



Wildfire Cases & Set Asides

Growing Unfunded Needs

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Presented to Joint Committee On Ways and Means Subcommittee On Public Safety

February 17, 2026

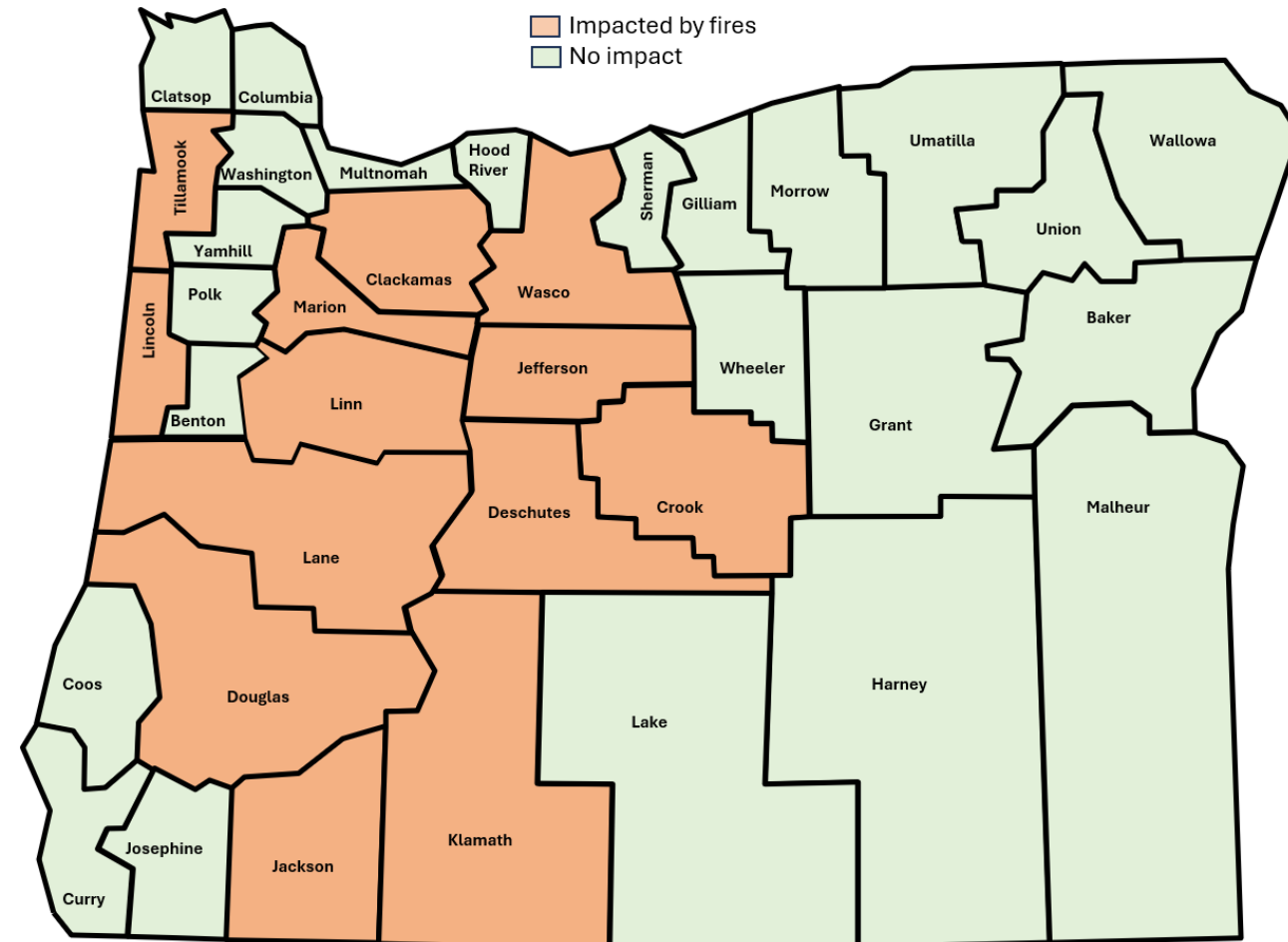


Courts at the Center of Oregon's Wildfire Recovery

2,000+ plaintiffs and 100+ attorneys

- Archie Creek fire (Douglas)
- Beachie Creek fire (Linn, Marion and Clackamas)
- Holiday Farm fire (Lane and Linn)
- Lionshead fire (Jefferson, Linn, Marion and Wasco)
- Riverside fire (Clackamas)
- Several smaller fires in additional counties

Major fire season cost projections should include litigation and court costs to ensure comprehensive planning and resource allocation.





Without Action, Wildfire Trials Could Drag Into 2045



- Wildfire cases were consolidated in Multnomah County Circuit Court, which is already under heavy caseload pressure.
- NCSC 2025 study shows Multnomah County is **~20% understaffed** for judicial and staff workload.
- Without additional resources to support accelerated trial schedule, resolution of wildfire cases could extend to **2045**.
- Prolonged litigation increases costs and inefficiencies for courts and parties.
- Survivors and heirs remain in legal limbo, affecting housing, financial recovery, and well-being.



Wildfire Request

- **\$2.33M General Fund** for 2025–27 biennium (**\$2.36M in 2027–29**)
- **12 positions (6.00 FTE)**
 - 2 hearing referees
 - 8 court operations staff
 - 2 central systems analysts
- Roles include backfilling regular caseload and implementing litigation support systems (document repository, exhibit management, Odyssey integration).



What the Request Delivers



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- Funding and staffing resources to manage the extraordinary workload from litigation related to the 2020 Labor Day wildfires – ***swiftly and without substantial delay***
- Resolution of plaintiffs' claims by **Spring 2028** - without impacting other civil and criminal case resolution



Accelerated Plan

- Enable **4 jury trials per month in 2026**, increasing to **8 per month in 2027**.
- Target → Resolve all claims by **spring 2028**.
- Settlement update → **319 parties** submitted settlements (potentially resolving 27 of 176 trial slates), pending court approval.
- OJD will adjust resources based on settlement developments to ensure flexibility and fiscal responsibility.

