

CLACKAMAS INDIGENT DEFENSE CORPORATION

MULTNOMAH LODGE
707 MAIN STREET, SUITE 400
OREGON CITY, OREGON 97045
503-722-4000

Bruce Tarbox, Administrator
Janan Billesbach, Administrative Assistant

Andrew Elliot, President
Shannon Wilson, Vice President
Shannon Kmetic, Secretary

March 27, 2019

The Honorable Jackie Winters
The Honorable Carla Piluso
Co-chairs, Public Safety Subcommittee

Sent by e-mail only: (to iwmeps.exhibits@oregonlegislature.gov)

Re: SB 5513, Oregon Judicial Department budget

Dear Senator Winters and Representative Piluso:

I am writing to ask that you fully fund the Oregon Judicial Department (SB 5513). Many people understand the role of the court in the criminal justice system, but I wanted to add some information on how it affects me and the attorneys I regularly work with in providing trial level indigent defense services in Clackamas County.

Clackamas Indigent Defense Corporation contracts to provide trial level indigent defense services to adults in Circuit Court (we currently have 25 full-time attorneys under contract for this purpose). In addition to representing individuals accused of crimes at the trial level, we also staff the following specialty courts: Community Court; Domestic Violence Deferred Sentencing Program; DUII Court, and; Drug Court. Collectively, we spend hundreds of hours per week in court. Accordingly, judicial staff shortages and crowding on dockets impacts our attorneys and clients directly and on a daily basis.

Staff shortages and judicial shortages in Clackamas County mean that we spend too much time in court simply waiting to have our cases heard. While criminal cases have priority in getting sent out for trial, cases regularly get set over on the day of trial when there is a shortage of judges to handle the volume of cases. Generally, in criminal cases, these re-sets are about 60 days out. The impact on our clients is significant since a pending criminal case often interrupts housing and employment opportunities.

Please consider these comments in support passing SB5513 and feel free to contact me directly for additional information.

Regards,

Bruce Tarbox
Bruce Tarbox



John S. Foote, District Attorney for Clackamas County

Clackamas County Courthouse, 807 Main Street, Room 7, Oregon City, Oregon 97045
(503) 655-8431, FAX (503) 650-8943, www.co.clackamas.or.us/da/

03/18/2019

To Whom It May Concern:

I have been a prosecutor for 25 years and am currently the Chief Deputy District Attorney of the Clackamas County DA's office. I am writing this letter in relation to budgetary cuts being considered for the Clackamas County Courts. I cannot presume the choices our courts will have to make if this cut becomes a reality, but I can reasonably infer that such a situation could have a real impact on the administration of justice in our courthouse.

This cut would primarily affect administrative support for the courts, which is the engine that allows the operation of our courthouse to run smoothly. Criminal cases dominate the dockets in most courthouses, and Clackamas County is no exception. When there is an impact on the ability of the courts to process criminal cases in a timely manner, there is a trickle-down effect. Filings are delayed, information sharing can become ineffective or inefficient, judges do not receive adequate support, and then cases stack up on the docket. A reduction of direct services to anyone seeking justice within our courthouse can erode a person's confidence in our judicial system. Criminal cases have more rigorous statutory and constitutional timelines than many other types of cases. A reduction of operating capacity for the courts will only make those timelines more difficult to meet, and will only push resolution of civil matters even farther out as well.

Another concern is that cuts being considered could negatively impact our specialty courts. Clackamas County has a robust history of supporting specialty courts. Currently, we have Adult Drug Court, Juvenile Drug Court, Mental Health Court, Community Court and DUII Court. We do not set trials on Mondays to allow the judges, defense bar and prosecution to attend to these matters. I can infer that any substantial reduction in administrative support for the courts might affect its ability to provide the necessary resources for some of these worthy endeavors.

I can appreciate the difficulties of your situation. Being a steward of public money is a significant challenge and responsibility that involves balancing the interests of our community with fiscal realities. However, I am hoping you can consider the impact on our very important institution that provides such unique and important direct services to the public when determining what, if any, cuts you intend to make.

