

OREGON COURTS TODAY AND TOMORROW



*Annual Report of the Oregon Judicial Department
Our Strategic Priorities for 2008 and Accomplishments of 2007*



A MESSAGE FROM THE CHIEF JUSTICE AND THE STATE COURT ADMINISTRATOR



Paul J. De Muniz
Chief Justice



Kingsley W. Click
State Court Administrator

“In the 21st century, Oregon’s courts lead the nation in providing fair, accessible, and timely justice to promote the rule of law, protect individual rights, and resolve conflicts. We respect, reflect, and respond to the diverse people we serve. We earn public trust, build partnerships, and promote safe, caring and engaged communities.”

Justice 2020: A Vision for Oregon’s Courts (2001)

Dear Friends of the Court:

Since 2001, the document *Justice 2020: A Vision for Oregon’s Courts* has served as the blueprint for setting strategic priorities within the Judicial Department. Our vision statement identifies five departmental goals:

- Access:** Ensure access to court services for all people.
- Administration:** Make courts work for people.
- Dispute Resolution:** Help people choose the best way to resolve their disputes.
- Trust and Confidence:** Earn the public’s enduring trust and confidence.
- Partnerships:** Build strong partnerships with local communities to promote public safety and quality of life.

As we enter this new year, the Department is preparing to take a historic step towards meeting its vision. Implementation of “Oregon eCourt,” the statewide web-based courthouse, will offer the public 24-hour access to court services. Unparalleled electronic data systems will allow real-time access to court documents and many self-service options for the public, such as electronic filing and payment. Public safety partners will benefit from a system that can accept and share data and eliminate redundancy and delay.

As it is phased in over the next several years, Oregon eCourt will provide the state with the technology and service delivery tools necessary to meet the changing needs of its citizens and business community. The Department will be working closely with the Legislative Assembly to accomplish this aspect of our vision.

Even with a web-based presence, the on-going importance of Oregon’s physical courthouse buildings must not be forgotten. People still need to use and have access to those facilities daily. Courthouses often serve as the hub of civic activity and stand as constant reminders that ours is a nation that governs itself according to the rule of law. Unfortunately, many courthouses throughout the state have fallen into disrepair and no longer stand as symbols that justice is available to everyone everywhere. A legislative task force created in 2007 is examining the courthouse facility issues and looking for solutions.


In this state, citizens both understand and support the important role that judges and courts play in protecting children and families, enhancing public safety, and enforcing economic and property rights. In 2007, the Department was further aided by the state’s business and legal communities, both of which strongly advocated for an increase in judicial salaries. Oregon judges were the lowest paid in the country, which deterred many skilled and experienced attorneys from seeking a career in judicial service and affected the retention of our state’s current judges. Recognizing the negative impact that judicial pay was having on the state of the judiciary, the legislature approved a 19.4% salary increase. Oregon’s judicial officers appreciate that acknowledgment and will continue to work hard to maintain the public’s trust and confidence; keeping pace with these compensation issues will remain a future challenge.

The judicial branch can perform its constitutional role only so long as the public has confidence in the competency and impartiality of the courts. We thank Oregonians for their continuing support in providing the Department with the resources it requires to maintain this confidence. Above all, we acknowledge and applaud the women and men of the Oregon Judicial Department. Their unflagging dedication to excellence has created the strong judicial system that we have today.

The pages that follow highlight the Judicial Department’s strategic priorities for the coming years and major accomplishments in the last year. It has been a privilege leading the Department through this time of great change and endless possibilities.



Paul J. De Muniz



Kingsley W. Click

OREGON JUDICIAL DEPARTMENT FACT SHEET

State Demographics

3,700,455 Population (2006 U.S. Census Bureau estimate)
 36 Counties
 27 Judicial Districts

2007-09 Legislatively Adopted Budget

\$48 billion Total State of Oregon Budget
 \$359.4 million Judicial Department Budget (rounded)
 0.75% Percent of Total Statewide Budget

Department Organization

1 Supreme Court
 1 Court of Appeals
 1 Tax Court
 36 Circuit Courts
 1 Administrative Office
 7 Administrative Office Divisions

Judicial Officers and Department Personnel

7 Supreme Court Justices
 10 Court of Appeals Judges
 1 Tax Court Judge
 3 Tax Court Magistrates
 173 Circuit Court Judges
 1911 Total Employee / FTE

