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**Nancy Cozine**

State Court Administrator

**The Honorable Tracy Prall**

Presiding Judge, Marion County Circuit Court

**The Honorable Patricia McGuire**

Judge, Multnomah County Circuit Court

## **JUDICIAL BRANCH**

OREGON JUDICIAL DEPARTMENT

JUNE 2022 PRESENTATION TO THE OREGON HOUSE & SENATE COMMITTEES ON THE JUDICIARY

**PROTECTING THE RIGHTS OF OREGONIANS  
DURING A PANDEMIC**



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# PRESENTATION OVERVIEW

- 
- Pending caseloads: statewide view
  - Circuit court efforts during the pandemic – a local view
    - Marion County; Judge Prall
    - Multnomah County; Judge McGuire
  - Statewide efforts and innovations
  - Public defense attorney caseloads

## AGE OF PENDING CASES

### COVID Year One - 2020

- Case filings declined -37%
- Case processing slowed causing temporary rise in pending cases

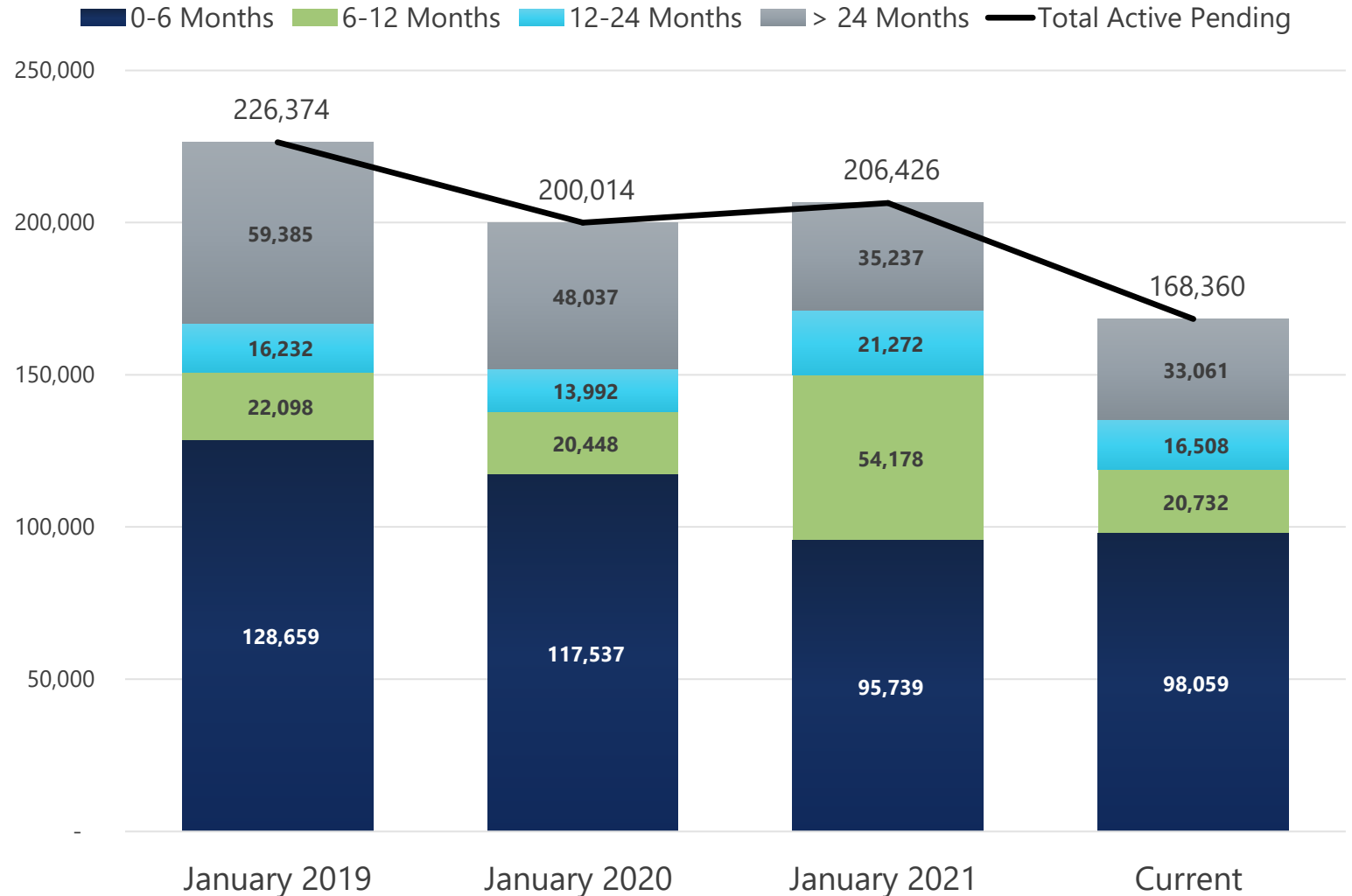
### COVID Year Two - 2021

- Case filings increased, but remain lower than pre-pandemic rates
- Courts increased case resolution efforts

### NOW - 2022

- Pending cases are far below 2019

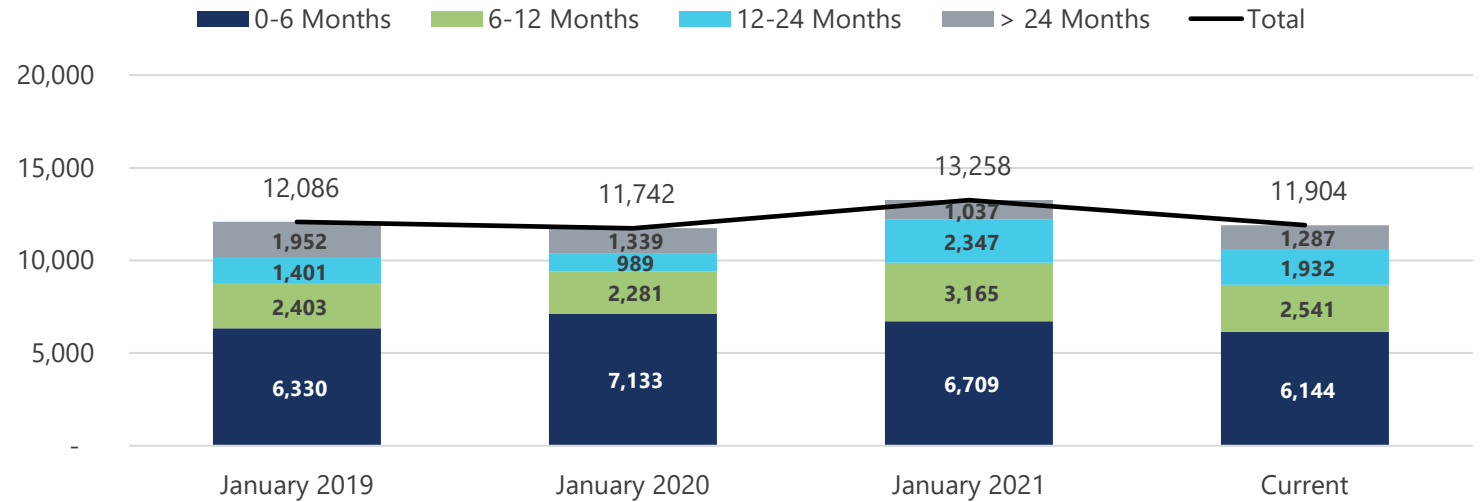
## Age of Active Pending Cases – All Case Types



