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The Courthouse Blues

The good, the bad and the ugly

By Janine Robben



Oregon's courthouses are in trouble.

Union County has been running its court operations out of an old hospital since its courthouse was condemned in the mid-'90s. Multnomah County's 90-year-old courthouse would not withstand a major earthquake. And Washington and Clackamas counties' courthouses both are in "dire shape," according to state court administrator Kingsley Click.

The possibility of earthquake damage to an Oregon courthouse is far from speculative: Klamath County had to build a new courthouse after a 1993 quake severely damaged its existing facility.

But so far, says Click, Multnomah is the only county with an active plan to replace its present courthouse, and even that plan may not go through.

The problem, everywhere, is lack of money.

While the counties can get some help from a state fund for court security costs, when it comes to infrastructure changes — up to and including replacing the buildings — they are on their own.

As a result, says Click, many of Oregon's 36 counties are dealing with courthouse issues that range from lack of earthquake protection to entries marred by inadequate security and handicap access, outdated electrical and HVAC systems and sheer lack of space.

In Multnomah County, the latter issue has become so pressing that the two newest judges don't even have courtrooms. "They keep their suitcases packed," quips trial court administrator Douglas Bray.

Union County: A Rotten Foundation

Northeast Oregon's Union County, whose county seat is LaGrande, has had a colorful courthouse history.

The county, created in 1864 when Baker County was split in two, was named for its residents' sympathies in the then-ongoing Civil War.

A county needs a county seat. But, for the next 41 years, Union County's bounced between the small community of Union and its economic rival, LaGrande.

In 1894, Union build a new brick courthouse. But, when LaGrande again (and permanently) became the county seat in 1905, the records were moved into LaGrande's new city hall, and that became Union County's permanent courthouse.

Permanent, that is, until the mid-'90s, when the building was condemned because it had, among other things, a rotten foundation. "The chief justice had to force us to find another location," says county trial court administrator John DeNault. Court functions, including Union County's one circuit judge, were moved first to the basement of the county jail and then into a section of a hospital that had been built in the 1950s.

Since then, says DeNault, two bond measures for a new courthouse have been "soundly rejected.

"We haven't tried anything in the last eight or nine years," says DeNault. "We would be competing against the schools."

Klamath County: Four Years Without Court

Klamath County, the only county in Oregon to succeed in building a new courthouse in almost four decades, also has a

colorful courthouse history.

In 1888, according to state historical records, Linkville — as Klamath Falls was then known — moved its court operations into its first courthouse, built for the grand sum of \$3,500.

By 1912, the county already needed a new courthouse. But, for the next 13 years, its citizens squabbled over whether it would be the elegant, Grecian-styled "Hot Springs Courthouse" or the "Main Street Courthouse," to be built next door to the original facility.

Construction began on both. By the time the issue had passed through a succession of lawsuits, recall elections and injunctions, the citizenry had spent \$172,000 on the Hot Springs Courthouse, which was torn down, in 1927, to make way for Klamath Union High School.

The Main Street Courthouse, which had cost a relatively inexpensive \$122,000, enjoyed a 70-year reign.

Then, in September 1993, the city was hit by two earthquakes that registered 5.9 and 6.0 on the Richter scale. The courthouse, which suffered structural fractures in the masonry walls that supported it, was declared unsafe.

The court's operations first were moved to a room in the library that was only large enough to hold half of the court staff. "We went to flex time," says trial court administrator Val Paulson. The district attorney's office was moved elsewhere.

Then the court staff was moved into the post office. Court was held in four makeshift courtrooms in three buildings that had to be stretched between the county's five judges. "Judges would be flying down the streets in their robes," says Paulson. "We transported files in those little airline suitcases. We called it 'port-a-court.'"

But, while the situation was extremely inconvenient for anyone involved in the judicial system, it apparently wasn't sufficiently burdensome to the public: The county's first attempt to pass a bond measure for a new courthouse and a separate government center failed. By the time construction began on both buildings in 1997, Klamath County had been without a courthouse for four years.

The new courthouse, which cost \$8.5 million — \$1.7 million of which was covered by the Federal Emergency Management Agency — has five courtrooms and a jury orientation room that could, if necessary, be transformed into a sixth courtroom. "Unlike the federal courthouse, there's hardly any marble in sight," says Paulson. "It's very nice, but in a bare bones way."

Multnomah County: A Tragedy Waiting to Happen?

Multnomah County officials can see the future, and they fear it will be Klamath County's.

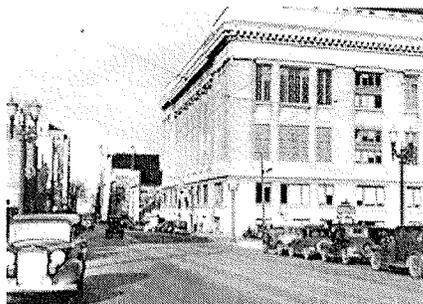
The seeds for Multnomah County's present dilemma lie more than 90 years in the past.

When Multnomah County's first courthouse was erected at the site of the present courthouse in the 1860s, it capped Portland's triumph over Oregon City as the upper Willamette Valley's leading community.

