REPORT OF THE 2008-2009 JOINT COMMITTEE

ON

OREGON TRIAL COURT JUDICIAL RESOURCES

October 1, 2008

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

and

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

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EXECUTIVE SUMMARY REPORT
OF
2008-2009
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 Cliff Bentz	State Representative, Ontario
The Honorable Paula J. Brownhill	Judge, Eighteenth Judicial District, Astoria
The Honorable Paul G. Crowley	Judge, Seventh Judicial District, Hood River
The Honorable Charles E. Luukinen	Judge, Twelfth Judicial District, Dallas
Gordon Mallon	Burns Attorney
James E. Mountain, Jr.	Portland Attorney, Vice Chair
The Honorable Nancy Nathanson	State Representative, Eugene
Frank R. Papagani, Jr.	Assistant United States Attorney, Eugene
Lane Shetterly	Dallas Attorney
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 May 17, 2008, to formulate the procedures to be utilized by the Committee. Districts intending to seek additional judicial positions from the 2009 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 June 13, 2008.

The Committee considered requests for 15 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 2007 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 2009 Legislature are as follows:

Judicial District No.	County	Requests	Recommendations
First	Jackson	0.5 Pro Tem Only	0.5 Pro Tem funding at current levels
Third	Marion	4	3 Additional Judges
Fourth	Multnomah	4	4 Additional Judges
Fifth	Clackamas	1 + Continued Pro Tem	1 + Continued Pro Tem funding at current levels
Fourteenth	Josephine	1	0.8 Pro Tem funding at current levels
Sixteenth	Douglas	1	1 Additional Judge
Twentieth	Washington	3	3 Additional Judges
Twenty-Second	Crook/Jefferson	0.5 Pro Tem Only	OSCA should consider potential need for pro tem funding once medium security facility opens
Twenty-Third	Linn	1	1 Additional Judge

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:

2009 Priority Number	Judicial District	Number of Judges
1st	Twenty-Third Judicial District (Linn County)	1
2nd	Twentieth Judicial District (Washington County)	1
3rd	Sixteenth Judicial District (Douglas County)	1
4th	Third Judicial District (Marion County)	1
5th	Fifth Judicial District (Clackamas County)	1
6th	Fourth Judicial District (Multnomah County)	1
7th	Twentieth Judicial District (Washington County)	1
8th	Third Judicial District (Marion County)	1
9th	Fourth Judicial District (Multnomah County)	1
10th	Twentieth Judicial District (Washington County)	1
11th	Fourth Judicial District (Multnomah County)	1
12th	Third Judicial District (Marion County)	1
13th	Fourth Judicial District (Multnomah County)	1

REPORT OF THE 2008-2009 JOINT COMMITTEE ON TRIAL COURT JUDICIAL RESOURCES

I. BACKGROUND

Members of the Committee were appointed in 2008 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 18 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 2009 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 June 13, 2008.

II. INFORMATION CONSIDERED

A. <u>State Legislative and Federal Congressional Actions and Inactions Increase the Demand Upon Judicial Resources.</u>

Additional burdens that have affected and will continue to affect court operations are:

1. Adoption and Safe Families Act (ASFA), enacted by Congress and implemented by the 1999 Legislature in ORS Chapter 419B, requires (i) dependency adjudication hearings occur within 60 days of a filing of a dependency petition; (ii) permanency hearings occur within 12 months of placement

or 14 months of disposition; (iii) court findings in shelter hearings, adjudications, permanency hearings and judicial review hearings; (iv) termination petitions filed for children in substitute care 15 of the prior 22 months. Compliance with ASFA requirements is a prerequisite to Oregon's receipt of federal funds.

2. Implementation of the provisions of ORS 419B, which set mandatory, accelerated time lines for juvenile dependency cases.

3. The volume of newly required reports in juvenile dependency increasing the amount of judicial time needed to prepare for hearings.

4. 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 when a family abuse restraining order is in place. Judges must issue mandatory notices and make additional findings in many FAPA orders.

5. Changes by the Oregon Legislature to the Family Abuse Prevention Act (FAPA) to include findings regarding exceptional circumstances, emergency monetary assistance, and other emerging issues.

6. Increased workloads due to an increase in the number of Oregon State Police officers.

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

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

9. An increase in the number of treatment courts such as drug courts, family drug courts, juvenile drug courts, mental health courts, DUII courts, domestic violence courts, and specialized child support enforcement programs. Although these programs often obtain better results, they require the dedication of substantially greater judicial resources to a smaller number of cases.

