

# **OREGON JUDICIAL DEPARTMENT**

## **OJD COURT DATA – CIVIL & REVENUES**

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Presented to Joint Committee On Ways and Means Subcommittee On Public Safety  
January 31, 2023



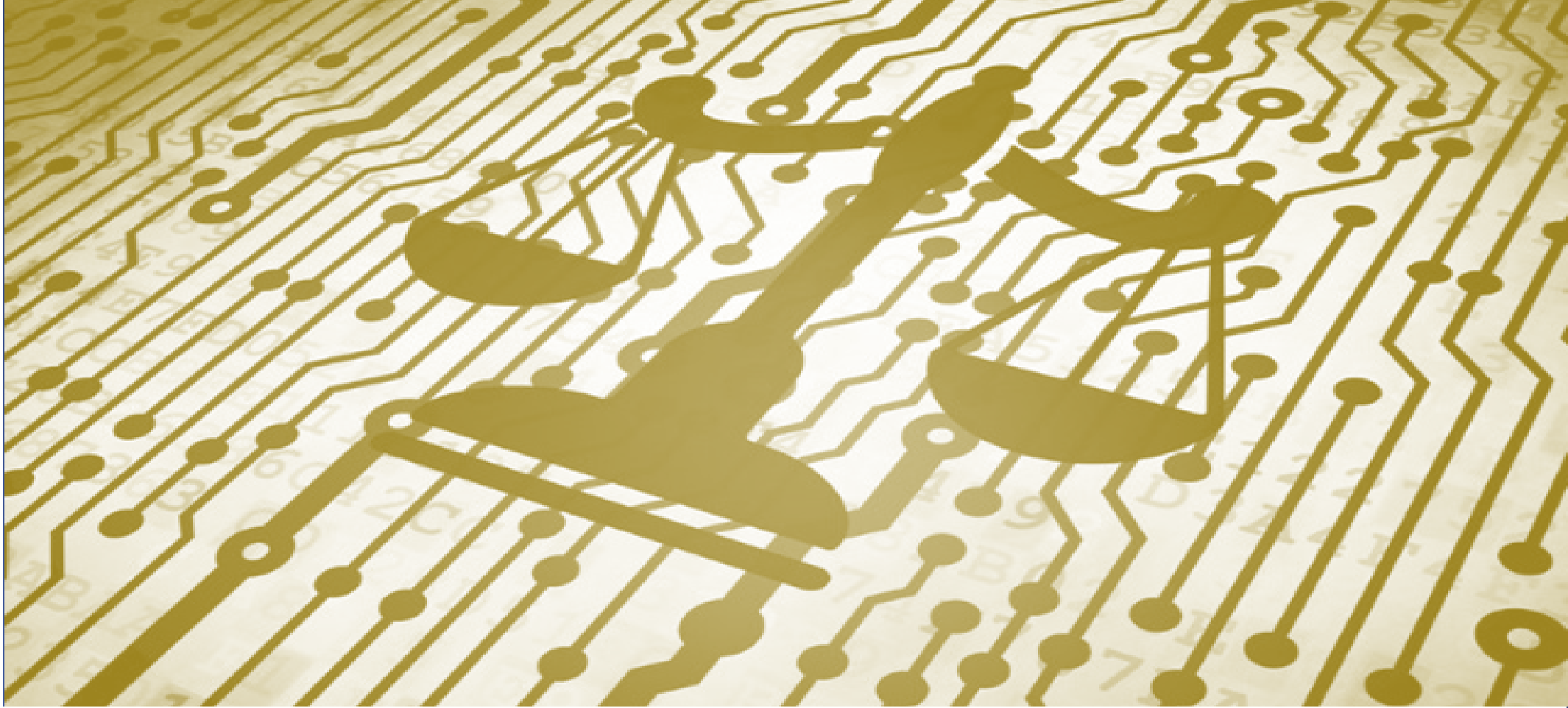
Judicial Branch

# Presentation Overview

2



- ❖ Overview
  - Criminal – January 24<sup>th</sup>
  - **Civil and Revenue – Today's Focus**
- ❖ Civil Data Overview
- ❖ Civil Filing Fees, Revenue and Collections

