

PROGRAMS – MANDATED PAYMENTS

Mandated Payments

The Mandated Payments Program includes the resources necessary to finance all costs associated with the administration of the trial and grand jury systems as governed by chapter 10 of the Oregon Revised Statutes, federally mandated, and other legislatively mandated costs found in ORS chapters 21, 36, 40, 45, 132, 133, 135, and 419.

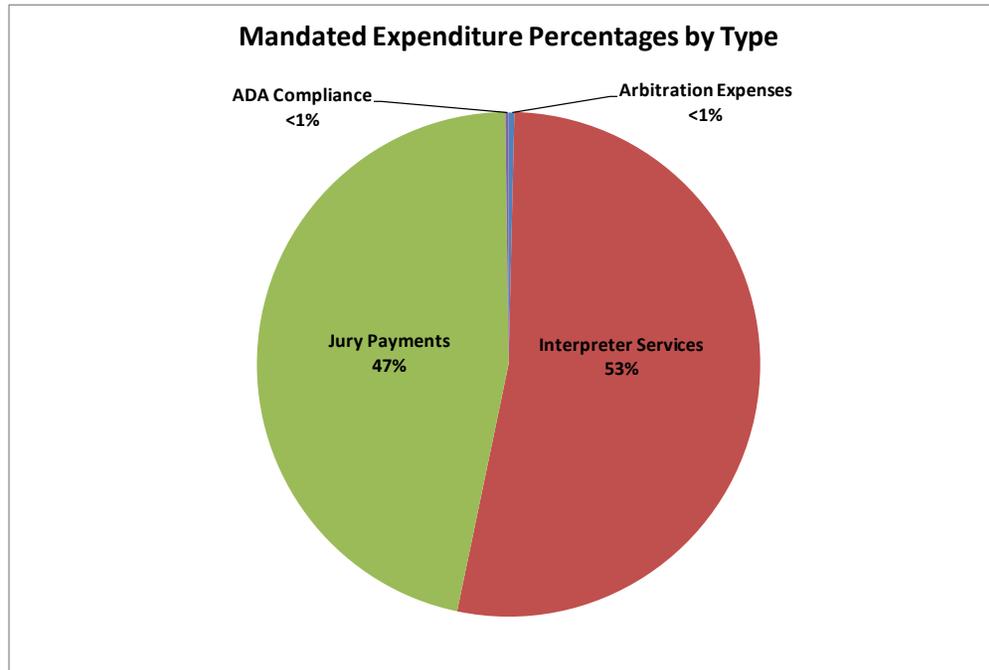
Costs associated with the Mandated Payments Program generally include, but are not limited to, the following:

- Creation of master jury list and other jury lists;
- Summoning and qualifying jurors;
- Providing juror orientation programs and materials;
- Per diem paid to jurors at the statutory rate;
- Mileage reimbursed to jurors at the statutory rate;
- Payment of juror meals, lodging, and commercial transportation at the actual cost;
- Payment of waived fees and costs for arbitrators related to court-annexed mandatory arbitration in civil actions;
- Payment of waived appellate transcript costs for a civil proceeding when a party is indigent;
- State-paid sign interpreters or real-time reporters for hearing-impaired jurors or other persons participating in court proceedings and department activities or programs as mandated by the Americans with Disabilities Act (ADA);
- Providing of assistive devices and other equipment or supplies required to provide reasonable accommodation to disabled persons as mandated by the ADA; and
- State-paid foreign language interpreters for court proceedings or department activities where the court or department is required by statute to provide an interpreter to uphold a non-English speaking person's constitutional rights and to provide access to basic court services.

The majority of funding for Mandated Payments falls into four categories: Interpreter Services, Jury Payments, Arbitrators, and ADA Compliance.

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The graph below outlines the 2013-15 biennium percentages spent by category.



The Mandated Payments Program is an important part of our heritage of government by the people and serves a vital function within the justice system by helping to ensure the continuance of our democratic process through maintenance of the jury system and access to courts by all persons.