10. Creation of new causes of action such as stalking and elder abuse combined with the imposition of legislative priorities and time constraints for hearings, trials and disposition of these cases.

11. The impact of Measure 49 issues involving regulations that infringe on historic property rights.

12. U. S. and Oregon Supreme Court decisions relating to criminal defendant's procedural rights: *Crawford v. Washington*, 541 US 36 (2004), reaffirms a criminal defendant's rights to confront witnesses and displaces 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; *State v. Ice*, 343 Or 248 (2007), holds that the federal constitutional right to jury trial requires that facts supporting imposition of consecutive sentences be found by a jury, rather than a judge. These three decisions have broadly impacted the processing of criminal cases in the courts.

13. The failure of prior sessions of the legislature to authorize many of the additional judicial positions recommended by the Trial Court Judicial Resources Committee.

14. The passage of ballot measures creating additional rights for the victims of crimes that result in the rescheduling of some hearings and the holding of additional hearings.

B. Updated Oregon Circuit Court Judicial Workload Assessment Study Based on 2007 Case Filings.

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 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 2007 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 2008.

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 in particular districts; (iii) use of drug courts; (iv) use of family courts; (v) number of Measure 11 cases in a district; (vi) use of settlement conferences; (vii) greater numbers of jury trials in a district; (viii) post-judgment time required in districts such as felony and misdemeanor cases re-opened for probation violations and family cases requiring ongoing hearings and supervisions; (ix) aggravated murder cases that generally are complex and lengthy; (x) district attorney charging practices in a district resulting in more trials; and (xi) number of post-conviction and habeas corpus proceedings in districts with state correctional facilities

D. Courts Are Becoming More Efficient.

Oregon courts have become more efficient in handling the constantly increasing number of cases coming before them by using alternative dispute resolution (ADR) mechanisms, such as settlement conferences, mediation and arbitration. ADR saves time and money by addressing cases more quickly and, in many cases, by providing conclusive results. Agreements reached through mediation and settlement conferences usually result in a complete, non-appealable conclusion of the case.

Through the use of advancing technology, the courts have become and will continue to be more efficient. Until recently, closed circuit video conferencing was considered cutting edge technology used by a small handful of courts. Today, that technology is used throughout the state for hearings involving incarcerated persons and, to a lesser extent, for civil cases and other court-related conferencing. The implementation of the computerized Uniform Criminal Judgment on a statewide basis has also increased efficiency and decreased communication errors.

The technological improvements to date are just the first wave in the sea of changes to be made in the next few years. The Technology Task Force, created in 2004 by former Chief Justice Wallace P.

Carson, developed an updated strategic plan and created a standing Judicial Department Technology Committee. At the direction of current Chief Justice Paul De Muniz, and with the assistance of legislative funding, the Oregon eCourt Implementation Team is working to move Oregon quickly into the forefront of technology-enhanced justice.

Projects currently underway or expected to be implemented in the near future include:

- The creation of a new website to improve usability by judges, attorneys and the public by providing a common look and feel for the websites of all of the courts.
- The completion of an Appellate eCourt pilot, ultimately making the Oregon Supreme Court the first eCourt in Oregon to have continuous electronic access.
- The procurement of a new electronic-content-management system, which starts the replacement of the almost 25-year-old Oregon Judicial Information Network.
- E-filing, enabling parties to file pleadings electronically.
- By the end of 2012, the creation of a "paper-on-demand" court system. All information will be electronically received, managed and stored. The inefficiencies and costs associated with a paper-based system will be gone. In new cases, the physical storage and retrieval of paper files will no longer be an issue. Multiple parties will be able to access the same file at the same time.
- The shift to a person-based model of electronically storing and managing information, allowing quick access to an individual's legal history and improving the ability to analyze individual recidivism.

The Oregon eCourt will provide the courts and judges with the tools they need to provide just, well considered, and prompt resolutions to disputes. It will improve public safety and the quality of life in our communities. It will put the courts in a better position to assist families swiftly and effectively.

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

Any 2009 legislative action would be based upon 2007 filings and, as has happened in the past, those positions might not be filled until 2011. For example, the 2001 Legislature created six new judicial positions based on 1999 filings. It funded three of the positions to start January 30, 2003 and the other three to start June 30, 2003. The 2005 Legislature created four 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 based only upon the best available historical data. The 2009 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 2002, the Committee recommended the District receive one additional circuit court 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, effective January 1, 2007.

