

2016 ANNUAL REPORT

Focus on
Technology

OREGON JUDICIAL BRANCH

Oregon Judicial Branch Mission

As a separate and independent branch of government, our mission is to provide fair and accessible justice services that protect the rights of individuals, preserve community welfare, and inspire public confidence. The established goals of Oregon state courts are to:

Protect Public Access to Justice – by making court services for citizens more accessible and easier to use through technology; providing safe courthouses; and supporting the special needs of diverse cultures in our communities.

Maintain Public Trust and Confidence – by working closely with the executive and legislative branches of government; preserving and enforcing the rule of law in our communities, while upholding the human ideals of fairness, impartiality, and accountability.

Provide Quality and Timely Dispute Resolution – by ensuring that disputes are resolved for citizens and businesses fairly, promptly, appropriately, and cost-effectively through jury and non-jury trials, alternative dispute resolution methods, improvements in court business processes, and use of technology.

Collaborate with Justice System Partners and Other Stakeholders – by achieving better outcomes in court proceedings through justice system connections, public safety, and community welfare programs, in providing Treatment Courts, Juvenile Programs, and Family Courts.

Enhance Judicial Administration – Oregon courts must use the resources of Oregonians wisely. We are accountable to the law, to the other branches of government, and to the public. The effective administration of justice requires deliberate attention to and improvement of the core processes of our court system.

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Introduction

“We are working to ensure that judges and court staff understand the role that bias can play in our justice system. OJD has provided training for judges on implicit bias, procedural justice, and over-representation in the justice system, has expanded our outreach efforts, and has established a permanent Supreme Court Council on Inclusion and Fairness.”

— Thomas A. Balmer Chief Justice of the Oregon Supreme Court

2016 was a year of significant accomplishment for the Oregon Judicial Department. Among other things, we completed statewide implementation of our new Oregon eCourt system, opened two new state bond-supported courthouses, worked in numerous forums to improve treatment of children and youth in the justice system, and made a formal commitment to examine and improve awareness, inclusion, fairness, and access to all in Oregon courts. Each of these efforts reflects the various ways in which the Judicial Branch endeavors each day, to accomplish its mission and adapt to the needs of the people who must use and rely on access to justice.

Oregon eCourt has provided more convenient and efficient access. Litigants can electronically file case documents from remote locations at any time of the day or night and remote electronic access to public court case documents is accessible to Bar members, government users, and others. The public can access court calendars remotely and can access court case documents electronically at the courthouse. OJD is also expanding its use of online interview-based forms to help people without attorneys file pleadings. The forms are easier to fill out, contain all the required information, and reduce time spent tracking down missing or illegible information. We are continuing to make court business processes more consistent statewide, to make it easier for attorneys who practice in multiple counties to meet procedural requirements.

Oregon’s newest courthouses promote safe physical access to justice. These courthouses are designed to protect against seismic threats and to reduce the instances where criminal defendants come in close proximity to victims, witnesses, jurors, judges, and staff. The courthouses also include design and technology upgrades to allow people to find their way in the courthouse more easily and provide better access for people with disabilities.

Procedural access and inclusiveness are other aspects of access to justice on which OJD is focusing attention. In some cases, procedural fairness can include having an attorney present to represent a party. This is especially true in juvenile dependency cases, where the Department of Human Services, families, and the children themselves can benefit from legal representation. The Oregon Legislature has encouraged additional work in these areas, and the courts are playing a prominent role.

In other instances, a more informal process can lead to better results. Deschutes County has a pilot project where people involved in marriage dissolution and



Oregon Supreme Court Chief Justice Thomas A. Balmer, speaking at the dedication of the new Jefferson County Circuit Court courthouse on September 9, 2016.

other family law proceedings can agree to argue their cases directly to a judge without objection or interruption by the other party. The process has been well-received, reduces conflict, and speeds up case decisions. A statewide uniform trial court rule is being developed to authorize the practice throughout Oregon.

Additionally, we are working to ensure that judges and court staff understand the role that bias can play in our justice system. OJD has provided training for judges on implicit bias, procedural justice, and over-representation in the justice system, has expanded our outreach efforts, and has re-established a permanent Supreme Court Council on Inclusion and Fairness. The Council will look at data needs,

community engagement, workforce development, and other means to ensure that Oregon’s courts continue to maintain the trust and confidence of all Oregonians. The judges and staff of OJD are committed to fair and impartial justice. We hope this report gives you some insight into the ways we are seeking to achieve these important goals.

Thomas A. Balmer
Chief Justice
Oregon Supreme Court

Oregon eCourt

A Technology and Business Success Story

Oregon eCourt will give courts and judges the tools they need to provide just, prompt, and safe resolution of civil disputes; to improve public safety and the quality of life in our communities; and to improve the lives of children and families in crisis.

Better information; better access; and better outcomes.

– The Oregon eCourt Vision

As early as 2006, the Oregon Judicial Department developed plans to replace its aging case tracking system, the Oregon Judicial Information Network (OJIN) that held OJD circuit court and tax court case information dating from the 1980s – including judgment entries, dockets, citations, complaints, and court orders for both the trial and appellate courts. Implementation of an electronic court system (termed Oregon eCourt) would move OJD from a paper-based system to a paperless electronic system that would manage the intake, storage, security, distribution, publishing, and electronic retrieval of documents more efficiently for court staff and judges, and would allow improvements in public access to the justice system.

The standard court technology approach at that time was to purchase separate best-of-breed software components for each application area (case management, financial, content management) from different vendors, and then the in-house Enterprise Technology Services Division (ETSD) would interconnect their separate functions (if possible) into a single working system. That process became time-consuming and costly, results weren't always satisfactory, and budget cuts caused by the 2008–2009 economic downturn forced OJD to reverse course and search for a less costly and more effective way to implement Oregon eCourt. And, by that time, OJD had installed several components of a “proof of concept” for Oregon eCourt in the Supreme Court and Court of Appeals – including integrated case management, court management, and eFiling systems from a single vendor, LT Court Tech (now Thomson Reuters).

Leaving best-of-breed behind, OJD's leaders investigated recently developed single-solution software packages designed specifically for state courts. Advantages of the single-solution approach included lower overall costs, application areas



Courtroom of the Clackamas County Circuit Court Presiding Judge Robert D. Herndon on the first business day of Go-Live.

well-suited for enterprise-wide functions that run off of a common database; provide easier access to shared data; offer a consistent and convenient user interface; and pose less of a drain on the organization's ETSD resources. OJD adopted the single-solution strategy, selecting Tyler Technologies as the vendor, which was experienced in state court implementation successes (although the Oregon eCourt project would be a challenge – as the only court in the country to implement statewide processes and configuration in 36 courts at the same time). The new and improved plan for Oregon eCourt would now revolve around the implementation of Tyler Technologies Odyssey software for state courts. The single-solution, integrated technology system includes components for case management, centralized

financial management, document management; the creation of interfaces allowing integration for data exchanges with partner agencies; the ability to develop interactive online forms; a judicial session component called SessionWorks Judge Edition; and public access services such as ePayment, eFiling, and case search abilities. The new Oregon eCourt software would also replace OJD's aging, 25-year-old Cobol-based court information system, OJIN, modernizing internal and external business processes all at once. It would change the system from a case-based system to a more efficient person-based system where multiple cases,

The Oregon Judicial Department's implementation of Oregon eCourt technology received high praise from members of Oregon's Legislative Assembly and the Joint Ways and Means Committee, that funded the state bonded project. It was viewed as the most successful State of Oregon technology project in recent years, and our project processes were recommended to other state agencies.

warrants, restraining orders, and probation violations in the system are listed under the person's name, not by individual case numbers; and the Odyssey software would also accommodate business processes standardization across the state while allowing the flexibility to maintain local court processes for individual courts. OJD's Consistency Committee worked to identify which areas of court business processes should be standardized and which could remain local. The six areas they recommended that could remain local business processes were: docketing and calendaring; local court work processes and timing; local custom reports (statistics, performance); local data collection (specific to communities); local justice partner integration; and local process training.

Government implementations of new technology systems have a longstanding reputation as high-risk and failure prone. Sources of risk include the sheer size and complexity of government organizations and the data they store and work with – some of which may be sensitive; the difficulty of transferring data from legacy Cobol-based systems – a 50-year-old programming language that cannot be integrated with the more efficient 21st century programs; managing the effect of a technology replacement on a large number of internal and external users; and procurement contracts with software vendors that typically lack specified delivery and performance requirements, giving project implementation control to the vendor and putting the organization's project success at risk.

OJD's final implementation plan for Oregon eCourt technology was successful – receiving high praise from members of Oregon's Legislative Assembly and the Joint Ways and Means Committee that funded the state bonded project. It has been viewed as the most successful State of Oregon technology project in recent years, and our project processes have been recommended to other state agency technology projects.

Keys to Success

How did we implement the successful enterprise-wide business change? Careful, steady planning; participation by the entire organization in 36 courts across the state; inclusion of internal users and external stakeholders in decision making; enhanced statewide training, including organizational and operational readiness; forming a network of implementation teams for each component and process; management teams; Oregon eCourt leadership guidance from the Executive Sponsors; advisory committees; and a Consistency Committee

that worked on establishing areas of statewide consistency and areas to remain specific to local court processes; the Oregon eCourt Steering Committee; and implementation committees that contributed multiple levels of institutional knowledge and expertise. We also negotiated a deliverables-based contract with our vendor; worked closely with the Oregon Legislature; and adhered to industry standard Project Management Institute processes (PMI). OJD also focused on mobilizing key organizational supports and resources to accomplish the successful implementation of Oregon eCourt including:

Guiding Principles

Guiding principles provide leadership with the opportunity to set a unique list of "house rules" regarding how the organization (or group within an organization) should uniformly proceed as they work together to achieve a united action. The Oregon eCourt Executive Sponsors (that included the Chief Justice of the Oregon Supreme Court, the State Court Administrator, and two presiding judges from the circuit courts) established a set of Guiding Principles for the implementation of Oregon eCourt, through an established Oregon eCourt Project. The principles served to define our priorities and how we should use and adhere to them as we collaborated with Tyler Technologies to achieve full implementation of Oregon eCourt.

The Law and Policy Workgroup

As part of planning for the Oregon eCourt Project, OJD created a Law & Policy Workgroup (LPWG) to identify and recommend law and policy positions and changes necessary to support an electronic court environment, and to identify and facilitate adoption of court business processes that could be standardized to accommodate a statewide technology system. Membership includes judges; trial court administrators; circuit court, Tax Court, and appellate court staff; central OJD staff; and Bar members. Initial work in the LPWG focused on identifying statutory requirements for sealed and confidential treatment of certain case types and documents and recommending security

settings in the Oregon eCourt system; identifying other public documents or information that OJD should consider making available online on a limited basis; distinguishing the types of case information that should display on public courthouse terminals; developing specific system recommendations for unusual case types – such as juvenile, contempt, and criminal set-asides; recommending statutory changes to the Oregon Law Commission to facilitate an electronic court environment that would include juvenile and adoption referrals (resulting in extensive statutory changes); and developing other related recommendations. As OJD began work on the statewide rollout, the LPWG also: developed an electronic court Supplementary Local Rule, adopted in each court as part of go-live; proposed extensive amendments to the statewide eFiling and eService rule to ensure consistency with system functionality; drafted extensive Uniform Trial Court Rules (UTCR) changes to facilitate the final transition to a statewide electronic court system; drafted additional statutory and rule amendment proposals; worked collaboratively with the OSB-OJD Oregon eCourt Task Force to obtain feedback on ongoing system functionality and statutory and rule proposals; and referred statewide business process questions to the OJD Court Reengineering and Efficiencies Workgroup (CREW). During this same time, the LPWG and its Statewide Forms Subgroup worked to update various online OJD forms packets, to incorporate statutory and process changes, a standard appearance, as well as to adapt the forms to eventual use as interactive forms (iForms).

With the conclusion of the Oregon eCourt statewide rollout in 2016, LPWG transitioned to a standing OJD workgroup, continuing its previous responsibilities; making recommendations to the State Court Administrator and the Uniform Trial Court Rules Committee; and developing, amending, reviewing, and making recommendations for adoption of OJD statewide forms, including interactive forms (iForms) and online print forms.

User Buy-In Organizational Readiness

When an organization’s leaders select a new technology system after carefully considering its overall benefits to the organization’s mission and functions, there is typically resistance within the organization from those who were not involved in the decision-making process, and are not looking at the larger picture. There was resistance to (and support for) the announcement that Oregon eCourt would completely transform how the courts conduct business. A new technology system, including case management, data codes, and business processes would replace the legacy system (OJIN) that OJD staff and judges had become experts in utilizing for some 25 years. Internal user acceptance of a new system is critical to its successful implementation, so the Oregon eCourt project developed a process to address resistance to change by providing Organizational Readiness education designed to systematically replace the unknowns of change with knowledge and the tools necessary to deal with it; and later, in Oregon eCourt training in Odyssey to ensure familiarity with the new system in each of the circuit courts and the Tax Court. Organizational Readiness education sessions were presented to court staff and judges to inform them of practical steps they can take to perform their jobs in the new business environment created by Oregon eCourt. Sessions included three levels of education about adjusting to change: for staff, management, and judges (court leadership). Staff learned how to deal with the change in Navigating Change Successfully; management learned how to deal with the change and manage those dealing with the change in Leading and Managing Change; and judges learned how to deal with the change, manage those managing others in dealing with the change, and how to provide leadership and support for the change in their court with Leading Your Court Through Change. Every division in the State Court Administrator’s office that worked closely with the vendor’s team on the implementation also received Oregon eCourt’s Organizational Readiness education.

OJD negotiated a deliverables-based contract with the Oregon eCourt vendor that specified requirements for each deliverable, paying the vendor by deliverable only after each requirement of each deliverable was fully met. This approach placed the control and management of implementation in the hands of OJD.

Vendor Contract

OJD negotiated a deliverables-based contract with the Oregon eCourt vendor that specified requirements for each deliverable, paying the vendor by deliverable – only after each requirement in each deliverable was fully met. This approach placed the control and management of implementation in the hands of OJD; provided an organized division of implementation activities into more manageable segments; and was the basis for scheduling dates of implementation in each of the 36 courts spread across the state as well as the Tax Court. The contract spanned three phases to occur over a five-year period – implementation in the “pilot court” to prove the solution in 2012; implementation in four “early adopter” courts, to prove the implementation during 2012–2013; and implementation in the 31 remaining courts and Tax Court in the “velocity” phase between 2013 and 2016. Oregon presented a challenge for our vendor and Oregon eCourt implementation teams (which was overcome successfully), in that OJD’s contract called for implementation of the entire Odyssey system in every Oregon circuit court (36 courts widely distributed across the state) and the Tax Court, whereas courts in other states had only implemented parts of the full Odyssey system.

Legislature

Building a close working relationship with the legislative committees that gave the go-ahead for Oregon eCourt funding, and the Legislative Fiscal Office, was important to both the Legislature and to OJD’s Oregon eCourt project. OJD gave presentation updates and requested state bond and certificate funding during biennium budget session hearings, while legislative committees overseeing the funding of Oregon eCourt took the opportunity to ensure that all actions contributing to the project’s success were being performed.

Legislators requested the development of a lengthy monthly project status report – a compilation of updates on project accomplishments; activities of implementation teams; decisions log; budget numbers and variances; vendor and project team

deliverables; charts on project health, schedule variance, duration, and percentage of work completed for each project team, team milestones; issues management log; risk management and mitigation plans; lessons learned; a monthly vendor report; quality assurance assessment reports; and legislative oversight deliverables reports. While the report often exceeded 60 pages (unlike typical one-or-two-page project status reports), it gave OJD project committees as well as our legislative supporters and those in oversight positions a transparent and complete accounting of the project’s activities and status.

The Legislature and OJD met regularly (outside of budget hearings) in the first couple years of the Oregon eCourt project to agree upon and discuss deliverables that OJD would provide to the Legislative Fiscal Office to demonstrate that the Oregon eCourt project was meeting their expectations of progress while they continued to approve bond funding (this was an important exercise in gaining the Legislature’s trust in our project). OJD submitted requested reports and data on the project and supplied legislative committees with answers to any concerns about the effects the new court technology may have on their constituents.

Without the input of judges and staff (the people who were actually going to use the system), and the important roles they played in implementation, Oregon eCourt might have been counted as one among the many failed government technology projects.

External Stakeholder Buy-In

OJD's external stakeholders affected by Oregon eCourt's business transformation in the courts included the Oregon State Bar (with whom OJD formed an OSB-OJD Joint Task Force on Oregon eCourt); District Attorneys; County Sheriff's Offices; other public safety agencies; Departments of Revenue, Motor Vehicles, Corrections, State Lands and Justice; the State Treasury; Public Defenders Office; the Criminal Justice Commission; and bulk data customers (title companies, the media, and collection agencies). Overcoming external stakeholder resistance to change is necessary in developing and maintaining public support, which in turn can make or break legislative support and funding. OJD engaged in informational communication with external stakeholders to help them understand the benefits and court vision of the single-solution system, including meetings with local circuit court leaders; presentations explaining the benefits of Oregon eCourt; demonstrations of what the system offers external users and how it would affect them in their business with the courts; press releases, newsletters, posters, brochures, and newspaper and magazine articles providing updates on Oregon eCourt's progress. OJD welcomed external stakeholder input that helped improve the new system for external users, and allowed stakeholders to develop a sense of participation, ownership, and support for the project.

User Participation

The Oregon eCourt implementation affected nearly every workflow, every business process, every staff person, trial court administrator, and every judge in Oregon's circuit courts and the Tax Court. Without the input of judges and staff (the people who were actually going to use the system) and the important roles they played in implementation, Oregon eCourt might have been counted as a failed government technology project. Some of those statewide efforts by judges and staff are explained below:

1. Before selecting our vendor for Oregon eCourt, we identified 12 teams of judges and staff from courts across the state, and sent them requirements (things we needed the system to do) for all the different modules and all the case types to add, delete, edit, and send the final list back. We ended up with 2,700 requirements to see if our vendor's software – known as the Odyssey system – was capable of supporting what OJD needed in a statewide integrated technology system.



Go-Live, first business day in the courtroom of Grant and Harney Presiding Judge William Cramer. PJ Cramer demonstrates SessionWorks Judge Edition for one of the Grant County Circuit Court's local stakeholders, Grant County District Attorney, Jim Carpenter.

2. Once we had our vendor under contract, the Oregon eCourt Project formed Fit Assessment teams comprised of staff from multiple courts to compare OJD's court processes side-by-side with the functionality offered by the Odyssey system; and identify adjustments and functions to be configured within the Odyssey software that would fit the needs of OJD's caseflows and business processes. Next, Configuration Teams made up of TCAs, line staff, supervisors, and analysts from 13 courts – Clackamas, Clatsop, Deschutes, Jackson, Jefferson, Lake, Lane, Linn, Malheur, Marion, Multnomah, Washington, and Yamhill – augmented by staff from ETSD, Business and Fiscal Services Division (BFS), and the Communication, Education, and Court Management Division (CECM) – formerly the Office of Education, Training, and Outreach

(OETO) – spent more than 350 hours in training, analysis, and configuration work. Configuration and Design is a standard part of all Odyssey rollouts to meet state, county, or municipal statutes, sentencing, statistical reporting, and business needs. The team's task was to configure the Odyssey system to carry out the statutory and legal requirements of OJD and the Oregon eCourt vision. The team identified Oregon statutes, uniform trial court rules, codes, court documents, and business process rules that OJD would need configured or improved in preparation for Odyssey implementation. The team reviewed and purged duplicate OJD system codes and

The backbone of Oregon eCourt’s implementation capability was systematically constructed as a result of the project work of teams made up of OJD subject matter and organizational knowledge experts from the Enterprise Technology Services Division, the Communication, Education, & Court Management Division, and the Business and Fiscal Services Division, all of whom worked side by side with the Tyler Technologies team.

business processes that, over the years, were entered into the OJIN system to serve local court purposes.

3. First steps for court staff and judges in their twelve-month process preparing for implementation were outlined in an Oregon eCourt Implementation Guide. Included was the task of forming a “Local Implementation Team” to oversee the court’s preparation activities; communicate with CECM, ETSD, and BFSM teams on the court’s progress; determine an external communication strategy and arrange presentations to inform local community partners (the local Bar, District Attorney, Sheriff’s Office and other law enforcement agencies) of changes in how they would conduct business with the court after implementation of Oregon eCourt.
4. Staff and judges of each court participated in workshops with the vendor and OJD implementation teams to review technical readiness, court business processes, forms, procedures, and code migration to the new system. Configuration and testing activities of the court’s business processes were managed by the local court’s designated Subject Matter Experts (SMEs), who were trained to manage implementation of all court processes including configuration; court forms; data migration and conversion; and business processes.
5. Each court was given a technical readiness review (computers and peripherals, servers, network wiring, and bandwidth) attended by the court’s technical support specialist; the Trial Court Administrator (TCA); the vendor; OJD’s ETSD technical team; and a security assessment that was also attended by OJD’s Information Security Officer.

