaining and controlling property, materials, and equipment used by state courts
- Establish rules for use of electronic applications in the courts
- Conduct inquiries regarding alleged disabilities of judges
- Designate principal locations for sitting of courts and transactions of state court business
- Declare statewide court closures by Chief Justice Order
- Chair the Oregon Judicial Conference
- Serve as presiding judge of the Oregon Supreme Court
- Oversee Oregon Judicial Department work with the Legislature and the Executive Branch
- Appoint members to Judicial Conference, Judicial Department committees, and to external committees, boards, and commissions
- Represent Oregon Judicial Branch in state and national associations, meetings, and activities
- Make or approve, or both, Chief Justice/Oregon Judicial Department Rules, Uniform Trial Court Rules; Supplementary Local Rules; Oregon Rules of Appellate Procedure
- Serve as appointing authority and ex-officio non-voting member of the Public Defense Services Commission

Administration

- **Chief Justice:** Administrative head of the state courts, appoints the Chief Judge of the Court of Appeals, Presiding Judges of the Circuit Courts, and State Court Administrator
- **State Court Administrator:** Chief Operating Officer, exercises administrative authority and policy leadership for the Chief Justice and courts

Statutory Responsibilities

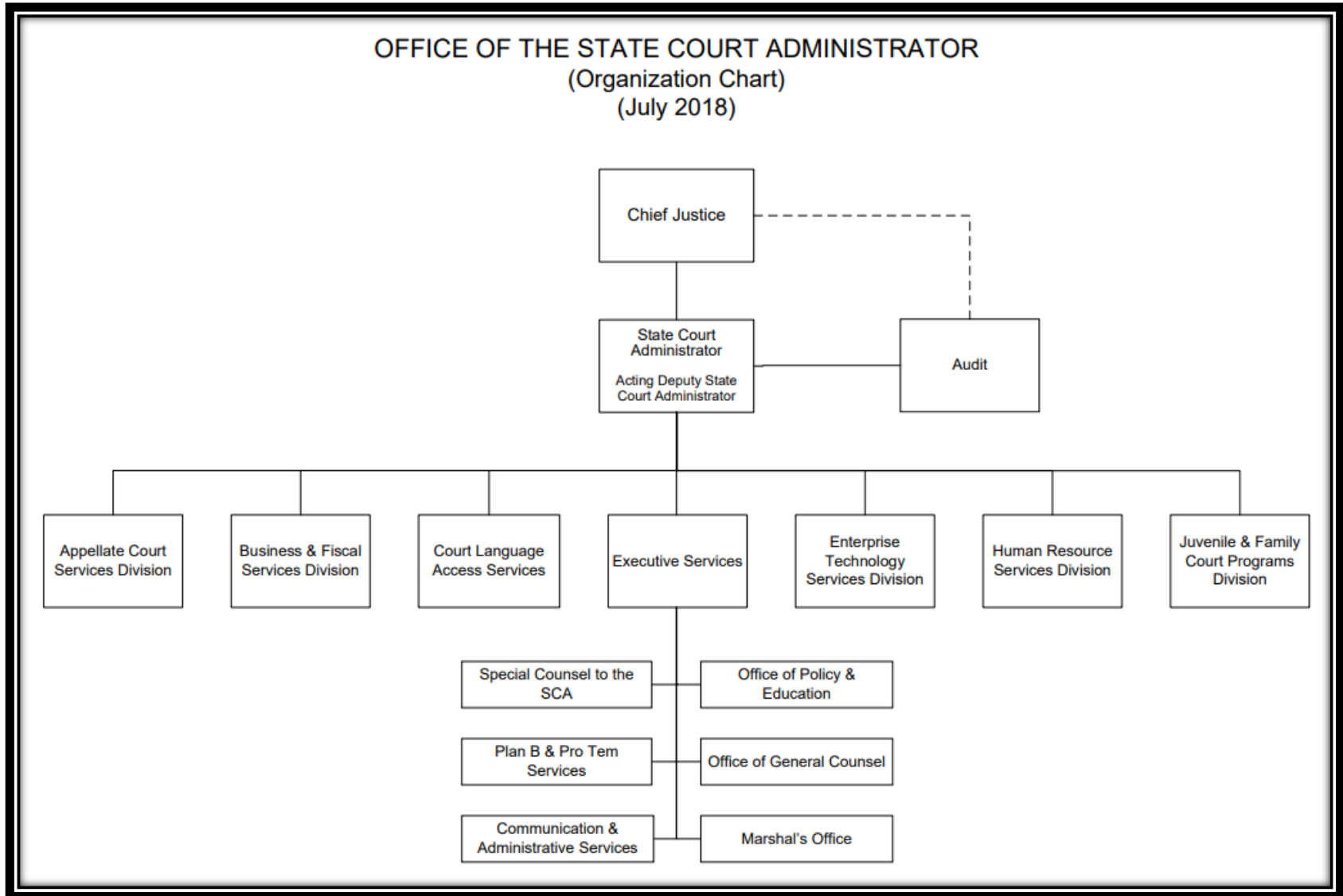
Oregon's State Court Administrator

(See primarily ORS Chapters 1, 3, 7, 8, 21, 45, 151, and 419A)

Statutory Responsibilities:

- Serve as court administrator for the Oregon Supreme Court, Court of Appeals, and Tax Court
- Assist the Chief Justice as directed
- Supervise the Judicial Department's personnel plan
- Supervise preparation and submission of budget requests to the legislature
- Supervise the fiscal, revenue, and accounting systems
- Establish and maintain a property- and inventory-control system
- Collect and compile statistics on court workloads, caseloads, expenses, and revenues
- Conduct a continuing survey of court administration methods and make recommendations
- Establish and supervise a statewide public information service about the courts
- Establish and supervise education and training programs for court staff and judges
- Provide technical and infrastructure services to assist courts, staff, and judges
- Prepare and maintain a long-range plan for court improvement and future needs
- Enter into contracts on behalf of the Judicial Department
- Prescribe retention schedules and standards for court records
- Maintain a State Law Library and other Judicial Department libraries
- Serve as executive secretary for the Judicial Conference
- Administer the Citizen Review Board program (CRB)
- Administer the Certified Shorthand Reporter program (CSR)
- Administer the Court Interpreter Certification program (CIS)
- Administer the Public Defense Verification and Application Fee and Contribution program (ACP)
- Coordinate family-law activities, projects, and education
- Approve written information about mediation for litigants in civil cases
- Calculate and publish annual adjustments of liability limits in tort actions against public bodies
- Direct management of the Office of the State Court Administrator
- Direct and coordinate the Judicial Department's legislative efforts
- Represent the Judicial Department externally

Office of the State Court Administrator (OSCA)



OJD Key Performance Measures

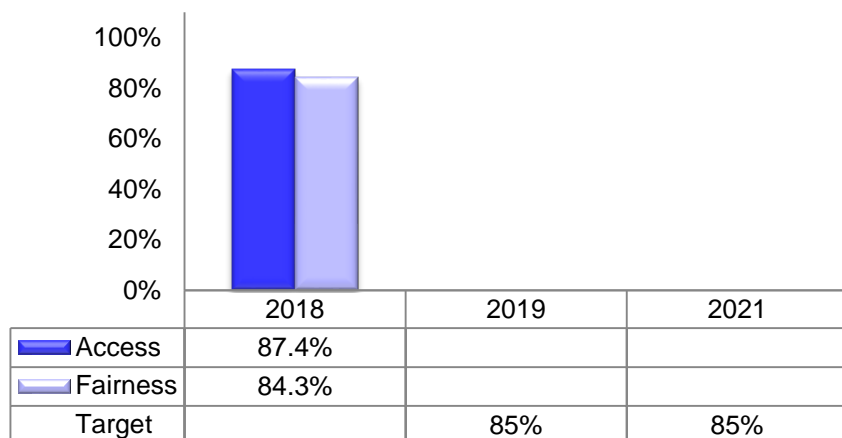
KPM#	Key Performance Measures (KPMs)
*1	<p>Access and Fairness: The rating of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.</p> <p><i>Proposing individual metrics for Access and Fairness.</i></p>
2	<p>Clearance Rates: The number of cases closed as a percentage of the number of cases filed.</p>
*3	<p>Time to Disposition: The percentage of cases disposed or otherwise resolved within established timeframes.</p> <p><i>Proposing individual time to disposition goals for each case type.</i></p>
*4	<p>Time to Entry of Judgment: The average number of days between signature of a judgment and the date of entry into the official record.</p> <p><i>Proposing new definition – The percent of criminal cases that have a final judgment entered into the case register within three business days of the sentencing hearing or disposition.</i></p>
5	<p>Time to First Permanency Hearing: The percentage of cases that have the first hearing to review a permanent placement for the child within 14 months.</p>
6	<p>Collection Rate in Violations Cases: The percentage of cases paid in full within a year of judgment.</p>
*7	<p>Oregon Recidivism Rates: The arrest, conviction, or incarceration of adults who have previously been convicted of a crime within three years of the date of conviction or release from custody of the previously convicted crime.</p> <p><i>Proposing new definition – The percentage of adult drug court graduates with no misdemeanor or felony charges filed in Oregon circuit courts within one year of program graduation.</i></p>
8	<p>Effective Use of Jurors: The percentage of available jurors who are selected for jury duty who are qualified and available to serve (the number of jurors who appear and are not disqualified / exempt / excused from serving).</p>
9	<p>Employee Retention: The annual employee retention rate.</p>

1. Access and Fairness (CourTool Measure) – Updated

The rating of court users on the court’s accessibility and its treatment of customers in terms of fairness, equality, and respect.