Even with the addition of one new position starting in 2007, the District has a clearly demonstrated need for additional judicial resources. Increasing workload put the District in need of 2.80 FTE additional judicial positions, according to the 2007 judicial workload model. The District ranked third in need among

all judicial districts and second among districts needing at least one full-time judicial position.

The District currently has nine authorized circuit court judicial positions. In 2006, the District submitted a request seeking Committee support for 0.4 FTE *pro tem* funding because it did not have the facilities needed to accommodate additional judicial positions. The Committee supported the District''s request for *pro tem* funding.

In 2008, the District has again requested Committee support for *pro tem* resources. The District is seeking 0.5 FTE dedicated pro tem funding. The District submitted written materials to the Committee in support if its request, and a representative made a presentation to the Committee during its hearings. Due to the loss of O & C timber revenues, the county is not in a position to fund facilities for additional judicial positions.

The District intends to use the *pro tem* funding, if granted, to continue its civil settlement-conference program. If *pro tem* funding is not made available, the District anticipates growth in its backlog of civil cases.

The Committee endorses the District's request and recommends the District receive 0.5 FTE *pro tem* funding throughout the 2009-2011 biennium.

Third Judicial District——Marion County

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. In 2006, the Committee

recommended the District receive four additional judicial positions and placed the District first in priority among all courts needing at least one additional judicial position. The 2007 Legislature did not authorize any new judicial positions for any district.

The District currently has 14 authorized circuit court judicial positions and 3.6 FTE referee positions. The referee positions are not specifically authorized by the legislature but are funded through the District's budget for staff resources, resulting in a reduction in resources available for support staff.

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 its historic shortfall in judicial positions.

The 2007 workload model (which does not include referees or other *pro tem* resources) indicated the District needs 3.86 FTE additional judicial positions. The District ranked seventh in overall need and fifth among districts needing at least one full-time judicial position.

The District has requested a recommendation for four additional judicial positions to replace hearings referees. Representatives of the District submitted materials in response to the Suggested Discussion Items and made a presentation to the Committee. The representatives stressed that *pro tem* funding should be available for short-term and emergency purposes but should not be considered a permanent solution and is not an adequate substitute for full-time circuit court judges. They noted that two of their referee positions are currently vacant and stated that the court is finding it increasingly difficult to recruit qualified people for referee positions.

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. In addition, the only "death row" is located in the Oregon State Penitentiary in Salem, so the circuit court deals with all of the

post-conviction cases from these inmates. While the workload model gives a heavy weight to post-conviction cases, the representatives pointed out that post-conviction cases involving inmates on "death row" tend to involve significantly more records and court time than other cases for post-conviction relief.

The representatives noted that the court's workload dipped in 2007 compared to 2006; however, they provided data from early 2008 indicating that the 2007 numbers were likely an anomaly and that 2008 workload numbers are on a track to surpass those in 2006. Further, the District's report stated that the East Marion Justice Court had recently decided to no longer accept small claims cases, resulting in a significant increase of small claims filings in the circuit court.

The District currently has 18 "courtroom suites" for its 14 authorized judicial positions and 4 referees. As a result, the District has adequate facilities for newly created judicial positions that would replace referee positions. The District submitted a letter from the Marion County Board of Commissioners supporting the District's request for four additional judicial positions.

The Committee recognizes the District's chronic need for more full-time judicial positions and agrees that extensive, long-term use of *pro tem* judges is not an adequate substitute for elected circuit court judges. The Committee recommends the creation of three additional judicial positions to replace referees at the earliest possible time.

Fourth Judicial District——Multnomah County

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 judicial 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.

Recognizing the District's chronic need for more full-time judicial positions, in 2006 the Committee recommended the creation of four additional circuit court judicial positions, and placed the District fifth in priority for an additional judicial position. The 2007 Legislature did not authorize any new judicial positions for any district.

The District currently has 38 circuit court judges and 12.5 FTE referees acting as *pro tem* judges. The 2007 workload model (which does not include referees) indicated the District needs 6.82 FTE additional judicial positions; the District ranked tenth in overall need and seventh among courts needing at least one full-time judicial position.

The District has requested a recommendation for four additional judicial positions. The District submitted written materials in response to the Suggested Discussion Items, and representatives made a presentation to the Committee. The representatives stressed how much the workload of the courts has changed over the past decade, the biggest change coming in the area of treatment courts. While the treatment-court model is proving to be highly effective, it has increased workload. They also noted that their court is supervising a much higher volume of offenders due to reductions in local resources.

