

**REPORT OF THE 2002-2003 JOINT COMMITTEE
ON OREGON TRIAL COURT JUDICIAL RESOURCES**

November 15, 2002

(December 18, 2002 Supplemental Information Incorporated)

**Submitted to: The Honorable Wallace P. Carson, Jr.
Chief Justice, Oregon Supreme Court**

and

**Angel Lopez, President
Oregon State Bar**

**By: The Joint Oregon Judicial Department / Oregon State Bar
Committee on Trial Court Judicial Resources**

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**EXECUTIVE SUMMARY REPORT OF THE 2002-2003
JOINT COMMITTEE ON TRIAL COURT JUDICIAL RESOURCES**

The Joint Committee on Trial Court Judicial Resources (the “Committee”) is composed of members appointed jointly by the Chief Justice of the Oregon Supreme Court and the Oregon State Bar. It is currently composed of the following members:

The Honorable Paul G. Crowley	Presiding Judge, Seventh Judicial District, Hood River
G. Peter Ellingson (Public Member)	Lumberman, Baker City
Vernon D. Gleaves	Eugene attorney, Chair
The Honorable Janet Schoenhard Holcomb	Circuit Court Judge, Twenty-First Judicial District, Corvallis
The Honorable Charles Luukinen	Presiding Judge, Twelfth Judicial District, Dallas
Gordon Mallon	Burns attorney
The Honorable David Nelson	State Senator, Pendleton
Frank Papagani, Jr.	Assistant United States Attorney, Eugene
The Honorable Lane Shetterly	State Representative, Dallas
The Honorable Joanne Verger	State Representative, Coos Bay
Tim Willis	Corvallis attorney
The Honorable Cameron Wogan	Presiding Judge, Thirteenth Judicial District, Klamath Falls

The Committee was asked to study and make recommendations regarding the need for additional trial court judges in the State of Oregon.

The Committee held its first meeting on July 13, 2002 to formulate the procedures to be utilized by the Committee. Districts intending to seek additional judicial positions from the 2003 Legislature were requested to advise the Committee and provide written responses to a series of questions formulated by the Committee. All responding districts

were afforded an opportunity to make presentations to the Committee at hearings held in Salem on September 27, 2002.

The Committee considered requests for 13 judicial positions (some of which include replacement of referees authorized by prior Legislatures with elected judges) plus funding for 5.8333 FTE pro tem judges and 6.3 referees. The principal factor considered in evaluating the requests was a weighted caseload study of the Oregon trial courts conducted by the National Center for State Courts dated July 22, 2000, based upon 2001 case filings. To the knowledge of the Committee a weighted caseload study is the only valid method of utilizing a common standard in evaluating the requests. In addition, the Committee considered other factors which are set out in the Committee Report.

The Committee's recommendations that elected full time judges or pro tem funding for judges and adequate staff for the equivalent of 14.833 FTE positions (9 full-time judicial positions and 5.833 FTE pro tem judges) plus funding for 6.3 referees be approved and provided for by the 2003 Legislature are as follows:

<u>Judicial District No.</u>	<u>County</u>	<u>Requests</u>	<u>Recommendations</u>
First	Jackson	1	1 Additional Judge
Third	Marion	3.0 FTE Judges	1 Additional Judge +1.5 FTE Juvenile Referees
Fourth	Multnomah	5 + 4 ¹ Juvenile Referees	5 + Continuation of 4 Juvenile Referees
Fifth	Clackamas	2.0 FTE Pro Tem	2.0 FTE Pro Tem Judges
Sixth	Morrow/Umatilla	1	1 Additional Judge
Ninth	Malheur	.5 FTE	.5 FTE Pro Tem Judge
Fourteenth	Josephine	1 or .8 FTE Pro Tem	.75 FTE Pro Tem Judge
Sixteenth	Douglas	.75 FTE Pro Tem	.75 FTE Pro Tem Judge

¹ Five of these judicial positions would replace on a one-for-one basis five referees utilized as judges pro tempore for civil and criminal work.

Seventeenth	Lincoln	1 ²	.5 FTE Pro Tem Judge
Eighteenth	Clatsop	1	.75 FTE Pro Tem Judge
Twentieth	Washington	1 + .8 FTE Referee	1 Additional Judge + .8 FTE Continuation of Juvenile Referee
Twenty-Second	Crook/Jefferson	1	0 ³
Twenty-Third	Linn	.5 FTE Pro Tem	.5 FTE Pro Tem Judge
Twenty-Fourth	Grant/Harney	.0833 FTE	.0833 FTE Pro Tem Judge

The bases for the recommendations are set out in the Report.

Prioritization or ranking of the recommended nine full-time judicial positions is as follows:

<u>Priority Number</u>	<u>Judicial District</u>	<u>Number of Judges</u>
1	Sixth Judicial District (Morrow/Umatilla)	1
2	First Judicial District (Jackson)	1
3	Fourth Judicial District (Multnomah)	1
4	Third Judicial District (Marion)	1
5	Twentieth Judicial District (Washington)	1
6	Fourth Judicial District (Multnomah)	4

² Would replace 1.0 FTE referees authorized in 1997, 1999 and 2001.

³ See Report at page 20 for explanation.

**REPORT OF THE 2002-2003 JOINT COMMITTEE ON
TRIAL COURT JUDICIAL RESOURCES**

I. BACKGROUND

Members of the Committee were appointed or re-appointed in 2002 by the President of the Oregon State Bar and the Chief Justice of the Oregon Supreme Court. The charge for the Committee's work is to review and make recommendations on requests for new full or part-time trial Court judicial positions. Similar committees have functioned for approximately 12 years and similar reports were issued by each of those committees. Members of this Committee are as follows:

The Honorable Paul G. Crowley	Presiding Judge, Seventh Judicial District, Hood River
G. Peter Ellingson (Public Member)	Lumberman, Baker City
Vernon D. Gleaves	Eugene attorney, Chair
The Honorable Janet Schoenhard Holcomb	Circuit Court Judge, Twenty-First Judicial District, Corvallis
The Honorable Charles Luukinen	Presiding Judge, Twelfth Judicial District, Dallas
Gordon Mallon	Burns attorney
The Honorable David Nelson ¹	State Senator, Pendleton
Frank Papagani, Jr.	Assistant United States Attorney, Eugene
The Honorable Lane Shetterly	State Representative, Dallas
The Honorable Joanne Verger	State Representative, Coos Bay
Tim Willis	Corvallis attorney
The Honorable Cameron Wogan	Presiding Judge, Thirteenth Judicial District, Klamath Falls

¹ Senator Nelson advised that because of Legislative duties he would not be able to actively participate in Committee work, but asked to be kept informed regarding the work of the Committee. The Committee complied with his request.

The Committee notified each of the Presiding Judges of each of the Judicial Districts, their respective Trial Court Administrators, and the President of each local Bar Association of its organization and purpose. Judicial Districts (“District” or “Districts”) interested in obtaining recommendations for new judicial positions from the 2003 Legislature were requested to advise the Committee. Indications of interest were received from a number of Districts. In 2000 the prior Committee (the “2000 Committee”) recommended creation of 16 elected trial court judgeships in addition to funding for 5.833 pro tem judges and eight juvenile referees. The 2001 Legislature enacted legislation creating six new trial court judgeships. This Committee determined that unless a District withdrew its request, the Committee would utilize the 2000 Committee recommendations as a base, but without a commitment as to ranking, and those Districts satisfied with the recommendation need not respond to the Suggested Discussion Items or appear before the Committee unless the District desired to do so. Those Districts expressing an interest for the first time were requested to provide information to the Committee by responding to a series of Suggested Discussion Items, a copy of which is attached as Appendix A, and invited to have representatives appear before the Committee to discuss their requests. Also, the Districts not satisfied with the recommendations of the 2000 Committee were encouraged to provide additional information and to make a presentation to the Committee. Committee members personally interviewed representatives of eight of the requesting Districts in a meeting held in Salem on September 27, 2002.

REQUESTS RECEIVED

In response to Committee inquiries, District requests were received or carried forward from the 2000 Committee recommendations, adjusted by creation of the new judicial positions authorized by the 2001 Legislature, as follows:

<u>Judicial District No.</u>	<u>County</u>	<u>Requests</u>
First	Jackson	1
Third	Marion	3.0 FTE Judges

Fourth	Multnomah	5 + 4 Juvenile Referees
Fifth	Clackamas	2.0 FTE Pro Tem Judges
Sixth	Morrow/Umatilla	1
Ninth	Malheur	.5 FTE Pro Tem Judge
Fourteenth	Josephine	1 Judge or .8 FTE Pro Tem Judge
Sixteenth	Douglas	.75 FTE Pro Tem Judge
Seventeenth	Lincoln	1
Eighteenth	Clatsop	1
Twentieth	Washington	1 + .8 FTE Referee
Twenty-Second	Crook/Jefferson	1
Twenty-Third	Linn	.5 FTE Pro Tem Judge
Twenty-Fourth	Grant/Harney	.0833 FTE Pro Tem Judge

II. INFORMATION CONSIDERED

A. Legislative and Congressional Actions Significantly Increase the Demand Upon Judicial Resources.

Some examples of additional burdens that have affected and will continue to affect Court operations are:

1. The Adoption and Safe Families Act (“ASFA”) was enacted by Congress and the implementation legislation enacted by the 1999 Legislature (Chapter 859, Oregon Laws 1999). The ASFA required (i) adjudication hearings must occur within 60 days from filing of a dependency petition; (ii) juvenile permanency hearings must occur within 30 days after the finding of extreme conduct; (iii) court determinations whether reasonable efforts were made to implement the permanency plan; (iv) filing of permanency petitions for any child in substitute care for 15 of the last 22 months; and (v) new obligations for notice to and hearing of foster parents. Compliance with the ASFA requirements and time limitations is critical because compliance is a prerequisite to federal adoption funds being available to the State of Oregon.

2. Implementation of the provisions of Senate Bill 689, Chapter 783, Oregon Laws 1997 which set mandatory, accelerated time lines for juvenile dependency cases.

3. Changes by the Oregon Legislature to the Family Abuse Prevention Act (“FAPA”) to bring it into compliance with the federal law regarding possession of a firearm or ammunition where a domestic abuse restraining order is in place. The suggestions to link Oregon’s FAPA with the federal law will require considerably more judicial time than under the prior ex-parte order procedure.

4. Additional implementation of the receipt by the Oregon State Police of a federal grant to hire more state police personnel and possible reductions because of state budget implications.

5. The receipt by local or state agencies of various grants for juvenile justice, domestic violence and other areas of law enforcement.

6. Construction of new and expansion of existing correctional facilities with substantial increases in inmate population. Disbursement throughout the state creates new problems for courts and communities where correctional facilities are constructed and operated.

7. The encouragement of alternative forms for conducting the work of courts such as drug courts, family courts, etc. Although these programs frequently may obtain better results, they almost always require a greater amount of judicial resources to be devoted to a smaller number of cases.

8. Creation of new causes of action such as stalking, restraining orders, elder abuse, etc. and imposition of legislative priorities and time constraints for hearings, trials and disposition of cases.

9. The failure of the Legislature to authorize many of the additional judicial positions recommended by predecessor committees to the 1997, 1999 and 2001 Legislatures (see Appendix H for historical reference).

B. A Weighted Caseload is a Very Useful Objective Tool and Should Be the Primary Factor Considered in Making Committee Recommendations for Additional Judicial Positions.

Prior committees have concluded that recommendations for new trial court judges should be based on objective criteria, principally a uniform weighted caseload study, but until 2000 those committees did not have the benefit of a weighted caseload study based on actual studies of the time Oregon judges spend on various types of cases, plus the additional duties imposed upon trial court judges. In its report dated November 18, 1998, the 1998 committee recommended funding for reviewing and improving the weighted caseload study utilized by prior committees be included in the Judicial Department budget to update the study and verify the results being utilized by that committee.

In 1999, the Office of the State Court Administrator (“SCA”) engaged the National Center for State Courts (“NCSC”) to conduct an Oregon Circuit Court Judicial Workload Assessment Study (“Study”). At that time the NCSC had conducted judicial workload assessment studies for 11 other states in the prior seven years. The final Study report was issued on June 22, 2000. The Definitions for the Judicial Workload Assessment Model are attached as Appendix B and the Executive Summary of that report is attached as Appendix C (the “2000 Study”).