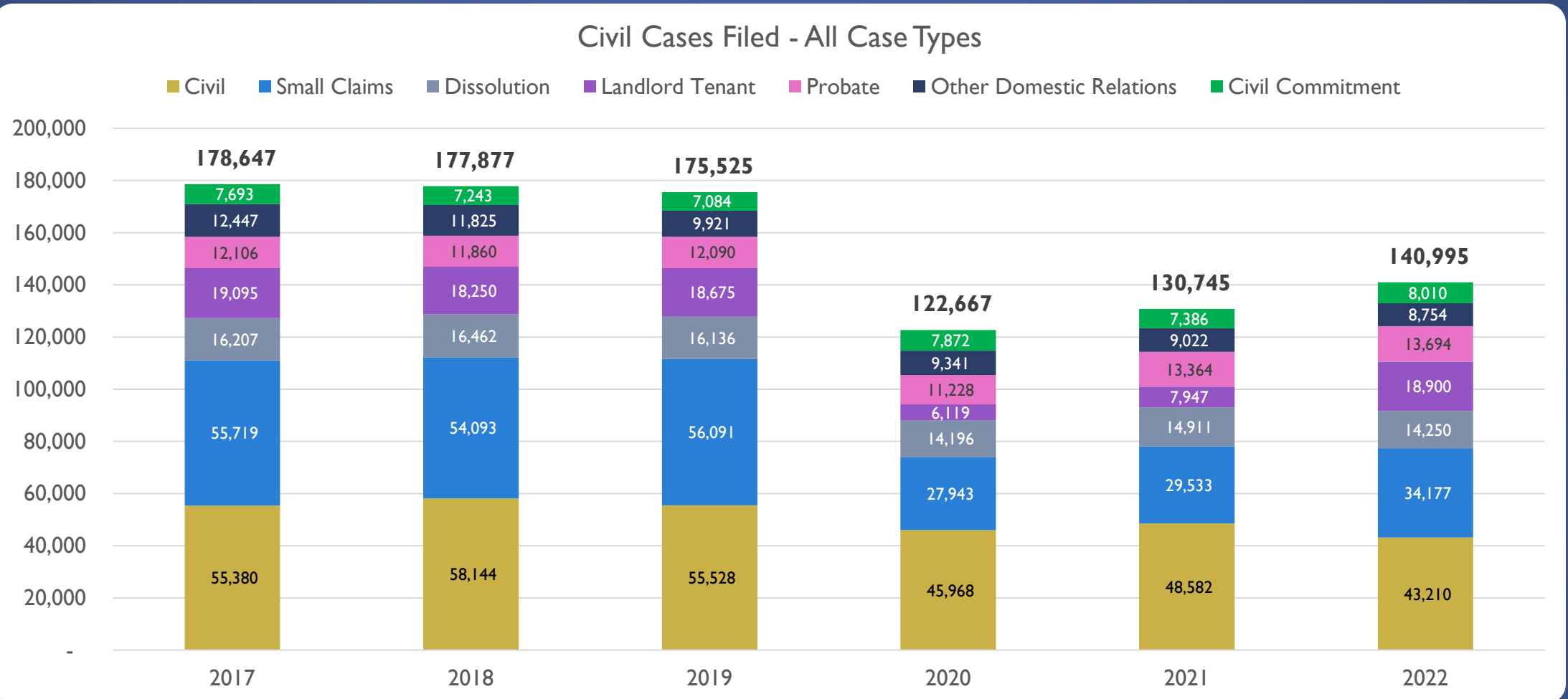


3

## Civil Data Overview

# Civil Filings Overview

4



# Diving Into the Data

## A Review of Civil Filings by Case Type



Civil & Small Claims



Landlord Tenant



Domestic Relations



Protective Proceedings  
& Civil Commitment

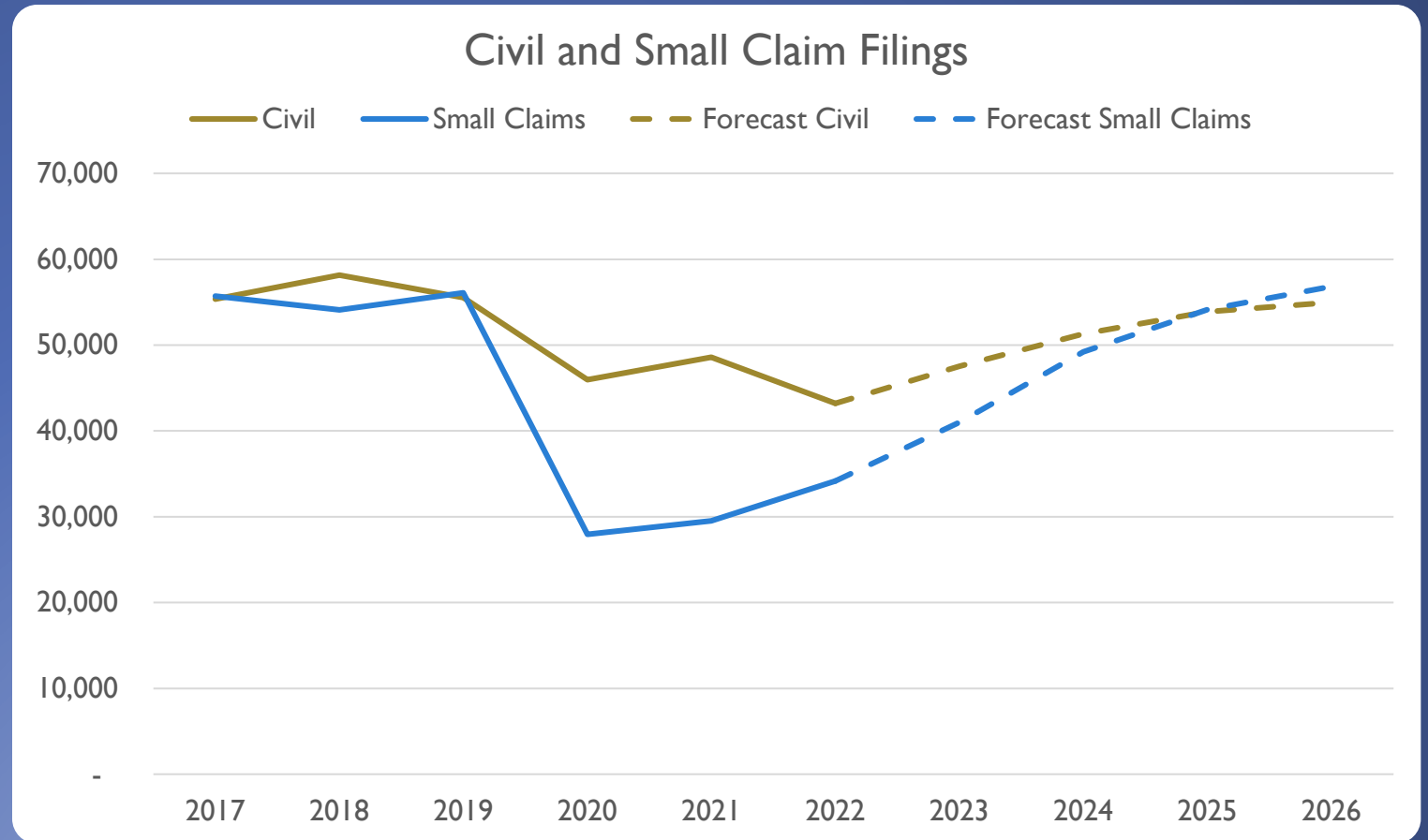


# Civil & Small Claims Filings Projected to Increase

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Circuit courts provide a forum for people to resolve a broad range of civil cases:

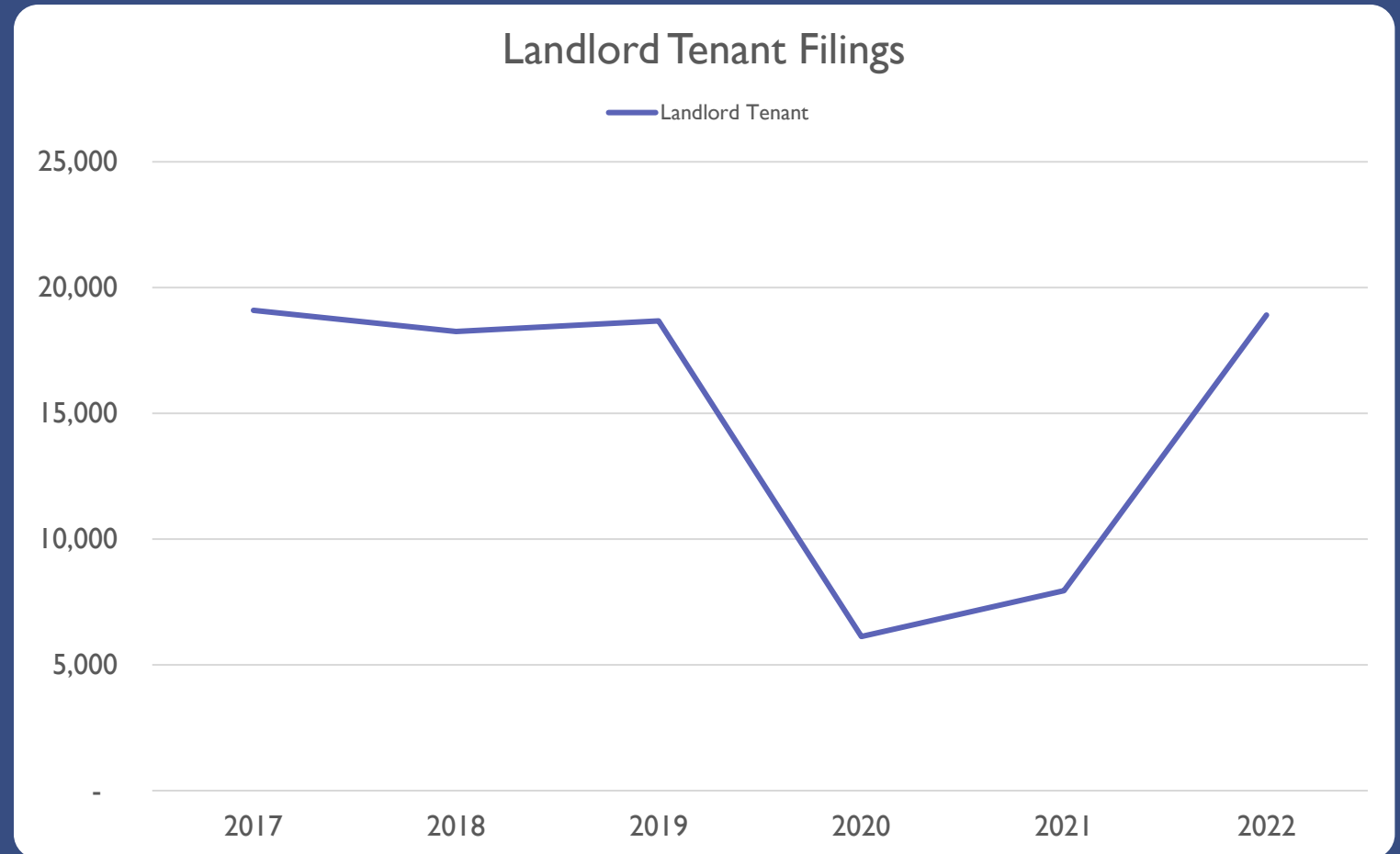
- ❖ Torts
- ❖ Contract and business disputes
- ❖ Civil Rights Violations
- ❖ Small claims cases
- ❖ Statutory and regulatory violations
- ❖ Procedural matters such as contempt



# Landlord Tenant Filings Just Above Pre-Pandemic Level

7

- ❖ Forecast for Landlord Tenant filings will depend on Oregon's focus on housing and behavioral health this legislative session
- ❖ Filings decreased 67% in 2020 due to eviction moratorium
- ❖ Moratorium on non-payment cases ended in June 2021



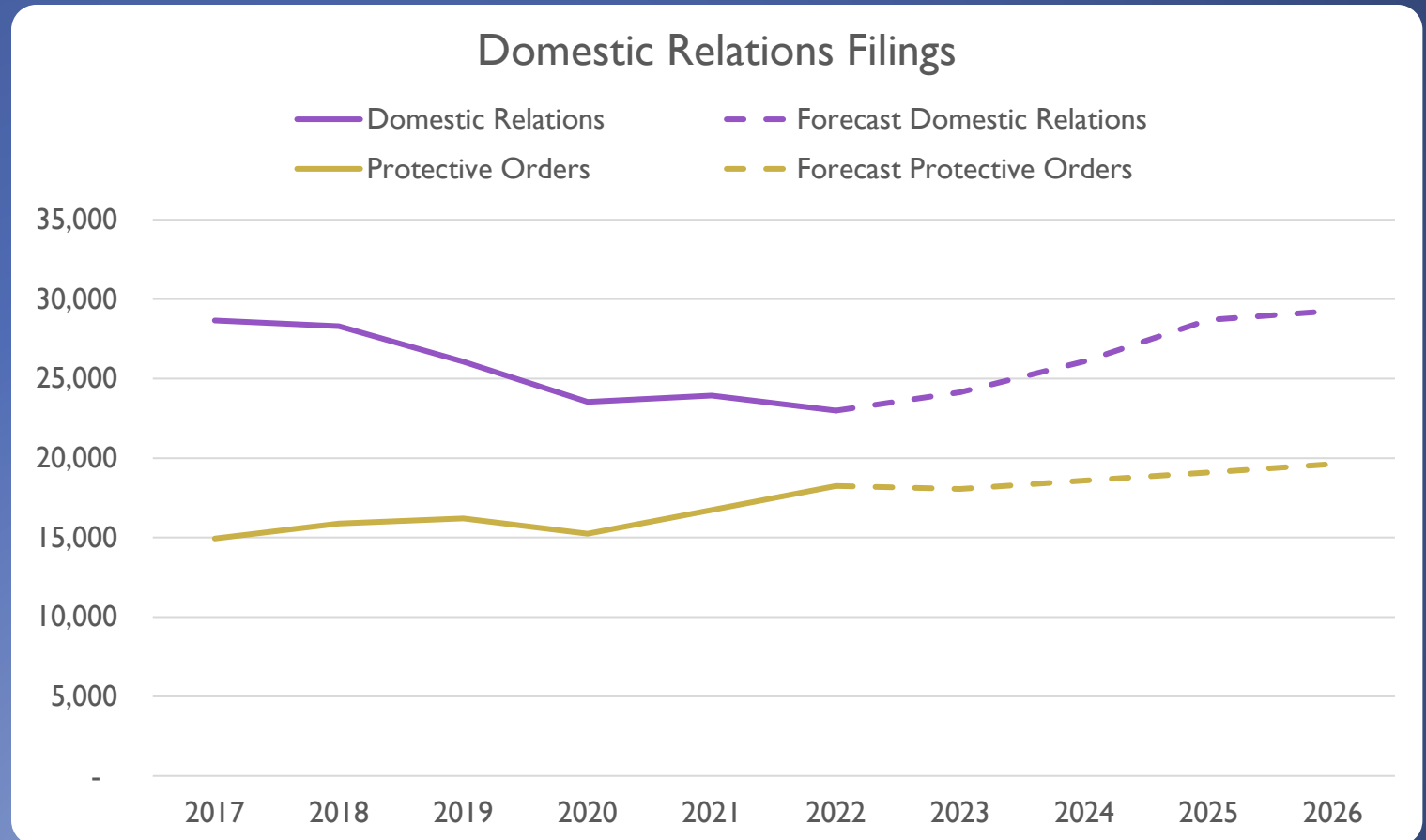
# Families & Domestic Violence Victims Need Timely Court Access

8



High rates of self-represented litigants

- ❖ More litigants need facilitation services, iForms, and translated materials.
- ❖ Economic and social stressors remain high for many families.
- ❖ Families' needs are time sensitive.
- ❖ Most cases continue long after initial judgment (i.e., enforcement and modifications).



