REPORT OF THE 2006-2007 JOINT COMMITTEE

ON

OREGON TRIAL COURT JUDICIAL RESOURCES

November 1, 2006

Submitted to: **The Honorable Paul J. De Muniz**
Chief Justice, Oregon Supreme Court

and

Dennis Rawlinson, 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
2006-2007
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	Judge, Seventh Judicial District, Hood River
The Honorable Janet Schoenhard Holcomb	Presiding Judge, Twenty-First Judicial District, Corvallis
The Honorable Charles Luukinen	Presiding Judge, Twelfth Judicial District, Dallas
Gordon Mallon	Burns Attorney
James E. Mountain, Jr.	Portland Attorney
The Honorable David Nelson	State Senator, Pendleton
Frank Papagani, Jr.	Assistant United States Attorney, Eugene
Samuel E. Tucker	Milton-Freewater Attorney
Tim Willis	Corvallis attorney, Chair
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 called its first meeting June 10, 2006 to formulate the procedures to be utilized by the Committee. Districts intending to seek additional judicial positions from the 2007 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 July 14, 2006.

The Committee considered requests for 13 judicial positions plus funding for FTE pro tem judges. 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 and dated July 22, 2000. This report was updated to reflect the 2005 case filings in the trial courts. 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 be approved and provided by the 2007 Legislature are as follows:

Judicial District No.	County	Requests	Recommendations
First	Jackson	0.4 FTE Pro Tem	0.4 FTE Pro Tem
Third	Marion	4	4 Additional Judges
Fourth	Multnomah	4	4 Additional Judges
Fifth	Clackamas	Continued Pro Tem funding at current levels	Continued Pro Tem funding at current levels
Ninth	Malheur	Continued Pro Tem funding at current levels	Continued Pro Tem funding at current levels
Fourteenth	Josephine	1	1 Additional Judge
Sixteenth	Douglas	1	1 Additional Judge
Twentieth	Washington	2	2 Additional Judges
Twenty-Second	Crook/Jefferson	1	1 Additional Judge
Twenty-Fourth	Grant/Harney	Continued Pro Tem funding at current levels	Continued Pro Tem funding at current levels

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

Priorization of ranking of the recommended 13 full time judicial positions is as follows:

2007 Priority Number	Judicial District	Number of Judges
1st	Third Judicial District (Marion County)	1
2nd	Sixteenth Judicial District (Douglas County)	1
3rd	Twentieth Judicial District (Washington County)	1
4th	Fourteenth Judicial District (Josephine County)	1
5th	Fourth Judicial District (Multnomah County)	1
6th	Twenty-Second Judicial District (Crook/Jefferson Counties)	1
7th	Third Judicial District (Marion County)	1
8th	Fourth Judicial District (Multnomah County)	1
9th	Twentieth Judicial District (Washington County)	1
10th	Third Judicial District (Marion County)	1
11th	Third Judicial District (Marion County)	1
12th	Fourth Judicial District (Multnomah County)	1
13th	Fourth Judicial District (Multnomah County)	1

REPORT OF THE 2006-2007 JOINT COMMITTEE ON TRIAL COURT JUDICIAL RESOURCES

I. BACKGROUND

Members of the Committee were appointed in 2006 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 16 years and similar reports were issued by each of those committees.

The Committee notified the Presiding Judges of each of the Judicial Districts and their respective Trial Court Administrators. Judicial Districts interested in obtaining recommendations for new judicial positions from the 2007 Legislature were requested to advise the Committee. Indications of interest were received from a number of Districts. Those Districts expressing an interest 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. The Committee held hearings in Salem on July 14, 2006.

II. INFORMATION CONSIDERED

A. Legislative and Congressional Actions That 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 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. Linking 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.

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 impact of Measure 37 issues involving the limits of regulations that infringe on historical property rights.

10. U. S. Supreme Court decisions relating to criminal defendant's rights. *Crawford v. Washington*, 541 US 36 (2004), reaffirms a criminal defendant's rights to confront witnesses and has rearranged a substantial level of hearsay case law and statutory law. *Blakely v. Washington*, 542 US 296 (2004), establishes that a criminal defendant's right to a jury trial extends to sentencing criteria when departing from the presumptive sentence under sentencing guidelines. The breadth of change from these two decisions has very strongly impacted the processing of many aspects of the criminal law functions of the courts.

11. The failure of the Legislature to authorize many of the additional judicial positions recommended by predecessor committees.

B. <u>Updated Oregon Circuit Court Judicial Workload Assessment Study Based on 2005 Case Filings.</u>

Prior committees have concluded that recommendations for new trial court judges should be based on objective criteria, principally a uniform weighted caseload study. 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 1999, the Office of the State Court Administrator ("OSCA") 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").

For this Report, the OSCA updated the 2000 Study workload model using 2005 actual case filings for each of the Judicial Districts, which schedules are attached as Appendix D. The statistical ranking of this predicted need is shown in the attached Appendix E.

C. Additional Information from the Judicial Districts.

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 in the attached Appendix A. Written materials and testimony were presented to the Committee in 2006.

Some of the additional factors which the Committee has 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) aggravated murder cases that generally are complex and lengthy; (x) District Attorney charging practices; and (xi) post-conviction and habeas corpus proceedings in Districts with state correctional facilities

D. Courts Are Becoming More Efficient.

In addition to the implementation of alternative dispute resolution mechanisms, such as settlement conferences, mediation and arbitration, trial courts have utilized technological advancements to improve the efficiency of operations. For example, the greatly expanded use of the computerized Uniform Criminal Judgment and closed circuit video conferencing, until recently used in only a few judicial districts, are commonly used throughout the state for cases involving incarcerated persons.

In 2004, former Chief Justice Wallace P. Carson, Jr. created a Technology Task Force, charged with updating the Judicial Department's Technology Strategic Plan. After a year of research, investigation and meeting, the Task Force issued a ten year plan for technology development in the court system. At the Task Force's suggestion, a standing Oregon Judicial Department Technology Committee was established.