Sincerely,

Chris Owen
Chief Deputy District Attorney
Clackamas County DA's Office

HAFEZ DARAEI, IMMEDIATE
PAST PRESIDENT

JEFFREY NITSCHKE,
PRESIDENT

KATIE BAKER, PRESIDENT
ELECT



CLACKAMAS COUNTY
BAR ASSOCIATION

PO Box 852, Oregon City, OR 97045
E-mail: info@clackamas-bar.org

ALEC LAIDLAW, SECRETARY

AUBREY HOFFMAN,
TREASURER

ALEX HAYES, MEMBER-AT-
LARGE

April 1, 2019

The Honorable Jackie Winters
The Honorable Carla Piluso
Co-Chairs, Public Safety Subcommittee

Re: SB 5513, Oregon Judicial Department Budget

Dear Senator Winters and Representative Piluso:

I am writing to ask that you fully fund the Oregon Judicial Department (SB 5513).

Many people understand the role of the court in the criminal justice system, but I wanted to add some information on how it affects the Clackamas County Bar Association. Our organization comprises of lawyers from over 40 different areas of practice. Each area of practice relies on a court system which is well funded, in order to litigate cases in a fair and timely manner. While each area of practice suffers in a unique way when court resources are stretched thin, a commonality seen in all disciplines is an increase in cost to the state and to clients when courts cannot hear a case because dockets are overloaded or judges have overly-large caseloads.

Unfortunately, it is a fact that Clackamas County already has a shortage of judges in relation to the population they serve. Currently, even working at full capacity, there can be up to a 120 day delay for a hearing on a motion or trial, and there are often further set-overs due to a lack of court resources. The cost for court and attorney time inevitably flows to the state or to clients, many of whom have finite financial resources. This cost stems from the reality that attorneys have to be prepared for each hearing and witnesses have to take time off work to appear, regardless if the case is set over or not. This can cost the state and citizens thousands of dollars for each delay and delays resolution of matters often critical to those involved.

The CCBA would like to recognize the outstanding efforts of the Clackamas County Judges, the Presiding Judge, and the Clackamas court staff who work tirelessly to minimize the impact an understaffed courthouse has upon the community. However, even with these efforts, the current budget is insufficient to serve the needs of Clackamas County. To restrict the budget even further would exponentially compound the issues already faced, driving up the number and length of set overs until a matter is heard and decided.

The CCBA strongly encourages the committee to fully fund the Oregon Judicial Department as it is necessary to the protection and well-being of the public within Clackamas County. Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Jeff Nitschke", is written over a light blue circular stamp.

Clackamas County Bar Association
Jeffrey Nitschke - President



clackamas women's services

256 Warner Milne Road, Oregon City, OR 97045
(503) 655-8600 | www.cwsor.org

March 30, 2019

To Whom It May Concern,

Clackamas Women's Services (CWS) is a community-based non-profit that provides critical services — including emergency and confidential shelter and housing program, a 24/7 crisis line, children's program, mental health counseling, support groups, legal advocacy, prevention and community education — to survivors of sexual assault and domestic violence, elder abuse, stalking and human trafficking.

CWS works closely with Clackamas County Circuit Court in a number of ways. Perhaps most critical is the video-court program at A Safe Place Family Justice Center. This program provides the opportunity for victims of domestic violence, sexual violence and elder and vulnerable adult abuse to file for a protective order at A Safe Place Family Justice Center. A victim's children are able to use our playroom and receive support services from the CWS Children's Program while the victim is applying for the order and attending the hearing via the video-conference system. The victim is able to connect with a wide-range of support services while at the Center applying for the order of protection. Not only does this mitigate the number of places a victim must go to seek safety, repeatedly telling their story, it also offers the victim the opportunity to navigate multiple systems such as law enforcement, advocacy, criminal justice, culturally specific support and social services all in one location.

Since opening the video-court program in 2014 through the partnership with Clackamas County Circuit Court over 1,600 victims have requested orders of protection through this program. The onsite Court Clerk is essential to the work that we do each and every day.

We urge you to fully support the budget for the Oregon Judicial Department so that victims of domestic violence, sexual assault, stalking, elder abuse and human trafficking will continue to have access to this critically valued resources.

Sincerely,

Melissa Erlbaum, MPA
Executive Director

SCHALEGER PHILPOTT, PC

REBECCA S. SCHALEGER
Rebecca@gladstonelawyers.com



MANDI M. PHILPOTT
Mandi@gladstonelawyers.com

Attorneys at Law

160 Portland Ave. Gladstone, OR 97027

Telephone: (503) 882-2592

Facsimile: (503) 656-8993

March 28, 2019

Sent by email only: jwmps.exhibits@oregonlegislature.gov
RE: SB 5513, Oregon Judicial Department budget

To The Oregon Legislature:

I am writing to ask that you fully fund the Oregon Judicial Department (SB 5513).