But, by the turn of the century, despite two major expansions, the building was too small.

"The need for space," writes Oregon courthouse historian Kathleen Wiederhold, "became apparent in 1908, when three juries from separate trials retired to deliver a verdict. One occupied the jury room, another the judge's chambers and the third the attic."

When plans for a new courthouse were completed the following year, the county commissioners came up with what Wiederhold called an "ingenious" plan.



The new courthouse would be built in two, L-shaped sections. While employees continued to work in the original courthouse, the first L-shaped section would be built in its courtyard. Courthouse workers then would move into the new section; the old courthouse would be demolished; and a second L-shaped section would be built on its site.

The two L-shaped sections would interlock, forming a large rectangle — with an expansive "light well" in the center — that would fill an entire city block.

From an efficiency and esthetical point of view, the plan worked: The courts' work continued uninterrupted, and no one walking by or using the present building would guess its construction history.

But unfortunately, says court administrator Bray, this "ingenious" plan has a very serious downside. If the Portland area, like Klamath Falls, is hit by an earthquake of magnitude 6 or above, Bray says that engineering studies predict the two parts of the building will "clang together," causing the walls to buckle.

"It's classed as a dangerous building," says Bray. "The seismic issue is absolutely life threatening."

An earthquake of magnitude 6 or above — which is classified as a "strong" earthquake — is not just a hypothetical threat.

"Geologic research tells scientists that Oregon will some day experience big earthquakes," says the Cascadia Region Earthquake Workgroup (CREW), a non-profit, multi-disciplinary organization that is working on ways to mitigate earthquake damage in Oregon. "The Scotts Mills earthquake of March 25, 1993, and the Klamath Falls earthquake of Sept. 20, 1993, confirm the research. Because we are poorly prepared, the damage could be great. We are faced with a small chance of a great disaster."

In addition to the hundreds of courthouse and district attorney's office employees who work in the Multnomah County Courthouse every day, an earthquake would also endanger jurors; visitors; pre-school age children who have been left in the building's childcare center while their parents are in court; and prisoners who have been brought in for court proceedings.

"It could be a very, very serious tragedy," says former OSB president Charlie Williamson, whose office is near the courthouse and who has been actively involved in efforts to see it replaced. "It could kill hundreds of people."

But potential earthquake damage is not the Multnomah County Courthouse's only issue.

Despite renovations that have — among other things — carved up the 17 original, American Renaissance-style courtrooms, there still isn't a courtroom for each of the county's 38 judges, and the county's caseload is expected to grow exponentially.

The building's formal, Southwest Fourth Avenue entrance, on which much of 1914's \$1.6 million budget was lavished, is now marred by a security bottleneck through which as many as 5,000 potential jurors and other courthouse visitors must pass on any given day. In January, when an unusually large number of jurors were summoned for a 10-week trial, dual lines stretched around the courthouse in both directions, causing some of those standing in the freezing cold weather to decide to forego their civic duty if at all possible.

In addition, says Williamson, the building's antiquated plumbing and electrical systems are "held together with bubblegum and bailing wire."

"Even if there's just a breakdown of the electrical system," says Williamson, "you'd have no phones, no computers. In just a few days or weeks of that, you'd have a crisis on your hands. This stuff could happen any time, without an earthquake."

In 2002, a national courthouse consulting firm reached the same conclusion. "Notwithstanding its architectural heritage," the firm said in its formal report, "(the courthouse) has reached the end of its useful life, and is now both functionally and operationally obsolete."

While remodeling and seismically upgrading the existing courthouse was considered, a Multnomah courthouse steering committee subsequently concluded that the best way to ensure both ongoing court operations and adequate space for the future is to start planning for a new courthouse.

That courthouse would be part of a proposed three-phase project that would include: a) building a new court facility in Gresham, where one courtroom now handles traffic and misdemeanor cases for East Multnomah County; b) building a new downtown courthouse, at a current estimated cost of \$158 million; and c) remodeling and seismically upgrading the existing county courthouse for other uses.

The total price tag for all three parts of the project? A breathtaking \$250 million, money the committee concluded must — somehow — be found.

"...Multnomah County can no longer continue to ignore the courthouse issue simply because it involves an expensive and complicated long-range solution," the committee reported in December 2003. "It is imperative that the county commits to a solution, makes it a priority and starts working toward answers..."

But, four months later, the *Oregonian* editorialized against it.

One of the newspaper's issues was the Multnomah County Commission's failure to budget money to run its new Wapato Correctional Facility, which has resulted in the \$58 million facility, officially "opened" in July, having yet to house a single prisoner.

"Renovating the courthouse — without the waste, delays and cost overruns that have plagued other county building projects — will take fine motor skills and a degree of coordination that the county has yet to demonstrate," the paper concluded.

Multnomah County's auditor and one of its five commissioners have also publicly expressed doubts about the project.

While plans for the Gresham facility are proceeding separately, Bray says a finance committee is looking at ways to raise the \$158 million he says will be needed to build a new courthouse.

"There has to be some strategy to raise that amount of money," he concedes.