End User Training

Most important to court staff and judges in the adjustment to Oregon eCourt was development of new skills to perform their jobs confidently in the new Oregon eCourt environment. Judges and staff first received Basic Computer Skills training to ensure that they had the necessary computer skills to complete Odyssey End User training. (Judge’s jobs in particular had been to that point paper-based, handling documents and case files; and staff working with the OJIN system only needed green screen computer skills.) Tyler Technologies and the CECM training team then met with each court to develop a training plan for each individual in the court based on their key responsibilities. The Tyler



Oregon eCourt Business Processes Lab in Clackamas County Circuit Court.

team conducted a minimum of three weeks of general End User Training (non-Oregon specific) on the use and functions of the Odyssey system for judges and staff. Business processes training teams from CECM then followed up by developing and staffing Business Processes Labs for judges and staff, as well judge training and labs to learn SessionWorks Judge Edition – a bench program for judges. The week-long labs were both open and facilitated to allow judges and staff additional time to reinforce Tyler’s End User Training, and gain practice using Odyssey with scenario exercises that presented realistic court situations requiring problem solving using the court’s new business processes. A minimum of 40 hours of training for each staff person was provided; and judges had two to three days of training.

As implementations continued across the state, training teams developed on-demand training modules and webinars that continue to be created as an online resource to train court users on software updates, new statewide business processes, changes introduced by UTCRs, and legislative passage of new laws.

Integrations

The Integration component team oversaw the creation of interfaces allowing the functioning of data exchanges between the Odyssey case management system and our partner agency

systems. These agencies included: Oregon State Police, Department of Revenue, Department of Motor Vehicles, Department of Corrections, State Treasury, Department of State Lands, Criminal Justice Commission, Oregon State Bar, and others. The goal of the team was to replace all current agency interfaces with Odyssey system interfaces.

Implementation

The backbone of Oregon eCourt’s implementation capability was systematically constructed as a result of the project work of many committees and workgroups; and Oregon eCourt project teams, made up of OJD subject matter and organizational knowledge experts from ETSD, CECM, and BFSM, all of whom worked side by side with the Tyler Technologies team. Team projects included Data Centers & Servers; Data Conversion & Migration; ePayment; Implementation; Integration Backbone; Organizational Change Management; Training; Business Processes; Odyssey Configuration; Testing; Web Portal; and File & Serve.

Analyses of lessons learned resulted in numerous improvements that refined the implementation process for each subsequent court. Feedback from the courts revised activities and preparation methods as needed.

After pre-implementation preparations by project teams and court staff were completed in a court (including readiness assessments, reviewing business processes, and training – all usually within a 12-month period) the six day process of Go-Live arrived, and teams began OJD’s fine-tuned process for Oregon eCourt implementation. Below is a timeline example of how teams coordinated and events played out when the Oregon eCourt system was deployed in a court:

Night of Wednesday (six days to Go-Live)

- ETSD, CECM, BFS, and Tyler teams prepare OJIN/ FIAS/ Uniform Criminal Judgment, data, and documents for migration
- 5:00 pm: OJIN is de-activated to “read only” status
- Data extract and verification is begun
- The court’s financial data/system is balanced

Thursday

- 2:20 am: extract and verification complete
- Data compressed and sent to Tyler
- Tyler begins data conversion to Odyssey

Friday

- Tyler continues migration of case data and documents over to Odyssey
- OJD servers are prepared for production
- All training concludes
- Teams finalize equipment installation and configuration

Sunday

- This is the official start of Go-Live
- 7:30 am: Tyler, ETSD, CECM, and BFS teams arrive at courthouse
- Final configuration and equipment setup completed
- 9:00 am: court staff arrive
- Court staff receive their assignments and go to work inputting new case data, receipting funds, scanning, updating cases from Thursday and Friday into the new system, and docketing in preparation for the first business day on Monday
- Judges arrive later in the day to prepare their benches and configure SessionWorks Judge Edition in preparation for the first business day
- Tyler, ETSD, CECM, and BFS staff are the on-site Go-Live teams providing court staff and judges real-time assistance
- The on-site teams, ETSD, and Tyler staff in Salem are monitoring the



On the Sunday before the court’s first business day using the Oregon eCourt system, Lane County Circuit Court’s customer service window staff enter new case data that came in on Thursday and Friday (when OJIN was shut down); while supervisors and support team staff make sure their computers are ready for the business day on Monday.

- Go-Live and providing immediate response to resolve issues that arise
- Tyler, ETSD, CECM, and BFS teams are on-site addressing some local hardware configuration, fine-tuning permissions to the Odyssey system, and adjusting some local business processes
- The “War Room” team assembles to immediately address any issues

Go-Live Monday

- This is the first business day where the court uses the new system in real time with litigants in the courtroom and customers at the public service counters
- Tyler, ETSD, CECM, and BFS teams remain on-site to resolve any issues and configuration changes that arise

- CECM and ETSD make any updates on-site to local forms

2nd Day, Tuesday

- On-site BFS support staff monitor and report on deposits and check the new system’s financial balances
- Deposits are exported and the previous month’s monthly check run is done producing output files for DAS to print
- Go-Live support staff and Tyler assist in the courtrooms and report on how court sessions are proceeding

OJD's eServices (more are coming down the pike as additional Oregon eCourt components are developed) open court access that is more responsive to public needs and is more effective in providing justice for all.

3rd Day, Wednesday

- ETSD teams report on their monitoring of server, network, and bandwidth performance and usage across the state during the rollout
- ETSD, CECM, and BFSM work with court staff and judges attending to any issues
- By now, most staff are operating the new system without assistance and courtroom operations are picking up speed

4th Day, Thursday

- Tyler, ETSD, CECM, and BFSM teams determine how many team members should remain on-site to provide support

5th Day (1 week mark), Friday

- Tyler and ETSD teams update various components of the Odyssey database over the weekend based on any changes identified during the implementation
- Sights are set on wrapping-up deployment next week

Saturday and Sunday

- ETSD tests and configures public access systems (OJCIN OnLine and courthouse public access terminals)

Monday, (2nd week)

- Public access to the Oregon eCourt Case Information (OEI) system for the court goes active in all courthouses and for OJCIN OnLine customers
- By the end of the second week, court staff have graduated from working on the new system with full support presence (ETSD, CECM, BFSM, and Tyler) to local and help-desk support
- ETSD, CECM, BFSM, and Tyler set up a final meeting with the court/s to discuss any remaining issues that occurred during Go-Live, action plans, and next steps in preparing for the next court Go-Live

By the end of June 2016, after all circuit courts and Tax Court had implemented the Oregon eCourt system, the total number of OJIN cases converted and migrated to Odyssey was 22,478,550; and the total number of documents migrated was 12,141,280.

Implementation of Lessons Learned From the Courts

OJD followed up each implementation with After-Action Reviews (AARs) for each project team to improve internal processes, also attended by representatives

from the Go-Live court – conducted by CECM. Analyses of the AARs provided lessons learned resulting in numerous improvements that refined the implementation process for each subsequent court. Feedback from the courts revised activities and preparation methods as needed, including addressing and resolving technical glitches. Here are some of the Lessons Learned from the courts and the subsequent implementation improvements:

- **There wasn't enough training time or practice time; exercises in training were too generic; provide real life scenarios.**

The Oregon eCourt project initiated development of training materials adapted to specific job tasks. Initiated facilitated business processes training Labs and open Labs to provide more practice time. Initiated scenario exercises to practice solving problems and using the system. Added more time to judge training and practice.

- **Need a way for staff to receive business processes updates.**
Online Help system with statewide and local business processes was developed and continues to be updated; quick reference guides developed.
- **Need information to answer customer and stakeholder questions regarding the new system.**
Communication materials were designed and distributed, including signage, posters, brochures. Stakeholder presentations were created to assist the courts with local legal partner communication efforts. Additional presentations were created specifically for Bar members in each locale on how to use File & Serve. Took opportunities to facilitate stakeholder involvement in improving the system.
- **Share resources with other courts.**
Courts volunteered SMEs to assist other courts at Go-Live – helped alleviate staff stress. Judges visited judges and staff in live courts to see how the implemented system works and to receive the advice of experience. Staff could use Sametime instant messaging communications between courts and Salem for discussions and solutions.

- **Have a designated group for issue triage at Go-Live.**

Created "War Rooms" staffed with a variety of support team experts to provide immediate resolution of technical issues and business process issues during implementation.

- **The Court should reduce dockets and workload on staff and judges during Go-Live week and the week after.**

Docket reduction became standard for courts during the Go-Live time span.

What "Worked Well" to Make the Oregon eCourt Project a Success

Observations by Oregon eCourt Governance (Executive Sponsors, Oregon eCourt Steering Committee (OESC), and Oregon eCourt Project Division Directors) at Final Governance AAR Session (Lessons Learned)

- The overall governance structure. It was critical to have trial judges and trial court administrators closely involved in governance.
- Success of this project can be attributed to the people involved; consistent communication and interaction; we learned and were better as we progressed.
- Having the Guiding Principles was very helpful, as was the work of the Consistency Committee at the beginning of the project.
- Many of OJD's managers, TCAs, and judges came into the OESC committee without background in governance or project management. It was a huge learning curve, but we managed to succeed where other Oregon statewide technology projects have not been successful.

Between January and December of 2016, the total number (in all circuit courts) of accepted eFilings submitted through File and Serve was 1,370,379 (includes documents filed on existing cases and initiating cases other than criminal).

- There were times when there were substantial road blocks, and we had to regroup and change an aspect of the project, but our overall ability to accept change when it was necessary helped in this process.
- The Law and Policy Workgroup was created in anticipation that statutes, rules, and court policies would need to change to facilitate the transition to an electronic court environment, and that planning paid off.
- Allowed attorneys to be part of the governance system; they had valuable insight.
- The diverse representation of the steering committee.
- There was extraordinary cooperation and teamwork between three separate OJD divisions, ETSD, BFSD, and CECM, and between OJD and Tyler Technologies, to further the project.
- Retaining the same people on governance committees from the beginning provided institutional knowledge and insight.
- Having the support of the courts became a true test of our unified court system.
- It took individuals who knew the inner workings of the court system, OJIN, Odyssey, and business processes to really make this process work; it took everyone working together.
- This was the biggest change for the courts since they started in 1859.
- We live in a world with realistic time and resource constraints, and we were able to adjust where we needed to (whether timelines or number of resources, etc.)
- Not deviating from our rollout schedule; we created the schedule, and we stuck to it.

Current Benefits of the Oregon eCourt System

About midway through the five years of Oregon eCourt's implementation, benefits enjoyed by the "live" courts were becoming evident to the courts still waiting for the new system. Live courts exchanged information and tips on their go-live and benefits of the system with other courts who wanted advice on how to make their implementation process easier. OJD press releases, Oregon eCourt Newsletter articles; local county news media, Bar communications, and word of mouth spread information on progressive successes, and fixes to glitches as implementation of the new system made its way across the state.

Now that all circuit, tax, and appellate courts are using new systems and court business processes have been revamped statewide to coordinate with electronic advances, transformative benefits include: streamlined court data access and task-related efficiencies for judges and court staff; real-time data integrations with public safety partners; statewide forms; and centralized statewide financial management – with the ability to see and collect a person's case or victim related debts without having to search across case files. Core online services such as ePayment, eFiling, and online case information search have shortened long lines at court service counters, allowing court staff to assist self-help customers and others who need help from the courts with complex issues.

The person-based case management system allows courts and the public to perform searches for case information by name rather than looking up case file numbers, and court staff and judges can quickly view legal history information to determine the status of the person standing before them including warrants, restraining orders, probation violations, and related family court cases.

Public Access

Oregon eCourt's system provides a series of online services for common court transactions with the public that can be accessed from any computer 24/7, or at courthouse kiosks: ePayment on citations and cases; court calendars; case records search services; File & Serve; and online interactive forms (iForms) that can be eFiled by the public using Oregon eCourt's secure Guide & File function. Currently available iForms include: Family Law – divorce, separation, custody, parenting time (file and respond); Small Claims (file or respond to a small claim); Residential Eviction (landlord/tenant) – file a residential eviction; Satisfaction of Money Award (court documentation of debt paid); and Renew a FAPA Restraining Order (must have a current Restraining Order). Additional iForms will continue to be developed and added to the online interactive forms lineup. Guide & File's interactive forms use an online interview process that produces

a completed, legible court form filled in with the correct information required by the court, based on the user's answers. There is no charge to use Guide & File other than the court's case filing fee when the form is eFiled or submitted in person. Guide & File is particularly helpful to self-represented litigants. OJD's eServices continue to expand, open court access that is more responsive to public needs, and is more effective in providing justice for all.

The Oregon Judicial Case Information Network, OJCIN OnLine, is a paid subscription service used by attorneys; law enforcement; adult and juvenile corrections; human service and other government agencies; and private sector organizations (news media, data brokers, private investigators, and title companies); to access case information from all 36 of Oregon's circuit courts, in addition to the Tax and appellate courts. OJCIN allows searches for civil, small claims, tax, domestic, probate, and criminal (including misdemeanor and felony) cases. Remote access to public and case documents is also available to Bar members, government users, and other authorized users. Some cases are confidential and protected statutorily, however, and are not available to the public.

Statewide Mandatory eFiling

Oregon State Bar attorneys and government entities are now utilizing OJD's new technology system to eFile through File & Serve in the circuit courts and Oregon Tax Court, and attorneys have also been eFiling through the appellate courts eFiling system since 2009.

“Change is coming. You can be ahead of the curve or behind it. If we make the changes ourselves, we have more control over the outcomes.”

– Thomas A. Balmer
Chief Justice of the
Oregon Supreme Court

For active Oregon State Bar members filing documents in the circuit courts and Oregon Tax Court, mandatory eFiling of case documents began in the “live” courts on December 1, 2014, and opened statewide on August 29, 2016 when all 36 courts and Tax Court had completed implementation of Oregon eCourt. In addition to adopting OJD Policy and Standards for Acceptance of Electronic Filings in Oregon Circuit Courts, OJD worked with the Bar and attorneys statewide to propose changes to UTCRs defining formatting and other technical requirements, including reducing the time from 10 years to 30 days for retention of the hard copies of documents containing the original signature of a person other than the filer. Mandatory eFiling for active Oregon State Bar members in the appellate courts began on June 1, 2015, with similar rule changes.

Going Forward – Continuing Development

With the completion of statewide implementation, Oregon eCourt begins a new phase involving system maintenance (including testing of new components, upgrades, and patches); improving the core components, court business processes, and policies for optimal performance of the system; implementation of additional capabilities and functions; building judge and staff technology skills; and adopting an online-based communication strategy with the public and our stakeholders. Permanent and ongoing investment in our new technology will be vital if we are to secure full utilization of Oregon eCourt’s built-in capacities and benefits for citizens, stakeholders, and the courts.

Specifically, OJD will continue to develop interactive forms for Guide & File; create a more efficient online Jury management system using Odyssey software; enhance integrations with justice partners including the replacement for the Citizen Review Board’s JOIN system (a juvenile case management system that integrates data from both the Department of Human Services (DHS) and all state circuit courts) with Odyssey software; complete a mobile-enabled website to debut in 2017; continue to evaluate expanding online access to case documents; keep our judges and staff up to date with in-person, computer-based training and webinars; and continue the advance of best practices in our business processes.

Appellate Court Technology

In 2011, the Supreme Court and Court of Appeals completed design and implementation of their integrated case management, content management, and eFiling system begun in 2006. The appellate courts’ Oregon eCourt system creates an internal electronic case file for each appellate case. Each document filed or issued in a case is electronically linked to the appellate case register, allowing multiple users to access case documents in the repository 24/7 from their work computers or through remote access.

Benefits include significant time savings for appellate court staff, who no longer have to search hard copy case files and documents to respond to customer case inquiries or retrieve the physical case file from judge’s chambers.

Workflows, processing and reviews of documents, correspondence, and motions or court orders are all produced electronically by staff and the judges and justices, who also utilize iPads or portable readers to view documents. As in the circuit courts, Oregon eCourt technology has changed business processes for Appellate staff, legal staff, judges, justices, and judicial assistants, saving time and improving modes of access.

In June 2016, the appellate Oregon eCourt system added a component to permit remote access to case file documents by certain remote-access subscribers. Oregon attorneys and government partners can now remotely access non-confidential documents in Supreme Court and Court of Appeals cases, and other authorized users can remotely access most of those same documents. In December 2016, a financial management component was added completing the integrated systems.

Appellate Brief and Opinion Banks

The State of Oregon Law Library’s (SOLL’s) Digital Collections offer electronic access to a variety of government publications, published by SOLL in partnership with the agency that created the original print documents. Digitizing what used to be hard bound briefs and opinions has provided library users a more accessible option to complete case research. The library provides two large digital collections:

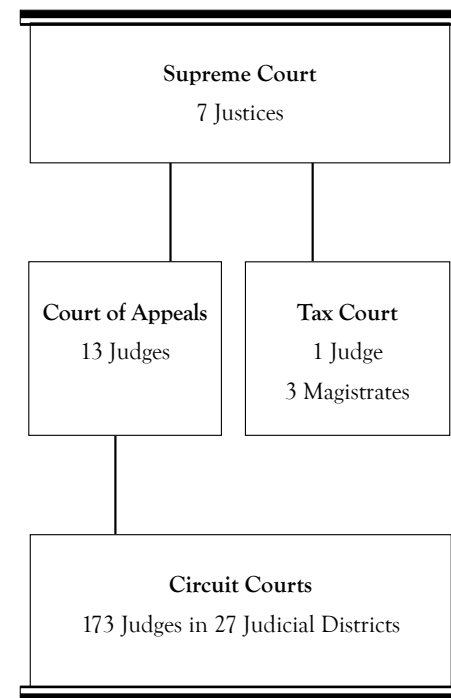
- **Oregon Attorney General Public Records Orders**
This collection contains the Oregon Attorney General’s Public Records Orders from 1981–2015. The collection offers full text search of all orders and advanced search options, to search specific fields such as petitioner, agency, or date. SOLL worked closely with the Oregon Department of Justice to provide online access to these documents.
- **Oregon Appellate Court Briefs & Opinions**
This collection offers full text search and contains unofficial, redacted copies of Oregon Supreme Court (SC) and Court of Appeals (COA) Briefs and Opinions. The collection does not include confidential and restricted case types. Briefs coverage begins dating back to March 2005, continuing to the present. COA Briefs start with 198 Or App 599; SC Briefs start with 342 Or 1. Opinions coverage dates back to 1998 and up to the present. SOLL is completing digitization of Briefs and Opinions back to their inception.

OJD Structure

The Oregon Judicial Branch, one of three separate but equal branches of state government established by the Oregon Constitution, includes a unified statewide court system known as the Oregon Judicial Department (OJD). Its judges have the responsibility to preserve the rule of law by deciding criminal, civil, family, and other types of legal disputes; interpreting and applying the state and federal constitutions and statutes; and holding hearings and trials throughout the state. The role of the courts is to ensure that all Oregonians receive fair and accessible justice while providing due process, protecting individual rights, and preserving community welfare.

The OJD system of state-funded courts consists of the Oregon Supreme Court, Oregon Court of Appeals, Oregon Tax Court, and circuit courts (trial level courts), organized into 27 judicial districts. There is at least one circuit court location in each of Oregon's 36 counties. The Chief Justice of the Oregon Supreme Court is the administrative head of OJD. The Chief Justice oversees

Each branch of government in a democracy plays a vital role in creating a safe, fair, and free society. The Oregon Constitution established the Legislative Branch to make laws, the Executive Branch to administer and enforce the laws, and the Judicial Branch to resolve disputes according to the law.



View of the interior of the Oregon Supreme Court Building alit in the evening.

the state court system; issues orders and adopts rules to ensure the effective administration of OJD; appoints the Chief Judge of the Court of Appeals, the presiding judges of the circuit courts, and the State Court Administrator; adopts procedural rules for the state courts; and supervises the statewide fiscal plan, budget, and resources for all Oregon state courts.

All OJD judges – including those of the appellate courts, the circuit courts, and the Tax Court – are elected to six-year terms in non-partisan elections.

Centralized administrative and infrastructure services in support of the court system are provided through the Office of the State Court Administrator's divisions and programs. In addition, the Legislature has designated certain activities and programs, such as the Citizen Review Board to be run by OJD.

Oregon Supreme Court



Oregon Supreme Court Justices - Standing (l to r): Justice Richard C. Baldwin, Justice Lynn R. Nakamoto, Justice David V. Brewer; Seated (l to r): Justice Rives Kistler, Chief Justice Thomas A. Balmer, Justice Martha L. Walters, and Justice Jack L. Landau.

