

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FILED

FOR THE COUNTY OF COOS

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COOS COUNTY COURT
COQUILLE, OREGON

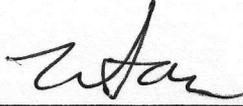
In The Matter of Signing Limited)	General Order
Judgments and Orders for The)	04-01
Application/Contribution Program)	
Established By ORS 151.487)	

Whereas, The Chief Justice has issued the attached Chief Justice Order No. 04-031 To Coordinate Procedures on Application For, Contribution Towards, and Re-couplement of Public Defense Costs; Adopting Related Forms.

Whereas, Page 3, Item Number 7 of Chief Justice Order No. 04-31 authorizes courts to delegate by presiding judge order and as allowed under ORS 18.052(2) and 18.058(1), to trial court administrators of their courts the authority to sign ACP judgments and orders, subject to judicial review under ORS 151.487(5).

IT IS THEREFORE ORDERED that the Presiding Judge, as allowed by Chief Justice Order and statue, delegates the authority to sign Application/Contribution Program Judgments/Orders for Coos Court Cases to the Trial Court Administrator of the Fifteenth Judicial District. This authority is subject to review under ORS 151.487(5).

It is so ordered this 9th day of September, 2004



Richard L. Barron, Presiding Judge

In the Matter of Court Procedures)
Concerning Payment for Costs of)
Court-Appointed Counsel and)
Application Fee, and Adopting Forms)
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CHIEF JUSTICE ORDER
No. 04-031

ORDER TO COORDINATE COURT
PROCEDURES ON APPLICATION FOR,
CONTRIBUTION TOWARDS, AND
RECOUPMENT OF PUBLIC DEFENSE
COSTS; ADOPTING RELATED FORMS

Whereas, The Legislative Assembly established the Public Defense Application and Contribution Program (ACP) by ORS 151.487 so the state, by receiving some advance payment from people who could afford to make a limited money contribution toward the cost of having court-appointed counsel and the administrative costs of determining eligibility for appointed counsel, could avoid some taxpayer costs related to providing court-appointed attorneys at public expense, and

Whereas, The Legislative Assembly established the Public Defense Recoupment Program (Recoupment) by ORS 151.505 so the state could recover costs related to providing court-appointed attorneys at public expense, and

Whereas, By statute, courts distribute moneys from the ACP for direct offset and continuous use related to costs specific to administering the public defense program of this state within the spending limitations imposed by the Assembly for those costs, and

Whereas, By statute, courts distribute moneys from Recoupment to the Criminal Fines and Assessment Account of the State General Fund to be treated as General Fund revenue which is distributed only as appropriated by the Assembly, and

Whereas, The manner in which courts implement and coordinate ACP and Recoupment can affect not only revenue streams from the courts, but workloads for court personnel, and

Whereas, It is important that ACP and Recoupment be handled in a uniform way in all circuit courts so that revenue streams and effects can both be tracked to report to the Assembly and managed to avoid unnecessary costs and workload, and

Whereas, Addressing both ACP and Recoupment in the dispositional judgment of a case as allowed by ORS 151.505 appears to generate more workload for some courts than they could reasonably handle within current resources and by existing procedures, and

Whereas, Authorizing limited and supplemental judgments for ACP as an alternative to the dispositional judgment makes ACP amounts enforceable judgments on their own both before and after completion of a case without adding substantial work at the time of disposition, and

Whereas, Failure to have a standard procedure is now both delaying the implementation of a statewide ACP and affecting the ability of courts to order recoupment, and

Whereas, It appears the following alternate procedure using limited/supplemental judgments must be authorized so these programs can proceed; now, therefore,

I HEREBY ORDER, pursuant to ORS 1.002(1)(i), (2), and (3); 18.005(13) and (15); 18.052(2); 18.058(1); 18.075; and 18.082(1) the following procedures related to the Public Defense Application and Contribution Program (ACP) under ORS 151.487 and Public Defense Recoupment Program (Recoupment) under ORS 151.505 are authorized and the circuit courts are directed to comply with the following in implementing these programs:

1. When a court orders payment under ACP before the entry of a dispositional judgment in a case, the court will reduce the order to a limited judgment as defined in ORS 18.005(13) and hereby authorized. The court will cause the limited judgment to be entered in the register. The limited judgment will be enforceable and appealable as a judgment upon entry. Any appeal of the limited judgment will not delay the underlying trial court proceeding. The limited judgment will be entered using forms designated by the State Court Administrator (SCA). The limited judgment entered under this order remains subject to review by the circuit court "at any time" under ORS 151.487(5).
2. A limited judgment entered under paragraph 1. of this order will be changed only as follows: by a corrected limited judgment if the corrections are for clerical errors only; by an amended limited judgment to change the amount based on further facts, or on a review under ORS 151.487(5). Any change under this paragraph will be made using the appropriate forms designated by the SCA.
3. When a court orders payment under ACP for a pending probation violation in a criminal or juvenile case, the court will reduce the order to a supplemental judgment as defined in ORS 18.005(15) and hereby authorized. The court will cause the supplemental judgment to be entered in the register. The supplemental judgment will be enforceable and appealable as a judgment upon entry. Any appeal of the supplemental judgment will not delay the underlying trial court proceeding. The supplemental judgment will be entered using the forms designated by the SCA. The supplemental judgment entered under this order remains subject to review by the circuit court "at any time" under ORS 151.487(5).
4. A supplemental judgment entered under paragraph 3. of this order will be changed only as follows: by a corrected supplemental judgment if the corrections are for clerical errors only; by an amended supplemental judgment to change the amount based on further facts, or on a review under ORS 151.487(5). Any change under this paragraph will be made using the appropriate forms designated by the SCA.
5. When a juvenile court orders a parent or guardian to pay recoupment to recover taxpayer costs of providing a court-appointed attorney for that person's dependant or ward, the court will follow procedures established by the SCA for either including the order in the dispositional judgment or reducing it to an appropriate separate limited or supplemental judgment as required by the SCA procedures. This order delegates to and authorizes the SCA to establish procedures for how to effect recoupment under this paragraph and, for the purpose of standardizing that procedure in circuit courts, to create the necessary procedural requirements and prescribe the appropriate type of judgment and forms as the SCA determines most convenient, practical, and efficient for the courts.

6. This order directs the SCA to establish appropriate forms for use by courts in implementing the ACP process. Courts may adjust forms established by the SCA to reflect the identity of their court or to add information they deem important, but local court forms must contain the information substantially as established by the SCA under this paragraph.
7. This paragraph authorizes courts to delegate, by presiding judge order and as allowed under ORS 18.052(2) and 18.058(1), to trial court administrators of their courts the authority to sign ACP judgments and orders, subject to judicial review under ORS 151.487(5).
8. All circuit courts will implement local procedures to inform judges imposing disposition in cases where a contribution amount was previously ordered to be paid by limited/supplemental judgment of the amount of the limited/supplemental judgment so that any recoupment ordered will exclude that amount.
9. The SCA may adjust forms it establishes under this order as is appropriate and convenient to the efficient operation of the ACP and Recoupment in courts and establish procedures and time lines for implementing this order. Such changes, procedures, or time lines take effect as noticed to the circuit courts by the SCA.
10. This order does not address preexisting orders for ACP funds nor require or prohibit the use of these procedures and forms for purpose of addressing those orders, but operates to establish requirements only from the time established by the SCA under paragraph 11. below.
11. The SCA will provide notice to courts of this order with notice of 30 days to allow circuit courts in this state to be in procedural compliance with this order.

This order takes effect immediately.

DATED this 23rd day of JULY, 2004



Wallace P. Carson, Jr.
Chief Justice