

# JUDICIAL BRANCH

OREGON JUDICIAL DEPARTMENT

**Meagan A. Flynn**  
Chief Justice

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State Court Administrator

OJD Legislative Priorities:

**Providing Access to Justice, Filling Critical Gaps**

Senate Judiciary Committee – January 23, 2023



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**Each case represents a critical moment in someone's life, and a single case can impact many lives**



**It's about people, not just "cases"**

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## Overview of Today's Presentation

1. OJD overview
2. OJD-sponsored bills
3. OJD budget requests
4. Other 2023 legislative issues

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# JUDICIAL DEPARTMENT

## Key Takeaways

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1. The Judicial Branch plays a critical role in upholding the rule of law, protecting rights, and preserving the foundations of democracy
  2. Each case represents a critical moment in someone's life, and a single case can touch many lives
  3. Our work is critical to addressing many of the Legislature's top priorities
    - Equity and justice
    - Public safety
    - Public defense
    - Mental health and addiction
    - Housing and homelessness
    - Economic vitality
  4. Oregon's courts are committed to continuous improvement, access to justice, fairness, and equity

# Oregon's Judicial Branch



Oregon Judicial Department

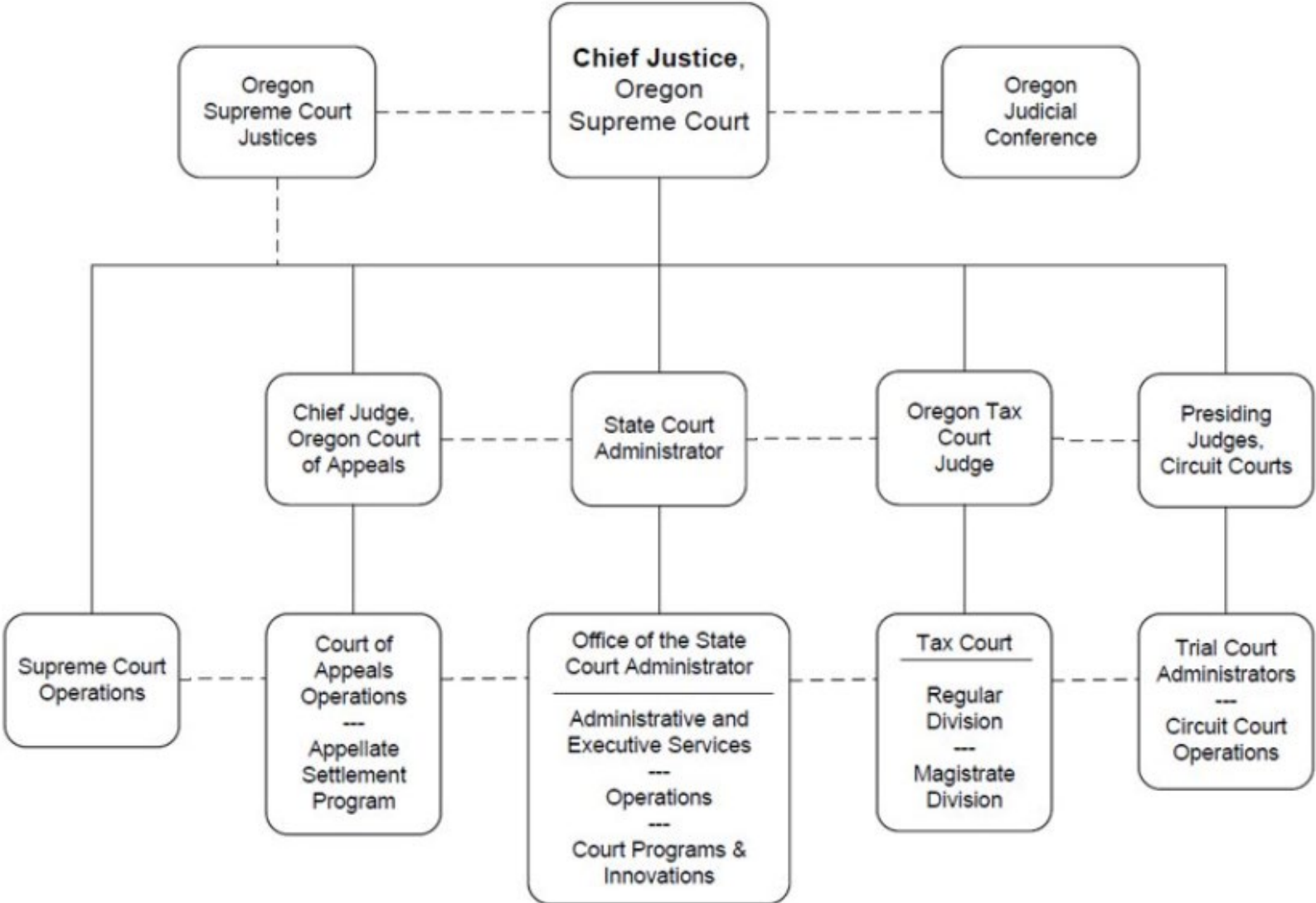
Office of Public Defense Services

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))