The Oregon Supreme Court is the state's highest court, consisting of seven elected justices. It has discretionary review of Oregon Court of Appeals decisions, typically based on a determination that a particular petition presents an important question of state law appropriate for Supreme Court review. The court also hears cases of original jurisdiction or direct review that are not first considered by the Court of Appeals. These include reviews of cases in which the death penalty was imposed at the circuit court level, Oregon Tax Court appeals, attorney and judge discipline matters, various election-related matters, and certain types of cases mandated for direct review by statute because of their exceptional nature or statewide impact. The Supreme Court is the court of last resort for interpretation of Oregon law.

2016 In Review

Appointed by Governor Kate Brown to fill the vacancy created by the retirement of Justice Virginia L. Linder, Justice Lynn R. Nakamoto took a seat on the Oregon Supreme Court, effective January 1, 2016. Justice Nakamoto is the first Asian-Pacific American and the first woman of color to join the Oregon Supreme Court.

Chief Justice Thomas A. Balmer received the Classroom Law Project's Jonathan U. Newman Legal Citizen of the Year Award in April 2016. The Classroom Law Project (CLP) supports, raises funds for, and coordinates multiple hands-on civics and history programs for high school youth. Students are introduced to the workings of government, politics, laws, and how to be a responsible voter and active citizen.

Justice David V. Brewer was nominated by President Barack Obama and reappointed by the U.S. Senate (along with retired



The Oregon Supreme Court heard oral arguments at the University of Oregon School of Law in 2016.

Washington County Circuit Court Judge Gayle Nachtigal) to a new term on the board of the State Justice Institute (SJI) in April 2016. The Institute is the only source of federal and private funding whose mission is to improve the quality of justice and fund innovative solutions to challenges that confront all state courts nationwide.

In June 2016, the appellate Oregon eCourt system added a component to permit remote access to case file documents by certain remote-access subscribers. Oregon attorneys and government partners can now remotely access nonconfidential documents in Supreme Court cases, and other authorized users can remotely access most of those same documents.

The Supreme Court's School and Community Outreach Program took the justices this year to Willamette University College of Law; Lewis and Clark Law School; and the University of Oregon School of Law. At the law schools, the justices hear

oral arguments and answer student and citizen questions about the role of the courts and the Oregon justice system. The court also meets with community groups, Bar associations, and public officials during these road trips. The program's purpose is to build public understanding of the appellate process, give insight into how the courts administer civil and criminal laws, and ultimately to improve citizen access to justice.

Oregon Court of Appeals

The Oregon Court of Appeals decides civil and criminal appeals taken from the circuit courts, as well as cases arising from contested administrative agency actions and challenges to agency rules. The members of the court are divided into four “panels” (each consisting of three judges) that normally consider all matters and cases assigned to them – about 695 cases for each panel per year. The Chief Judge is not a member of any one panel and may substitute for a member of any panel who is not available or has a conflict of interest. Within each panel, one of the judges sits as the presiding judge. Before a panel releases an opinion in a case, the proposed opinion is circulated to all the court’s judges. Any one of the judges may disagree with the opinion and refer the case to the full 13-judge court to be considered “en banc.”

The Oregon Court of Appeals has decided an average of 2,732 cases per year and is often referred to as one of the busiest appeals courts in the country.

2016 In Review

Judge Roger DeHoog, who has served as a Deschutes County Circuit Court judge since 2012, filled the vacancy left by Judge Nakamoto’s move to the Supreme Court. Judge DeHoog is the second Asian-Pacific American to be appointed to the Oregon Court of Appeals.

Judge Scott A. Shorr filled a vacancy on the court left by the retirement of Chief Judge Rick Haselton. Judge Shorr has experience as an appellate attorney specializing in commercial litigation including class actions and securities fraud.

The Oregon State Bar awarded the 2016 President’s Public Service Award to Judge Douglas Tookey “for his commitment to public service and pro bono work.”

In June 2016, the appellate Oregon eCourt system added a component to permit remote access to case file documents by certain remote-access subscribers. Oregon attorneys and government partners can now remotely access nonconfidential documents in Court of Appeals cases, and other authorized users can remotely access most of those same documents.

Appellate Settlement Conference Program: The Court of Appeals has continued to utilize its highly effective and nationally recognized mediation program, which has allowed parties to resolve, on a mutual rather than judicial basis, between 100 and 150 civil, domestic relations, and workers’ compensation cases each year. Those cases are frequently among the most complex that the court would

The Oregon Court of Appeals has continued to utilize its highly effective and nationally recognized mediation program, which has allowed parties to resolve, on a mutual rather than judicial basis, civil, domestic relations, and workers’ compensation cases each year. Those cases are frequently among the most complex that the court would otherwise consider.



Oregon Court of Appeals Judges - Standing (l to r): Judge Roger DeHoog, Judge Chris Garrett, Judge Erin Lagesen, Judge James C. Egan, Judge Timothy J. Sercombe, Judge Rebecca A. Duncan, Judge Joel DeVore, Judge Douglas Tookey, Judge Meagan A. Flynn, Judge Scott Shorr; Seated (l to r): Judge Rex Armstrong, Chief Judge Erika Hadlock, Judge Darleen Ortega.

otherwise consider. The settlement rate for cases entering the program has been approximately 70 percent, one of the highest in the nation.

Trading Benches Program: The court has developed and implemented this program in coordination with Oregon’s circuit court judges. Through the program, trial judges periodically participate in the consideration and decision of cases in the Court of Appeals, while appellate judges perform judicial work for the circuit courts, including presiding over hearings and trials. With a better mutual understanding of the work that other courts perform, expensive and time-consuming reversals and remands for new trials can be substantially reduced.

School Program: The Oregon Court of Appeals judges and staff regularly travel around Oregon to hear oral arguments in school settings and talk with high school and college students and community groups about the court’s work and about Oregon’s

justice system. The program was re-started in 2013 after a two-year hiatus prompted by budget considerations. Overall, since 1998, the court has held oral arguments at schools, universities and local courts in more than 60 locations, from Astoria to Ontario, from Portland to Spray. A panel of three judges and a staff person work with the schools and local courts to schedule the trips. The judges meet with students who attend the arguments to discuss the appellate process and the court’s work. The students are able to read the briefs and court-provided summaries of the cases. They discuss them in class before the court arrives, integrating the court’s visit into their social studies curriculum. The court works to choose cases that involve local parties and attorneys and present issues that would interest the students.

Oregon Tax Court

The Oregon Tax Court is a specialized court with statewide and exclusive jurisdiction over all questions of law or fact arising under state tax laws. It is comprised of a Tax Magistrate Division (magistrates are appointed judicial officers with training and experience in tax law) and a Regular Tax Division (where cases are heard by the Judge of the Oregon Tax Court – an elected judicial officer). The Tax Court has statewide jurisdiction over cases that involve Oregon’s tax laws, including personal income tax, property tax, corporate excise tax, timber tax, local budget law, cigarette taxes, and property tax limitations. Decisions of the Magistrate Division may be appealed to the Regular Division. Appeals from the Regular Division are taken directly to the Oregon Supreme Court.

The Tax Court Magistrate Division takes in an average of 579 cases per year, and an average of 57 cases per year are appealed to the Tax Court Judge of the Regular Division.

2016 On the Bench

On March 7, 2016 Oregon Tax Court implemented the Oregon eCourt system followed by permissive eFiling on April 18, and mandatory eFiling for attorneys on May 31. Oregon Tax Court had an additional step to complete during Go-Live tied to migration of their data to Oregon eCourt’s Odyssey system. In addition to working in OJIN, they were using the IBM WAFS (a file storage technology that allows access to remote data centers as if they were local) requiring ETSD to convert for entry into the Odyssey system, which they completed successfully.

Magistrate Daniel K. Robinson retired in September 2016 after serving with the Oregon Tax Court for 19 years.

Magistrate Poul F. Lundgren served with the Tax Court for four years as a pro bono law clerk, temporary law clerk, paralegal, and the court’s administrative analyst prior to moving into the Magistrate position vacated by the retirement of Magistrate Daniel K. Robinson.



Oregon Tax Court (l to r): Magistrate Richard D. Davis, Magistrate Allison R. Boomer, Tax Court Judge Henry C. Breithaupt, and Magistrate Poul F. Lundgren.

Magistrate Allison Boomer was re-elected as secretary for Oregon Women Lawyers (OWLS), a non-profit, statewide women’s Bar association “committed to the advancement of women and all minorities in the practice of law, including racial and ethnic minorities and members of the LGBTQ community.”

Oregon Circuit Courts

The Oregon circuit courts serve as Oregon's trial courts. Circuit courts decide civil cases that arise from disputes involving property, contracts, personal injury, family relationships, probate, government rules, and regulations; juvenile matters; and criminal cases that result from violations of criminal law, including felonies, misdemeanors, probation violations, traffic, and other violation cases. There is at least one circuit court location in each county.

The Oregon circuit courts are divided into 27 judicial districts, made up of one or more of the state's 36 counties. Most are single-county court districts. Some circuit courts in counties with smaller populations and caseloads are combined into multi-county districts. Although their geographic areas may be large, the number of judicial positions in each district is established by statute.

Every two years, the Chief Justice of the Oregon Supreme Court appoints or reappoints a presiding judge for each judicial district to administer, supervise, and distribute the workload within the district. Operations of the circuit courts are managed by trial court administrators who are supervised by the presiding judge. Their duties include personnel administration, budget and financial management, court operations, and jury management.

In addition to handling all types of cases, the circuit courts are actively involved in both legislatively initiated and court-initiated programs to provide improved dispute resolution processes and outcomes for the people and cases that come before them. The courts support, as resources permit, the following types of programs:

- Treatment Courts – drug, alcohol, mental health, programs for veterans
- Integrated Family Courts – where the same judge is assigned to all cases involving a particular family
- Other specialized courts or programs – addressing domestic violence, juvenile delinquency, payment of restitution, providing community court services
- Arbitration and mediation programs
- Jury management programs
- Juvenile court improvement programs
- Parental education programs
- Domestic relations centers, interactive forms, and websites for self-represented litigants

Clackamas County Juvenile Drug Court was selected in 2016 by the National Council of Juvenile and Family Court Judges as one of six JDC's to participate in the Juvenile Drug Court Learning Collaborative Project. The Juvenile Drug Court Learning Collaborative Project's goal is to develop juvenile drug court methods based on scientific research and knowledge of adolescent development.



Amy Bonkosky, Trial Court Administrator of Crook-Jefferson Circuit Courts, is congratulated by retired Crook-Jefferson Circuit Court Judge George W. Neilson on receiving Jefferson County's Public Servant of the Year award. Photo courtesy of Bill Vollmer, Photographer, Mountain Photo & Graphics

2016 In Review

June 8, 2016 saw the final group of circuit courts (the eastern counties courts) "go live," completing Oregon eCourt's successful statewide implementation of new case management and business transformation for OJD. Mandatory eFiling for attorneys (File & Serve) was opened in the final group of courts on August 29, 2016. Keys to the success of this technology project's five-year phased rollout included: multiple OJD teams and executive committees working hand in hand with the vendor; staff and judges contributing to the configuration of new business processes, attending training classes, and assisting in the conversion of case data and documents to the new case management software. As courts completed implementation, they sent judges and staff (as subject matter experts) to support other courts during their implementations; OJD engaged with and included outside stakeholders in the process; and the courts, OJD teams, and the vendor participated in the lessons learned process to develop improvements for the next implementation.

Judge Katherine Tennyson, Multnomah County Circuit Court, was elected as the 2016-2017 President of the National Council of Juvenile and Family Court Judges. Then Oregon State Bar President, Ray Heysell praised her work: "Judge Tennyson's reputation throughout Oregon is that of a thinker and a creative leader...she brings to her judicial role a commitment to fairness, but also a deep understanding of the impact of legal proceedings on families and children."

Judge John Wittmeyer, Multnomah County Circuit Court, was awarded the Oregon State Bar's Wallace P. Carson, Jr. Award for Judicial Excellence – a prize awarded to Oregon judges who model professionalism, integrity, and judicial independence.

Judge Valeri L. Love, Lane County Circuit Court judge, received the Oregon State Bar President's Membership Service Award, which honors attorneys for contributions made to the profession.

Judge Adrienne Nelson, Multnomah County Circuit Court, was among four recipients of the Multnomah Bar Association's 2016 Merit Awards presented on May 19 at the Multnomah Bar Association Annual Meeting, Dinner, & Judges Reception.

Amy Bonkosky, Trial Court Administrator, Crook-Jefferson Circuit Courts was awarded Jefferson County's Public Servant of the Year Award, acknowledging her shepherding of the new Jefferson County Courthouse building project.

Clackamas County Juvenile Drug Court was selected in 2016 by the National Council of Juvenile and Family Court Judges as one of six JDC's to participate in the Juvenile Drug Court

Learning Collaborative Project. The six courts join 12 other juvenile drug courts across the nation already participating in the project that provides training, coaching, and recommendations for policy and procedure changes that focus on reaching the best outcomes for youth and families involved in the juvenile drug court process. The Juvenile Drug Court Learning Collaborative Project’s goal is to develop juvenile drug court methods based on scientific research and knowledge of adolescent development.

Multnomah County Circuit Court initiated community listening sessions in August and November of 2016 to provide the local community a venue through which to share their concerns and perceptions of the justice system. For the court, the listening sessions provide interactive engagement with the community; the opportunity to hear citizen ideas about improving the justice system; and a chance to show the court’s willingness to be transparent in providing face-to-face acknowledgement of disparities that exist in the justice system (especially for communities of color). Judges involved in the sessions have made a commitment to understand community concerns and develop an action plan that will improve the justice system and build public confidence in the courts.

The circuit courts new and retired judges for 2016 included:

Circuit Court	New Judges 2016	Retired Judges 2016
Clatsop	Dawn McIntosh	Philip Nelson
Coos	Megan Jacquot	Michael Gillespie
Deschutes	Bethany Flint	
Douglas	Kathleen Johnson	Randolph Garrison
Klamath	Andrea M. Janney	Rodger Isaacson
Malheur	Erin Landis	Patricia Sullivan
Marion	J. Channing Bennett	Dale Penn
	Audrey J. Broyles	
	Sean E. Armstrong	
Multnomah*	Eric L. Dahlin	Jean K. Maurer
	Bronson James	
	Leslie Bottomly	
Umatilla/Morrow	Jonathan Lieuallen	Ronald Pahl
Washington	Ramón Pagán	Rick Knapp
	Theodore E. Sims	

* Judge YouLee Yim You resigned to accept an appointment as a U.S. Magistrate Judge.

“The Multnomah County Circuit Court Judges believe it is important to explore perceptions of justice, and to acknowledge that communities of color are over-represented at each stage of the criminal justice system.”

– Multnomah County Circuit Court Listening Sessions



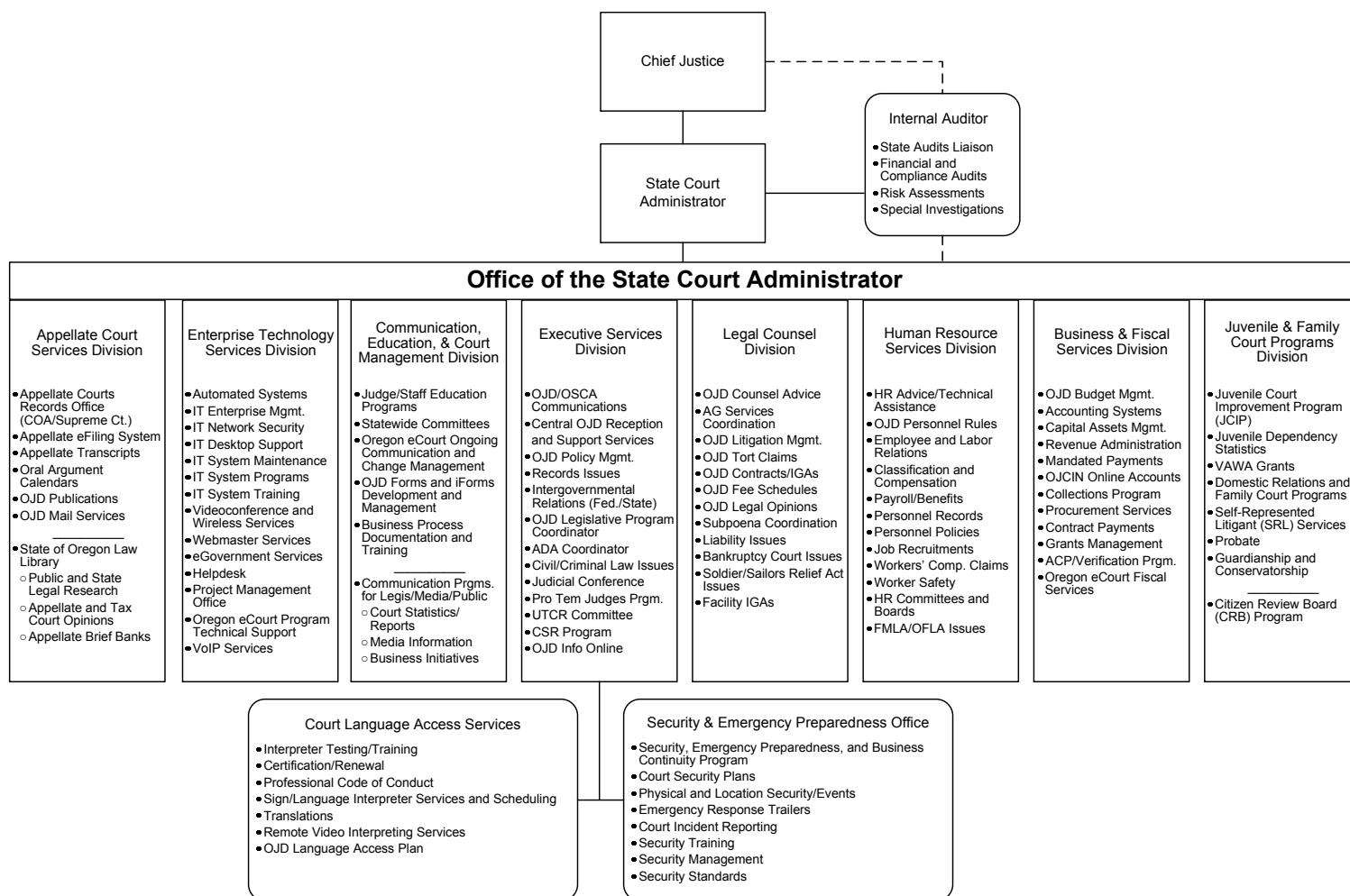
Multnomah County Circuit Court’s first community listening session in August 2016, titled “Perceptions of Justice Listening Session,” was held at Portland Community College and attracted a full auditorium consisting of the public, community leaders, stakeholder agencies, and a panel of Multnomah County Circuit Court judges.



Office of the State Court Administrator

OFFICE OF THE STATE COURT ADMINISTRATOR (Organization/Main Areas of Responsibility)

The organizational diagram below lists the major duties and activities of each division and program in the State Court Administrator's Office (OSCA).



Kingsley W. Click, Oregon State Court Administrator

Oregon's State Court Administrator supports and assists the Chief Justice in exercising administrative authority and supervision over the budget and resources of a statewide, state-funded court system that includes the appellate, circuit, and tax courts; and by establishing and managing statewide administrative programs, policies, and procedures for OJD. In this capacity, the State Court Administrator supervises administration of OJD's central business and infrastructure services for the court system, such as budget, accounting, procurement, grants, human resources, legal, audit, statistics, education and outreach, self-represented services, information systems and technology, security and emergency preparedness, and policy development. The Citizen Review Board program and certification programs for court interpreters and court reporters also are administered by the State Court Administrator's Office as is the senior judge and pro tem judge assignments program. Oversight of OJD's legislative program, providing technical advice and implementation of new laws (by changes to rules, forms, and programs) is also directed by the office.

These responsibilities are carried out principally through the functions of eleven divisions and programs, including Executive Services; Appellate Court Services; Business and Fiscal Services; Court Language Access Services; Enterprise Technology Services; Human Resource Services; Juvenile and Family Court Programs; Legal Counsel; Communication, Education, & Court Management; Security and Emergency Preparedness Office; and Internal Audit Program. The State Court Administrator's Office also coordinates OJD's response to legislative bills affecting the Judicial Branch or OJD as a state entity, prepares fiscal impact statements, serves as secretary to the Judicial Conference, and provides other support to OJD as required.

Judicial, Administrative, and Staff Education

OJD's statewide implementation of the core Oregon eCourt system opened more efficient pathways through automation for state court business processes, court management, online services, technological integration with partners, and access to justice. Technology progress and court culture change is demanding wider skillsets for court staff, administrators, and judges. More than ever, state courts find it necessary to collaborate with public safety partners, government agencies, and community services on a variety of court-related social issues where judges are called upon to broaden their knowledge in non-legal areas of expertise. There are new demands on judges to be accessible court leaders in the community; to work with the Legislature; and to serve as experts on progressive task forces, workgroups, and committees that analyze, develop, and strategize the mastery of current and upcoming courtroom advances. Such emerging responsibilities are framing new roles for the courts and will require a committed focus on wider areas of education and training for judges and staff.