**Individual metrics and targets are being proposed for access and fairness rather than one index score.*

2018 Pilot Survey Results Access and Fairness

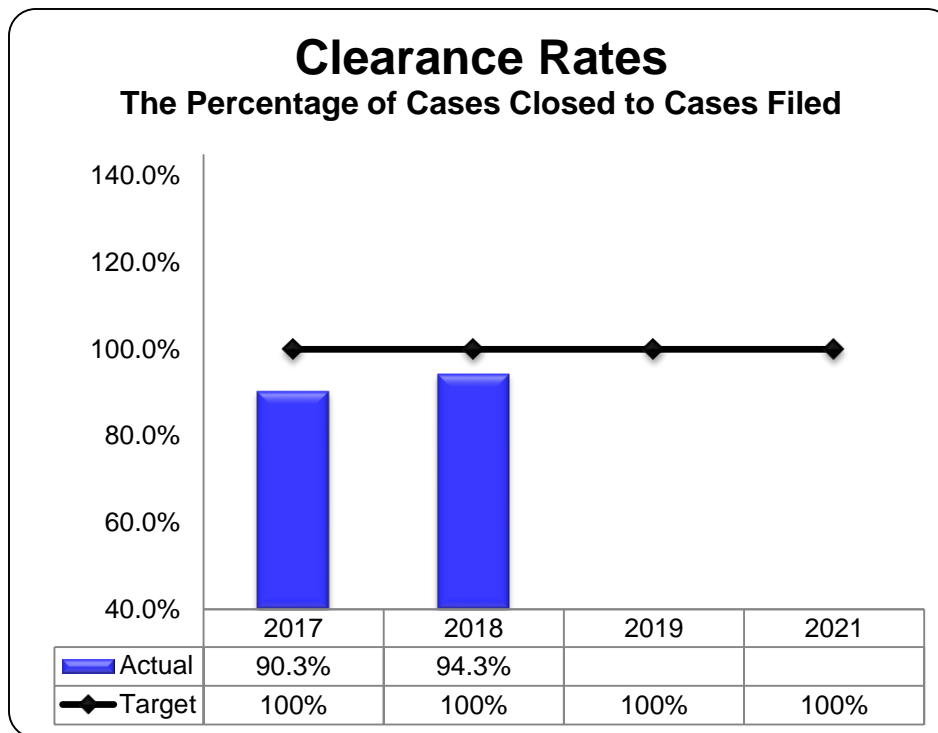


The Oregon Judicial Department (OJD) piloted the survey in 2018 to establish a baseline for this measure.

After reviewing the results of the survey, OJD determined it would be a more useful measure if individual metrics were used rather than one metric as originally proposed.

2. Clearance Rates (CourTool Measure) – Updated

The number of cases closed as a percentage of the number of cases filed.



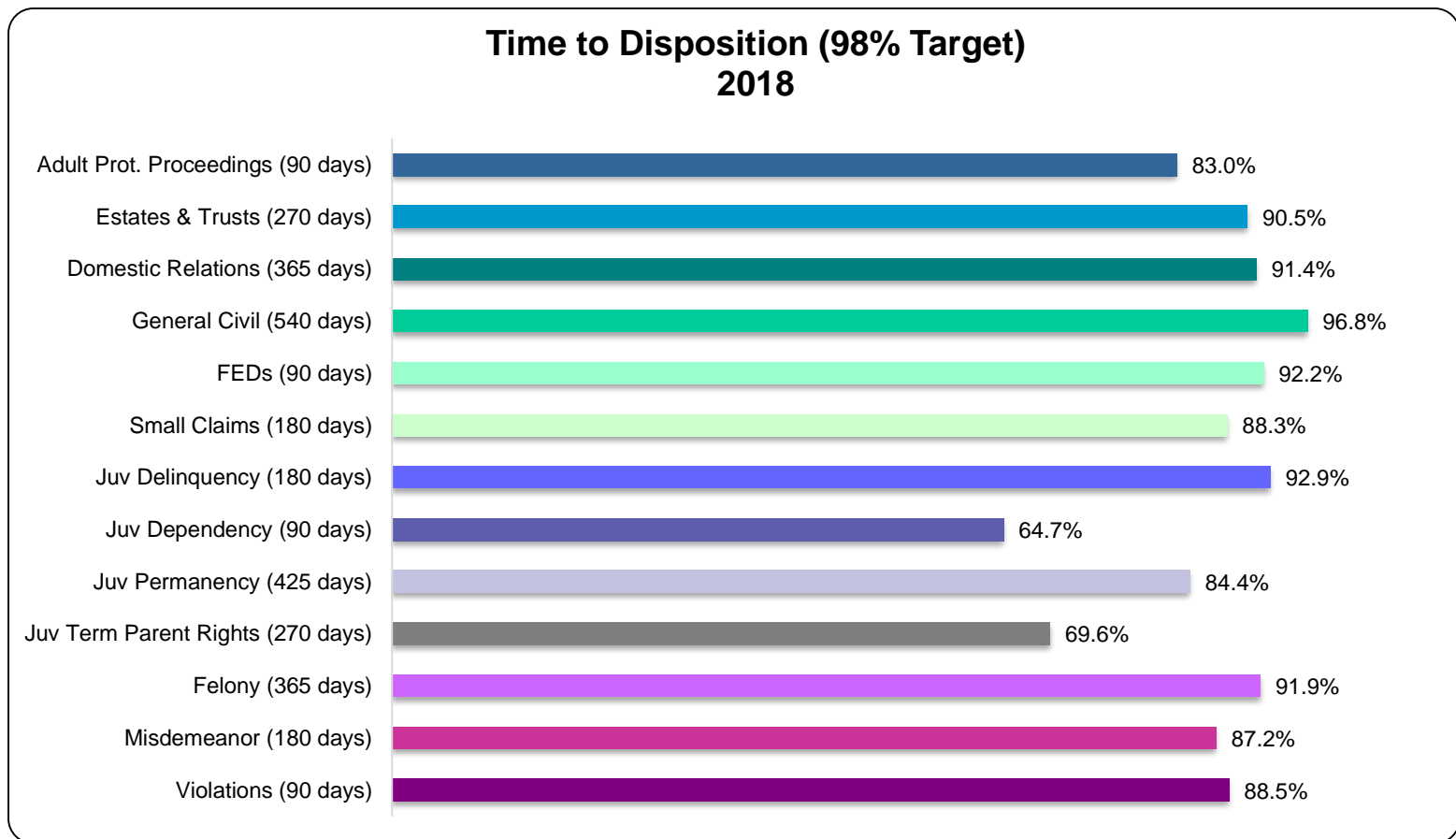
Updated Reporting Method

- *230,000+ pending cases*
- **NOTE:** Updated method excludes violations and parking cases which are largely automated

3. Time to Disposition (CourTool Measure) – Updated

The percentage of cases disposed or otherwise resolved within established timeframes.