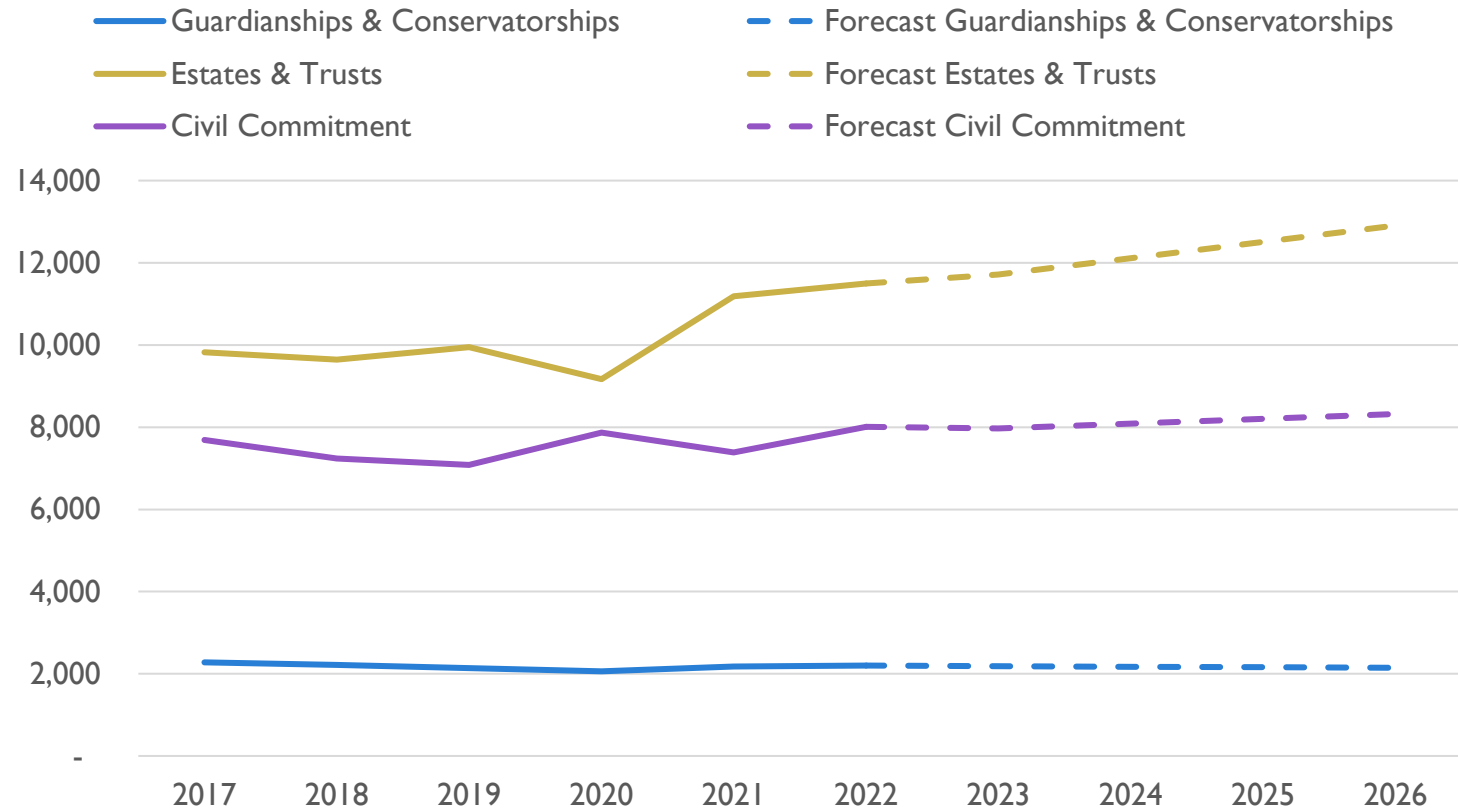


# Protecting Our Most Vulnerable

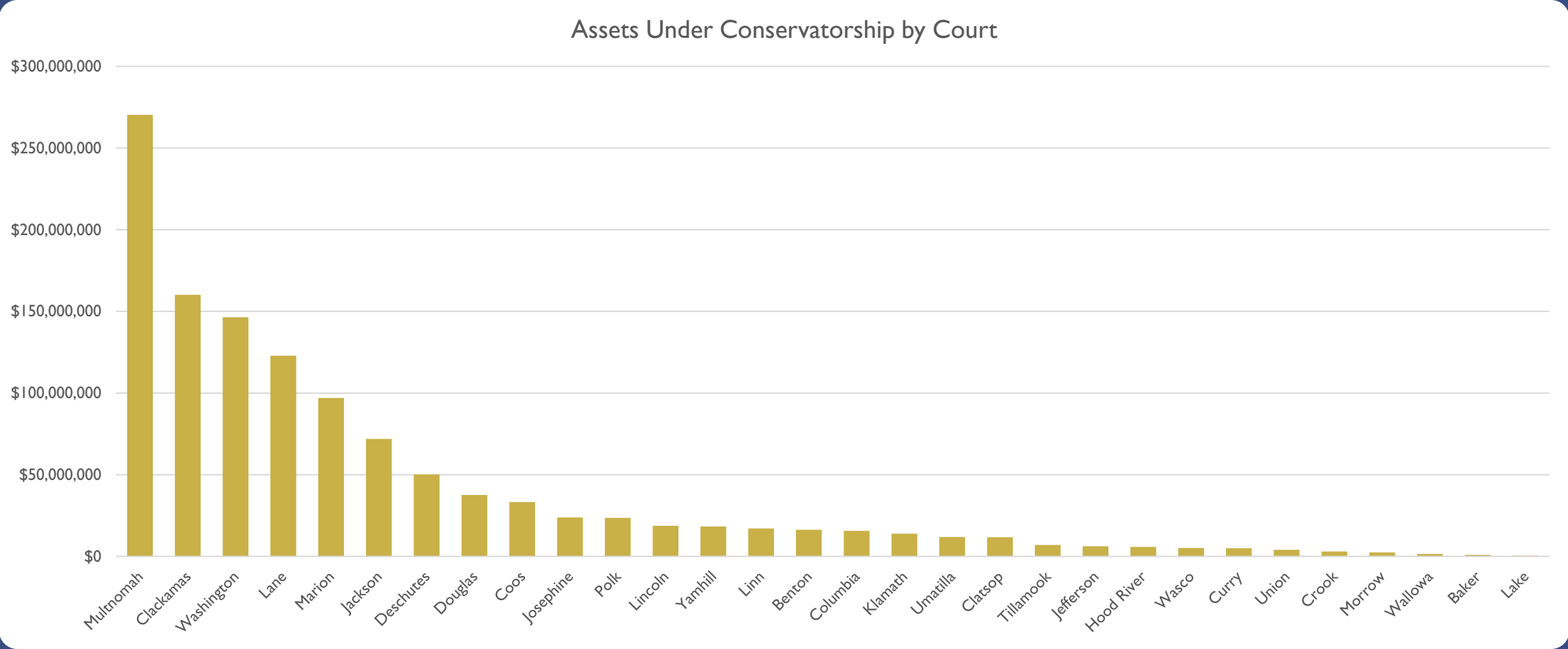
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## Probate & Civil Commitment