In June, 2006, current Chief Justice Paul De Muniz directed the Technology Committee to accelerate the implementation of the strategic plan, reducing the time-line to three-to-five years. Some of the projects called for under the plan include:

* E-Filing, enabling parties to file pleadings electronically, reducing the inefficiencies and costs associated with a paper based system;

* Electronic Document Management, improving search capacities, allowing for rapid access to and the transfer of information, and reducing inefficiencies and costs.

* Electronically expediting the transfer of financial records and the collection of funds;

* Creating a Web Portal, allowing access to court documents, information and services via the internet;

* Creating a new Appellate Court Case Management System;

* Improving the Uniform Criminal Judgment and creating a Uniform Probation Violation Judgment, allowing for the automatic transfer of consistent and vital sentencing data to the Criminal Justice Commission and the Department of Corrections.

E. <u>Significant Delay Between the Demonstration of Need for and the Actual Creation of A New Judicial Position.</u>

Any 2007 legislative action would be based upon 2005 filings and, as has happened in the past, those positions might not be filled until 2009. For example, the 2001 Legislature created six (6) new judicial positions based on 1999 filings. It funded three (3) of the positions to start January 30, 2003 and the other three (3) to start June 30, 2003. The 2005 Legislature created four (4) new judicial positions based on 2003 filings with funding to start in January of 2007.

Some representatives from the Districts 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 2007 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.

III. ANALYSIS AND RECOMMENDATIONS

First Judicial District——Jackson County

In 2000, the Committee recommended the District receive two additional Circuit Court judicial positions. The 2001 Legislature authorized creation of one new judicial position for the District, with a delayed effective date of January 2003. In 2002, the Committee recommended the District receive one additional judicial position, and placed the District second in priority for an

additional judicial position. The 2003 Legislature did not create any new judicial positions for any district. In 2004, the Committee renewed its 2002 recommendation and moved the District to the top of its priority list. The 2005 Legislature authorized creation of one new judicial position for the District. The position will be filled at the general election in November 2006, and the Committee understands funding for the position will become effective January 1, 2007.

When the new judicial position comes on line in January 2007, the District will have nine Circuit Court judges. Even with the addition of one judge, increasing workload put the District in need of 2.55 FTE additional judicial positions, according to the 2005 model. The District ranked fifth in need among all judicial districts and fourth among districts needing at least one full-time judicial position.

The District submitted a request seeking Committee support for 0.4 FTE *pro tem* funding. In light of the workload study data, the Committee asked the District why the District was not seeking judicial positions. In written materials the District submitted to the Committee, the District indicated it does not currently have facilities available to accommodate additional full-time judicial positions and that the county's current financial situation makes it difficult for the District to seek additional space. The District indicated it intends to use *pro tem* funds, if made available, to help deal with its civil case backlog——specifically by allowing the District to create a formal settlement conference program for complex civil cases. The District has indicated it has sufficient facility space to accommodate the *pro tem* FTE.

The Committee endorses the District's request and recommends the District receive 0.4 FTE *pro tem* funding.

Third Judicial District——Marion County

In 2000, the Committee recommended the District receive 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, with a delayed effective date of January 2003. In 2002, the Committee recommended the District receive one additional judicial position, plus continued funding for 1.5 FTE juvenile referees, and placed the District fourth in priority for an additional judicial position. The 2003 Legislature did not create any new judicial positions for any district. In 2004, the Committee renewed its 2002 recommendation and placed the District seventh in priority; the 2005 Legislature did not authorize any new judicial positions for the District.

The District currently has 14 Circuit Court judges and 4 referees. In addition to using hearing referees, the District reports it makes significant use of "Plan B" judges and volunteer resources to help it cope with the historic shortfall in judicial positions. The 2005 workload model (which does not include referees) indicated the District needs 4.71 FTE additional judicial positions. The District ranked second in overall need and first among districts needing at least one full-time judicial position.

The District has requested a recommendation for four additional judicial positions. Representatives of the District submitted materials in response to the Suggested Discussion Items and made a presentation to the Committee. The representatives stressed the District's unique position with Salem being not only the county seat but the seat of state government; most governmental litigation is conducted in the Marion County Circuit Court either by direct legislative mandate or as a matter of agency convenience. The representatives indicated government litigation tends to be complex and is more likely to go to trial, therefore taking more time than other civil cases generally. The representatives also stressed that the District's juvenile caseload is greater even than in Multnomah County and indicated this is likely an indirect result of the number of prison facilities sited in the District.

The representatives indicated the court has facilities to accommodate four new judges. The Committee asked the District to obtain letters of support from the county, which have subsequently been provided.

The Committee recognizes the District's chronic need for more full-time judicial positions and considers extensive, long-term use of *pro tem* judges to be an inadequate substitute for elected Circuit Court judges The Committee endorses the District's request and recommends the creation of four additional judicial positions to replace *pro tem* judges at the earliest possible time.

Fourth Judicial District——Multnomah County

In 2000, the Committee recommended the creation of six additional Circuit Court judicial positions to replace six of the District's 12.5 FTE referee positions on a one-for-one basis. The committee also recommended continuation of funding for four juvenile referees. The 2001 Legislature authorized creation of one new judicial position for the District, with a delayed effective date of January 2003. Due to budget constraints, in special session during 2002, the legislature further delayed the new position until the end of June 2003.

In 2002, the Committee recommended the creation of five additional Circuit Court judicial positions to replace full-time referees acting as *pro tem* judges and continuation of four juvenile referees. The Committee put the first of these positions third on its priority list and placed the other four positions sixth in priority. The 2003 Legislature did not create any new judicial positions for any district.

In 2004, the Committee reviewed its 2002 recommendation and placed the District fifth in priority for additional judicial positions; the 2005 Legislature did not authorize any new judicial positions for the District.

