

# JUDICIAL BRANCH

**Oregon Judicial Department** 

Chief Justice Recommended Budget 2017-19

# Oregon Branches of Government



## Oregon Judicial Department

### **Mission Statement**

As a separate and independent branch of government, our mission is to provide fair and accessible justice services that protect the rights of individuals, preserve community welfare, and inspire public confidence.

### Goals

- Access: Ensure access to court services for all people
- Trust and Confidence: Earn the public's enduring trust and confidence
- **Dispute Resolution:** Help people choose the best way to resolve their disputes
- Partnerships: Build strong partnerships with local communities to promote public safety and quality of life
- Administration: Make courts work for people

### What We Do

Oregon state courts strive every day to provide impartial justice completely and without delay, while being open and accessible to all Oregonians.

### **COURTS ARE AT THE CORE**

of the Critical Path to Preservation of Public Safety, Protection of Families in Crisis, and Economic Stability of Oregon



### Major Budget Drivers and Environmental Factors

The court system is a reactive institution by design. "Everything" can come through our doors. We resolve the disputes that parties bring to the courts.

#### Law Changes

- State and federal laws and constitutions (rights, remedies, crimes, and mandates)
- Ballot measures and initiatives
- Case law decisions
- Jurisdiction and venue changes
- Procedures in civil, criminal, family, and other case types

#### **Economic and Demographic Factors**

- Adult and juvenile crime rates
- State's economic and employment health (poverty and unemployment levels)
- Demographic factors and changes (i.e., population growth, age, and diversity; number of children under age of 18)
- Prevalence of substance abuse, poverty, domestic violence, and other social stressors
- State / Federal revenue and funding stream changes

#### **Workload Drivers**

- Volume and type of court filings
- Case complexity (i.e., seriousness or severity, number of claims, number of parties, procedural steps and hearings)
- Increases in self-represented parties (pro se)
- Availability and adequacy of technological management tools
- Increases in treatment court services
- Demand for data and information
- Statutory deadlines, timelines, and priorities

#### **Criminal Justice Partner Activity**

- State and local law enforcement levels (arrest rate and investigation)
- District attorney and public defender staffing levels
- District attorney charging decisions, including felony vs. misdemeanor vs. violation
- Availability of jail and prison space
- Availability of pretrial, probation, and post-prison supervision services and staffing levels
- State and local human services staffing and services levels
- State and local prevention, intervention, and treatment resources available including substance abuse and mental health services

### **Chief Justice Budget Priorities**

### **IMPROVE ACCESS TO THE COURTS AND TIMELY JUSTICE:**

- Ensure courts are open every judicial day with the ability to decide cases in a timely manner, with necessary central supports.
- Continue benefits of Oregon eCourt with eFiling, electronic document access, and iForms for self-represented litigants; fund training, maintenance, and no-charge access to public entities.
- Advance judicial compensation to enhance retention and recruitment.
- Provide state support to build and furnish the Multnomah County Courthouse, and continue progress on the Lane County Courthouse.
- Targeted additions of judicial resources.
- Provide adequate staff for specialty courts and assisting self-represented litigants.

## **Ongoing Challenges**

- Delivering timely court services
- Maintaining and fully utilizing Oregon eCourt system
- Improving statewide consistency
- Retaining experienced judges and recruiting high quality attorneys to the bench
- Address unsafe / inadequate court facilities
- Reducing case disposition time, backlogs
- Refining case and docket management practices
- Assisting self-represented litigants
- Addressing workload shifts and increases from changes in laws and technology

### Court Structure and Administration

## OJD Court Jurisdiction Structure



- Effective January 1, 1983 the Legislature consolidated Oregon's district, circuit, and appellate courts into a unified, state-funded court system known as the Oregon Judicial Department (OJD). Municipal, county, and justice courts continue outside of the state-funded court system and control.
- The judges of the Supreme Court, Court of Appeals, Tax Court, and Circuit Courts are elected for six-year terms.
- There are 27 judicial districts comprised of one or more counties. (See map next slide)

### **Oregon Judicial Districts**



There are 27 judicial districts with a circuit court in each county.

### Supreme Court

- Seven Justices; elected statewide; select Chief Justice; hear cases en banc (as one panel): State Court of Last Resort
- Discretionary review of Court of Appeals decisions; accept or deny petitions for review
- Required Review (statutorily mandated jurisdiction)
  - Direct appeals in death penalty cases
  - Appeals from Tax Court decisions
  - Review of attorney discipline and judge discipline
  - Review of ballot measure titles
  - Prison and energy facility siting disputes
  - Other direct review cases
- Discretionary Review with original jurisdiction
  - Habeas corpus
  - Mandamus
  - Quo warranto
- **Stats:** Average 932 filings per year (2011-2015)
- Programs: Appellate eCourt (electronic from filing to disposition); electronic brief banks; web-casting of oral arguments; court outreach program to hold oral arguments in schools and communities



### Court of Appeals (Intermediate)

- 13 judges elected statewide; usually sit in three-judge panels
- Must accept and decide all:
  - Appeals from circuit courts (criminal, civil, domestic relations, juvenile)
  - Appeals from state agency rules and actions
  - Appeals from local government decisions
- Part of the Appellate eCourt system
- Stats: Average 2732 filings per year (2011-2015)
- Programs: Appellate Commissioner's office; Appellate Settlement Program; Trading Benches Program; court outreach program to hold oral arguments in schools and communities

### Tax Court

- Sole jurisdiction over matters arising under state tax laws
- Regular Division: One statewide elected Tax Court judge; presides over trials without a jury on matters of direct jurisdiction; appeals go to Supreme Court
- Magistrate Division: Three appointed Tax Magistrates; informal proceedings try or mediate all assigned tax appeals; appeals to Regular Division (except no appeal of small claims decisions)
- Stats: Average 815 appeals filings per year (approx. 1/3 income tax; 2/3 property tax) (2011-2015)

### Circuit Courts

- General jurisdiction trial courts
- Courts of record
- 27 judicial districts

#### Public Safety

- Felonies and misdemeanors
- Violations
- Juvenile delinquency
- Protective orders (stalking, domestic violence, elder abuse)