# \$1.2 Billion in Assets Under Conservatorship

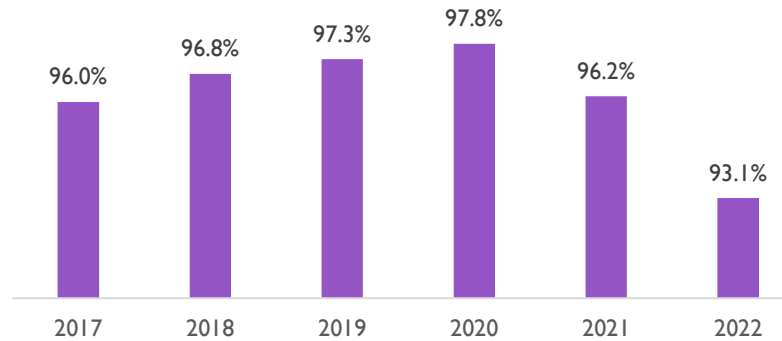


# Civil Cases are Taking Longer to Resolve

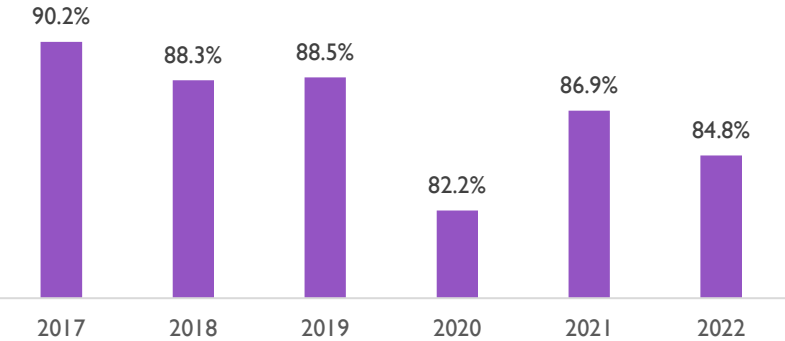
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- ❖ Courts are struggling with delays, backlogs, and growing workload in criminal cases (set asides, Ramos cases, unrepresented individuals).
- ❖ Criminal cases have taken priority for court resources creating a growing problem in civil time to disposition.
- ❖ Court work is slowed by high staff turnover rates, recruitment challenges, and insufficient judicial resources.

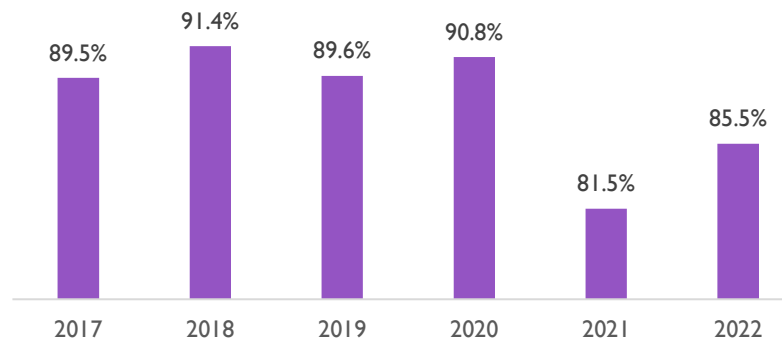
Civil - Time to Disposition  
% of Cases Resolved **Within 18 Months**



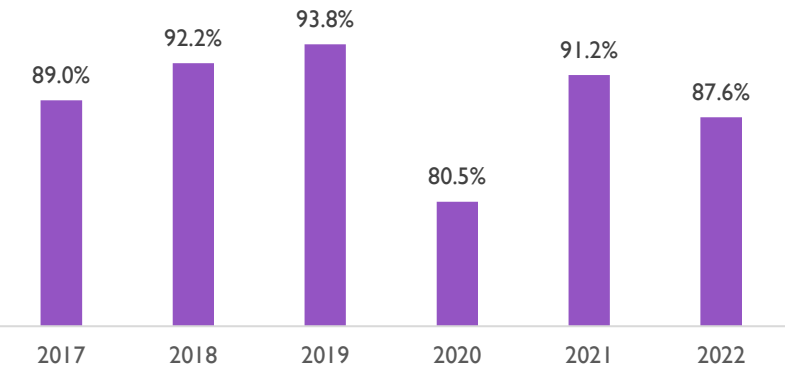
Small Claims - Time to Disposition  
% of Cases Resolved **Within 6 Months**