The District currently has 38 Circuit Court judges and 12.5 FTE referees acting as *pro tem* judges. The 2005 workload model (which does not include referees) indicated the District needs 7.79 FTE additional judicial positions, and the District ranked tenth in need.

The District has requested a recommendation for four additional judicial positions. The District submitted written materials in response to the Suggested Discussion Items, including documentation on the county commissioners' plans to site a justice facility in Gresham.

A representative of the District made a presentation to the Committee. The representative stressed the impact of the "erosion" of community programs and services that often leaves the courts with few alternatives to jail or prison. The representative also emphasized the county's current plans to build a justice center in Gresham to address the specific needs of the local community. If authorized, the District anticipates placing the four new Circuit Court judges in the Gresham facility. The District's representative indicated that, even if the Gresham facility is significantly delayed, the District could find suitable space within current facilities for the new judges.

The Committee recognizes the District's chronic need for more full-time judicial positions and considers extensive, long-term use of *pro tem* judges to be an inadequate substitute for elected Circuit Court judges. The Committee endorses the District's request and recommends the creation of four additional Circuit Court judicial positions at the earliest possible time to replace full-time referees acting as *pro tem* judges on a one-for-one basis.

Fifth Judicial District——Clackamas County

As documented in prior Committee reports, the District has a long-standing need for additional judicial positions but also has ongoing challenges with facilities that lack the space to accommodate additional courtrooms, jury rooms, and chambers. In 2000, the Committee recommended the District receive funding for 2.3 FTE *pro tem* judges. In 2002, the Committee recommended the District be provided 2.0 FTE *pro tem* funding. The recommendation did not receive a priority ranking at that time because the Committee prioritized only its recommendations for full-time judicial positions.

In 2004, the Committee reviewed its prior recommendations, updated workload study data, and additional material submitted by some of the judicial districts. At that time, the workload study model indicated the District needed 3.65 FTE additional judicial positions. The Clackamas County Commissioners had also identified additional space and funding for remodeling. On that basis, the Committee put the District second in priority for new judicial positions. The 2005 Legislature authorized creation of one new judicial position for the District. The position will be filled at the general election in November 2006, and the Committee understands funding for the position will become effective January 1, 2007.

When the new judicial position comes on line in January 2007, the District will have 11 Circuit Court judges. Even with the addition of one judge, increasing workload put the District in need of 2.90 FTE additional judicial positions, according to the 2005 model. The District ranked sixth in need among all judicial districts and fifth among districts needing at least one full-time judicial position.

The District has requested a recommendation for continued *pro tem* funding at current levels to accommodate the District's probate court, night court, and other *pro tem* dockets. The District is not seeking additional judgeships specifically due to lack of physical space. In light of the workload study data and the District's request for *pro tem* assistance only, the Committee did not consider it necessary to require the District to submit additional materials or to make a presentation before the Committee.

The Committee recognizes the District's ongoing need for additional judicial positions and endorses the District's request. The Committee recommends continuation of *pro tem* funding at current FTE levels.

Ninth Judicial District——Malheur County

In 2000 and again in 2002, the Committee recommended the District receive funding for 0.50 FTE *pro tem* judge. In 2004, the Committee made no specific recommendation regarding the District.

The District currently has two authorized judicial positions. The 2005 workload model indicated the District needs an additional 0.45 FTE judicial position, and the District ranked eighth in need. The District has requested a recommendation for "continued *pro tem* funding as has been previously allocated."

The Office of the State Court Administrator (OSCA) provided information to the Committee indicating that the District does not have a specific *pro tem* allocation at this time; rather, the District's needs are being met through use of a state pool of *pro tem* resources, with judges (largely "Plan B" judges) who sit in Salem and preside over post-conviction-relief hearings via video conferencing. It is the Committee's understanding that the District is seeking to continue the current arrangement and is not seeking additional *pro tem* funding. It is also the Committee's understanding that OSCA intends to continue the current arrangement for handling the District's post-conviction workload.

On the basis of this understanding, the Committee is not making a recommendation for a specific *pro tem* allocation. Nevertheless, the Committee endorses the District's request and agrees that the District has a demonstrated need for additional judicial resources. Of key importance is the District's post-conviction workload, primarily a direct result of the Snake River Correctional Institution (SRCI) having been sited in Malheur County. According to the model, the District's workload in post-conviction relief and *habeas corpus* consumed about 0.43 FTE of judicial resources in 2005——about the same amount of additional resources the model indicates the District needs.

Fourteenth Judicial District——Josephine County

In 2000, the Committee recommended the District receive 0.75 FTE *pro tem* judge. In 2002, the District requested a recommendation for either a full-time judge or 0.8 FTE *pro tem* funding. The Committee again recommended the District receive 0.75 FTE *pro tem* judge. That recommendation was not prioritized because the Committee prioritized only its recommendations for full-time judicial positions.

In 2004, the Committee reviewed its 2002 recommendations and placed the District sixth in priority for an additional judgeship.

The District currently has four Circuit Court judges and 0.8 FTE *pro tem* funding. The District seeks to exchange the 0.8 FTE *pro tem* for a full judgeship. The 2005 workload study model (which does not include *pro tem* positions) indicated the District needs 1.00 FTE additional judicial positions. The District ranked seventh in overall need and sixth among districts needing at least one full-time judicial position. The District has requested a recommendation for one judicial position.

Representatives of the District submitted materials in response to the Suggested Discussion Items and made a presentation to the Committee. The representatives stressed the District's high level of *per capita* drug offenses, citing a rate of 117.8 per 10,000 population versus 69 per 10,000 population statewide. The representatives also noted that the last new judgeship was 25 years ago.

The representatives indicated a need for the greater stability and consistency provided by a full-time judge versus *pro tem* judges. The *pro tem* position is currently vacant, and it has been difficult to keep the position filled because the position comes without support staff and without benefits.