Fifteen Oregon Districts, with 20 of Oregon’s 36 counties included, and 116 of the 163 judicial positions, participated in the 2000 Study. Thirteen case categories (only cases requiring judge time) were utilized in the 2000 Study and the average time to process a case in minutes was determined for each of those categories. The 2000 Study covered a two-month period of time and the results were applied to actual 1999 case filings for each judicial District to produce a “Basic Model” which reflected the need for additional trial court judicial positions. The results of that study were attached to the 2000 Committee report as Appendix D.

In addition to the Basic Model, the NCSC utilized the 2000 Study materials and concluded that the Fourth Judicial District (Multnomah County) was slower in processing some case categories, especially juvenile cases, compared to the other Districts that participated in that Study. This was particularly true for juvenile cases that are likely influenced by the use of the family court structure (one family/one judge). Family courts consist of two types. One is a Chief

Justice designated family court that handles cases involving one family and assigns each family to a single judge for case processing. The other is also a Chief Justice designated family court, but it further integrates functions such as a designated family court coordinator who coordinates with social services in these cases. The 2000 Study concluded and the interviewed judges agreed that family court operations require more time with a particular judge, but save other time required when cases proceed separately. It is expected that family issues are addressed more effectively and satisfactorily in a family court. A comparison of case weights of the Fourth Judicial District for domestic relations, juvenile delinquency, juvenile dependency and juvenile termination of parental rights with the rest of the Districts without family courts appears to bear out increased processing times, at least for juvenile cases (see page 38 of the 2000 Study).

The NCSC prepared a Fourth Judicial District “Best Practices” assessment model utilizing the juvenile case weights for the Fourth District applied to all Districts, the results of which were attached to the 2000 Committee report as Appendix E (Best Practices Model). After thorough review of the advisability of utilizing family courts and considering the impact of new ASFA requirements on court workloads, the 2000 Committee concluded the Best Practices Model should be utilized in evaluating judicial district requests. The 2000 Committee reached its conclusion because members believed this Best Practices Model most closely reflects the increased judicial time required in juvenile dependency cases as a result of the ASFA and SB408 (the Oregon legislation implementing the AFSA).

This Committee determined it would use the Best Practices Model because most courts have implemented or are planning to implement family courts. Based upon the Best Practices Model and utilizing 2001 actual case filings, the SCA prepared schedules based upon 2001 case filings covering each of the Districts, which schedules are attached as Appendix D (the “2002 Study”). This schedule shows the need by District and by ranking. In this computation a negative number on Line 34 shows the need for additional judicial resources.

Some states make decisions regarding the need for additional judgeships based solely upon a weighted caseload study. Prior committees and this Committee concluded that additional factors should be considered. This is one of the reasons why the Committee requested that each requesting District respond to the questions (shown as Appendix A) and each District was provided the opportunity for an “in-person” presentation.

Some of the additional factors which the Committee believes should be considered are (i) availability of referees to assist with the judicial workload in particular districts; (ii) concentration of complex cases; (iii) drug courts; (iv) family courts; (v) Measure 11 cases; (vi) use of settlement conferences; (vii) greater numbers of jury trials; (viii) post-judgment time such as felony and misdemeanor cases re-opened for probation violations and family cases requiring on-going hearings and supervisions; (ix) the number of cases requiring interpreters, which generally require more lengthy hearings and trials; (x) aggravated murder cases that generally are complex and lengthy; (xi) District Attorney charging practices; and (xii) post-conviction and habeas corpus proceedings in districts with state correctional facilities.

C. The Committee Considered Additional Information Provided by Each District.

As noted above, the Committee provided to each requesting District a series of questions, which it asked to be answered in the presentations by Districts making new applications and Districts which were dissatisfied with the 2000 Committee recommendations. This Committee also asked that written materials be supplied to Committee members in advance of the presentations to afford members an opportunity to better understand the bases for the requests. All Districts requesting the opportunity to make a presentation to the Committee provided written materials to each Committee member prior to the date scheduled for the presentations and several supplemented their written materials at the time of the presentations. Oral presentations were made by representatives of the Third, Fifth, Sixth, Fourteenth, Seventeenth, Eighteenth, Twentieth and Twenty-Second Judicial Districts and responded to questions of Committee members.

D. Courts are Becoming More Efficient.

In addition to implementation of alternative dispute resolution, increased settlement conferences, and other procedures to improve and enhance trial court operations, many technological advancements are being made in the operations of the Oregon courts. Substantial use of computer programs is being made; closed circuit video conferencing is being utilized in many Districts to permit criminal arraignments, and entering of pleas and other non-jury proceedings is taking place between the judge in the courtroom, the prosecuting attorney either in the courtroom or in their office, and the offender and counsel in the detention facility. Video conferencing is being implemented in the Districts as funds for necessary equipment are made

available. The Courts are working to assist participants in pro se cases and efforts are continuing to reduce the increased judge time that is generally required in the supervision of pro se cases.

E. There is a Significant Delay Between the Demonstration of Need for and the Actual Creation of a New Judicial Position.

The 2000 Study was based upon Circuit Court case filings for 1999. Those filing statistics were more than one year old when the 2001 Legislature began its sessions. Additionally, there is traditionally a substantial time lag between legislative action and the filling of authorized judicial positions. With the increased responsibility placed upon Circuit Court judges by initiatives and legislative action, the increasing population occurring within the state, the increased case filings and the changes that are rapidly occurring in both the criminal and civil law fields, the operations of the Oregon trial courts are being adversely affected by these substantially increasing burdens. In other words, the 2000 Study used case filings for 1999 in its analysis, the Legislature approved creation of new judgeships in 2001, three of those positions will become effective January 3, 2003 and three of those positions will be filled June 30, 2003. These substantial time lags create overwhelming problems for Courts needing additional assistance since 1999 and, as reflected by prior committee reports, in many cases long before 1999.

The 2003 legislative actions would be based upon 2001 filings and, if tradition is followed, those positions would be filled at the earliest in January 2004 and possibly as late as July 1, 2005. For example, the Third Judicial District (Marion County) had a need in 2000 for 2.75 FTE additional judicial positions and the judges of that District must continue to deal with that shortage for an additional two to four years if the 2003 Legislature creates new judicial positions for that District in accordance with the recommendations of the Committee. Some representatives of that District recommended the Committee should develop criteria for making recommendations based upon future projections. There is merit in the suggestions, but the Committee determined it could at this time make recommendations only based upon the best available historical data. The 2003 Legislature and future legislatures need to be aware of the substantial time lag between recommendations of this Committee, legislative action and the actual filling of additional judicial positions. Under present procedures, only the Legislature can help lighten the burden imposed upon Oregon judges by promptly creating and funding new judicial positions.

F. Problems with Staffing.

Staffing within the trial court system continues to be a significant problem and without adequate staffing any system loses its effectiveness. The one staff person authorized for each of the Marion, Lincoln and Douglas County referees by the 1997 Legislature has proven to be far below the demonstrated need. In those Districts which received pro tem judge assistance in excess of coverage of judge illness, vacation or other absence, no additional staff are provided to serve the pro tem judge. This creates difficult problems for the staff of the District and reduces the effectiveness of the pro tem judge.

G. Recent Changes in Districts, Referees and Judgeships.

1. Effective January 6, 1997, Grant County was removed from the Eighth Judicial District and the former Circuit Court judge for Baker and Grant Counties continued as the Circuit Court judge for Baker County.

2. Effective January 6, 1997, Harney County was removed from the Ninth Judicial District and the Circuit Judge for Malheur County continued as Circuit Judge for the Ninth District.

3. Effective January 6, 1997, a new Twenty-Fourth Judicial District was created comprised of Grant and Harney Counties and a new Circuit Court Judge position became operative on the first Monday in January 1997.

4. Effective June 30, 1997, the First Judicial District (Jackson County) received an additional Circuit Court Judge position increasing the number from six to seven.

5. Effective June 30, 1997, the Fifth Judicial District (Clackamas County) received an additional Circuit Court judge position increasing the total number of judicial positions from nine to 10.

6. Effective June 30, 1997, the Eleventh Judicial District (Deschutes County) received an additional Circuit Court Judge position increasing the total number of judicial positions from five to six.

7. The 1997 Legislature included in the Judicial Department budget temporary funding for eight referees. Five of those referees were awarded to the Fourth Judicial District (Multnomah County), one to the Third Judicial District (Marion County), one to the Sixteenth Judicial District (Douglas County), and one to the Seventeenth Judicial District (Lincoln County).

8. Consolidation of the District and Circuit Courts was effective as of January 15, 1998.

9. Effective January 4, 1999, the Third Judicial District (Marion County) received an additional Circuit Court Judge position increasing the total number of judicial positions from 12 to 13.

10. Effective January 4, 1999, the Fourth Judicial District (Multnomah County) received an additional Circuit Court Judge position increasing the number of judicial positions from 36 to 37.

11. Effective January 4, 1999, the Twelfth Judicial District (Polk County) received an additional Circuit Court Judge position increasing the number of judicial positions from two to three.

12. The 1999 Legislature authorized funding for continuation of the eight referee positions, but authorized only three of the 16 full-time judges recommended by the predecessor of this Committee.

13. Effective January 2001, the Eighteenth Judicial District, composed of Clatsop and Tillamook Counties, was divided with Clatsop County continuing as the Eighteenth Judicial District with two judges and Tillamook designated at the Twenty-Seventh Judicial District with two judges.

14. The 2001 Legislature authorized new judicial positions as follows:

14.1. Effective January 6, 2003, the First Judicial District (Jackson County) will receive one new judicial position, increasing the number of judges from seven to eight.

14.2. Effective January 6, 2003, the Third Judicial District (Marion County) will receive one new judicial position, increasing the number of judges from 13 to 14.

14.3. Effective June 30, 2003, the Fourth Judicial District (Multnomah County) will receive one new judicial position, increasing the number of judges from 37 to 38.

14.4. Effective June 30, 2003, the Eleventh Judicial District (Deschutes County) will receive one new judicial position, increasing the number of judges from six to seven.

14.5. Effective June 30, 2003, the Twentieth Judicial District (Washington County) will receive one new judicial position, increasing the number of judges from 13 to 14.

14.6. Effective January 6, 2003, the Twenty-Fifth Judicial District (Yamhill County) will receive one new judicial position, increasing the number of judges from three to four.

III. ANALYSIS AND RECOMMENDATIONS.

First Judicial District – Jackson County. In 2000 the District had seven judges and requested a Committee recommendation for one additional Circuit Court judge effective July 1, 2001 and the second effective July 1, 2002. The 2000 Study showed a need of 2.56 additional Circuit Court judges and the District ranked first in need. Details of the operations of the courts of the District are set out in the November 15, 2000 report of that Committee beginning at page 9. The 2000 Committee recommended creation of one additional Circuit Court judge position effective July 1, 2001 and the second effective July 1, 2002.

The 2001 Legislature authorized creation of one new judicial position for the District. The position will be filled at the general election in November 2002 and the Committee understands funding for that position will become effective January 6, 2003.

The 2002 Study shows a need for an additional 1.94 FTE judicial positions after allowance for the new position created by the 2001 Legislature (Appendix D). The District ranks fourth in need in the 2002 Study (Appendix E).

Representatives of the District advised the Committee their greatest concern was to assure the implementation and funding for the additional position authorized by the 2001 Legislature and the District was otherwise satisfied with the recommendations of the 2000 Committee, except for the proposed time for filling the positions.

The Committee endorses the request of the District and recommends the creation of one additional Circuit Court judge position at the earliest possible time.

Third Judicial District – Marion County. In 2000 the District had 13 Circuit Court judges. The 1996-97 Committee recommended two additional judges for the District. The 1997 Legislature authorized creation of one additional judicial position effective January 4, 1999 and the District was allocated one referee (with one staff person). The 1998-99 Committee endorsed the request of the District for two additional Circuit Court judges, one of which would replace the referee position authorized by the 1997 Legislature. The 1999 Legislature authorized one new judgeship and continuation of the hearing referee position for the period of November 1999 through July 2001.

In 2000 the District requested a recommendation of the Committee for three additional Circuit Court judicial positions. The 2000 Study showed an FTE need of 3.71 additional Circuit Court judges and the District ranked third in need. Details of the operations of the courts of the District are set out in the November 15, 2000 report of the 2000 Committee beginning at page 12. The 2000 Committee recommended creation of two additional Circuit Court judicial positions and continuation of funding for 1.5 FTE juvenile referees.