# Oregon's Unified State Court System

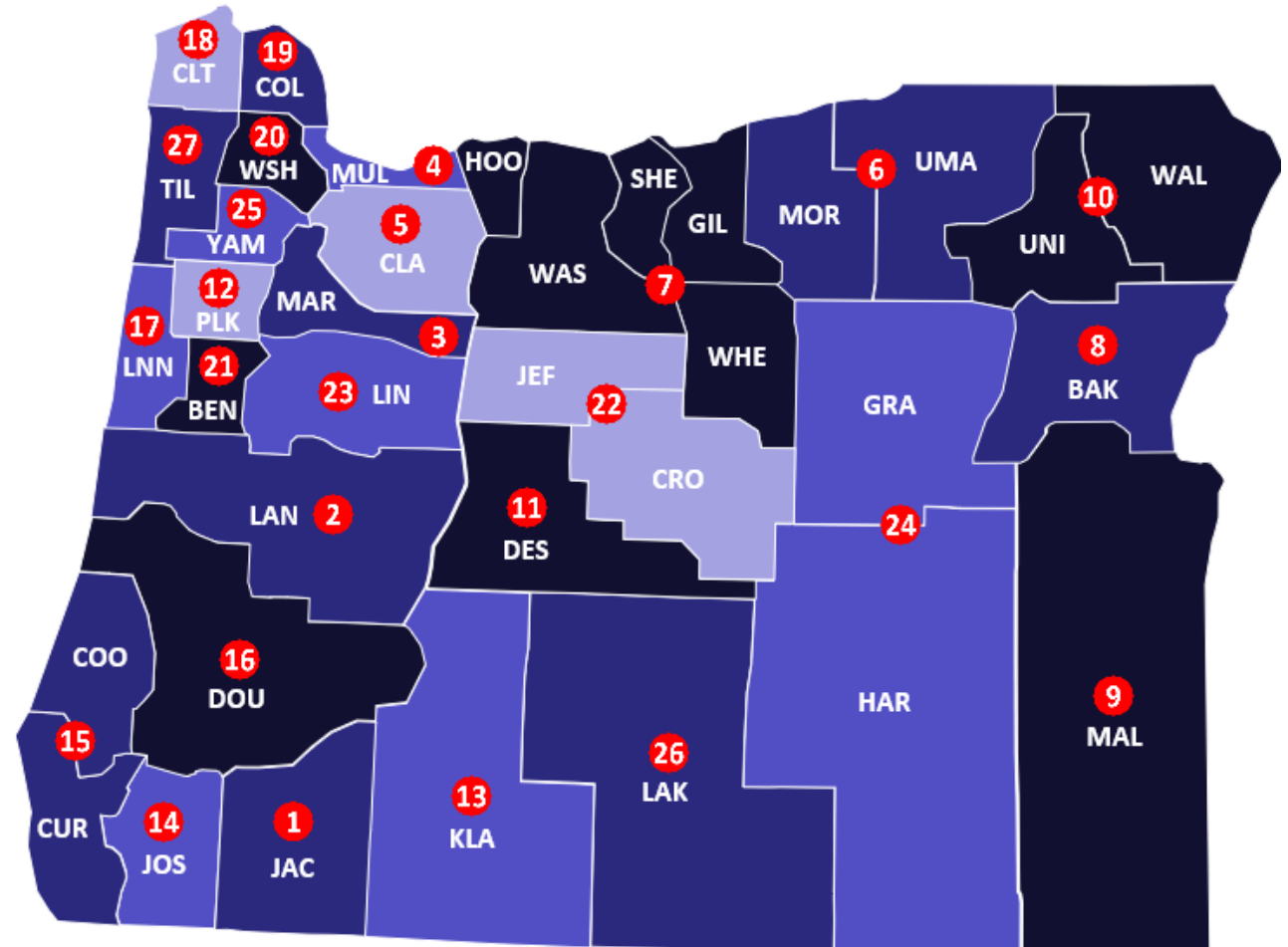


# 27 Judicial Districts Serving All of Oregon

## Circuit Courts in every county

- 179 Circuit Court Judges
- 1,300+ Staff

Serving 4.36 million Oregonians



# Courts Are Foundational to our Communities

Courts resolve conflicts and protect people in crisis

Workplaces, Businesses

Debtor/Creditor and Small Claims

Treatment Courts and Mental Health

Family Law and Protective Orders

Dependency (Child Welfare) and Delinquency

Criminal Justice

Housing

Public Benefits

Tax Disputes

Election and Ballot Measure Disputes

Claims of Wrongful Injury

Objections to Government Action



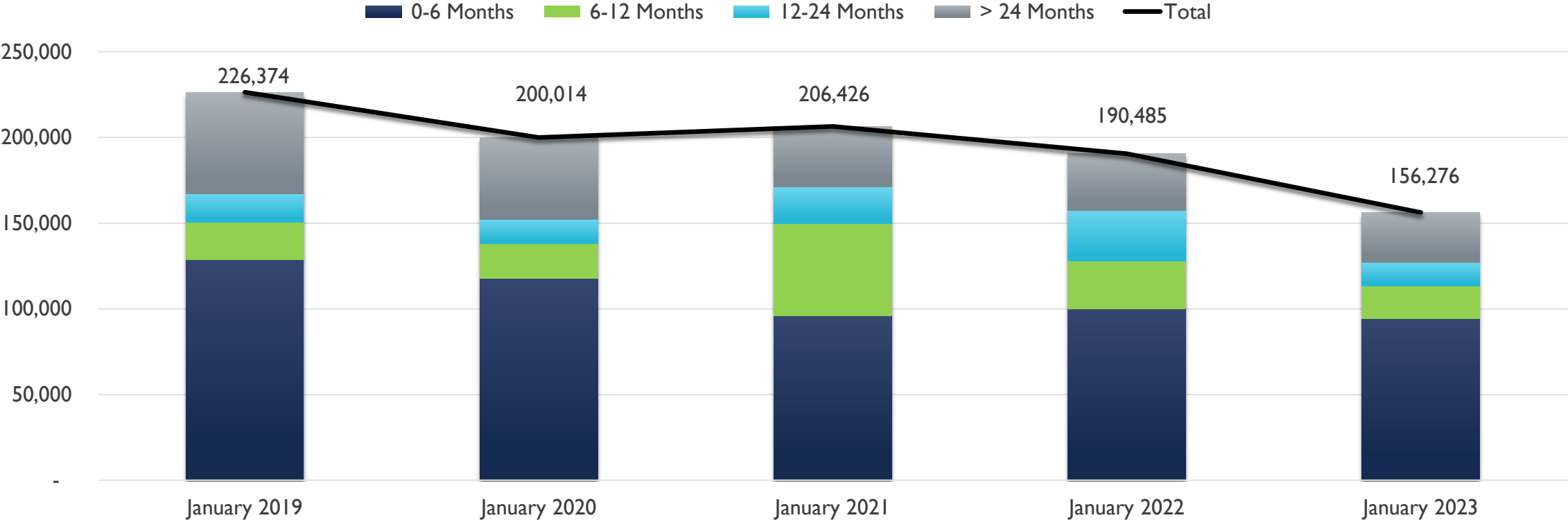
Treatment Court Graduates



Serving Families in Crisis

# Courts Worked Through COVID Case Processing Delays

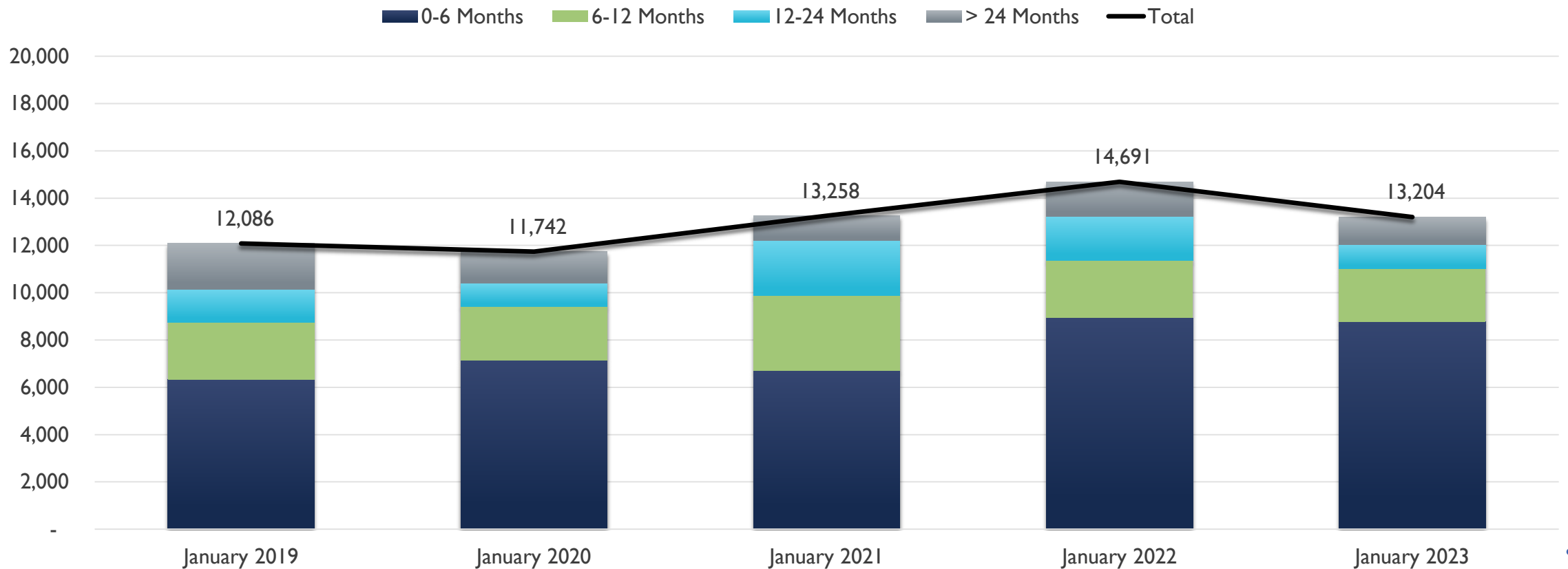
## Age of Active Pending Cases





# Courts Are Working Through Felony Backlogs

## Felony - Age of Active Pending Cases



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# OJD requests address gaps in the Judicial Branch that will ease burdens on the rest of state and local government

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- Our work is driven by our strategic campaign and informed by the community landscape.
  - Our proposals and requests are strategically targeted at efforts that will eliminate barriers to access to justice and alleviate burdens on the justice system.
  - The Chief Justice's recommended budget investments are critical to providing justice; some are needed immediately; others can be funded over time.
  - Funding these proposals will bolster trust in the judicial branch and state government generally.
  - Today we want to shine a light on our priorities and note how they align with yours.

# Legislative Proposals



Support for fundamental needs, access to justice, and growth in specific counties