The representatives provided a letter of support from the Josephine County Board of Commissioners. The commissioners have indicated the court has space available for a new judge and judicial support staff.

The Committee endorses the District's request and recommends the creation of one new judicial position at the earliest possible time to replace the 0.8 FTE *pro tem* position.

Sixteenth Judicial District——Douglas County

In 2000 and again in 2002, the Committee recommended the District receive 0.75 FTE *pro tem* judge. In 2004, the Committee made no specific recommendation regarding the District

The District's last new judicial position was in 1976. The District currently has five Circuit Court judges and one hearings referee with limited *pro tem* authority. The 2005 workload model (which does not include the referee position) indicated the District needs 1.65 FTE additional judicial positions. The District ranked third in overall need and second among districts needing at least one full-time judicial position. The District has requested a recommendation for one judicial position to replace the hearings referee.

The District submitted materials in response to the Suggested Discussion Items, including a letter of support from the Douglas County Board of Commissioners. Representatives of the District made a presentation to the Committee. The representatives stressed the District's tremendous increase in case filings, especially in felonies and misdemeanors. They estimate that 80-85% of felony cases are related to methamphetamine and indicated that the local DHS office estimates 85% of child foster care placements in Douglas County are the result of parents with chemical dependency issues.

The District has a highly functional drug court but is hampered by the lack of judicial resources necessary to expand the program to accommodate community needs. Further, a hearings referee does not provide the desired consistency and flexibility of a full-time Circuit Court judge.

The District representatives indicated facilities are already available that can accommodate or be remodeled to accommodate a new judge, partially through conversion of space currently used by the hearings referee.

The Committee endorses the District's request and recommends the creation of one new judicial position at the earliest possible time to replace the hearings referee. The committee considers extensive, long-term use of *pro tem* judges to be an inadequate substitute where full-time judicial positions are needed.

Twentieth Judicial District——Washington County

In 2000, the Committee recommended the creation of two additional Circuit Court judgeships in the District and continuation of 0.8 FTE referee. The 2001 Legislature authorized creation of one new judicial position for the District, with a delayed effective date of January 2003. Due to budget constraints, in special session during 2002, the legislature further delayed the new position until the end of June 2003.

Aligning with its previous recommendation, in 2002 the Committee recommended the creation of one additional Circuit Court judge position and funding for 0.8 FTE referee. The 2003 Legislature did not create any new judicial positions for any district.

In 2004, the Committee reviewed its 2002 recommendation and placed the District eighth in priority for additional judicial positions; the 2005 Legislature did not authorize any new judicial positions for the District.

The District currently has 14 Circuit Court judges, two hearings referees acting as *pro tem* judges in juvenile and probate matters as assigned, and one probate commissioner. The District reports it makes extensive use of *pro tem* judges, including "senior" and "Plan B" judges and both paid and volunteer attorney *pro tems*. Paid *pro tems* hear all FED and small claims cases.

The 2005 workload model (which does not include hearings referees, *pro tems*, or this district''s probate commissioner) indicated the District needs 4.17 FTE additional judicial positions. The District ranked fourth in overall need and third among districts needing at least one full-time judicial position.

The District has requested a recommendation for two new judicial positions. The District submitted materials in response to the Suggested Discussion Items, including a letter from the Washington County Administrator supporting the District's request on the understanding that the two new judges could use existing facilities currently being used by *pro tem* judges without constructing new facilities or major remodeling. Representatives of the District made an appearance by phone to answer the Committee's questions. The representatives indicated that if two new positions were authorized, the District would not need the *pro tem* funding they currently use for small claims and FED proceedings.

The committee considers extensive, long-term use of *pro tem* judges to be an inadequate substitute where full-time judicial positions are needed. The Committee endorses the District's request and recommends the creation of two new judicial positions at the earliest possible time, in exchange for *pro tem* FTE on a one-for-one basis.

Twenty-Second Judicial District——Crook and Jefferson Counties

The District did not apply to the Committee for a recommendation in 2000. In 2002, the District requested a recommendation for one additional Circuit Court judge position, and the county commissioners of both counties supported the request.

At that time, workload data alone did not support the District's request; however, the Committee noted that the District's request was driven primarily by the Oregon Department of Corrections' plans to construct major new prison facilities in Jefferson County. The Committee further noted that historical evidence from the Snake River Correctional Facility in Ontario and the Eastern Oregon Correctional Facility and the Two Rivers Correctional Facility in Umatilla County demonstrated the substantial impact on the courts in those districts in which the facilities are located, particularly in post-conviction-relief/*habeas* workload and juvenile case filings. The Committee also observed that, in the executive summary to the Department of Corrections' community impact

statement related to the facility siting, the Department was silent regarding the impact of facility siting on court operations.

The day before the District's presentation to the Committee in 2002, the Department of Corrections announced it was delaying the sale of bonds intended to fund construction. Due to the uncertainty regarding the timing of prison construction, the Committee could not make a definitive recommendation supporting the District's request

When the Committee reviewed its prior recommendations in 2004, new prison facilities in Jefferson County were projected to be partially open by October 2006. While not giving the District a specific priority ranking at that time, the Committee recommended that special consideration be given to the District and stated that the District would rate a "very high priority" if construction proceeded as projected.

The District currently has three Circuit Court judges who are elected from and serve in both counties. The 2005 workload study model showed a need for an additional 0.35 FTE judicial positions. The District ranked fourteenth in need based on 2005 filing rates.

The District has again requested a recommendation for one judicial position to enable it to cope with the increased workload that will inevitably result from the opening of a new prison facility in the District. It is anticipated that the facility will begin to come on line in September 2007, and the District has requested a new position effective July 1, 2007.

The District submitted materials in response to the Suggested Discussion Items, and representatives of the District made a presentation to the Committee. In addition to the impact of the upcoming opening of the Deer Ridge Correctional Institution in Jefferson County, the representatives stressed the high percentage of cases in Jefferson County that require interpreter services, tending to extend the length of judicial proceedings. They stated that about 30% of the population in the county is Native American, and another 20% of the population is Hispanic.