#### **Economic Functioning**

- Establish and collect debts
- Foreclosures
- Interpret and enforce contracts
- Personal injury
- Landlord / tenant
- Consumer protection
- Employment disputes

### Families in Crisis

- Dependency (child abuse and neglect)
- Child support
- Domestic relations (divorce, child custody, adoption)
- Termination of parental rights

#### <u>Other</u>

- Civil commitment
- Post conviction
- Probate
- Guardianship / conservatorship

**Stats:** Avg. 520,000 cases a year or over 1 million cases a biennium; each case can require many activities and events in pre-trial, trial, and post-judgment phases; some (e.g. juvenile) last many years

## **Circuit Court Functions**

- Provide appropriate and timely dispute resolution
  - Docket management and case management
  - Treatment / Specialty courts dockets
  - Arbitration / mediation programs (e.g. Family, Small Claims, FED, etc.)
  - o Settlements, jury, and court trials; expedited or informal proceedings
- Assist self-represented litigants (in-person and self-help)
- Provide ADA and language services for proceedings
- Appoint and / or preside over statutory advisory committees (criminal justice, family law, court security / emergency preparedness)
- Maintain public outreach activities
- Coordinate with OJD initiatives (legislative, outreach, docket management, access to justice, etc.)
- Adopt Supplemental Local Rules (SLRs) to structure local processes in accordance with Chief Justice's statewide Uniform Trial Court Rules (UTCR)
- Maintain positive relationships with government agencies and community partners

## Treatment and Specialty Courts

- Benton: Adult Drug
- <u>Clackamas</u>: Adult Drug, Community, Domestic Violence, DUII, Family Dependency Treatment, Juvenile Drug, Mental Health
- <u>Clatsop</u>: Adult Drug, Family Dependency Treatment, Mental Health
- <u>Columbia</u>: Adult Drug, Family Dependency Treatment, Veterans
- <u>Coos</u>: Mental Health
- <u>Crook</u>: Adult Drug
- <u>Curry</u>: Mental Health
- <u>Deschutes</u>: Domestic Violence, Family Dependency Treatment, Mental Health
- <u>Douglas</u>: Adult Drug, Domestic Violence, Mental Health
- Harney: Adult Drug

- Hood River: Adult Drug
- <u>Jackson</u>: Adult Drug, Family Dependency Treatment, Other
- Jefferson: Adult Drug, Mental Health
- Josephine: Adult Drug, Mental Health
- <u>Klamath</u>: Adult Drug, Family Dependency Treatment, Juvenile Drug, Veterans

- Lane: Adult Drug, Juvenile Drug, Veterans
- <u>Lincoln</u>: Adult Drug, Mental Health, Domestic Violence, Other
- Linn: Adult Drug, Domestic Violence, Family Dependency Treatment, Juvenile Drug
- <u>Malheur</u>: Adult Drug, Community, Family Dependency Treatment, Juvenile Drug, Mental Health, Veterans
- Marion: Adult Drug, Community, Family Dependency Treatment, Juvenile Drug, Mental Health, Veterans, Other
- <u>Multnomah</u>: Adult Drug, Community, Domestic Violence, DUII, Mental Health, Veterans, Other
- Polk: Adult Drug, Mental Health
- Umatilla: Adult Drug
- <u>Union</u>: Adult Drug, DUII, Family Dependency Treatment, Juvenile Drug
- Wallowa: DUII, Juvenile Drug
- <u>Wasco</u>: Adult Drug, Family Dependency Treatment
- <u>Washington</u>: Adult Drug, Juvenile Drug, Mental Health
- <u>Yamhill</u>: Adult Drug, Family Dependency Treatment, Juvenile Drug, Mental Health, Other

## Case Filing in Circuit Courts

Case Category	2012	2013	2014	2015	2016
Civil	70,090	75,187	65,868	54,634	47,115
FED	22,562	20,004	19,870	19,482	19,253
Small Claims	76,075	70,259	78,149	67,932	54,535
Dissolution	17,397	16,790	16,219	16,337	16,116
FAPA	10,181	9,649	9,457	9,730	9,828
Other Dom Rel	17,721	17,627	17,149	16,735	15,679
Felony	31,980	32,464	32,180	32,407	34,698
Misdemeanor	57,529	53,029	51,363	50,335	51,482
Violation	211,504	215,080	212,316	205,511	200,417
Juvenile	12,924	11,783	10,921	11,430	10,798
Mental Health	9,459	9,582	8,619	8,512	8,308
Probate	10,196	10,642	10,553	11,312	11,423
Subtotal	547,618	542,096	532,664	504,357	479,652
Multnomah Parking	247,696	264,874	253,166	269,501	249,464
Total	795,314	806,970	785,830	773,858	729,116

NOTE: Data is from two case management systems (OJIN / Odyssey), resulting in minor differences in filing counts.



## Circuit Court Filings by Case Type, 2016

### **Percent of Case Filings**



- **Felony** case filings have the greatest proportional impact on the courts, requiring extensive use of combined staff and judicial resources
- Violations, Small Claims, FED cases represent large numbers of filings but require comparatively less judicial and staff resources per case; violations also represent 75% of the fines revenue collected by OJD; chart does not include Multnomah parking cases
- Juvenile, Civil, Domestic Relations cases constitute a greater percentage of judicial time than staff time to process these cases

### **Translating Filings into Workload**

Oregon Circuit Courts in 2016



NOTE: Specialty courts, circuit travel, and core administration account for 6% of judicial workload not shown in the chart above.