Interpreter Services

ORS 45.273 Policy. (1) *It is declared to be the policy of this state to secure the constitutional rights and other rights of persons who are unable to readily understand or communicate in the English language because of a non-English-speaking cultural background or a disability, and who as a result cannot be fully protected in administrative and court proceedings unless qualified interpreters are available to provide assistance.*

Interpreter services in the courts are vital. Non-English speakers cannot be prosecuted for crimes without the use of interpreters. Children cannot be protected without the use of interpreters. Interpreting services are also required to process criminal cases that involve non-English speaking witnesses

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and to litigate civil actions. As the population of Oregon residents who speak limited or no English continues to rise, the use of interpreting services in the courts must increase as well. The diversity of Oregon's population increased significantly in recent years along with the entire United States. Between 1900 and 2010, the Limited English Proficiency (LEP) population increased 80 percent. According to the 2010 US Census Bureau, nearly 6.3 percent of Oregon residents speak English less than "very well." More than 14 percent of Oregonians speak a language other than English at home (US Census Bureau American Community Survey Estimates, release date April 2010, <http://www.census.gov>).

During the 2011-13 biennium, interpreter services have been provided in over 118 languages and dialects (including hearing impaired). Spanish speakers comprise the majority of litigants using interpreters in the judicial system in Oregon.

Interpreter services are delivered by the Oregon Judicial Department (OJD) staff or by independent contractor certified court interpreters. These activities are managed and scheduled by the Court Interpreter Services (CIS) office to minimize state expenses and effectively utilize staff resources. The CIS office supports 23 positions, 22.61 FTE, with a majority of personnel focused on interpreter utilization and scheduling, management of interpreter certification and education programs, and implementation of language access programs.

Court interpreting is a high-level skill requiring over 15 cognitive abilities applied simultaneously. Being bilingual, even at a high level of fluency, is not sufficient qualification for legal court interpreting. OJD requires certification of interpreters to ensure access to justice through a rigorous testing process administered by the department. The Oregon court interpreting examination pass rate is just 19 percent. This requirement reduces the pool of qualified available interpreters.

The lack of an increase to the hourly contracting rate for professional, certified interpreters in the legal interpreting market had caused attrition in the number of skilled legal interpreters available for use by Oregon Judicial Department. Many contract interpreters were choosing higher paying opportunities with other courts, the private sector and other career fields in a bilingual society. During the 2013 Session, the Oregon Legislature approved additional mandated funding to provide an increase to \$40 per hour for contracted services. The increase in hourly rates allowed the Department to retain the high-quality court certified interpreters to provide the access mandated by law to LEP persons.

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Comparison of Interpreter Hourly Rates

Organization	Hourly Rate	Since	Comments
Oregon Courts	\$40.00	2013	Current Oregon Certified Freelance Interpreter rate
Oregon Agencies (DAS Cooperative Purchasing Program)	\$ 45.00	2001	Workers' Compensation, municipalities, administrative hearings, counties, school districts, special districts, Department of Human Services contracts, Oregon University System, Native American tribes, etc.
Freelance legal interpreting work	\$ 80.00	2007	Private attorney depositions, investigators, attorney-client
Washington Courts	\$ 50.00	2008	Ten counties, including Clark County, Vancouver, Washington
King County, Seattle Courts	\$ 45.00	2013	
California Courts	\$ 39.14	2011	Paid in full or half days
Federal Courts	\$ 52.50 (overtime pay \$55.00)	2010	Paid in full or half days
36 states, National Consortium of Certified Court Interpreters Member-states with established compensation plans for contracted freelance interpreters	\$ 45.46 (average)	2014	2014 voluntary survey of consortium members

Jury Payments

Juror fees are fixed by the Legislature. In a circuit court, a juror is entitled to \$10 per day for the first and second day of service, then \$25 for a third and subsequent days of service. Mileage reimbursement is \$0.20 per mile to travel to jury service in the circuit court. Juror pay is subject to income

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tax but need not be reported for Social Security purposes. A juror is entitled to receive payment for a full day when the juror arrives at the court to begin service under the summons, even if that person does not actually participate in a trial or is excused immediately after answering the roll call. If necessary during the court of jury deliberations, the judge may order that food, drink, lodging, or transportation be provided to a jury depending upon the circumstances of the case.