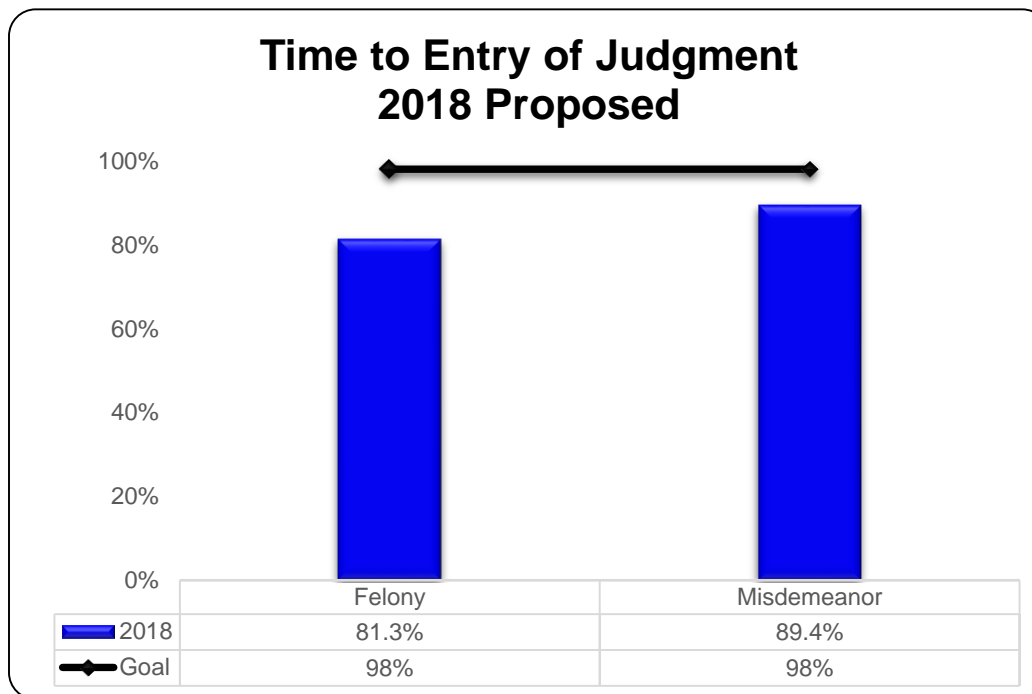
** Individual metrics and targets are being proposed for each case type rather than one index score.*



4. Time to Entry of Judgment – *Updated*

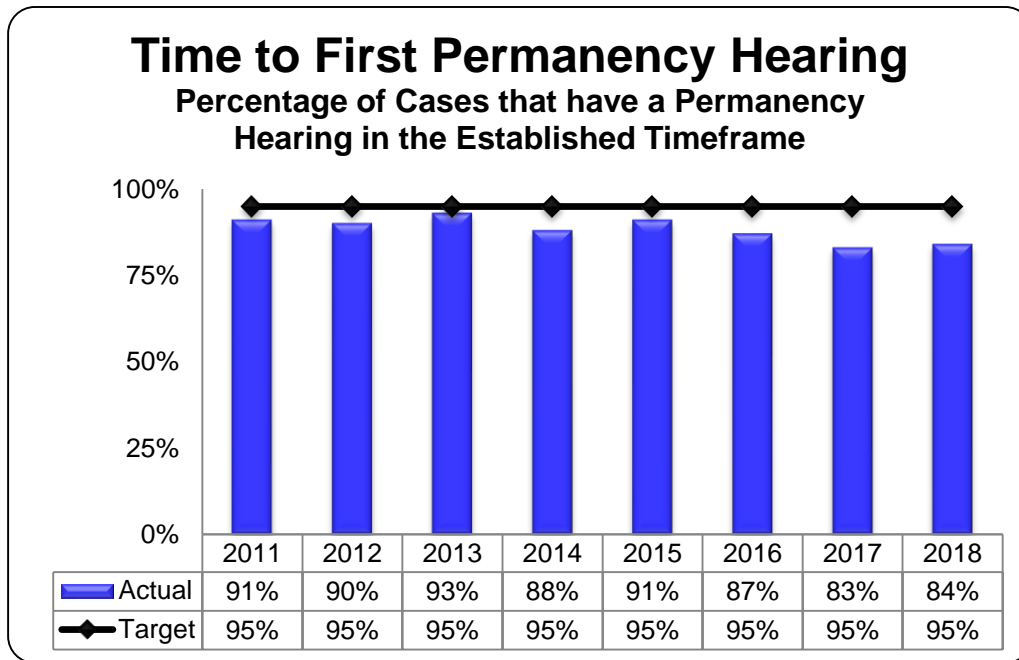
The average number of days between signature of a judgment and the date of entry into the official record.

New Proposed Definition: *The percent of criminal cases that have a final judgment entered into the case register within three business days of the sentencing hearing or disposition.*



5. Time to First Permanency Hearing

The percentage of cases that have the first hearing to review a permanent placement for the child within 14 months.

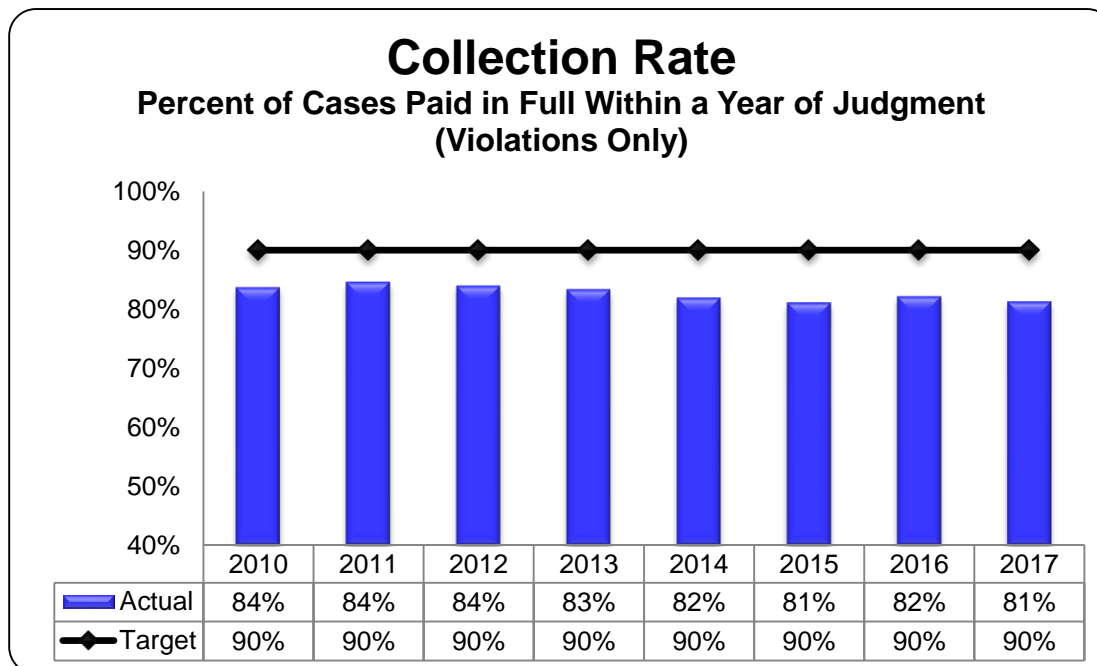


Reports from courts and stakeholders and informal reviews of case files indicate that hearings are continued or rescheduled due to lack of court time and/or attorney availability for contested hearings.

Making additional court time available and increasing the availability of legal counsel for parties would likely move the numbers toward their target.

6. Collection Rate in Violations Cases (CourTool Measure)

The percentage of cases paid in full within a year of judgment.



Improvements should come in the next few years as we implement new technologies.