SB 233 – Judicial Compensation

SB 234 – Data to assess impacts, inform improvements

SB 235 – Additional judicial positions

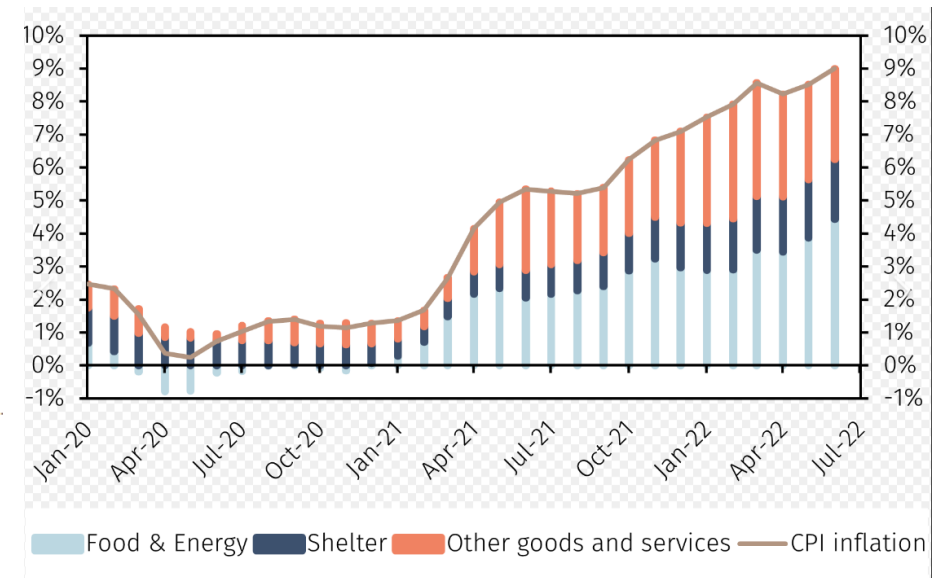
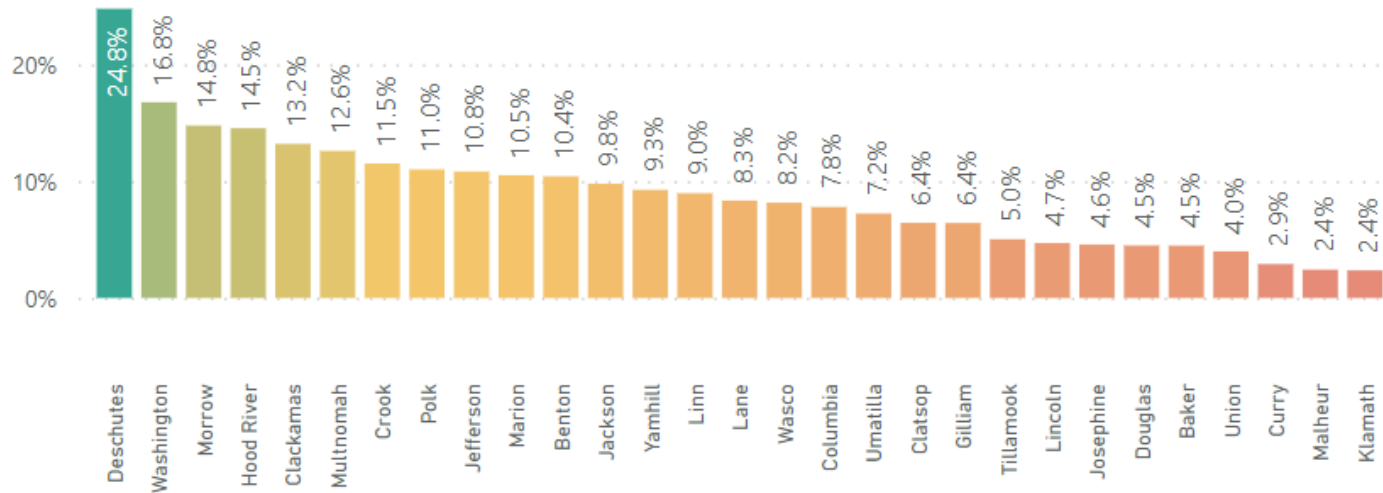
HB 2224 – Juror compensation

HB 2225 – OJD Omnibus Bill

- increase transcriber rates
- protect court users' privacy
- simplify appointment of senior judges

# POLICY OPTION PACKAGE REQUEST RELATED TO OJD BILLS

Population Growth 2010 - 2020



Key investments to adapt to changes in Oregon's landscape

# POP 112 - Increasing Jury Service Compensation

Trial by jury is a cornerstone of our democracy...

But serving on a jury can be a financial burden...

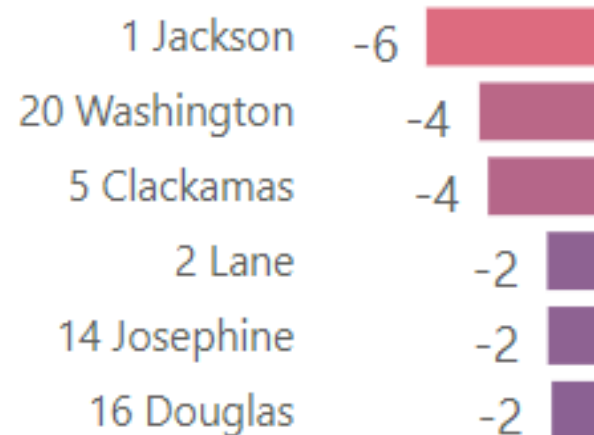
**Oregon pays jurors \$10 a day**



# POP 108 - ADDITIONAL JUDICIAL POSITIONS

- Adds seven trial court judges, and support staff, in the six counties of greatest need.
- Adequately resourced courts are critical to improving access to justice for all Oregonians.
- Oregon needs 36 new trial judges, even without implementing best practices.\*