Overall expenditures in this area are impacted by the number and length of jury trials and grand juries. In 2013, over 89,000 Oregonians received compensation for jury duty, with an average payment of \$28.15 per individual.

Arbitrators

Two kinds of cases go into arbitration under state law:

- Some civil actions involving claims for damages or money, and
- Some family law matters.

In a civil case, one person or business sues another person or business, usually for monetary damages. A civil case might be about costs and injuries from an accident or a disagreement about a contract. All civil cases filed in state court involving less than \$50,000, except small claims cases, must go to arbitration. In some courts, parties can go to mediation instead of arbitration.

State law also requires arbitration in domestic relations or family law cases where the parties only disagree about what to do with their property and their debts. In some counties, the parties can also agree to arbitrate disagreements about child or spousal support.

If a party cannot afford to pay for the cost of arbitration, the State of Oregon pays the expenses.

ADA Compliance

Mandated Payments also includes the costs for providing the public access to state court facilities and adherence to the Americans with Disabilities Act of 1990 (amended 2008). Expenditures in this area can vary greatly from biennium to biennium. Amendments to existing laws may require significant modifications to existing facilities to meet required specifications. Also, accommodation and access items, such as listening devices, periodically must be replaced due to damage or when the items reach the end of their useful life.

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Current Service Level

The Current Service Level totals \$16.2 million (All Funds). This reflects a \$0.8 million (4 percent) increase over the 2013-15 Legislatively Approved Budget. This level of funding allows the Oregon Judicial Department (OJD) to continue to provide access to the judicial system in Oregon.

Chief Justice’s Recommended Budget

The Chief Justice’s Recommended Budget for the 2015-17 biennium totals \$16.2 million (All Funds).

Mandated Payments Budget Summary

	2011-13 Actual Expenditures	2013-15 Legislatively Approved Budget	2015-17 Current Service Level (CSL)	2015-17 Chief Justice’s Recommended*
General Fund	\$13,783,984	\$14,901,463	\$15,588,373	\$15,588,373
Other Funds	\$525,255	\$595,264	\$660,444	\$660,444
Federal Funds				
Nonlimited (Other)				
TOTAL – ALL FUNDS	\$14,309,239	\$15,496,727	\$16,248,817	\$16,248,817
Positions	23	23	23	23
FTE	22.31	22.31	22.61	22.61

* Includes CSL and all policy option packages.

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Essential Packages

Purpose

The essential packages present budget adjustments needed to bring the legislatively approved budget to Current Service Level (CSL), the calculated cost of continuing legislatively approved programs into the 2015-17 biennium.

Staffing Impact

The essential packages have no impact on staffing levels for Mandated Payments.

Revenue Source

The essential packages increase the General Fund appropriation by \$358,399 and increase the Other Funds limited budget by \$17,811.

010 Non-PICS Personal Service Adjustments

The cost of Non-PICS Personal Services increases General Fund totals by \$19,112 and Other Funds by \$1,119. These amounts are comprised of costs related to Mass Transit Tax not calculated by PICS (\$1,567 increase) and Pension Bond Contribution (\$16,518 increase).

021 Phase-In

The Mandated Payments budget has no adjustment for phased-in programs.

022 Phase-Out Program and One-Time Costs

The Mandated Payments budget has no phase-out program and one-time costs.

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031 Inflation and Price List Adjustments

The cost of goods and services increases General Fund totals by \$324,005 and increases the Other Funds limited budget by \$16,692. This reflects the standard inflation rate of 3.0 percent on goods and services.

032 Above Standard Inflation Adjustments

The cost of goods and services increases General Fund totals by \$15,282. This reflects an above standard inflation rate of 3.3 percent on non-state employee personnel costs (contract providers).

040 Mandated Caseload

The Mandated Payments budget has no adjustment for mandated caseload. Increased efficiency in managing the use of interpreters has mitigated increased use as the demographics of the state have changed.

050 Fund Shifts

The Mandated Payments budget has no fund shifts within its CSL budget.

060 Technical Adjustments

The Mandated Payments budget has no technical adjustments within its CSL budget.

