



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

February 6, 2025
(SENT BY EMAIL)

The Honorable Anthony Broadman, Co-Chair
The Honorable Paul Evans, Co-Chair
Joint Committee on Ways and Means
Subcommittee on Public Safety
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Re: Responses to Committee Questions on February 4, 2025

Dear Co-Chair Broadman and Co-Chair Evans:

Thank you for inviting us to present information about the Oregon Judicial Department (OJD)'s Civil/Adjudicatory Datasets and Dashboards to your committee on Tuesday. I am writing today to provide additional information to questions asked by committee members.

- 1. Representative Chotzen asked about gender disparities shown in our presentation slide related to use of our Guide & File forms. More specifically, he asked if the disparities exist because of domestic and protective order cases or if disparities exist across all types of filings.**

The 2024 Guide & File survey results by gender and the type of Guide & File form used are summarized in the table below. There are disparities among female and male respondents in the highlighted categories.

Type of Guide & File Form	Female	Male	Nonbinary	Grand Total
Divorce, Children, and Separation (Petition)	15.38%	7.29%	0.27%	22.94%
Name/Sex Change	10.21%	4.24%	4.51%	18.96%
Small Claims – Response	6.10%	6.50%	0.00%	12.60%
Small Claims – Complaint	4.24%	6.23%	0.13%	10.60%
FAPA – Application (Protective Order)	8.49%	0.93%	0.00%	9.42%

Type of Guide & File Form	Female	Male	Nonbinary	Grand Total
Other (please specify)	2.52%	1.59%	0.27%	4.38%
Residential Eviction (FED) Complaint	1.46%	1.99%	0.00%	3.45%
Not Specified	1.72%	0.93%	0.00%	2.65%
Modification – Family Law Judgment – MOTION	1.86%	0.53%	0.00%	2.39%
Parenting Plan – Safety	1.59%	0.27%	0.00%	1.86%
Divorce, Children, and Separation (Response)	0.40%	1.19%	0.00%	1.59%
FAPA – Dismissal (Protective Order)	0.93%	0.40%	0.13%	1.46%
Parenting Plan – Main	0.80%	0.53%	0.00%	1.33%
Modification – Family Law Judgment – RESPONSE	0.53%	0.53%	0.00%	1.06%
Appointed Counsel Application	0.53%	0.40%	0.00%	0.93%
Satisfaction of Money Award	0.53%	0.40%	0.00%	0.93%
FAPA – Renewal (Protective Order)	0.80%	0.00%	0.00%	0.80%
Eviction Set Aside	0.53%	0.27%	0.00%	0.80%
FAPA – Modification (Protective Order)	0.40%	0.13%	0.00%	0.53%
FAPA – Challenge (Protective Order)	0.00%	0.53%	0.00%	0.53%
FAPA – Modification – Less Restrictive Terms (Protective Order)	0.00%	0.27%	0.00%	0.27%
Marijuana Conviction Set-Aside or Reduction	0.27%	0.00%	0.00%	0.27%
Payment Plan Application	0.00%	0.27%	0.00%	0.27%
Grand Total	59.28%	35.41%	5.31%	100.00%

2. Senator Campos asked how quickly people can get an online meeting with one of our circuit court facilitators and if we know the average wait time.

Availability can vary depending upon the staffing levels and maturity of the facilitation program, location, demand, case complexity, and whether an interpreter is needed. In most courts, self-represented litigants can currently book appointments one to two days out. A table displaying the date of currently available online appointments (as of 3:30 p.m. on February 5, 2025) is displayed below.

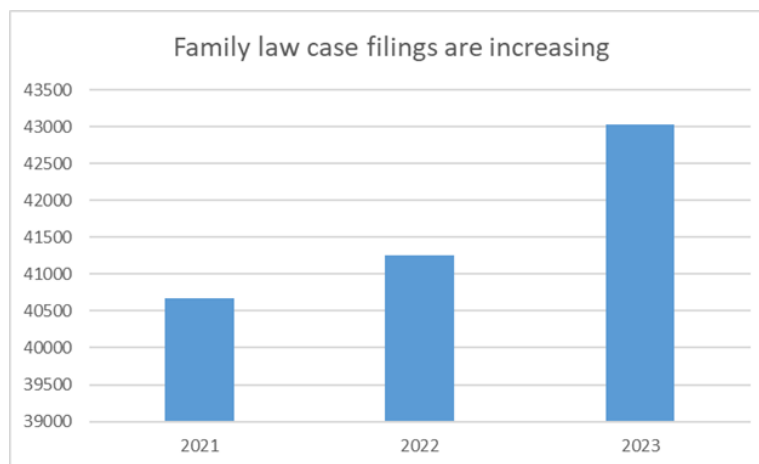
Appointment Length	Location	First Available Date
Flexible	Southern Oregon	February 6
60 minutes	Greater Oregon*	February 7
30 minutes	Northwest Oregon	February 7

* Greater Oregon includes: Benton, Clackamas, Crook, Deschutes, Gilliam, Hood River, Jefferson, Lane, Linn, Marion, Sherman, Union, Wallowa, Wasco, and Wheeler counties.

