

# Judicial Branch

## PROGRAM AREA AGENCIES

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	2003-05 Actuals	2005-07 Legislatively Approved	2007-09 Agency Request
General Fund	\$401,342,562	\$447,009,297	\$605,794,680
Lottery Funds	0	0	0
Other Funds	27,184,966	24,917,000	160,689,218
Federal Funds	1,458,872	1,588,364	922,381
Other Funds (Nonlimited)	6,546,352	8,370,055	9,192,966
Federal Funds (Nonlimited)	0	0	0
<b>Total Funds</b>	<b>\$436,532,752</b>	<b>\$481,884,716</b>	<b>\$776,599,245</b>
Positions	2,072	2,092	2,325
Full-time Equivalent	1,912.65	1,910.17	2,111.54

### Overview

The mission of the Judicial Branch is to:

- Provide fair and accessible justice services.
- Protect the rights of individuals.
- Preserve community welfare.
- Inspire public confidence.

Four agencies make up the Judicial Branch program unit. These agencies provide policy, program, administrative support, and oversight for Oregon’s judicial system.

### Requested Budget

Highlights of the Chief Justice’s recommended budget for the Judicial Department:

- Increases salaries for judges to address parity issues for judicial compensation.
- Funds a plan to modernize the technology and business process of the trial courts.
- Adds new judgeships and related staff.
- Continues and expands drug, mental health and domestic violence courts.
- Funds a long range plan to improve court facilities.

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Highlights of the Public Defense Services Commission's budget:

- Address salary parity for staff attorneys and contracted attorneys.
- Funds rate increases for public defender (not-for-profit) attorneys, Deputy District Attorneys, attorneys, and investigators.

Overall, the requested Judicial Branch budget is almost 61 percent higher than the 2005-07 Legislatively Approved Budget.

### **Governor's Adjustment:**

The Judicial Branch agencies are a separate and independent branch of state government. The Governor does not have budgetary authority over them. However, the law requires the Governor to submit a balanced budget for the state. For this reason, the Governor's recommended budget reduces the Judicial Branch's requested General Fund budget to \$541,087,149. This includes a 5.37 percent increase for the Judicial Department and Public Defense Services Commission from their 2007-09 essential budget level. This amount also maintains services for the Commission on Judicial Fitness and Disability and the Council on Court Procedures at the same program level as the 2005-07 biennium.

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## COUNCIL ON COURT PROCEDURES

	2003-05 Actuals	2005-07 Legislatively Approved	2007-09 Agency Request*
General Fund	\$0	\$10,000	\$115,646
Lottery Funds	0	0	0
Other Funds	7,127	8,000	8,000
Federal Funds	0	0	0
Other Funds (Nonlimited)	0	0	0
Federal Funds (Nonlimited)	0	0	0
<b>Total Funds</b>	<b>\$7,127</b>	<b>\$18,000</b>	<b>\$123,646</b>
Positions	0	0	2
Full-time Equivalent	0.00	0.00	0.71

\*The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$115,646 General Fund and \$8,000 Other Funds for a total amount of \$123,646 in his budget as a placeholder.

### Overview

The Council on Court Procedures reviews Oregon's Rules of Civil Procedure. The Council proposes changes to the rules as needed and reports to the Legislature on the proposed changes. The Council is not under Executive Branch control.

### Requested Budget

The requested budget for the Council on Court Procedures is \$123,646 total funds and consists of \$115,646 General Fund and \$8,000 Other Funds.

### Revenue

The large majority of the Council's budget comes from the General Fund. The remaining portion is Other Funds that the Oregon State Bar Association provides the Council for commissioner travel expenses.

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## OREGON JUDICIAL DEPARTMENT

	2003-05 Actuals	2005-07 Legislatively Approved	2007-09 Chief Justices' Requested*
General Fund	\$235,682,100	\$271,530,503	\$373,677,172
Lottery Funds	0	0	0
Other Funds	26,880,094	23,955,794	\$160,075,510
Federal Funds	1,458,872	1,588,364	\$922,381
Other Funds (Nonlimited)	6,546,352	8,370,055	\$9,192,966
Federal Funds (Nonlimited)	0	0	0
Total Funds	\$270,567,418	\$305,444,716	\$543,868,029
Positions	2,013	2,034	2,258
Full-time Equivalent	1,855.25	1,854.22	2,047.08

\*The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$328,691,998 General Fund, \$160,075,510 Other Funds, \$9,192,966 Other Funds Non-limited, and \$922,381 Federal Funds for a total funds of \$498,882,855 in his budget as a placeholder.

### Overview

The Judicial Department's budget contains the resources necessary to operate a state-wide court system in the Judicial Branch of Oregon state government. Effective January 1983, the Legislature created a unified, state-funded court system with general jurisdiction trial courts (circuit courts) located in all 36 counties of the state. (Municipal courts and some justice courts, both with limited jurisdiction still remain outside the state-funded system and are controlled at the municipal or county levels.)

The Chief Justice of the Supreme Court is the administrative head of the Department with authority over the unified state court system operations, programs, and functions. The Chief Justice appoints the State Court Administrator who is responsible for assisting in administration and coordination. At the local judicial district level, the Chief Justice appoints presiding judges who in turn appoint trial court administrators to assist in administering the daily operations of the individual courts.