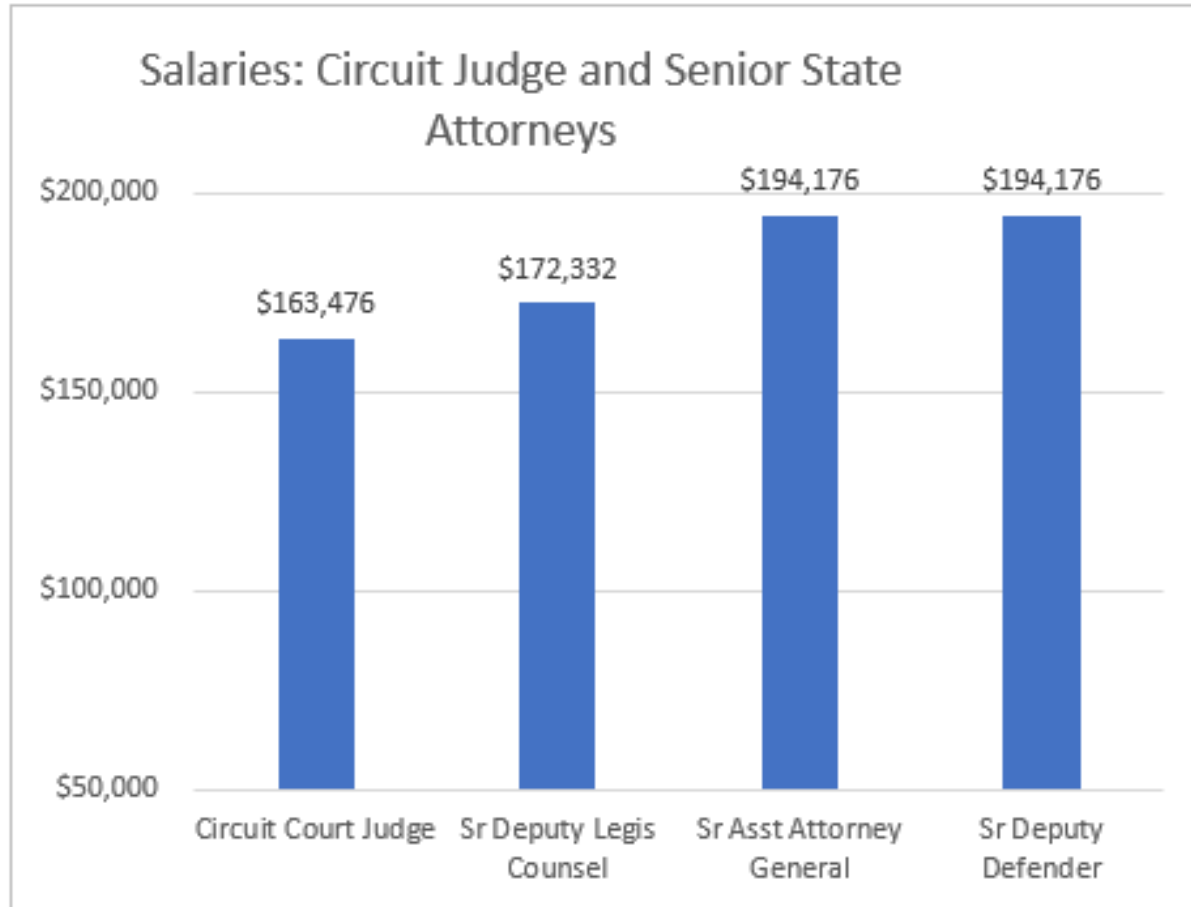
## Difference Between Judicial FTE Available and Judicial FTE Demand



\* National Center for State Courts



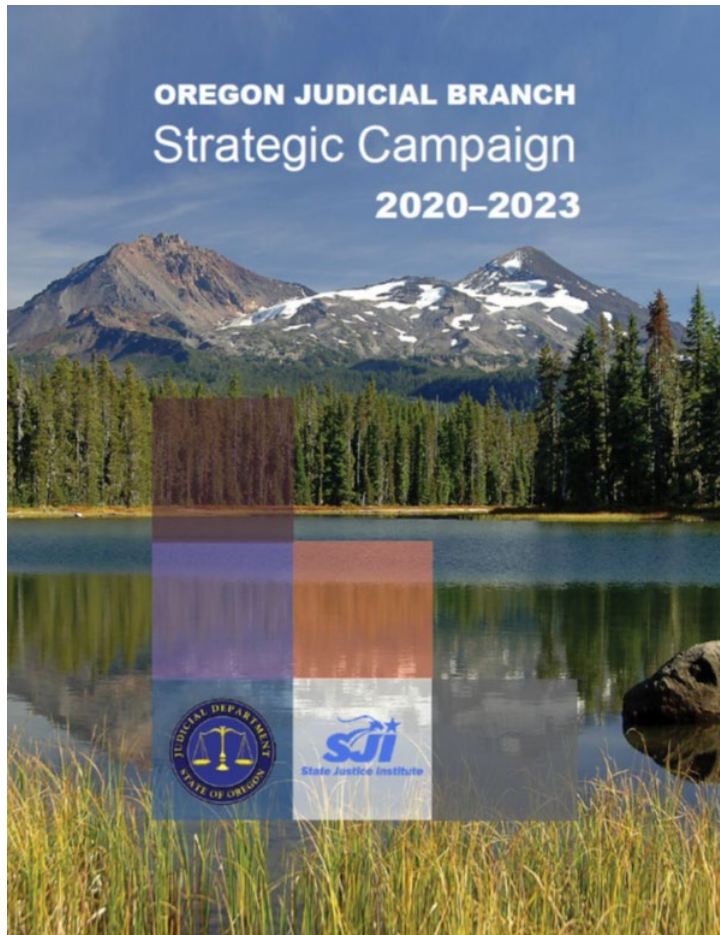
# POP III – Judicial Compensation



- The need is urgent – the proportion of OJD’s most experienced judges has declined by 2/3 since 2016
- To retain judges and to attract qualified individuals from diverse backgrounds, SB 233 establishes two 10% judicial salary increases



# POP REQUESTS GUIDED BY OJD STRATEGIC CAMPAIGN



## OJD's Four Commitments

Improve services and outcomes for people who are underserved, vulnerable, or marginalized

Improve access to justice

Enhance the public's trust and confidence in Oregon's state government

Create a workplace and courthouse culture that is supportive, inclusive, welcoming, and affirming; that embraces diversity

[www.courts.oregon.gov/StrategicCampaign](http://www.courts.oregon.gov/StrategicCampaign)