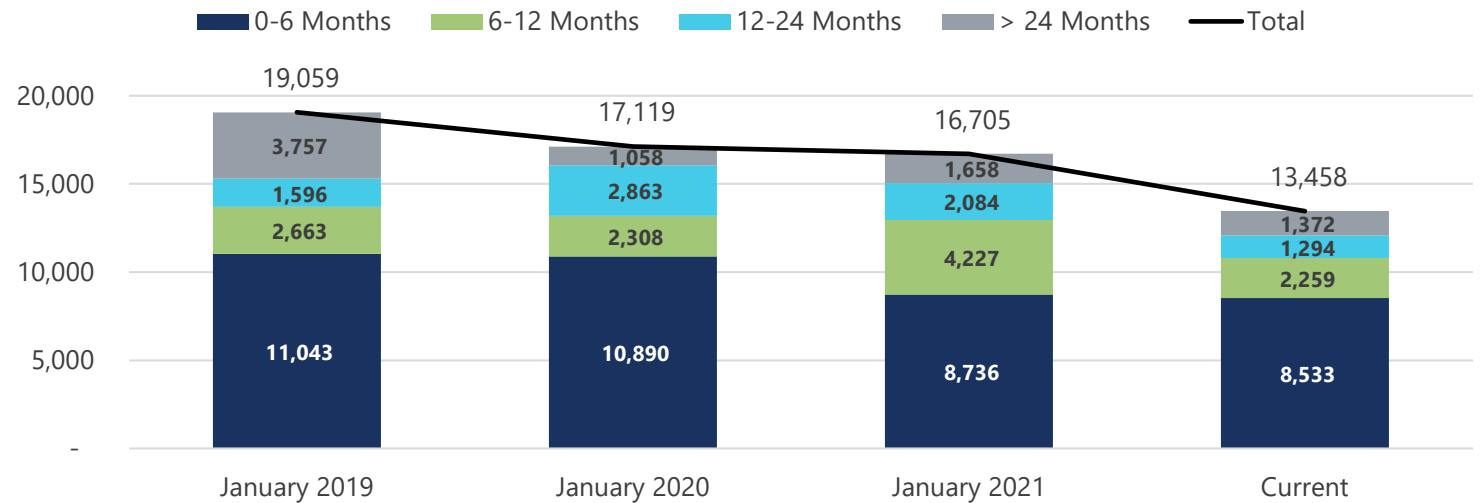
# CRIMINAL PENDING CASES DECLINING

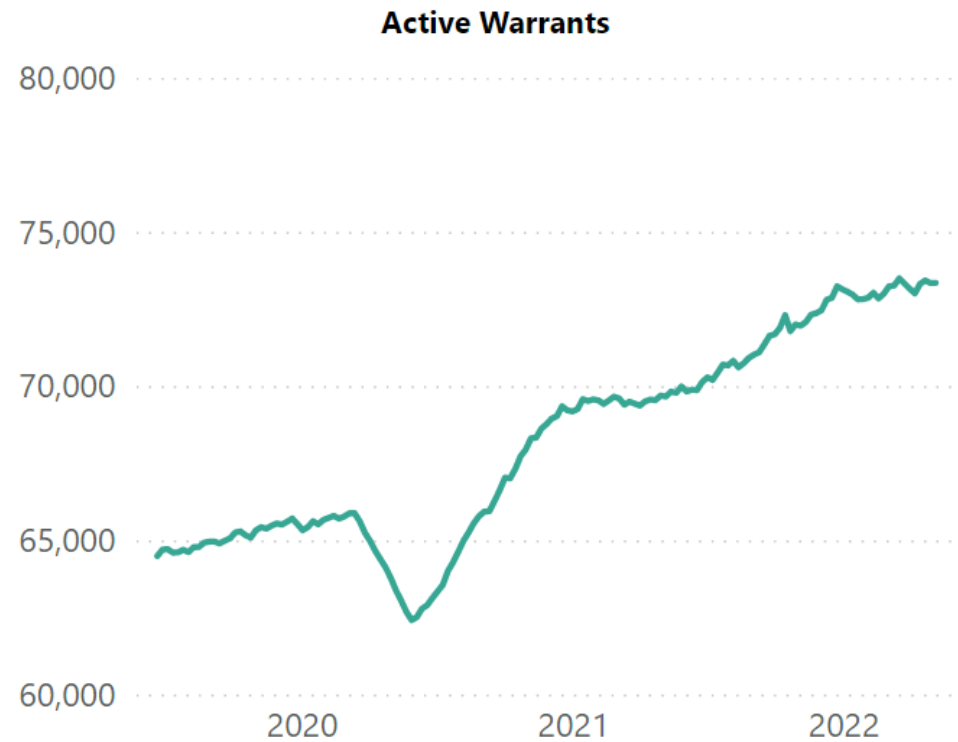
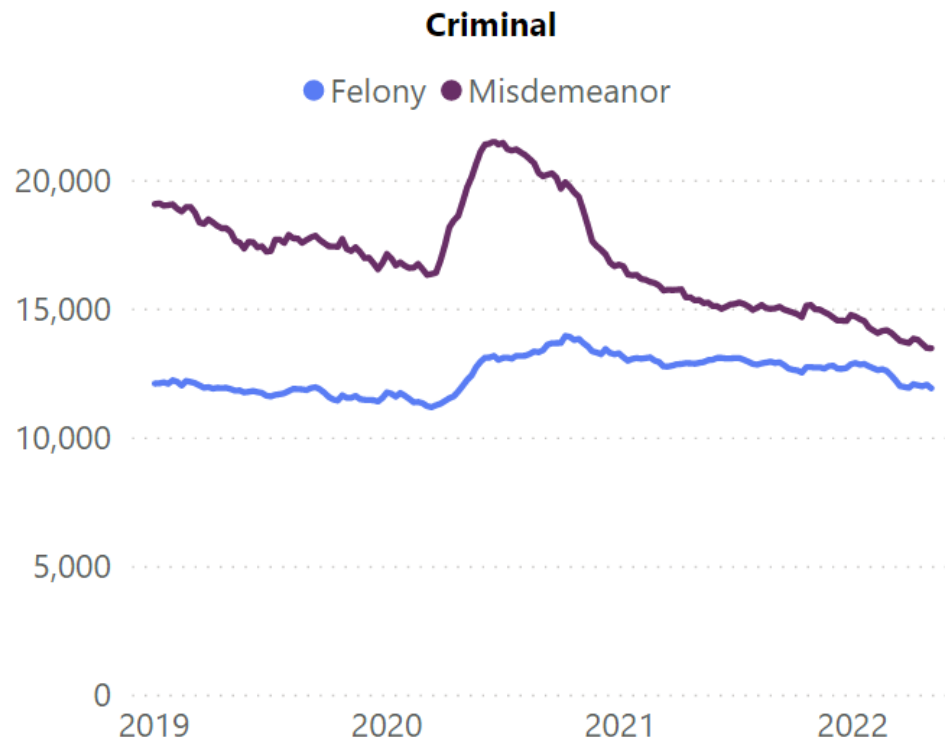
- Criminal pending cases have declined by 8% in the last year
- Courts are focusing on resolving in-custody cases
- Most cases are resolved through a negotiated plea agreement
- Firm trial dates facilitate resolution of the case by settlement or trial
- Out of custody dockets increased along with FTA rates and warrants
- Aid & Assist caseload increasing