The 2001 Legislature authorized creation of one new judicial position for the District. The position will be filled at the general election in November 2002 and the Committee understands funding for that position will become effective January 6, 2003. While the District welcomes the creation of that additional position, it will not lighten the workload of the judges since the District will lose one of its three referees when that position becomes effective.

The 2002 Study shows a need for an additional 2.75 FTE judicial positions after allowance for the new position created by the 2001 Legislature (Appendix D). The District ranks sixth in need in the 2002 Study (Appendix E).

Representatives of the District made a presentation to the Committee and supplemented the information contained in materials submitted in 2000. Those representatives stressed the problems created by the substantial time lags between the compilation of the caseloads utilized by the Committee in making its recommendations and actual implementation of legislative action.

The District requested the recommendation of the Committee for three additional Circuit Court judge positions. The Committee recommends the creation of one additional Circuit Court judicial position at the earliest possible time and continuation of 1.5 FTE referees.

Fourth Judicial District – Multnomah County. In 2000, the District had 37 Circuit Court judges and utilized 12.5 FTE referees and requested recommendations for 10 additional Circuit Court judicial positions. The District proposed to replace hearings referees with Circuit Court judges on a one-for-one basis for eight referees then used in the adult civil and criminal divisions of the court as pro tem judges. Referees sitting in the juvenile court under the authority of ORS 419A.150 were proposed to be retained to hear juvenile matters under the authority of that section as limited by SLR 11.075. Additionally, a half-time referee was proposed to be continued for purposes of staffing the night court in Gresham, which was scheduled to open in November 2000. Details of the operations of the courts of the District are set out in the November 15, 2000 report of the 2000 Committee beginning at page 14.

The 2001 Legislature authorized creation of one new judicial position for the District. The position will be filled at the general election in November 2002 and the Committee understands funding for that position will become effective June 30, 2003.

The 2002 Study shows a need for an additional 5.81 FTE judicial positions after allowance for the new position created by the 2001 Legislature (Appendix D). The District ranks ninth in need in the 2002 Study (Appendix E). Representatives of the District requested that the five remaining positions be continued as a recommendation to the 72nd Legislative Assembly. The Committee endorses the request of the District and recommends the creation of five additional Circuit Court judicial positions at the earliest possible time to replace full-time referees acting as pro tem judges and continuation of four juvenile referees.

Fifth Judicial District – Clackamas County. In 2000, the District had 10 judges and requested a Committee recommendation for 2.3 FTE pro tem judges. The District did not apply for a recommendation for full-time Circuit Court judges because the District had 10 Circuit Court judges operating with nine courtrooms. The 2000 Study showed an FTE need of 3.19 Circuit Court judicial positions and the District ranked second in need. Details of the operations of the courts of the District are set out in the November 15, 2000 Report of the 2000 Committee beginning at page 17. The 2000 Committee recommended that funding be provided for 2.3 FTE pro tem judges and staff solely because the District did not have adequate courtroom facilities available for additional full-time judges.

The 2002 Study shows a need for an additional 4.24 FTE judicial positions (Appendix D). The District ranks first in need in the 2002 Study (Appendix E).

Representatives of the District made a presentation to the Committee and supplemented the information contained in the materials submitted in 2000. Those representatives again asked that the Committee make similar recommendations for future years without the need of appearance before the Committee by representatives of the District. It is the opinion of the Committee that this request should not be granted as the request of this District needs to be compared and considered with the requests of other Districts requesting recommendations in future years.

The District requested recommendations for 1.0 FTE pro tem judge to continue its night court, probate and domestic relations matters and to free up regular judges for ASFA matters, and 1.0 FTE pro tem judge to institute a community court program in Clackamas County, a

continuation from last biennium's effort to establish that court. The Committee endorses the request of the District and recommends that funding be provided for 2.0 FTE pro tem judges.

Sixth Judicial District – Morrow/Umatilla Counties. In 2000, the District had four judges serving two counties and requested a Committee recommendation for one additional Circuit Court judge. The 2000 Study showed a need of .85 FTE Circuit Court judicial positions and the District ranked seventh in need. Details of the operations of the court of the District are set out in the November 15, 2000 Report of that Committee beginning at page 19. The 2000 Committee recommended creation of one additional Circuit Court judicial position primarily because of the increased inmate population in the District with the resulting caseload not being reflected in 1999 filings. The 2001 Legislature did not follow the recommendations of the Committee.

The 2002 Study shows a need for an additional 1.31 FTE judicial positions (Appendix D). The District ranks third in need in the 2002 Study (Appendix E).

Representatives of the District submitted materials in response to the Suggested Discussion Items and made a presentation to the Committee. Letters of support were submitted from the County Commissioners of Morrow and Umatilla Counties. The Morrow County Commissioner letter indicated the Commissioners “lend our support to the proposal that another Circuit Judge position be added to our judicial district.” The District has an under-utilized courtroom in Morrow County and the proposal would be to house the additional judge in that facility initially. Long-term, the plan would be to move that additional judge to Hermiston if courtroom facilities are constructed in a proposed justice center. Based upon the representation that the additional judge would not create a demand for any further facilities in Umatilla County, the Umatilla County Commissioners indicated they would not oppose an additional judge for the District. Letters of support were received from the Umatilla County District Attorney, the Morrow County District Attorney, the Umatilla County Department of Health and Human Services, the Umatilla County Sheriff, the Umatilla/Morrow County Bar Association, the Local Public Safety Coordinating Council and Umatilla-Morrow County Community Corrections.

Since the Two Rivers Correctional Institution in Umatilla County is completed and fully operational, the District is now a two-prison jurisdiction. It also contains a substantial Hispanic population and the courts deal with problems relating to the Umatilla Indian Reservation.

The District requested the continued recommendation of the Committee for one additional Circuit Court judge position. The Committee endorses the request of the District and recommends the creation of one additional Circuit Court judge position at the earliest possible time.

Ninth Judicial District – Malheur County. In 2000, the District had two judges and requested a Committee recommendation for .5 FTE pro tem judge funding. The 2000 Study showed a need of .14 additional Circuit Court judge assistants and the District ranked fifteenth in need. Details of the operations of the courts of the District are set out in the November 15, 2000 Report of that Committee beginning at page 21. The 2000 Committee recommended funding for a .5 FTE Circuit Court pro tem judge position primarily because of the workload associated with the Snake River Correctional Institution (“SCRI”).

The 2002 Study shows a need for an additional .20 FTE judicial position (Appendix D). The District ranks sixteenth in need in the 2002 Study (Appendix E).

Representatives of the District advised the Committee the Judicial Department had provided pro tem assistance, particularly Plan B judges, to assist the judges with their post-conviction and habeas corpus caseload arising from SRCI and the District was otherwise satisfied with the recommendation of the 2000 Committee.

The Committee endorses the request of the District and recommends funding for .5 FTE pro tem judge.

Fourteenth Judicial District – Josephine County. The District presently has four judges with the last judicial position being added in 1981. In 2000, the District requested a Committee recommendation for .8 FTE pro tem judge funding. The 2000 Study showed a need of .65 FTE additional Circuit Court assistance and the District ranked tenth in need. Details of the operations of the courts of the District are set out in the November 15, 2000 Report of that Committee beginning at page 28. The 2000 Committee recommended funding for .75 FTE pro tem judge positions. The 2002 Study shows a need for an additional .73 FTE judicial position (Appendix D) and ranks eighth in need in the 2002 Study (Appendix E).

A representative of the District made a presentation to the Committee and supplemented the information contained in the materials submitted in 2000. That representative urged the Committee to increase the recommendation for one new judgeship, or in the alternative an 80% pro tem funding rather than the .73 FTE pro tem as the 2002 Study indicates. The representative contended the request of the District was warranted based upon the 2002 Study, the extra travel time which judges spend in traveling between the courthouse and the juvenile center, the addition of an integrated treatment court, and the fact that a .75 FTE pro tem funding does not provide 75% time for a pro tem judge (the representative indicated that such funding must also cover 8% of salary for benefits for the pro tem judge and travel expenses if someone other than a local Plan B judge or local attorney is utilized).

The Committee recommends funding for .75 FTE pro tem judge.

Sixteenth Judicial District – Douglas County. The District has five judges with the last judgeship created in 1976. In 2000, the District requested a recommendation for one additional Circuit Court judicial position. The 2000 Study showed a need for an additional .57 FTE Circuit Court judicial position and the District ranked eleventh in need. The Committee recognized the efforts of the courts of the District to improve the efficiency of its courts and its innovative measures, particularly with reference to its family and drug courts, but did not believe the District warranted a recommendation for a full judgeship. The 2000 Committee recommended funding for a .75 FTE pro tem judge in substitution for an existing referee authorized by the 1997 Legislature. Details of the operations of the courts of the District are set out in the November 15, 2000 Report of that Committee beginning at page 31.

The 2002 Study shows a need for an additional .47 FTE judicial position (Appendix D). The District ranks thirteenth in need in the 2002 Study (Appendix E).

Representatives of the District did not submit additional materials or request the opportunity to make a presentation to the Committee. The Committee therefore assumed the District did not object to the 2000 Committee recommendation. The Committee recommends funding for .75 FTE pro tem judge time in substitution for the full-time referee.

Seventeenth Judicial District – Lincoln County. The District has three judges with the last judgeship created in 1982. It has had the services of a full-time referee since October 1997.

In 2000, the District requested a Committee recommendation for one additional Circuit Court judge. The 2000 Study indicated a need for an additional .27 FTE Circuit Court judicial position and the District ranked thirteenth in need.

The 2002 Study shows a need for an additional .22 FTE judicial position (Appendix D). The District ranks fifteenth in need in the 2002 Study (Appendix E).

Representatives of the District submitted materials and made a presentation to the Committee which supplemented the materials submitted in 2000. Additional details of the operations of the courts of the District are set out in the November 15, 2000 Report of that Committee beginning at page 34. The representatives reported that the number of Measure 11 cases had increased substantially and they believe the District's ranking in the 2002 Study is the result of the policy, which is supported by the District Attorney, the courts and the Trial Court Administrator, which encourages the joinder, consolidation or combining into a bloc of as much conduct (multiple charges) involving any given defendant as is possible. Those representatives believe this is substantially different from what happens in other jurisdictions. The Committee subsequently received testimony from a representative of the State Court Administrator's Office who informed the Committee the SCA's instructions for reporting requirements were uniform throughout all Districts in Oregon and the State Court Administrator had no way of knowing whether a particular District was reporting exactly the same as any other District.

The Committee recommends funding for a .5 FTE pro tem judge in substitution for the 1.0 FTE referee.

Eighteenth Judicial District – Clatsop County. The District previously included both Clatsop and Tillamook Counties with two judges sitting in Clatsop County and two in Tillamook County. Effective January 2002, the Legislature approved splitting the District, with Clatsop County continuing as the Eighteenth Judicial District. The District requested a recommendation for one additional Circuit Court judge position.

The 2002 Study shows a need for an additional .3 FTE Circuit Court judge time (Appendix D). The District ranks sixth in need in the 2002 Study (Appendix E).

Representatives of the District made a presentation to the Committee and supplemented the information contained in the materials submitted in 2000 which begin at page 36 of the November 15, 2000 Report of that Committee. The representatives based the request on (1) the District has no referees, (2) the District has an adult drug court and begins its juvenile intensive treatment court on November 1, 2002, (3) its family court began July 1, 2000, (4) the District had 136 Measure 11 crimes for one year, (5) the District's trial rate is slightly more than double that of the statewide average, and (6) it had six aggravated murder cases filed from 1998 to 2001.

The Committee concluded it did not believe the District was entitled to a recommendation for a full-time Circuit Court judge, but recognized the problems which are peculiar to the District and recommends funding for .75 FTE pro tem judge time.

Twentieth Judicial District – Washington County. In 2000, the District had 13 judges with the last judicial position created in 1993. The 2000 Study showed a need of 2.71 FTE Circuit Court judicial positions and the District ranked eighth in need. Details of the operation of the courts of the District are set out in the November 15, 2000 Report of that Committee beginning at page 39. The 2000 Committee recommended creation of two additional Circuit Court judgeships for the District and continuation of the .8 FTE referee.