If the legislature creates four additional judicial positions for the District, the District intends to place two or three of the judges in Gresham and the other in one of its facilities downtown. The representatives indicated they have facilities to accommodate four additional judges.

The Committee 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.

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 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 effective January 1, 2007.

The District currently has 11 circuit court judicial positions. Even with the addition of the eleventh position in 2007, increasing workload put the District in need of 2.49 FTE additional judicial positions, according to the 2007 workload model. The District ranked eighth in overall need and sixth among districts needing at least one full-time judicial position.

The District has requested a recommendation for one new judicial position and continued *pro tem* funding at current levels (approximately 1.5 FTE) to accommodate the District's probate court, night court, and other *pro tem* dockets. If the District does not receive a new judicial position, the District requests an increase in its level of *pro tem* funding.

The District submitted written materials in response to the Suggested Discussion Items, and representatives made a presentation to the Committee. The representatives noted that Clackamas has passed Lane County in population, yet it has four fewer judges. They also stressed that the county is in the planning phases for a new jail facility, which will impact the court when the facility opens. In addition, the facility will include a new courtroom.

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

Fourteenth Judicial District——Josephine County

In 2002, the District requested a recommendation for either a full-time judge or 0.8 FTE *pro tem* funding. The Committee recommended the District receive funding for a 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. In 2006, the Committee recommended the creation of one new judicial position at the earliest possible time to replace the 0.8 FTE *pro tem* position and placed the District fourth in priority for an additional judicial position. The 2007 Legislature did not authorize any new judicial positions for any district.

The District currently has four circuit court judges and approximately 0.8 FTE *pro tem* funding. The District seeks to exchange the 0.8 FTE *pro tem* for a full-time judicial position. The 2007 workload model (which does not include *pro tem* positions) indicated the District needs 0.88 FTE additional judicial positions, and the District ranked ninth in overall need.

The District submitted materials in response to the Suggested Discussion Items, and a representative made a presentation to the Committee. The representative pointed out that the court has not received a new judicial position since 1981. He also stressed how difficult it is to meet goals for timely disposition due to lack of adequate judicial and staff resources. The District is striving to implement and maintain specialty court programs, but this creates additional demands on its resources. The court is in the planning stages for a mental-health treatment court.

The District provided a letter from the Josephine County Board of Commissioners in support of its request for an additional judicial position.

The Committee recommends the District receive adequate funding for 0.8 FTE *pro tem* position throughout the 2009-2011 biennium.

Sixteenth Judicial District——Douglas County

In 2002, the Committee recommended the District receive 0.75 FTE *pro tem* judicial resources. In 2004, the Committee made no specific recommendation regarding the District. In 2006, the Committee recommended the creation of one new judicial position, at the earliest possible time, to replace a hearings referee. The Committee placed the District second in priority for a new judicial position. The 2007 Legislature did not authorize any new judicial positions for any 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 2007 workload model (which does not include the referee position) indicated the District needs 1.36 FTE additional judicial positions. The District ranked sixth in overall need and fourth 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, and District representatives made a presentation to the Committee. The representatives stated that the hearings referee position is being funded out of the budget allocated for staff resources. As a result, the court is understaffed. If the District receives a new judicial position, they will eliminate the referee position, freeing up the funds for additional, needed staff.

The District has been proactive in implementing treatment courts. The District implemented an adult drug court in January 1996. It was the third such court in the state. They have subsequently added a domestic violence court and a mental health court.

The District representatives indicated facilities are available that can be remodeled to accommodate a new judge and submitted a letter of support from the Douglas County Board of Commissioners.

The Committee endorses the District's request and recommends the creation of one new judicial position, at the earliest possible time, to replace the current hearings referee position created from the District's allocation for staff resources. 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 2002, the Committee recommended the creation of one additional circuit court judicial 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. In 2006, the Committee recommended the creation of three new judicial positions and placed the District third in priority for an additional judicial position. The 2007 Legislature did not authorize

any new judicial positions for any district.

The District currently has 14 circuit court judicial positions, two hearings referees acting as *pro tem* judges, and one probate commissioner. One of the hearings referee positions and the probate commissioner position are funded from the District's allocation for staff resources.

The 2007 workload model (which does not include hearings referees, *pro tems*, or this District's probate commissioner) indicated the District needs 4.05 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 three 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 three new judges would use existing facilities.