- *Improvements to our ePay system (including online reductions authorized by HB 2240)*
- *Sending notices soon after people fail to pay or appear by the date on their citation*
- *Text-to-Debt service to remind people of their payment plan due dates*

7. Oregon Recidivism Rates – *Requested Change*

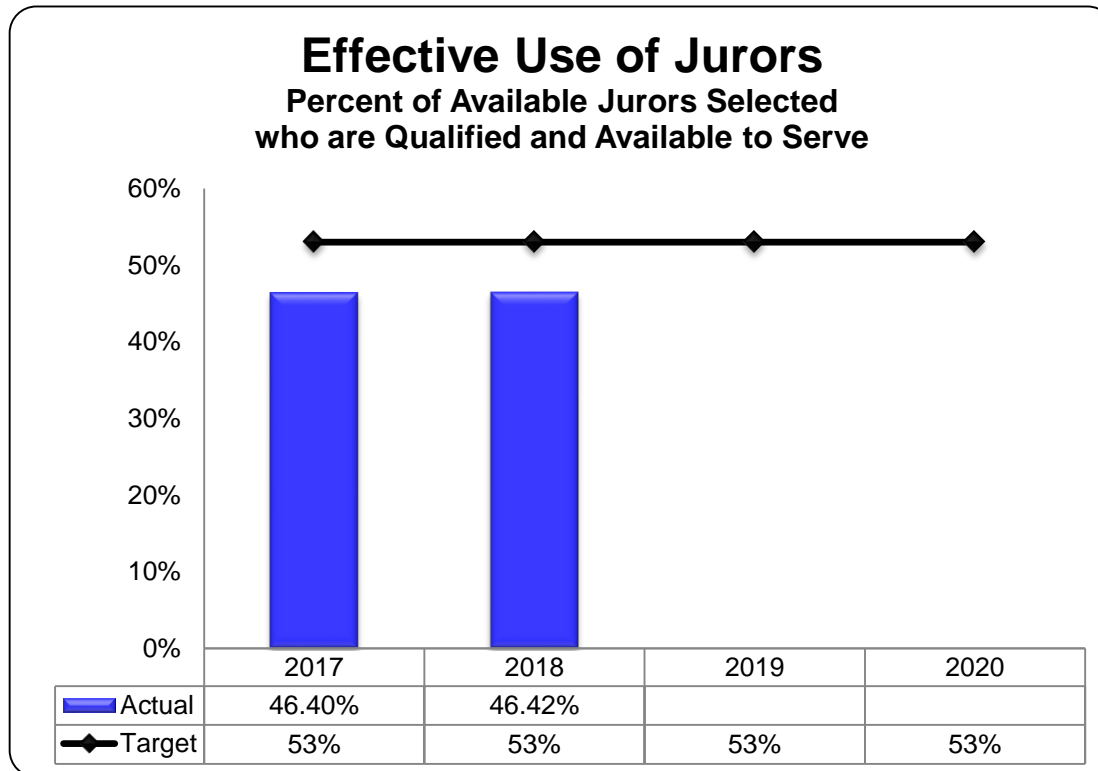
The arrest, conviction, or incarceration of adults who have previously been convicted of a crime within three years of the date of conviction or release from custody of the previously convicted crime. (CJC definition and data)

New Proposed Definition: *The percentage of adult drug court graduates with no misdemeanor or felony charges filed in Oregon circuit courts within one year of program graduation.*

- **2017/2018** – *No data reported by OJD, referenced CJC recidivism report*
- *Odyssey (Oregon eCourt) and the new State Court Case Management System (SCMS) will provide ability to see recidivism rates after drug court graduation*

8. Effective Use of Jurors (CourTool Measure)

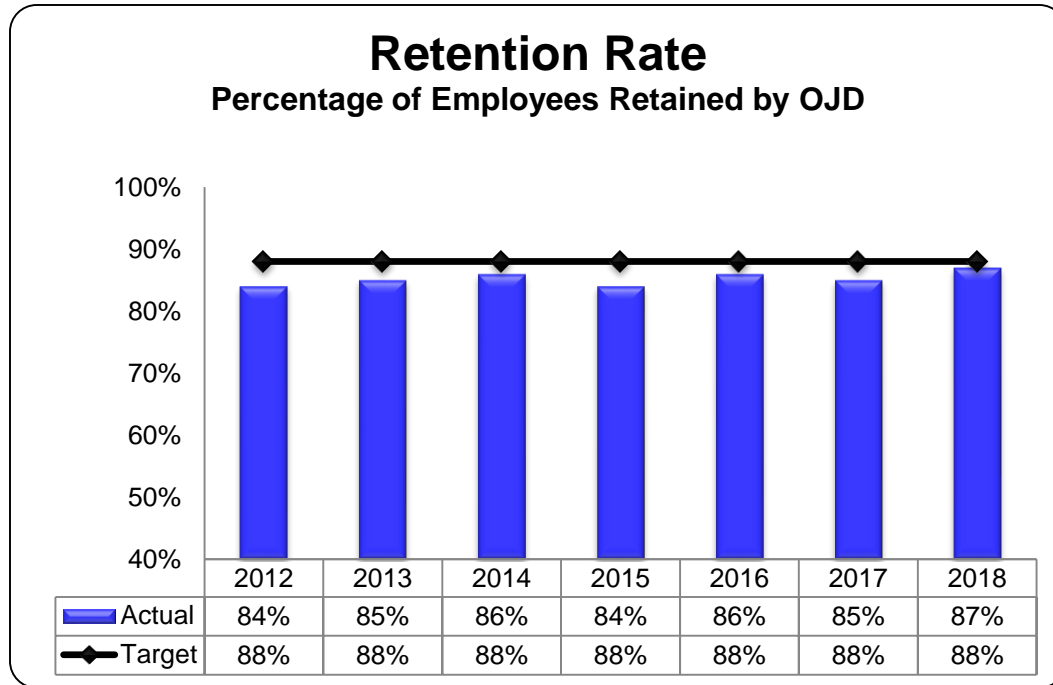
The percentage of available jurors who are selected for jury duty who are qualified and available to serve (the number of jurors who appear and are not disqualified / exempt / excused from serving).



The objective of this measure is to minimize the amount of effort expended to summon and qualify prospective jurors and to maximize the rate at which they are used in the jury selection process.

9. Employee Retention

The annual employee retention rate.



We continue to collect data from exiting employees and analyze their reasons for leaving as part of our strategy to maintain and improve our performance in this measure.

Budget Drivers

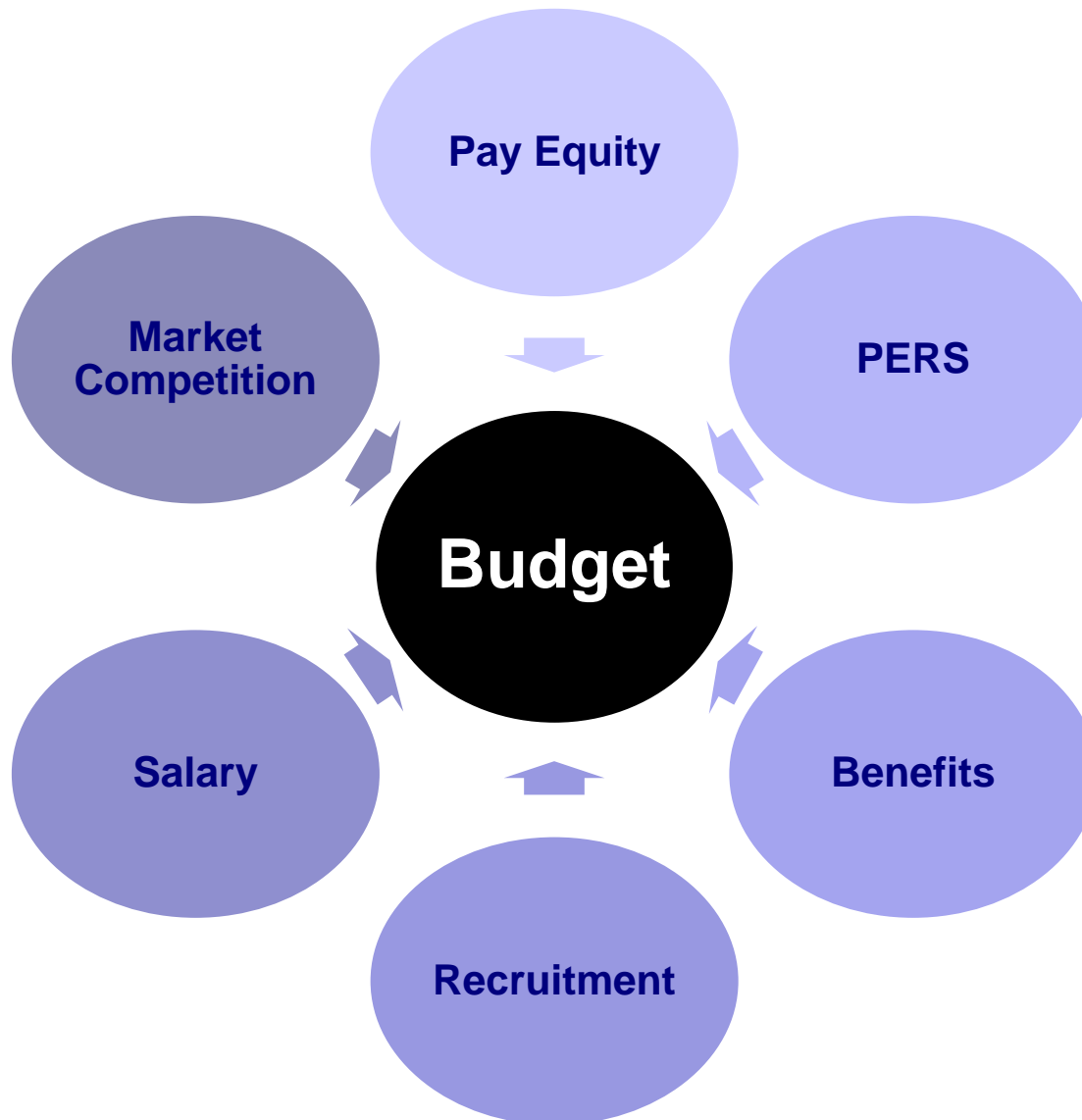
- Personnel Costs
- Capital Construction Costs
- Technology Costs
- Changes in Law
- Economic & Demographic Factors
- Justice Partners
- Workload Changes