The Judicial Department includes:

- Operations of the Oregon Supreme Court, Court of Appeals, the Tax Court and Office of the State Court Administrator.
- Operations of the 36 circuit courts located in 27 judicial districts statewide. These are general jurisdiction trial courts located in every county that rule on a wide range of criminal, civil, juvenile, domestic relations cases, and other matters.

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- Administration of mandated payments for the cost of jurors, transcript costs for certain indigents in civil appeals, Americans with Disabilities Act compliance, and interpreters for non-English-speaking and hearing-impaired persons in the courts.
- Administration of centralized management and support functions such as statewide systems for technological case management and information, budget and finance, legal counsel services, education and training, internal auditing, inter-branch and interagency relations, court operations program review, personnel rules and services, and a statutory citizen review board program that review permanency plans for children in out-of-home placements and make recommendations to the Circuit Court judges on the feasibility and progress of these plans.

## Requested Budget

The Chief Justice's agency request budget is \$543.9 million total funds. This budget supports all programs and all policy packages submitted for legislative consideration. The requested budget is 78.1 percent more than the 2005-07 Legislatively Approved Budget.

The Chief Justice's maintenance level budget requests \$311.9 million General Fund, \$36.3 million Other Funds (\$9.2 million Nonlimited), and \$0.3 million Federal Funds. In addition, the budget adds \$61.9 million General Fund, \$132.9 million Other Funds (\$0.0 million Nonlimited), and \$0.7 million Federal Funds in policy packages.

The agency request budget includes a salary increase for judges to address parity issues for judicial compensation. It proposes a five year funding plan to modernize the technology and business processes of the trial courts and a long range plan to improve court facilities. The budget includes judges and staff compensation and benefits adjustments, as well as funding to continue and expand drug, mental health and domestic violence courts. Security issues at state and local courts are addressed. One package continues the Juvenile Court Improvement Project, adds staff to validate financial eligibility for court-appointed counsel, increases collections on revenue owed the state, updates the Citizen Review Board's database, enhances performance measurement efforts, enhances mediation services and expands child care services in one court. The budget adds new judgeships and related staff, plus allows for real time reporting on aggravated murder cases. Finally, it increases the pay rate and travel allowances for certified interpreters.

## Revenue

Ninety percent of the Judicial Department's budget is General Fund and most of the operations costs are for personnel located statewide as required by statute. The Department generates revenue for the General Fund from filing fees, trial and hearing fees, and copy sales. Other Fund revenues also are generated for the Judicial Department and other entities from fines, assessments, filing fee surcharges, collections fees, sales of publications, access to the Oregon Judicial Information Network, drug court grants, and grants from other state agencies to leverage federal funding sources. The Federal Fund revenues are from U.S. Department of Health and Human Services grants for juvenile court improvements

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## COMMISSION ON JUDICIAL FITNESS AND DISABILITY

	2003-05 Actuals	2005-07 Legislatively Approved	2007-09 Agency Request*
General Fund	\$162,483	\$175,983	\$181,246
Lottery Funds	0	0	0
Other Funds	0	0	0
Federal Funds	0	0	0
Other Funds (Nonlimited)	0	0	0
Federal Funds (Nonlimited)	0	0	0
Total Funds	\$162,483	\$175,983	\$181,246
Positions	1	1	1
Full-time Equivalent	0.50	0.50	0.50

\*The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$181,290 General Fund in his budget as a placeholder.

### Overview

The Commission on Judicial Fitness and Disability investigates complaints filed against Oregon judges. The Commission may recommend the Oregon Supreme Court discipline a judge for misconduct and may censure, suspend, or remove a judge from the bench. The Commission is not under Executive Branch control.

### Requested Budget

The requested budget for the Commission is \$181,246 General Fund. This is 3.0 percent higher than the 2005-07 Legislatively Approved Budget. The increase is mostly attributable to inflation and employee cost increases to maintain current operations.

### Revenue

The Commission's entire budget is funded with General Fund.

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## PUBLIC DEFENSE SERVICES COMMISSION

	2003-05 Actuals	2005-07 Legislatively Approved	2007-09 Agency Request*
General Fund	\$165,497,979	\$175,292,811	\$231,820,616
Lottery Funds	0	0	0
Other Funds	297,745	953,206	605,708
Federal Funds	0	0	0
Other Funds (Nonlimited)	0	0	0
Federal Funds (Nonlimited)	0	0	0
Total Funds	\$165,795,724	\$176,246,017	\$232,426,324
Positions	58	57	64
Full-time Equivalent	56.90	55.45	63.25

\*The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$212,098,215 General Fund and \$605,708 Other Funds for a total amount of \$212,703,923 in his budget as a placeholder.

### Overview

The Public Defense Services Commission (PDSC) consists of three divisions: the Legal Services Division which provides direct legal services for representation on criminal appeals; the Public Defense Services Account which contains funding used to pay the expenses for trial-level representation and appellate cases not handled by the Legal Services Division; and the Contract and Business Services Division, which administers the Public Defense Services Account, negotiates contracts and pays bills for trial-level representation and appellate cases not handled by the Legal Services Division. The Commission is not under executive branch control.

### Requested Budget

The requested budget for PDSC is \$232.4 million total funds. The budget includes funds for increased compensation for attorneys within PDSC to become comparable to their counterparts within the Department of Justice and rate increases for public defender (not-for-profit) attorneys, Deputy District Attorneys, attorneys, and investigators.

### Revenue

The agency is funded primarily with General Fund. The Other Funds come from the Application and Contribution program, which is comprised of application fees and contributions for services from people who can afford to pay for a portion of their defense services.

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