Representatives of the District made a presentation to the Committee. They noted that Washington County has the second highest population of any county in the state with predictions that Washington County's population will eventually surpass that of Multnomah County. The representatives stressed that, in 2007, about one-fifth of cases had to be reset because of insufficient judicial resources.

One of the representatives indicated that, as a matter of policy, he believes it is better to have authorized judicial positions than to have hearings referees substituting for judges on a long-term basis. He also noted that a certain amount of staffing typically comes with a new judicial position, which would help the District with its staffing needs. One of the difficulties in using referees is that there are no associated staff positions, even though the referees are doing judicial work that requires staff support.

The Committee recognizes the District's chronic need for additional judicial positions and agrees

that extensive, long-term use of *pro tem* judges is an inadequate substitute where full-time judicial positions are needed. The Committee endorses the District's request and recommends the creation of three new judicial positions at the earliest possible time.

Twenty-Second Judicial District——Crook and Jefferson Counties

In 2002, the District requested a recommendation for one additional circuit court judicial 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 in Pendleton and the Two Rivers Correctional Facility in Umatilla County demonstrated the significant 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.

In 2006, the District again requested a recommendation for one additional circuit court judicial position. The Committee endorsed the District's request, recommending the creation of one new judicial position to coincide as closely as feasible with the opening of the Deer Ridge Correctional Institution. The Committee further recommended that if the judicial position was not authorized, or if there was to be a significant delay between the opening of the new prison facility and the effective date of a new judicial position, the District should be given high priority for *pro tem* resources. The 2007 Legislature did not authorize any new judicial positions for any district.

The District currently has three circuit court judges who are elected from and serve in both counties. The 2007 workload model showed a need for an additional 0.08 FTE judicial positions. The District ranked fifteenth in overall need based on 2007 filing rates.

The District has again requested a recommendation for one judicial position to enable it to cope with anticipated workload resulting from the opening of new prison facilities in the District. The District submitted materials in response to the Suggested Discussion Items, and a representative of the District made a presentation to the Committee by phone. In addition to the impact of new correctional facilities, the District stressed the rate of population growth in the region, the high percentage of its population requiring interpreter services, and the impact of rising civil caseloads.

The Committee notes that the anticipated workload increase due to facility siting in the region has not yet materialized. The Committee is not making a recommendation for additional judicial resources at this time but recommends the Office of the State Court Administrator reevaluate and provide pro tem resources on an as-needed basis as the medium-security facility comes online.

Twenty-Third Judicial District——Linn County

In 2004, the Committee recommended the creation of one additional circuit court judicial position

in the District and ranked the District ninth in priority for a new judicial position. The 2005 Legislature did not authorize a new judicial position for the District.

The District did not seek a recommendation from the Committee in 2006; however, the 2005 judicial workload model indicated that the District had a continuing need for a new judicial position.

In 2008, the District has once again asked the Committee to support its request for an additional circuit court judicial position. The District currently has five authorized judicial positions. The 2007 judicial workload model indicated the District needs 1.75 FTE additional judicial resources, and the court ranked first in overall need among all judicial districts.

The District submitted materials in response to the Suggested Discussion Items, and representatives of the District made a presentation to the Committee. The representatives noted the significant increase in their juvenile dependency workload. They also stated that they would like to expand their use of "therapeutic courts," and stated that they are in the process of grant planning to start a mental health court.

The District currently has a domestic violence court, with a 0.6 FTE *pro tem* position; however, that position is grant funded, and the grant money is going to expire and is unlikely to be renewed. In addition, by terms of the grant, the person in this position cannot do any work other than that associated with the domestic violence court. The District also has limited grant funding for its drug court, but the level of funding allows them to handle a maximum of 25 participants. Having another judicial position would greatly increase the District's flexibility.

In addition to its five judicial positions and grant-funded positions, the District has a full-time referee position funded out of its budget allocation for staff resources. District representatives indicated the court is understaffed as a result of diverting funding for staff resources to meet judicial resource demands.

The Committee endorses the District's request and recommends the creation of one additional judicial position at the earliest possible time.