Judicial Leadership & Education Committee

This year, Chief Justice Thomas Balmer charged OJD's Judicial Education Committee (JEC) with determining the direction of leadership training and continuing education on leading-edge issues facing our presiding judges and judges in the courtroom. "I have renamed the JEC to the Judicial Leadership & Education Committee (JLEC) and tasked them with a broader mission – to start looking at what we need to do to develop new leaders within the judiciary...all of our judges need to understand how to be competent leaders. We also need to educate our judges (and staff) on inclusion and fairness issues, access to justice, procedural fairness, and so on." The JLEC serves as an advisory committee to the Chief Justice and works closely with the Communication, Education, & Court Management Division (CECM) in selecting educational topics and speakers for OJD's yearly judicial education events.

JCIP's Juvenile Court Judge Training

OJD's Juvenile Court Improvement Program (JCIP) produced webinars in 2016 for juvenile judges on practical topics – new legislation; professional conduct; sex offender registration requirements; and other current issues in juvenile law. JCIP uses Court Improvement Program funding to send judges to statewide and

national juvenile law conferences and summits that include topics such as: collaboration with child welfare and other stakeholders in removing barriers that affect child placement and care; child engagement; developing court solutions to emerging topics such as sex trafficking of youth; new research and methods; best practices; and ensuring adequate legal counsel in dependency cases.

Judicial Juvenile Engagement and Leadership Institute

JCIP also coordinates and provides support to the activities of the Judicial Juvenile Engagement and Leadership Institute (JELI), a judge-led project that works to accelerate juvenile court reform with the help of judges who actively develop solutions for juvenile court system issues. In 2016, JELI provided education for juvenile court judges involving juvenile court forms, developmental brain science in juveniles, and discussed initiatives for the coming year.

Communication, Education, & Court Management Division

OJD's Communication, Education, & Court Management Division (CECM) develops and coordinates judicial and staff education and training programs to ensure that Oregon judges and staff are prepared to meet the challenges of new technology, greater public access to the courts, wider engagement with litigants, outreach with government, community agencies, the public, and navigate the incorporation of changing societal demands on judicial education.

- **Odyssey and Business Processes Training**

During the course of Oregon eCourt implementation, from 2011–2016, CECM developed and instructed court-specific, on-site change management education and business processes training labs (statewide in 36 courts) to enhance the basic Odyssey training given to all judges and staff by our Oregon eCourt vendor, Tyler Technologies. Webinars and online training videos were and continue to be produced for staff and judges to keep up with the open-ended development of business processes, and to provide

related adjustments such as recommending new or revised Uniform Trial Court Rules, new Oregon laws, yearly Odyssey upgrades, and partner integration developments.

- **Judicial Education Events**

Working in concert with OJD's Court Reengineering and Efficiencies Workgroup (CREW), JLEC, and other executive committees, CECM produces educational seminars, webinars, trainings, and conferences held throughout the year, including the Judicial Conference, Judicial Practical Training, Presiding Judges meetings and workshops, New Judge Seminar, Judicial Regional Continuing Legal Education programs (CLE); and it provides the education portion of the Oregon Circuit Court Judges Association Conference.

1. **2016 Presiding Judges Workshop**

CECM brought a national expert to speak about "Judicial Leadership On and Off the Bench: Leading with Other Leaders," a workshop that has been presented nationally to judges on developing the skills to meet the challenges of shared judicial leadership in the courts with other judges and administrators, and outside the courts with government agency leaders, Bar members, DAs, and other legal and community partners.

2. **Oregon Circuit Court Judges Association Conference**

Members of the Oregon Circuit Court Judges Association work with CECM to hold a bi-yearly conference that provides education options for circuit court

"It is important for all of our judges to be leaders...all of us will be called upon on some occasions to be leaders...in courtrooms, with attorneys, government agencies, and in our community. We want to train our judges across the state to be able to do the work we are called upon to do."

—Chief Justice Thomas A. Balmer, 2016 Judicial Conference

Some of the topics examined at the 2016 Judicial Conference included: the critical role of judges to ensure justice; the crisis of the seriously mentally ill in our courts; and risk and recidivism in sex offender intervention and registration.

judges. Conference topics in 2016 included trending and emerging changes that affect the courts, such as: digital evidence and forensic technology; new procedural roles of judges in self-represented cases; social media and criminal case investigations; elder abuse reporting; the intersection of the Fourth Amendment and technological advances; and implicit bias and decision-making in the courtroom.

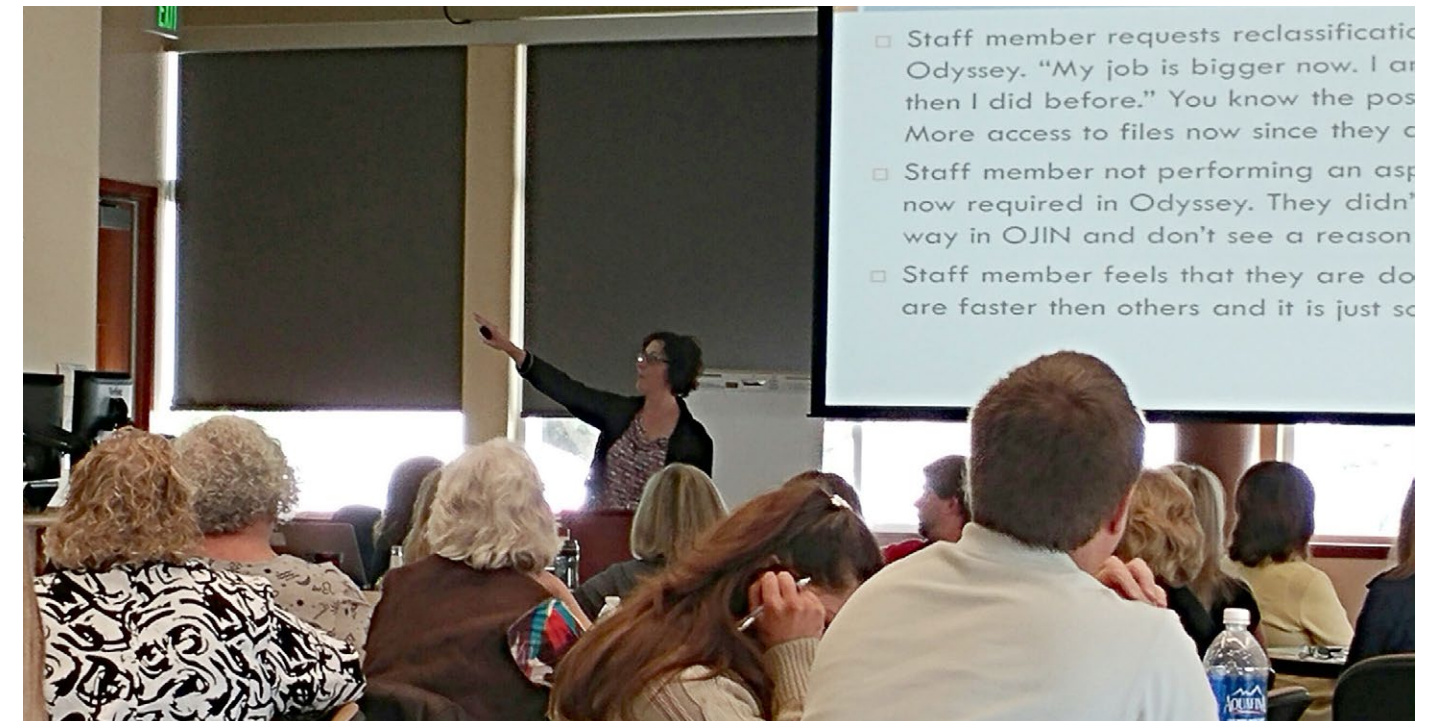
3. 2016 Judicial Conference

By Oregon statute, the Judicial Conference of the State of Oregon includes all Oregon Supreme Court Justices, Court of Appeals Judges, the Tax Court Judge, Circuit Court Judges, and all Senior (retired) Judges. The Conference holds an annual meeting to study and discuss the current business of the courts – new and updated legislation; trends in case law; court procedure and operations; caseload management; and administration practices. Judicial education sessions, trainings, and panel discussions are held for several days.

Subject areas studied and discussed at the 2016 Judicial Conference included the critical role of judges to ensure justice; the state’s crisis of the seriously mentally ill in court; mandatory child abuse reporting and the process of the Department of Human Services; ex parte matters and matters not appropriate for ex parte decisions; judicial analysis of “other acts” evidence; fundamentals of American Indian Law; civil motion practice; risk and recidivism in sex offender intervention and registration; legal education past and future; and recent appellate criminal and civil case updates.

4. 2016 Specialty Courts Symposium

CECM and the Oregon Criminal Justice Commission (CJC) designed this bi-yearly education event for specialty court teams, judges, prosecutors, defense attorneys, clinical professionals, and community partners involved in Oregon’s treatment courts. The symposium featured presentations and panel discussions by Oregon treatment court judges and local and national experts on treatment, quality assurance, incentives and sanctions, ethical issues, and dealing with vicarious trauma. Group sessions brought Oregon specialty court teams and judges from adult drug court, juvenile drug court, veterans court, mental health court, family court, and DUII court together in facilitated discussions on current trends, challenges, and best practices.



CECM trainer, Mary Jo Green, conducts a presentation at the 2016 T.E.A.M.S. (The Educational Advancement of Managers and Supervisors) Program.

• Trial Court Administrator, Supervisor, and Staff Education

1. Presiding Judges/ Trial Court Administrators/ Division Directors Meeting 2016

OJD trial court administrators and division directors met with presiding judges in January 2016 to receive OJD committee and initiative updates, share important information about upcoming issues, and see presentations that focus on emerging roles for judges and administrators.

2. Supervisory C.A.M.P. (Creating Administrative Management Professionals)

CECM and OJD’s Human Resource Services Division developed this week-long program that helps court supervisors and others with supervisory duties perform both technical and human aspects of their jobs “with confidence and new motivation.”

3. T.E.A.M.S. Program (The Educational Advancement of Managers and Supervisors)

OJD managers and supervisors addressed common issues in the workplace. They viewed “Truly Tapping Your

Strengths and Those of Your Team,” a court leadership presentation shown to judges, trial court administrators, and division directors statewide.

4. Court Staff Training

CECM training, business processes, interactive online forms (iForms), and eFiling staff provide on-demand training videos and new monthly topic webinars that range from use of computer equipment, software, and new online forms, to step by step business processes. There are currently up to 26 topics.

Continued development of web-based programs that provide court staff and judges with greater access to educational materials is an efficient use of technology that helps to bring state courts into the future.

Innovative Court Programs

“Sometimes topics just have their time... particular truths that really set the stage for why the interest in trauma [informed care] is here right now. The science of the brain has just escalated our understanding. We now know that so many experiences, so many childhood experiences, and experiences that people have in adulthood have an impact on the brain...”

— Lisa Callahan, PhD
2016 Specialty Courts Symposium
Presenter
on Trauma-Informed Courtrooms and Trauma-Informed Care
September 22, 2016

Specialty Courts (Treatment Courts)

The Oregon Judicial Department, in collaboration with the Criminal Justice Commission, hosted the 2016 Specialty Courts Symposium in Salem, Oregon to help expand the knowledge and skill of judges, specialty court teams, and external partners regarding the latest topics, data, and changes that will improve the outcomes in our treatment courts. The Symposium brought national experts to Oregon who gave presentations on the ins and outs of 21st Century trends in treatment courts — how best practices and quality of care are expanding in terms of collaboration between treatment courts and providers to identify and treat co-occurring disorders, the psychology of incentives and sanctions, customizing treatment to assess risks and needs of participants, the appropriate application of medication assisted treatment (MAT), and how new brain science factors in to trauma-informed care. Oregon treatment court judges on panels and among the attendees exchanged ideas on what has and hasn't worked in their treatment courts.

Over the last decade, the challenge for treatment courts has been to focus on adaptation of the drug court therapeutic model (introduced in 1989) to Mental Health Court, Veterans Court, Family Dependency Treatment Court, DUII Court, Community Court, and Juvenile Drug Court, and customize the model to meet the specific needs of the various treatment court types. Setting and applying best practices for treatment courts was another hurdle. Oregon published its *Oregon Adult Drug Court Standards* in August 2016 and its *Comprehensive Oregon Treatment Court Standards - Mental Health, Family, Veterans,*



Retired Judge Darryl Larson speaks to graduates of the Lane County Circuit Court Drug Court. Judge Larson started Lane County's Drug Court 22 years ago. Photo by Danielle Hanson, Lane County Adult Drug and Veterans Treatment Court Coordinator

Juvenile, and DUII in September 2016 when obtaining permanent sources of funding to implement best practices were not always available.

Judge Eric Bloch, Multnomah County Circuit Court, who is the President of the Oregon Association of Drug Court Professionals, and one of the organizers of the 2016 Specialty Courts Symposium, spoke on the challenges and opportunities of Oregon specialty courts and the value of knowledge and change as he welcomed

attendees and speakers: “One of the things that’s so powerful about specialty courts and almost unique in this sense in the justice system world, is the ability of these courts to quickly embrace change...change prompted by the increasingly clear expectations of our communities that all persons adjudicated, supervised, and resourced by the criminal justice system be treated without bias and with appropriate sensitivity to how their race,

religion, gender, and cultures can affect their success in our court programs. I am so proud to be part of a movement in an institution that is so ready to draw upon the history of what works, and to move boldly and confidently into a future certain to be filled with change...change to the notion of what constitutes recovery as well as change to the very concepts of crime and punishment.”

Symposium speakers introduced new research, ideas, trends, and new treatment processes that Oregon’s treatment court judges and treatment court teams (some with years of experience running long-standing Oregon treatment courts) were interested in trying in their courtrooms, as evidenced by the number of judges and team members who interacted with the speakers asking questions and seeking advice for particular situations. There was a general sense that it may be time to change the way they’ve always done business by adopting something completely new. Some of the newest ideas included:

A large percentage of treatment court participants (74–80%) have mental health/ behavioral disorders combined with addiction disorders. Termed co-occurring disorders, each affects the other, and treatment court programs are recognizing that both must be treated or the participant will recidivate. Initial assessments can be done to indicate whether the person has dual issues, so that courts can ensure that co-occurring disorders will be addressed. Some treatment courts across the nation are adapting their programs by implementing specialized dockets for co-occurring disorders, called dual treatment dockets. These are smaller dockets whose programs and treatment take a longer time. Sessions are more numerous, informal, provide education on causes of disorders, and provide more support and personal conversation with the judge. Another way of creating a dual treatment docket would be for established drug treatment courts to develop a mental health treatment group as part of the drug court program. Using trauma-informed treatment with substance abuse treatment, and bringing in dual-credentialed mental health and substance abuse staff to join the treatment court team, are other important features recommended for a successful co-occurring disorder treatment court.

Comprehensive screening and assessments of offenders produce better outcomes in the co-occurring disorder situation. They provide the most thorough information on the person’s mental disorder, substance abuse disorder, trauma history, and criminal thinking to determine appropriate treatment planning and services for any particular individual.

Some treatment courts across the nation are adapting their programs by implementing specialized dockets for co-occurring disorders, called dual treatment dockets. These are smaller dockets whose programs and treatment take a longer time. Sessions are more numerous, informal, provide education on causes of disorders, and provide more support and personal conversation with the judge.

Speakers introduced expanded information on trauma – what could cause it, how the person perceives and feels it, what the numerous long term effects of it are on their daily functioning, physical/ medical, social, emotional, and spiritual health. A trauma-informed approach to treatment should include: a sense of safety for the person, peer support, the opportunity to have a voice and involvement, collaboration, an environment of trust and transparency, and a recognition of cultural, historical, or gender issues.

A presentation on the application of incentives and sanctions by treatment court judges clarified the fine points of how each affects behavior change. The approach for both is to treat them as teaching moments, because the bottom line is to replace the “bad” behavior with new behavior – how to act in the courtroom and

elsewhere for example, or instructing participants to try a new activity instead of drug use and to talk about it in court – how they did it, and how it made them feel, then rewarding them. Sanctions should target the behavior and not the person – that is, a judge should explore the circumstances of why the bad behavior happened and sanction accordingly. Most sanctions work best if they incorporate a teaching moment. The presentation speakers suggested having the participant write an essay about the event; send them to repeat a part of the program they have already completed; or send them to discuss the behavior with and consult their treatment provider, to name a few

CURRENT LISTING OF TREATMENT COURTS in OREGON CIRCUIT COURTS

Circuit Court	Current Treatment Courts	Circuit Court	Current Treatment Courts
Benton	Adult Drug	Lane	Adult Drug, Juvenile Drug, Veterans
Clackamas	Adult Drug, Community, Domestic Violence, DUII, Family Dependency Treatment, Juvenile Drug, Mental Health	Lincoln	Adult Drug, Mental Health, Domestic Violence, Other
Clatsop	Adult Drug, Family Dependency Treatment, Mental Health	Linn	Adult Drug, Domestic Violence, Family Dependency Treatment, Juvenile Drug
Columbia	Adult Drug, Family Dependency Treatment, Veterans	Malheur	Adult Drug, Community, Family Dependency Treatment, Juvenile Drug, Mental Health, Veterans
Coos	Mental Health	Marion	Adult Drug, Community, Family Dependency Treatment, Juvenile Drug, Mental Health, Veterans, Other
Crook	Adult Drug	Multnomah	Adult Drug, Community, Domestic Violence, DUII, Mental Health, Veterans, Other
Curry	Mental Health	Polk	Adult Drug, Mental Health
Deschutes	Domestic Violence, Family Dependency Treatment, Mental Health	Umatilla	Adult Drug
Douglas	Adult Drug, Domestic Violence, Mental Health	Union	Adult Drug, DUII, Family Dependency Treatment, Juvenile Drug
Harney	Adult Drug	Wallowa	DUII, Juvenile Drug
Hood River	Adult Drug	Wasco	Adult Drug, Family Dependency Treatment
Jackson	Adult Drug, Family Dependency Treatment, Other	Washington	Adult Drug, Juvenile Drug, Mental Health
Jefferson	Adult Drug, Mental Health	Yamhill	Adult Drug, Family Dependency Treatment, Juvenile Drug, Mental Health, Other
Josephine	Adult Drug, Mental Health		
Klamath	Adult Drug, Family Dependency Treatment, Juvenile Drug, Veterans		

Note: Some Oregon circuit courts utilize drug or DUII court programs such as SAFE (Stop Addiction Forever); STOP (Sanctions Treatment Opportunity Progress); START (Success Through Accountability, Restitution, and Treatment); DISP (DUII Intensive Supervision Program)

Comparing the first six months of 2015 with the first six months of 2016 Juvenile case statistics:

- *Dependency filings decreased by 0.5% from 2424–2411*
- *Termination of Parental Rights (TPR) filings increased by 0.1% from 749–750*
- *Delinquency filings decreased by 2.6%, from 2515–2449*
- *The percentage of dependency cases with jurisdiction findings within 60 days decreased four percentage points, from 67%–63%*
- *The percentage of first permanency hearings held within 14 months of the dependency petition being filed decreased one percentage point, from 94%–93%*
- *The percentage of TPR cases resolved within six months increased three percentage points, from 50%–53%*

sanctions. Sending a participant to jail is considered a last resort sanction by current standards, and if used, it should be no longer than two days — not the traditional six days historically used by the justice system. The recommendation is to use discretion and think of the end result. If the person is “fragile” even two days in jail could cause a relapse, and jail is not an option for persons with mental health disorders.

Other presentations included: best practices in drug and alcohol testing; the latest choices in medication assisted treatment (MAT) and the value it provides for recovery in addiction to specific drugs of choice or mental health issues; how to ensure quality treatment services used by treatment courts; and a Criminal Justice Commission presentation on its clearinghouse services and their Peer Review process of treatment courts.

An ongoing goal for OJD is to expand these courts for more Oregonians in need of treatment and to keep pace with advanced treatment court methods. As science, social norms, knowledge, and courts march forward, expansion and changes in treatment court models will provide better outcomes for treatment court participants and society.

Juvenile Court Programs

Federal laws passed in 1980 called upon state courts to provide judicial oversight of court and stakeholder processes in juvenile dependency cases. As state courts took on this oversight role, federal compliance reviews noted that juvenile court processes varied from state to state, prompting child welfare and legal partner stakeholders to lobby for federal funding to help state courts move ahead with juvenile court reforms. The Court Improvement Program (CIP) was established, along with other federal child and family services programs, to help state courts strengthen oversight of juvenile dependency cases and to provide funding for court process assessment, reform, and implementation of more effective court processes.

CIP grant funding has helped state courts establish standard, periodic status reviews of children in care; collaborate with and monitor required tasks of other stakeholders (attorneys, caseworkers, guardians, court-appointed special advocates); and develop and implement strategies that will enhance the outcomes of their juvenile court programs. Funding is used to provide

training for judges, stakeholders, and volunteers involved in child welfare cases.