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ORBITS and PICS Reports

BPR013 – ORBITS Essential and Policy Package Fiscal Impact Summary

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept

Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor

Cross Reference Name: Mandated Payments

Cross Reference Number: 19800-200-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	19,112	-	-	-	-	-	19,112
Total Revenues	\$19,112	-	-	-	-	-	\$19,112
Personal Services							
All Other Differential	832	-	-	-	-	-	832
Public Employees' Retire Cont	131	-	-	-	-	-	131
Pension Obligation Bond	16,518	-	1,012	-	-	-	17,530
Social Security Taxes	64	-	-	-	-	-	64
Mass Transit Tax	1,567	-	107	-	-	-	1,674
Total Personal Services	\$19,112	-	\$1,119	-	-	-	\$20,231
Total Expenditures							
Total Expenditures	19,112	-	1,119	-	-	-	20,231
Total Expenditures	\$19,112	-	\$1,119	-	-	-	\$20,231
Ending Balance							
Ending Balance	-	-	(1,119)	-	-	-	(1,119)
Total Ending Balance	-	-	(\$1,119)	-	-	-	(\$1,119)

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept
Pkg: 031 - Standard Inflation

Cross Reference Name: Mandated Payments
Cross Reference Number: 19800-200-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	324,005	-	-	-	-	-	324,005
Total Revenues	\$324,005	-	-	-	-	-	\$324,005
Services & Supplies							
Instate Travel	770	-	550	-	-	-	1,320
Out of State Travel	-	-	13	-	-	-	13
Employee Training	531	-	991	-	-	-	1,522
Office Expenses	212	-	-	-	-	-	212
Telecommunications	1,911	-	-	-	-	-	1,911
Data Processing	3,309	-	537	-	-	-	3,846
Professional Services	152,819	-	-	-	-	-	152,819
Dues and Subscriptions	478	-	-	-	-	-	478
Agency Program Related S and S	160,801	-	14,592	-	-	-	175,393
Other Services and Supplies	944	-	-	-	-	-	944
Expendable Prop 250 - 5000	1,115	-	-	-	-	-	1,115
IT Expendable Property	1,115	-	-	-	-	-	1,115
Total Services & Supplies	\$324,005	-	\$16,692	-	-	-	\$340,697
Total Expenditures							
Total Expenditures	324,005	-	16,692	-	-	-	340,697
Total Expenditures	\$324,005	-	\$16,692	-	-	-	\$340,697

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept
Pkg: 031 - Standard Inflation

Cross Reference Name: Mandated Payments
Cross Reference Number: 19800-200-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Ending Balance							
Ending Balance	-	-	(16,692)	-	-	-	(16,692)
Total Ending Balance	-	-	(\$16,692)	-	-	-	(\$16,692)

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept
Pkg: 032 - Above Standard Inflation

Cross Reference Name: Mandated Payments
Cross Reference Number: 19800-200-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	15,282	-	-	-	-	-	15,282
Total Revenues	\$15,282	-	-	-	-	-	\$15,282
Services & Supplies							
Professional Services	15,282	-	-	-	-	-	15,282
Total Services & Supplies	\$15,282	-	-	-	-	-	\$15,282
Total Expenditures							
Total Expenditures	15,282	-	-	-	-	-	15,282
Total Expenditures	\$15,282	-	-	-	-	-	\$15,282
Ending Balance							
Ending Balance	-	-	-	-	-	-	-
Total Ending Balance	-	-	-	-	-	-	-

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BPR012-ORBITS Detail of Lottery Funds, Other Funds, and Federal Funds Revenue

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

<i>Source</i>	2011-13 Actuals	2013-15 Leg Adopted Budget	2013-15 Leg Approved Budget	2015-17 Agency Request Budget	2015-17 Governor's Budget	2015-17 Leg Adopted Budget
Judicial Dept Agency Number: 19800 2015-17 Biennium Cross Reference Number: 19800-200-00-00-00000						
Other Funds						
Business Lic and Fees	96,655	80,000	80,512	70,416	-	-
Donations	490,065	500,610	500,610	496,248	-	-
Total Other Funds	\$586,720	\$580,610	\$581,122	\$566,664	-	-

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