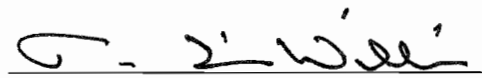
IV. CONCLUSION

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:

2009 Priority Number	Judicial District	Number of Judges
1st	Twenty-Third Judicial District (Linn County)	1
2nd	Twentieth Judicial District (Washington County)	1
3rd	Sixteenth Judicial District (Douglas County)	1
4th	Third Judicial District (Marion County)	1
5th	Fifth Judicial District (Clackamas County)	1
6th	Fourth Judicial District (Multnomah County)	1
7th	Twentieth Judicial District (Washington County)	1
8th	Third Judicial District (Marion County)	1
9th	Fourth Judicial District (Multnomah County)	1
10th	Twentieth Judicial District (Washington County)	1
11th	Fourth Judicial District (Multnomah County)	1

12th	Third Judicial District (Marion 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

Joint Committee on Trial Court Judicial Resources
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 2009-2011 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 2009-2011 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 2007-2009 biennium or that you anticipate to occur in the 2009-2011 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 2007-2009 biennium or that you anticipate to occur in the 2009-2011 biennium.

2. The opening or closing of any municipal or justice courts in your district occurring in the 2007-2009 biennium or that you anticipate to occur in the 2009-2011 biennium.

3. Any increase or decrease in the number of jail or prison beds in your district occurring in the 2007-2009 biennium or that you anticipate to occur in the 2009-2011 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 2009-2011 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 2009-2011 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.

APPENDIX B

DEFINITIONS FOR THE JUDICIAL WORKLOAD ASSESSMENT MODEL FROM THE 2000 STUDY

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

FROM THE 2000 STUDY

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 2007 CASE FILINGS

Oregon Circuit Court Workload Assessment Model

	1	*Judicial District*		1	2	3	4	5	6	7	8
Case-Specific Workload Calculations	2	***Case Type***	***Weight (Minutes)***	***(Calendar Year 2007 Filings)*** ***Jackson***	***Lane***	***Marion***	***Multnomah***	***Clackamas***	***Morrow Umatilla***	***G/HR/S/ W/W***	***Baker***
	3	***Civil***	***61***	2,968	5,444	4,797	14,483	5,057	1,029	691	168
	4	***Domestic Relations***	***44***	1,926	3,193	3,055	5,506	2,772	834	420	158
	5	***FAPA/ElderAbuse***	***27***	718	1,371	910	2,766	915	341	174	56
	6	***Felony-Adult***	***86***	2,251	3,494	3,246	6,709	1,982	1,171	542	177
	7	***Infraction/Violation***	***2***	9,509	9,440	6,897	119,384	19,758	7,946	7,812	67
	8	***Juvenile Delinquency***	***73***	538	383	824	834	524	239	186	102
	9	***Juvenile Dependency****	***244***	327	404	914	941	224	74	58	21
	10	***Juvenile TPR***	***176***	129	284	143	238	65	29	18	10
	11	***Mental Health/Probate***	***27***	1,219	684	1,228	6,272	1,440	264	128	46
	12	***Misdemeanor-Adult***	***33***	3,797	2,073	4,495	18,233	4,189	1,021	1,160	242
	13	***Parking***	***0.14***	0	0	0	227,451	0	0	0	0
	14	***Post Conviction Relief/Habeas***	***132***	4	9	207	64	5	194	0	1
	15	***Small Claims/FED***	***4***	8,716	10,662	7,460	24,386	6,452	1,691	1,087	1
	16	*Total Filings*		*32,102*	*37,441*	*34,176*	*427,267*	*43,383*	*14,833*	*12,276*	*1,049*
	17	**Case-Specific Workload *(Weights x Filings)***		**833,154**	**1,136,189**	**1,291,548**	**3,257,393**	**973,051**	**339,070**	**204,547**	**57,762**
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**		**11.52**	**15.54**	**17.66**	**44.50**	**13.29**	**4.74**	**2.81**	**0.82**
	34	***Difference****		-2.80	-0.74	-3.86	-6.82	-2.49	-0.03	0.74	0.02
	35	***% Predicted Demand to Existing Supply****		-32%	-5%	-28%	-18%	-23%	-1%	21%	2%