The Juvenile Court Improvement Program

The Juvenile Court Improvement Program (JCIP) uses federal Court Improvement Program (CIP) funding to provide training, technical assistance, and support to county circuit courts for improvement of juvenile court practices. JCIP also supports local Model Court Teams (judicially led teams made up of the court and county child welfare stakeholders). CIP funding expedites the removal of barriers that affect timely and permanent placement for children in foster care.

JCIP provides a number of webinars and trainings throughout the year on substantive law; new legislation and appellate updates; performance measures; continuous quality improvement; and issues impacting juvenile dependency. JCIP support allows OJD judges and staff to attend or present at national child welfare conferences; and awards grants to local courts and programs for improvement of practices in child abuse and neglect cases. During 2016, JCIP was involved in:

- The annual “Through the Eyes of the Child” Conference for juvenile court judges. Topics included: Placement Disruptions and Higher Levels of Care; Ethical Dilemmas in Juvenile Cases; Understanding Sex Trafficking in Juvenile Cases and Developing Court Responses; Junk Science in Juvenile Cases; best practices discussions; appellate updates; and court hearings quality.
- The statewide Summit on Child Abuse and Neglect for model court teams that provided training on Inconsistent Injuries to Children; Health Care Disparities for Children in Foster Care; Foster Care Well-being and Disposition; Evidence Based Practice; and DHS Performance Based Contracting. The model court teams were also given time to examine their local services and discuss what’s working, lessons learned, and next steps.

- A convening of the Judicial Juvenile Engagement and Leadership Institute (JELI). See page 36 for details.
- Webinars, including Juvenile Sex Offender Registration; HB 2320 — parole and post-prison assessments to rate sex offender risk; rules of professional conduct; performance standards and practical challenges when representing children in juvenile court; and a webinar on Senate Bill 741 — Current Caretaker status.
- Statewide Juvenile Data Entry Training for court staff. JCIP staff developed and presented a one-day training to court staff from across the state on juvenile data entry business processes and statistical reports. The goal of this training was to ensure consistent and quality data entry in juvenile cases.
- Statewide trainings on the Indian Child Welfare Act on Qualified Expert Witness Requirements, the Bureau of Indian Affairs new guidelines, and the QUICWA data collection project (uses court observations to collect data on Indian Child Welfare Act (ICWA) compliance in the courts).
- Support to the JELI Model Court Forms Workgroup to confirm that model court forms are in compliance with current legislation and appellate decisions, and analyzes their effectiveness and use by juvenile court judges.
- Compilation of quarterly juvenile court data reports as resources for the courts to use to track how they meet statutory timelines.

The [Juvenile Justice Mental Health] Task Force met with Oregon Governor Kate Brown in April 2016 to request the formation of a Children’s Cabinet that would include representation from all three branches of government: Legislative, Judicial, and Executive, along with other juvenile mental health stakeholders, in a joint effort to establish statewide processes to coordinate reforms for the well-being of youth.

The Citizen Review Board (CRB)

The federal 1980 Adoption Assistance and Child Welfare Act requires courts to conduct regular periodic reviews of child foster care cases to monitor the progress of the case and to ensure that the state agency (DHS) who has custody of the child is following court orders and other legally required procedures designed to protect the well-being of the child.

Termination of parental custody by court order or by voluntary surrender sets a series of required policies and procedures for DHS to follow. DHS must search for relatives with whom the child may be placed; utilize assessments to determine what safety and health services are needed by the child; ensure that parental visitations are scheduled; and provide the resources to help foster parents give foster children the best care possible. Reports on these procedures and other events on the child’s case are submitted to the court. Court best practices recommend that court hearings be held to review case status at four months and nine months after the onset of the case, but may also call for hearings in response to reported events that require immediate action by the court. At the six-month mark, and at least every six months thereafter, CRB provides the court with valuable information through its case reviews. The CRB, established by the Oregon Legislature to comply with the federal 1980 Adoption Assistance and Child Welfare Act, provides groups (called “boards”) of trained community volunteers that furnish the courts with critical information obtained in interviews with the family, the child’s attorney, and the DHS caseworker outside of the courtroom. In addition to the case interviews conducted by CRB boards, the CRB also engages in public oversight of the state child welfare system and works to promote conditions that ensure permanency for children, preserving families whenever possible. CRB boards make findings that can reveal problems that will influence court decisions about permanency planning for children in foster care. Currently, there are 62 boards in 33 of Oregon’s 36 counties and approximately 300 members statewide.

During 2016, in response to a federal review of Oregon’s child welfare system and public concerns about the safety of children in foster care, the CRB formed the Foster Care Safety Team to expand ways for the CRB to safeguard children in care. The team developed assessment questions to be asked at every CRB review of a foster placement; produced a list of indicators that place the child’s safety at risk; and documented action items for CRB boards to refer to when

reviewing foster care cases. A survey was developed to analyze attorney presence at CRB reviews across the state that was shared with the Office of Public Defense Services; and a subcommittee was formed to conduct quarterly safety reviews of children in group homes or therapeutic placements.

CRB staff and OJD implementation teams also completed CRB’s transition from JOIN to Oregon eCourt’s Odyssey case management system. CRB staff and teams from CECM, ETSD, and Tyler Technologies (the vendor for Odyssey software – a system specifically designed for courts) completed the implementation and updated CRB business processes. Odyssey will house CRB cases with access permissions separate from those of the circuit courts.

Juvenile Justice Mental Health Task Force

At the request of the Chief Justice of the Oregon Supreme Court, OJD’s Juvenile Justice Mental Health Task Force (JJMHTF) continued their work on juvenile justice system mental health care reforms. The Task Force began development of an implementation plan to carry out the nine recommendations they provided in the *Juvenile Justice Mental Health Task Force Report and Recommendations 2016*, that was submitted to the Chief Justice in January. The report outlined indepth findings from a statewide survey of juvenile court judges and juvenile department directors that identified inadequacies and critical gaps in the mental health care of Oregon’s justice-involved youth. The Task Force based their recommendations for reform and improvement of the structure of mental health care services in the juvenile justice system on the report’s findings.

One of the key recommendations was early identification and treatment of mental health issues and person-based, statewide data-sharing between juvenile mental health stakeholders. Centralized collection of data as youth become involved with

law enforcement, are admitted to hospitals, receive school discipline, or have interaction with child welfare systems allows more detailed analysis of particular needs for juveniles with mental health issues. To begin the facilitation of this statewide effort, the Task Force met with Oregon Governor Kate Brown in April 2016 to request the formation of a Children’s Cabinet that would include representation from all three branches of government – Legislative, Judicial, and Executive – along with other juvenile mental health stakeholders in a joint effort to establish statewide processes to coordinate reforms for the well-being of youth.

In the mean time, the Task Force, OJD, and agency partners are taking steps to move the nine recommendations forward. Over the course of 2016, OJD worked with partners to: ensure that all youth correctional facilities in Oregon have a system in place to screen youth for mental health issues at intake; improve oversight of the administration of psychotropic medication for incarcerated youth; develop a legislative proposal to improve information sharing practices when youth move from system to system; and pursue funding for a comprehensive review of Oregon’s residential care system for youth.

Restoring public confidence means rethinking how our courts work in fundamental ways. Citizens must be placed at the center of the system. They must be heard, respected, and capable of getting a just result, not just in theory but also in everyday practice. Courts need to embrace new procedures and technologies. They must give each matter the resources it needs – no more, no less – and prudently shepherd the cases our system faces now.

– CALL TO ACTION:
Achieving Civil Justice for All, p. 3, para 2

Problem-Solving Courts

OJD continues to meet its responsibility to administer justice for all Oregonians by looking for efficient case processing solutions that will decrease the time and costs involved in taking a case to court. OJD’s growing list of problem-solving courts look to procedural innovations that streamline traditional court processes. These efforts in Oregon (and similar efforts in other state courts) initiated the Commercial Court in 2006, the Expedited Civil Jury Trial in 2010, the Post-Conviction Review Trial (by video), and the Informal Domestic Relations Trial (IDRT) in 2013 (slated to go statewide in 2017).

New court technology has required courts to update their business processes, become more efficient, offer more online services, and become more flexible and innovative with self-help assistance, giving the general public more user-friendly options to access justice. These and other 21st Century innovations have had a domino affect on the legal system. Attorneys are offering unbundled services at less cost to the growing number of self-help litigants and the possibilities offered by integrated data-sharing with justice stakeholders has sparked improvements in treatment courts, juvenile justice, law enforcement, and related system-wide programs that improve justice system results for Oregonians. These innovations can be seen as some of the many forerunners to recommendations made by the Civil Justice Improvements Committee in their 2016 report to the Conference of Chief Justices titled *Call to Action: Achieving Civil Justice for All*. “Triaging” cases and assigning them to pathways based on estimated court time needed is one of the recommendations in the report. Termed in the report as the Pathway Approach, triaging is a procedural innovation that improves case processing. Revised processes, including the use of technology, results in courts that are more accessible, flexible, and efficient. As courts reduce the duration, aggravation, and cost associated with traditional litigation procedures, and make lives better for justice-involved adults and juveniles with innovative court programs, citizens will have better expectations that the justice system will meet their needs.

Lane County Commercial Court

Lane County Commercial Court was developed as a procedural efficiency, where judicial resources can be shared statewide to relieve the burden that complex and lengthy commercial cases place on the dockets of smaller courts. OJD judges

with specialized knowledge and experience in large complex commercial cases and lengthy specialized business disputes are assigned to cases participating in the program. Commercial Court is of tremendous benefit to businesses whose operations can be delayed by traditional litigation while waiting for their complex commercial case to move through a circuit court, where criminal and domestic cases usually take priority. The Commercial Court is not exclusively for business cases – non-business, complex civil litigation cases from around the state can also apply to be heard through this specialized docket.

The Lane County Commercial Court is managed by a panel of three judges who review applications, assign judges to hear cases, and determine the most efficient venue for the court and the parties involved – which can include the use of video conferencing or other electronic means.

Parties are required to agree to participate in pre-court resolution efforts, agree to a specific discovery plan, and work to settle issues as quickly as possible. Business litigants benefit by having their complex commercial cases moved through the courts more efficiently at a lower cost, and smaller courts are able to free up their resources to attend to other cases on the docket.

Lane County Commercial Court currently has six open cases involving issues of breach of contract, complex dissolution, breach of fiduciary duty/ elder abuse, and medical malpractice. In 2016, Lane County Commercial Court closed out five cases, all prior to the trial date.

Expedited Civil Jury Trials

OJD implemented the Expedited Civil Jury Trial program in 2010 to address concerns about increasing civil litigation costs that a growing number of citizens cannot afford and a continuing decline in civil jury trials caused by a variety of factors, including the complicated processes and time involved to settle even a small case (sometimes taking years). The program offers a more expedited version of the jury trial for less complex civil cases and protects the constitutional right of citizens to a jury trial.

Parties forego all forms of alternative dispute resolution (including mandatory arbitration) and agree to limited discovery and pretrial motions, which should reduce litigant costs and move cases through the court more quickly. A jury trial is guaranteed within four months of the order designating the case as an expedited case. The program, established under Uniform Trial Court Rule, is a voluntary, opt-in program.

New “Streamlined Jury Trial” Pilot Projects in Jackson and Lane Circuit Courts

On July 1, 2016, the Streamlined Jury Trial Project was implemented in Jackson and Lane Circuit Courts as an adaptation of the Expedited Civil Jury Trial program. Both have the same objectives; the difference is that eligible cases are automatically assigned to the Streamlined Jury Trial by the court, and a party must choose to opt out if the party does not want to participate. There are also some differences in time limits and procedure. The Streamlined Jury Trial applies to general civil cases seeking monetary damages not exceeding \$100,000, and excludes domestic relations, debt collections, foreclosures, and cases with unrepresented parties. Six weeks after a case is at issue, the court schedules a case management conference with attorneys. At this conference, a judge discusses the streamlined procedures for discovery and trial, assists the parties in making a discovery schedule, and, if appropriate, sets an earlier trial date. The Streamlined Jury Trial pilot projects in Jackson and Lane will help determine whether the opt-out approach will increase participation in the expedited trial process. The pilot project may be considered for statewide application if the pilot is successful.

How the IDRT process reduces conflict at trial:

- *Friends, witnesses, family members are not called to testify and take sides.*
- *Parties are not able to elicit spiteful or emotionally harmful testimony from friends and family.*
- *The parties do not cross-examine each other on the stand, eliminating emotional distress or harm to the other party.*
- *While allowing both parties to completely tell their side of the story, judges are able to set an example and direct that testimony be provided respectfully. The judge can keep testimony on topic.*
- *The simpler process means that the rules “do not get in the way” of the parties providing information to the judge, reducing frustration and friction among the parties.*

– Jeff Hall
Trial Court
Administrator
Deschutes County
Circuit Court

By October 2016, 42 cases had been identified by Lane as eligible for this program, and 977 cases were identified in Jackson – with 18 total cases choosing to opt-out.

Deschutes County Informal Domestic Relations Trial

The Deschutes County Informal Domestic Relations Trial (IDRT) program was established in 2013 in Deschutes County Circuit Court as an option to allow parties in divorce, separation, unmarried parent, child custody, or support modification cases to participate in a more informal, less stressful, and more economical courtroom procedure. Parties speak directly with the judge to completely tell their side of the story without interruption or objection from the other side. The judge engages each of the parties by asking questions to help them provide the information that the judge needs. The attendance of attorneys is optional, and if they do attend, they are not allowed to question either party – only the judge may ask questions. Witnesses are generally not allowed to appear unless the judge gives approval for an “expert witness” to testify, and cross-examination is not permitted. Parties may provide the judge with any documents to support their claims. Generally, the judge makes a decision on the same day as the trial.

The most appropriate cases for the IDRT involve two self-represented parties in an uncomplicated case involving marital assets; and cases involving domestic violence where the victim can present medical and police reports as proof, and can avoid cross-examination by the perpetrator. In such cases, the judge is the examiner, maintaining judicial control of the questioning. IDRT also has worked well in cases involving more complicated assets where the parties were able to educate themselves about Oregon dissolution laws, and come to a proposed agreement, but may still have disagreements on correct interpretation of the laws. They may only need to ask the judge which is the correct interpretation and application of the laws to the issue in order to finalize their agreement. The IDRT process decreases conflict, improves access to justice for those who cannot afford or hire an attorney, and offers a more informal and less costly process that reduces delays in the system. The table below summarizes the number of IDRT cases held in Deschutes compared to traditional domestic relations trials from 2013 to December 2016:

Number of IDRTs and Traditional Trials by Year			
Year	IDRT	Traditional	Total
2013	6	39	45
2014	16	54	70
2015	18	53	71
2016	22	42	64
Total	62	188	250

With reports from Deschutes County Circuit Court of IDRT efficacy with self-represented litigants, attorneys, and judges, Deschutes County worked with the State Family Law Advisory Committee (SFLAC) during 2016 to submit a recommendation to OJD’s UTCR Committee to adopt the IDRT process in circuit courts statewide. The Committee recommended adoption of the proposed IDRT rule, sending it out for public comment. A review of those comments is scheduled for March 2017. If the rule is adopted, it will become effective August 1, 2017.

Centralized Post-Conviction Relief Hearings Program

Post-Conviction Relief (PCR) is a petition with a proceeding at the circuit court level or appellate court level that challenges a criminal conviction. Following a circuit court criminal conviction, and after any unsuccessful appeal of the conviction to the state appellate courts based on a purported legal error, a defendant may file a PCR petition in the circuit court based on a claim that the conviction was in violation of the defendant’s constitutional rights by certain actions of the circuit court or through a claim of inadequate assistance of counsel. New evidence allowed by statute can be added for the judge to review under a PCR claim. A PCR case judgment from a circuit court may be appealed to the Oregon Court of Appeals.

For this statewide program, PCR hearings (trials) are held before senior judges via coordinated remote video connections in a centralized Salem location for cases filed in OJD circuit courts.

The Office of the State Court Administrator provides the senior judge, hearings room, and video equipment, and makes docket arrangements for the appearance of the attorneys and scheduled defendants. The circuit court still records and maintains the official court record, the case file and documents, and provides the forum for any public seating.

Attorneys for the state and defense counsel appear in person in the hearings room with the judge in Salem. The petitioner, usually in custody in a state prison, appears by remote video transmission from that location. The judge receives the case files electronically by disk or secure server a week before the trial date, generally rules from the bench, and prepares and signs the judgments.

PCR trials are held twice a week, with six to eight cases scheduled to be heard per day. Post-conviction petitions in death penalty or life without parole cases that have been filed in Marion County Circuit Court are also assigned to senior judges in OJD’s Post-Conviction Relief hearings program. This has allowed Marion County trial court judges to focus on other cases currently pending in their court, while also allowing the PCR cases to be resolved in a more timely manner.

Saved case management time, staff time, transportation savings, and the efficient leveraging of judicial resources are some of the benefits of a centralized and video-conference run program. The program started in 2000 by handling PCR trials from Malheur County Circuit Court, and currently includes PCR trials from Jefferson, Malheur, Marion, Multnomah, Umatilla, and Washington circuit courts.

For 2016, the statewide program coordinator scheduled 40 hearing days, and senior judges presided over 172 regular PCR trials and 3 death penalty PCR trials.

Justice Reinvestment Initiative Update

Oregon is one of 30 states that have put Justice Reinvestment grants to work for justice system reform. All 36 counties in Oregon have partnered through their local county public safety coordinating councils, consisting of judges, District Attorneys, county agencies, corrections departments, treatment programs, and community services stakeholders, to make data-driven decisions about where in their counties to direct justice reinvestment funds. The funds must support evidence-based programs that reduce criminal behavior, divert offenders from prison populations, and reduce recidivism. Grants, monitored by Oregon's Criminal Justice Commission (CJC), are distributed by the state through the Justice Reinvestment Grant (JRG) Program. Depending on demographics and the most critical needs of the local justice system, counties may decide to invest grant funds to hire additional public safety and corrections officers; develop or maintain prison drug, alcohol, and therapy treatment programs; transition housing and job training for prison released offenders or parolees; provide and support community services including mental health and addiction services and facilities; and develop or expand drug, juvenile, mental health, and veterans courts. Ten percent of JRG funding awarded to each county is marked for victim services programs.

Savings in prison costs generated by these programs are reinvested to develop additional programs or program capacities based on data reporting and CJC monitoring of program outcomes. Treatment courts, for example, are required by legislation to adhere to "statewide, evidence-based standards for specialty courts... designed to reduce recidivism in a cost-effective manner and target medium and high-risk individuals." Other evidence-based practices that county programs employ in Oregon are: use of oversight councils, data collection, performance measurement; accountability reporting; risk and needs assessments; and graduated sanctions and incentives to keep program participants accountable. The CJC allocated \$40 million to counties in the 2015-17 budget biennium

The first formal meeting of the Tribal-State Court Forum was held on October 7, 2016 and was hosted by Chief Judge Jeremy Brave-Heart of the Klamath Tribe's Judiciary on Klamath Tribal lands. Issues discussed at the meeting involved the Indian Child Welfare Act, tribal child support programs, and cross-jurisdictional recognition of Tribal Court orders in protection and family court cases.



BACK ROW (l-to-r) Judge Lisa Lomas, Confederated Tribes of Warm Springs Tribal Court; Perry Chocktoot, Klamath Tribes Tribal Council Member; Presiding Judge William Cramer, Grant/Harney County Circuit Courts; Presiding Judge Michael Newman, Josephine County Circuit Court; Judge J.D. Williams, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians Tribal Court; Judge Dave Gallaher, Confederated Tribes of Umatilla Tribal Court; Don Gentry, Klamath Tribes Tribal Council Chair; Judge Darleen Ortega, Oregon Court of Appeals; Senior Judge Rodger Isaacson; Judge Cal Gantenbein, Confederated Tribes of Siletz Tribal Court; MIDDLE ROW (l-to-r:) Leola McKenzie, Director Juvenile and Family Court Programs Division (JFCPD); Rebecca Orf, Staff Counsel Violence Against Women Act; Judge Maureen McKnight, Multnomah County Circuit Court; Judge Sally Avera, Polk County Circuit Court; Claudia Groberg, Oregon Department of Justice (DOJ); Stephanie Striffler, DOJ; Dawn Marquardt, DOJ; Hope Hicks, JFCPD Analyst; FRONT ROW, l-to-r: Judge Valeri Love, Lane County Circuit Court; Chief Judge Jeremy Brave-Heart, Klamath Tribes Tribal Court; Craig Dorsay, Dorsay & Easton LLP.

to reinvest in established programs or develop new ones. JRG funding grants extend over two years, and counties must re-apply each biennium.

Tribal-State Court Forum

OJD and Oregon tribal courts coordinated efforts to hold a Tribal and State Court Judges Convening in 2015, where discussions

between tribal and state court judges, attorneys, representatives from the Tribal Law and Policy Institute, Casey Family Program representatives (with a history of longtime involvement in ICWA), OJD family law staff, and others addressed specific tribal concerns and issues as well as state court and tribal court jurisdictional conflicts that prevent the administration of justice in the state courts for Oregon's Native American tribes.