Criminal and Eviction Set Asides

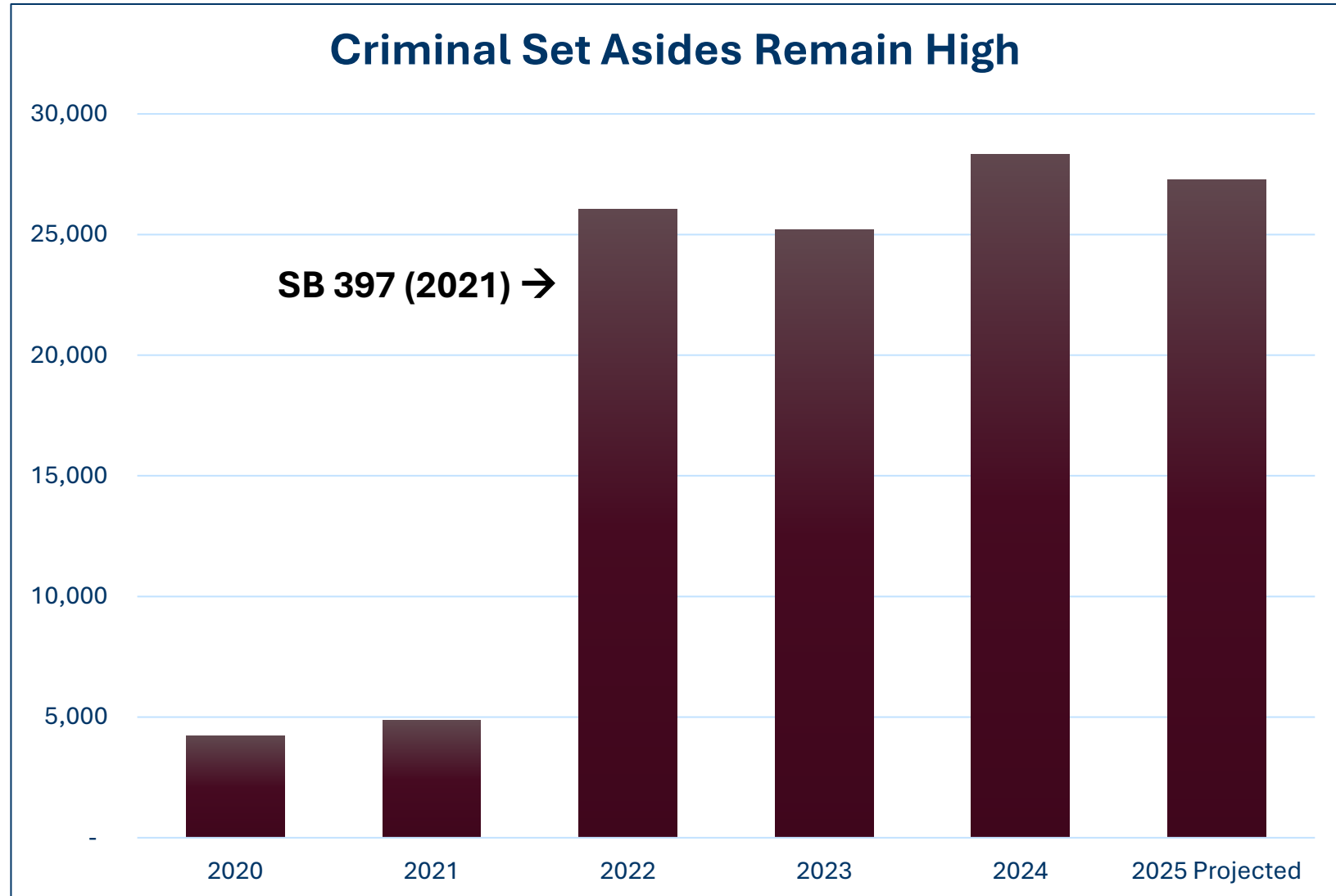
Recent legislative
actions created
unprecedented
workload for courts.



Workload Surges

NCSC* (2025) workload study:

- OJD understaffed **~8% (126 FTE staff)** and **~11% (23 judges)** statewide.
- **~18 FTE** working criminal set asides now
- Only **7.0 permanent FTE** funded in Feb 2024 for criminal set asides
- Courts are reassigning staff from other critical operations, delaying civil and criminal case disposition.



*National Center for State Courts (NCSC)



What Set Asides Are



- Allows an individual to petition the court to set aside and seal records of a criminal arrest/charge/conviction, finding of contempt, or an eviction judgment
- **Removes the official records from public view**, including from state criminal history background checks
- Recent legislation also created **automatic eligibility** for some set asides, **without the need for filing of a petition** (evictions and drug enforcement misdemeanor cases)



Legislative History



Why the legislature enacted these laws:

- Reduce employment barriers
- Improve housing stability and access to education
- Support community safety, increase tax revenues, and reduce reliance on public assistance for individuals who have moved beyond their past.



The Court Role



- Courts have a duty to deliver **swift, timely action to eligible individuals.**
- Delay erodes trust and undermines the Legislature's objectives.



Criminal Set Asides Legislative Drivers & Workload Surges

- **SB 397 (2021)** shortened waiting periods, eliminated fees; **petitions increased ~400%** statewide to **25,000 per year** for four consecutive years.
 - Manual work includes eligibility review, processing filings and orders, hearings for objections, and **non-automatable partial redactions**.
 - New legal clinics specializing in set asides now file high volumes of petitions in Clackamas, Jackson, Lane, Multnomah and Washington counties.
- **HB 4002 (2024), §54 + SB 236 (2025), §26**: sealing on set timelines for drug enforcement misdemeanors and later process changes.
 - **SB 236 converted mixed-charge cases into motion-based work** – more manual processing ahead.