Domestic Relations – Time to Disposition  
% Cases Resolved **Within One Year**



Landlord Tenant – Time to Disposition  
% of Cases Resolved **Within 90 Days**





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## Revenue Overview

# General Principles

13



Courts do not keep most of the revenue they collect



Legislature restructured fines and fees in 2011



Courts primarily funded by General Fund to maintain impartiality



Ability to pay is considered where statutorily authorized



Fees are waived for litigants who are financially eligible



Fees and costs are continually evaluated and adjusted

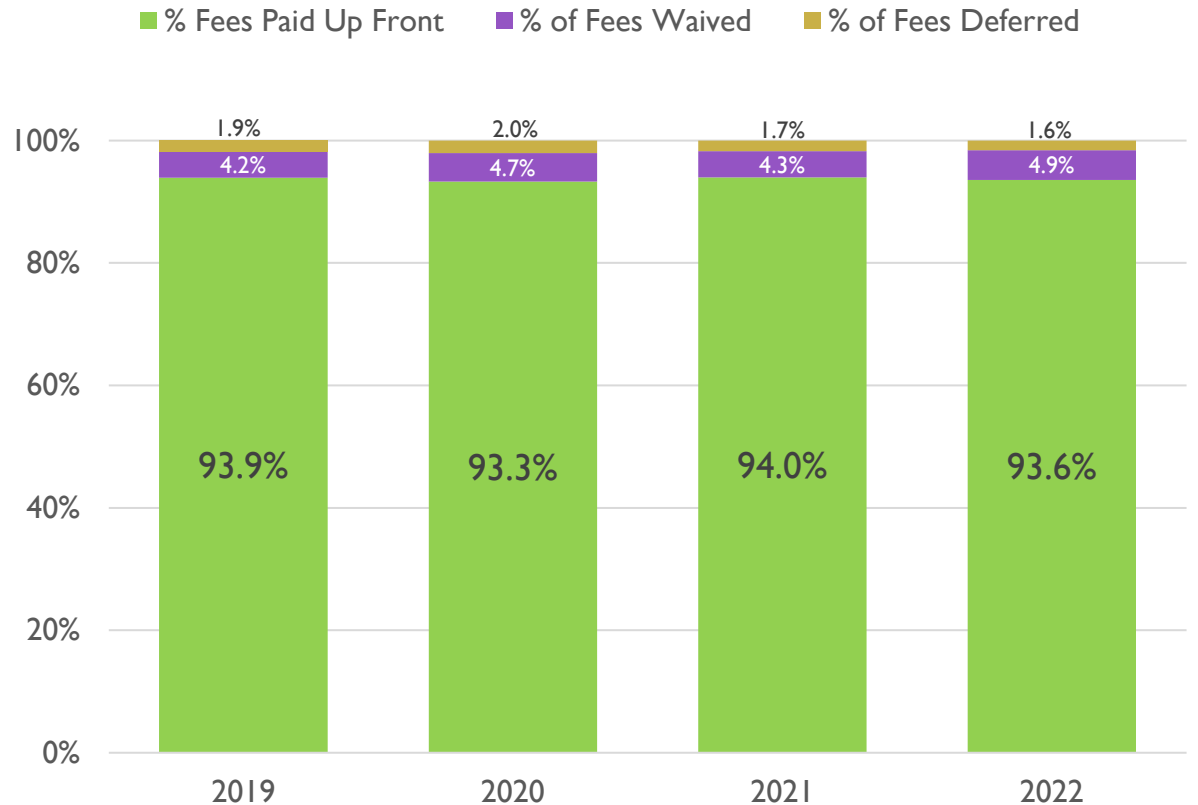
# Civil Filing Fees

meeting people where they're at

14

- ❖ Statutory fees for receiving court services @ <https://www.courts.oregon.gov/pages/fees.aspx>
- ❖ Paid in advance -- law requires payment at time of filing
- ❖ Waiver and deferrals available for low-income individuals
- ❖ **99.5%** collection rate
- ❖ Amounts collected are distributed to the General Fund or other dedicated sources

## Fee Waiver and Deferral Rates





# Impact of Pandemic

## OJD Actions to Minimize Impact of Fines and Fees on Oregonians

15



- Encouraged courts to waive or suspend fines, fees and costs for persons with limited financial resources (Chief Justice Order 20-006 amended).
- Suspended imposition of late fees on unpaid judgments over 30 days (Chief Justice Order 20-010).
- Suspended ordering driver license suspensions for failure to pay fine within 30 days. HB 4210 later repealed the court's authority to suspend licenses for failure to pay effective 10/1/20.
- Suspended delinquency notices, collection fees, and collection referrals on unpaid judgments over 40 days.
- Suspended issuing new garnishments on delinquent accounts already assigned to DOR or PCFs for collection.

# How Courts & Third Parties Collect

16

## OJD Actions to Resume Collection Activity

- ❖ OJD authorized new garnishments to resume in limited circumstances where ability to pay could be established.
- ❖ In response to statutory changes and the additional flexibility provided by House Bill (HB) 2176, OJD lowered the payment plan fee to \$25 (Chief Justice Order 21-043).
- ❖ OJD restructured the statewide automated collections process, allowing people a full year to pay in full (rather than 60 days).

### Courts

Collect **70%**  
of Total  
Revenue

Cashiering

Voluntary  
Payment  
Plans

Local Court  
Programs

### DOR/PCF

Collect **30%**  
of Total  
Revenue

Tax Refund  
Intercept

Payment  
Plans

Wage  
Garnishment

# Collections and Revenue Over Time

17

## Contributing Factors to Revenue Trends

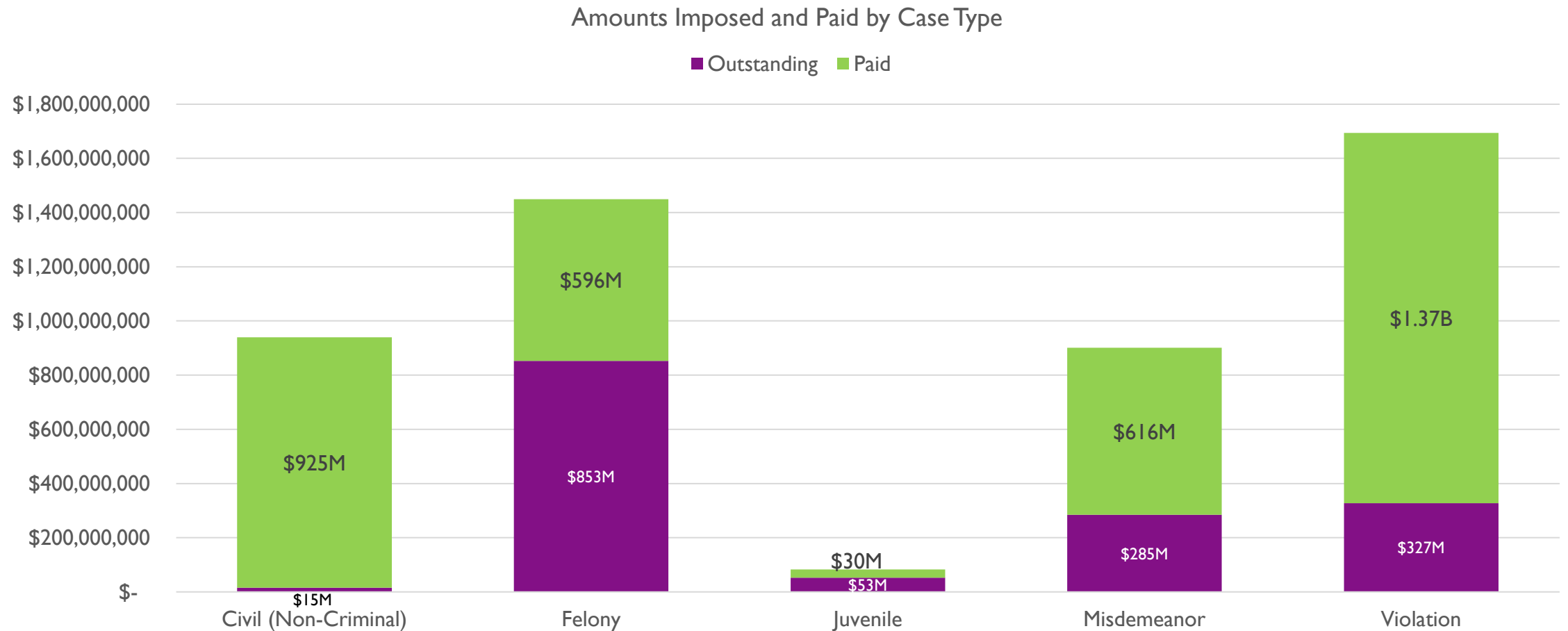
- ❖ Revenues projected to increase as civil filings, violations, and collection activity return to pre-COVID levels.
- ❖ Violations delayed during COVID were processed in 2022, **80%** are paid in full within a year.
- ❖ Since passage of SB 48, security posted is down **30% (\$8M)** from 2021.

