

OJD Responses to Public Safety Subcommittee Questions

April 1-4, 2019

Over the last four days, the subcommittee asked several questions that OJD offered to answer. Questions from each day are listed below, with answers. As always, we would be pleased to respond to additional questions members might have.

Monday, April 1, 2019

Q 1: Rep. Leif asked how might a legislator respond to a constituent who wants the legislator to intervene in a court case?

Answer: Legislators can work with the Oregon Judicial Department to help constituents get answers about court processes generally and can help get laws changed. They generally cannot intervene in a pending case, however, for several reasons:

- Courts are intended to be fair and impartial and must make their decisions based on the law and the facts in the case. Legislators can change the law on which court decisions are based or can formally intervene if they have legal standing to do so, but legislators generally cannot help a constituent get a desired result in an individual court case.
- Because cases are decided by the law and the evidence in the case record, a trial judge could be reversed on appeal if the evidence in the court record doesn't support the decision.
- Judges are prohibited from having *ex parte* contacts -- talking to one party about a case without having all parties present or informed.
- Judges take an oath to uphold the law impartially, and their rules of conduct direct them not to be swayed by political pressure and not take any action that might impair the fairness of a proceeding. The full Code of Judicial Conduct is available at <https://www.courts.oregon.gov/rules/Other%20Rules/CodeJudicialConduct.pdf>

Q2: The subcommittee asked how salaries of legislators and judges are related?

Answer: ORS 171.072 provides that legislators shall receive a salary which is the greater of: (a) One step below the maximum step of Salary Range 1 in the Management Service Compensation Plan in the executive department, or (b) Seventeen percent of the salary of a circuit court judge. House Bill 3388 was introduced at the request of Chief Justice Walters and the Oregon Circuit Court Judges Association to increase judicial salaries and to repeal the connection between legislator salaries and judicial salaries (Section 7). The bill received a do-pass recommendation from the House Judiciary Committee and has been referred to the Ways & Means Committee. <https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB3388>

Q3: Sen. Winters asked which courts are most impacted by reduced staffing?

Answer: Because Oregon's smallest courts need a minimum number of employees to keep the court operational, the smallest courts are somewhat protected from significant staffing reductions. They may lose or have to hold vacant a fraction of an FTE position, but even that can make a difference between having a courtroom open or closed. The budget cuts are therefore applied more consistently to the larger courts, where full FTE reductions can be found.

A suggestion was made that staff reductions could be mitigated by using volunteers and by staggering shifts. OJD uses those methods to the greatest degree possible, but the significant training required for case management work, high volume of work, and constitutional requirement for timely case processing reduce our ability to make significant gains through those methods.

Q4: Rep. Sanchez asked how many jurors were summoned by OJD and how many were used?

Answer: OJD courts summoned about 640,000 jurors in both 2017 and 2018. Of those, about half (46%) met the Key Performance Measure standard of being both qualified to serve and available to serve. Qualified to serve means meeting the legal requirements to serve as a juror. Available to serve means the person responded to the summons and did not ask for a deferral or to be otherwise excused from service. OJD summonses jurors, per statute, from list developed from registered voters and driver license/identification card lists. Statutes governing jury service are found in ORS Chapter 10.

Tuesday, April 2

Q5: Rep Sanchez asked whether the number of landlord-tenant case filings increased recently?

Answer: The number of landlord tenant cases (FEDs) filed in circuit courts statewide has declined over the last five years, from 19,870 in 2014 to 18,250 in 2018. However, filings in the Multnomah County Circuit Court increased 3.3% between 2017 and 2018.

In 2018, 18,250 landlord-tenant actions were filed in circuit courts, including 5,617 in Multnomah County. In 2017, 19,096 cases were filed, including 5,435 in Multnomah County. In 2016, 19,200 cases were filed in circuit courts, including 5,446 in Multnomah County.

Justice courts also have jurisdiction in the FED cases and OJD does not have case filing information for those courts.

Wednesday, April 3

Q6: Rep. Sanchez asked about the age of the judgments and collections on the older debt.

Answer: Most collections by OJD occur in the first two years after the judgment is entered. As discussed with the subcommittee, criminal judgments are valid for 20 years and criminal judgments that include restitution are valid for 50 years.

Page 1 of the attached document shows the dollar value of delinquent judgments for each of the last 30 years. Page 2 shows that the collection rate on debt falls sharply after the first year, and that about two-thirds of the revenue (\$99.5 million) collected in 2018 was from judgments less than one year old, about one-fourth (\$36.7 million) collected from judgments two-to-five years old, and the remaining 11 percent (\$16.5 million) was collected from judgments older than five years.

Q7: Rep. Bynum asked whether a conflict of interest existed by using revenue from criminal fines to fund court security functions.