The Tribal-State Court Forum “is an ongoing, mission-oriented, Tribal and State judges Forum that will continue into the future, “convening” throughout the year. This will ensure true government-to-government relationships between Tribal and State courts. As I wrote to you all last year, part of the Klamath Tribes’ Judiciary’s mission is to improve and increase services to tribal members while strengthening and upholding Klamath Tribal sovereignty, and to be treated as equals.”

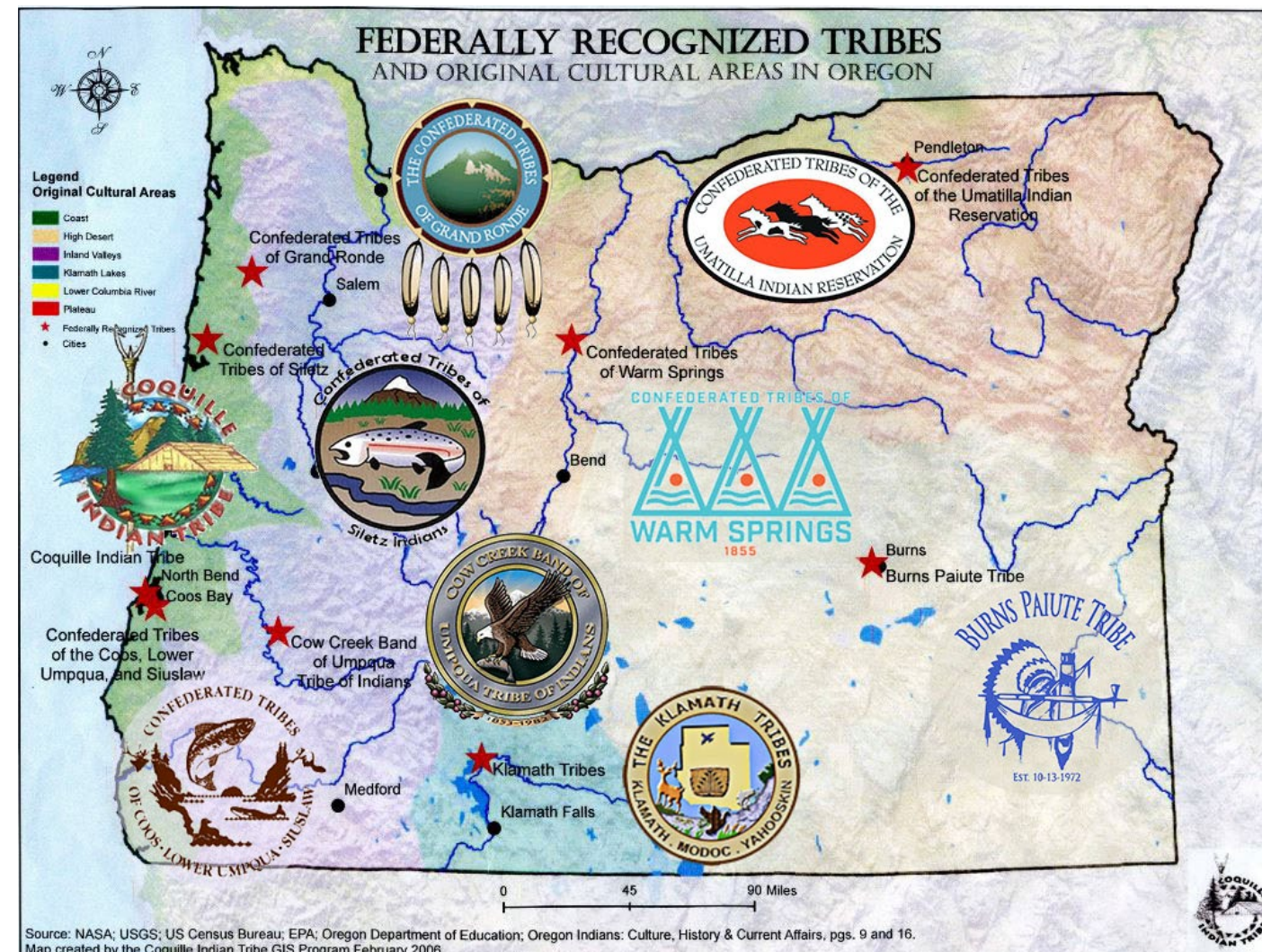
— Chief Judge
Jeremy Brave-Heart
Klamath Tribes Judiciary
Message to Klamath
Tribal Members
Klamath Tribes
Newsletter 4th QTR 2016

The convening compiled a set of cross-jurisdictional issues to begin immediate work on; defined the Forum’s purpose and practices; and the group’s planning committee prepared a proposal for submission to the Chief Justice of the Oregon Supreme Court recommending formal establishment of a Tribal-State Court Forum in the State of Oregon.

Oregon’s Supreme Court Chief Justice Thomas Balmer approved the recommendation and appointed nine state court judges to join nine tribal court judges to move forward as the Oregon Tribal-State Court Forum. The first formal meeting of the Forum was held on October 7, 2016 and was hosted by Chief Judge Jeremy Brave-Heart of the Klamath Tribe’s Judiciary on Klamath Tribal lands. Issues discussed at the meeting involved the Indian Child Welfare Act; tribal child support programs; cross-jurisdictional recognition of Tribal Court orders in protection and family court cases; and ideas were exchanged on projects to tackle during the coming year. The Forum sponsored a proposal to amend Uniform Trial Court Rules so that out-of-state tribal attorneys may appear in Oregon juvenile dependency cases to represent out-of-state Native American children without the undue financial burden of paying a \$500 appearance fee.

A Governance Group and three workgroups were formed at the meeting to help clarify actions that need to be taken to achieve the following projects:

1. **Educate Sheriffs, DA’s, Court Staff, Attorneys:** Recognition of tribal court orders in protection and family court cases.
2. **Address the barriers under ORS 24.190 (3)(a) Foreign Restraining Order:** Barriers include: lack of understanding regarding the legal effect of Tribal Court Orders in other jurisdictions; inconsistent local enforcement of Tribal Court issued restraining orders; some Tribal Courts do not issue restraining orders – an amplified obstacle for many tribal members who are the victims of domestic violence; and many nonprofit and system-based victim service agencies do not understand the criminal jurisdiction issues between Tribal Nations and county or state government regarding enforcement of tribal restraining orders. By Oregon law, tribal restraining orders must be treated the same as any foreign restraining order and VAWA (the Violence Against Women Act) also requires that a restraining order obtained lawfully through a tribal court must be accorded full faith and credit in state court.



The Tribal-State Court Forum membership includes representatives of the nine federally recognized tribes in the State of Oregon.

3. **Develop charts of tribal court jurisdiction and civil and criminal jurisdiction under Public Law 280:** Public Law 280 was a 1953 transfer of legal authority (jurisdiction) from the federal government to state governments which significantly changed the division of legal authority among tribal, federal, and state governments. Congress gave six states (five states initially: California, Minnesota, Nebraska, Oregon, and Wisconsin; and then Alaska upon statehood) extensive criminal and civil jurisdiction over tribal lands within the affected states – the so-called mandatory states. Starting with civil and family law, the chart will provide an overview of the

jurisdiction and types of cases that are heard by each of the nine Tribal Courts in Oregon. The chart is intended as a reference guide for the Tribal-State Court Forum, state court judges, and other stakeholders on the focus of Tribal Courts.

Equal Justice For All

Some topics the Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF) Subcommittees will be working on are ways to:

- Engage the community
- Improve public understanding of OJD's role in the justice system
- Document over-representation of some groups in the justice system and at what points the over-representation occurs
- Promote a diverse workforce that reflects the community at large

The courts, along with other justice system partners, are responding to the voices of diversity in our communities and hearing the demands for inclusion and fairness by changing the justice system of the past to one that wisely accepts new challenges and perspectives that will carry its value into the 21st Century and beyond.

OJD's new Oregon eCourt system has allowed broader access to the state courts through the internet. Anyone with access to a computer can make payments to the court; fill out interactive forms with ease and eFile them; find case and court calendar information; reply to jury notices; and find a wealth of self-representation information. Courts are reaching out to the community through open public meetings – Community Listening Sessions – hosted by judges and community leaders where citizen concerns and questions are shared with the courts. Our judges and court staff are provided with in-depth information on racial, ethnic, gender identity, elder and child abuse, disability, and human trafficking issues through yearly education and training. This year, OJD hosted an all-encompassing treatment court symposium featuring national experts who presented the most current knowledge and research on brain and behavior science, trauma-informed care, ensuring appropriate treatment and medications, how to treat co-occurring diagnoses, and other current treatment court developments.

OJD's committees, workgroups, councils, and task force participants are uncovering alternative approaches to litigation for people who can't afford an attorney, including the ability to have a jury trial through "streamlined jury trials;" improvements in juvenile justice and child dependency representation; and work with Oregon's tribal nation courts to strengthen cross-jurisdictional processes, to name a few.

The Oregon Supreme Court Council on Inclusion and Fairness

The goals of the Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF), chaired by Supreme Court Justice Richard Baldwin, are to provide the Chief Justice and State Court Administrator with recommendations on approaches and practices to ensure access, inclusion, integrity, and public trust in the courts. After collecting data and research, the Council advises on: educational programs that will educate and inform the courts; the use of technology to educate the public on the purpose, processes, and activities of the Judicial Branch; different ways to connect with diverse cultures in the community and obtain feedback; building a positive public face for OJD through staff, judges, and the web; establishing a more diverse workforce that reflects our communities; and collaboration with our public safety partners to identify and address bias in the justice system as a whole.

During meetings held in the Fall of 2016, OSCCIF adopted a Governance Structure; and established subcommittees on Community Engagement, Data Analysis, and Workforce Development. Each of the subcommittees declared specific objectives to begin work on in 2017:

Community Engagement Subcommittee:

- Provide a public venue to give feedback on the court system
- Collect public feedback and perceptions of the court system
- Provide suggestions to the Chief on how OJD can:
 1. Engage the community
 2. Provide internal education: Judges and staff about our external communities
 3. Provide external education: Improve public understanding of OJD's role in the larger justice system
 4. Improve OJD's ability to provide access and fairness

- Monitor continuous improvement in these areas

Data Analysis Subcommittee:

- Discover points at which current OJD data is insufficient and make recommendations to the Chief to improve OJD data
- To the extent possible, combine Oregon court data on the race and ethnicity of court users, with other justice system stakeholder data in order to:
 1. Document over-representation of some groups in the justice system and at what points the over-representation occurs
 2. Determine if any over-representation is due to disparity of treatment within the court and justice systems
 3. Determine why there are disproportionate numbers of members of communities of color in the justice system and whether the over-representation is due to reporting errors or bias among system gatekeepers

Workforce Development Subcommittee:

- Promote a diverse workforce that reflects the community at large because a diverse workforce:
 1. Encourages public trust in the court system
 2. Bolsters confidence that all individuals will be treated fairly
- Monitor, maintain, and accelerate OJD's progress toward inclusion and fairness in its workplace
- Encourage and promote educational opportunities for judges and staff around inclusion and fairness

- Encourage re-visioning at the HR level in order to:
 1. Change the way OJD recruits in order to attract a more diverse pool of candidates
 2. Incentivize innovation in order to move toward more diversity in OJD
 3. Encourage best practices that support inclusion and fairness

Access to Justice Forum

The Oregon Supreme Court co-sponsored, together with the Oregon State Bar, the Campaign for Equal Justice, and the Oregon Law Foundation, an Access to Justice Forum in September 2016. The Forum provided an opportunity for judges, the Bar, private attorneys, legal aid attorneys, and other community partners to share information and work together to identify and overcome barriers that prevent access to justice. Sherri R. Carter, Executive Officer and Clerk for the Los Angeles County (CA) Superior Court, gave the keynote address, discussing steps that her court has taken to reduce access barriers, including the use of nonattorney navigators, self-help workshops, multilingual digital avatars, telecommunications technology to contact litigants, and increased online options for various court transactions such as paying fees. The Forum also included panel presentations on numerous developments in Oregon – OJD’s development of interactive court forms for self-represented litigants, the use of informal trial procedures in family law proceedings, and access issues that commonly arise in the context of consumer, small claims, and family law cases.

State Family Law Advisory Committee

The State Family Law Advisory Committee (SFLAC) advises the Chief Justice of the Oregon Supreme Court and State Court Administrator on programs, policies, and court rules in the area of family law. Judges, trial court administrators, mediators and evaluators, attorneys, family court service providers, and representatives from various state agencies are appointed to SFLAC by the Chief Justice to conduct research and make determinations through nine subcommittees:

1. Domestic Violence
2. Family Law Conference

3. Parental Involvement and Outreach
4. Mediation
5. Protective Proceedings
6. Court/ Child Support Agency Coordination
7. Futures-Limited Scope/ Unbundling
8. Legislative
9. Self-Representation

Based on the work of the subcommittees, SFLAC drafts publications on issues involving family law and the courts, and makes proposals for recommendations to the Chief Justice and the State Court Administrator. Results of work completed by SFLAC and its subcommittees during 2016 included:

- Conducted research on the Australian Family Relations Centers where litigants receive low-cost or sliding scale cost of legal service, financial services, counseling, and mediation for ideas on a similar system for Oregon state courts.
- Court/Child Support Agency Coordination Subcommittee provided feedback to the Communication, Education, & Court Management Division (CECM) on an online interactive parenting plan. The Parental Involvement and Outreach group gave presentations on “Birth through Three Guide” tools and materials in four counties and at the Association of Family and Conciliation Courts Conference.
- Domestic Violence Subcommittee updated OJD’s protective order forms and other materials to reflect changes to Oregon’s firearm laws and updated bench sheets related to a new Oregon senate bill that prohibits possession of firearms or ammunition by person subject to a court order protecting intimate partner or child of intimate partner, or who has been convicted of certain misdemeanor crimes committed against a family member, OJD’s firearms guide, court documents with firearms findings, and notices regarding firearm prohibitions in criminal cases.
- Protective Proceedings Subcommittee worked on modernizing how guardianship problems are approached, since people are

living longer than they did when guardianship laws were first written, and is also doing research on developing education materials for judges and court staff on protective proceedings.

- Self-Representation Subcommittee will focus on developing website materials and videos for self-represented litigants, collaborating with the Bar and Legal Aid Services.
- A major accomplishment for the SFLAC in 2016 was the submission of a proposed UTCR rule that will bring Informal Domestic Relations Trials (IDRT) statewide. After reviewing an evaluation submitted by Deschutes County Circuit Court describing the results of their successful IDRT program, SFLAC voted unanimously to recommend to the UTCR Committee that the IDRT rule and form currently in use in Deschutes County be adopted for statewide use.
- The Limited Scope Representation (Unbundling) rule, initially developed and proposed by SFLAC, became part of the UTCRs on August 1, 2016. The committee’s proposal and a draft rule supported the adoption of limited scope representation processes in Oregon circuit courts and detailed the filing and service requirements for limited scope representation in domestic relations cases. The rule applies to limited scope representation in domestic relations cases when an attorney intends to appear in court on behalf of a party.

“To truly improve the child welfare system in Oregon, stakeholders from the executive, legislative, and judicial branches must continue to convene to identify, prioritize, develop, and implement changes that support shared goals and better outcomes. The well-being of Oregon’s children and families must always be in the vanguard of these efforts. For this reason, the recommendations in this report call for changes in structure and practice across all three branches of government.”

—Justice David Brewer
Chair of the Task Force
on Legal Representation
in Childhood
Dependency

Two forms were developed in conjunction with the rule: one for notice of limited scope representation filed and served by an attorney who will appear in court on behalf of a party, and the other for termination of limited scope representation when the attorney has completed all services within the scope of the Notice of Limited Scope Representation.

In Fall 2016, the Chief Justice requested that the UTCR Committee consider expanding the new Limited Scope Representation rules to apply in all civil cases, not just domestic relations cases. The UTCR Committee sent the expanded proposal out for comment near the end of 2016.

Task Force on Legal Representation in Childhood Dependency

During 2016, the Task Force on Legal Representation in Childhood Dependency concluded its work on the 2015 Legislative mandate “to recommend models for legal representation in juvenile court proceedings that will improve outcomes for children and parents served by the child welfare system, to ensure that parties in juvenile court cases are prepared to proceed, and to enable courts to resolve juvenile court proceedings as quickly and efficiently as possible.” A final report was completed in July 2016 summarizing task force findings and recommendations.

The report identified obstacles to effective representation in child dependency representation cases, including:

- Excessive caseloads and inadequate funding for Office of Public Defense Services attorneys
- Inconsistent state and agency representation models and practices; complex state and agency financial processes
- No state funding for legal consultation for CASA (Court Appointed Special Advocates)
- Insufficient funding for DHS to freely consult with counsel (DOJ) on legal issues on behalf of the state, putting the dependency case and DHS at risk
- Overcrowded, overburdened juvenile dependency courts, inability to schedule timely hearings, and inconsistent best practices among courts

The Task Force recommended implementation of several new representation models:

- Parent and Child Dependency Representation - The Legislature should allocate funding for the Public Defense Services Commission (PDSC) and the Office of Public Defense Services (OPDS) to adopt a workload model of contracting with a caseload cap (similar to the Parent and Child Representation Program (PCRPP) for all Oregon counties.
 - Presiding Judge Jenefer S. Grant of Columbia County Circuit Court reported that she and Judge Cathleen Callahan are in active support of the PDSC of which Columbia County is a pilot – following success with the program in Yamhill and Linn Counties. The program appears to “contribute to lower removal rates of children and sooner return times to parents,” she says.
- Government Representation - The Legislature should allocate funding to the Department of Human Services (DHS) to leverage federal grant and reimbursement programs to enter into a block grant (or “flat fee”) agreement with the Department of Justice (DOJ) for comprehensive agency representation in dependency cases and grant position authority to DOJ for the additional attorneys and staff required to implement this model.
- Court Appointed Special Advocates (CASAs) - The Legislature should provide funds sufficient to support four statewide CASA Program Attorneys, so that CASAs in Oregon have timely access to legal consultation and representation.

System improvement recommendations were also put forth in the report:

- Unlawful Practice of Law - Provide full government legal representation for DHS to avoid the risk of unlawful practice of law by DHS employees in the courtroom.

- Performance Standards - Develop performance standards for juvenile dependency attorneys representing parents, children, and the government; and train Oregon judges, Citizen Review Boards, Court Appointed Special Advocates, and DHS workers on the performance standards.
- Quality Assurance - Adopt quality assurance measures to assess outcomes and output of the current and Task Force recommended representation model.
 - Create and fund a standing workgroup facilitated by OJD to collect and analyze quality assurance assessments and participate in a continuous improvement process.
- Crossover Cases - Establish statewide case protocol and performance standards for crossover youth involved in both the child welfare and juvenile justice system. OPDS should develop and provide training for delinquency, dependency, and criminal practitioners.

Task Force members and stakeholders have formed volunteer subcommittees that meet regularly to implement these recommendations.

Court Language Access Services

Court Language Access Services (CLAS) provides interpretation and translation services, and coordinates the credentialing, training, and testing of court interpreters. In addition, CLAS

offers language services, technical assistance to local courts, and educational outreach to Limited English Proficiency communities and judicial system partners. During 2016, CLAS processed 32,248 requests for interpreters, and of those, 1,236 were provided using remote interpreting services (via telephone or video). See usage graph on page 62.

Over the past two decades, CLAS has located and provided qualified interpreters in over 200 different languages and dialects for court proceedings.

Court interpreters receive more than 55 hours of orientation and continuing education programs. In 2016, CLAS staff made presentations about working with interpreters to 14 stakeholder groups and gave 30 language access trainings to circuit court front counter staff.

A combination of local and federal funds, such as Violence Against Women Act – STOP (Services, Training, Officers, and Prosecutors), State Justice Institute grants, and OJD General Fund Mandated Payments, allowed OJD to continue to increase the number of translated OJD vital forms. In 2016, more than 627 forms were made available online in Spanish, Chinese, Korean, Russian, and Vietnamese (the top five languages requested in Oregon courts).