### Office of State Court Administrator (Unified State Court System Infrastructure)

- Assist and support the Chief Justice in carrying out statutory statewide administrative duties
- Court Administrator for the Supreme Court, the Court of Appeals, and Tax Court
- Through division managers, deliver infrastructure services to the courts (budget, accounting, legal counsel, technology services, security, human resources, audit, education)
- Provide statewide personnel plan administration and enforcement
- Prepare and submit budget requests, legislative reports, and fiscal impact statements for state court system
- Implement budgets and legislative changes affecting OJD
- Survey court administrative methods, business, and conditions
- Provide statewide public information services regarding the courts and statistics
- Provide education, training, and technical assistance programs for judges and staff
- Manage state and federal grants; contracts, procurement systems
- Set retention schedules, policies, and standards for court records
- Administer Citizen Review Board (foster care review) program and Juvenile Court Improvement Program
- Administer Certified Shorthand Reporter Program
- Administer Court Interpreter Certification Program and language access services
- Ensure compliance with federal and state "entity" legal requirements for OJD

#### OFFICE OF THE STATE COURT ADMINISTRATOR

(Organization/Main Areas of Responsibility)



### OJD Court Administration Overview

- <u>Chief Justice</u>: Supervises the state court system, appoints the Chief Judge of Court of Appeals, Presiding Judges of the circuit courts, and the State Court Administrator
- <u>State Court Administrator</u>: Chief Operating Officer, exercises OJD administrative authority and policy leadership for the Chief Justice and the courts carried out through division directors and staff
- <u>Presiding Judges</u>: Oversees the local docket management and operations of circuit courts, appoints and works with the Trial Court Administrator
- <u>Trial Court Administrators</u>: Manages day-to-day operations of assigned circuit court and its programs and services
- Judicial Conference and Committees: Groups established by statute, Chief Justice Order, policy, or charter that study the organization, jurisdiction, procedure, practice, and methods of the administration and operation of the courts and make recommendations for improvement

## OJD Governance and Advisory Structures



# <u>Court Reengineering and Efficiencies</u> <u>Workgroup (CREW)</u>

- Began 2010 to provide a structure to evaluate and improve judicial organization and administration
- Subcommittees
  - <u>Communication</u> Best methods / systems to distribute and exchange information with stakeholders, attorneys, the public through outreach, Internet, and social media
  - <u>Business Processes</u> Evaluate statutory changes, enhancements, and updates for workflows and docket procedures in a consistent statewide manner
  - Organization and Structure Changes to promote effective ways to deliver timely judge sharing and remote judging services statewide
- Recent Actions:
  - Evaluated effective judicial resource structures to efficiently deliver timely judicial services throughout the state
  - Managed, reviewed, and created interactive forms for statewide consistency
  - Reviewed and analyzed specific court processes to find the best option for a statewide solution
  - Recommended new, innovative, and web-related methods to communicate information
  - Created individual Docket and Caseflow Management Enhancement Plans for each circuit court

# OJD 2014-2019 Strategic Plan

- Identifies key strategic areas and action items for five vision goals
- Continues strategic areas and objectives from 2009-13 Strategic Plan
- Reflects CREW and Chief Justice priorities
- Objectives / Examples:
  - Implement the Oregon eCourt Program Plan
  - Implement a Court Facilities Renewal Plan
  - Adopt State Docket and Caseflow Management Principles
  - Improve User Services for Self-Represented Litigants
  - Provide Continuity and Stability for Treatment Courts (specialized dockets to improve outcomes)
  - Promote Juvenile Court Improvement
  - Automate Performance Measure Data Collection
  - Ensure Court Security and Business Continuity



# **Governance and Strategic Initiatives**



### Address Unsafe Courthouse Facilities

Maintain and Develop Oregon eCourt Services

**Best Practices in Judicial Administration** 

# Address Unsafe Courthouses



- Replace Unsafe Courthouses
  - New program in 2013
  - State bond matching funds
  - Jefferson, Multnomah, Lane, others





- Targeted Improvement Funds
  - Initial focus on safety / security; ADA
  - Address broad range of needs statewide

# <u>Maintain and Develop</u> <u>Oregon eCourt Services</u>

- Successful implementation
- Oregon eCourt system is critical to courts and external users
  - Serves as the business technology platform
  - Provides important external services
  - Promotes internal consistency and efficiency



Yamhill – June 2012 Crook, Jefferson, Linn – Dec 2012 Jackson – Mar 2013 Clatsop, Columbia, Tillamook – Aug 2013 Benton, Polk – Jan 2014 Multnomah – May 2014 Douglas, Josephine, Marion – Dec 2014 Lane, Lincoln – Mar 2015 Deschutes, Klamath, Lake – June 2015 Coos, Curry, Gilliam, Hood River, Sherman, Wasco, Wheeler – Sept 2015 Clackamas – Dec 2015 Washington, Tax Court – Mar 2016 Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union, Wallowa – June 2016

# <u>Oregon eCourt</u>

## Implementation Accomplished

### • On Schedule

- First circuit court implementation June 2012
- Final circuit court implementations June 2016
- Project closeout December 2016

### Within Budget

- \$91 million in total funds (state bonds)
- From 2008 to 2016 (spanned five biennia)

### Available Statewide

All circuit, tax, and appellate courts using new systems

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## Oregon eCourt Public-Facing Systems

- Oregon ePay Online payment website
  - Pay court debt such as traffic ticket or criminal fines / fees
- Oregon File & Serve (eFile) online case initiation and document filing
  - Mandatory for Bar members, available to all users through OJD Guide & File (iForms)
- Oregon Guide & File (iForms) online fillable forms for selfrepresented filers
  - Currently available for these case types (more being developed):
    - Family Cases divorce, separation, custody, parenting time; file and respond
    - Small Claims file or respond to a small claim
    - Residential FED-Eviction (landlord / tenant) file a residential eviction
    - Satisfaction of Money Award court documentation of debt paid
    - Renew a FAPA Restraining Order must have a current Restraining Order
- OJCIN online information: register of actions, court calendars, case information / documents, used by:
  - Attorneys (public and private, civil and criminal)
  - Public Safety (law enforcement, adult / juvenile corrections, etc.)
  - Human services agencies
  - Private sector (news media, data brokers, private investigators, title companies, etc.)