While we do track the appointments made, those are self-selected by the self-represented litigants, and they may be choosing appointments in the future based on what works best for their schedule.

OJD does not track data on the average lead time a self-represented litigant must wait to book an online meeting with the circuit court facilitator over time, but the overall demand for facilitation services exceeds available resources. In addition to the demand for remote assistance, many litigants still prefer to have an in-person facilitation appointment. This method of delivering facilitation services cannot be easily shared between judicial districts and is a critical access to justice service for many individuals.

Currently, self-represented litigants primarily rely on court facilitators to navigate the family court system. Family law case filings are growing as are the number of self-represented litigants, and more staff are needed to meet the demand for court facilitation services. OJD's Policy Option Package 103 would add eight family court facilitators (in Baker, Clackamas, Deschutes, Hood River, Jackson, Linn, Umatilla, and Union counties) and two remote facilitation managers (in Marion and Washington counties) to meet the increased demand for these services. Note also, while many individuals would benefit from facilitation in civil cases beyond family law, we are currently unable to offer remote facilitation—often not even an in-person facilitation option—beyond family law.



3. Representative Evans asked if our court facilitators are mandatory reporters.

Court facilitators are not mandatory reporters, as they aren't public or private officials as defined in ORS 419B.010. The information they receive is often communicated to a judge, who is a mandatory reporter.

4. Senator Broadman asked what types of procedures courts use WebEx (remote hearings) for and whether they are used for trials.

OJD tracks the total number of remote hearings and participants, but we do not currently track the case types or hearing types. The data entry processes required to accurately capture this information exceeded available staff hours given other demands. As mentioned in the hearing, WebEx is the trial court platform for holding hearings and trials. Its usage went from 541 proceedings in April 2020, to 5,353 in December 2020. In 2024, trial courts held an average of 5,615 WebEx proceedings per month.

5. Representative Lewis asked we have data that shows how many attorneys have moved from handling criminal cases to the civil side.

Of the 100 attorneys who have ended public defense contract work since July 2023, 27 have taken privately retained cases filed in circuit courts (general civil, domestic relations, probate) after ending their public defense contract work.

6. Representative Evans made a comment related to attorneys for children in family law cases. We offered to provide additional information about the mechanism for appointing attorneys for children in family law cases.

Under Oregon law (ORS 107.425(6)), courts may appoint attorneys for children in family law cases at the judge's discretion. However, if a child requests that an attorney be appointed for them, the court must find an attorney for that child. There is no official mechanism for finding these attorneys, nor any fund to pay them other than requiring one or both parents pay the attorney's fees. The law specifically states that public defense services funding cannot be used.

Courts have a variety of local approaches to appointing counsel. In some counties, if the parties identify and agree to the appointment of a particular attorney, that attorney is appointed; if not, the court identifies the attorney to be appointed, taking into consideration identified gender issues, attorney availability, and location of the case or client. Some courts will hold a short hearing to determine if the parties have some ideas about who should provide representation and whether funds may be available as an initial retainer. Some counties have an automatic revolving list of interested attorneys for these roles with the understanding that they may have to take the case pro bono if the parents are not able to pay. None of these attorneys are obligated to take the case, and there is no guarantee that an attorney will be available when needed. Indeed, this is an often-difficult task for court staff: finding an attorney willing to take on the representation of a child, often without pay and on short notice. The court would prefer seasoned family law attorneys who have an affinity for working with children. The

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attorney must be conversant with the local rules and practice and must be familiar with the ABA Standards for the representation of children.

Multnomah County, which of course has a very high need, has a specific program called the Children's Representation Project. It has specific rules and procedures for vetting and then accepting pro bono attorneys. It was created and overseen by Judge Svetkey but has now been taken over by Judge Martin. They also have a local rule for the appointment of counsel for children: Multnomah Supplemental Local Rule (SLR) 8.036. Washington County has SLR 8.091.

Since 2022, we have had 319 domestic relation cases that had a minor represented.

7. Representative Evans asked about the time to entry of judgment in civil cases.

As we discussed during the hearing, OJD's Key Performance Measure target is entry of judgment within three days. One important aspect to note is that in civil cases, Uniform Trial Court Rule (UTCRR) 5.100 requires attorneys to draft the judgment, share it with the other side, and come to an agreement that the judgment accurately reflects the court's order. Having the parties draft the judgment allows both sides to confirm that the information in the judgment is correct prior to the judge's review and signature. This is an important part of the process that can take additional time to accomplish, however, once the final agreed upon judgment is received by the judge it should be signed and entered within three days.

I hope this information is helpful. Please let us know if you have additional questions and thank you again for the opportunity to present to your committee.

Sincerely,



Nancy J. Cozine
State Court Administrator

NC:jm/25eNC005jm

cc: Aaron Knott
Phillip Lemman
Kimberly McCullough
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