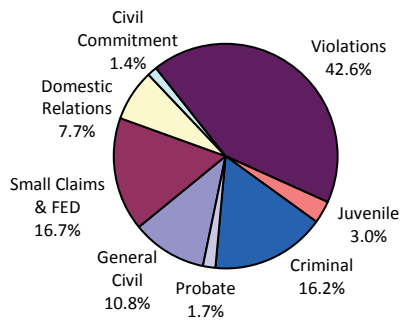
Cases Filed in 2007

1,314 Supreme Court Cases
 3,312 Court of Appeals Cases
 941 Tax Court Cases
 605,753 Circuit Court Cases

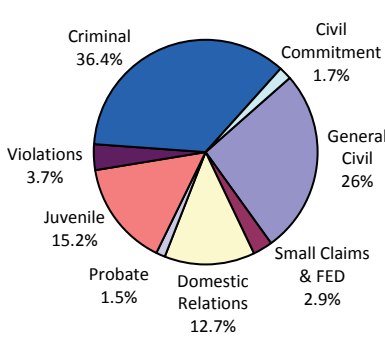
Opinions Filed and Cases Closed in 2007

73 Supreme Court Opinions Filed
 401 Court of Appeals Opinions Filed
 1,076 Tax Court Cases Closed
 605,185 Circuit Court Cases Closed

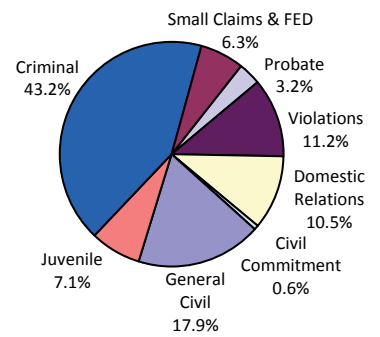
Volume Distribution of Filings
 (Jan. 1 - Dec. 31, 2007)



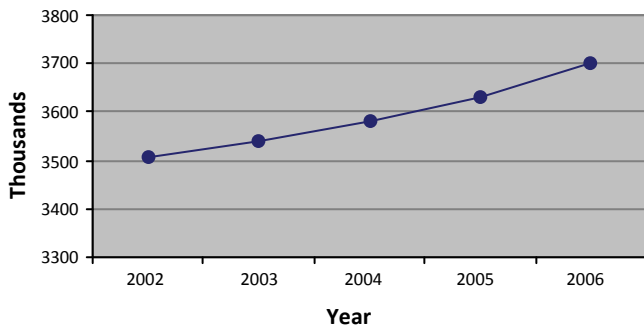
Weighted Caseload Distribution of Judicial Workload
 (Jan. 1 - Dec. 31, 2007)



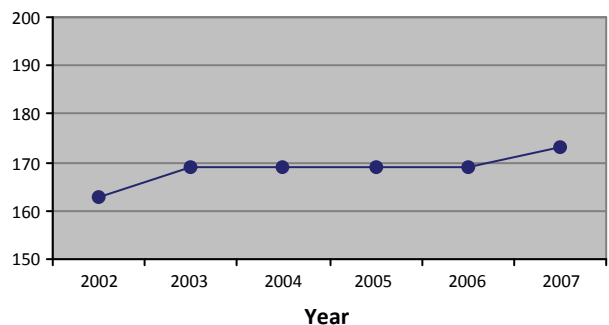
Weighted Caseload Distribution of Staff Workload
 (Jan. 1 - Dec. 31, 2007)



Oregon Population



Number of Circuit Court Judges



Court Records, Oregon

I. OREGON COURTS TOMORROW: OUR STRATEGIC PRIORITIES IN 2008

Oregonians expect a judicial system that is safe, accessible, and efficient. The strategic priorities of the Oregon Judicial Department (OJD) for 2008 are focused on ensuring that all of our courts are equipped to meet these expectations.

Building a Courthouse on the Web

► Courts that Never Close

The OJD has begun its five-year plan for building a statewide courthouse accessible to all. Termed "Oregon eCourt," this web-based courthouse will be the one place the public can conduct business with any court in the state, at any time of the day, from anywhere in the world through use of the Web.

In 2007, much of the groundwork was laid for the plan's many initiatives. The design of eCourt's front door is already underway. Also known as the Web Portal, this "door" will provide a common and consistent electronic access point to all of the state's circuit courts.

Over the next several years, new service delivery components will be added to the Portal. These will enable customers to file court documents electronically, pay fees and fines over the Internet, and have on-line access to case information and public records. These service delivery components will be made possible by using electronic content management (ECM) and e-filing systems.