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# **Benefits From Oregon eCourt**

### For Litigants and Stakeholders

- 24/7 ability to file pleadings, and access court calendars and case documents
- Increased statewide consistency in court processes
- 'Intelligent' forms assist self-represented litigants provide complete information, file pleadings
- Better integrations to send / receive information
- Easier search function in a person-based system

### For the Public

- More efficient and effective court system
- Ability to make payments online
- Enhanced security to protect information
- Self-guided forms and eFiling support
- Online access to court calendars

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# Partner Integrations



# Oregon eCourt: What's Next?

### Operations and Maintenance

- Maintain system viability: Analyze, test, and install upgrades, fixes (patches), and enhancements
- Provide training (in-person, computer-based, webinars, etc.)
- Analyze and update statewide business processes
  - Legislative changes
  - Process improvements and efficiencies
  - Change requests
- Continuous Improvement
  - Increase consistency of business processes toward best practice
  - Refine and enhance iForms, ePay, eFile, and eService for court users
  - Improve data transfers and exchanges
- Funding
  - Detail in presentation on POP 404 (State Court Technology Fund)

## Judicial Administration Best Practices

- Court Reengineering and Efficiencies Workgroup (CREW)
  - Leads case and docket management guidelines work
  - Recommends business processes to improve consistency, efficiency
  - Staffed by OSCA
- Improve Jury Service Experience
- Specialized Courts and Dockets
  - Drug (Adult / Juvenile)
  - Mental Health
  - Veterans
  - Others
  - Juvenile Court Improvement Project (JCIP)
- Update Key Performance Measures, automate data gathering

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## OJD Key Performance Measures

### **Current KPMs**

KPM#	Key Performance Measures (KPMs)
I	Accessible Interpreter Services: The percentage of dollars spent on OJD certified freelance interpreters out of total expenditures for freelance (non-staff) interpreters of languages in which certification testing is offered by OJD.
2	Collection Rate: The percentage of all monetary penalties imposed by circuit courts and appellate courts that are collected.
3	OJIN Data Timelines and Accuracy: The average number of calendar days between the date a judge signs a judgment and the date that the judgment is entered into the official record.
4	Representative Workforce: The parity between the representation of persons of color in the civilian labor force and the representation of the same group in the workforce of the OJD.
5	Trained Workforce: The percentage of OJD education program participants who reported gaining specific knowledge related to OJD by attending the program.
6	Timely Case Processing: The percentage of cases disposed of or otherwise resolved within established time frames.
7	Permanency Action Plans: The percentage of circuit courts with a performance measure supporting permanency outcomes for children in foster care.
8	Drug Court Recidivism: The percentage of adult drug court graduates with no misdemeanor or felony charges filed in the Oregon circuit courts within one year of program graduation.

### OJD Proposed Key Performance Measures 2017-19



### Why Change?

New technology system and national court measures allow improved evaluation and comparisons and are still grounded in OJD core value system.

- Nine KPMs will both improve and measure efficiency in our state system and allow comparison and review with other court systems nationally.
- Improve OJD ability to automate data reporting, evaluate issues, and improve performance where feasible.
- Promotes and improves statewide consistent business processes and data entry.
- Need the support from POP 404 to provide ongoing technology and business processes education and training of judges and staff.

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## OJD Key Performance Measures – 2017-19

### **Proposed KPMs**

KPM#	2017-19 Proposed Key Performance Measures (KPMs)
<b> </b> *	Access and Fairness: The rating of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, respect. (surveys)
2*	Clearance Rates: The number of cases closed as a percentage of the number of cases filed.
3*	Time to Disposition: The percentage of cases disposed or otherwise resolved within established timeframes.
4	Time to Entry of Judgment: The average number of days between signature of a judgment and the date of entry into the official record.
5	Time to First Permanency Hearing: The percentage of cases that have first permanency hearings within 14 months.
6	Collection Rate: The percentage of cases paid in full within a year of judgment. (violations)
7	Oregon Recidivism Rates: The arrest, conviction, or incarceration of adults who have previously been convicted of a crime within three years of the date of conviction or release from custody of the previously convicted crime. (CJC definition and data)
8*	Effective Use of Jurors: The percentage of available jurors who are selected for jury duty who are qualified and available to serve (juror yield).
9	Employee Retention: The annual employee retention rate.

\* Measures from NCSC CourTools – modified for Oregon if state standard exists.
# Budget Structure and Changes

## OJD Budget Components General Fund

#### Operations

- All courts (circuit, tax, and appellate)
- Office of the State Court Administrator
- Judicial Compensation
- Mandated Payments
  - Trial and Grand Jury compensation
  - Interpreters and ADA compliance
- Appellate eCourt Maintenance
  - Contractual maintenance payment for appellate case management system
- Debt Service
  - Bonds for Oregon eCourt and courthouse replacement projects
- Third-Party Collections
  - Payments to DOR and private firms for successful collections
- Pass-Throughs
  - To counties for law libraries and conciliation / mediation services
  - Council on Court Procedures, Oregon Law Commission

#### OJD Budget Components Other Funds / Federal Funds

- State Court Technology Fund (OF)
  - Pays eFiling charges, funds technical and training supports, others relating to Oregon eCourt
- Security and Facility Funding (CFA)
  - Funds Judicial Marshal, court security, county courthouse improvements
- State of Oregon Law Library (OF)
  - State agency assessment for SOLL operations
- Publications (OF)
  - Revenue from publication sales
- Application Contribution Program (OF)
  - Pays for court staff verifying eligibility for indigent defense services
- Citizen Review Board / JCIP Grants (OF/FF)
  - DHS funds for delinquency / dependency reviews, federal juvenile court grants
- Other Grants (OF)
  - Mostly state and federal grants for drug courts, other legislatively-approved grants
- Oregon Courthouse Capital Construction Improvement Fund (OF)
  - State bond funds and county matching funds for state-supported courthouse replacements
- Legal Aid Pass-Through (OF)
  - Revenue from court filing fees to Oregon State Bar

## **Revenue and Collections**

# OJD Biennial Revenue

#### **Revenues consist of:**

- Statutory filing and case fees (to GF)
- Court fines and assessments (to CFA)
- Restitution (to Crime Victims / Other)
- Funds from other state agencies and grants (to Other)
- Publication sales and subscriptions (to Other)