The 2001 Legislature authorized creation of one new judicial position for the District. The position will be filled at the general election in November 2002 and the Committee understands funding for that position will become effective June 30, 2003.

The 2002 Study shows a need for an additional 1.76 FTE judicial position after allowance for the new position created by the 2001 Legislature (Appendix D). The District ranks tenth in need in the 2002 Study (Appendix E).

A representative of the District made a presentation to the Committee and orally supplemented the information contained in the materials submitted in 2000. The representative indicated the District was satisfied with the carry-over recommendation from the 2000 Committee. The Committee endorses the request of the District and recommends the creation of one additional Circuit Court judge position at the earliest possible time and funding for .8 FTE referee.

Twenty-Second Judicial District – Crook/Jefferson Counties. The District has three judges covering two counties. This District did not make application for a recommendation in 2000. The 2002 Study shows a need of .19 FTE additional judicial positions (Appendix D). The District ranks sixteenth in need in the 2002 Study (Appendix E). The District has requested a recommendation from the Committee for one additional Circuit Court judge position.

Based upon the 2002 Study alone, the Committee believes it is difficult to make a recommendation for a new judicial position for the District. However, the request was made primarily because of the announced decision of the Oregon Department of Corrections (“ODC”) to construct a 400-bed men’s minimum security facility and a 1,300-bed medium security facility near Madras in Jefferson County. In May 2002 the ODC estimated a start of construction for the 400-bed facility in January 2003 and completion by 2004. The 1,300-bed facility was estimated to have a start date of October 2003 and a completion date of June 2006. The announced plans for the facilities included areas for inmate housing, work and education programs, health services, food services, physical plant, warehouse and storage, vehicle maintenance, administration and other related functions and programs. ODC estimated employment would peak at 635 jobs and when fully operational the facility was proposed to have 507 employees. There was a further expectation of 911 jobs during the three years construction is active and total direct, indirect and induced impacts resulting from operation of the facility were predicted to create an increase in the employment base of 1,666 jobs at full utilization.

In 1998, Jefferson County had an estimated household base of 5,950 households and an estimated 829 households are expected to relocate to Jefferson County when the correctional facility is fully utilized. School enrollment growth due to the ODC facility is projected to be 427 students by 2007, with another baseline growth projection for the County which would add another 1,078 students, for a total estimate of 1,505 new students in the District.

It is worthy to note the Executive Summary of the ODC relating to the proposed Jefferson County Correctional Facility Community Impact Statement is silent regarding the impact on the operations of the courts of the District.

Historical evidence from the results of the Snake River Correctional Facility in Ontario and the Eastern Oregon Correctional Facility and the Two Rivers Corrections Facility in Umatilla County shows construction and operation of correctional facilities does have a substantial impact

on the courts of the Districts in which those facilities are located. In 2001, the Twenty-Second Judicial District had one Post-Conviction Relief/Habeas filing (Appendix D). This compares with Morrow/Umatilla with 211 cases under that category (Appendix D) and Malheur County with 202 (Appendix D). Similarly, juvenile case filings are disproportionately higher in Districts with state correctional facilities.

Crook and Jefferson Counties during the period from 1990 to 2000 had a population increase of nearly twice the state average. If the ODC facilities are constructed, the Jefferson County population is predicted to grow 42% between 1998 and 2007. Jefferson County has, in addition to an existing heavy juvenile caseload, taken over all juvenile matters from the Warm Springs Indian Reservation.

The County Commissioners of both counties support the request, with both indicating the anticipated prison facility construction as a significant factor in those recommendations.

The day before the District's presentation to the Committee, the State of Oregon announced it was delaying until December 2002 the sale of the bonds intended to be issued to fund construction of the Madras correctional facility pending determination of budget projections facing the state of Oregon. The announcement further indicated the matter would be reviewed when December state revenue projections were available.

Without question, if the correctional facilities are constructed, the judges of the District will need substantial judicial assistance. However, because of the uncertainty regarding that construction, the Committee did not believe it could make a definitive recommendation. The Committee does recommend that if the facilities are constructed, pro tem judge assistance be provided to the District until more concrete information regarding the impact of the correctional facilities on the trial courts of the Districts is available.

Twenty-Third Judicial District – Linn County. The District has five judges. The last judgeship for the District was created in 1981. In 2000, the District requested a Committee recommendation for one additional Circuit Court judge position. The 2000 Study showed a need for an additional .24 FTE Circuit Court judicial position and the District ranked seventeenth in need. The 2000 Committee recommended funding for .5 FTE pro tem judge time primarily because of the substantial difficulty resulting from the District Attorney's practices regarding

Measure 11 cases. The Linn County District Attorney was at that time refusing to participate in settlement conferences in felony cases.

In reliance upon the representations of the Committee, the District did not submit additional materials in 2002 or request an opportunity to make a presentation to the Committee.

The 2002 Study shows a need for .58 FTE Circuit Court judge assistance (Appendix D) and the District ranks eleventh in need (Appendix E). The Committee assumes the District was satisfied with the 2000 Committee recommendation and the Committee therefore again recommends funding for .5 FTE pro tem judge assistance.

Twenty-Fourth Judicial District – Grant/Harney Counties. The District has one Circuit Court judge serving two counties. In 2000, the District requested a recommendation for funding for four weeks (.0833 FTE) pro tem assistance. The Committee recommended funding for 0.0833 FTE pro tem judge assistance primarily because of the necessity of one judge serving two counties.

The 2002 Study shows a need for an additional .25 FTE Circuit Court judicial position (Appendix D) and the District ranks second in need (Appendix E).

This District also relied upon the representations of the Committee relating to the 2000 recommendation and did not submit additional materials or request the opportunity to make a presentation to the Committee.

The Committee recommends funding for 0.0833 FTE pro tem judge assistance.

IV. COMMENTS

1. **The 2000 Judicial Workload Assessment Study Prepared by the National Center for State Courts was Utilized as the Primary Basis for Recommendations of the Committee.** The Committee recommends reading of the entire report for a better understanding of the manner in which the Study was performed and the results reported. While several Districts questioned portions of the figures reflected in the report, this Committee felt very comfortable in utilizing the Study based upon 2001 case filings as its primary tool for analysis of the various

requests. The definitions for the Study are attached as Appendix B. As noted therein, differences between judicial resource supply and predicted judicial resource demand needs to be interpreted in light of other unique characteristics, such as an unusually high proportion of complex civil cases or an unusually high use of interpreters. The Committee has attempted to follow these suggestions in its analysis of the various requests.

2. **Legislative and Other Changes in the Juvenile Justice System Have Increased the Need for Additional Judicial Resources.** A common concern voiced by representatives of the requesting Districts related to changes in the juvenile justice system, significant increases in juvenile activity, the time constraints and additional procedures required by recent legislation, the construction and operation of new juvenile detention facilities, increased law enforcement personnel, and changes in the methods of dealing with juveniles, all of which have resulted in, are continuing to result in and are expected to cause an increase in the juvenile caseloads for judges to handle. As noted in prior reports, the Committee does not question the social role of a strong juvenile justice system and improved domestic relations programs but again, the public and the legislature cannot reasonably expect the Judicial Department to handle this increased caseload without additional resources.

3. **Measure 11 is Having a Significant Impact on the Operations of the State Court System.** In a number of Districts, the District Attorneys are negotiating pleas to reduce charges and the Measure 11 impact has not been significant. In other Districts, the Districts' Attorneys are refusing to negotiate pleas to reduce charges and this is leading to an increased number of criminal trials, longer trials and increased pre-trial procedures, all of which increase the amount of judicial time and involvement.

4. **Demand for Judicial Resources is Increasing.** Oregon has experienced significant population and economic growth in the last decade, many new civil and criminal statutes have been enacted, criminal proceedings have become more complex and judges are being asked to take the lead in new programs seeking to reduce crimes of all types, but particularly domestic violence and juvenile crime. The Committee was impressed with the programs of a number of Districts which are utilizing one defendant-one judge and in some cases one family-one judge programs. While these changes have been taking place there has been very little increase in the number of judicial positions in recent years. Despite the pressures of

governmental budgets, an increase in judicial capacity is necessary to serve the citizens of the state.

5. Correctional Facility Locations Substantially Affect the Need for Judicial Resources. The citizens of the State of Oregon have directed the Executive Department to substantially increase the number of correctional facilities and to place those facilities in geographic areas not presently having correctional facilities. The Committee received testimony regarding the increased workload caused to the judicial departments of the Sixth Judicial District (Morrow/Umatilla Counties) and Ninth Judicial District (Malheur County) and the anticipated increase in workload in the Twenty-Second Judicial District (Crook/Jefferson Counties). The courts of the Third Judicial District (Marion County) have traditionally handled most of the judicial work related to correctional facilities, but the post-conviction relief filings in the Sixth and Ninth Judicial Districts confirm that siting of prison facilities in outlying geographic areas will have a substantial effect on the judicial departments of each of those Districts while not decreasing the workload of the judges of the Third Judicial District. It is anticipated that the results of the correctional facility siting decisions will have a significant effect on the number of juvenile case filings and domestic relations filings because of the substantial number of families of inmates who move to the community closest to the correctional facility where the inmate is housed. The problems which now exist should be solved and, when decisions are made regarding siting locations and completion of detention facilities, a review of the increased workload of the judges in those Districts should be made.

6. Substantial Advancement is Being Made in Improving the Administration of Cases in the Various Districts. The Committee believes Districts should continue to seek administrative efficiencies in every way possible including, but not limited to, the following:

6.1. All Districts should review and renew efforts to resolve as many cases by appropriate dispute resolution methods as can reasonably be accomplished. The Committee believes mandatory settlement conferences have been shown to reduce the number of cases that go to trial. The Committee continues to recommend Districts consider mandatory settlement conference procedures for as many types of cases as possible.

6.2. Mediation for small claims and FEDs appears to have been successfully utilized in a number of Districts. In a number of those Districts mediation is staffed by volunteer pro tem judges or other qualified and trained persons.

6.3. Where possible, Districts should explore use or expansion of use of night courts to handle traffic infraction trials and small claims. Districts should explore increased use of violation bureaus, although many of the courts have made great strides in this respect in recent years.

7. **Members of the Public Are Paying a Substantial Price for the Attempts of the Courts to Effectively Manage Their Caseloads and Expeditiously Dispose of Cases.** In order to attempt to timely dispose of cases, many courts are setting two and in some cases three cases each day for each judge, knowing that all cannot be tried. Attorneys for the parties in each of the cases must prepare for trial, arrange for the attendance of witnesses (many of whom are expert witnesses), and be ready to proceed to trial if their case is actually called for trial. If the first case scheduled for trial does not settle prior to or at the time of commencement of the trial, the second case must be postponed. Since dockets are set a number of months in advance, those cases which are set for a particular date but not tried by reason of other trials result in delays of a number of months. The direct result of this practice greatly increases the cost of litigation to parties and does nothing to enhance the respect for the judicial system by the parties, their witnesses and often jurors.

8. **Efforts of Judges.** The Committee continues to assume the public demands that judges work hard and efficiently. The evidence presented to this Committee indicates that all judges in all Districts making requests for additional judgeships are working hard and in many instances are working harder than the public can reasonably expect to continue. The Committee heard many examples of judges working early mornings, evenings and weekends, as well as work travel on their own time. Even though judges may be working hard, the Committee also believes that all courts must use all of the techniques, such as mediation, arbitration and settlement conferences, to assist in managing their caseloads. The fact that this Committee may not have recommended additional judgeships for all requesting Districts or a lesser number than requested should not be interpreted as a conclusion that the Committee believes all judges are not working hard or efficiently. Judges must have sufficient time to render quality judicial decisions. When

judges do not have adequate time to perform necessary research or give adequate consideration to cases, the parties and the public are being short-changed.

9. **Recommendations for Less than Full-Time Judicial Positions.** This Committee, on April 11, 1998, issued its report regarding the use of appointed referees as a substitute for elected judges. That report concluded that permanent referees could not constitutionally solve the problems of the various Judicial Districts because the Oregon Constitution requires that judges be elected. As noted in that report, Plan B judges should be the first source for those Districts needing additional assistance but not yet warranting a full-time judge. The number of Plan B judges is not sufficient to fill the need for additional judgeships and other arrangements for pro tem judges will be required.