To prepare for the eCourt environment, a Policy, Law, and Standards Committee was formed. This committee will be working with the Oregon State Bar to ensure that Oregon laws and OJD policies support the move to a paperless, electronic court environment. It has already drafted Uniform Trial Court Rules for filing documents electronically, which are now available for public review and comment. The committee is currently addressing confidentiality issues related to online access of court records and document naming conventions.

The 2007 Legislative Assembly created a special task force to evaluate the OJD's eCourt plan. The Department worked closely with this task force to refine eCourt's approach and budget. In March 2008, the legislature approved \$24 million in debt financing to fund Phases 1 and 2 of the plan. Phase 1 (Present - Mar. 2009) will bring a fully functioning eCourt for the appellate courts and a common look and feel among trial court websites. Phase 2 (Apr. 2009 - Oct. 2009) will see full implementation of ECM systems in three pilot counties and partial implementation in two other counties.

Included in the bill that funded the first two phases of eCourt is a budget note requesting that the OJD assist the Criminal Justice Commission (CJC) as it develops a statewide data warehouse to facilitate information sharing among all public safety agencies. In the coming year, the Department will be working closely with the CJC, the legislative task force, and state and community partners on matters related to both eCourt and the budget note.

Helping the Self-Represented Litigant

► Level Playing Fields

Research has shown that at least one party will represent himself or herself in over two-thirds of Oregon's family law cases. In 2007, the State Family Law Advisory Committee conducted a six-month extended discussion with persons affected by the issue of self-representation in family law. The products of those discussions were used to develop a series of recommendations to improve services for self-represented litigants. These include, among other things, creation of electronic interactive forms, simplification of court processes, expansion of facilitation programs, and education of judges and staff. Planning is underway for statewide implementation of these recommendations in accordance with a 2008 statewide plan.

Implementing Strategic Planning and Performance Measures

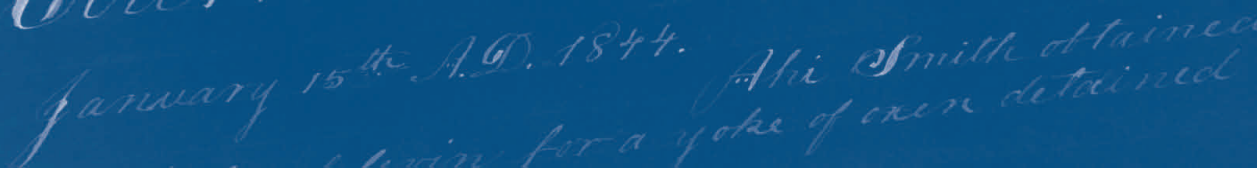
► A Responsive, Accountable Judiciary

As noted, *Justice 2020: A Vision for Oregon's Courts* serves as the blueprint for establishing OJD's statewide priorities. For the past two biennia, the department has adopted statewide strategic initiatives. Each circuit court and division, and most OJD committees, have developed implementation plans to support these initiatives as well as their local priorities. For the future, a five-year strategic plan is under development.

The OJD continues its nationally recognized work on developing a comprehensive statewide court performance measure system. With technical assistance from the National Center for State Courts, the OJD's Performance Measure Advisory Committee (PMAC) is improving existing performance measures to further align them with OJD's vision and goals and to transform those performance measures into outcome measures.

PMAC is currently developing a new performance measure for the 2009-11 biennium to track how well circuit courts are serving their customers. In the coming year, PMAC will be testing a customer satisfaction survey that will eventually be used to calculate this new performance measure. OSCA staff are also working with PMAC members to develop data reporting tools to assist local courts with managing their cases.

The Court of Appeals established a seven-member design team to create a performance measurement system specifically for the appellate courts. In 2007, the design team finalized success factors and four core performance measures. Preliminary results for one of the performance measures are available on the Oregon Court of Appeals website. Results for the remaining three measures will be available when the Appellate Case Management System (ACMS) is fully implemented.



Renovating Court Facilities

► Safe and Functional Courthouses

The condition of Oregon’s deteriorating judicial infrastructure has reached a crisis level. Courthouses throughout the state are overcrowded, inaccessible to citizens with disabilities, and have old and sometimes dangerous electrical and plumbing systems. At least one courthouse is at serious risk of collapsing in the event of an earthquake. To address this problem, the OJD assembled a task force in partnership with the Association of Oregon Counties (AOC) and Oregon State Bar (OSB) to study and recommend possible solutions.