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# **OJD** Biennial Distribution

■ General Fund ■ CFA ■ Other



NOTE: Based on March 2017 OEA Revenue Forecast with new HB 2621 violations revenue for 2017-19 (\$16.2M)

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# Revenue Changes, 2009–2017

- 2009-11
  - HB 2287 increased revenue by approximately \$30 million through increased fees and offense surcharges to replace GF shortfalls
- 2011-13
  - HB 2712 continued the revenue levels from HB 2287, but directed the revenue to GF and CFA
- 2013-15
  - GF and OF projected revenues remain stable
  - CFA revenue decline caused by:
    - Decline in revenue from original HB 2287 surcharges and assessments; revenue was directed into the CFA in 2012 and collections on those cases had mostly been completed
    - Fewer violations cited into circuit courts
    - Collection referrals temporarily delayed during Oregon eCourt go-live activities

#### 2015-17

- Revenues remain stable due to increases in third-party collections even while violations, small claims, and civil filings decline
- Collection referrals ramped up following completion of Oregon eCourt go-live activities

#### • 2017-19

- Projected GF and CFA revenue increase caused by:
  - Continued increases in third-party collections
  - Increased photo radar violations filings in Multnomah from passage of HB 2621 (2015)

## 2017-19 Estimated Revenue Distribution

#### **\$271 Million Total Funds**



# **Collection Systems**

#### Court Staff

 Cashiering, setting payment plans, monitoring payment plans, monitoring debt excluded from collections while in specialty programs.

#### • OSCA Staff

- Central Debt Management: Set policy and debt collection program rules / best practices, automated delinquency notices, license sanctions, and collection referral to DOR or private collection firms, monitor debt collection performance, and maintain statewide debt management automation.
- **Other Collection Activities:** Use of tax refund intercept, wage garnishments through DOR / PCFs, and license reinstatement programs.
- Provide Assistance: Assist court staff with collections / accounting functions, support financial system, perform analysis of financial and collections data.
- Develop Efficiencies: Develop and pilot innovations for implementation at a statewide level (i.e., Central Violations Bureau, Automated License Sanctions, Electronic Deposit, Electronic / Online Payment).



\*Other Offense includes extradition, contempt of court, juvenile delinquency, appeals from local courts 46

# **Third-Party Collection Revenue**



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# **Third-Party Collection Cost Drivers**





# For every \$1 spent on third-party collections, the State will receive more than \$5 in revenue.



# **Third-Party Collections Outlook**

- Projected 2017-19 Collections Revenue = \$92 million (almost 20% increase over 2015-17)
- Projected Collections Costs = \$15.9 million
- Projected Collections Fee Revenue to GF = \$16.5 million
- CSL Collections Appropriation to OJD = \$12.6 million
- POP 413 requests an additional \$3.3 million to pay for successful third-party collections



#### **Third-Party Debt Collection**

**Policy Option Package 413 – Third-Party Debt Collection:** (\$3.3 million GF) Increase funding to support costs associated with debt collections and credit card payments.

**Expected Outcomes of Packages:** Ensure third-party collections is not delayed or discontinued because of lack of funding. Collection performance increases revenue collection but OJD must pay the collection fees for those services. Collections through Department of Revenue (DOR) and outside collection firms in 2015-17 are projected to increase by 38.7% from 2013-15.



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# Budget Overview Current Service Level

# 2017-19 Chief Justice Current Service Level

(by funding source in millions)



## 2017-19 Chief Justice Current Service Level



\$462.8 million GF

## 2017-19 CSL Changes from 2015-17 LAB

- 2015-17 LAB = \$583M; 2017-19 = CSL \$501M
- General Fund changes (+6.9%):
  - Debt Service (+\$1.6 million)
  - Salary Costs (+\$3.2 million)
  - Staff Personnel Plan Adjustments (+\$6.1 million)
  - State Government Service Charges (+\$3.9 million)
  - Inflation (+\$2.6 million)
  - PERS (+\$9.5 million)
- <u>Other Fund</u> changes (-75%):
  - Oregon eCourt Program (-\$17.6 million)
  - OCCCIF (-\$80 million)
  - State Court Technology Fund (-\$5.5 million)
  - State Court Facility Account (-\$4.3 million)

# **Budget Reduction Options**

#### 15% General Fund Reduction

- 2017-19 CSL for General Fund and General Fund Debt Service = \$462.8 million
- 15% reduction = \$69.42 million
  - 5% step each = \$23.14 million

Co-chair Framework 3.5% Reductions for Judicial Branch (does not include debt service) – would equate to \$15.5 million

## CSL General Fund Budget Components



## Some Budget Items Can't Be Cut

- <u>Judicial compensation</u> is protected from reductions by the Oregon Constitution.
- <u>Debt service</u> is exempted by the legislature.
- Those line items comprise 21.3% of the OJD budget
- The 15% reductions are calculated from the total budget, but cannot be taken from those two line items
  - A 15% reduction results in a 19.06% cut to reducible items
- Co-chair's framework exempts debt service only
  - So the 3.5% reduction cuts 4.25% from reducible items

#### Appropriations Subject to GF Reduction (at -19.06%)

#### • Operations \$317.3 million

- Includes appropriations for Circuit Courts, Appellate and Tax Courts, and Administration
- The "15%" reduction = 19.06% = \$60.48 million
  - Reductions would fall primarily on OJD staffing levels in courts and support operations
  - About 89% of Operations is for Personal Services (\$281.3M)
  - About 5% goes back to other state agencies

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#### Appropriations Subject to GF Reduction (at -19.06%)

- Third-Party Debt Collections (-\$2.4 million):
  - Reduces payments to DOR for collection activities or eliminate use of private collection firms
  - Reduce state revenues
  - This item needs additional funds to meet current revenue projections
- External Pass-throughs (-\$3.0 million):
  - Reduces payments to counties for Mediation / Conciliation Services and Law Libraries
  - Reduces payments to Oregon Law Commission and Council on Court Procedures
- Mandated Payments (-\$3.1 million):
  - Reduces payments for jury services and court interpreter services
- Appellate eCourt Maintenance (-\$0.44 million):
  - Reduces funding for contractual maintenance payments