## Felony - Age of Active Pending Cases



## Misdemeanor - Age of Active Pending Cases

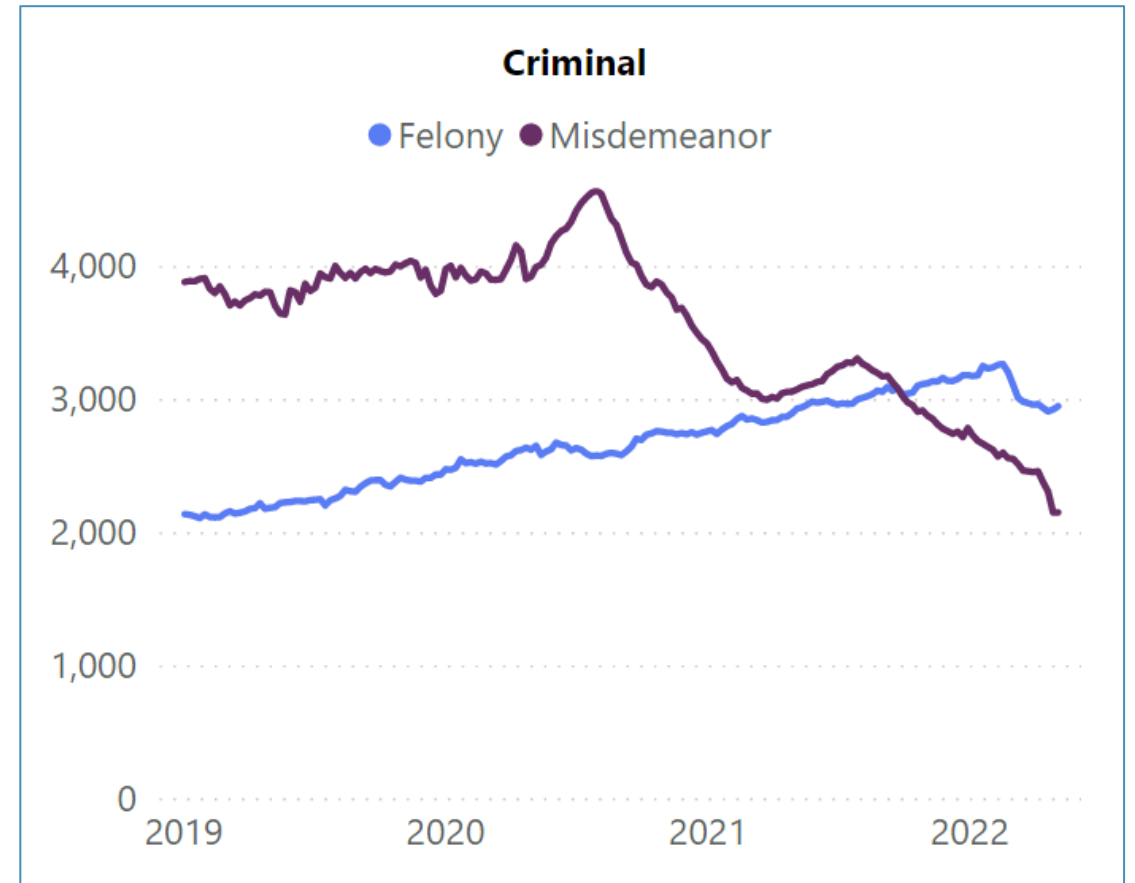




**CRIMINAL PENDING ACTIVE CASES: TRENDING DOWNWARD**  
**ACTIVE WARRANTS INCREASE ALMOST 14% (+8,800)**

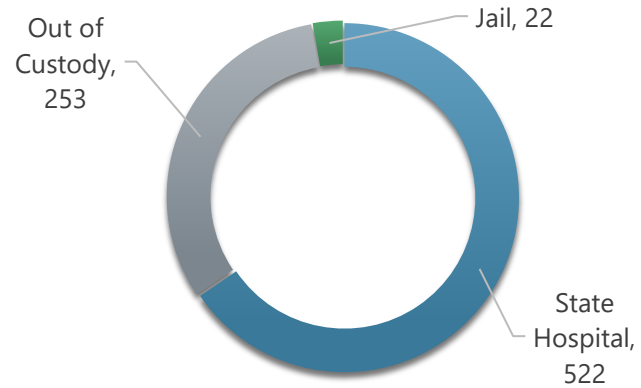
# BUT THERE ARE DIFFERENCES FOR INDIVIDUAL COUNTIES: MULTNOMAH SNAPSHOT

- Multnomah's pending criminal caseload looks very different than historical patterns.
- Now, there are more pending felonies than misdemeanors.
- This inversion means more felony attorneys are needed than misdemeanor attorneys; a complete switch from historical norms.

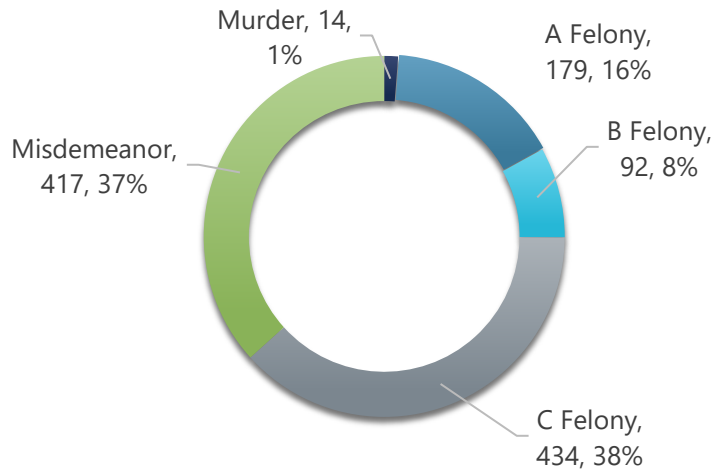


# AID & ASSIST CASELOAD CONTINUES TO INCREASE

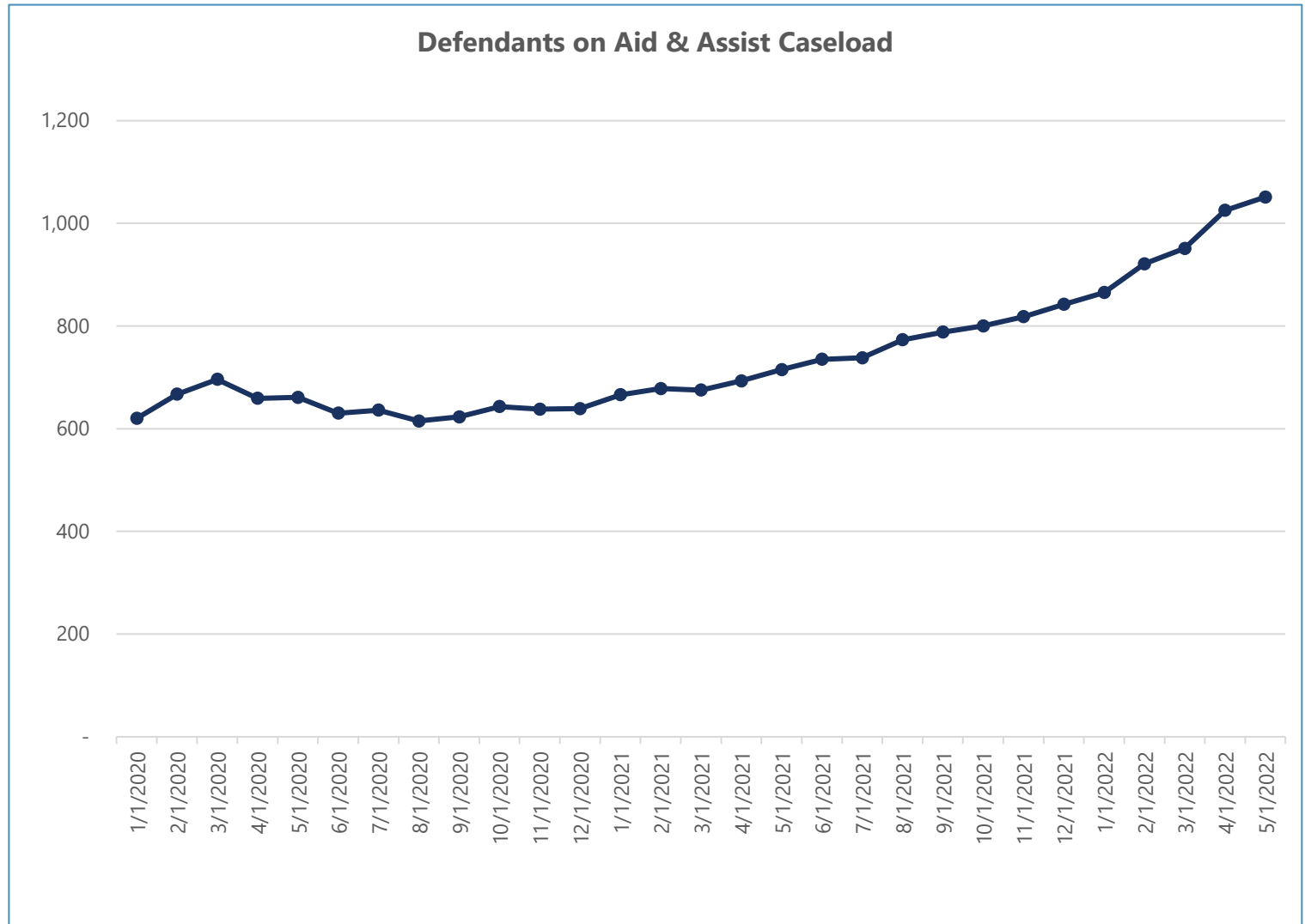
**Most Recent Placement, for Defendants Currently Unfit to Proceed**