10. **Adequate Facilities are Necessary.** Some courts are experiencing problems because of the lack of adequate or any additional courtroom space. The Committee is aware of the position of the Oregon Association of Counties that the State of Oregon should provide funding for courtrooms and courtroom facilities, but noted that most Boards of Commissioners provided written support for the request of their District. This Committee takes no position on this issue, but stresses that the issue of court facility planning needs to be considered, decisions made and adequate facilities provided to judges and staff of each of the districts.

11. **Hard Working and Efficient Districts Should not be Penalized.** In analyzing the need for additional judgeships, care should be exercised to assure that the state's hardest working judges are not penalized when reallocation of funds and staff are considered.

12. **Materials Submitted to the Committee by Requesting Districts.** The Committee was impressed with the written and oral materials submitted to the Committee for consideration by the various requesting Districts. Those work products confirm that the requesting Districts have carefully analyzed their problems, taken action to the extent possible to improve their courts' operations and are willing to accept suggestions for improvements in the operations of their courts. All members of the Committee have carefully reviewed all testimony and materials submitted. The summaries for each of the requesting Districts should not be construed as any indication all members did not carefully consider all submittals.

13. **Long-Range Planning is Important as the Role of the Courts Evolve.** The Judicial Department should continue to engage in long-range planning to assist all courts in becoming integral parts of the community dispute resolution centers. The submittals of the requesting Districts confirm that many of the Districts have made a number of improvements, particularly in assistance to pro se parties and websites to make information regarding operations of the courts available to the public.

14. **Court Consolidation Appears to be Working.** Consolidation of the Circuit and District Courts of the state has been in existence since January 1998, although a substantial number of the courts in the Districts were essentially consolidated prior to the mandatory requirement. The Committee was encouraged by reports from a number of the Districts that consolidation is working well.

15. **Post-Conviction and Habeas Corpus Cases.** In Districts in which state correctional facilities are located, the courts are experiencing a substantial number of petitions for post-conviction relief and habeas corpus orders. These are time-consuming cases requiring a judge to review the entire case file, including all pleadings, pre-trial motions and briefs, transcripts of testimony, jury instructions, verdict forms, notices of appeal, appellate briefs and decisions of one or more appellate courts, as well as conducting one or more hearings.

A major advancement in the handling of these cases involves the use of video conferencing equipment with the inmate and his or her counsel at the correctional facility, the Assistant Attorney General in Salem, and the judge in the courtroom. Video conferencing equipment exists in the Snake River facility and both of the Umatilla County facilities. Similar equipment is proposed for the Madras facility and the Committee assumes similar equipment will be installed in all of the other proposed state correctional facilities.

A member of the Committee suggested it would be appropriate for some committee or group to study the possibility of creating a position for a post-conviction relief judge who could hear and decide most or all post-conviction and habeas corpus proceedings. Such a judge could be stationed in Salem or any other location in which video conferencing equipment is available.

Creation of this position would substantially lighten the post-conviction relief workload of the courts in Districts in which the correctional facilities are located but would not reduce the

increased caseload for juvenile matters and other criminal and domestic relations cases resulting from the increased population which accompanies construction and operation of correctional facilities.

A representative of the Oregon Association of Counties was granted an opportunity to be heard by the Committee and that representative testified he believed the suggestion was worthy of further investigation. The Committee joins in this suggestion and believes it is worthy of further investigation by such committee or group as the Chief Justice and the Oregon State Bar president may select.

16. Acknowledgement of State Court Administrator's Office. The Committee desires to acknowledge the substantial assistance provided to the Committee. Without the work of that office, neither the 2000 or the 2002 Study would have been completed. Members of that office have assisted the Committee by providing additional information as requested by the Committee and have provided various worksheets to assist the Committee in its analysis of the requests. This Committee is most appreciative of this assistance and believes that it would not have been able to complete its work without that assistance.

V. CONCLUSION

The Committee recognizes that all parts of government, including the Judicial Department, are required to do more with less. Statutory and other changes are continuing to increase the workload of the Judicial Department. The Committee strongly believes that all requesting Districts are making good use of available judicial resources, but believes that some improvements can be made in some Districts. The Committee does not question the sincerity of any representative who appeared before it as those representatives genuinely and sincerely believe there is a need for additional judicial resources within the District. The recommendations of this Committee are seeking to maintain essentially the same level of judicial services being made available to the public and do not deal with improving the backlog of pending cases or improvements in the processing of cases in some Districts. The Committee is well aware of budget constraints for the Judicial Department, as well as the other branches of State government, but believes it is necessary for the Judicial Department, the Legislature and the public to be informed regarding the needs of Oregon's Trial Court judges. The recommendations of the Committee are summarized as follows:

<u>Judicial District No.</u>	<u>County</u>	<u>Requests</u>	<u>Recommendations</u>
First	Jackson	1	1 Additional Judge
Third	Marion	3	1 Additional Judge +1.5 FTE Juvenile Referees
Fourth	Multnomah	5 + 4 ² Juvenile Referees	5 + Continuation of 4 Juvenile Referees
Fifth	Clackamas	2.0 FTE Pro Tem	2.0 FTE Pro Tem Judges
Sixth	Morrow/Umatilla	1	1 Additional Judge
Ninth	Malheur	.5 FTE	.5 FTE Pro Tem Judge
Fourteenth	Josephine	1 or .8 FTE Pro Tem	.75 FTE Pro Tem Judge
Sixteenth	Douglas	.75 FTE Pro Tem	.75 FTE Pro Tem Judge
Seventeenth	Lincoln	1 ³	.5 FTE Pro Tem Judge
Eighteenth	Clatsop	1	.75 FTE Pro Tem Judge
Twentieth	Washington	1 + .8 FTE Referee	1 Additional Judge + .8 FTE Continuation of Juvenile Referee
Twenty-Second	Crook/Jefferson	1	0 ⁴

² Five of these judicial positions would replace on a one-for-one basis five referees utilized as judges pro tempore for civil and criminal work.

³ Would replace 1.0 FTE referees authorized in 1997, 1999 and 2001.

⁴ See Report at page 20 for explanation.

Twenty-Third	Linn	.5 FTE Pro Tem	.5 FTE Pro Tem Judge
Twenty-Fourth	Grant/Harney	.0833 FTE	.0833 FTE Pro Tem Judge

The bases for the recommendations are set out in the Report.

VI. RANKING OF REQUESTS

The Judicial Department has asked the Committee to prioritize or rank its recommendations. The Committee is reluctant to do so because it believes each of the requesting Districts needs the assistance recommended by the Committee. To comply with the ranking request, the SCA, at the request of the Committee, compiled a schedule of Relative Need for Each New Judicial Position sorted by rank per position. This schedule is attached as Appendix F. In its attempt to prioritize need the Committee considered only those Districts for which it has recommended one or more full-time judges. Those recommendations are in the following order:

<u>Priority Number</u>	<u>Judicial District</u>	<u>Number of Judges</u>
1	Sixth Judicial District (Morrow/Umatilla Counties)	1
2	First Judicial District (Jackson County)	1
3	Fourth Judicial District (Multnomah County)	1
4	Third Judicial District (Marion County)	1
5	Twentieth Judicial District (Washington County)	1
6	Fourth Judicial District (Multnomah County)	4

A spreadsheet is attached as Appendix G which contains a summary of 2000 Requests, 2000 Committee Recommendations, 2001 Legislative Action (plus Deschutes and Yamhill Counties received one each and did not apply this year), 2000 Committee Ranking, Number of

Judges (after 2001 additions), 2002 Requests, Need Per 2001 Study, 2002 Committee Recommendations and 2002 Ranking of Recommendations.

RESPECTFULLY SUBMITTED:

Vernon D. Gleaves, Chair
Joint Committee on Trial Court
Judicial Resources

APPENDIX A
SUGGESTED DISCUSSION ITEMS

SUGGESTED DISCUSSION ITEMS

1. Your district's case disposition statistics, including the average time to trial for civil, criminal and domestic relations cases for the past two years.
2. The extent to which your district is administratively creating maximum efficiencies and using management techniques, including a discussion of any technological changes or improvements planned for the 2003-2005 biennium that will impact judicial case processing or use of judicial resources.
3. Does your district comply with the time frames set out in Chapter 7 of the UTCR?
4. Does your district utilize any specialized docket programs?
5. The effects diversion programs and mediation, arbitration or other alternative dispute resolution methods may have on case filings, case processing, and case dispositions for your court during the next biennium.
6. The extent, if any, of the use of pro tem judges, senior judges, Plan B judges, attorneys, volunteers, or regular out-of-district judge exchanges or assignments. Describe the type and use of these resources.
7. The effect, if any, on the availability of Plan B judges within the district.
8. Whether your district utilizes hearing officers or referees or other judicial department personnel to dispose of cases. If you do, please explain what you perceive to be the advantages and disadvantages of using hearings referees or other judicial department personnel for that purpose. Also indicate if any have pro tem authority and for what types of cases.
9. Whether your court complies with the latest Oregon Judicial Department Policy/Procedure (Volume 2, Chapter 4, Section 1) regarding statistical reporting procedures. If not, please explain any variation.
10. Any anticipated changes in the number of deputy district attorneys, district attorney staffing increases or decreases, the number of law enforcement officers, the opening or closing of any municipal or justice courts in your district, the opening or enlarging of detention or correction facilities and any other factors which you believe will impact the courts of your district in 2003-2005. Explain the impact of any of these types of changes occurring in 2001-2003.

11. The policy of your district attorney concerning joinder of multiple charges against an accused or other charging practices that significantly affect your caseload (positive and negative).
12. The problems and effects, if any, of Measure 11 requirements and District Attorney practices concerning charging or plea negotiations for these cases.
13. Any other changes experienced in the last biennium or anticipated in the next biennium which significantly impact the operations of the courts within your district. This should include discussion of issues such as juvenile, family court, drug court and domestic violence programs and compliance with the 2020 Vision. What has been the effect on your court of federal and state mandated programs and procedures. If possible quantify as best you can the time commitments required for these programs and procedures.
14. The impact, if any, in your district regarding assessment of the mandatory sanctions for violation of ORCP 17 and the discretionary imposition of sanctions for violations of ORCP Rules 46, 47 and any other statutes or ORCP Rules permitting imposition of sanctions.
15. Whether you have an effective program for the early disposition of felony and misdemeanor offenses such as the program utilized by Lane County. If not, have you considered such a program.
16. If an additional judge is or judges are authorized for your district for the next biennium, how would the services of that judge or judges be utilized? What public benefits would result from any additional judgeships in your district? What do you project the impact on the operation of the court in your district will be if an additional judge or judges are not authorized for your district by the 2003 legislature?
17. Do you presently have space available for the judge, staff and support services for the requested judgeship or judgeships? If not, when do you reasonably anticipate that courtroom, staff and support services space would be available?
18. Do the county commissioners being required to provide additional courtroom and other space and to pay the costs and other expenses to the county resulting from creation of additional judges support or oppose your request? Written confirmation from your board of commissioners is suggested.
19. The impacts on your courts of budget reductions for the 2002-2003 year and what actions you are taking to deal with these impacts.
20. Any other facts or special circumstances which you believe are relevant to the request of your district.

APPENDIX B

DEFINITIONS FOR THE JUDICIAL WORKLOAD ASSESSMENT MODEL

DEFINITIONS FOR THE JUDICIAL WORKLOAD ASSESSMENT MODEL

Weight: The weight (or case weight) is the average number of minutes it takes a judge to process a case of a particular case category. The weight is the total number of minutes for a particular case category reported during the two-month time study divided by one-sixth of the total annual number of dispositions for that case category in the participating districts. The total number of dispositions includes dismissed, defaulted, and withdrawn cases, not just those that a judge worked on or those that went to trial.

1999 Filings: The weights are not applied to ALL the 1999 filings but only those case types that are typically processed by a judge rather than a clerk. For example, the civil filings on line 3 do not include confession of judgments, registration of foreign judgments, and transcriptive judgments.

Case-Specific Workload: The case-specific workload is calculated for each district. It is the sum of all the individual products of the weights multiplied by one year of filings for a district. The case-specific workload is the number of minutes required to process cases at the 1999 filing rate. For example, the model predicts it will take 644,226 minutes to process the 1999 District 1 caseload. The case-specific workload does not include the impact of any backlog.