Representatives also stated that the Oregon State Police plan to increase local patrols by 50% in the next biennium.

The District has provided letters of support from the president of the Jefferson/Crook County Bar Association, an area commander with the Oregon State Police, and from the boards of commissioners in each of the two counties. The District currently has five courtrooms and has indicated that having a fourth judge would allow each county to have two "resident" judges, reducing costs in travel between the two counties.

The Committee endorses the District's request and recommends creation of one new judicial position to coincide as closely as feasible with the opening of the Deer Ridge Correctional Institution. If the District does not receive another judicial position, or if there is a significant delay between the opening of the new prison facility and the effective date of a new judicial position, the Committee recommends the District be given high priority for *pro tem* resources. The Committee also expresses its concern regarding the inadequate recognition of the impact of prison siting on the courts.

Twenty-Fourth Judicial District——Grant and Harney Counties

The District has one judge serving two counties. In 2000 and again in 2002, the Committee recommended the District receive 0.0833 FTE *pro tem* funding. In 2004, the Committee ranked the District tenth in priority for additional judicial resources.

The 2005 workload study model showed a need for an additional 0.23 FTE judicial position, due primarily to the extra demands placed on one judge serving two counties. The District ranked first in need.

The District has requested continuation of the Committee's support for *pro tem* funding. Based on the District's ranking, historic need, and the Committee's prior recommendations, the

Committee did not consider it necessary to have the District provide additional documentation or make a presentation supporting the District's request.

The Committee endorses the District's request and recommends continuation of *pro tem* funding at current FTE levels.

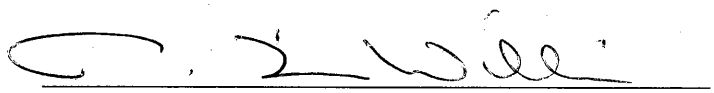
IV. CONCLUSION

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 the Districts are attempting to be efficient and use technology in making good use of available resources. Without the creation of new judgeships, the Districts will not be able to meet the increasing demands on the trial court system and the citizens of Oregon will not receive the judicial services that they expect and deserve. The Committee's recommendations and priorities for additional judicial resources are as follows:

2007 Priority Number	Judicial District	Number of Judges
1st	Third Judicial District (Marion County)	1
2nd	Sixteenth Judicial District (Douglas County)	1
3rd	Twentieth Judicial District (Washington County)	1
4th	Fourteenth Judicial District (Josephine County)	1
5th	Fourth Judicial District (Multnomah County)	1
6th	Twenty-Second Judicial District (Crook/Jefferson Counties)	1
7th	Third Judicial District (Marion County)	1

8th	Fourth Judicial District (Multnomah County)	1
9th	Twentieth Judicial District (Washington County)	1
10th	Third Judicial District (Marion County)	1
11th	Third Judicial District (Marion County)	1
12th	Fourth Judicial District (Multnomah County)	1
13th	Fourth Judicial District (Multnomah County)	1

RESPECTFULLY SUBMITTED:



R. Tim Willis, Chair
Joint Committee on Trial Court Judicial Resources

APPENDIX A

SUGGESTED DISCUSSION ITEMS

SUGGESTED DISCUSSION ITEMS

Statistics

1. Your district's trial statistics, including the number of court and jury trials in felony, misdemeanor, civil, and domestic relations cases for the past two years and the average time to trial in felony, misdemeanor, civil, and domestic relations cases.

2. Your district's ability to meet the Oregon Standards of Timely Disposition set by the Oregon Judicial Conference (a.k.a. Oregon Goals for Timely Disposition).

Caseflow

1. Your district's judicial case-assignment system.

2. Your district's compliance with the time frames set out in Chapter *7* of the UTCR.

3. The impact in your district, if any, regarding assessment of the mandatory sanctions for violation of ORCP 17 and the discretionary imposition of sanctions for violations of ORCP 46, 47, and any other statutes or ORCP permitting imposition of sanctions.

4. The extent to which your district is creating efficiencies administratively and using management techniques, including a discussion of any technological changes or other management improvements planned for the 2007-2009 biennium that will impact judicial case processing or the use of judicial resources.

Specialty Programs

1. The use of diversion programs and mediation, arbitration, or other alternative dispute resolution methods, and their anticipated impact on case filings, processing, and dispositions for your district during the 2007-2009 biennium.

2. Changes experienced or anticipated in juvenile court, family court, drug court, and domestic violence or other specialized programs and procedures. Quantify, as best you can, the time commitments required for these programs and procedures.

3. Whether you have an effective program for the early disposition of felony and misdemeanor offenses such as the program used by Lane County. If not, whether you considered such a program, and any local barriers to implementing such a program.

Alternative Judicial Resources

1. 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.

2. The use and authority of hearings officers, referees, or other Judicial Department personnel to dispose of cases.

District Attorney's Office

1. Any increase or decrease in the number of deputy district attorneys or office staff occurring in the 2005-2007 biennium or that you anticipate to occur in the 2007-2009 biennium.

2. The policy of your district attorney concerning joinder of multiple charges against an accused or other charging practices that significantly affect your caseload (whether positively or negatively).

3. The effects, if any, of Measure 11 requirements and District Attorney practices concerning charging or plea negotiations for these cases.

Additional Local Community Factors

1. Any increase or decrease in the number of law enforcement officers in the community occurring in the 2005-2007 biennium or that you anticipate to occur in the 2007-2009 biennium.

2. The opening or closing of any municipal or justice courts in your district occurring in the 2005-2007 biennium or that you anticipate to occur in the 2007-2009 biennium.

3. Any increase or decrease in the number of jail or prison beds in your district occurring in the 2005-2007 biennium or that you anticipate to occur in the 2007-2009 biennium.