The screenshot displays the 'Find A Case' search interface within the Odyssey system. The interface is divided into several sections for searching by different types of information:

- Search by Case Information:** Fields include Case Number, PIN, Cross Ref, Citation Number, Filed Between (with 'And' operator), Legacy ID, Group ID, Vehicle License, Exhibit #, Exhibit ID, Exhibit Cross Ref, Exhibit #/ID Barcode, Arrest Control #, Agency, Off Rpt Control #, Agency, and Service ID #.
- Search by Party Information:** Includes radio buttons for Person, Income, or Business, and fields for Last Name, First & Middle, Date of Birth, Driver's License, SO #, Person ID, FBI Number, Social Security, State ID, Other Agency, Agency ID, and Booking Number.
- Search by Attorney Information:** Fields for Last Name, First & Middle, and Bar Number.

On the right side, there are 'quick links' (Case History, Save My Settings, Use Simple Search), 'search options' (Include Inactive Cases, Include Cases with Security Groups, Show 10 Matches Per Page), and three 'Select All' sections for 'Personal', 'Civil', and 'Family' categories, each with a list of checkboxes for various case types.

Personnel Costs



Capital Construction Costs







- Replacing unsafe county courthouses
- Seismic and system upgrades to Supreme Court building
- Increasing construction costs
- Aging county facilities and infrastructure
- Courthouse security



Technology Costs

Online Services
your court business. when you need it. any day of the week.

 <p>OJD Courts ePay</p> <p>make payments on your court case</p>	 <p>OJD eFiling</p> <p>electronically file in the Oregon courts</p>	 <p>OJCIN Online</p> <p>subscription access to court records and documents</p>	 <p>OJD iForms</p> <p>question and answer interviews to complete and file court forms</p>
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Increasing costs jeopardize maintaining and upgrading OJD's technology system services

- Public access
- eServices
 - iForms
 - eFile
 - ePay
 - eCitation
- Partner integrations
- Infrastructure replacements
- Licensing and maintenance
- Data analysis
- Help desk

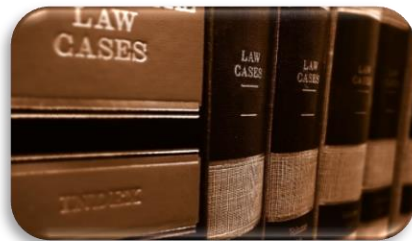
Changes in Law



Oregon Statutes and Constitution



Federal Statutes and Constitution



Case law



Ballot measures and initiatives

Economic & Demographic Factors

- Adult and juvenile crime rates
- State's economic and employment health (poverty, homelessness, and unemployment levels)
- Demographic factors and changes (population growth, average age; number of children under age of 18)
- Availability of prevention and intervention services to address substance abuse, poverty, domestic violence, mental health, and other social stressors
- State and Federal revenue and funding stream changes

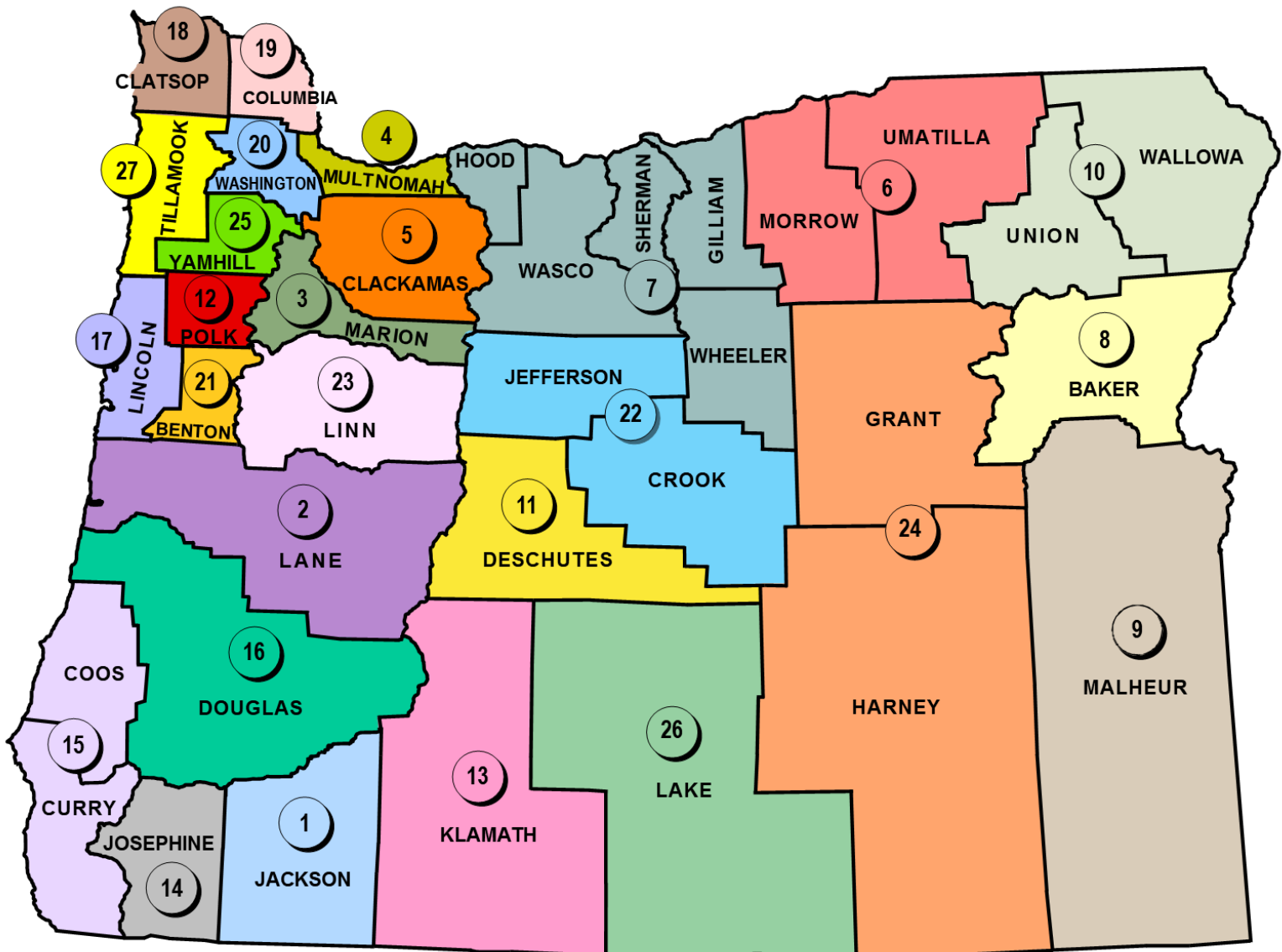
Justice Partners

- Staffing levels (prosecuting attorneys; public defenders; human services; and law enforcement)
- Legal aid resources
- Charging practices (violation; misdemeanor; felony)
- Jail and prison bed space
- Availability of programs (pretrial services; housing; treatment services including substance abuse and mental health; probation; and post-prison supervision and support)

Workload Changes

- Volume and type of court case filings
- Case complexity (seriousness or severity; number of claims; number of parties; procedural steps; and hearings)
- Increases in self-represented parties (pro se)
- Availability and adequacy of technological management tools
- Increases in treatment court services
- Demand for data and information
- Creation and maintenance of automated data exchanges
- Statutory deadlines, timelines, and priorities