## OJD Revenue History



# Amounts Imposed & Paid by Case Type

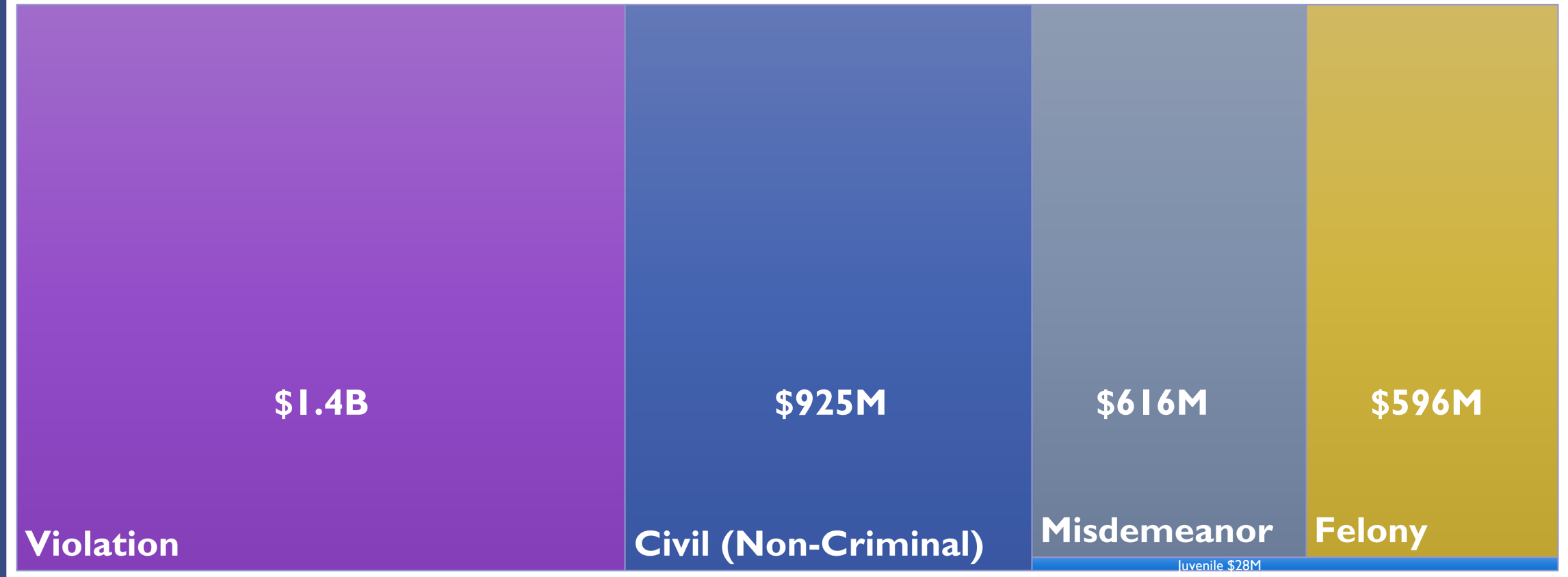
18



# Revenue Collected by Case Type

19

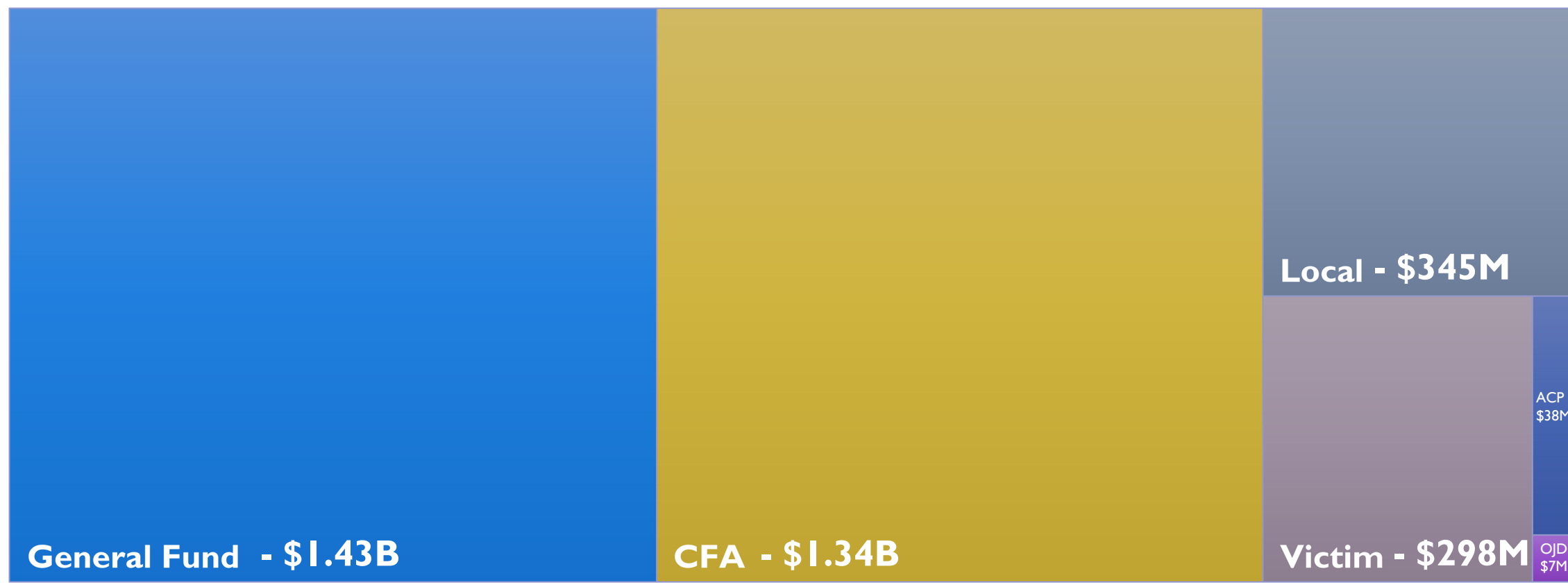
## \$3.5 Billion Collected in Fines and Fees