Civil Eviction Set Asides Legislative Drivers & Workload Surges

- **HB 2001 (2023), §64:** annual sealing of eligible eviction cases with retroactive effect
- Legacy data, technical barriers to automation, and inherent civil case complexity necessitated **extensive, ongoing manual review of 200,000+ cases**
 - 168,000 eviction cases *manually* reviewed before limited duration funding expired
 - **Backlog of 75,000 cases remain unreviewed**



Set Aside Request

This request is not a new program - OJD is responding to unprecedented workload created by existing law and legislative mandates.

- **\$2.51M General Fund** for 2025–27 biennium (**\$3.24M in 2027–29**)
- **16 positions (9.25 FTE)**
 - **Criminal Set Asides:** 12 positions / 6.0 FTE
 - 1 hearing referee
 - 11 court operations staff
 - **Evictions:** 4 positions / 3.25 FTE
 - 3 court operations staff
 - 1 analyst 3



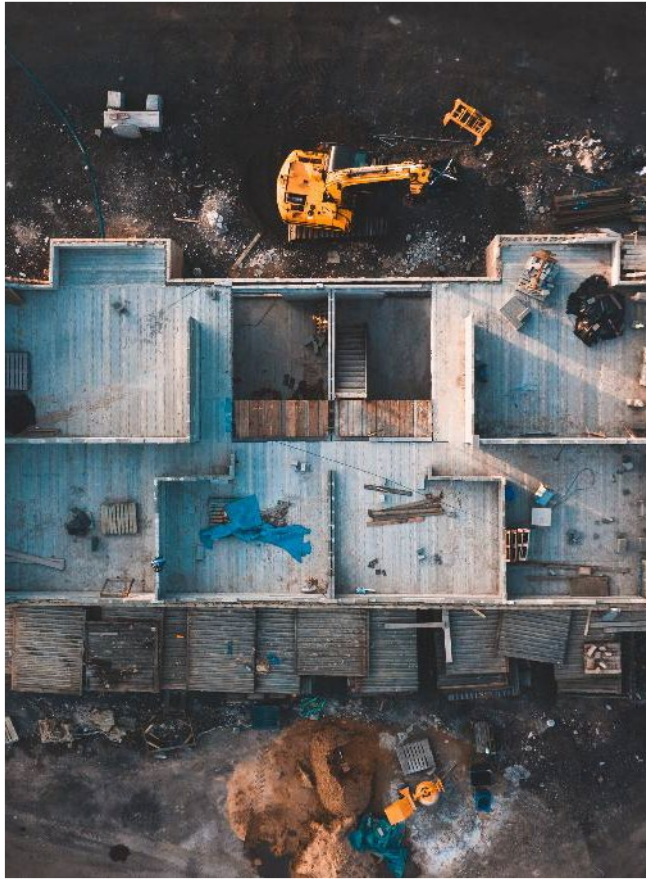
What the Request Delivers



- **Criminal:** clear backlog by **Jun 2029**
 - Meet statutory timelines on new filings and prevent further backlog
 - Workload will remain high – more procedural processes and new drug enforcement misdemeanor cases will become eligible
- **Evictions:** complete manual eligibility review of **75,000 cases by Dec 2027**
 - Automation for future “steady-state” annual sealing cycles facilitated by new business processes



Why Now?



- Accelerated wildfire trial schedule and timely set aside relief is essential to maintain confidence in the judicial process and ensure people can move forward with their lives, regain stability, and recover from hardship.
- **Resolution of wildfire cases and set asides stabilizes communities and supports Oregon's economic recovery.**

Thank You

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