Many people understand the role of the court in the criminal justice system, but I wanted to add some information on how it affects me/my organization.

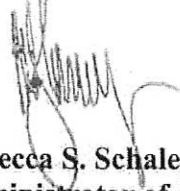
I am the administrator of the largest defense funded group representing parents and children in DHS dependency and delinquency cases. These cases are complex, emotional, and have very specific legislatively imposed timelines under which the court must hold hearings and resolve the matters. The reasons for the timelines are solid. These cases involve people's children, and whether it is appropriate to remove them from a parent's care. The court must have a shelter hearing within 24 hours of removal. The court is supposed to have reached disposition on a case within 60 days. These are legislatively mandated rights of a party in a dependency case.

The court often struggles to squeeze in the shelter hearings within 24 hours. The hearings, by nature, are emergency hearings which cannot be planned for weeks in advance. The court often doesn't know until a few hours beforehand that such a hearing will occur. Some days there are none. Some days there are several. I have seen judges, staff, and attorneys stay well after 5 p.m. on these days in order to ensure the rights of the parties are fully explored.

The court regularly struggles to reach disposition on a dependency case within the required 60 days. There are simply not enough days, enough judges, or enough staff to accommodate these mandates. A further reduction in staff or funding would be absolutely catastrophic for a system that is already hanging on by a thread. Imagine being in court, DHS has removed your child, you are emotional and confused because it is a system with which you are not familiar, and the court tells you that you have to come back in three months for your next hearing, which is the date you can finally contest the allegations brought against you. **THREE MONTHS.** During that time your child may be in foster care and DHS gets to call the shots. That is unacceptable. We can do better.

There has been a lot of attention in the media lately about juvenile matters, DHS, and how the system needs fixing. If the legislature refuses to fully fund the court system, therefore further impairing the system's ability to address these types of cases, you will be sending a clear message that the safety of children is not a top priority for this state. As I have said – we can do better.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca S. Schaleger', with a stylized flourish at the end.

Rebecca S. Schaleger
Administrator of Juvenile
Advocates of Clackamas
Attorney at Law, OSB# 003374
Schaleger Philpott, PC
160 Portland Ave
Gladstone, OR 97027
Rebecca@gladstonelawyers.com

To the Joint Ways and Means Committee, Subcommittee on Public Safety

Co-Chairs Sen. Jackie Winters and Rep. Carla Piluso, and Members of the Committee:

My name is Sandra McLeod Miller. I live in Clackamas County. I have had personal experience with the hardships families can endure when there are too few judges to serve the needs of justice in a community.

Our family suffered an incredible tragedy when our pregnant daughter was killed in an accident while in her third trimester of pregnancy. Her child was delivered and survived. The incident was traumatic for all involved. I took physical custody of the child (now my adopted son, Donovan). Unfortunately, there was a subsequent court action filed by Donovan's biological grandfather.

I responded to that court action and prepared for trial. This was a painful and expensive process that required me to relive my trauma and put the situation into limbo.

On the day before trial, my attorney and I spent the entire day at my home to prepare for my testimony. I found myself crying throughout our preparation. It was very difficult and painful to revisit all of the details necessary for the case.

I also arranged for several experts to be available - some local and others who were traveling from out of state.

At 3 p.m., we received news that there were no available judges and that the case would be set over for FIVE months. I broke down at this news. Worse yet, the grandfather reacted by literally breaking into my home and yelling at me in front of Donovan on the date the news was delivered. Fortunately, one of the witnesses was in town for the trial and stood between me and the grandfather, requiring him to leave.

In the ensuing five months, things went from bad to worse. The case was a moving target with new evidence emerging nearly every day. Donovan went to therapy because of the stress of uncertainty and because there was no rule yet established as to the grandfather's ability to have access to him.

The entire family became very polarized and by the end of the trial that occurred five months later, our family was utterly fractured. It cost tens of thousands of dollars in the intervening months to manage the case and prepare all over again for the trial.

If the case had resolved as originally scheduled, it would have still been a difficult trial, but the intervening events and the delay created a situation that was intractable and far worse (and far more expensive). It is highly likely that some of the fractured family relationships could have been preserved.

I strongly support the Oregon Judicial Department's request for adequate funding for judges and staff to ensure that justice is timely in Oregon. It's not just a matter of budget, it has a very real impact on peoples' lives – as it did mine.

Thank you.

Sandra McLeod Miller

April 4, 2019