



INFORMATION
541-682-4020

Lane County Circuit Court

February 24, 2025

The Honorable Floyd Prozanski, Chair
Oregon Senate Judiciary Committee
900 Court St. NE S-413
Salem, OR 97301

Re: SB 96

Dear Chair Prozanski, Vice Chair Thatcher and Members of the Committee,

My name is Jay McAlpin, and I am the Presiding Judge of the Lane County Circuit Court. I am writing on behalf of Oregon's Presiding Judges in support of SB 96.

As you know, Oregon law designates the presiding judges of each judicial district (as well as the Chief Judge of the Court of Appeals and the Tax Court) as the administrative heads of our courts. We are responsible and accountable to the Chief Justice in exercising that authority and we serve at her pleasure. This places us in a unique position to see the work of Oregon's courts at a judge by judge, docket by docket level but also as a whole system. A system that serves 4.2 million Oregonians in courthouses that sit in two different time zones and that span from Astoria to Lakeview and from Coquille to Enterprise.

To put the scope of Oregon's court's work in context it may be illustrative to compare our workload to the work of the Federal courts. In 2023, the entire Federal District of Oregon (excluding bankruptcy court) received a little more than 2,300 new case filings. In comparison, in 2024, nearly 600,000 cases were filed in Oregon's Circuit Courts.

To find the state trial court that has the equivalent number of new filings you'd have to look to Malheur County where two Circuit Court judges handle about the same number of filings as the entire Federal District of Oregon which has 6 district judges and 6 magistrate judges.

Oregon's Circuit Court judges handle criminal cases ranging from speeding to capital murder. We preside over \$50 small claims cases and multi-million-dollar lawsuits. We handle everything involving the family. Divorce. Custody. Juvenile Delinquency and Juvenile Dependency. We resolve disputes over estates and the Circuit courts are the place for appellate review for administrative courts, municipal courts and justice courts.

Oregon's state court judges are on duty 24 hours a day, three hundred sixty-five days a year. We review search warrants in the middle of the night. Probable cause affidavits on Sunday mornings. And we interrupt watching our own kids' soccer games to review juvenile protective custody orders.

To work through those nearly 600,000 cases that were filed in 2024, the trial courts had to be busy resolving nearly the same number of cases from the years before. In 2024, we resolved those cases by holding over 770,000 hearings. That averages out to be about 186 hearings per trial judge per month. But the mere numbers don't tell the full story of those hearings. Some of those hearings are the classic hearings Oregonians think about when they think about the role of the courts. But many of our hearings bear no resemblance to what people have been trained to see on TV. In many hearings, no attorneys are involved. One or both parties may be appearing remotely. And the disputes that the judge is asked to resolve may range from a contract dispute to the decision whether to place a child in foster care or not.

It was those hearings, hearings that may set the course of a child's life, that I and many of my colleagues believe are the most important and the most stressful. Currently, there are about 10,000 open pending juvenile cases in Oregon. Each of those 10,000 cases involve real children. Children whose course in life are being set. And those 10,000 cases are being reviewed and managed by Circuit court judges. Right now, judges across the state are encouraging parents to give treatment one more try because their kids are worth it. And then helping kids distinguish between the things where they have no responsibility or fault, and where they can make choices that will improve their chances of success in life.

Other cases involve complex mental and behavioral health issues. The caseload of aid and assist cases is increasing at a shocking rate. At the same time, behavioral health issues among juveniles is increasing. The judges doing this work fear that our current aid and assist caseload will outpace our ability to handle these complex cases as these youth transition into adulthood. Many courts are scrambling to prepare for this increase in behavioral health cases by shifting judicial resources from other dockets to specially delineated behavioral health dockets. Unfortunately, this shift results in those other vital dockets being overworked, resulting in judges, both on the behavioral health dockets and on the newly understaffed dockets, feeling overwhelmed.

The Oregon Court of Appeals is also working under an enormous workload. In 2024, the Court of Appeals received over 3,000 new filings. Again, using the Federal courts as a comparison, the entire District of Oregon sent only 277 cases to the Ninth Circuit Court of Appeals. On average, a judge on the Oregon Court of Appeals participates in 305 cases. This averages out to each judge participating in a case a day for nearly six days a week over the course of a year. But the Court of Appeals and Tax Court do so much more. The Tax Court is pioneering a process for submitting electronic evidence that many trial courts are watching as models for better court access and the Court of Appeals has worked to improve access to all Oregonians regardless of geography or represented status.

Oregon's judges continue to do this vital work even as cases become more complex, and solutions seem to be in short supply. But being overwhelmed with the work of being a judge makes the other "costs" of serving harder to shrug off. Some of those costs relate to personal security. Judges are routinely threatened in explicit and implicit ways. Comments like "You have a daughter, don't you?" or "You live down the street from my aunt" immediately after a ruling are meant to intimidate and menace. Direct threats, calls to family members at their places of work or attempts to locate judges' home addresses are intended to make the judge question whether the cost to loved ones is worth remaining on the bench. In-person confrontations at grocery stores or harassing behavior on-line seems to be increasing. All of this for simply doing our jobs.

For many of my colleagues, suffering the crushing workload of a state court judge, the stress of the subject matters we handle daily and the threats of violence against ourselves and our families is offset by the opportunity to use whatever skills and gifts we possess to serve our communities. All of us took this job knowing that choosing public service would come at a financial cost. But accepting that cost does not change the stark reality that Oregon's judges are paid substantially less than similarly (or less) experienced public and private sector attorneys.

Oregon's judges play important roles in bringing disparate stakeholders together to find solutions for the problems facing Oregonians. But it is not unusual for the judge, who is often the driving force behind encouraging meaningful dialogue and setting expectations, to be one of, if not the, least paid attorney at the table. This fact is not lost on those attorneys who are best suited to join the bench. PJs across the state report that when they have been talking to smart, hard-working attorneys with a calm demeanor and a passion for community service about joining the bench, the attorney often decides that they cannot afford to make the change.

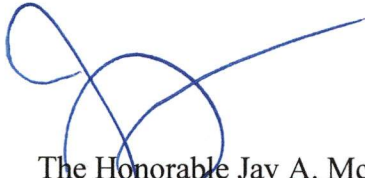
The current level of judicial compensation makes both the retention of experienced judges on the bench and the recruitment of talented lawyers to the bench very challenging. Presiding judges are reporting significant difficulty recruiting for judicial vacancies. This problem is especially acute in rural judicial districts.

The Presiding Judges have asked me to convey to you that the combination of overworked and underpaid judges, who may leave the bench sooner than they otherwise might, is nothing less than an impending crisis in an environment where attorneys, including those in public service, are compensated so much better for their work than our judges.

We are proud of the work that the Judicial Branch has done. We've transitioned an entire branch of government from paper to electronic files successfully. We remained open during the COVID-19 pandemic and learned to use technology to continue to provide Oregonians with a neutral forum for resolving disputes. We've worked overtime to mitigate the harm of the public defense crisis and the behavioral health crisis. Each and every day (and every night), we are available when our communities need us. But we're worried that, without the legislature's investment in Oregon's courts, this already strained system will break with the others.

SB 96 is an investment in Oregon's courts that will allow Presiding Judges to encourage our colleagues to stay on the bench and allow the community to benefit from their experience. And, at the same time, continue to recruit those attorneys who will, as judges in the future, build on the Judicial Branch's successes.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

The Honorable Jay A. McAlpin (he/him)
Presiding Judge, Circuit Court-2nd District
125 E. 8th Ave. Eugene, OR 97401