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

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***	288	440	2,525	776	1,041	1,270	1,305	1,719
	4	***Domestic Relations***	***44***	278	258	1,320	570	775	814	873	1,274
	5	***FAPA/ElderAbuse***	***27***	100	60	533	135	436	459	319	626
	6	***Felony-Adult***	***86***	342	240	1,761	569	1,010	859	825	1,299
	7	***Infraction/Violation***	***2***	153	2,940	7,249	3,631	7,526	8,387	11,382	3,792
	8	***Juvenile Delinquency***	***73***	202	97	417	211	230	148	234	390
	9	***Juvenile Dependency***	***244***	90	28	98	278	233	139	148	182
	10	***Juvenile TPR***	***176***	2	7	7	36	32	23	65	47
	11	***Mental Health/Probate***	***27***	18	112	543	197	256	262	461	584
	12	***Misdemeanor-Adult***	***33***	820	637	2,871	1,126	2,027	1,694	2,253	1,258
	13	***Parking***	***0.14***	0	0	0	0	0	0	0	0
	14	***Post Conviction Relief/Habeas***	***132***	170	1	1	1	0	0	16	1
	15	***Small Claims/FED***	***4***	115	486	3,683	1,279	2,661	3,373	3,171	3,872
	16	*Total Filings*		*2,578*	*5,306*	*21,008*	*8,809*	*16,227*	*17,428*	*21,052*	*15,044*
	17	**Case-Specific Workload *(Weights x Filings)***		**149,722**	**107,598**	**572,293**	**269,553**	**375,006**	**341,563**	**386,570**	**451,167**
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**		**2.14**	**1.53**	**7.89**	**3.69**	**5.21**	**4.71**	**5.38**	**6.22**
	34	***Difference****		-0.30	0.23	-1.03	-0.83	-0.36	-0.88	0.44	-1.36
	35	***% Predicted Demand to Existing Supply****		-16%	13%	-15%	-29%	-7%	-23%	8%	-28%

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***	756	617	802	6,440	729	599	1,966	175
	4	***Domestic Relations***	***44***	484	307	455	3,703	461	387	1,277	131
	5	***FAPA/ElderAbuse***	***27***	187	149	176	1,075	133	193	491	50
	6	***Felony-Adult***	***86***	560	372	408	3,202	526	432	1,427	169
	7	***Infraction/Violation***	***2***	2,934	6,858	2,430	3,435	3,306	6,432	3,463	53
	8	***Juvenile Delinquency***	***73***	96	118	253	512	105	267	333	34
	9	***Juvenile Dependency***	***244***	56	64	129	407	25	58	244	40
	10	***Juvenile TPR***	***176***	13	12	27	215	19	7	74	9
	11	***Mental Health/Probate***	***27***	160	137	240	770	317	158	312	25
	12	***Misdemeanor-Adult***	***33***	1,602	907	415	6,002	1,494	1,473	1,408	248
	13	***Parking***	***0.14***	0	0	0	0	0	0	0	0
	14	***Post Conviction Relief/Habeas***	***132***	1	2	3	36	3	1	2	1
	15	***Small Claims/FED***	***4***	1,157	1,056	777	10,306	1,456	1,170	3,465	3
	16	*Total Filings*		*8,006*	*10,599*	*6,115*	*36,103*	*8,574*	*11,177*	*14,462*	*938*
	17	**Case-Specific Workload *(Weights x Filings)***		**211,395**	**165,336**	**192,018**	**1,306,395**	**201,382**	**201,356**	**484,900**	**55,258**
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**		**2.92**	**2.28**	**2.64**	**17.85**	**2.76**	**2.77**	**6.61**	**0.85**
	34	***Difference****		-0.06	0.58	0.22	-4.05	0.10	-0.08	-1.75	-0.22
	35	***% Predicted Demand to Existing Supply****		-2%	20%	8%	-29%	3%	-3%	-36%	-35%

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***	1,184	101	415	*57,785*	3
	4	***Domestic Relations***	***44***	838	69	188	*32,326*	4
	5	***FAPA/ElderAbuse***	***27***	274	31	97	*12,775*	5
	6	***Felony-Adult***	***86***	624	127	306	*34,630*	6
	7	***Infraction/Violation***	***2***	5,178	1,149	83	*261,194*	7
	8	***Juvenile Delinquency***	***73***	199	32	94	*7,602*	8
	9	***Juvenile Dependency***	***244***	72	17	29	*5,300*	9
	10	***Juvenile TPR***	***176***	1	1	2	*1,515*	10
	11	***Mental Health/Probate***	***27***	238	22	121	*16,214*	11
	12	***Misdemeanor-Adult***	***33***	1,187	244	621	*63,497*	12
	13	***Parking***	***0.14***	0	0	0	*227,451*	13
	14	***Post Conviction Relief/Habeas***	***132***	6	3	5	*737*	14
	15	***Small Claims/FED***	***4***	2,381	79	15	*100,960*	15
	16	*Total Filings*		*12,182*	*1,875*	*1,976*	***821,986***	16
	17	**Case-Specific Workload** ***(Weights x Filings)***		**268,698**	**39,272**	**101,458**	**13,973,654**	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**		**3.67**	**0.55**	**1.39**	***192***	33
	34	***Difference****		0.19	0.29	0.47	***-24***	34
	35	***% Predicted Demand to Existing Supply****		5%	35%	25%		35