# POP 101 – Statewide Pretrial Release Program

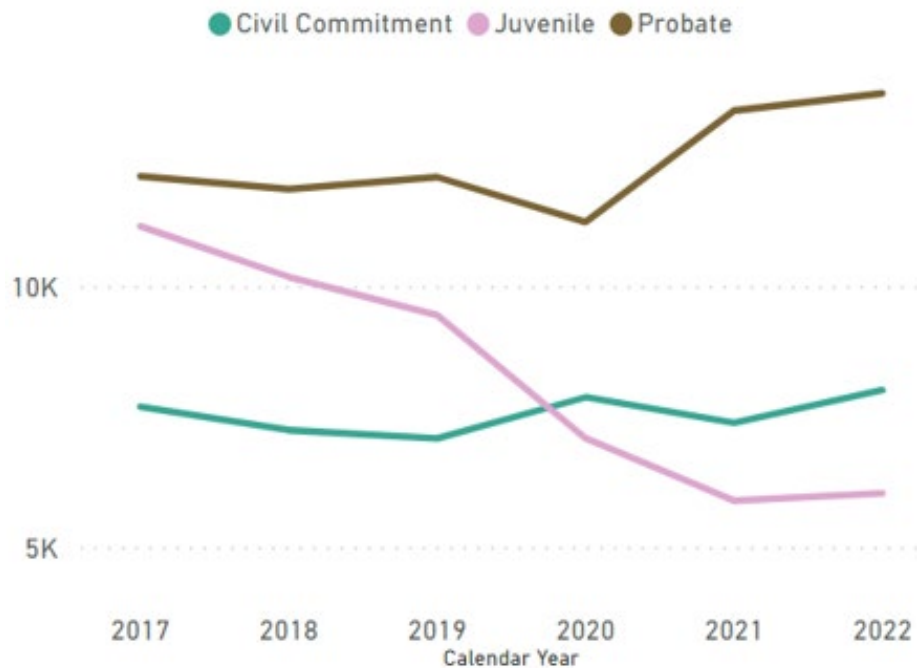
## Improving safety and fairness



used under [CC BY](#)

- SB 48, passed in 2021, shifted Oregon away from cash bail
- Additional release assistance officers are needed to provide consistent and safe pretrial release programs in every county
- Additional investments will strengthen community safety
  - Oregon Risk Assessment Tool | Partnering with Portland State University & Criminal Justice Commission
  - Pretrial Release Case Management System - program management | data collection | program evaluation
- Effective pretrial systems help divert and deflect those with serious mental illness out of the justice system and into more appropriate settings when community placements are available

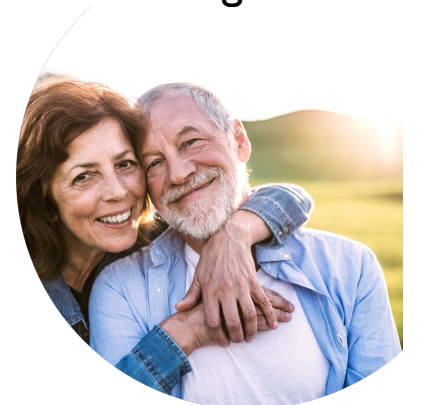
# POP 102 – Protective Proceedings Oversight Program



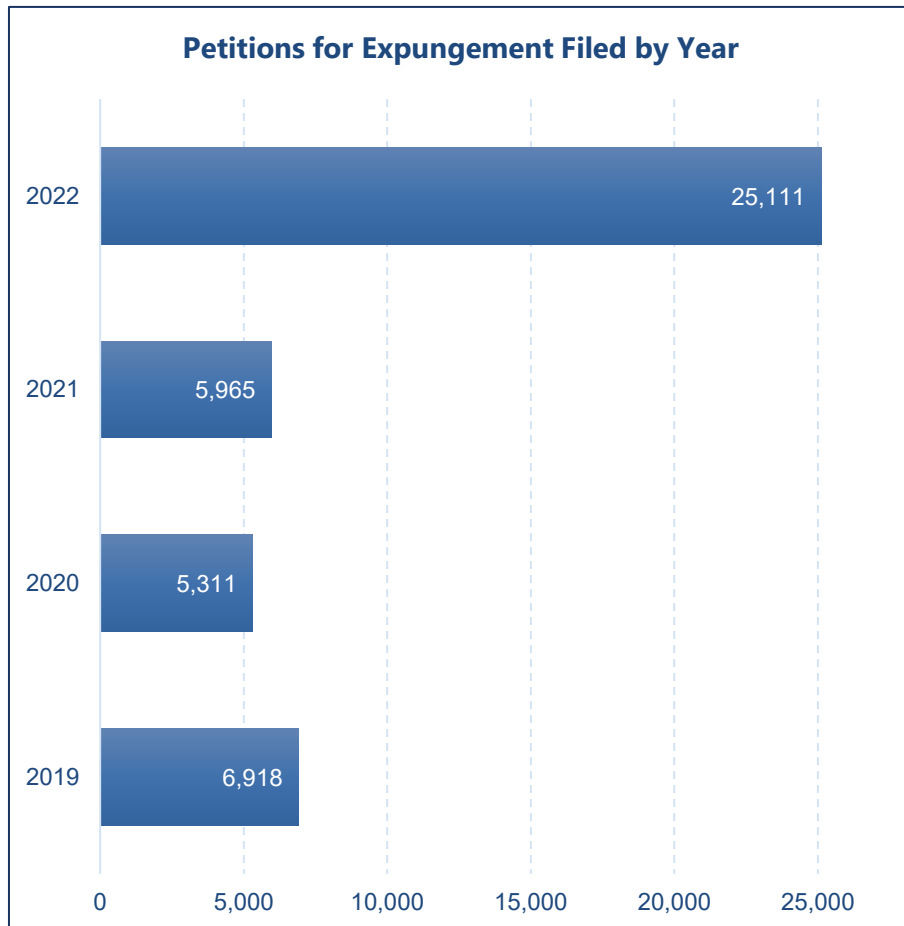
**Courts monitor more than \$1.2 billion in assets, 2,000 new filings each year.**

Funding will continue oversight program after federal grant expires

- Protections and oversight for individuals who are at risk of physical neglect or financial fraud
- Standardized review procedures, accountability
- Subject-matter experts to support judges in decision-making
- Education and training for all involved