The funding package envisioned by the courthouse steering committee includes: possible sale of other county assets; state and/or federal financial participation and the issuance of a general obligation bond, such as the ones that have failed in Union, Klamath, Clackamas and other counties. If everything goes according to the committee's published timetable, a bond measure for between \$80 and \$170 million should be put to Multnomah County voters by the end of 2006.

Williamson, while conceding that "Oregon is in a constant state of fiscal crisis," would like to see it happen sooner than that.

"This is the kind of thing where, if something bad happens, everyone will say, 'Why didn't you do something?'" he points out.

Meanwhile, yet another committee is working on a final recommendation for a site within downtown Portland's informal "government district," which includes the remodeled and seismically upgraded Portland City Hall, built in 1895, and a modern federal building, justice center and new federal courthouse.

One of the three sites currently under consideration is The Lotus Block, home of the 80-year-old Lotus Café. Another includes the site of The Veritable Quandary, a longtime courthouse watering hole.

The third, Williamson's preference, is vacant land at Two Main Place.

"I think it's very important that we acquire that land while it's still available," says Williamson. "Once somebody builds on it, it's lost forever."

ABOUT THE AUTHOR

Janine Robben is a frequent contributor to the Bulletin. She has been a member of the bar since 1980.

Oregon's Historic Courthouses

While Oregon's first courthouses were modest wooden structures, citizens later replaced them with the best brick and stone buildings they could afford.

"Even with small construction budgets, communities wanted their courthouses to appear grand," writes Kathleen Wiederhold, author of "Exploring Oregon's Historic Courthouses." It was important that the courthouse appear progressive, but not avant-garde. ...Despite changing building styles, courthouses still had to look like courthouses. For the earlier buildings, this meant a tower."

Happily for those of us who, like Wiederhold, like to explore historic buildings, Oregon still has 10 turn-of-the-century courthouses in use as courthouses. They are:

Benton (Corvallis), 1889: To save money, its first-floor exterior walls were made from brick instead of stone, which was then covered with plaster to simulate stone. But the citizens kept aside enough money for the all-important clock tower — still a Corvallis landmark — and for a wooden fence to keep cows off the courthouse square.

Sherman (Moro), 1899: Despite the local paper's boast that Sherman County was financially able to build "a temple of justice that will be a credit to the county," the budget didn't include money for a clock tower. Instead, the architect designed a square, castle-like tower, topped by a cupola with a unique, almost-minaret shaped roof.

Polk (Dallas), 1900: The county's present courthouse, its third, was erected after the second had burned down. Despite the hasty use of plans almost identical to Lane County's courthouse, then under construction, Polk County got the last laugh when Lane replaced its building with a generic model in 1959.

Wheeler (Fossil), 1902: Designed by the same architect as the Sherman County Courthouse, Wheeler's appears unchanged from when it was built over 100 years ago. Jurors sit on what appear to be old movie theater seats, possibly salvaged from the old theater in Fossil.

Morrow (Heppner), 1903: In June 1903, just three months after the county had moved into its new courthouse, a flash flood devastated Heppner, reducing two-story houses to kindling and killing 250, about one-fifth of the town's population. "Many people slept in the courthouse last night," the *Fossil Journal* reported, "and any place they can make a bed."

Columbia (St. Helens), 1907: The gray basalt, Georgian-style courthouse, built on the bank of the Columbia River, has two faces: One for river travelers and one for the public that approaches, on foot, via its grass- and tree-covered plaza.

Clatsop (Astoria) 1908: Clatsop County's rectangular, flat-roofed, symmetrical building perfectly reflects the *Astoria Daily Budget's* desire for a courthouse that is "...plain and substantial, without any of the 'gingerbread' work that is expensive and of no use."

Baker (Baker City), 1909: Completed just one year after Clatsop's, Baker's massive, stone courthouse — with the all-important clock tower — reflects a very different goal: To have "no better building on the Pacific Coast."

Crook (Prineville), 1909: The imposing, clock tower-capped courthouse was even more imposing before its two side entrances — as grand as the front — were removed in the 1940s to create more office space.

Wallowa (Enterprise), 1909: Wallowa County's majestic, rough-stone courthouse was built at an unusual cost: While it was under construction, the architect, who had moved to Enterprise from LaGrande to supervise the project, stepped backward off the scaffolding of a nearby building, falling 20 feet. He died three days later.

Oregon's Mid-Century Courthouses

"During the 1950s," writes Wiederhold, "a wave of courthouse construction occurred in Oregon. But the design of these new buildings, following then-widespread architectural trends, displayed bland, simplified facades that bore a strong resemblance to generic office buildings. Consequently, many lost the affection of the public."

Thirteen Oregon courthouses were built between 1952 and 1968. They are: Grant, 1952; Hood and Lake, both 1953; Coos, Marion (designed by world-famous architect Pietro Belluschi) and Umatilla, all 1954; Gilliam and Lincoln, both 1955; Curry, 1957; Malheur, 1958; Lane, 1959; Yamhill, 1963; and Jefferson, 1968.

Kathleen Wiederhold's book, *Exploring Oregon's Historic Courthouses*, was published in 1998 by the Oregon State University Press.

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