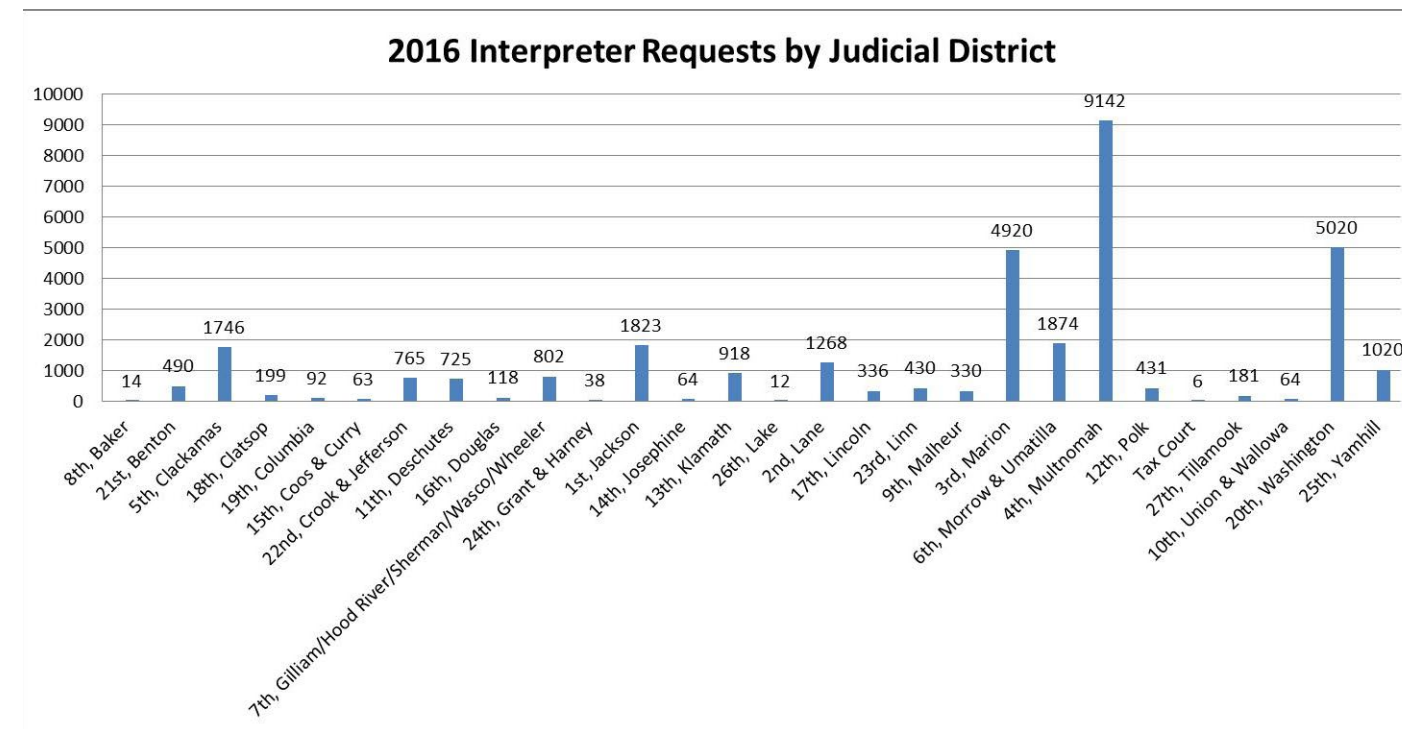
OJD revised its 2004 Language Access Plan, using the US Department of Justice Language Assessment and Planning Tool, to develop goals that identify Limited English Proficient individuals; provide language assistance; offer



Kelly Mills, Program Manager of the Oregon Judicial Department Court Language Access Services, briefed the SJI Board regarding Language Access Training for court staff at the counter. SJI held its September 11, 2016 Board Meeting at the Multnomah County Courthouse.

resources and train staff; and communicate notice of the availability of language services.

In 2016, OJD was awarded State Justice Institute (SJI) grant funds to address OJD curriculum adaptation and training needs. This grant will provide judicial decision-making and cultural competency training to Oregon Circuit Court judges in 2017. Funds also will customize online language access training for court staff and will support languages other than Spanish through preparing a cohort of 10 interpreters for the National Center for State Courts court interpreting oral examination in 2017.



The 2016 Interpreter Request totals above include the totals for 2016 Courtroom Remote Interpreting usage.

Access for Court Customers with Disabilities

Between 2015–2016, OJD contracted with a hearing resources company to perform an assessment of current ADA Auxiliary Aids in all OJD facilities that are used by the public.

2015–2016 Americans with Disabilities (ADA) Auxiliary Aid Assessment

Between September 2015 and March 2016, Hearing Resources, LLC performed an assessment of OJD’s auxiliary aids currently used in courtrooms, jury rooms, public meeting rooms, and in the Office of the State Court Administrator (OSCA).

The assessment was to determine if OJD’s auxiliary aids were suitable, sufficient, and operable for the purposes and locations in which they would be used by hearing-impaired court customers. OJD also requested a determination of the quality

of maintenance of auxiliary aids and if they are appropriately located and stored, and which, if any, of the current equipment needs repair, enhancement, or replacement.

The assessment took place in 71 court and division locations, 429 rooms, and 1,343 auxiliary aids were assessed. Hearing Resources, LLC submitted a final report to OJD in June of 2016.

The ADA assessment details were made available in documents to the courts and OSCA divisions individually. The documentation includes a spreadsheet for each court and OSCA division to post comments; make notes about the assessment; and read the consultant’s general information about the report. Follow-up repairs and equipment purchases are in progress, based on the needs identified in the report and purchase of equipment requests by the courts or OSCA.

Strategies for the Future

The Work of CREW

The Court Reengineering and Efficiencies Workgroup (CREW) serves as an OJD governance mechanism to identify, examine, and evaluate efficiency initiatives consistent with four guiding principles:

- Promote convenience for litigants
- Reduce cost and complexity of judicial processes
- Maintain or improve access to justice
- Improve case predictability

In 2016, CREW reviewed a list of requested changes and enhancements for statewide business processes and forms; held discussions and dialogue throughout the year focused on development of additional statewide efficiencies using the tools and potential of the new Oregon eCourt system; dispatched a survey to help collect information on new and innovative ways to utilize our judicial resources; began extensive work to undertake the composition of a branch-wide strategic communication plan that supports the goals and strategies outlined in the OJD Strategic Plan 2014-19; and issued a summary report of Docket and Caseflow Management Enhancement Plans submitted by presiding judges of the circuit courts in response to one of the components of the Oregon Docket Management Initiative (ODMI). The work of CREW is confirmation that the process of reengineering has become part of the structure of the Oregon Judicial Department. The current focus of CREW includes:

Oregon Docket Management Initiative (ODMI)

In 2016, presiding judges attended an educational workshop exploring ways for leadership to build on their court's cultural strengths. Promoting shared goals and a team mentality within individual court cultures will ensure improvement in overall docket management and is a key characteristic of exemplary docket management.

Following the workshop, the Chief Justice charged each Presiding Judge and Trial Court Administrator to team up on development of a Docket and Caseflow Management Enhancement plan that addresses areas of concern for their district – ways to identify and eliminate case processing inefficiencies and how to create opportunities for early case resolution. These court leadership teams spent a few months developing their plans, where courts detailed one or more areas for improvement in the overall management of their docket. The most frequently identified areas of concern were creation, adoption, and enforcement of a continuance policy; in addition, for criminal dockets: reduction of the number of hearings or appearances; reworking the types of hearings that occur together; requiring or allowing pre-trial reports, enforcing UTCR 4.010; and developing processes that address last-minute settlements. Other concerns involved domestic relations and mediation programs; improvement of stakeholder engagement in a changing local culture; and available resources and clear processes for self-represented litigants. The Chief Justice expressed his appreciation for their efforts and acknowledged that improvement of our system first requires a hard look at the way we do things now. Updated Enhancement Plans from each district will be produced every biennium so that the courts remain actively engaged in developing efficiencies for the courts and stakeholders.

The assignments and activities completed by CREW in 2016 were handled by three subgroups – Business Processes; Organization and Structure; Communication: Outreach, Internet, and Social Media. Highlights include:

Business Processes Subgroup

As OJD completed the implementation of Oregon eCourt in the circuit courts, the Business Processes Subgroup vetted requests to review and analyze specific court processes to find the best option for a statewide solution. Topics reviewed and finalized: how contempt cases should be styled in the Odyssey case management system; issues and concerns with how the summons for FED (landlord/ tenant) cases filed through OJD Guide and

File are submitted and distributed; a discrepancy in the application of UTCR 21.040 across the circuit courts, specifically the application of the word “attachment” and the exception in UTCR 21.040(c); possible process changes concerning online forms packets that include an Order to Show Cause; use of Odyssey and File and Serve to provide an electronic process for effecting service on Notice of Appeal for both the Trial Court Administrator and the transcript coordinator; and how case aging should be calculated in OJD statewide statistical reports. CREW's work on the case aging calculations was time sensitive and required a quick decision so that the configuration team and developers could effectively determine how the data should be managed in the Odyssey case management system before the completion of Oregon eCourt implementation. The subgroup and the full CREW moved quickly and efficiently to get this accomplished so the configuration team and developers could continue their work without delay.

Ongoing legislative changes, development of new business processes, and system upgrades will continue to present opportunities for this subgroup to improve processes for the benefit of a statewide system and reliable customer service for the public.

Internal and External OJD Forms

OJD's goal to establish consistent processes in the circuit courts also called for detailed review, policy decisions, modification, and development of OJD statewide and local court forms. To ensure statewide consistency for court customers and to comply with best practices in the use of court business

In 2016, court leadership teams consisting of the Presiding Judge and Trial Court Administrator were charged by the Chief Justice with development of a Docket and Caseflow Management Enhancement Plan for their judicial district, to include ways to identify and eliminate case processing inefficiencies and create opportunities for early case resolution.

The work and feedback of the members of CREW continues to advance the mission of OJD to provide fair and accessible judicial services that protect the rights of individuals, preserve community welfare, and inspire public confidence.

processes, OJD enlisted internal and external stakeholders to assist in the review of statewide forms. Before a form can be finalized, any statewide legal or process issue must be resolved, which can be referred to this subgroup for evaluation and recommendation. During 2016, the Subgroup reviewed and made recommendations relating to the contempt case forms and addressing the FED (landlord/ tenant) summons issues within the OJD Guide & File system. The result was a potential statutory change to clarify issues about these forms, which in turn will allow users to take full advantage of the OJD Guide & File service.

Organization and Structure Subgroup

The Organization and Structure Subgroup continued their evaluation of judicial resource structures. The subgroup analyzed the results of a survey completed by all presiding judges, where they identified needs for additional judicial resources; discussed ways to assess the available capacity that exists within OJD’s current judicial resources; and discussed effective methods to match available judicial resources with additional judicial resource needs across districts, for what kind of matters, and by what methods. The subgroup examined reasonable steps OJD can take to efficiently enable judicial districts to request and receive assistance from other judicial districts when the need for additional judicial resources arises – whether short-term, long-term, planned, or unplanned. Development, delivery, and completion of the full analysis of the survey data are underway, while the subgroup is also focused on refinement of their efforts to use the judicial resources structure in new ways (locally and centrally) when courts need access to additional judicial resources.

Communication: Outreach, Internet, and Social Media Subgroup

Immediately following the full CREW meeting in October of 2015, this subgroup began active engagement in research and discussion of new, innovative, and web-related ways to communicate information internally and externally with stakeholders and the public. They started a review process of OJD’s current communication efforts and researched best practices for court communications, including social media options. Their initial recommendations included development of a branch-wide strategic communication plan that incorporates standard communication planning sections, including but not limited to, an environment review, communication

strategies, target audiences, key messages, and the dispatch of key messages; transition of the OJD website to a mobile-friendly design that will provide content that customers need the most; development of guidelines regarding formation of OJD internet pages, including local court and division content; and incorporation of a strategy to assess the effectiveness of social media including cost benefit analysis.

During the first few months of the year, the subgroup completed research and review of OJD’s public website; national best practices for court website redesign; and examples of other websites in other state courts that optimize viewing through a mobile device. A full report of their findings was reviewed by the full CREW membership, and their feedback was incorporated into a draft Public Website Governance document that was approved by the Chief Justice. This document, the first of its kind at OJD, will help OJD ensure clarity and consistency across webpages; establish and maintain communication standards; offer a platform for collaboration and discussion about OJD’s main website and local court webpage needs; and ensure that public-facing webpages are designed in the best interest of court customers. Next, the subgroup began work on a more detailed definition of OJD web content: statewide web content, required local court web content, and priority local court web content (information that courts have designated as important for their judicial district). Content types were vetted through CREW and approved by the Chief Justice. The Governance document and definition of OJD content types will guide OJD’s extensive review and reconstruction of the webpages with the mobile-friendly website to be online by early 2017.

The Law & Policy Workgroup

After completion of Oregon eCourt’s statewide rollout in 2016, the Law & Policy Workgroup (LPWG) that had been created

to identify and recommend law and policy changes and identify and facilitate adoption of standardized court business processes to support an electronic environment, transitioned to a standing OJD workgroup. Responsibilities for the standing workgroup are to continue the identification and recommendation of law and policy positions and changes needed by the new electronic court environment; the identification of business processes that can be standardized; make recommendations to the State Court Administrator and the Uniform Trial Court Rules (UTCRC) Committee; and develop, amend, review, and make recommendations for adoption of OJD statewide forms, including interactive forms (iForms) and online print forms. In 2016, LPWG drafted and submitted: a recommendation to the OJD Court Reengineering and Efficiencies Workgroup (CREW) regarding the Landlord/Tenant summons form; an OJD statutory proposal concerning motions for remedial contempt; UTCRC changes; reviewed and approved updates to the statewide DUII Diversion forms packet; recommended a statewide approach on local “also-serve” documents in family law cases; and made recommendations on OJD staff access to confidential cases and external access to certain documents in Aid & Assist and related proceedings. Also in 2016, the LPWG’s Statewide Forms Subgroup (SFSG) worked on one of the family law iForms interviews; and reviewed and recommended updates to the DUII Diversion forms packet and to the Family Abuse Prevention Act (FAPA) forms packet.

Safe, Efficient, Accessible Courthouses

During 2016, the new Jefferson County Courthouse was completed; the new Union County Courthouse was officially opened; the Multnomah County Courthouse construction project broke ground; and the Oregon Legislature approved future bond funding for a new courthouse in Lane County. Bond funding was extended for six years to complete interior renovations to the Oregon Supreme Court Building in Salem.

Preserving the Past, Building for the Future

OJD's longterm objectives for "the people's" courthouses are to provide safe, efficient courthouse facilities for the public as they carry out business at the courthouse; and for court staff, security staff, and judges who carry out their work for the public good in our court facilities every day. To make this possible, the Oregon Legislature created the Oregon Courthouse Capital Construction and Improvement Fund in 2013, to provide state matching funds up to 50% with the counties to finance cost-effective replacement or repair of courthouses with structural defects that are threats to human health and safety if the facility co-locates with other state agencies – if not, the state will match 25% of project costs.

Completely new facilities included in OJD's courthouse replacement plan are all designed to be seismically sound, to provide the appropriate amount of space for courtrooms, jury rooms, staff and judicial offices, ADA accommodations, and for movement within the hallways and stairways to ensure public safety and the efficient delivery of services without delay. Courthouses will apply for funds to make necessary repairs – ranging from new water pipes, roof replacement, window replacement, HVAC replacement, new ADA compliant elevators, seismic upgrades, addition of space to courtrooms, and sidewalk repairs.

New Courthouse Construction Projects

Jefferson County Courthouse Completed

OJD saw real progress in courthouse replacement projects during 2016 with the completion and opening of the new Jefferson County Courthouse on September



The new, completed Jefferson County Courthouse, exterior front view.



New Jefferson County Courthouse, interior view of one of the building's courtrooms.



Commissioners, legislators, judges, and members of the courthouse project team break ground on new courthouse in October 2016 for the central Multnomah County Courthouse project.

9, 2016. The new courthouse also houses the County District Attorney's Office and replaces the 1961-era facility, that had significant structural and public safety deficiencies that moved it to the top of the list as the first courthouse to receive the Oregon Legislature's approval of funding for replacement in 2013. Groundbreaking for the first phase of construction was in March 2015.

Union County Courthouse Grand Opening

The new Union County Courthouse completed the construction phase on December 29, 2015 (photos featured in the OJD 2015 Annual Report) and replaces the repurposed St. Joseph Hospital built in 1937. Judges and staff opened the new courthouse for business on February 29, 2016.

Multnomah County Courthouse Replacement

Groundbreaking ceremonies for the new central Multnomah County Courthouse in Portland were held in October 2016. Multnomah's current 100 year-old courthouse will be replaced by a spacious 17-floor, ADA accessible building that will provide 40 courtrooms (three larger courtrooms with additional seating capacity); a bank of seven elevators with separate judge and staff elevators; and separate elevators in the basement to bring in-custody criminal defendants up to courtrooms; non-contact visitation rooms for in-



Architect's rendering- exterior view of the central Multnomah County Courthouse building slated for completion in 2020.

custody defendants to meet with their attorneys; and small conference rooms for attorney/client discussions. Multnomah's CourtCare facility for children of parents with court business, will provide larger capacity for more children in the new building than the current courthouse and will be located on the ground floor.

Construction begins January 2017, with completion slated for 2020. Using the same funding model as other courthouse replacement projects (a partnership that combines matching funds between state and county), Multnomah's central courthouse will also house the County District Attorney's Office, the Office of Public Defense Services, and grand jury rooms.

Future Courthouse Construction Projects

The 2016 Oregon Legislature approved future bond funding for the planning of a replacement of the courthouse in Lane County and additional bond funding will be requested in the

OJD Chief Justice Recommended Budget for the 2017-2019 biennium to proceed with courthouse replacements in Hood River and Clackamas counties.

Case Statistics

During 2016, 716,972 cases were filed in Oregon's circuit courts. Between 1,500 and 2,600 cases are filed in Oregon circuit courts every day, including civil cases, felonies, and civil commitments.

Between 500,000 and 800,000 cases are filed in Oregon circuit courts every year. Cases filed include traffic tickets, disputes over minor fender-benders, divorces, contested child custody cases, complex securities and trade secrets controversies, serious medical malpractice cases, and cases involving criminal acts. All subject matter of cases (civil, criminal, family, juvenile, and probate) are heard in the circuit courts, which are Oregon's courts of "general jurisdiction," except for cases involving tax laws, which are heard by the Oregon Tax Court. Circuit court case decisions may be appealed to the Oregon Court of Appeals, which will issue a decision in the case. The Court of Appeals also decides petitions for judicial review of certain contested agency decisions and challenges to agency rules. A party who is dissatisfied with the Court of Appeals decision may petition the Oregon Supreme Court to review that decision. The Supreme Court can choose to allow or deny the petition. The Supreme Court also hears direct appeals and reviews in certain types of proceedings, including death-penalty appeals; certain pretrial criminal appeals; some election-related matters; attorney discipline and judicial fitness matters; appeals from the Oregon Tax Court; certified questions from federal courts; and petitions for writs of mandamus and habeas corpus.

OJD statistics are collected yearly and issued in February of the following year. This section contains the most recent five-year trends in annual case filings for the Supreme Court, Court of Appeals, circuit courts, and Tax Court.



The State of Oregon Law Library's collection, located in the Oregon Supreme Court Building, includes approximately 165,000 volumes and extensive digital and online resources, as well as historical legal documents and rare books, United States government publications, and legal periodicals. The Law Library's services and resources are available to judges, court staff, attorneys, state agencies, and the general public.

Oregon Supreme Court Cases

Cases filed with the Oregon Supreme Court come from requests to review Oregon Court of Appeals decisions (“Appeal” and “Judicial Review” cases) or from other case types where the law requires Supreme Court review. All cases filed with the court are reviewed, but only cases that present important questions of state law as well as all mandatory appeal and review cases, are considered by the court on the merits and addressed in written opinions.

CASES FILED	2012	2013	2014	2015	2016
Appeal Cases					
Civil	108	105	97	120	104
Collateral Criminal	172	203	172	161	161
Criminal	357	332	393	316	307
Juvenile	42	65	57	63	58
Judicial Review Cases					
Agency/Board	53	51	54	56	53
Direct Review Cases					
Agency/Board	1	0	0	0	0
Ballot Measure	18	23	27	30	13
Civil	3	0	3	2	1
Criminal	5	4	4	3	4
Legislation	0	5	0	0	0
Other	0	0	0	0	0
Tax	8	11	8	8	3
Original Proceeding Cases					
Civil	0	0	0	0	0
Writ	83	82	96	83	55
Professional Regulation Cases					
Bar Review	72	71	66	48	52
Judicial Fitness/Disability	1	1	0	0	2
TOTAL FILINGS	923	953	977	890	813
OPINIONS ISSUED	64	66	75	58	81
CONCURRENCES	5	9	8	7	2
CONCUR/DISSENTS	1	2	0	0	0
DISSENTS	5	7	7	5	2

* “Filed” cases are cases with an initiating document filed during the calendar year.

Oregon Court of Appeals Cases

The Oregon Court of Appeals is often referred to as one of the busiest appellate courts in the nation, generally processing between 2,600 and 3,000 cases a year, averaging 485 written opinions per year over the last three years. Detailed case statistics are shown below.