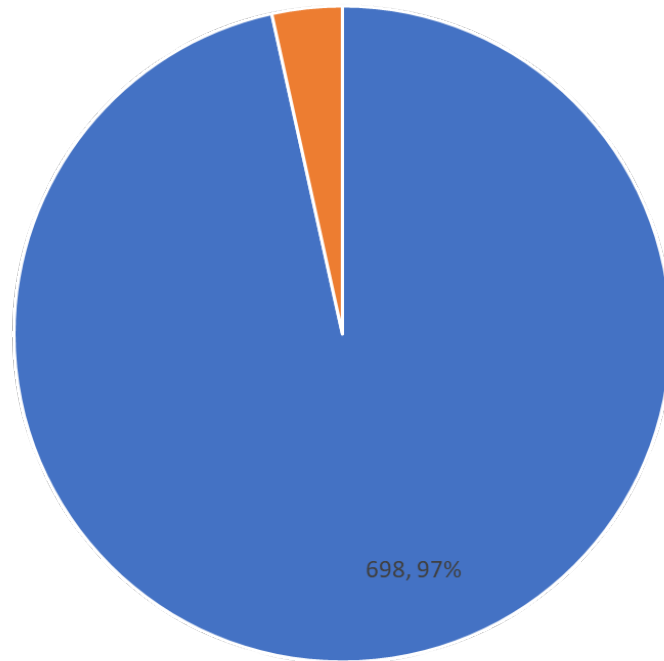
# POP I03 – Fresh Start Expungement Program



- OJD received one-time funding in 2022 for a new Court Record's Integrity Program (CRI)
- 2021 law changes quadrupled set-aside (expungement) filings
- 2023 SB 697 and 698 would expand expungement
- POP I03 provides permanent funding for CRI
  - **a trusted, adaptive, and collaborative experience to address barriers and inequities by embracing a culture of service** through the evaluation of existing processes and technology to identify systems innovations and streamlined efficiencies that can be incorporated to enhance its effectiveness.

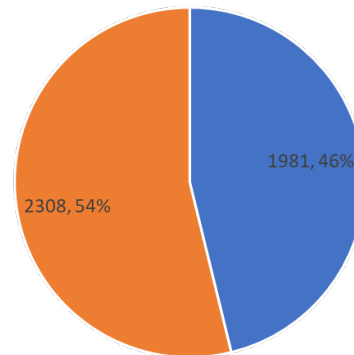
# POP 104 – Self-Represented Litigants

Landlord Tenant Cases



■ At least one self-rep party ■ Remaining Cases

Civil Cases



■ At least 1 unrep party ■ Remaining

*71% of parties in divorce cases are self-represented*

This POP provides additional

- Translated documents and resources
- Court facilitation and customer service resources in Clackamas, Klamath, Multnomah, and Umatilla counties

# Improving Access to Justice through Technology

## **POP 105 – Promoting Justice through Technology & Training**

- Improve OJD ability to inform and engage court users on OJD resources, services, and the administration of justice

## **POP 106 – Remote Proceedings & Data Interfaces**

- Expands use of remote proceedings and adds new data interfaces with justice partners



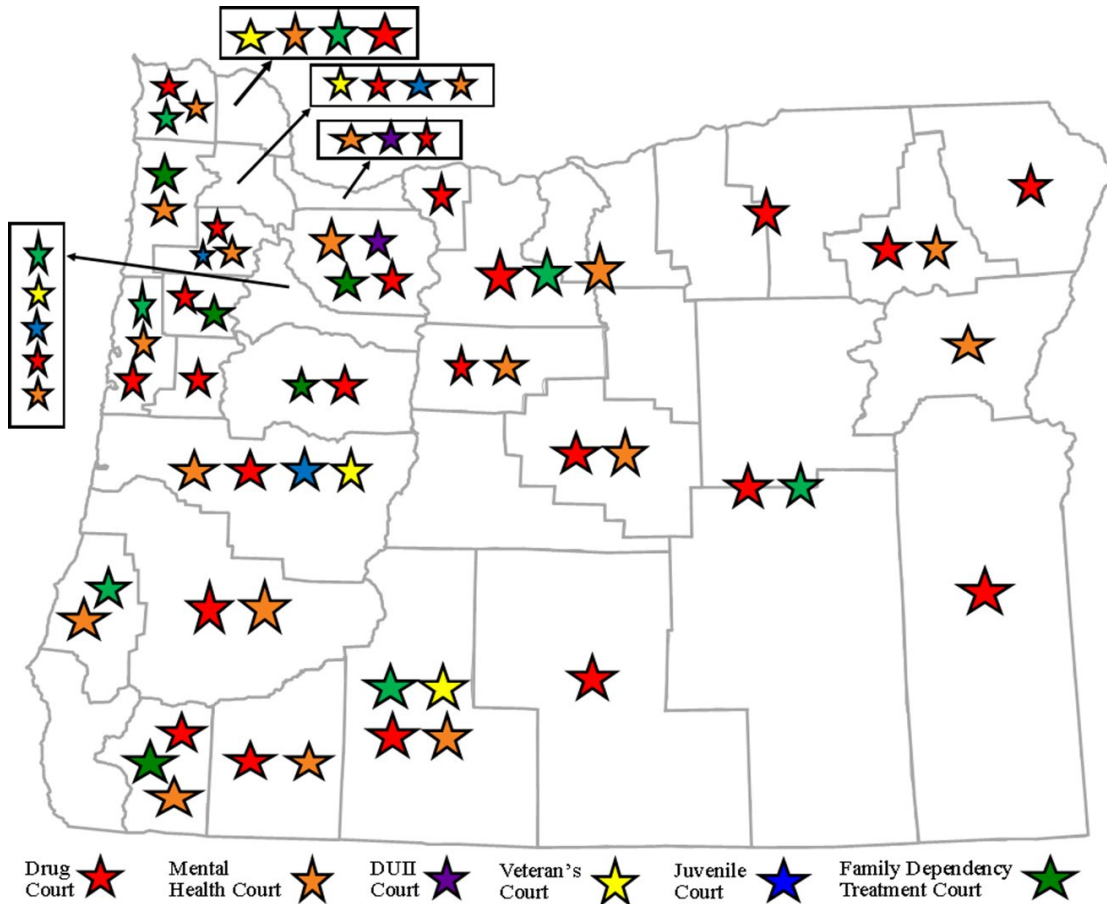
# POP 107 – Appellate Court Improvements

Maintain public trust and confidence, facilitate timely decisions



- The Court of Appeals decides at least 40% of its cases without a written opinion, depriving parties of the court's reasoning
- Changing workflow and adding staff will expedite decisions, increase transparency with more written decisions
- National Center for State Courts is providing assistance to develop standards and processes
- Ensures adequate Supreme Court staffing