Oregon's Circuit Courts



Circuit Court Cases

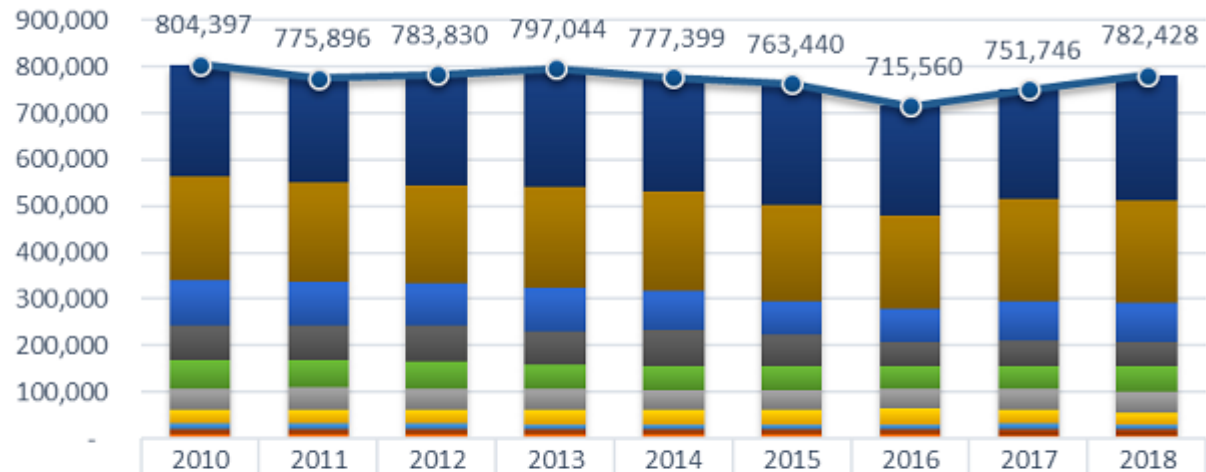
- Over 750,000 cases filed annually
- Each case requires significant attention to detail
 - Accurate data entry and document maintenance
 - Docket management
 - Pre-trial hearings
 - Trial
 - Post-judgment reviews and hearings
- Case duration varies
 - Several months for simple violations
 - Many years for more complex cases (e.g. juvenile, treatment courts, diversion agreements, complex civil)

Circuit Court Case Filings – By County

COURT	CASE FILINGS
Baker	1,062
Benton	7,891
Clackamas	20,372
Clatsop	9,576
Columbia	3,653
Coos	14,857
Crook	4,021
Curry	3,870
Deschutes	18,313
Douglas	11,492
Gilliam	132
Grant	440
Harney	592
Hood River	4,666
Jackson	26,268
Jefferson	4,980
Josephine	14,895
Klamath	11,729

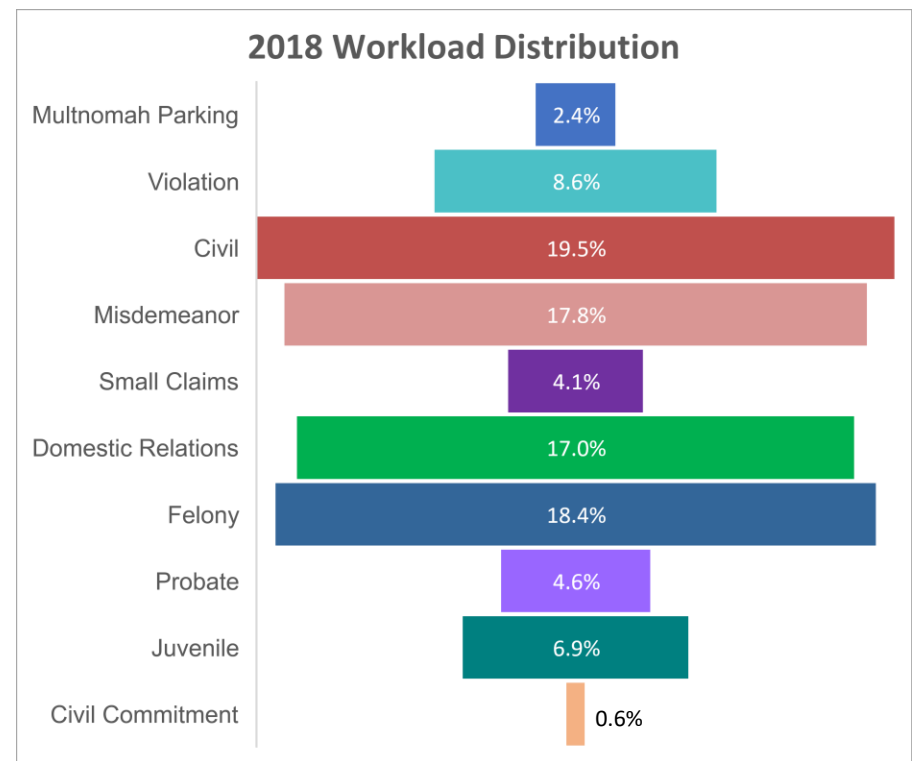
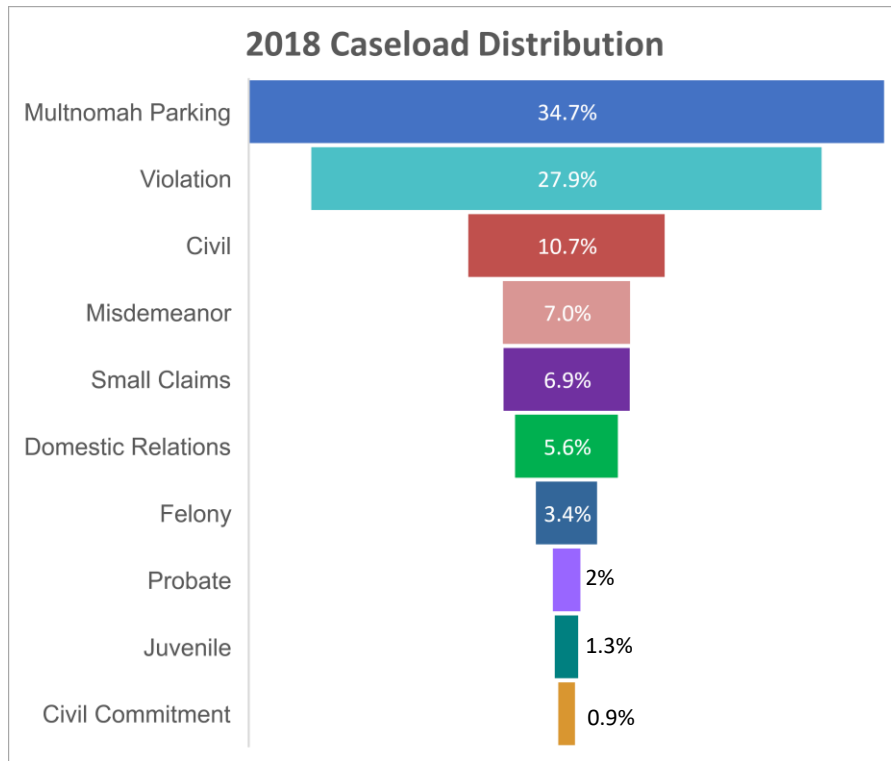
COURT	CASE FILINGS
Lake	1,442
Lane	33,112
Lincoln	7,766
Linn	13,903
Malheur	2,553
Marion	33,663
Morrow	502
Multnomah	454,216
Polk	10,779
Sherman	190
Tillamook	2,096
Umatilla	13,515
Union	3,338
Wallowa	575
Wasco	5,858
Washington	28,658
Wheeler	78
Yamhill	11,375

Circuit Court Case Filings – 2018 Totals



	2010	2011	2012	2013	2014	2015	2016	2017	2018
Multnomah Parking	240,957	224,019	238,123	255,188	242,904	257,154	236,154	234,761	271,796
Violation	221,974	214,654	211,504	215,080	212,316	205,511	199,465	222,341	218,271
Civil	99,000	92,449	92,642	95,191	85,712	74,070	71,069	83,166	84,086
Small Claims	74,573	73,673	76,076	70,259	78,149	67,932	54,467	55,902	54,093
Misdemeanor	60,294	59,589	57,529	53,029	51,363	50,335	46,954	49,100	54,459
Domestic Relations	46,425	47,919	45,279	43,898	42,323	41,735	44,107	43,699	44,177
Felony	29,444	31,086	31,980	32,464	32,180	32,407	33,893	31,738	26,265
Juvenile	12,957	11,873	11,218	10,238	9,483	9,813	9,669	11,153	10,178
Probate	9,929	10,347	10,196	10,642	10,553	11,312	11,482	12,176	11,860
Civil Commitment	8,529	8,871	9,459	9,582	8,619	8,512	8,300	7,710	7,243
All Case Types	804,397	775,896	783,830	797,044	777,399	763,440	715,560	751,746	782,428

