

**TESTIMONY ON SB 1541  
BEFORE THE SENATE COMMITTEE ON JUDICIARY  
FEBRUARY 6, 2024**

**PRESENTED BY: MEAGAN FLYNN, OREGON SUPREME COURT CHIEF JUSTICE  
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

I am Meagan Flynn, Chief Justice of the Oregon Supreme Court. Thank you for scheduling this bill for an early hearing. I've just come from the funeral for former Chief Justice Edwin Peterson, and I mention that because he's part of the reason that I'm here to testify about this bill. As Chief Justice in the 1980s, he was responsible for implementing the legislature's creation of our unified state court system, making the Chief Justice the administrative head of our circuit courts. Having a unified, statewide court system provides better access to justice statewide and allows you to understand the courts' needs both locally and from a statewide perspective.

SB 1541 would add three circuit court judicial positions – one each in Clackamas, Jackson, and Washington counties. The judicial positions in Jackson and Washington counties would take effect on July 1, 2024. The judicial position in Clackamas County would take effect on July 1, 2025 – when the new courthouse there is scheduled to open.

We're asking for these three positions now because those judicial districts are the most severely in need of additional judges to handle the cases generated by their growing communities. We base that assessment on our study comparing the number of judges to our data on each court's judicial workload – in other words, how much time, on average, a judge needs to spend on each type of case to give the parties the attention that their case deserves.

The study is out of date, and we're reevaluating in a systematic way the judicial needs of all of our counties, but we know that these three counties are so severely under-judged that their districts can't wait for a long session. You will hear today and tomorrow from the presiding judges in each of those courts, and they will give more detail about the impacts and workload in their courts. The one thing I want to say about workload is that the crisis of unrepresented persons in the criminal justice system has made the shortage of judges even more acute. Although the public defense statutes contemplate that judges will not be involved in the day-to-day work of identifying and selecting lawyers for defendants who are constitutionally entitled to counsel, the ongoing challenges with the current appointment process have put our courts and judges in the time-consuming position of directly coordinating with local attorneys and the Oregon Public Defense Commission to ensure that attorneys are being appointed to eligible persons as soon as possible. Those demands have diverted judge capacity from other cases. And if, as we all hope, we begin having fully staffed prosecutor

offices and enough defense-lawyer capacity to move forward with stalled criminal charges, we need to be ready with enough judges to resolve those cases in a timely manner.

You will hear tomorrow from Judge Michael Wetzel, presiding judge in Clackamas County, but unless there are questions for me, Mr. Chair, I would like to turn over the presentation to Judge Rebecca Guptil, the new presiding judge in Washington County, and Judge Benjamin Bloom, presiding judge in Jackson County.