4. The impact of the availability of or lack of mental health, probation, community service, or other local services and programs.

5. Rate of population change compared to other Oregon districts.

6. Population needing interpreter services and the impact on your district.

Facilities

1. Number of different buildings housing court facilities used by the judges in your district and any anticipated change in the number of these facilities in the 2007-2009 biennium.

2. Current or anticipated availability of space for a new judge(s), staff, and support services.

3. The level of support from county commissioners to provide additional courtroom and other space and to pay the costs and expenses resulting from creation of additional judgeships. (Written confirmation from your board of commissioners is recommended.)

Other

1. The impact on your court of federal- and state-mandated programs and procedures.

2. Any other factors or special circumstances you believe are relevant.

3. Your district's plans for using any new judicial resources during the 2007-2009 biennium if the legislature authorizes new resources. Include the anticipated benefits if new resources

are authorized and the projected impact on the operation of your district if additional resources are not authorized.

Version Date: 4-12-06

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 2005 CASE FILINGS

Oregon Circuit Court Workload Assessment Model

	1	*Judicial District*		1	2	3	4	5	6	7	8
	2	***Case Type***	***Weight (Minutes)***	***(Calendar Year 2005 Filings)*** ***Jackson***	***Lane***	***Marion***	***Multnomah***	***Clackamas***	***Morrow Umatilla***	***G/HR/S/ W/W***	***Baker***
Case-Specific Workload Calculations	3	***Civil***	***61***	2,095	4,435	3,789	12,632	4,173	682	510	123
	4	***Domestic Relations***	***44***	1,819	2,841	2,700	5,221	2,561	761	419	168
	5	***FAPA/ElderAbuse***	***27***	696	1,397	1,095	3,174	1,130	388	185	48
	6	***Felony-Adult***	***86***	2,590	3,984	3,712	7,825	2,407	1,562	626	229
	7	***Infraction/Violation***	***2***	8,748	9,577	7,641	121,711	25,547	6,570	7,408	53
	8	***Juvenile Delinquency***	***73***	593	307	997	1,036	482	319	165	97
	9	***Juvenile Dependency****	***244***	475	573	1,161	1,185	324	135	101	34
	10	***Juvenile TPR***	***176***	103	307	256	238	155	35	28	18
	11	***Mental Health/Probate***	***27***	963	689	1,252	5,667	1,350	280	167	47
	12	***Misdemeanor-Adult***	***33***	3,375	1,865	4,269	18,283	4,255	1,331	1,238	85
	13	***Parking***	***0.14***	0	0	0	279,639	0	0	0	0
	14	***Post Conviction Relief/Habeas***	***132***	9	5	298	102	8	271	4	0
	15	***Small Claims/FED***	***4***	8,153	9,793	6,205	27,537	6,991	2,180	1,039	5
	16	*Total Filings*		*29,619*	*35,773*	*33,375*	*484,250*	*49,383*	*14,514*	*11,890*	*907*
	17	**Case-Specific Workload *(Weights x Filings)***		**815,352**	**1,131,271**	**1,353,966**	**3,328,111**	**1,003,250**	**391,396**	**214,857**	**58,630**
AAA Adjustments	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 (-)*		75	75	350	75	75	750	75	1,650
	24	*Travel:Other (-)*		2,860	2,077	1,770	1,996	1,952	2,989	2,288	3,450
	25	**AAA for Case-Specific Workload**		**72,329**	**73,112**	**73,144**	**73,193**	**73,237**	**71,525**	**72,901**	**70,164**
Judicial Resource Calculations	26	**Authorized Judicial Positions (as of 1/1/07)**		9	15	14	38	11	5	4	1
	27	**FTE Adjustments by District**									
	28	*Travel:Circuit (-)*		0.07	0.00	0.00	0.12	0.00	0.11	0.25	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 (-)*		0.11	0.11	0.11	0.11	0.11	0.08	0.11	0.05
	31	*Presiding Judge Meetings (-)*		0.04	0.03	0.03	0.03	0.03	0.04	0.03	0.05
	32	**FTE Judicial Resource Supply**		8.72	14.80	13.80	37.68	10.80	4.71	3.55	0.84
	33	**FTE Judicial Resource Predicted Demand**		**11.27**	**15.47**	**18.51**	**45.47**	**13.70**	**5.47**	**2.95**	**0.84**
	34	***Difference****		-2.55	-0.67	-4.71	-7.79	-2.90	-0.76	0.60	0.00
	35	***% Predicted Demand to Existing Supply****		-29%	-5%	-34%	-21%	-27%	-16%	17%	0%

* A negative number in the "difference" and "% predicted demand to existing supply" indicates a need for additional judicial resources.

**Excludes petitions for judicial determination (119) or permanent guardianship (37), new case types for which a separate "weight" has not been established.