Average Annual Availability (AAA): The average annual availability is the average number of minutes that a judge has in a year to “work” based upon reasonable expectations. It allows for a reasonable amount of time away for state holidays, professional development, and personal leave. The same AAA value is used for every judge in the Oregon circuit courts.

AAA Adjustments: Deductions are made to the AAA to account for all judicial activities that are not directly involved with case processing. For example, all judges must attend and travel to work-related meetings and perform work that is not related to a specific case. This is time that is not available to the judge for processing cases. These adjustments may differ by district and are shown in minutes per year per judge.

AAA for Case-Specific Workload: This is the average amount of time that a judge has available to process cases. It will vary among districts because different districts have different amounts of travel time.

Authorized Judicial Positions: The authorized judicial positions are the number of judgeships statutorily authorized for each district. It does not include referees, senior judges, Plan B judges, or judges pro tempore. There are no deductions made for vacancies.

FTE Adjustments: The FTE (full-time equivalent) adjustments are deductions to the number of authorized judicial positions by district to account for time lost to a district because of demands not directly related to case processing. For example, a district loses docket time when there is a need to circuit ride, perform court administration, attend statutory committee meetings, or attend presiding judge meetings. These adjustments may differ by district and are shown in fractions of an FTE judge per year.

FTE Judicial Resource Supply: This is the number of FTE judicial resources available to process the case-specific workload in a district. It is the number of authorized judicial positions minus the FTE adjustments.

FTE Judicial Resource Predicted Demand: The FTE Judicial Resource Predicted Demand is the case-specific workload for a district divided by the AAA for case-specific workload for a district. The result is the predicted number of FTE judicial resources needed to process the case-specific workload. It does not address the amount of time needed to process any backlog.

Difference: The value shown on line 34 is the difference between the judicial resource supply and the predicted judicial resource demand in a district. A positive number usually indicates that there are sufficient judicial resources in a district to process cases at the 1999 filing rate. A negative number may indicate that additional judicial resources are needed. The difference needs to be interpreted in light of other unique characteristics such as an unusually high proportion of complex civil cases or an unusually high use of interpreters.

% Predicted Demand to Existing Supply: The percentage of predicted demand to existing supply indicates the comparative need for additional judicial resources - the larger the percentage, the greater the district's need.

APPENDIX C

**OREGON CIRCUIT COURT JUDICIAL
WORKLOAD ASSESSMENT MODEL**

EXECUTIVE SUMMARY

Executive Summary

We commend the State of Oregon for its willingness to undertake a project of this scope and bring it to successful completion. This final report presents the steps, methodology, and a summary of the data used in the study. Some of the principal issues and findings are discussed below:

- State judicial leaders are increasingly turning to more sophisticated techniques to provide data that show how many judges state trial courts need to manage their workload.
- Workload assessment is a methodology that assigns weights to defined case categories based on their complexity and need for judicial attention. This is an improvement over counting the number of case filings irrespective of their relative impact on judicial resources.
- Assessing judicial workload through a workload assessment model is a rational, credible, and practical method for evaluating the need for judges and judicial officers.
- The Oregon Judicial Department (OJD) does not have a current workload assessment, or weighted caseload, model to use to evaluate the demand for new judgeships.
- The Office of the State Court Administrator (OSCA) of the OJD commissioned the National Center for State Courts (NCSC) to conduct a judicial workload assessment study because the NCSC is in the forefront of judicial workload assessment research and application. In the last seven years, NCSC has conducted statewide judicial workload assessment studies for 11 states: Florida, Michigan, Minnesota, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming.
- NCSC designed this judicial workload assessment study to measure the circuit court workload of the Oregon state court system, encompassing 163 circuit court judges in 26 judicial districts
- The objectives of the study were to:
 - conduct a quantitative evaluation of current judicial resources on a statewide basis;
 - provide accurate, easily understood criteria to assess the need for additional judicial resources as conditions change;

- provide a valid method for allocating new judicial resources among the state's judicial districts;
- provide a mechanism to compare relative need among districts; and
- provide a mechanism to measure how changes in case filings for individual case types or case processing procedures affect judicial resource demand.
- Fifteen districts participated, representing 20 of Oregon's 36 counties, with a total of 116 judicial positions and approximately 80% of the caseload.
- NCSC consultants developed a workload assessment model that accounted for all judicial activities, both case-specific workload and non-case-specific workload.
- The model includes case weights (the average amount of time to process a case) for 13 different case categories. All case types listed in the Oregon Judicial Information Network (OJIN) that involve judge time are included in the 13 aggregate case categories.
- Non-case-specific workload factors tracked in the study include circuit, substitute and other travel; statutory, non-statutory, and presiding judge meetings; judicial court administration, community and civic activities in a judicial capacity; and general legal research and writing.
- A comparison of needed judicial resources predicted by the model and the existing supply measured in full-time equivalent positions shows some districts appeared to have sufficient resources for the workload at 1999 filing and disposition rates and other districts did not appear to have sufficient resources.
- There are unique factors that will influence a district's demand for judicial resources; they include the number of referees; the frequency of complex civil cases, Measure 11 criminal cases, or aggravated murder cases; the jury trial rate; the frequency of settlement conferences; the existence of a specialized drug or family court; and the level of interpreter demand. Although the workload assessment model does not incorporate these unique characteristics, information is provided on these characteristics to aid in interpretation of the model.
- The case weights developed in this study should be reliable for several years in the absence of any significant changes in case processing, disposition rates, court structure, or jurisdiction in Oregon's circuit courts.

- Periodic updating is necessary to maintain the integrity of the case weights and ensure that they continue to represent the judicial workload and court environment.
- A workload assessment model is an effective tool in judicial resource management and planning, allowing analysis of the effect of projected filings.
- The workload assessment study results indicate that the Oregon Circuit Court Judicial Workload Assessment Model is sound and valid for several reasons:
 - More than half of the judges participated in the time study collection. The demonstrated cooperation and conscientiousness of the judges, referees, Plan B judges, senior judges, and judges pro tempore in the time study collection was critical to the success of the study.
 - The disposition and filings data from OJIN were of a high quality.
 - The time study recording sheets were optically scanned and electronically transferred from the recording sheet to the statistical database, eliminating error in transcription.
 - The study collected a lot of detailed non-case-specific data on work-related meetings, committee meetings, court administration, and different types of travel. This information helped to define where judges' time went and aided in constructing a more realistic model.
 - The large volume of detailed data collected during the two-month time study makes the likelihood of sampling error minimal.

APPENDIX D

**WORKLOAD ASSESSMENT MODEL
BASED ON 2001 CASE FILINGS**

Oregon Circuit Court Workload Assessment Model											Juvenile "Best Practices" Model										
1 * District participated in time-study											2 * District participated in time-study										
Case Type											Case Type										
Weight (Minutes)											Weight (Minutes)										
1											1										
2											2										
3											3										
4											4										
5											5										
6											6										
7											7										
8											8										
1	Civil	61	1,458	3,495	3,533	11,821	3,464	582	401	121	Jackson	Lane	Marion	Multnomah	Clackamas	Morrow Umatilla	G/HR'S/W/W	Baker			
2	Domestic Relations	44	1,912	3,348	3,206	7,042	3,071	849	419	190											
3	FAPA/ElderAbuse	27	685	1,556	1,122	3,327	1,121	403	221	83											
4	Felony-Adult	86	2,184	3,842	3,139	7,974	2,566	1,264	530	307											
5	Infraction/Violation	2	15,565	9,944	7,792	130,865	23,248	9,115	13,881	50											
6	Juvenile Delinquency	73	625	434	1,093	1,221	520	409	221	129											
7	Juvenile Dependency	244	187	483	717	1,082	337	77	73	34											
8	Juvenile TPR	176	67	232	206	272	126	33	24	11											
9	Mental Health/Probate	27	871	699	1,145	5,439	1,272	278	158	45											
10	Misdemeanor-Adult	33	4,033	3,256	4,526	12,507	5,442	1,543	1,597	237											
11	Parking	0.14	0	0	0	353,240	0	0	0	0											
12	Post Conviction Relief/Habeas	132	8	13	334	94	8	211	6	4											
13	Small Claims/FED	4	6,785	8,077	5,642	23,027	6,671	1,871	1,340	3											
14	Total Filings		34,380	35,379	32,455	557,911	47,846	16,635	18,871	1,214											
15	Case-Specific Workload (Weights x Filings)		698,362	1,103,530	1,210,331	3,182,819	1,027,901	358,887	223,494	73,709											
16	Average Annual Availability (AAA)		93,600	93,600	93,600	93,600	93,600	93,600	93,600	93,600											
17	AAA Adjustments per Judge																				
18	Non-Statutory Work-Related Meetings (-)		6,210	6,210	6,210	6,210	6,210	6,210	6,210	6,210											
19	Other Non-Case-Specific Work (-)		8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358											
20	Judicial Court Administration (-)		3,768	3,768	3,768	3,768	3,768	3,768	3,768	3,768											
21	Travel:Substitute (-)		75	75	350	75	75	750	75	1,650											
22	Travel:Other (-)		2,860	2,077	1,770	1,996	1,952	2,989	2,288	3,450											
23	AAA for Case-Specific Workload		72,329	73,112	73,144	73,193	73,237	71,525	72,901	70,164											
24	Authorized Judicial Positions		8	15	14	38	10	4	4	1											
25	FTE Adjustments by District																				
26	Travel:Circuit (-)		0.07	0.00	0.00	0.12	0.00	0.11	0.25	0.00											
27	Core Court Administration (-)		0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06											
28	Statutory Committees (-)		0.11	0.11	0.11	0.11	0.11	0.08	0.11	0.05											
29	Presiding Judge Meetings (-)		0.04	0.03	0.03	0.03	0.03	0.04	0.03	0.05											
30	FTE Judicial Resource Supply		7.72	14.80	13.80	37.68	9.80	3.71	3.55	0.84											
31	FTE Judicial Resource Predicted Demand		9.66	15.09	16.55	43.49	14.04	5.02	3.07	1.05											
32	Difference		-1.94	-0.29	-2.75	-5.81	-4.24	-1.31	0.48	-0.21											
33	% Predicted Demand to Existing Supply		25%	2%	20%	15%	43%	35%	-14%	25%											
34	# Referees		0.0	0.0	2.5	12.0	0.0	0.0	0.0	0.0											
35																					
36																					

Oregon Circuit Court Workload Assessment Model		Juvenile "Best Practices" Model									
1 * District participated in time-study		9*	10*	11	12	13	14	15*	16*		
Case Type	Weight (Minutes)	Malheur	Union Wallowa	Deschutes	Polk	Klamath	Josephine	Coos Curry	Douglas		
		3 Civil	61	202	231	1,286	432	632	629	626	742
4 Domestic Relations	44	299	350	1,206	497	644	849	863	1,386		
5 FAPA/ElderAbuse	27	94	93	616	130	480	520	277	631		
6 Felony-Adult	86	412	317	1,380	730	940	904	928	1,264		
7 Infraction/Violation	2	120	7,395	9,059	4,638	7,912	15,447	13,408	11,444		
8 Juvenile Delinquency	73	200	130	424	214	338	154	307	256		
9 Juvenile Dependency	244	42	60	182	164	166	120	166	148		
10 Juvenile TPR	176	22	10	28	26	56	32	59	31		
11 Mental Health/Probate	27	6	130	363	194	204	284	358	602		
12 Misdemeanor-Adult	33	701	857	2,888	871	2,706	2,059	2,241	1,195		
13 Parking	0.14	0	0	0	0	0	0	0	0		
14 Post Conviction Relief/Habeas	132	202	2	2	0	2	3	26	13		
15 Small Claims/FED	4	172	418	3,886	969	2,803	2,426	3,154	3,539		
16 Total Filings		2,472	9,993	21,320	8,865	16,883	23,427	22,413	21,251		
17 Case-Specific Workload (Weights x Filings)		143,055	133,671	486,141	221,857	357,828	330,272	363,227	386,692		
18 Average Annual Availability (AAA)		93,600	93,600	93,600	93,600	93,600	93,600	93,600	93,600		
19 AAA Adjustments per Judge											
20 Non-Statutory Work-Related Meetings (-)		6,210	6,210	6,210	6,210	6,210	6,210	6,210	6,210		
21 Other Non-Case-Specific Work (-)		8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358		
22 Judicial Court Administration (-)		3,768	3,768	3,768	3,768	3,768	3,768	3,768	3,768		
23 Travel:Substitute (-)		1,650	1,650	350	350	350	75	750	350		
24 Travel:Other (-)		3,570	3,239	2,399	1,842	2,893	2,725	2,706	2,404		
25 AAA for Case-Specific Workload		70,044	70,375	72,515	73,072	72,021	72,464	71,808	72,510		
26 Authorized Judicial Positions		2	2	7	3	5	4	6	5		
27 FTE Adjustment by District											
28 Travel:Circuit (-)		0.00	0.05	0.00	0.00	0.00	0.02	0.01	0.00		
29 Core Court Administration (-)		0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06		
30 Statutory Committees (-)		0.05	0.08	0.05	0.05	0.05	0.05	0.08	0.05		
31 Presiding Judge Meetings (-)		0.05	0.05	0.03	0.03	0.04	0.04	0.03	0.03		
32 FTE Judicial Resource Supply		1.84	1.76	6.86	2.86	4.85	3.83	5.82	4.86		
33 FTE Judicial Resource Predicted Demand		2.04	1.90	6.70	3.04	4.97	4.56	5.06	5.33		
34 Difference		-0.20	-0.14	0.16	-0.18	-0.12	-0.73	0.76	-0.47		
35 % Predicted Demand to Existing Supply		11%	8%	-2%	6%	2%	19%	-13%	10%		
36 # Referees		0.0	0.0	1.0	0.0	0.0	0.0	0.0	1.0		