In December 2006, the OSB, OJD, and AOC task force released a report that included proposals for establishing standards and funding for court renovation and construction projects. The task force’s 2007 legislation efforts led to the creation of an interim legislative committee on court facilities. The legislative committee met in December 2007 and approved moving forward with an assessment of court facilities statewide. Throughout the coming year, a consultant will be assessing the condition of state court facilities and preparing a report for the Legislative Assembly. This report will recommend common minimum standards for court facilities, the cost of meeting those standards, and proposals for ensuring that needed improvements are made.

Improving Collections

► Respect for Court Orders and Obligations

During the 2006-07 fiscal year, the OJD collections rate increased from 63% to 64%. That increase is due to the substantial efforts of trial court staff. There are several statewide initiatives that have and will continue to increase the collection rate even further.

One of those initiatives is the Kicker Intercept Project. This project is a collaborative effort between the OJD and the Department of Revenue (DOR) to collect delinquent debt owed to victims and the State of Oregon. Over 406,000 court cases with delinquent debt were sent electronically to the DOR in August 2007. As a result, the OJD has intercepted nearly \$5 million of the \$1 billion in kicker rebates issued by the end of 2007. In addition, the effort has increased income tax refund intercepts by \$70,000. There will be a similar tax refund offset initiative in 2008.

Continuing Public Outreach and Civic Education

► An Engaged and Informed Citizenry

Judicial outreach plays an important role in courts and communities as it helps the public understand the constitutionally mandated role of the judicial branch of

government. The OJD continues to strive to maintain the trust and confidence of the public and the two other branches of government through expanded public outreach and education.

Almost daily during jury orientation, judges share with the public the vital role of the judicial branch and how juror involvement in the process is essential. The OJD is currently developing a new juror orientation video and public outreach materials to further this understanding.

Additionally, both the Supreme Court and Court of Appeals will continue to hold oral argument sessions in high schools and other institutions throughout the state in 2008. In 2007, the Supreme Court held sessions in Pendleton, Prineville, and each of Oregon’s law schools (Lewis and Clark, University of Oregon, and Willamette University). The Court of Appeals held sessions in Banks, Madras, Newberg, Portland, and Prineville. The OJD will continue to make every effort to find additional outreach opportunities to educate and involve the public.

Securing Courts and Planning for Emergencies

► Justice in Every Circumstance

The OJD has been actively developing a statewide court security program. Three statewide security trainings for judicial personnel and court security officers have been held. The OJD’s State Security and Preparedness Committee distributed model templates to help courts develop their individual security, emergency, and business continuity plans.

New security, emergency, and business continuity plans for the appellate courts and most circuit courts were developed in 2007. The OJD is currently testing these plans. Additionally, for 2008 the National Center for State Courts (NCSC) is conducting detailed security assessments of 11 court facilities across the state. The NCSC report will provide a valuable external perspective and lay the foundation for the next phase in court security—development of a five-year security plan.

The OJD also participates in the State of Oregon’s Enterprise Business Continuity Planning Project. The goal of that project is to design a strategy that ensures delivery of critical business services from all three branches of government in the event of a natural disaster or security breach. In 2007, the OJD’s Business Continuity Steering Committee completed a business impact and function analysis, and participated in drills. More of these drills will occur in 2008.

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The Oregon Judicial Department has already made significant strides towards its strategic priorities. Its success, however, depends on the Department’s ability to adequately fund these initiatives. As we enter 2008, the Department will be working closely with legislators to ensure that courts are equipped with the resources Oregonians will need for tomorrow.

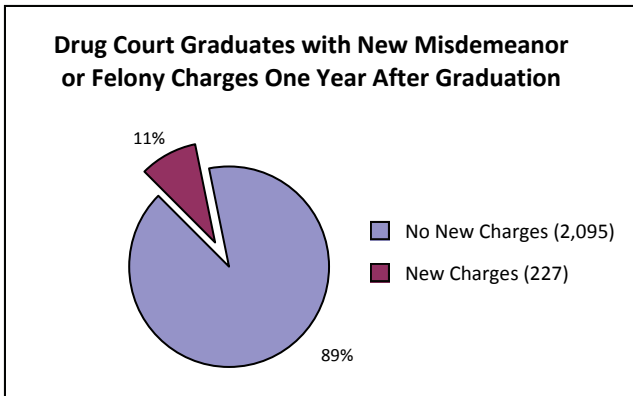
II. OREGON COURTS TODAY: OUR STRATEGIC ACCOMPLISHMENTS IN 2007

The courts of Oregon, both individually and as a whole, are committed to working with their stakeholders, both inside and outside government, to ensure that Oregonians will continue to be served by a responsive, responsible, and progressive judicial system. During 2007, the OJD moved closer to realizing that vision in several key areas:

Problem Solving Courts

► *Protecting the Community*

The availability of collaborative, community-based treatment courts continues to expand. In 2007, four juvenile drug courts, two family dependency drug courts, one adult drug court, and one mental health court were added to Oregon’s roster of treatment courts. Today, 57 treatment courts use a problem solving model to improve outcomes for people who have mental health issues or who are addicted to drugs or alcohol. This approach provides the structure to hold participants accountable while offering opportunities to make life changes. With a recidivism rate of only 11% one year after graduation, Oregon’s treatment courts show promising results.



*Includes drug court graduates from 1/1/01 to 6/30/06.

In August 2007, the OJD was awarded a technical assistance grant from the National Center for State Courts. As part of the grant, the National Drug Court Institute’s former research director will assist the Chief Justice’s Advisory Committee on Treatment Courts as it develops a new treatment court annual report to highlight program successes and trends.

Commercial Courts

► *Helping Businesses Resolve Disputes*

Oregon courts play a critical role in our state and national economies by providing efficient and impartial resolution of commercial disputes. In the last year, the OJD has continued its effort to provide options for businesses that choose to litigate their disputes in the public forum of the courts.

One of these options is Lane County’s Commercial Court. Launched in November 2006, this court seeks to facilitate expeditious resolution of complex civil cases by assigning them

to a single judge and following well-defined case management procedures and timelines. Parties to civil cases in any circuit court in Oregon may apply to enter the Commercial Court.

As of mid-December 2007, 28 cases had been assigned to Commercial Court. Twelve have closed with an average time to disposition of approximately five months; six have settled and are awaiting final paperwork; two have been stayed or abated, and six have trials set in 2008. Trials have not been set for the two remaining cases.

Model Courts

► *Improving the Administration of Justice*

The Juvenile Court Improvement Project (JCIP) Model Court Program is nearing the end of its third phase. There are now 24 counties that have model court teams working on improving local juvenile dependency practices. These teams include judges, child welfare staff, court staff, Citizen Review Board representatives, attorneys, Court Appointed Special Advocates, and tribes.

In 2007, JCIP assisted these teams in developing local dependency systemic performance measures and provided technical assistance for data collection and analysis. JCIP also expanded its annual juvenile judges conference to include one day devoted entirely to model court team education. All local model court teams were invited to attend.

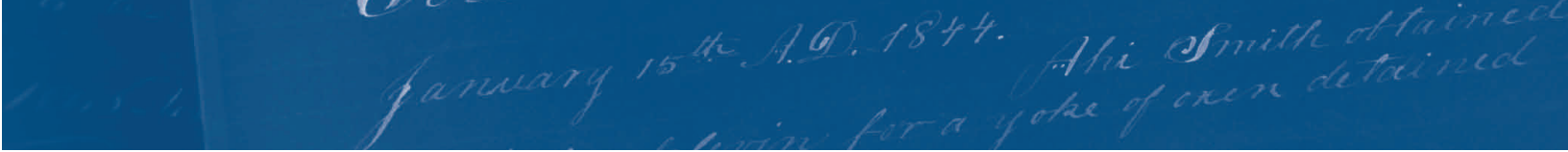
2007 was also an important year for one of the OJD’s five pilot criminal model court sites. Last March, the Washington County Circuit Court started its early case resolution (ECR) program for cases involving certain misdemeanors and lesser felonies. During its first six months, more than 30% of criminal cases resolved at or within two weeks after arraignment. Prior to ECR, only 10% of cases resolved at arraignment.

Washington County is already beginning to realize the benefits associated with ECR. The court, District Attorney’s Office, and public defense service providers have all experienced cost savings due to reductions in their criminal caseload after arraignment. ECR has also enhanced the safety of the community by enabling the Sheriff’s Office to reduce its number of “forced releases” caused by overcrowding in the jail and by allowing the Community Corrections Department to more quickly engage offenders in probation services.