Caseload vs. Workload



Major Changes – Past Six Years

- Oregon eCourt
- Capital Construction
- Staffing Reductions



Yamhill County – first court w/Oregon eCourt



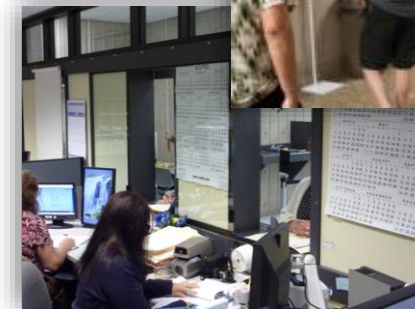
Supreme Court



Union County Courthouse construction



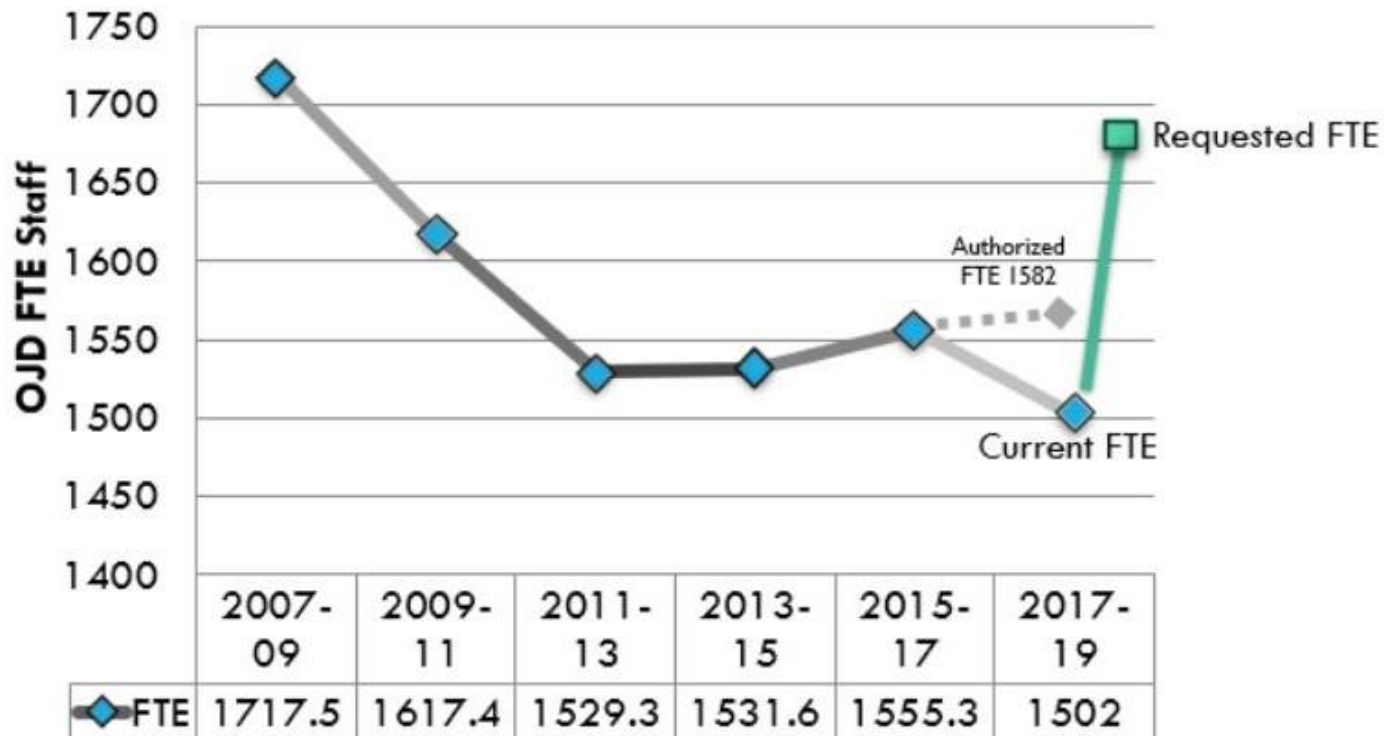
Court customers have long wait times



Judicial Department Permanent Staff by Biennium

OJD STAFF RESOURCES

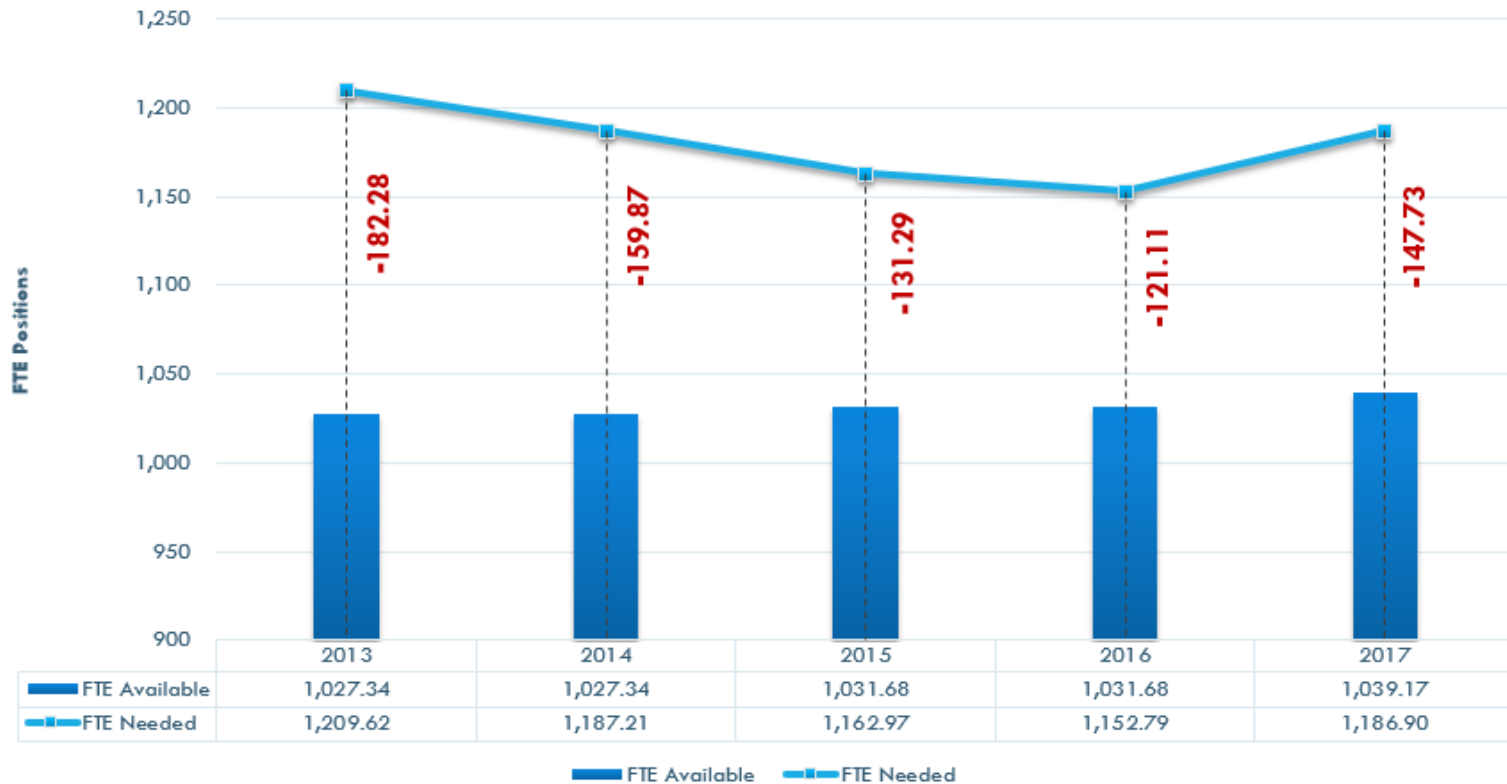
Effectively 215.5 FTE (12.5%) fewer positions in 2017-19 than in 2007-09