# POP 113, 114, 115, 120 – Specialty Courts



- POP 113 – Family Treatment Courts
- POP 114 – Specialty Court Enhancements
- POP 115 – Stable Specialty Court Funding for Existing Specialty Court Coordinators
- POP 120 – Continue Grant Positions

93% of Oregon participants who graduated in 2021 have had zero justice system reinvolvement



# PASSTHROUGH POPS – PARTNERSHIPS MAKE THE DIFFERENCE



# POP 116 – Court Security Entrance Screening



- Threats to public facilities and public officials have increased
- 21 counties do not have building entrance screening at court facilities
- POP 116 provides passthrough funding to counties for screening equipment and personnel

# POP 118 – LEGAL AID FOR VULNERABLE OREGONIANS

Increased state funding for civil legal services will:

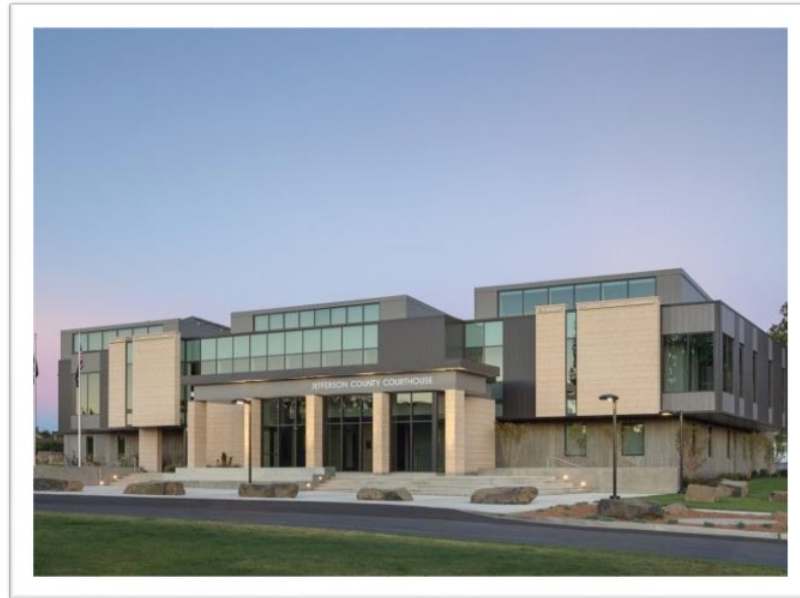
- Strengthen access to legal help and tools for low-income Oregonians to protect their homes, livelihood and families
- Support capacity and infrastructure for Oregon's integrated statewide civil legal aid providers
- Stabilize funding for comprehensive immigration legal services

Questions about OJD's POP 118?

Please contact Susan Grabe, Chief Communications and Public Affairs Officer at: [sgrabe@osbar.org](mailto:sgrabe@osbar.org)

# POP 119, 121, 122 – Courthouses

## New facilities increase access to justice



- POP 119 – Planning funds to start replacing unsafe courthouses
- POP 121 – Repairs and improvements to courthouses in 10 counties
- POP 122 – Support new courthouses in Benton, Clackamas, Curry and Morrow counties

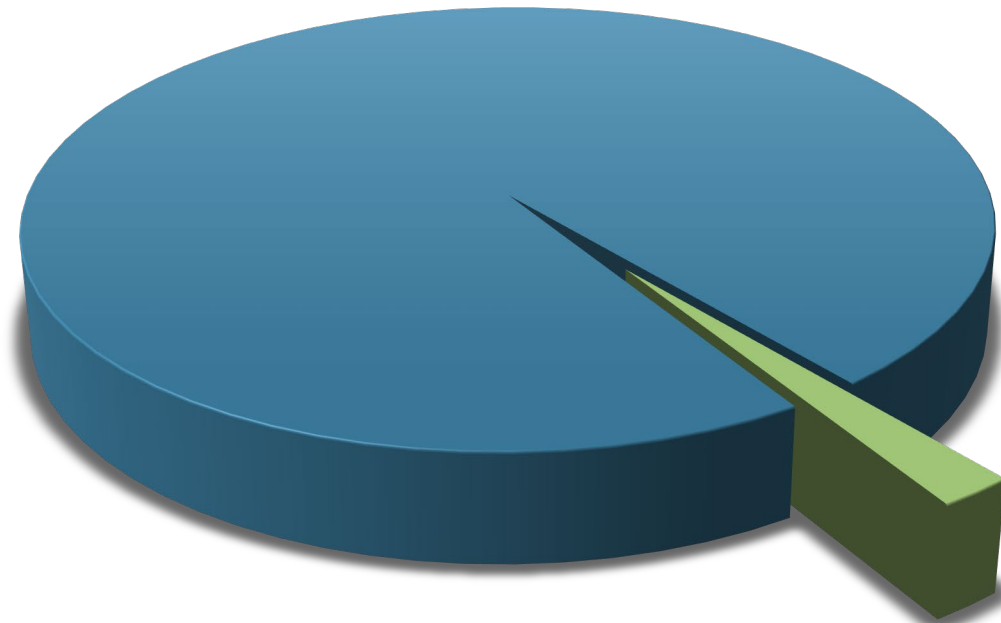
PROPOSED  
LEGISLATION  
WITH  
POTENTIAL FOR  
SIGNIFICANT  
COURT IMPACT

- Public defense
- Set-asides (expunction)
- Non-unanimous juries (Ramos/Watkins)
- Landlord-Tenant
- Behavioral health
- Criminal laws and penalties
- Juvenile dependency and delinquency laws

# OJD's Budget is Less than 2.5% of Total State Budget

## 2021-23 Gov Budget

Judicial branch investments are critical to providing justice in your communities and to increasing trust and confidence in the judicial system and state government.



Judicial Department  
2.23% Oregon GF Budget

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# Thank You

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