

## Judicial Department

	2015-17 Actual	2017-19 Legislatively Adopted	2017-19 Legislatively Approved *	2019-21 Current Service Level	2019-21 Chief Justice's Budget
General Fund	435,813,157	443,103,853	454,524,551	505,643,238	545,785,863
Other Funds	147,988,947	262,570,281	262,993,590	50,074,088	378,314,865
Federal Funds	1,606,769	1,339,352	1,344,289	1,357,254	1,357,254
<b>Total Funds</b>	<b>585,408,873</b>	<b>707,013,486</b>	<b>718,862,430</b>	<b>557,074,580</b>	<b>925,457,982</b>
Positions	1,727	1,900	1,900	1,899	2,061
FTE	1,588.12	1,776.58	1,776.58	1,784.72	1,900.92

\* Includes Emergency Board and administrative actions through December 2018.

### Program Description

The Judicial Department (OJD) includes the judges and administrative staff who operate general-jurisdiction circuit courts, a Tax Court, an intermediate Court of Appeals, and the Oregon Supreme Court. Oregon's 36 counties are consolidated into 27 judicial districts. Oregon's justice, county, and municipal courts fall outside the jurisdiction of the department. The OJD budget additionally provides funding for Legal Aid services, county law libraries, county mediation/reconciliation programs, the Council on Court Procedures, the Oregon Law Commission, and county courthouse capital construction and security budgets.

The department is unique in many aspects. It has a decentralized structure of independently elected judges and employees who are overseen by a single administrative head (the Chief Justice). Circuit court judges and staff work in county-owned and county-maintained buildings. Each presiding judge exercises a degree of autonomy in prioritizing the budget for local courts depending upon the needs of local jurisdictions.

The Department's 1,895 CSL positions (1,780.72 FTE) are organized into the following program areas:

- **Trial Courts** (\$252.1 million, 1,278.16 FTE) are the courts of general jurisdiction. A trial (circuit) court is located in each of Oregon's 36 counties. Circuit courts are organized administratively into judicial districts. Some of these districts, primarily rural, include more than one circuit court. However, most of the 27 judicial districts comprise a single circuit court.
- **Judicial Compensation** (\$85.8 million, 196 FTE) funds the salary and benefits costs for the state's 196 statutory judgeships. This includes judgeships in the Supreme Court (7), the Court of Appeals (13), the Circuit Court (175), and the Tax Court (1). The salary for elected judicial officers is established in ORS 292, and now includes an annual cost of living increase linked to the increase authorized for management service employees in the Executive Branch.

- **Administration and Central Support** (\$71.9 million, 151.43 FTE) provides central services for the court system and includes the Office of the State Court Administrator with certain associated divisions such as information systems management, fiscal and human resources management, and centralized state agency assessments.
- **Appellate and Tax Courts** (\$27.3 million, 98.52 FTE) includes the operating costs of the Supreme Court, Court of Appeals, Tax Court (a court of original jurisdiction), plus legal support costs.
- **Mandated Payments** (\$17.3 million, 22.61 FTE) includes the cost of providing trial and grand jurors, court interpreters, civil appellate transcript costs for indigent persons, and Americans with Disabilities Act accommodation services.
- **State Court Facilities and Security Account** (\$6.7 million, 4.00 FTE) provides funding for security improvements, emergency preparedness, and business continuity for Oregon's circuit and appellate courts, and it supports court facility upgrades.
- **eCourt/Technology Fund** (\$19.4 million, 30.00 FTE) provides funding for personnel and system costs associated with maintenance, support, and system access for Oregon eCourt.

#### CSL Summary and Issues

In the 2019-21 current service level budget (CSL), the Judicial Department is funded by 90.8% General Fund, 9% Other Funds, and 0.2% Federal Funds. Other Funds consist primarily of bond proceeds and county matching funds for county courthouse capital construction projects. In addition, Other Funds include expenditures of limited court fee revenues, retained primarily to support the Legal Aid program, and technology projects and operations; and Criminal Fine Account funds allocated by the Legislature to support the State Court Facilities and Security Account. If any new Article XI-Q bonds are approved for county courthouse capital construction projects, the Other Funds total (and percentage of total expenditures) will ultimately increase in the budget.