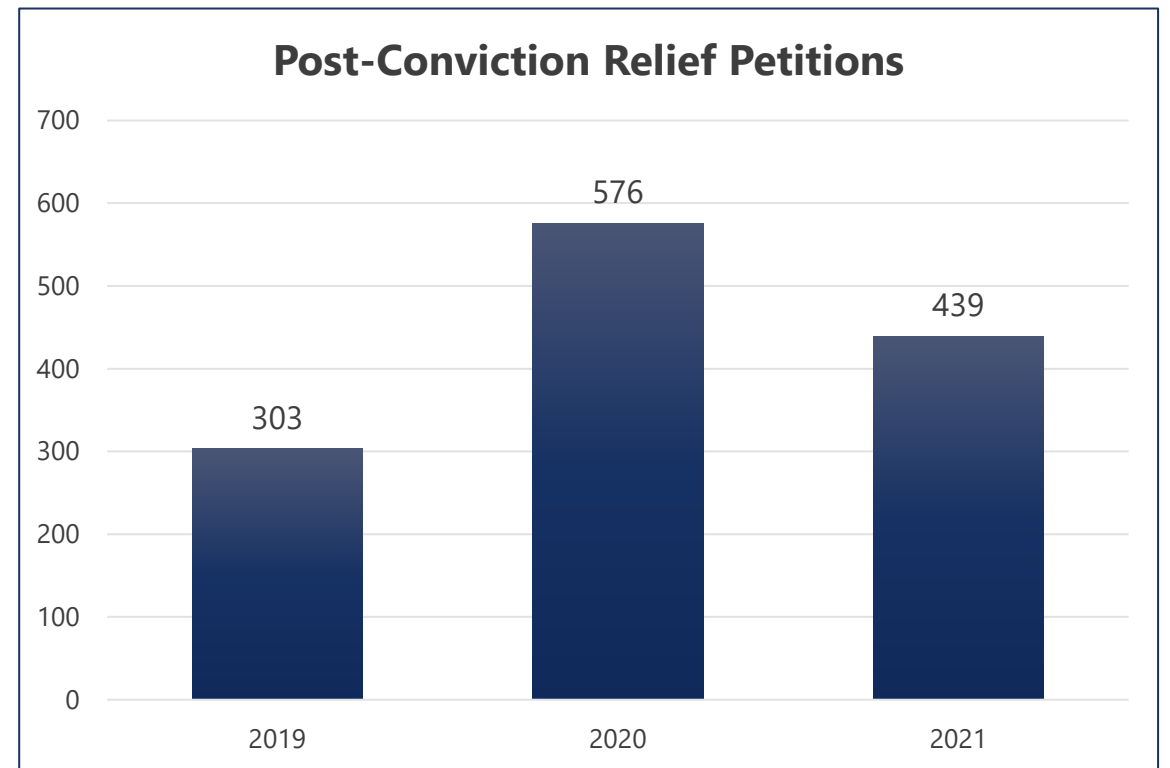
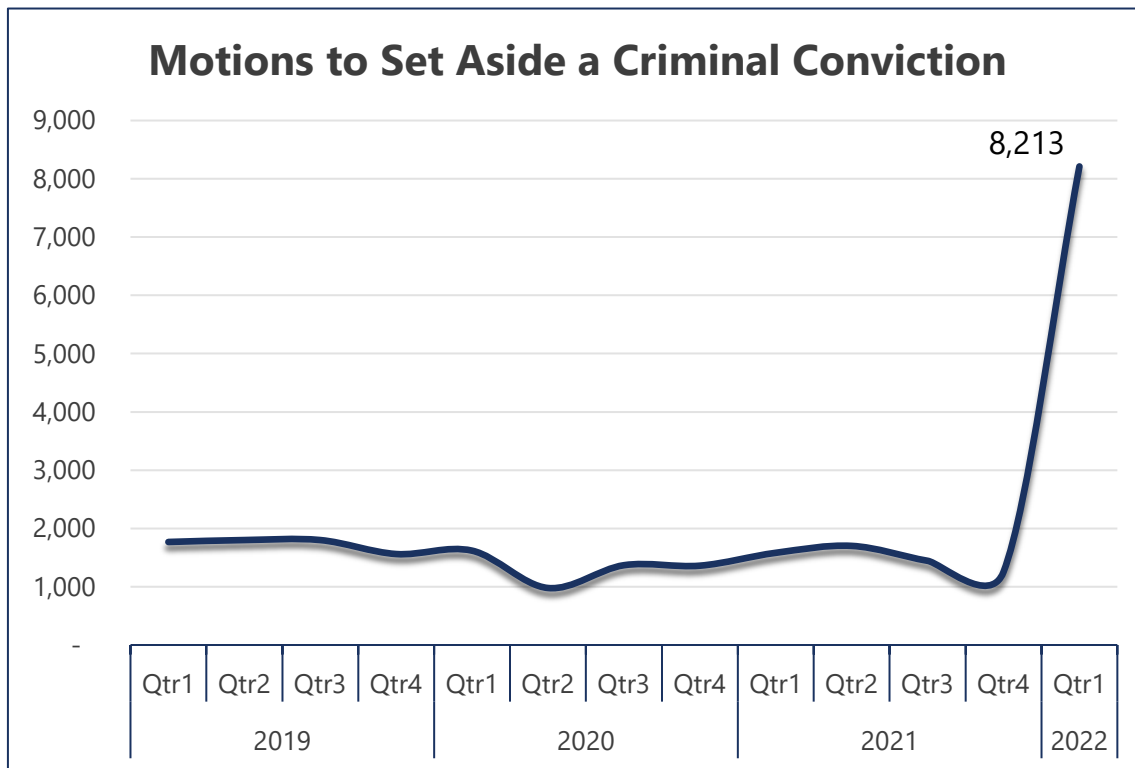
**Current Aid & Assist Caseload**



**Defendants on Aid & Assist Caseload**

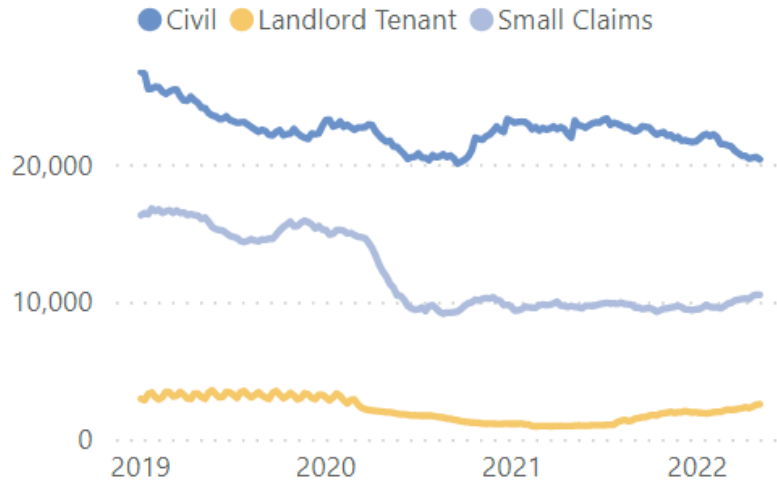


# SET ASIDES AND POST-CONVICTION RELIEF FILINGS INCREASE

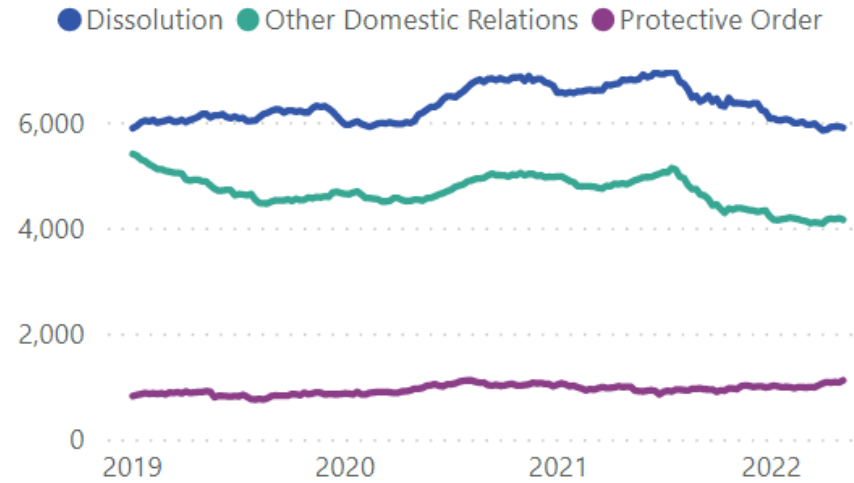




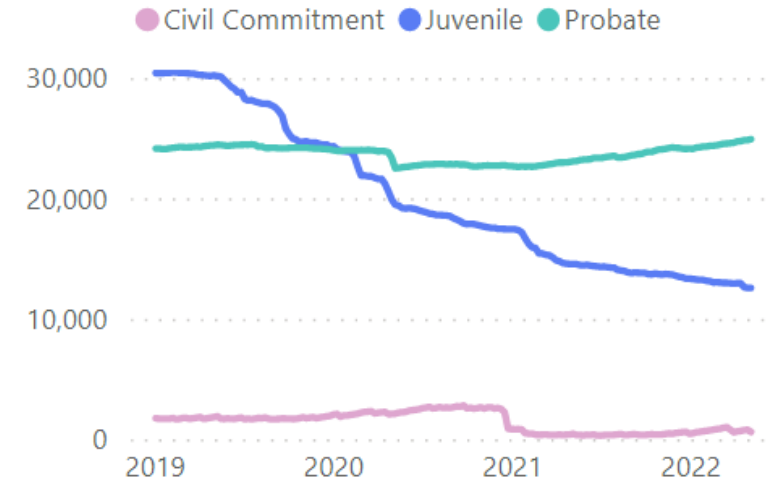
### Civil



### Domestic Relations



### Other



# CIVIL, FAMILY, PROBATE, & MENTAL HEALTH PENDING CASELOAD TRENDS



USE OF LARGE OFF-SITE  
SPACES



USE OF REMOTE  
TECHNOLOGY



DATA & DOCKET  
MANAGEMENT



PUBLIC DEFENSE  
WORKGROUP

## STATEWIDE EFFORTS TO RESOLVE CASES



The Grand "Courtroom"