Oregon Circuit Court Workload Assessment Model

	1	***Judicial District***		**9**	**10**	**11**	**12**	**13**	**14**	**15**	**16**
Case-Specific Workload Calculations	2	***Case Type***	***Weight (Minutes)***	***Malheur***	***Union Wallowa***	***Deschutes***	***Polk***	***Klamath***	***Josephine***	***Coos Curry***	***Douglas***
	3	***Civil***	***61***	244	296	1,732	625	744	943	938	1,358
	4	***Domestic Relations***	***44***	249	279	1,180	468	663	784	786	1,069
	5	***FAPA/ElderAbuse***	***27***	92	53	548	148	428	462	391	786
	6	***Felony-Adult***	***86***	504	370	1,975	579	1,067	1,016	960	1,832
	7	***Infraction/Violation***	***2***	113	5,756	7,221	3,586	6,449	7,117	11,729	6,654
	8	***Juvenile Delinquency***	***73***	190	93	349	219	325	204	229	259
	9	***Juvenile Dependency***	***244***	74	82	88	233	246	159	198	191
	10	***Juvenile TPR***	***176***	1	7	30	43	61	39	111	36
	11	***Mental Health/Probate***	***27***	9	148	306	160	279	240	513	626
	12	***Misdemeanor-Adult***	***33***	750	868	2,611	892	2,475	1,986	1,791	1,371
	13	***Parking***	***0.14***	0	0	0	0	0	0	0	0
	14	***Post Conviction Relief/Habeas***	***132***	230	1	7	2	0	1	24	4
	15	***Small Claims/FED***	***4***	177	464	3,453	1,323	3,099	2,796	3,546	3,872
	16	*Total Filings*		*2,633*	*8,417*	*19,500*	*8,278*	*15,836*	*15,747*	*21,216*	*18,058*
	17	**Case-Specific Workload *(Weights x Filings)***		**160,057**	**137,752**	**518,050**	**239,398**	**386,861**	**349,989**	**383,248**	**471,964**
AAA Adjustments	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**
Judicial Resource Calculations	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**		**2.29**	**1.96**	**7.14**	**3.28**	**5.37**	**4.83**	**5.34**	**6.51**
	34	***Difference****		-0.45	-0.20	-0.28	-0.42	-0.52	-1.00	0.48	-1.65
	35	***% Predicted Demand to Existing Supply****		-24%	-11%	-4%	-15%	-11%	-26%	8%	-34%

Oregon Circuit Court Workload Assessment Model											
	1	*Judicial District*		17	18	19	20	21	22	23	24
Case-Specific Workload Calculations	2	***Case Type***	***Weight (Minutes)***	***Lincoln***	***Clatsop***	***Columbia***	***Washington***	***Benton***	***Crook Jefferson***	***Linn***	***Grant Harney***
	3	***Civil***	***61***	633	457	606	4,982	594	477	1,552	109
	4	***Domestic Relations***	***44***	420	298	396	3,452	442	358	996	134
	5	***FAPA/ElderAbuse***	***27***	263	191	205	1,233	136	230	590	47
	6	***Felony-Adult***	***86***	729	492	510	3,778	562	574	1,436	164
	7	***Infraction/Violation***	***2***	3,313	6,020	2,264	4,578	3,915	7,153	4,333	28
	8	***Juvenile Delinquency***	***73***	117	84	246	417	128	275	348	40
	9	***Juvenile Dependency***	***244***	112	69	136	596	42	108	219	66
	10	***Juvenile TPR***	***176***	45	51	33	236	9	17	83	13
	11	***Mental Health/Probate***	***27***	155	152	232	764	221	128	336	22
	12	***Misdemeanor-Adult***	***33***	1,521	879	499	6,327	1,709	1,471	1,177	178
	13	***Parking***	***0.14***	0	0	0	0	0	0	0	0
	14	***Post Conviction Relief/Habeas***	***132***	5	2	8	61	0	3	4	1
	15	***Small Claims/FED***	***4***	1,355	960	712	9,316	1,445	1,134	3,451	10
	16	*Total Filings*		*8,668*	*9,655*	*5,847*	*35,740*	*9,203*	*11,928*	*14,525*	*812*
	17	**Case-Specific Workload *(Weights x Filings)***		**237,761**	**169,657**	**191,898**	**1,315,281**	**204,836**	**221,079**	**442,281**	**55,926**
AAA Adjustments	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**
Judicial Resource Calculations	26	**Authorized Judicial Positions**		3	3	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	2.86	2.86	13.80	2.86	2.69	4.86	0.63
	33	**FTE Judicial Resource Predicted Demand**		**3.29**	**2.34**	**2.64**	**17.97**	**2.81**	**3.04**	**6.03**	**0.86**
	34	***Difference****		-0.43	0.52	0.22	-4.17	0.05	-0.35	-1.17	-0.23
	35	***% Predicted Demand to Existing Supply****		-15%	18%	8%	-30%	2%	-13%	-24%	-37%

Oregon Circuit Court Workload Assessment Model								
	1	***Judicial District***		**25**	**26**	**27**	**TOTAL**	1
Case-Specific Workload Calculations	2	***Case Type***	***Weight (Minutes)***	***Yamhill***	***Lake***	***Tillamook***		2
	3	***Civil***	***61***	834	59	309	*45,931*	3
	4	***Domestic Relations***	***44***	745	36	238	*29,483*	4
	5	***FAPA/ElderAbuse***	***27***	325	23	142	*14,406*	5
	6	***Felony-Adult***	***86***	857	115	303	*40,758*	6
	7	***Infraction/Violation***	***2***	5,206	1,132	38	*273,860*	7
	8	***Juvenile Delinquency***	***73***	171	29	137	*7,856*	8
	9	***Juvenile Dependency***	***244***	81	13	26	*6,727*	9
	10	***Juvenile TPR***	***176***	25	2	9	*1,991*	10
	11	***Mental Health/Probate***	***27***	218	34	102	*15,060*	11
	12	***Misdemeanor-Adult***	***33***	1,376	195	679	*63,456*	12
	13	***Parking***	***0.14***	0	0	0	*279,639*	13
	14	***Post Conviction Relief/Habeas***	***132***	4	1	10	*1,065*	14
	15	***Small Claims/FED***	***4***	2,135	89	33	*101,273*	15
	16	*Total Filings*		*11,977*	*1,728*	*2,026*	***881,505***	16
	17	**Case-Specific Workload *(Weights x Filings)***		**273,552**	**31,440**	**103,831**	**14,191,694**	17
AAA Adjustments	18	**Average Annual Availability (AAA)**		93,600	93,600	93,600		18
	19	**AAA Adjustments per Judge**						19
	20	*Non-Statutory Work-Related Meetings (-)*		6,210	6,210	6,210		20
	21	*Other Non-Case-Specific Work (-)*		8,358	8,358	8,358		21
	22	*Judicial Court Administration (-)*		3,768	3,768	3,768		22
	23	*Travel:Substitute (-)*		75	750	350		23
	24	*Travel:Other (-)*		1,895	3,239	2,125		24
	25	**AAA for Case-Specific Workload**		**73,294**	**71,275**	**72,789**		25
Judicial Resource Calculations	26	**Authorized Judicial Positions**		4	1	2	***173***	26
	27	**FTE Adjustment by District**						27
	28	*Travel:Circuit (-)*		0.00	0.00	0.00		28
	29	*Core Court Administration (-)*		0.06	0.06	0.06		29
	30	*Statutory Committees (-)*		0.05	0.05	0.05		30
	31	*Presiding Judge Meetings (-)*		0.03	0.05	0.03		31
	32	**FTE Judicial Resource Supply**		3.86	0.84	1.86	***168***	32
	33	**FTE Judicial Resource Predicted Demand**		**3.73**	**0.44**	**1.43**	***195***	33
	34	***Difference****		0.13	0.40	0.43	***-27***	34
	35	***% Predicted Demand to Existing Supply****		3%	48%	23%		35