Other items of note in the OJD CSL budget include:

- Grand Jury Recordation - In response to Senate Bill 505 (2017), related to grand jury recordation, there is an expectation that district attorneys will conduct preliminary hearings for some number of cases that would otherwise have gone through the grand jury process. The CSL budget includes \$3.5 million GF and 23 positions (21.00 FTE) associated with preliminary hearings for the statewide rollout of grand jury recordings. This package includes nine Hearings Referee positions and fourteen Judicial Specialist 3 positions.
- eCourt/Technology Fund – The 2017-19 budget added \$10.7 million Other Funds for some eCourt support staff and system maintenance charges and vendor charges for electronic processing. This was financed by State Court Technology Fund revenues, criminal fine increases authorized in HB 2797 (2017), and court filing fee increases authorized in HB 2795 (2017). The CSL budget does

not, however, include sufficient funding to support full eCourt system utilization. This funding shortfall in the 2019-21 biennium is projected to total \$3.3 million.

- Oregon Courthouse Capital Construction and Improvement Fund [OCCCIF] (County Courthouses) – The 2017-19 biennium budget provided \$92.6 million in bond proceeds for construction of the Multnomah County Courthouse, bringing the total to \$125 million; and, \$5 million in bond proceeds for the Lane County Courthouse, bringing the total to \$6.4 million. No additional bonds for either of these projects are included in the CSL budget. The Chief Justice’s Recommended Budget requests \$293.5 million in expenditure limitation to complete the Multnomah County Courthouse, and fund additional replacements projects in Lane, Linn, Benton and Clackamas counties. Of this amount, \$147.2 million would be Article XI-Q bond proceeds.

### Policy Issues

The Chief Justice’s Recommended budget for the 2019-21 biennium includes \$545.8 million General Fund, equal to \$40.1 million (or 7.9%) above the current service level, and \$91.3 million (or 20%) above the 2017-19 legislatively approved budget. General Fund requests include:

- **New Judgeships (\$4.5 million GF).** This request funds the establishment of 14 new Circuit Court judgeships, along with supporting staff, to reduce delays in dependency cases. Two judges are added to the circuit courts in Multnomah and Lane counties, and one judge is added to the circuit courts in Linn, Washington, Marion, Deschutes, Douglas, Clackamas, Klamath, Malheur, Coos/Curry, and Jackson counties.
- **Judicial Salaries (\$7.5 million GF).** Increases judicial compensation to start circuit court judge salaries at 75% of Federal District Court judges, and appellate court judges at incrementally higher percentages.
- **Statewide Service Restoration for Circuit Courts (\$9.7 million GF).** Includes 78 positions. According to the State Court Administrator, these resources are required to achieve minimum service-level requirements at Circuit Court, including a 72-hour maximum for entry of court documents, and a 24-hour maximum for recall of arrest warrants, with all courts being open 8 hours per day.
- **OECI Maintenance (\$3.3 million GF).** This request increases funding to support public access and statewide support for court electronic applications, systems and services.
- **Pro Se Facilitation (\$347,869 GF).** This request funds three new positions to assist self-represented litigants in Baker, Columbia, and Lane counties.

- **Statewide Services (\$647,119 GF)** This request funds positions (3) in Human Resources, Legal Counsel, and Data Management.
- **Technology Services (\$5.4 million GF)**. This request seeks \$4 million to support an IT equipment replacement schedule, and three IT positions to support operation in the Multnomah County court.
- **County Mediation and Conciliation (\$1.6 million GF)**. Increases pass through funding for county mediation and conciliation services and program coordination.

The principal Other Funds requests in the Chief Justice’s Recommended Budget include:

- **Oregon Courthouse Capital Construction and Improvement Fund [OCCCIF] (\$292.7 million Other Funds, \$750,000 GF)**. Continues support for courthouse replacements in Multnomah, Clackamas, and Lane. Provides matching funding for planning and construction in Linn and Benton counties.
- **Supreme Court Building (\$28.2 million Other Funds, \$5.3 million GF)**. Continues support for capital construction and bonding authority to perform replacement, renovation, and seismic upgrades to the Supreme Court Building. Would be funded by general obligation Article XI-Q bonds