Open Courts

► *Maximizing Access to Court Services*

Fee Waivers and Deferrals: Filing fees and other court costs can be a significant barrier to court services for customers with low or no income. In 2005, the OJD formed a workgroup to study and recommend procedures for streamlining the court’s fee waiver and deferral practices. The workgroup proposed legislation in 2007 to update Oregon’s fee waiver and deferral



statutes. With the passage of Senate Bill 271, courts were given authority to waive and defer fees in civil actions if they determine a party is unable to pay, and the Supreme Court was authorized to create standards and practices to facilitate this process. In December 2007, the Chief Justice signed an order adopting such standards and practices. Forms have also been designed to facilitate the process for litigants.

Court Interpreter Services: Without access to suitable interpreter services, language barriers can effectively exclude non-English speaking people from their own court proceeding. The OJD provides interpreter services in approximately 150 languages each year. These services are centrally coordinated through the Office of the State Court Administrator’s Court Interpreter Services (CIS) unit. A number of interpreter programs and services were implemented in 2007, including:

- Eight circuit courts were added to CIS’s centralized interpreter scheduling program;
- Interpreters of rare and lesser-used languages were escorted to court assignments and coached on court interpreter ethics, skills, and protocols; and
- A pilot program was developed to provide a qualification status (“Registered Interpreter”) in the many languages in which certification testing is not offered.

21st Century Courts

► Embracing the Information Age

Circuit Courts

Video Conferencing: The OJD has video connectivity in 95% of its courts and annexes. These courtrooms vary in functionality ranging from video arraignment with local jails to full Americans with Disabilities Act compliant systems with evidence cameras and presentation systems. Video relay interpreting is used to provide sign language interpreting, ensuring that people with hearing disabilities receive timely access to court services.

In July 2007, the OJD implemented a “video bridge” that enables courts to conduct a video conference with up to 45 different sites simultaneously. Previously, courts were able to connect with only one other location. This has allowed parties from different locations to participate in the same proceeding by video.

WEBLEDS: In September 2007, the OJD implemented a web-based interface with the Oregon State Police Law Enforcement Database System (LEDS). This interface, known as WEBLEDS, brought the Department into compliance with National Crime Information System security requirements and eliminated the need for installation of additional firewalls and server security in each circuit court.

Appellate Courts

Appellate Case Management System (ACMS): Two years ago, the OJD purchased a new case management system for its appellate courts. Implementation of the system is scheduled to occur in five releases. In 2007, releases 2 and 3 were completed, which have provided the public with online access to the appellate case register, better tracking of receivables, and improved collection efforts through an interface with the OJD’s accounting system and the Department of Revenue. Releases 4 and 5 are nearing completion and will be implemented in 2008.

Once the system is fully implemented, it will allow, among other things, dynamic docket entries, data-driven document generation, web calendaring, fee tracking, motion and opinion processing, and a public access website. It will also provide an opportunity for the OJD to showcase many of the features that will be implemented statewide during development of eCourt.

Administration and Courts

Microsoft Office Conversion: In an effort to reduce support costs and provide greater compatibility with external entities, the OJD began replacing its multiple desktop configurations with one standardized productivity suite - Microsoft Office (MS) 2007 - in February 2007. The suite has already been installed on all department computers. To date, 900 users have received training in either Microsoft Word or Excel, and 1,221 documents have been converted to the new software.

Efficient Courts

► Enhancing Judicial Administration

Each judicial district in Oregon is led by a presiding judge appointed by the Chief Justice. Presiding judges experience a wide variety of management challenges during their appointment. Although each works with a local trial court administrator, the demands involve understanding the administrative work and needs of court business outside judging. To prepare them to meet these challenges, the Judicial Education Committee, chaired by the Chief Justice, formed a subcommittee to develop an education and orientation curriculum for new presiding judges.

Beginning in December 2007, this program is held once every two years. Work is beginning on a similar program for trial court administrators, who are appointed by presiding judges to manage the non-judicial operations of the trial courts.

The accomplishments of 2007 have brought the OJD closer to achieving its vision by strengthening partnerships between courts and local communities, improving the timely administration of justice, and helping support a healthy economic environment. Each step has provided the foundation for further progress in 2008.

This report was prepared by the Court Programs and Services Division of the Office of the State Court Administrator. A limited number of printed copies are available. To request a copy, please contact the Executive Services Division at (503) 986-5500. The report also is available online at www.ojd.state.or.us. To request a copy of the report in an alternative format, please contact the Statewide ADA Coordinator at (503) 986-5611.

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