# MARION COUNTY CIRCUIT COURT

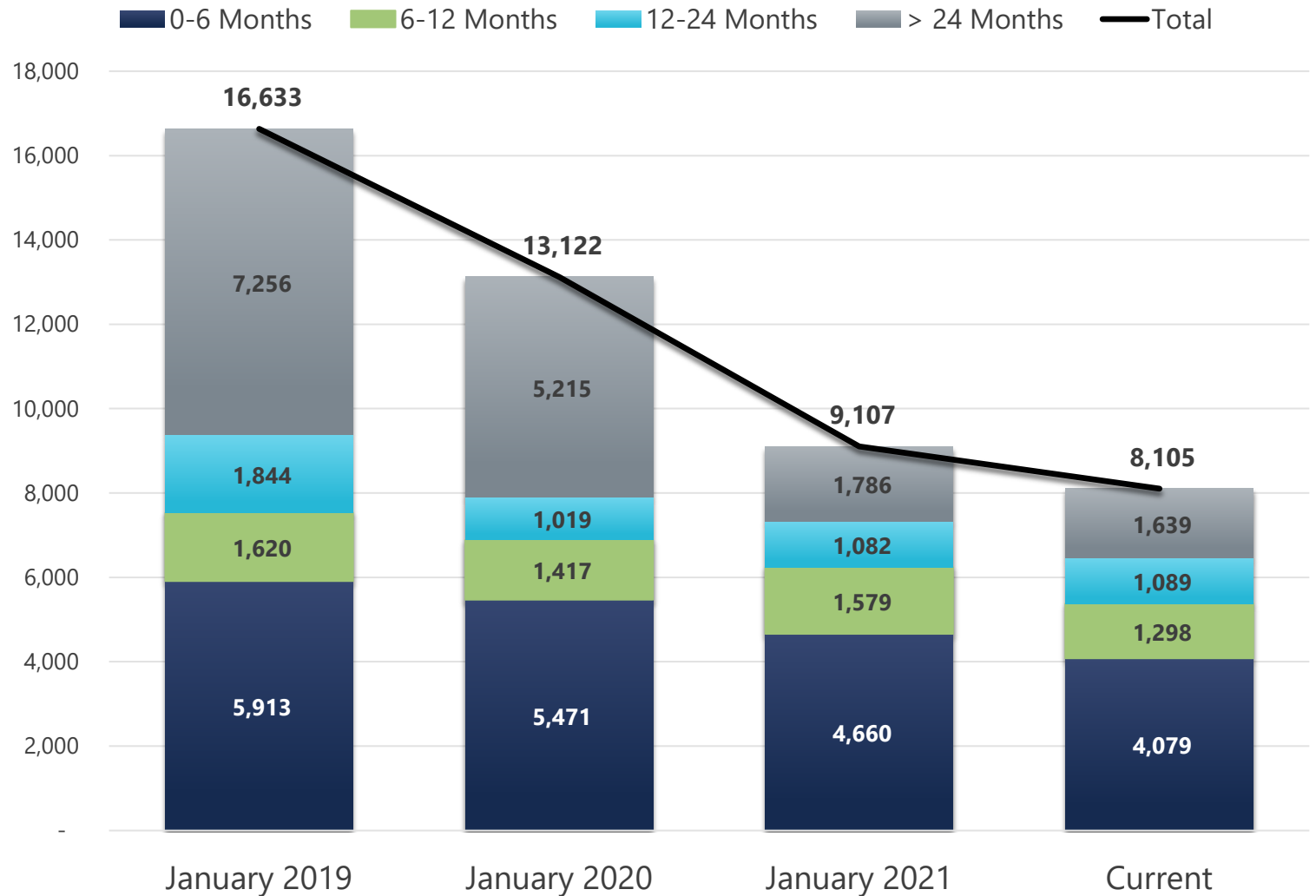
## LOCAL SPOTLIGHT

WORKING TOGETHER TO  
PROTECT THE RIGHTS OF  
VICTIMS AND THE ACCUSED

# MARION: OVERALL CASELOAD TREND

- Significant declines in juvenile, misdemeanor, civil, landlord tenant, and small claims
- Worked through COVID delays in family law cases
- Continue to develop strategies to resolve felonies but challenges persist

## Age of Active Pending Cases – All Case Types



# MARION: AGE OF CRIMINAL CASELOADS

## Time to Disposition Time Standards

- Felony - 98% resolved within one year
- Misdemeanor – 98% resolved within 6 months

## COVID Year One - 2020

- Felony cases delayed during COVID
- Out of custody dockets increase along with FTA rates and warrants

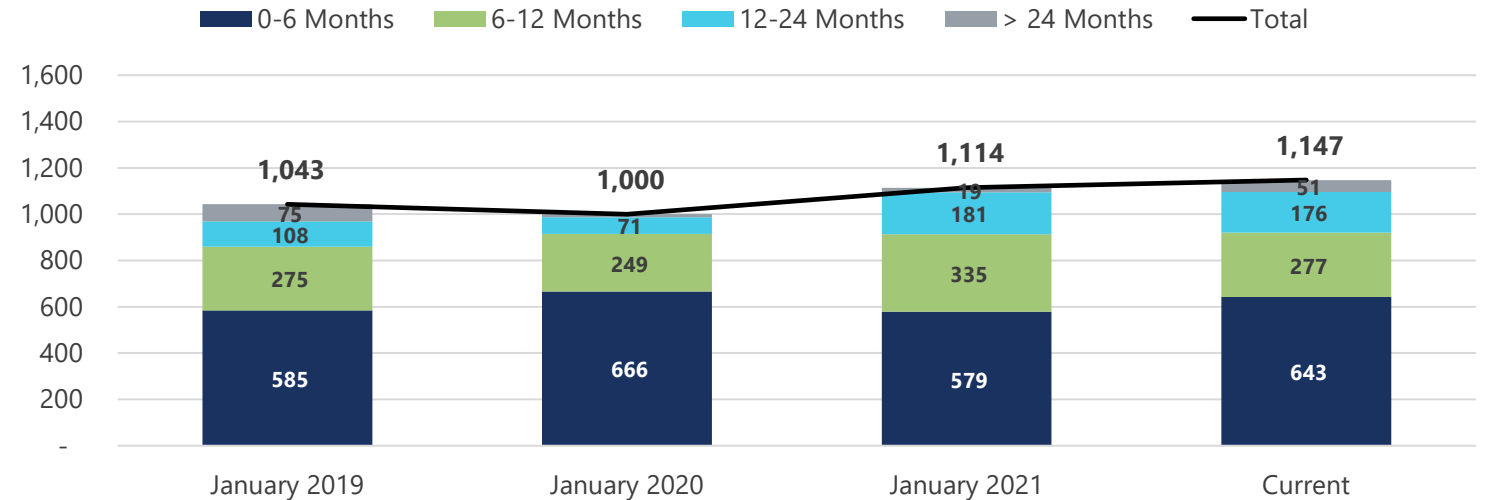
## COVID Year Two - 2021

- Felony backlogs grow as COVID delays continue
- Clearance rates in 2021 fell to 82% for both felony and misdemeanor