APPENDIX E

PREDICTED NEED FOR

CIRCUIT COURTS BY DISTRICT

AND

CIRCUIT COURTS BY RANK

FOR

2007

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

District	2005 W*F	2006 W*F	2007 W*F	2-Year Trend	Authorized Positions as of 1/1/07	Supply	Predicted Demand	Predicted Need (Difference)	Demand to Supply	Rank
1 Jackson	815,352	815,857	833,154	2.2%	9	8.72	11.52	2.80	32%	3
2 Lane	1,131,271	1,046,325	1,136,189	0.4%	15	14.80	15.54	0.74	5%	14
3 Marion	1,353,966	1,246,463	1,291,548	-4.6%	14	13.80	17.66	3.86	28%	7
4 Multnomah	3,328,111	3,272,066	3,257,393	-2.1%	38	37.68	44.50	6.82	18%	10
5 Clackamas	1,003,250	940,339	973,051	-3.0%	11	10.80	13.29	2.49	23%	8
6 Morrow/Umatilla	391,396	348,513	339,070	-13.4%	5	4.71	4.74	0.03	1%	17
7 Hood River/W/G/Wh/S	214,857	204,732	204,547	-4.8%	4	3.55	2.81	-0.74	-21%	25
8 Baker	58,630	53,965	57,762	-1.5%	1	0.84	0.82	-0.02	-2%	18
9 Malheur	160,057	146,801	149,722	-6.5%	2	1.84	2.14	0.30	16%	11
10 Union/Wallowa	137,752	110,796	107,598	-21.9%	2	1.76	1.53	-0.23	-13%	23
11 Deschutes	518,050	535,623	572,293	10.5%	7	6.86	7.89	1.03	15%	12
12 Polk	239,398	251,416	269,553	12.6%	3	2.86	3.69	0.83	29%	5
13 Klamath	386,861	371,418	375,006	-3.1%	5	4.85	5.21	0.36	7%	13
14 Josephine	349,989	340,767	341,563	-2.4%	4	3.83	4.71	0.88	23%	9
15 Coos/Curry	383,248	367,744	386,570	0.9%	6	5.82	5.38	-0.44	-8%	21
16 Douglas	471,964	452,553	451,167	-4.4%	5	4.86	6.22	1.36	28%	6
17 Lincoln	237,761	208,419	211,395	-11.1%	3	2.86	2.92	0.06	2%	16
18 Clatsop	169,657	164,804	165,336	-2.5%	3	2.86	2.28	-0.58	-20%	24
19 Columbia	191,898	173,976	192,018	0.1%	3	2.86	2.64	-0.22	-8%	22
20 Washington	1,315,281	1,252,465	1,306,395	-0.7%	14	13.80	17.85	4.05	29%	4
21 Benton	204,836	200,571	201,382	-1.7%	3	2.86	2.76	-0.10	-3%	19
22 Crook/Jefferson	221,079	192,175	201,356	-8.9%	3	2.69	2.77	0.08	3%	15
23 Linn	442,281	427,688	484,900	9.6%	5	4.86	6.61	1.75	36%	1
24 Grant/Harney	55,926	43,232	55,258	-1.2%	1	0.63	0.85	0.22	35%	2
25 Yamhill	273,552	256,667	268,698	-1.8%	4	3.86	3.67	-0.19	-5%	20
26 Lake	31,440	36,594	39,272	24.9%	1	0.84	0.55	-0.29	-35%	27
27 Tillamook	103,831	96,277	101,458	-2.3%	2	1.86	1.39	-0.47	-25%	26
TOTALS	*14,191,694*	*13,558,246*	*13,973,654*	*-1.5%*	*173*	*167.56*	*191.94*	*24.38*	*15%*	

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 2005, 2006, and 2007.
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.
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5. The percentage of "demand to supply" is an indicator of a district's need relative to its current judicial resource "supply."

OSCA/mwm/3-17-08

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

District	2005 W*F	2006 W*F	2007 W*F	2-Year Trend	Authorized Positions as of 1/1/07	Supply	Predicted Demand	Predicted Need (Difference)	Demand to Supply	Rank
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