APPENDIX E

PREDICTED NEED FOR

CIRCUIT COURTS BY DISTRICT

AND

CIRCUIT COURTS BY RANK

FOR

2005

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

District	2003 W*F	2004 W*F	2005 W*F	2-Year Trend	Authorized Positions as of 1/1/07	Supply	Predicted Demand	Predicted Need (Difference)	Demand to Supply	Rank
1 Jackson	770,199	830,453	815,352	5.9%	9	8.72	11.27	2.55	29%	5
2 Lane	1,135,666	1,102,484	1,131,271	-0.4%	15	14.80	15.47	0.67	5%	17
3 Marion	1,235,777	1,325,578	1,353,966	9.6%	14	13.80	18.51	4.71	34%	2
4 Multnomah	3,477,826	3,279,169	3,328,111	-4.3%	38	37.68	45.47	7.79	21%	10
5 Clackamas	984,712	946,021	1,003,250	1.9%	11	10.80	13.70	2.90	27%	6
6 Morrow/Umatilla	329,499	365,952	391,396	18.8%	5	4.71	5.47	0.76	16%	11
7 Hood River/W/G/Wh/S	222,032	229,848	214,857	-3.2%	4	3.55	2.95	-0.60	-17%	24
8 Baker	56,815	55,860	58,630	3.2%	1	0.84	0.84	0.00	0%	19
9 Malheur	150,827	142,780	160,057	6.1%	2	1.84	2.29	0.45	24%	8
10 Union/Wallowa	146,207	137,150	137,752	-5.8%	2	1.76	1.96	0.20	11%	15
11 Deschutes	496,846	503,919	518,050	4.3%	7	6.86	7.14	0.28	4%	18
12 Polk	197,829	231,302	239,398	21.0%	3	2.86	3.28	0.42	15%	13
13 Klamath	372,550	392,894	386,861	3.8%	5	4.85	5.37	0.52	11%	16
14 Josephine	341,103	328,894	349,989	2.6%	4	3.83	4.83	1.00	26%	7
15 Coos/Curry	376,736	365,481	383,248	1.7%	6	5.82	5.34	-0.48	-8%	23
16 Douglas	415,826	408,875	471,964	13.5%	5	4.86	6.51	1.65	34%	3
17 Lincoln	197,045	225,949	237,761	20.7%	3	2.86	3.29	0.43	15%	12
18 Clatsop	174,295	165,847	169,657	-2.7%	3	2.86	2.34	-0.52	-18%	25
19 Columbia	174,776	172,657	191,898	9.8%	3	2.86	2.64	-0.22	-8%	22
20 Washington	1,223,291	1,242,311	1,315,281	7.5%	14	13.80	17.97	4.17	30%	4
21 Benton	197,330	200,866	204,836	3.8%	3	2.86	2.81	-0.05	-2%	20
22 Crook/Jefferson	192,687	186,559	221,079	14.7%	3	2.69	3.04	0.35	13%	14
23 Linn	425,504	422,724	442,281	3.9%	5	4.86	6.03	1.17	24%	9
24 Grant/Harney	50,866	61,987	55,926	9.9%	1	0.63	0.86	0.23	37%	1
25 Yamhill	283,904	283,986	273,552	-3.6%	4	3.86	3.73	-0.13	-3%	21
26 Lake	34,830	33,882	31,440	-9.7%	1	0.84	0.44	-0.40	-48%	27
27 Tillamook	105,610	97,168	103,831	-1.7%	2	1.86	1.43	-0.43	-23%	26
TOTALS	*13,770,588*	*13,740,596*	*14,191,694*	*3.1%*	*173*	*167.56*	*194.98*	*27.42*	*16%*	

Notes:

1. Case weights (W) are from the Oregon Circuit Court Judicial Workload Assessment Model developed 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 2003, 2004, and 2005.
3. "Supply" is the number of positions authorized effective January 1, 2007, 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 2005 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."

OSCA/mwm/4-07-06

Joint Committee on Trial Court Judicial Resources
Circuit Courts by Rank
(Based on Need Predicted by Judicial Workload Assessment Model)

District	2003 W*F	2004 W*F	2005 W*F	2-Year Trend	Authorized Positions as of 1/1/07	Supply	Predicted Demand	Predicted Need (Difference)	Demand to Supply	Rank
24 Grant/Harney	50,866	61,987	55,926	9.9%	1	0.63	0.86	0.23	37%	1
3 Marion	1,235,777	1,325,578	1,353,966	9.6%	14	13.80	18.51	4.71	34%	2
16 Douglas	415,826	408,875	471,964	13.5%	5	4.86	6.51	1.65	34%	3
20 Washington	1,223,291	1,242,311	1,315,281	7.5%	14	13.80	17.97	4.17	30%	4
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5 Clackamas	984,712	946,021	1,003,250	1.9%	11	10.80	13.70	2.90	27%	6
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