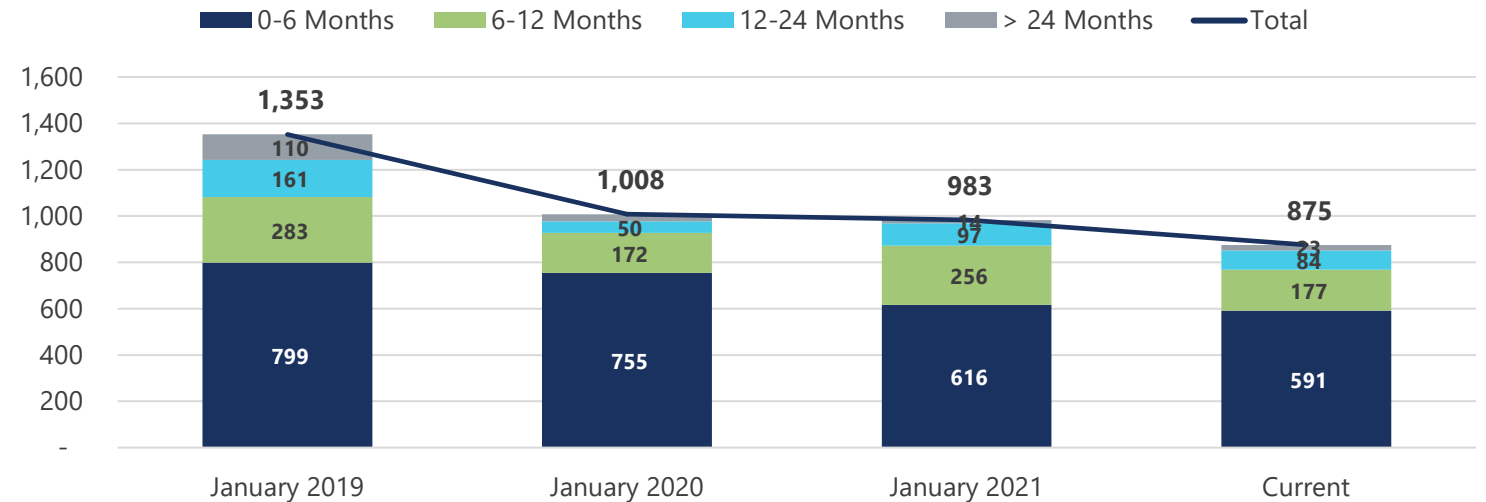
## NOW - 2022

- In 2022, the court is catching up
- Clearance rates are 110% in Misdemeanor cases and 96% in Felony cases

## Marion Felony - Age of Active Pending Cases

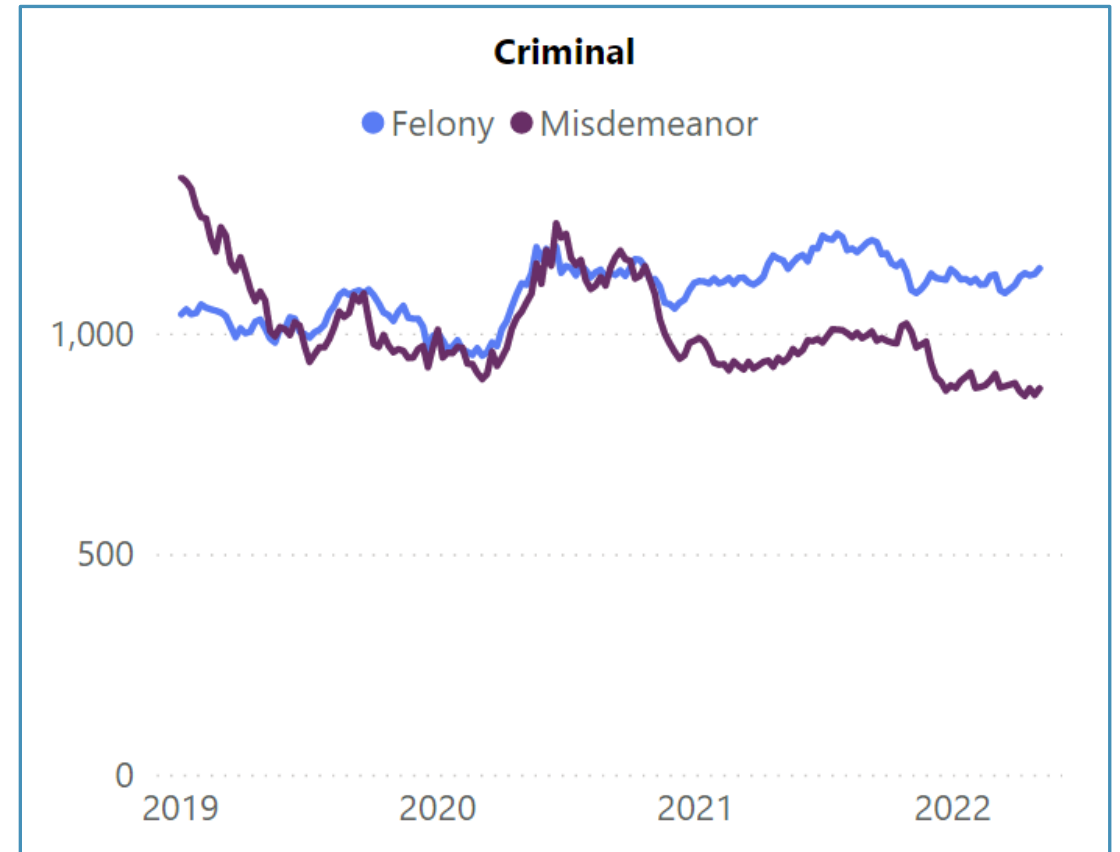


## Marion Misdemeanor - Age of Active Pending Cases



# MARION: CRIMINAL CASELOAD SNAPSHOT

- Marion's pending criminal caseload also looks very different than historical patterns.
- Like Multnomah, there are now more pending felonies than misdemeanors.
- Similarly, this inversion means more felony attorneys are needed than misdemeanor attorneys; again, a complete switch from historical norms.

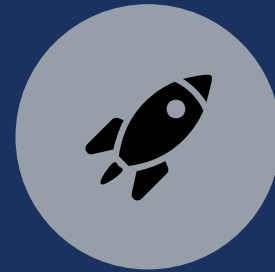




COLLABORATE



DATA & DOCKET  
MANAGEMENT



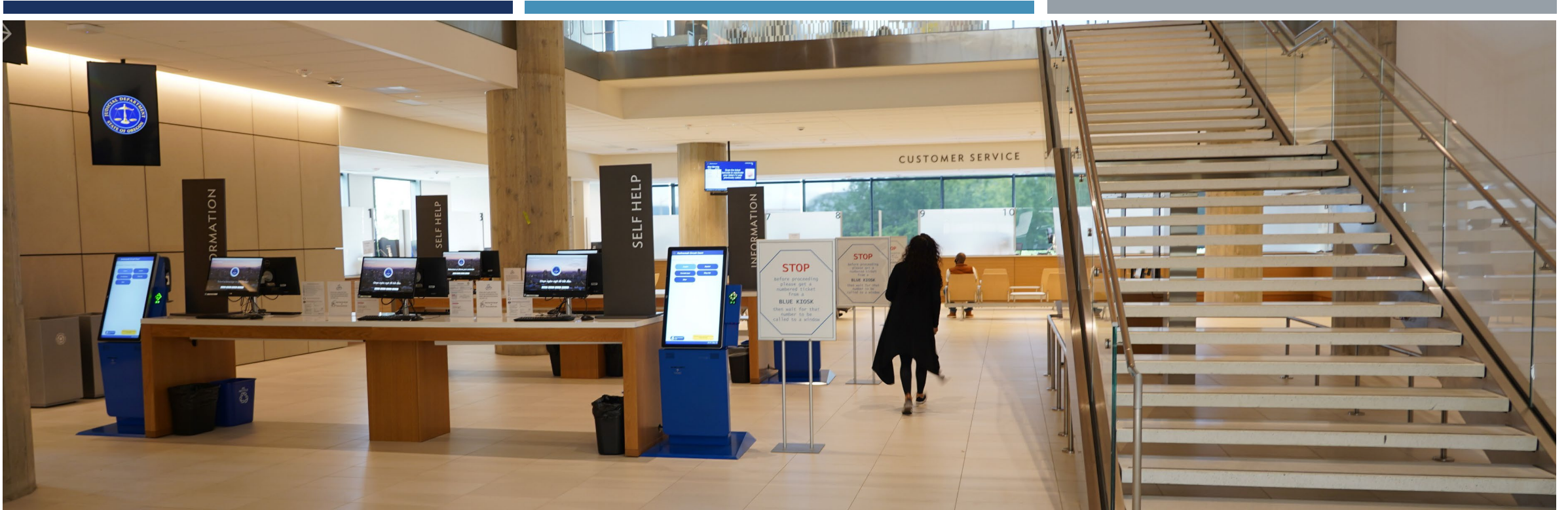
SPACE NEEDS



EQUIPMENT NEEDS

## MARION COUNTY CIRCUIT COURT STRATEGIES TO RESOLVE CASES





# MULTNOMAH COUNTY CIRCUIT COURT

## LOCAL SPOTLIGHT

EFFORTS TO RESOLVE FAMILY LAW CASES – CASE PROCESSING AND NEW INNOVATIONS



# SERVING INDIVIDUALS AND FAMILIES IN HARD TIMES: MULTNOMAH COUNTY INNOVATIONS RESOLVE CASES

## Time to Disposition in Family Law Cases

- 98% resolved within one year
- Post-judgment modifications take up majority of time