CASES FILED	2012	2013	2014	2015	2016
Adoptions	3	1	2	0	1
Criminal	1281	1146	1117	1167	1208
Criminal Stalking	3	3	9	4	0
Civil	319	308	310	314	306
Civil Agency Review	10	8	7	10	7
Civil FED	29	32	34	20	38
Civil Other Violations	18	11	29	10	12
Civil Stalking	5	18	20	14	16
Civil Traffic	15	16	21	19	15
Domestic Relations	140	152	115	111	103
Domestic Relations					
Punitive Contempt	1	4	0	0	0
Habeas Corpus	45	29	26	30	31
Mandamus	0	0	0	0	0
Juvenile Delinquencies	16	25	29	38	53
Juvenile Dependencies	188	181	171	253	260
Juvenile Terminations	38	35	62	53	97
Probate	17	19	10	10	12
Post-Conviction	305	217	157	173	202
Traffic	45	43	41	26	9
Administrative Review	211	141	131	98	102
Land Use Board of Appeal (LUBA)	16	20	47	13	23
Parole Review	64	66	46	32	81
Workers Compensation	94	67	74	76	61
Mental Commitment	84	79	86	96	158
Rule Challenge	8	16	12	7	10
Other	7	15	9	24	7
TOTAL FILINGS	2909	2652	2565	2598	2812
OPINIONS ISSUED	494	437	504	515	514

Oregon Circuit Court Cases

Between 2012 and 2015, Oregon’s 36 circuit courts were implementing Oregon eCourt technology that included a new case management system. The case statistics shown below in Chart A reflect the combined totals of cases filed in OJD’s legacy case management system, OJIN, and in the courts “live” with Oregon eCourt, OJD’s new case management system, Odyssey. Core implementation of Oregon eCourt was completed in June of 2016. Case numbers for 2016 are in chart B on page 76, showing that cases filed during 2016 were filed through OJIN and Odyssey from January through June – until implementation of the core Oregon eCourt system was completed in June. The remainder of cases filed in 2016 from July through December were filed through the new Odyssey case management system.

Chart A. Number of Cases Filed in Oregon Circuit Courts 2012 - 2015

CASES FILED	2012	2013	2014	2015
Civil	70,090	75,187	65,842	54,588
FED (landlord/tenant)	22,562	20,004	19,870	19,482
Small Claims	76,075	70,259	78,149	67,932
Dissolution	17,397	16,790	16,219	16,337
FAPA	10,181	9,649	9,457	9,730
Other Domestic Relations	17,701	17,459	16,647	15,668
Felony	31,980	32,464	32,180	32,407
Misdemeanor	57,529	53,029	51,363	50,335
Violation	211,502	215,080	212,316	205,511
Juvenile	12,924	11,783	10,921	11,430
Mental Health (civil commitment)	9,459	9,582	8,619	8,512
Probate	10,196	10,642	10,553	11,312
TOTAL FILINGS	547,598	541,928	532,136	503,244

The types of cases filed in circuit courts have changed since 2011, with fewer violations, misdemeanor, and civil and criminal cases being filed, while the numbers of felonies and probate cases have increased. Felony case filings have the greatest proportional impact on the courts, requiring extensive use of both judicial and staff resources. Violations, small claims, and landlord/ tenant cases represent large numbers of filings but require comparatively fewer judicial and staff resources per case. Violations also represent 75% of the fines revenue collected by OJD.

Chart B on page 76 combines some case types into broader categories. Protective Orders includes Family Abuse Prevention Act (FAPAs), Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPAs), Sexual Abuse Protective Order (SAPOs), and Stalking Orders. The Juvenile category includes dependency, delinquency, and termination of parental rights case types.

Chart B. Number of Cases Filed in Oregon Circuit Courts During 2016

CASES FILED	Jan-Jun OJIN & Odyssey	Jul-Dec Odyssey	2016 Total
Civil	22,214	21,872	44,086
FED (landlord/tenant)	9,405	9,795	19,200
Small Claims	28,745	25,722	54,467
Dissolution	8,152	7,895	16,047
Other Domestic Relations	6,618	6,029	12,647
Protective Order	7,768	7,645	15,413
Felony	16,970	16,923	33,893
Misdemeanor	23,849	23,105	46,954
Violation	101,912	97,553	200,413
Juvenile	5,729	5,352	11,081
Mental Health (civil commitment)	4,179	4,121	8,300
Probate	6,019	5,463	11,482
Procedural Matters	3,826	3,957	7,783
Subtotal	245,386	235,432	480,818
Multnomah Parking*	125,139	111,015	236,154
TOTAL FILINGS	370,525	346,447	716,972

* Multnomah Parking case numbers affect staff workload for the most part - unless the parking citation recipient requests a court hearing.

Oregon Tax Court Cases

The Oregon Tax Court has statewide jurisdiction to hear cases that involve Oregon’s tax laws. It consists of two divisions: the Magistrate Division, made up of three magistrates (appointed judicial officers) who encourage cooperation between the parties of a dispute or provide mediation before writing a decision; and the Regular Division consisting of one Tax Court Judge. Parties can appeal the magistrate decision to the Regular Division of the Tax Court.

REGULAR DIVISION	2012	2013	2014	2015	2016
Cases Filed	97	43	37	27	21
OPINIONS ISSUED	32	37	22	26	14
MAGISTRATE DIVISION	2012	2013	2014	2015	2016
Cases Filed	885	580	470	548	411
OPINIONS ISSUED	378	185	204	148	198

Financial Statistics

Funding to achieve minimum service level requirements in our circuit courts will:

- Ensure a 72-hour maximum for timely entry of court documents for enforcement of legal rights and judgments
- Ensure a 24-hour maximum for timely entry of recall of arrest warrants notifications
- Support a minimum of seven hours of daily public and telephone access to court services

Fiscal Overview

OJD receives funding for its operating costs primarily from legislative appropriations out of the State General Fund. OJD’s General Fund appropriation for 2013–2015 amounted to \$402 million – approximately 2.53% of the General Fund Budget.

The 2015–2017 General Fund appropriation was \$431.8 million – 7.4% greater than the 2013–2015 appropriation. Other revenue amounts are added to the budget to cover non-operating costs such as Oregon eCourt, facilities improvements, and debt payments on bonds. These other funds must receive legislative approval and are provided through bond sales, federal funds (usually grants), and “other funds.” Total OJD funding in 2013–2015, counting other funds, was \$511 million; in 2015–2017 it was \$586 million.

Increases to OJD funding for the 2015–2017 biennium were due to continuing improvements in Oregon’s economy and legislative approval of some of OJD’s requests. Those funds allowed OJD to:

- Restore resources to OJD’s Family Law program that were eliminated due to budget reduction in a prior biennium
- Provide cost of living increases for judges and OJD staff
- Provide resources for Oregon eCourt technology, training, and business support
- Add court positions to adjudicate cases generated by expansion of photo-radar enforcement in the City of Portland
- Complete the implementation of Oregon eCourt
- Continue the operation of treatment courts
- Sell state bonds to help several counties begin to replace or renovate unsafe county-owned courthouses

The 2016 Legislative Session further increased OJD’s all-funds budget by \$15.8 million for increased Personal Services costs and to fund the planning of the Lane County Courthouse replacement in early 2017. The Legislature increased the General Fund appropriation by \$2.3 million to cover the increased cost of collections. The combined increase of these Legislative actions brings the 2015-17 OJD total budget to \$604.1 million.

OJD Revenues 2015–2017*

OJD revenues, collected by OJD, are generated primarily from case filing fees and fines imposed on violations and crimes. These revenues are distributed to the state local government accounts as provided by law – they do not directly fund the courts.

REVENUES	
Civil Fees	\$125,861,489
Fines/Forfeitures/Assessments/Surcharges	\$122,804,088
Filing Fee Based	\$909,985
Technology Fund Fees	\$3,177,359
Indigent Defense	\$3,778,789
TOTAL REVENUES	\$256,531,710

Distribution of Revenues

TRANSFERRED TO	
General Fund	\$113,961,489
Legal Aid Fund	\$11,900,000
Oregon Dept of Revenue (CFA)	\$90,151,957
Public Defense Services Commission (ACP)	\$3,778,789
Judicial Department (Operating Account)	\$343,910
Judicial Department (Court Forms)	\$518,885
Judicial Department (Tech Fund)	\$3,688,971
Cities	\$24,524,924
Counties	\$7,623,036
Other	\$39,749
TOTAL DISTRIBUTIONS	\$256,531,710

* 2015-17 figures are projected

2013–2016 ePay and eFile Payments Received

OJD ePayment is an online payment system that accepts payments on citations and civil and criminal cases in the circuit courts with pre-authorized payment plans. It is a component of OJD’s case and financial management systems that combine receipts from OJD’s legacy case management and financial systems (OJIN and FIAS) with the Oregon eCourt processes that replaced them towards the end of 2016.

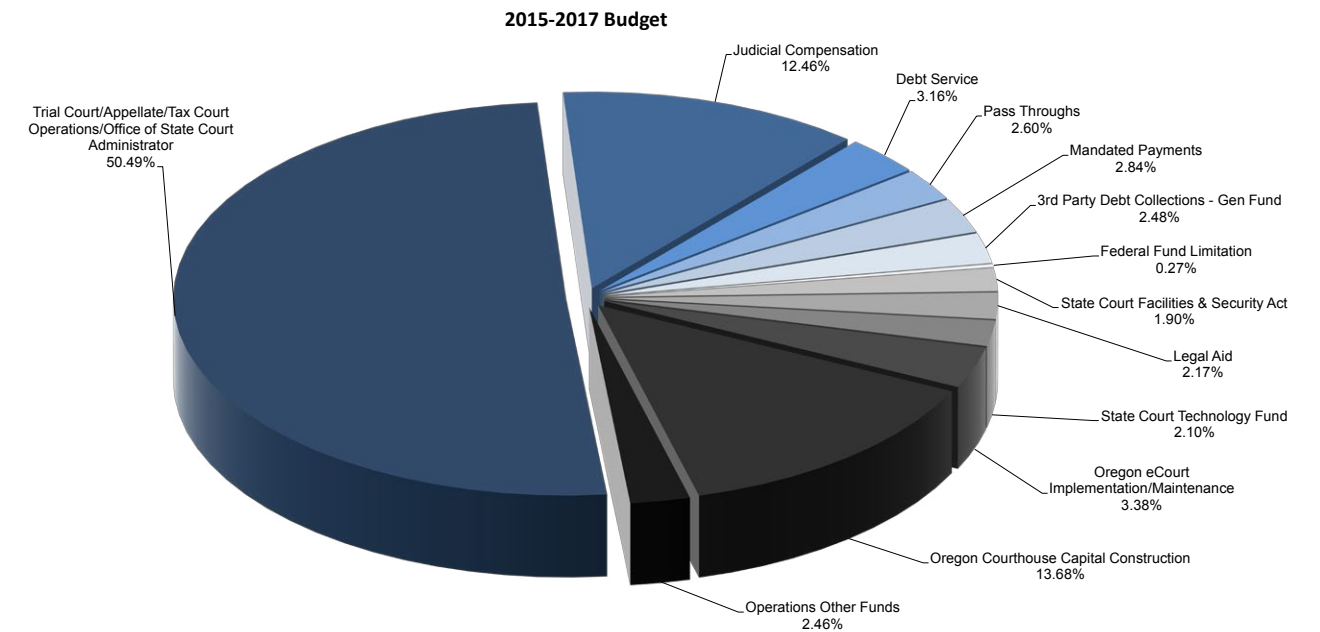
OJD eFiling (mandatory for Bar members) allows filers to electronically file, serve, distribute, and deliver court documents 24 hours a day from home, office, or any other location, in circuit courts and Tax Court. Filing fees are paid online through the OJD File & Serve process. The Oregon Tax Court began using OJD eFiling in April of 2016.

STATEWIDE	2013	2014	2015	2016
ePayments	\$16,109,655	\$17,093,818	\$20,708,258	\$20,771,875
File & Serve Payments	\$95,035	\$2,059,903	\$15,852,144	\$22,056,727
TOTALS	\$16,204,690	\$19,153,721	\$36,560,402	\$42,828,602

NOTE: Appellate eFiling provides similar services for Bar members representing clients in the Supreme Court and the Court of Appeals.

OJD Legislatively Approved Budget

2015–2017 General Fund, Other Funds, Federal Funds by Allocation Area Percentage



Budget Components: General Fund

- Operations - Circuit, Tax, and Appellate courts; Office of State Court Administrator
- Judicial Compensation
- Mandated Payments - Trial and Grand Jury compensation; Interpreters and ADA compliance
- Appellate eCourt Maintenance - Contractual maintenance payment for appellate case management system
- Debt Service - Bonds for Oregon eCourt and courthouse replacement projects
- Third-Party Collections - Payments to DOR and private firms for successful collections
- Pass-Throughs - To counties for law libraries and conciliation/mediation services; Council on Court Procedures; Oregon Law Commission

Budget Components: Other Funds (OF); Court Fines & Assessments (CFA); Federal Funds (FF)

- State Court Technology Fund (OF) - Pays eFiling charges, funds technical and training supports, others relating to Oregon eCourt
- Security and Facility Funding (CFA) - Funds Judicial Marshal, court security, county courthouse improvements
- State of Oregon Law Library (OF) - State agency assessment for SOLL operations
- Publications (OF) - Revenue from publication sales
- Application Contribution Program (OF) - Pays for court staff verifying eligibility for indigent defense services
- Citizen Review Board/JCIP Grants (OF/FF) - DHS funds for delinquency/dependency reviews, federal juvenile court grants
- Other Grants (OF) - Mostly state and federal grants for drug courts, other legislatively-approved grants
- Oregon Courthouse Capital Construction Improvement Fund (OF) - State bond funds and county matching funds for state-supported courthouse replacements
- Legal Aid Pass-Through (OF) - Revenue from court filing fees to Oregon State Bar

OJD's Future Funding Goals

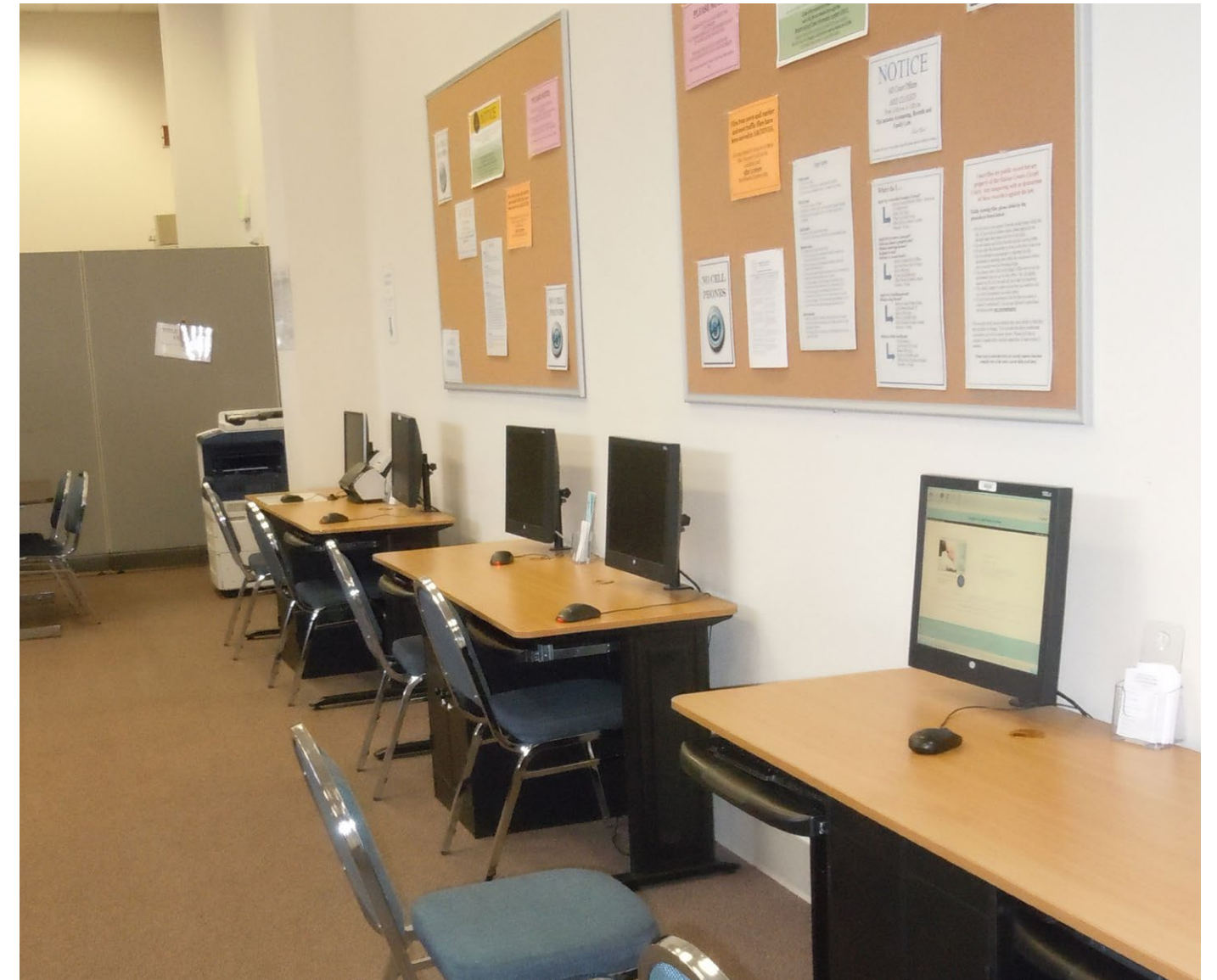
The Oregon Judicial Branch serves a core function of government by enforcing laws and resolving the societal problems and disputes that are brought to the courts every day. The constitutional responsibility of the courts is to respond completely and without delay to reconcile people's difficulties and legal crises according to the rule of law, and to protect citizens from victimization. Our funding goals (below) are to keep our courts open every business day, with adequate staff and judges to serve the public; provide safe and efficient courthouses; and to power our services with 21st Century technology and business processes.

Why it's important to fund the courts:

- So that courts remain open and accessible
- So that people receive timely judicial decisions
- So that the Oregon eCourt system can sustain operations and create efficiencies
- So that Oregonians have safe and accessible courthouse facilities
- So that state courts can recruit high quality attorneys to the judiciary
- So that the courts can assist people without attorneys, in family law and other cases

Funding Goals 2017–2019

- Secure sufficient judicial and staff resources to match population growth and caseload changes, and to allow Oregon courts to fulfill their core responsibilities established by the Oregon Constitution and state statutes. Restore positions previously lost and add new judicial and staff positions recommended in 2016 by a National Center for State Courts OJD workload study, to enable courts to meet case disposition timelines that affect public safety – including entering judgments into OJD's case management system within the three-day limit so they may be enforced; entering recalls of terminated arrest warrants within the 24-hour limit so that persons are not in danger of false arrest; and keeping our public counter and public telephone access to court services available to the public at least seven hours per business day.
- Re-open and develop statewide availability of service centers and legal information resources for self-represented citizens. Courts see thousands of litigants who do not have legal representation who are involved in life-changing domestic relations, child support, custody and visitation, and other court cases. We need to increase the numbers of court personnel to help our self-represented court customers understand court procedures or show them how to prepare court forms for their day in court (especially non-English speakers, people inexperienced with computers, and protected persons). If their cases are improperly prepared, it will delay court hearings and cause additional work for judges and staff.



It's important that courts remain accessible, are efficient, and that people without attorneys obtain the assistance they need. All OJD circuit courts provide public access terminals at the courthouse — the photo above shows Marion County Circuit Court's Public Access terminals. The terminals (sometimes called "kiosks") are a convenient resource for court visitors and self-represented litigants, providing computer access to OJD eServices such as Guide & File's interactive forms and eFiling.

- Continue to fund the long-term investment in Oregon eCourt technology with a permanent technology fund. Provide adequate staff to maintain and develop the core system and continue the roll out of additional components and upgrades into the future to further expand access to the courts, improve information for judicial and management decision-making, and keep our court processes efficient.
- Develop and preserve statewide availability of our highly effective evidence-based treatment court programs such as drug courts, DUII courts, veteran's courts, and mental health courts. Support the growth of alternative dispute resolution programs that give litigants and the self-represented options that are less time-consuming, less costly, and less stressful than traditional court processes.

Oregon state courts are at the core of the critical path of preservation of public safety, protection of families in crisis, and economic stability of Oregon.

- Fund judicial compensation to meet the Public Officials Compensation Commission’s (POCC’s) recommended compensation levels so that we can retain and attract the diversity of highly qualified and experienced judicial candidates that are so vital to the demanding responsibilities of this important public service. Despite recent increases in compensation, Oregon’s judges are among the lowest paid in the country. The Chief Justice continues to advocate for compensation that would put Oregon’s judges at the median of the 13 Western states.
- Our work will continue with the Oregon Legislature and the Association of Oregon Counties Court Facilities Task Force to continue collaborative funding with the counties to complete OJD’s long-term state court facility and security improvement plan. Safe, accessible, and efficiently designed courthouses not only allow the work of the judicial system to be done in a secure and orderly manner, but they engender a sense of respect by the public and serve as symbols of refuge for citizens in need of justice and court services.

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