## Past CSL Reduction Impacts – 2009-11

- \$54.6 million reduction in GF from CSL – 15.5% reduction
  - Eliminated 85 permanent FTE
  - 168 positions moved from GF to OF supported by temporary surcharges
  - Courts closed some Fridays
  - Eliminated: one OSCA division, all judge and staff training, other services
  - Furloughs, salary and hiring freeze

## Past CSL Reduction Impacts – 2011-13

- \$53.8 million reduction in GF from CSL 14.4% reduction
  - Eliminated additional 93 permanent FTE
  - Held equivalent of 52 positions vacant
  - Salary freeze, hiring restrictions
  - Reduced court hours, public-facing services
  - Reduced specialty court support backfilled through OF grants – CJC
  - Limited judge training, no staff training

#### Judicial Department Permanent Staff by Biennium

OJD has 9.5% fewer positions than in 2007-09



## How Would OJD Implement Co-Chairs <u>Reduction Level?</u>

- Co-chairs proposed reducing OJD by 3.5% (approx. \$15.5 Million), including Judicial Compensation
- Reduce Operations line item:
  - Merit Freeze \$6.1 million
    - If taken in the Executive Branch
    - OJD required to be in 'reasonable conformance'
  - Hold Vacancies \$6.0 million estimated
    - May impact GF activities such as Specialty Courts
  - Services / Supplies Reductions \$1.7 million
    - Travel, training, equipment replacements
- Reductions to other line items \$1.7 million
  - Third-party collections, pass-throughs, mandated payments

# Budget Overview Chief Justice Recommended Budget Policy Option Packages

#### 2017-19 Chief Justice Recommended Budget



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# <u>Major Elements of</u> <u>Chief Justice Recommended Budget</u>

#### IMPROVE ACCESS TO THE COURTS AND TIMELY JUSTICE:

- Ensure courts are open every judicial day with the ability to decide cases in a timely manner, with necessary central supports.
- Continue benefits of Oregon eCourt with eFiling, electronic document access, and iForms for self-represented litigants; fund training, maintenance, and no-charge access to public entities.
- Advance judicial compensation to enhance retention and recruitment.
- Provide state support to build and furnish the Multnomah County Courthouse, and continue progress on the Lane County Courthouse.
- Targeted additions of judicial resources.
- Provide adequate staff for specialty courts and assisting self-represented litigants.

## OJD Policy Option Packages

#### (\$ in millions)

PKG	TITLE	GF COST	OF COST	FTE	DESCRIPTION & PURPOSE
401	New Judgeships and Support Staff	\$2.8		11.16	Funding for new judgeships and support staff in Multnomah, Washington (2), Marion, Deschutes, Douglas, Josephine, Clackamas, and Jackson counties. HB 2605
402	Judicial Compensation	\$3			Funding to support judicial compensation increases to median levels for comparable positions in other states. SB 11, HB 2636
403	Judicial Resources – Hearing Referees	\$1		4.4	Provides three centralized Hearings Referee positions for juvenile dependency cases and one Hearings Referee and support position for Linn County to assist judicial workload.
404	State Court Technology Fund		\$10.7	7	Provides the limitation necessary for increased funding to support public access and statewide support for court electronic applications, systems and services. HB 2606
405	Pro Se Facilitation	\$3.2		17.16	Provides program coordination and trial court resources to assist Oregonians in accessing the courts when they choose to be self- represented.
406	Multnomah County Violations Staff	\$0.7		5.28	Provides funding for clerical support positions in Multnomah county to support parking citation growth.
407	Supreme Court Coordinating Councils	\$0.4		1.76	Increases resources to support the Oregon Supreme Court Council on Inclusion and Fairness and the Tribal-State Court Forum.
408	County Mediation and Conciliation Funding and Support	\$2.2		.88	Increases pass through funding for county mediation and conciliation services and program coordination.
409	Treatment / Specialty Courts Grant Funding		\$4.1	19	Provides position authority and expenditure limitation for grants that either extend into the 2017-19 biennium or are expected to renew.
410	Oregon Courthouse Capital Construction and Improvement Funds		\$212.4		Provides continued support for courthouse replacements in Multnomah, Clackamas, and Hood River counties.

# OJD Policy Option Packages

(\$ in millions)

PKG	TITLE	GF COST	OF COST	FTE	DESCRIPTION & PURPOSE		
411	OCCCIF Debt Service	\$1.1	\$1.3		General Funds debt service and cost of issuance for OCCCIF bonds sold during the 2017-19 biennium.		
412	Local Court Facilities Infrastructure		\$3.6		Provides funding from the Criminal Fine Account for capital construction and capital improvement projects in county courthouses.		
413	Third-Party Debt Collection Funding	\$3.3			Increases funding to support costs associated with debt collections and credit card payments.		
414	Supreme Court Building – Seismic Retrofit and Renovation		\$29.4		Provides capital construction funding for continued renovations an seismic retrofit of the Oregon Supreme Court Building.		
Policy Option Packages Submitted at the Request of the Oregon Law Commission							
	Law Commission – Full				Seeks additional funding for the Law Commission to eliminate calculated		

420	Law Commission – Full Funding	\$0.021		Seeks additional funding for the Law Commission to eliminate calculated use of Willamette University funds to support commission activities.
421	Law Commission Additional Staff Attorney	\$0.2		Intended to provide resources for an additional Staff Attorney for the Law Commission.

# State Court Technology Fund

#### Policy Option Package 404 – State Court Technology Fund (\$10.7

**million OF):** This package provides the limitation necessary for increased funding to support public access and statewide support for court electronic applications, system, and services.

Additional revenue will be necessary as proposed through fee and fine increases. The use of placeholder bills for fee and fine increases would be necessary in conjunction with HB 2606.