## COVID Year One - 2020

- Pending cases grew even as filings declined (85% clearance rate)

## COVID Year Two - 2021

- Filings increased but remote proceedings allowed the court to catch up in 2021 (114% clearance rate)

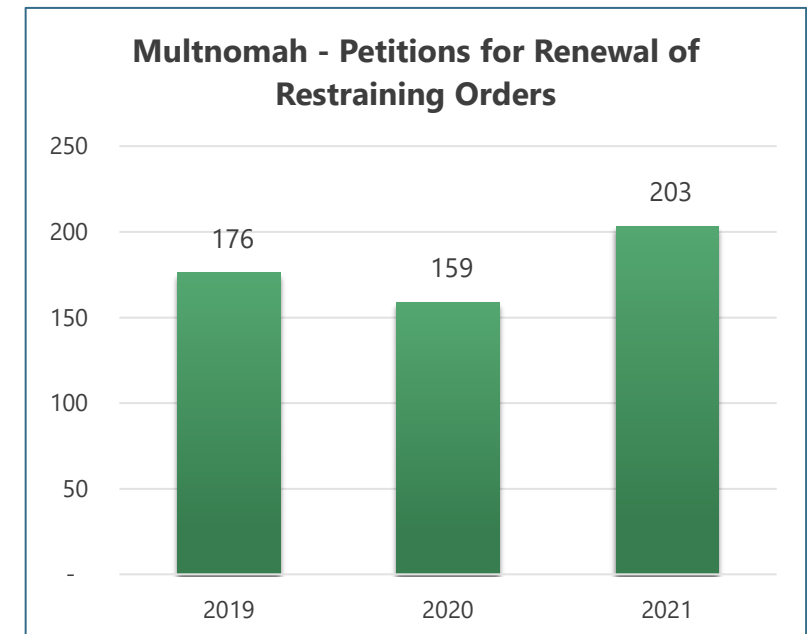
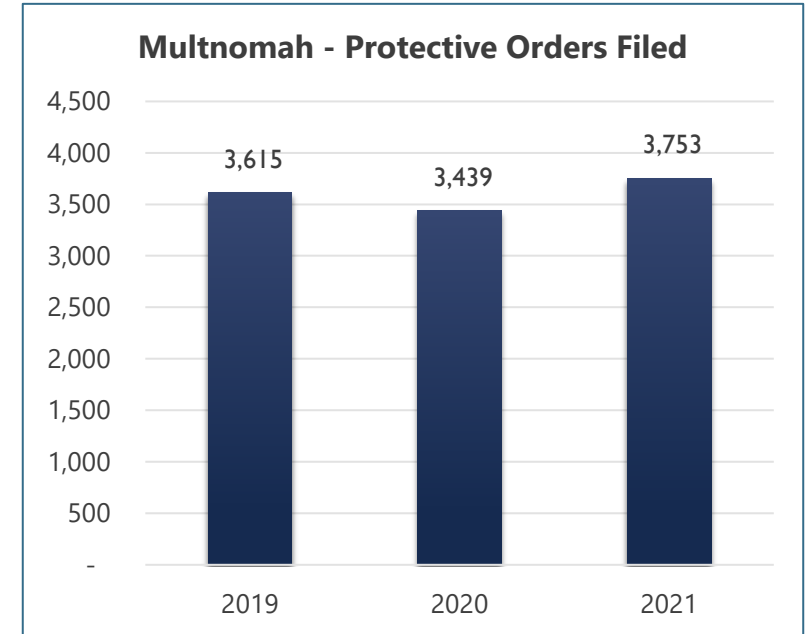
## NOW - 2022

- Pending cases are now below 2019 and filings continue to increase

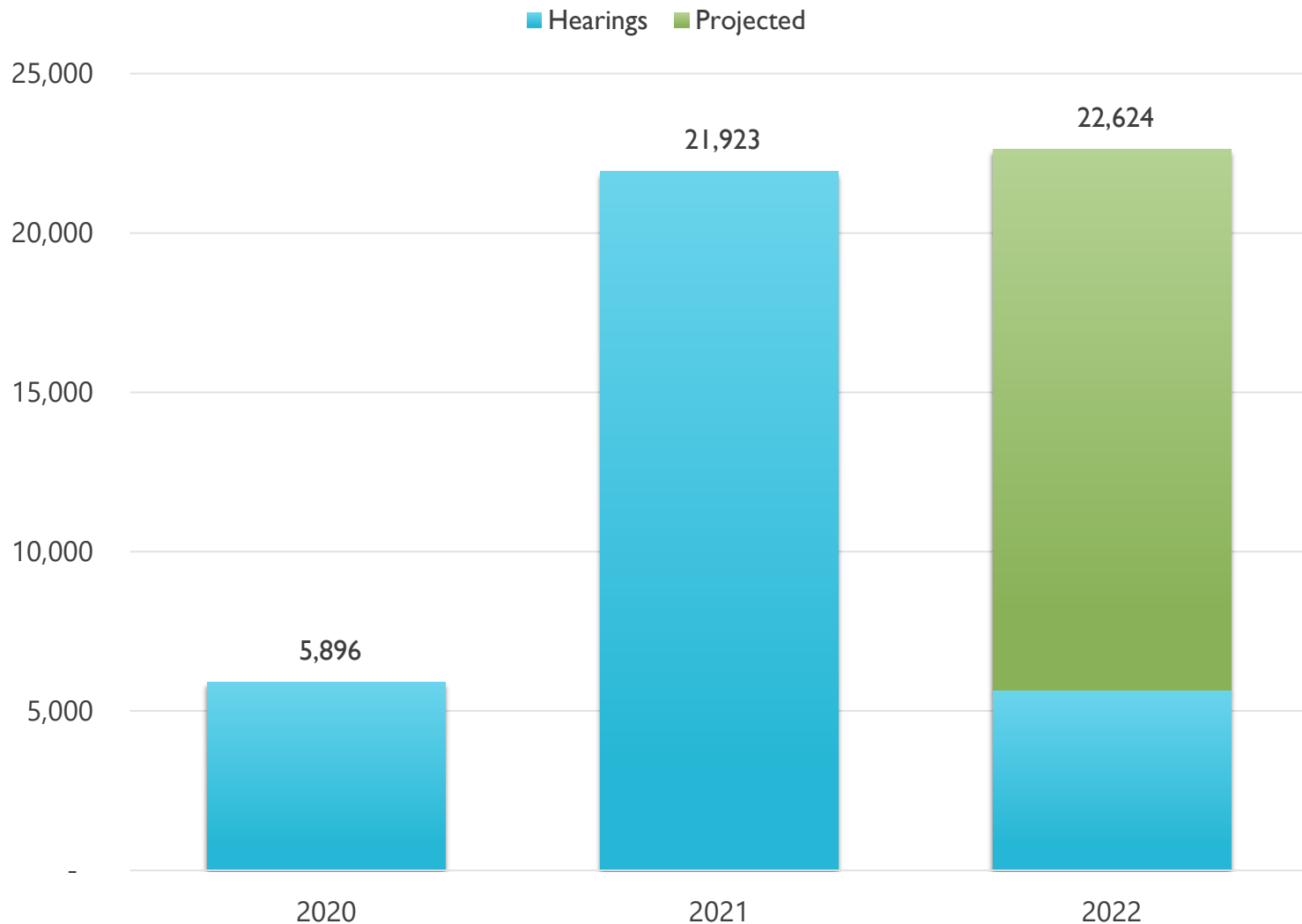


# PROTECTIVE ORDERS INCREASED DURING PANDEMIC

- During the pandemic, protective orders increased by 9% and renewals increased by almost 28%
- The court had to find ways to provide services to individuals in crisis that were safe and effective
- Multnomah court staff worked through initial barriers and were able to staff up remote proceedings quickly
- Remote proceedings can pose logistical challenges, but can also enhance safety and reduce child care costs, travel and time away from work for the parties