Oregon Circuit Court Workload Assessment Model		Juvenile "Best Practices" Model									
1 * District participated in time-study		17*	18*	19*	20*	21	22	23*	24*		
Case Type	Weight (Minutes)	Lincoln	Clatsop	Columbia	Washington	Benton	Crook Jefferson	Linn	Grant Harney		
3 Civil	61	457	329	371	3,645	421	308	1,035	118		
4 Domestic Relations	44	510	432	517	3,724	506	415	1,034	152		
5 FAPA/ElderAbuse	27	254	181	285	962	142	186	595	62		
6 Felony-Adult	86	569	405	437	3,669	630	518	1,218	199		
7 Infraction/Violation	2	4,805	6,626	3,764	9,933	6,597	6,635	6,161	44		
8 Juvenile Delinquency	73	149	135	304	460	194	270	414	64		
9 Juvenile Dependency	244	88	75	143	375	58	121	176	39		
10 Juvenile TPR	176	27	39	17	122	14	3	22	9		
11 Mental Health/Probate	27	165	143	203	727	181	100	305	15		
12 Misdemeanor-Adult	33	1,801	912	430	5,740	1,420	1,600	1,743	226		
13 Parking	0.14	0	0	0	0	0	0	0	0		
14 Post Conviction Relief/Habeas	132	6	3	2	10	1	1	1	4		
15 Small Claims/FED	4	1,407	1,233	628	8,575	1,778	1,053	3,523	11		
16 Total Filings		10,238	10,513	7,101	37,942	11,942	11,210	16,227	943		
17 Case-Specific Workload (Weights x Filings)		223,128	166,350	180,707	1,138,796	208,922	209,494	398,782	56,969		
18 Average Annual Availability (AAA)		93,600	93,600	93,600	93,600	93,600	93,600	93,600	93,600		
19 AAA Adjustments per Judge											
20 Non-Statutory Work-Related Meetings (-)		6,210	6,210	6,210	6,210	6,210	6,210	6,210	6,210		
21 Other Non-Case-Specific Work (-)		8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358		
22 Judicial Court Administration (-)		3,768	3,768	3,768	3,768	3,768	3,768	3,768	3,768		
23 Travel: Substitute (-)		750	350	350	75	350	75	75	7,300		
24 Travel: Other (-)		2,168	2,423	2,135	2,010	1,938	2,514	1,885	3,023		
25 AAA for Case-Specific Workload		72,346	72,491	72,779	73,179	72,976	72,675	73,304	64,941		
26 Authorized Judicial Positions		3	2	3	14	3	3	5	1		
27 FTE Adjustment by District											
28 Travel: Circuit (-)		0.00	0.00	0.00	0.00	0.00	0.14	0.00	0.19		
29 Core Court Administration (-)		0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06		
30 Statutory Committees (-)		0.05	0.05	0.05	0.11	0.05	0.08	0.05	0.08		
31 Presiding Judge Meetings (-)		0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.04		
32 FTE Judicial Resource Supply		2.86	1.86	2.86	13.80	2.86	2.69	4.86	0.63		
33 FTE Judicial Resource Predicted Demand		3.08	2.29	2.48	15.56	2.86	2.88	5.44	0.88		
34 Difference		-0.22	-0.43	0.38	-1.76	0.00	-0.19	-0.58	-0.25		
35 % Predicted Demand to Existing Supply		8%	23%	-13%	13%	0%	7%	12%	40%		
36 # Referees		1.0	0.0	0.0	0.8	0.0	0.0	0.0	0.0		

Oregon Circuit Court Workload Assessment Model		Juvenile "Best Practices" Model				
* District participated in time-study		25*	26	27*	TOTAL	
Case Type	Weight (Minutes)	Yamhill	Lake	Tillamook		
1						
2	Civil	635	46	245	37,265	
3	Domestic Relations	928	59	217	34,625	
4	FAPA/ElderAbuse	438	53	105	14,622	
5	Felony-Adult	976	113	231	37,646	
6	Infraction/Violation	7,805	1,211	61	333,525	
7	Juvenile Delinquency	267	77	215	9,224	
8	Juvenile Dependency	66	18	42	5,239	
9	Juvenile TPR	2	1	2	1,493	
10	Mental Health/Probate	234	30	103	14,254	
11	Misdemeanor-Adult	1,449	205	618	62,803	
12	Parking	0	0	0	353,240	
13	Post Conviction Relief/Habeas	10	1	13	980	
14	Small Claims/FED	2,290	69	39	91,389	
15	Total Filings	15,100	1,883	1,891	996,305	
16	Case-Specific Workload (Weights x Filings)	291,501	37,145	98,658	13,312,228	
17	Average Annual Availability (AAA)	93,600	93,600	93,600		
18	AAA Adjustments per Judge					
19	Non-Statutory Work-Related Meetings (-)	6,210	6,210	6,210		
20	Other Non-Case-Specific Work (-)	8,358	8,358	8,358		
21	Judicial Court Administration (-)	3,768	3,768	3,768		
22	Travel:Substitute (-)	75	750	350		
23	Travel:Other (-)	1,895	3,239	2,125		
24						
25	AAA for Case-Specific Workload	73,294	71,275	72,789		
26	Authorized Judicial Positions	4	1	2	169	
27	FTE Adjustment by District					
28	Travel:Circuit (-)	0.00	0.00	0.00		
29	Core Court Administration (-)	0.06	0.06	0.06		
30	Statutory Committees (-)	0.05	0.05	0.05		
31	Presiding Judge Meetings (-)	0.03	0.05	0.03		
32	FTE Judicial Resource Supply	3.86	0.84	1.86	164	
33	FTE Judicial Resource Predicted Demand	3.98	0.52	1.36	183	
34	Difference	-0.12	0.32	0.50	-19	
35	% Predicted Demand to Existing Supply	3%	-38%	-27%		
36	# Referees	0.25	0.0	0.0	18.55	

APPENDIX E

CIRCUIT COURTS BY DISTRICT
AND
CIRCUIT COURTS BY RANK

**Joint Committee on Trial Court Judicial Resources
Circuit Courts by District**

District	2000 W*F	Trend	2001 W*F	Authorized Positions	Supply	Predicted Demand	Difference (Predicted Need)	Demand to Supply	Rank
1 Jackson	699,291	-0.13%	698,362	8	7.72	9.66	1.94	25%	4
2 Lane	1,129,851	-2.33%	1,103,530	15	14.80	15.09	0.29	2%	20
3 Marion	1,222,367	-0.98%	1,210,331	14	13.80	16.55	2.75	20%	7
4 Multnomah	3,236,800	-1.67%	3,182,819	38	37.68	43.49	5.81	15%	9
5 Clackamas	989,114	3.92%	1,027,901	10	9.80	14.04	4.24	43%	1
6 Morrow/Umatilla	343,835	4.38%	358,887	4	3.71	5.02	1.31	35%	3
7 Hood River/W/G/WWh/S	221,506	0.90%	223,494	4	3.55	3.07	-0.48	-14%	25
8 Baker	55,767	32.17%	73,709	1	0.84	1.05	0.21	25%	5
9 Malheur	146,955	-2.65%	143,055	2	1.84	2.04	0.20	11%	12
10 Union/Wallowa	129,187	3.47%	133,671	2	1.76	1.90	0.14	8%	14
11 Deschutes	483,942	0.45%	486,141	7	6.86	6.70	-0.16	-2%	22
12 Polk	208,727	6.29%	221,857	3	2.86	3.04	0.18	6%	17
13 Klamath	372,013	-3.81%	357,828	5	4.85	4.97	0.12	2%	19
14 Josephine	329,161	0.34%	330,272	4	3.83	4.56	0.73	19%	8
15 Coos/Curry	389,631	-6.78%	363,227	6	5.82	5.06	-0.76	-13%	23
16 Douglas	405,083	-4.54%	386,692	5	4.86	5.33	0.47	10%	13
17 Lincoln	214,989	3.79%	223,128	3	2.86	3.08	0.22	8%	15
18 Clatsop	170,441	-2.40%	166,350	2	1.86	2.29	0.43	23%	6
19 Columbia	159,993	12.95%	180,707	3	2.86	2.48	-0.38	-13%	24
20 Washington	1,130,261	0.76%	1,138,796	14	13.80	15.56	1.76	13%	10
21 Benton	213,509	-2.15%	208,922	3	2.86	2.86	0.00	0%	21
22 Crook/Jefferson	188,040	11.41%	209,494	3	2.69	2.88	0.19	7%	16
23 Linn	401,748	-0.74%	398,782	5	4.86	5.44	0.58	12%	11
24 Grant/Harney	50,590	12.61%	56,969	1	0.63	0.88	0.25	40%	2
25 Yamhill	274,351	6.25%	291,501	4	3.86	3.98	0.12	3%	18
26 Lake	39,765	-6.59%	37,145	1	0.84	0.52	-0.32	-38%	27
27 Tillamook	102,563	-3.81%	98,658	2	1.86	1.36	-0.50	-27%	26
TOTALS	13,309,480	0.02%	13,312,228	169	163.56	182.90	19.34	12%	

Notes:

1. Case weights (W) are from the "Juvenile Best Practices" Model of the Oregon Circuit Court Judicial Workload Assessment Study prepared by the National Center for State Courts (NCSC).
2. Filings (F) are from the Statistical Report Relating to the Circuit Courts of the State of Oregon for 2000 and 2001.
3. "Supply" is the number of positions authorized by June 30, 2003, less deductions to account for time lost to a district because of demand not directly related to case processing.
4. "Predicted demand" is the number of FTE judicial resources needed to process a district's case-specific workload at 2001 filing rates as predicted by the NCSC Model.
5. The percentage of "demand to supply" is an indicator of a district's need relative to its current judicial resource "supply."