#### **Expected Outcomes of Package:**

- Fund software licensing and system maintenance costs
- Ensure viability and response times of this new system
- Fund increased use of eFile service
- Sustain benefits of this new system by continuing to:
  - Test and implement software patches and upgrades
  - Provide prompt user support, training, and communication of issues and changes
  - Improve statewide consistency / efficiency (e.g. eFiling; iForms)
  - Achieve efficiencies from centralized accounting
  - Review and respond to law changes in electronic systems

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# State Court Technology Fund Services

- eFiling and electronic case access for external users
  - Pays transaction fees for eFiling (case filing fees fund OJD payments to vendor)
  - Free access by public to court calendars
  - Free access to court case documents by government users, indigent defense attorneys
  - Interview-based forms to help self-represented litigants provide required information to the court
- Business processes and training functions
  - Establish statewide business processes to ensure statewide consistency, improve data and reporting, develop efficiencies
  - Ensure business processes conform to law changes (coding, data entry, forms)
  - Provides training and peer networking / analysis
- Technical services to maintain the Odyssey system
  - Provide Help Desk for internal and external users
  - Test and implement periodic patches and annual updates, conform to law changes
  - Perform general system support and maintenance
- Business services support
  - Centralize accounting services to relieve courts and achieve efficiencies

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#### Non-Paying (Public Subscribers) ~ 5,000 users (60% of total)





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# <u>State Court Technology Fund</u> <u>Component Cost Increases</u>

#### <u>2017-19</u>

<ul> <li>Oregon File &amp; Serve (electronic filing / service)</li> <li>SCTF receives 4.75% of filing fees</li> <li>OJD pays per-transaction charge from vendor</li> <li>Transactions increasing due to statewide usage, iForms</li> </ul>	\$2,241,000
<ul> <li>Continuing staff to support system</li> <li>Fund IT technical support, patch/ / upgrade testing, report training, iForms, business processes, centralized account</li> <li>Makes permanent 7 limited duration FTE</li> </ul>	
<ul> <li>Software License / Maintenance / Supplies</li> <li>Includes contractual maintenance fee starting 2017</li> </ul>	\$3,390,568
<ul> <li>Subtract: State Court Tech Fund cash reserve</li> </ul>	-\$866,757
<ul> <li>Total 2017-19 deficit to keep current services:</li> <li>Projected 2019-21 costs = \$10,594,970</li> </ul>	\$8,026,811

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# <u>State Court Technology Fund</u> <u>Revenue Increase Proposal\*</u>

		<u>2017-19</u>
٠	<ul> <li>Civil Filing Fees: 5% (effective 10/1/17)</li> <li>Contributes to eFile, iForms, software licensing / supplies, and staffing</li> </ul>	\$3,205,990
•	<ul> <li>Criminal Fines: \$5 (effective 1/1/18)</li> <li>Apply increase to Mandatory State Amount</li> <li>Contributes to software licensing / supplies and staffing</li> <li>Most non-paying users are public safety entities</li> </ul>	\$3,575,598
•	<ul> <li>OJCIN User Fees: (effective 7/1/17)</li> <li>Contributes to software licensing / supplies and staffing</li> </ul>	\$1,534,512
•	<ul> <li>Total 2017-19 Tech Fund revenue proposal:</li> <li>Expenditure limitation included in POP 404</li> </ul>	\$8,316,100

\* A new state agency assessment could be used as an additional or alternative revenue source.

# Judicial Compensation

**Policy Option Package 402 – Judicial Compensation:** (\$2.9 million GF) Provides funding to support judicial compensation increases to median levels for comparable positions in other states. (SB 11; HB 2636)

**Expected Outcomes of Package:** The requested funding will move judicial salaries closer to the national median and help ensure that the State of Oregon can continue to attract qualified candidates, and promote a diversity of expertise among Oregon's trial and appellate judges.

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### Judicial Compensation (Cont.)

#### CIRCUIT COURT JUDICIAL SALARIES

(January 1, 2017 – NCSC Report)

Nat'l Ranking	State	Amount
2	Hawaii	\$197,112
5	California	\$191,612
6	Alaska	\$189,720
12	Washington	\$165,870
15	Nevada	\$160,000
18	Colorado	\$159.320
20	Utah – Median Western States	\$159,050 POP #402 \$152,850
25	Wyoming	\$150,000 by 2020
29	Arizona	\$147,175
38	Oregon	<b>\$135,775</b>
44	Idaho	\$128,500
46	Montana	\$126,131
51	New Mexico	\$118,384

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### **Courthouse Capital Construction & Improvement**

Policy Option Package 410 – Oregon Courthouse Capital Construction and Improvement Funds: (\$212.4 million OF) Provides state bonds for matching funds for county courthouse replacement projects in Multnomah, Clackamas, and Hood River counties.

#### **Expected Outcomes of Packages:**

- Completes construction funds for Multnomah (\$93M in May '18, Mar '19)
- Provides construction-related furnishings in Multnomah (\$8.9M)
- Funds new replacement project in Hood River (\$4.4M)
- Provides planning funds for new project in Clackamas (\$1.25M)

#### NOTE:

Lane County requested \$5 million in state bond matching funds after submission of the Chief Justice's budget. The request is not included in POP 410 or POP 411.

Multnomah County's request for two bond sales would require additional debt service in POP 411.

The requested limitation allows expenditure of state bond proceeds and county matching funds deposited in the OCCCIF.