# Where does the revenue go?

20

## \$3.5B Distributed to State, Locals, and Victims

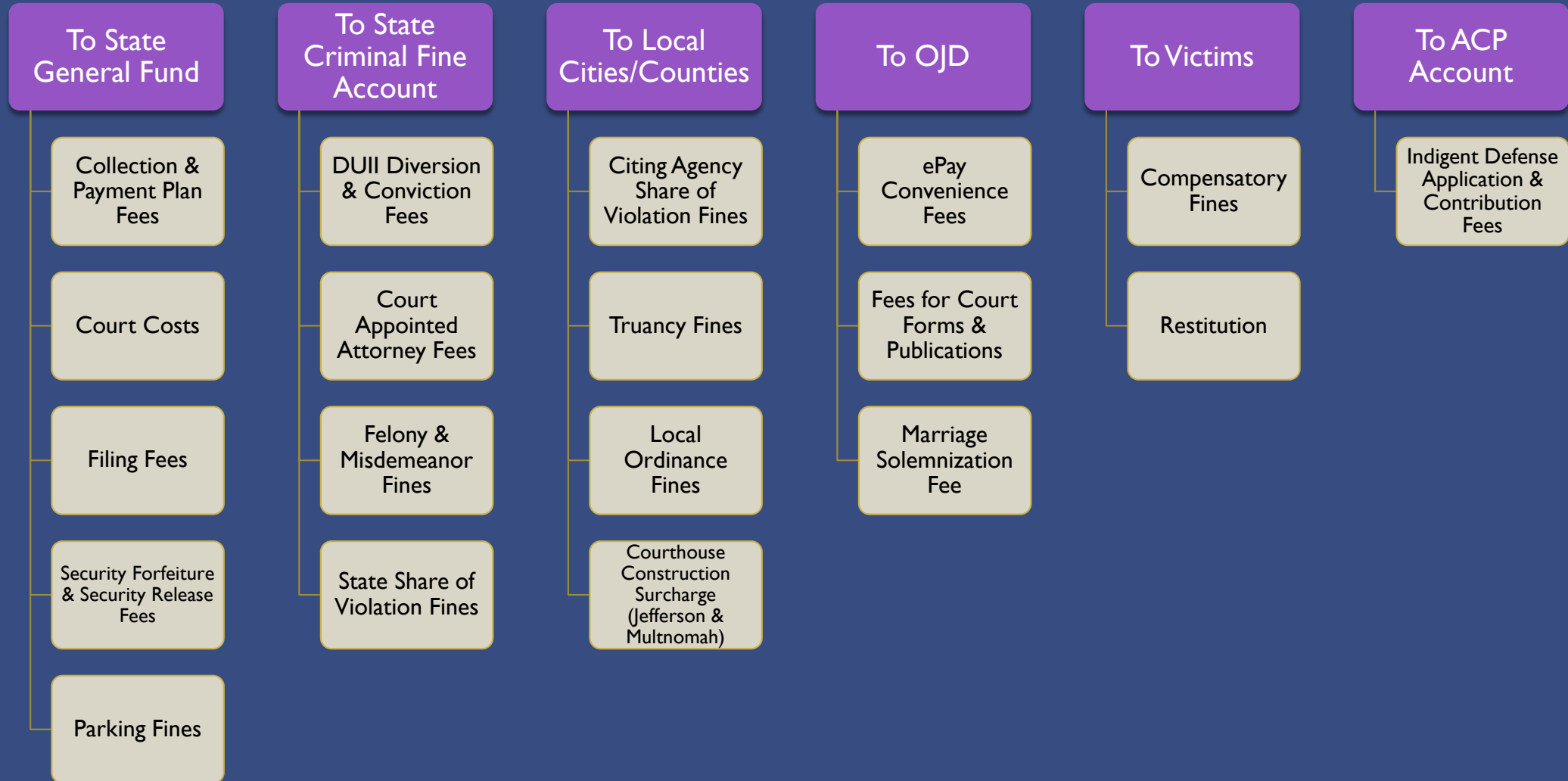




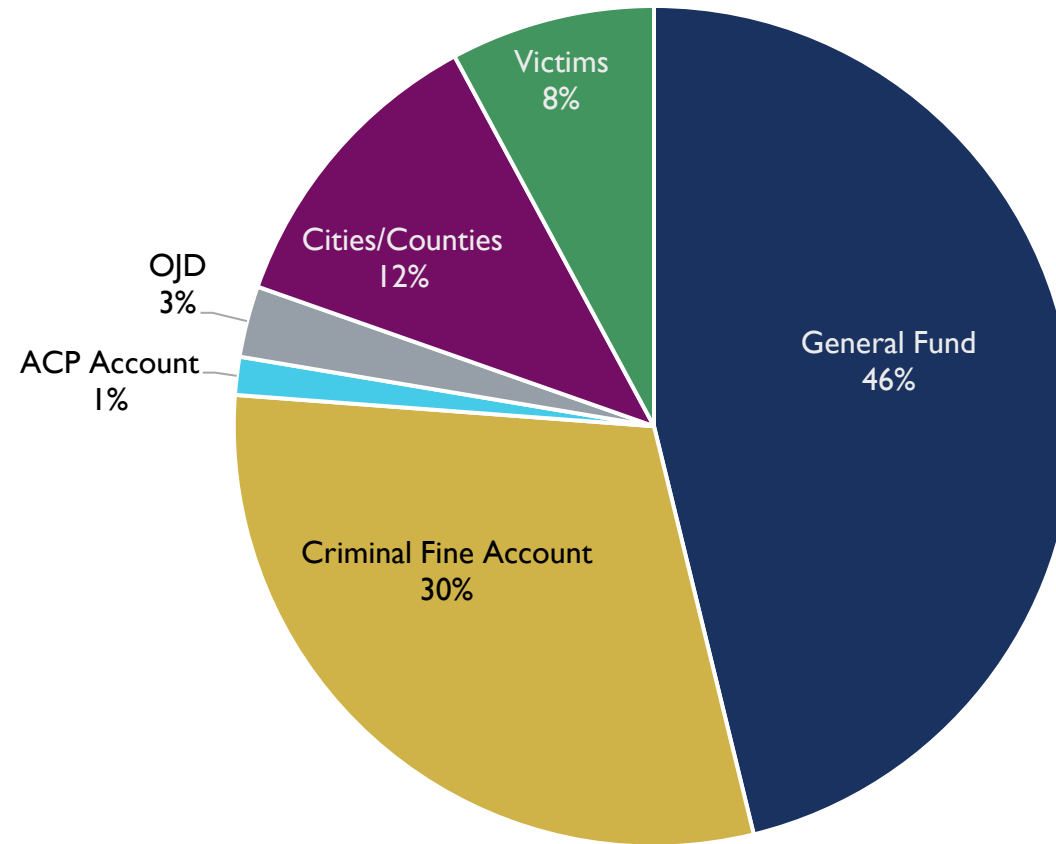


COSCA Policy Paper  
Courts Are Not  
Revenue Centers

# Revenue Distribution Quick Reference



## Projected 2023-25 OJD Revenue Distribution \$299M





24

## Key Dashboards