Joint Committee on Trial Court Judicial Resources
Circuit Courts by Rank

(Based on Need Predicted by Judicial Workload Assessment "Juvenile Best Practices" Model)

District	2000 W*F	Trend	2001 W*F	Authorized Positions	Supply	Predicted Demand	Difference (Predicted Need)	Demand to Supply	Rank
5 Clackamas	989,114	3.92%	1,027,901	10	9.80	14.04	4.24	43%	1
24 Grant/Harney	50,590	12.61%	56,969	1	0.63	0.88	0.25	40%	2
6 Morrow/Umatilla	343,835	4.38%	358,887	4	3.71	5.02	1.31	35%	3
1 Jackson	699,291	-0.13%	698,362	8	7.72	9.66	1.94	25%	4
8 Baker	55,767	32.17%	73,709	1	0.84	1.05	0.21	25%	5
18 Clatsop	170,441	-2.40%	166,350	2	1.86	2.29	0.43	23%	6
3 Marion	1,222,367	-0.98%	1,210,331	14	13.80	16.55	2.75	20%	7
14 Josephine	329,161	0.34%	330,272	4	3.83	4.56	0.73	19%	8
4 Multnomah	3,236,800	-1.67%	3,182,819	38	37.68	43.49	5.81	15%	9
20 Washington	1,130,261	0.76%	1,138,796	14	13.80	15.56	1.76	13%	10
23 Linn	401,748	-0.74%	398,782	5	4.86	5.44	0.58	12%	11
9 Malheur	146,955	-2.65%	143,055	2	1.84	2.04	0.20	11%	12
16 Douglas	405,083	-4.54%	386,692	5	4.86	5.33	0.47	10%	13
10 Union/Wallowa	129,187	3.47%	133,671	2	1.76	1.90	0.14	8%	14
17 Lincoln	214,989	3.79%	223,128	3	2.86	3.08	0.22	8%	15
22 Crook/Jefferson	188,040	11.41%	209,494	3	2.69	2.88	0.19	7%	16
12 Polk	208,727	6.29%	221,857	3	2.86	3.04	0.18	6%	17
25 Yamhill	274,351	6.25%	291,501	4	3.86	3.98	0.12	3%	18
13 Klamath	372,013	-3.81%	357,828	5	4.85	4.97	0.12	2%	19
2 Lane	1,129,851	-2.33%	1,103,530	15	14.80	15.09	0.29	2%	20
21 Benton	213,509	-2.15%	208,922	3	2.86	2.86	0.00	0%	21
11 Deschutes	483,942	0.45%	486,141	7	6.86	6.70	-0.16	-2%	22
15 Coos/Curry	389,631	-6.78%	363,227	6	5.82	5.06	-0.76	-13%	23
19 Columbia	159,993	12.95%	180,707	3	2.86	2.48	-0.38	-13%	24
7 Hood River/W/G/WWh/S	221,506	0.90%	223,494	4	3.55	3.07	-0.48	-14%	25
27 Tillamook	102,563	-3.81%	98,658	2	1.86	1.36	-0.50	-27%	26
26 Lake	39,765	-6.59%	37,145	1	0.84	0.52	-0.32	-38%	27
TOTALS	13,309,480	0.02%	13,312,228	169	163.56	182.90	19.34	12%	

Notes:

- Case weights (W) are from the "Juvenile Best Practices" Model of the Oregon Circuit Court Judicial Workload Assessment Study prepared by the National Center for State Courts (NCSC).
- Filings (F) are from the Statistical Report Relating to the Circuit Courts of the State of Oregon for 2000 and 2001.
- "Supply" is the number of positions authorized by June 30, 2003, less deductions to account for time lost to a district because of demand not directly related to case processing.
- "Predicted demand" is the number of FTE judicial resources needed to process a district's case-specific workload at 2001 filing rates as predicted by the NCSC Model.
- The percentage of "demand to supply" is an indicator of a district's need relative to its current judicial resource "supply."

APPENDIX F

RELATIVE NEED FOR EACH NEW JUDICIAL POSITION

Joint Committee on Trial Court Judicial Resources
Relative Need for Each New Judicial Position
(Limited to Counties with Minimum of 8% overall need)
Grouped by District

District	2000 W*F	Trend	2001 W*F	Positions	Supply	Predicted Demand	Difference (Predicted Need)	Demand to Supply	Rank
1 Jackson	699,291	-0.13%	698,362	8	7.72	9.66	1.94	25%	5
1 Jackson				9	8.72	9.66	0.94	11%	17
3 Marion	1,222,367	-0.98%	1,210,331	14	13.80	16.55	2.75	20%	8
3 Marion				15	14.80	16.55	1.75	12%	15
3 Marion				16	15.80	16.55	0.75	5%	25
4 Multnomah	3,236,800	-1.67%	3,182,819	38	37.68	43.49	5.81	15%	11
4 Multnomah				39	38.68	43.49	4.81	12%	13
4 Multnomah				40	39.68	43.49	3.81	10%	20
4 Multnomah				41	40.68	43.49	2.81	7%	23
4 Multnomah				42	41.68	43.49	1.81	4%	26
4 Multnomah				43	42.68	43.49	0.81	2%	27
5 Clackamas	989,114	3.92%	1,027,901	10	9.80	14.04	4.24	43%	1
5 Clackamas				11	10.80	14.04	3.24	30%	4
5 Clackamas				12	11.80	14.04	2.24	19%	10
5 Clackamas				13	12.80	14.04	1.24	10%	18
5 Clackamas				14	13.80	14.04	0.24	2%	28
6 Morrow/Umatilla	343,835	4.38%	358,887	4	3.71	5.02	1.31	35%	3
8 Baker	55,767	32.17%	73,709	1	0.84	1.05	0.21	25%	6
9 Malheur	146,955	-2.65%	143,055	2	1.84	2.04	0.20	11%	16
10 Union/Wallowa	129,187	3.47%	133,671	2	1.76	1.90	0.14	8%	21
14 Josephine	329,161	0.34%	330,272	4	3.83	4.56	0.73	19%	9
16 Douglas	405,083	-4.54%	386,692	5	4.86	5.33	0.47	10%	19
17 Lincoln	214,989	3.79%	223,128	3	2.86	3.08	0.22	8%	22
18 Clatsop	170,441	-2.40%	166,350	2	1.86	2.29	0.43	23%	7
20 Washington	1,130,261	0.76%	1,138,796	14	13.80	15.56	1.76	13%	12
20 Washington				15	14.80	15.56	0.76	5%	24
23 Linn	401,748	-0.74%	398,782	5	4.86	5.44	0.58	12%	14
24 Grant/Harney	50,590	12.61%	56,969	1	0.63	0.88	0.25	40%	2

Note:

Shaded lines show supply and predicted need (difference between supply and demand) at the June 30, 2003, level of statutorily authorized judicial positions. Unshaded lines show the effect on supply and predicted need if positions increase. Rank indicates the relative need for additional judicial resources. For example, while the data indicate Clackamas County has the greatest overall need for additional judicial resources, if Clackamas received one new judicial position, its need for a second new position (ranked fourth) would come after the need for additional resources in Grant/Harney (ranked second) and Morrow/Umatilla (ranked third).

Joint Committee on Trial Court Judicial Resources
Relative Need for Each New Judicial Position
(Limited to Counties with Minimum of 8% overall need)
Sorted by Rank per Position

District	2000 W*F	Trend	2001 W*F	Positions	Supply	Predicted Demand	Difference (Predicted) (Need)	Demand to Supply	Rank
5 Clackamas	989,114	3.92%	1,027,901	10	9.80	14.04	4.24	43%	1
24 Grant/Harney	50,590	12.61%	56,969	1	0.63	0.88	0.25	40%	2
6 Morrow/Umatilla	343,835	4.38%	358,887	4	3.71	5.02	1.31	35%	3
5 Clackamas				11	10.80	14.04	3.24	30%	4
1 Jackson	699,291	-0.13%	698,362	8	7.72	9.66	1.94	25%	5
8 Baker	55,767	32.17%	73,709	1	0.84	1.05	0.21	25%	6
18 Clatsop	170,441	-2.40%	166,350	2	1.86	2.29	0.43	23%	7
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14 Josephine	329,161	0.34%	330,272	4	3.83	4.56	0.73	19%	9
5 Clackamas				12	11.80	14.04	2.24	19%	10
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20 Washington	1,130,261	0.76%	1,138,796	14	13.80	15.56	1.76	13%	12
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23 Linn	401,748	-0.74%	398,782	5	4.86	5.44	0.58	12%	14
3 Marion				15	14.80	16.55	1.75	12%	15
9 Malheur	146,955	-2.65%	143,055	2	1.84	2.04	0.20	11%	16
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5 Clackamas				13	12.80	14.04	1.24	10%	18
16 Douglas	405,083	-4.54%	386,692	5	4.86	5.33	0.47	10%	19
4 Multnomah				40	39.68	43.49	3.81	10%	20
10 Union/Wallowa	129,187	3.47%	133,671	2	1.76	1.90	0.14	8%	21
17 Lincoln	214,989	3.79%	223,128	3	2.86	3.08	0.22	8%	22
4 Multnomah				41	40.68	43.49	2.81	7%	23
20 Washington				15	14.80	15.56	0.76	5%	24
3 Marion				16	15.80	16.55	0.75	5%	25
4 Multnomah				42	41.68	43.49	1.81	4%	26
4 Multnomah				43	42.68	43.49	0.81	2%	27
5 Clackamas				14	13.80	14.04	0.24	2%	28

Note:

Shaded lines show supply and predicted need (difference between supply and demand) at the June 30, 2003, level of statutorily authorized judicial positions. Unshaded lines show the effect on supply and predicted need if positions increase. Rank indicates the relative need for additional judicial resources. For example, while the data indicate Clackamas County has the greatest overall need for additional judicial resources, if Clackamas received one new judicial position, its need for a second new position (ranked fourth) would come after the need for additional resources in Grant/Harney (ranked second) and Morrow/Umatilla (ranked third).

APPENDIX G

**COMPOSITE SCHEDULE OF
2000 AND 2002 REQUESTS AND
RECOMMENDATIONS**

District	2000 Requests	2000 Committee Recommendations	2001 Legislative Action *	2000 Committee Ranking	Number of Judges	2002 Requests	Need Per 2001 Study	2002 Committee Recommendations	2002 Ranking of Recommendations
First (Jackson)	2	2	1	1-1st 7-2nd	8	1	1.94	1	1 - 2nd
Third (Marion)	3	2 + 1.5 FTE Juvenile Referee	1	2-1st 8-2nd	14	3	2.75	1 + 1.5 FTE Referee	1 - 4th
Fourth (Multnomah)	10	6 + 4 Juvenile Referee	1	5-1 st 11-2 nd 3	38	5 + 4 Juvenile Referee	5.8	5 + 4 Juvenile Referee	1 - 3rd 4 - 6th
Fifth (Clackamas)	2.3 FTE Pro Tem	2.3 FTE Pro Tem	0		11	2.0 FTE Pro Tem	4.24	2.0 FTE Pro Tem	
Sixth (Morrow/Umatilla)	1	1	0	6	4	1	1.31	1	1 - 1st
Ninth (Malheur)	.5 FTE	.5 FTE	0		2	.5 FTE	0.20	.5 FTE Pro Tem	
Fourteenth (Josephine)	.8 FTE	.75 FTE	0		4	1 or .8 FTE	0.73	.75 FTE Pro Tem	
Sixteenth (Douglas)	1	.75 FTE	0		5	.75 FTE	0.47	.75 FTE Pro Tem	
Seventeenth (Lincoln)	1	.5 FTE	0		3	1	0.22	.5 FTE Pro Tem	
Eighteenth (Clatsop)	1	.5 FTE	0		2	1	0.43	.75 FTE Pro Tem	
Twentieth (Washington)	3	2 + .8 FTE Referee	1	4-1st 10-2 nd	14	1 + .8 FTE	1.76	1 + .8 FTE Referee	1 - 5th
Twenty-Second (Crook/Jefferson)	0	No Request			3	1	0.19	0**	
Twenty-Third (Linn)	1	.5 FTE	0		5	.5 FTE	0.58	.5 FTE Pro Tem	
Twenty-Fourth (Grant/Harney)	.0833 FTE	.0833 FTE	0		1	.0833 FTE	0.25	.0833 FTE Pro Tem	

* Assumes four listed Judgeships plus the Eleventh District (Deschutes) and the Twenty-Fifth District (Yamhill) will be fully funded.

** See Committee Report for explanation.

APPENDIX H

HISTORY OF NEW JUDGESHIPS SINCE 1/1/83

History of New Judgeships

(28 Since State Funding of Trial Courts 1-1-83)

- 1985 - 2 (Tillamook, Hood River-Wasco-Sherman-Wheeler)
- 1988 - 2 (Clackamas, Washington)
- 1990 - 5 (Marion, Lake, Malheur, Washington, Crook-Jefferson)
- 1991 - 1 (Washington)
- 1992 - 2 (Both in Multnomah)
- 1993 - 2 (Marion, Washington)
- 1996 - 1 (Crook-Jefferson)
- 1997 - 4 (Clackamas, Deschutes, Jackson, Grant-Harney)
- 1999 - 3 (Multnomah, Marion, Polk)
- 2001 - 6 (Jackson, Marion, Multnomah (funded effective January 6, 2003), Washington, Deschutes, Yamhill (funded effective June 30, 2003))