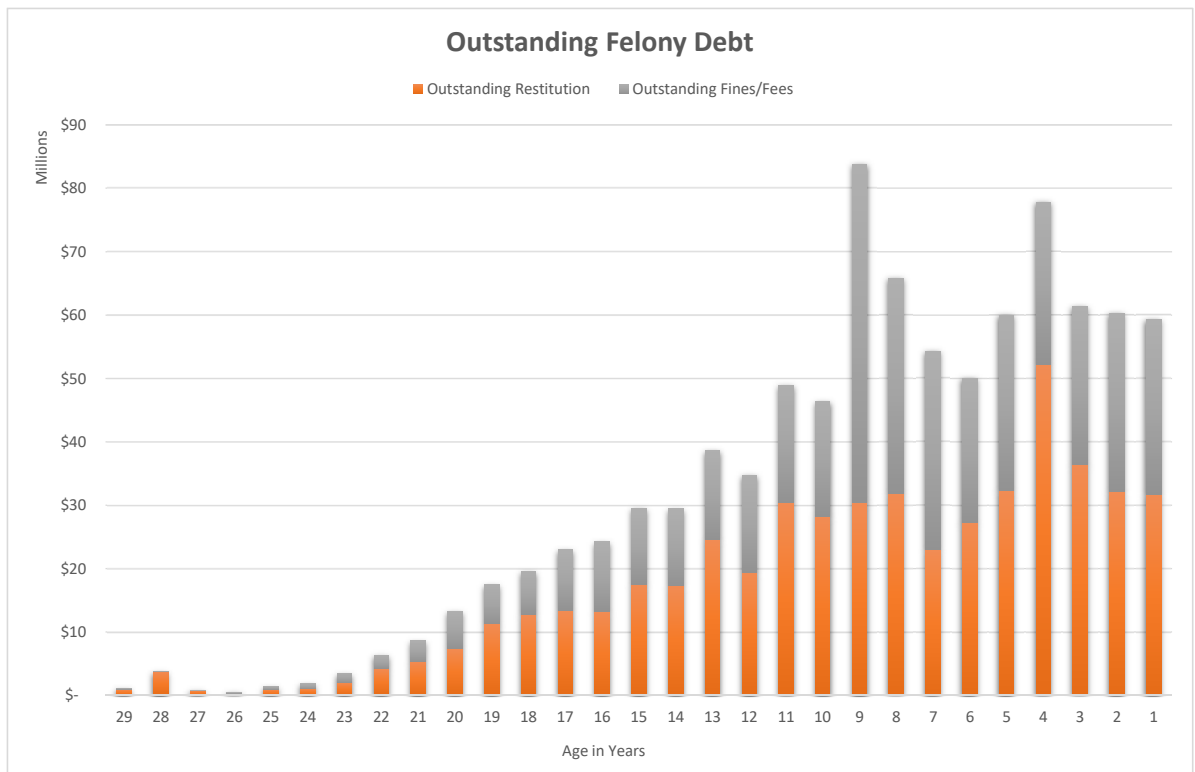
Answer: As discussed at the hearing, all fine revenue collected by state courts goes into the Criminal Fine Account, and not directly into accounts that fund court services or court security. The legislature allocates CFA funds for purposes specified in statute (including court security funds that stay at OJD and court security funds passed through to counties). Any funds in the CFA remaining after that process go into the General Fund. This creates a level of separation from courts being directly funded through revenue from fines that courts impose.

OJD supports the policy conclusions reached in 2012 by the Conference of State Court Administrators. Among its recommendations were that courts should be substantially funded by general governmental revenues, that neither courts nor specific court functions should be funded exclusively by proceeds of fees, and that fees and fines should not be earmarked for any court that controls how cases are filed or adjudicated.

<https://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/CourtsAreNotRevenueCenters-Final.ashx>

Oregon Judicial Department Age of Outstanding Felony Debt

Year Imposed	Age of Debt	Outstanding Restitution	Outstanding Fines/Fees	Total Outstanding Felony Debt
1988	31	\$ 4,180	\$ 8,080	\$ 12,260
1989	30	\$ 34,498	\$ 26,750	\$ 61,248
1990	29	\$ 898,920	\$ 203,767	\$ 1,102,688
1991	28	\$ 3,693,581	\$ 117,668	\$ 3,811,248
1992	27	\$ 766,228	\$ 48,267	\$ 814,495
1993	26	\$ 333,623	\$ 178,820	\$ 512,443
1994	25	\$ 1,005,820	\$ 376,000	\$ 1,381,820
1995	24	\$ 1,139,105	\$ 693,700	\$ 1,832,805
1996	23	\$ 2,115,278	\$ 1,318,544	\$ 3,433,822
1997	22	\$ 4,337,517	\$ 2,043,713	\$ 6,381,230
1998	21	\$ 5,313,273	\$ 3,305,660	\$ 8,618,933
1999	20	\$ 7,357,006	\$ 5,931,640	\$ 13,288,646
2000	19	\$ 11,265,928	\$ 6,213,287	\$ 17,479,214
2001	18	\$ 12,697,132	\$ 6,880,035	\$ 19,577,167
2002	17	\$ 13,358,695	\$ 9,629,579	\$ 22,988,274
2003	16	\$ 13,222,030	\$ 11,013,169	\$ 24,235,199
2004	15	\$ 17,504,908	\$ 12,034,063	\$ 29,538,971
2005	14	\$ 17,328,654	\$ 12,108,058	\$ 29,436,713
2006	13	\$ 24,609,258	\$ 14,022,002	\$ 38,631,260
2007	12	\$ 19,446,266	\$ 15,303,535	\$ 34,749,801
2008	11	\$ 30,421,035	\$ 18,500,450	\$ 48,921,486
2009	10	\$ 28,300,373	\$ 18,063,433	\$ 46,363,805
2010	9	\$ 30,501,874	\$ 53,286,097	\$ 83,787,970
2011	8	\$ 31,833,499	\$ 33,946,743	\$ 65,780,242
2012	7	\$ 22,982,166	\$ 31,220,820	\$ 54,202,986
2013	6	\$ 27,216,134	\$ 22,836,697	\$ 50,052,831
2014	5	\$ 32,307,030	\$ 27,707,246	\$ 60,014,276
2015	4	\$ 52,211,528	\$ 25,546,197	\$ 77,757,726
2016	3	\$ 36,392,557	\$ 24,911,153	\$ 61,303,710
2017	2	\$ 32,134,959	\$ 28,127,865	\$ 60,262,825
2018	1	\$ 31,762,726	\$ 27,496,324	\$ 59,259,050
		\$ 512,495,780	\$ 413,099,363	\$ 925,595,143



Oregon Judicial Department Collections by Age of Debt