Multnomah County Courthouse Rendering

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### **Timeline of Legislative Actions for Courthouses**

- 1981: State unified the Circuit courts, courthouses remain county's
- 2007: Interim Committee on Courthouses
  - Established statewide standards
  - Commissioned the assessment of the 48 court facilities
- 2011: Authorized capital improvements to court facilities from Criminal Fines Account (CFA)
- 2013: Created the Oregon Courthouse Construction and Capital Improvement Fund (OCCCIF)
  - Allows state bond match (up to 50%) for program eligible projects
  - Sets general criteria for program and assigns some duties to OJD & DAS
  - Approved bonds for courthouse projects in Multnomah and Jefferson
- 2013: Provided \$2 Million CFA for Union courthouse
- 2015: Approved bonds for Tillamook, Multnomah, and Jefferson
- 2016: Approved bonds for Lane courthouse planning

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### **Courthouse Improvement Funds Sources**

#### • Two funding sources – OCCCIF or CFA:

#### • State Bonds through OCCCIF (POPs 410; 411)

- 50% match if the project includes another state office co-located in courthouse, otherwise only 25% match
- DAS and OJD must approve the project plan
- Chief Justice must make three (3) findings:
  - Structural defects, including seismic defects, present life threats
  - Replacing with a new courthouse or remodeling another facility is more cost effective than remodeling current courthouse
  - Replacing courthouse allows for co-location of another state office

#### <u>Capital Improvement through CFA</u> (POP 412)

- Prioritized to meet most urgent needs in consideration with recommendations from Association of Oregon Counties (AOC)
- Have completed projects for Life/Safety (fire alarms, sprinklers), Americans with Disabilities (elevators, wheelchair access), urgent infrastructure (roof, HVAC, plumbing, electrical)

## **OCCCIF** Report

In response to 2015-17 OJD budget note, Chief Justice submits a 12 year plan and report to December 2016 Emergency Board:

- Courthouse Projects:
  - Jefferson and Union complete
  - Multnomah and Lane in progress
  - Clackamas and Hood River part of 2017-19 budget request
  - Future requests may include Benton and Linn in 2019-21, Lincoln in 2021-23, Columbia in 2023-25, and the following counties have expressed interest with the earliest that some would be ready would be 2021-23: Coos, Crook, Douglas, Josephine
  - Deschutes and Jackson would seek funding for expansion if the law is modified
- Funding stabilization discussion / recommendations:
  - Communicate to Chief Justice the Legislative desire for the level of funding
  - Provide statutory authority to Chief Justice to adopt formal criteria for the timing, process, and review of project requests
  - Reassign project management or provide OJD with these resources
  - Provide phase bond sale funding
  - Extend the time that counties expenditures count toward match
  - Establish a stage gate approach to project funding

## New Judgeships and Support Staff

**Policy Option Package 401 – New Judgeships and Support Staff:** (\$2.8 million GF, 11.25 FTE) This package adds new circuit court judgeships and support staff in Marion, Washington (2), Multnomah, Clackamas, Deschutes, Douglas, Jackson, and Josephine counties. Most of these counties have undergone significant population growth and / or experienced increases in judge time intensive cases. (HB 2605)

**Expected Outcomes of Package:** Improve timely access to justice and docket effectiveness by funding nine new judicial positions in eight counties and one judicial clerk, one judicial assistant, and one general clerk for each of those judges.



- The last increase in elected judicial positions in these three counties was the 2001-03 biennium
- The last increase in any circuit court judgeships was in the 2005 session (elected position terms commenced Jan. 2007)
- Since 2001, population has risen by approximately 220,000 residents (represents over half the population growth in Oregon during time period)
- Weighted judicial workload studies conducted each biennium consistently qualify these courts' needs for more than two judgeships each no matter the level of case filing fluctuations annually
- New judgeships go by election with January 2019 term commencement

# Multnomah County Violations Staffing

**Policy Option Package 406 – Multnomah County Violations Staffing:** (\$0.7 million GF, 5.28 FTE) Provides funding for clerical support positions in Multnomah County to support parking citation growth.

**Expected Outcomes of Package:** Ensure new parking citations are processed within statutory timeframes and subsequent revenue collections remain consistent with past performance. Increases in parking citations in Multnomah County Circuit Court have created a backlog which could lead to dismissals and loss of revenue. Multnomah County Circuit Court is using temporary staff to alleviate the problem as well as development of new court procedures to streamline operations as much as possible.

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## Treatment / Specialty Courts Grant Funding

Policy Option Package 409 – Treatment / Specialty Courts Grant Funding: (\$4.1 million OF, 19.00 FTE) Provides position authority and expenditure limitation for grants that either extend into the 2017-19 biennium or are expected to renew.

**Expected Outcomes of Package:** Allows for retention of grant funded coordinator positions in successful and well-established Drug Courts and Specialty Treatments Courts in 14 Judicial Districts (17 counties). Continue reductions in recidivism and prison population from successful drug court programs. (Joint CJC / OJD Drug Court Programs)

#### **Possible Impacts of Proposed CJC Budget Reduction**

- OJD receives only part of CJC grant awards may not impact positions depending on CJC and priorities / funding in counties
- Reductions in support for coordinator positions could jeopardize court's ability to maintain specialty courts in the 2017-19 biennium

## Pro Se Facilitation

**Policy Option Package 405 – Pro Se Facilitation:** (\$3.2 million GF, 17.16 FTE) Provide program coordination and trial court resource to assist Oregonians in accessing the courts when they choose to be self-represented. Restore central resources to support Family Law and Protected Persons programs administered in circuit courts.

**Expected Outcomes of Package:** Increase support for state court programs for self-represented and self-help persons in areas of domestic relations, other family law, guardianship, and conservatorship (protected persons) cases. Create consistent and up-to-date tools, materials, and forms to support pro se litigants. Reduce the amount of time that the courts spend in hearings.

## Why is it Important to Fund the Courts?

- Courts remain open and accessible
- People receive timely judicial decisions
- > Oregon eCourt system can sustain operations, create efficiencies
- Have safe and accessible courthouse facilities
- > Recruit high quality attorneys to the judiciary
- > Assist people without lawyers in family law and other cases

Oregon state courts strive every day to provide impartial justice completely and without delay, while being open and accessible to all Oregonians.

# **Oregon State Courts**

...are at the core of the critical path of preservation of public safety, protection of families in crisis, and economic stability of Oregon.



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### **Courts Value:**

- Access: Ensure access to court services for all people
- Trust and Confidence: Earn the public's enduring trust and confidence
- Dispute Resolution: Help people choose the best way to resolve their disputes
- Partnerships: Build strong partnerships with local communities to promote public safety and quality of life
- Administration: Make courts work for people