## Multnomah - Webex Hearings Held



## REMOTE PROCEEDINGS

- Litigants are more responsive to remote proceedings
- Remote proceedings remove barriers like child care, transportation and parking
- Parties can attend court in the comfort of their own home
- Avoids trauma of confrontation with other parties
- Quality of hearings improved

# TRACKING PUBLIC DEFENSE CASELOADS IN ODYSSEY



## Good News

The Odyssey system is capable of tracking attorney caseloads and representation status for defendants/litigants



## Challenges

Need consistent/coordinated and efficient business processes across OJD, OPDS, and public defense providers



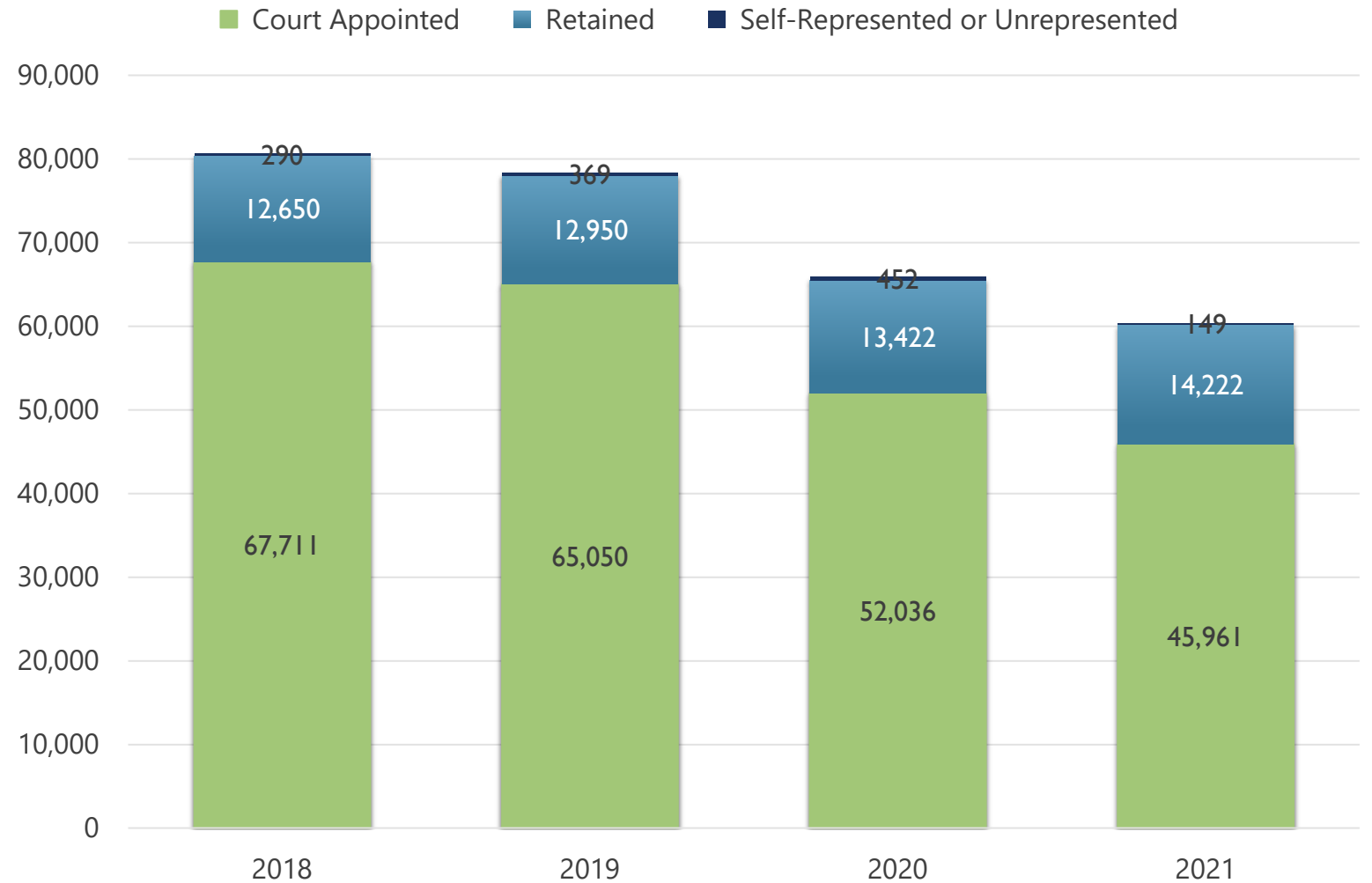
## Moving Forward

OJD and OPDS are working on data sharing and standard business processes

# WHAT WE CAN TRACK

- Type of representation
- Appointment date
- Case information (status, time to disposition, activity)
- Changes over time

## Criminal Cases Filed by Representation Status



# CHALLENGES

## TRACKING PUBLIC DEFENSE ATTORNEY CASELOADS IN ODYSSEY

- Date representation ends
  - Substitutions of attorney
  - Pre-disposition programs (treatment court, DUII diversion)
  - Warrants
- Case closure gray areas
  - Post-disposition events
  - Probation violations
- Data entry that differentiates between those who still need counsel appointed and those who have declined appointed counsel



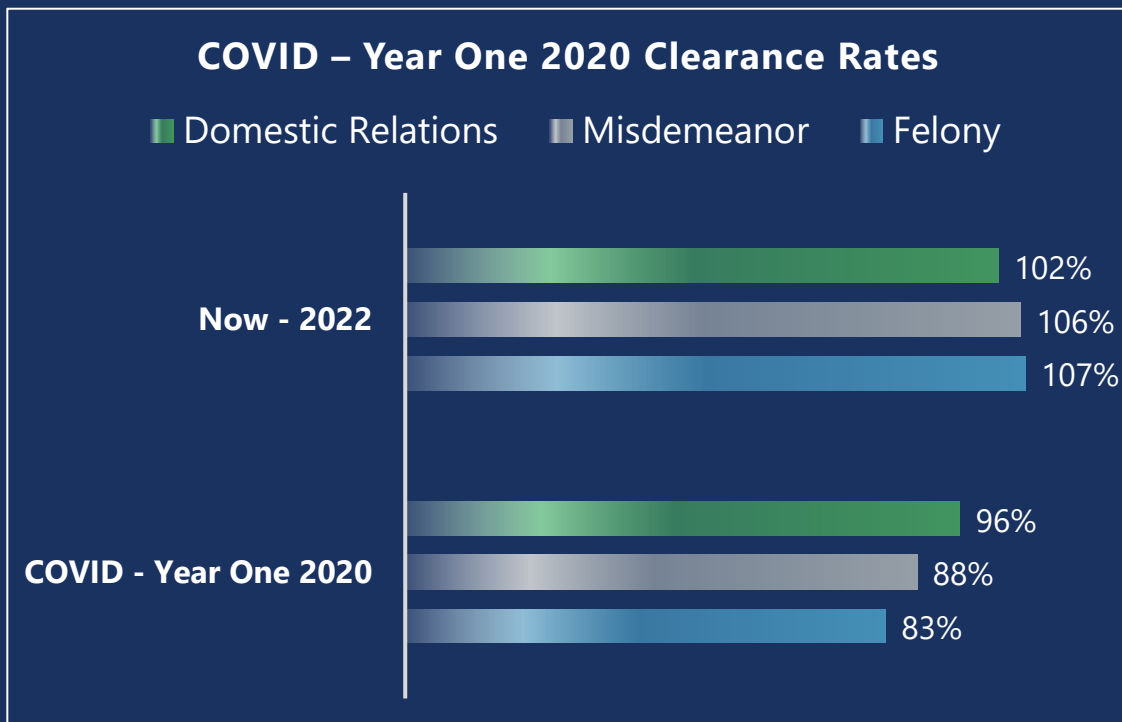


## OJD AND OPDS MOVING FORWARD TOGETHER

- Regular meetings to discuss data, definitions, business processes
- Data sharing to understand our systems, data entry, and business processes
- Engaging with court staff, judges and OPDS to validate data
- Working together to build data visualizations and define requirements for reporting and tracking attorney caseloads



# KEY TAKEAWAYS



- Pending cases grew in 2020 as filings outpaced case resolutions
- Courts developed strategies to resolve cases during the pandemic
- Pending cases are now lower than in 2019
- Courts are focusing on addressing older cases first





THANK YOU!  
QUESTIONS?