Circuit Court Workload Study

WORKLOAD AND STAFFING TRENDS

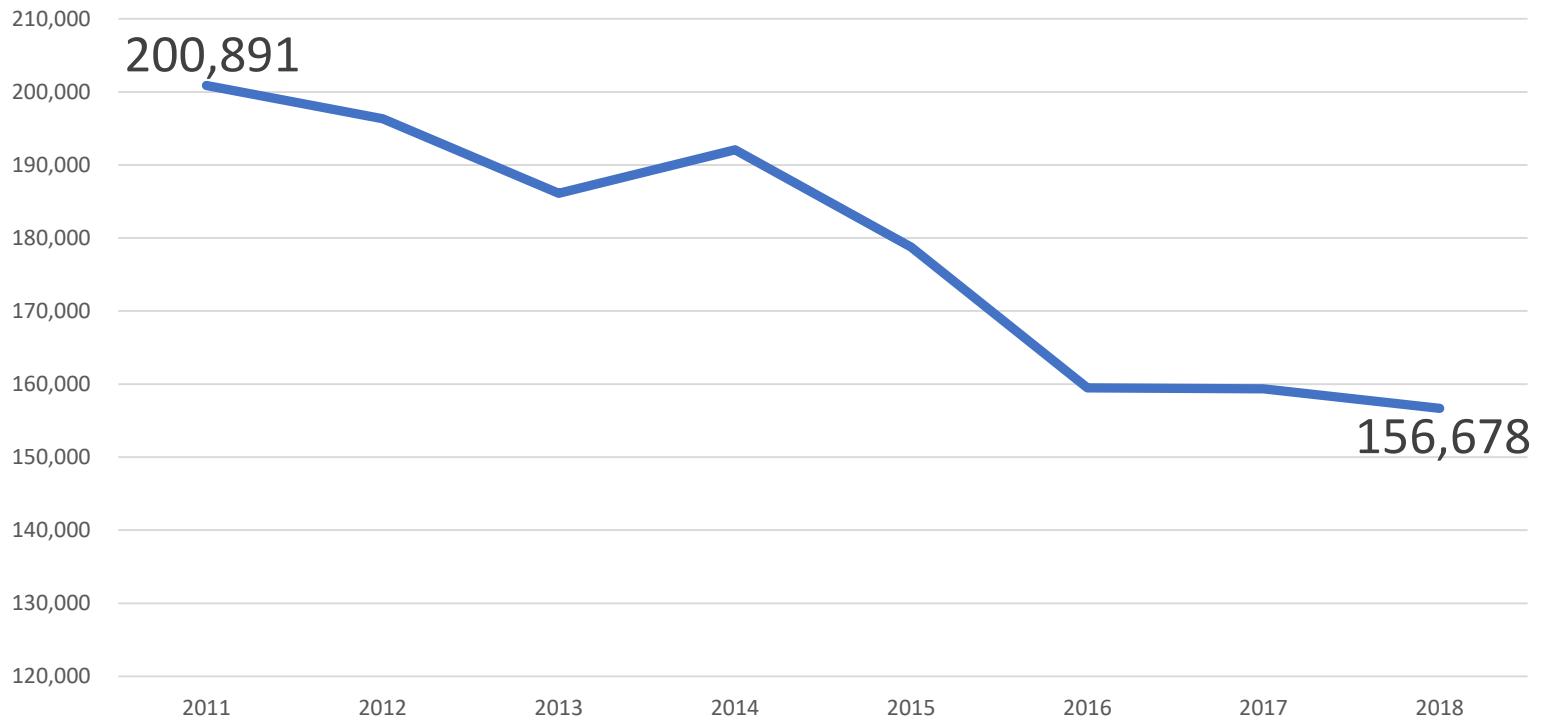
CIRCUIT COURT FTE AVAILABLE VS. FTE NEEDED



Time to Disposition Getting Worse

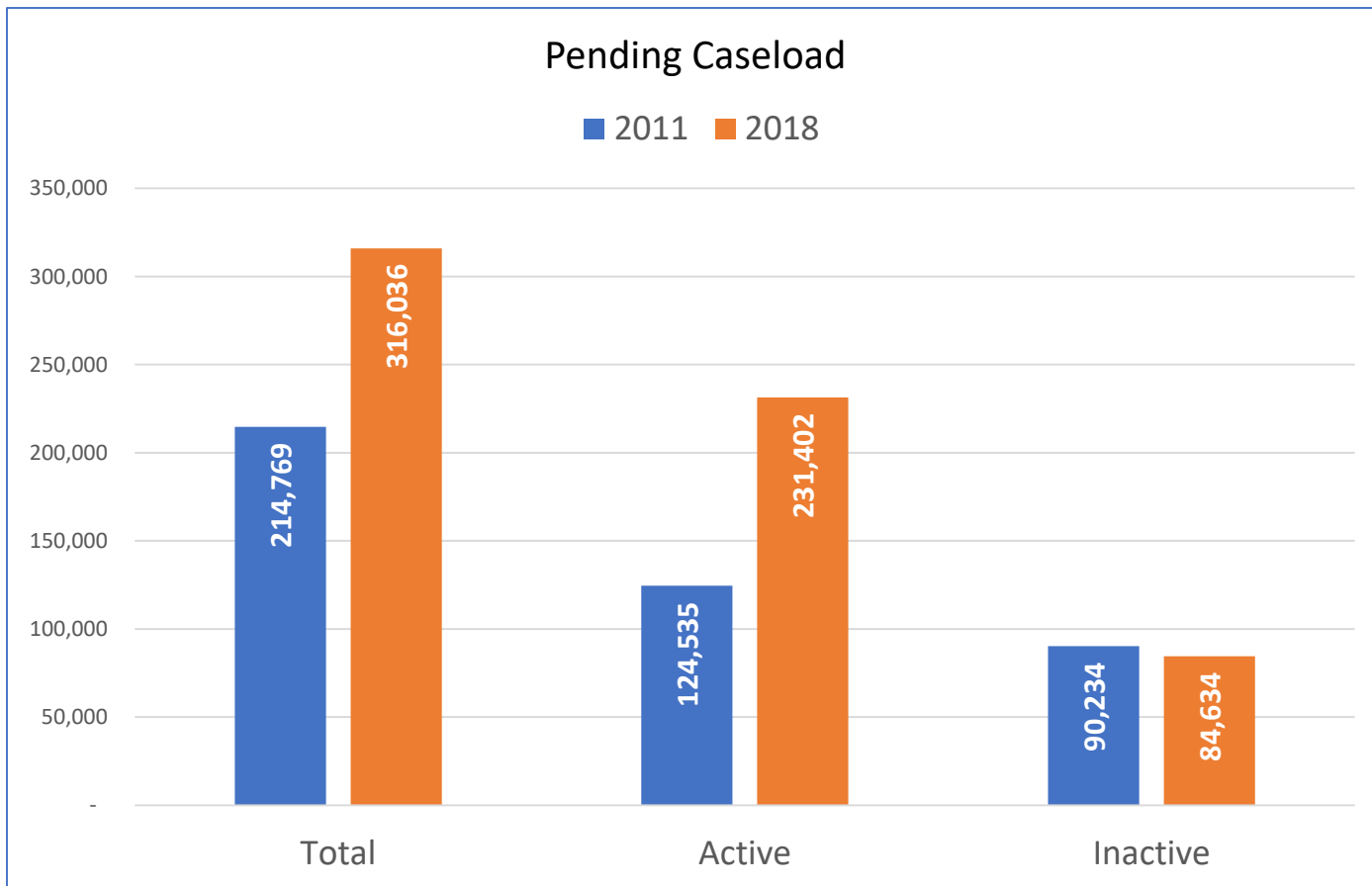
Since 2011

Cases Meeting Time to Disposition Standards
Felony, Misdemeanor, Domestic Relations, FEDs (landlord/tenant), Small Claims



Pending Caseloads Growing

86% Increase in Active Pending Caseload Since 2011



Budget Priorities



- Access to justice through adequate judicial positions and staffing
- Judicial compensation
- Safe courthouse facilities
- Stable and secure technology platforms and equipment

Courts & Community

- Open, transparent, accessible, and fair court proceedings build public confidence in our justice system.
- Educational opportunities, informal contact between courts and communities, and litigant understanding of the court process increases public trust in Oregon government.



Interpreter at Multnomah Listening Session



Umatilla / Morrow Circuit Courts judges listen to community



OJD certified interpreter provides relay service

OJD PRESENTATION - AGENDA

April 1 – 4, 2019

Day 1	Overview of the Judicial Branch
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Day 2	Oregon Tax and Circuit Court Programs
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Day 3	OJD Budget and Policy Option Packages
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Day 4	Public Testimony
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