

Judicial Branch

PROGRAM AREA AGENCIES

| | |
|--|-----|
| COUNCIL ON COURT PROCEDURES..... | K-3 |
| OREGON JUDICIAL DEPARTMENT..... | K-4 |
| COMMISSION ON JUDICIAL FITNESS AND DISABILITY..... | K-6 |
| PUBLIC DEFENSE SERVICES COMMISSION..... | K-7 |

| | 2001-03 Actuals | 2003-05 Legislatively Approved | 2005-07 Agency Request |
|----------------------------|--------------------|--------------------------------------|------------------------------|
| General Fund | \$373,973,087 | \$389,238,342 | \$501,143,648 |
| Lottery Funds | 0 | 0 | 0 |
| Other Funds | 17,964,884 | 31,890,217 | 24,471,505 |
| Federal Funds | 1,189,291 | 2,333,247 | 892,247 |
| Other Funds (Nonlimited) | 0 | 5,949,864 | 8,220,055 |
| Federal Funds (Nonlimited) | 0 | 0 | 0 |
| Total Funds | \$393,127,262 | \$429,411,670 | \$534,727,455 |
| Positions | 2,060 | 2,084 | 2,143 |
| Full-time Equivalent | 1,841.69 | 1,900.68 | 1,949.62 |

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

The Chief Justice's requested budget for the Judicial Department:

- Continues the basic operations of the agency.
- Includes increased funding for juror per diem.
- Funds new judgeships and their staff.

Judicial Branch

- Increases judges and staff compensation and benefits.
- Includes increased funding for integrated Family/Drug Courts.
- Includes increased funding for staff interpreters.
- Funds additional staff to address critical workload needs in Appellate, Trial Court, and Administration programs.
- Includes funding to continue development of the Application Contribution program.
- Includes funding for critical facility, technical equipment, furniture, and system improvements.

The Public Defense Services Commission budget request:

- Addresses salary parity for staff attorneys and contracted attorneys.
- Includes funding for additional positions for Post-Conviction Relief cases.
- Funds rate increases for public defender (not-for-profit) attorneys, Deputy District Attorneys, attorneys, and investigators.
- Includes funding for additional caseloads.

The budget for the Council on Court Procedures seeks to restore cuts that were made during the 2003 Session, while budget for the Commission on Judicial Fitness and Disability continues agency operations at the same level as the 2003-05 biennium.

Overall, the requested Judicial Branch budget is almost 25 percent higher than the 2003-05 Legislatively Approved Budget. When Nonlimited funds are excluded, the increase is just over 23 percent.

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 \$409,484,073. This includes a nine percent cut for the Judicial Department and Public Defense Services Commission from their 2005-07 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 funding level as the 2003-05 biennium.

Judicial Branch

COUNCIL ON COURT PROCEDURES

| | 2001-03 Actuals | 2003-05 Legislatively Approved | 2005-07 Agency Request * |
|----------------------------|--------------------|--------------------------------------|-----------------------------|
| General Fund | \$79,612 | \$0 | \$101,684 |
| Lottery Funds | 0 | 0 | 0 |
| Other Funds | 8,000 | 8,000 | 8,000 |
| Federal Funds | 0 | 0 | 0 |
| Other Funds (Nonlimited) | 0 | 0 | 0 |
| Federal Funds (Nonlimited) | 0 | 0 | 0 |
| Total Funds | \$87,612 | \$8,000 | \$109,684 |
| Positions | 2 | 0 | 2 |
| Full-time Equivalent | 0.71 | 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 \$8,000 Other Funds 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 \$109,684 total funds and consists of \$101,684 General Fund and \$8,000 Other Funds. The requested budget would restore reductions made during the 2003 Session, which would constitute the restoration of the director and executive assistant positions within the Council.

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.

Judicial Branch

OREGON JUDICIAL DEPARTMENT

| | 2001-03 Actuals | 2003-05 Legislatively Approved | 2005-07 Agency Request* |
|----------------------------|----------------------|--------------------------------------|----------------------------|
| General Fund | \$222,154,156 | \$237,654,982 | \$314,021,302 |
| Lottery Funds | 0 | 0 | 0 |
| Other Funds | 17,424,895 | 30,775,154 | 23,505,766 |
| Federal Funds | 1,189,291 | 2,333,247 | 892,247 |
| Other Funds (Nonlimited) | 0 | 5,949,864 | 8,220,055 |
| Federal Funds (Nonlimited) | 0 | 0 | 0 |
| Total Funds | \$240,768,342 | \$276,713,247 | \$346,639,370 |
| Positions | 1,992 | 2,023 | 2,079 |
| Full-time Equivalent | 1,778.79 | 1,841.73 | 1,888.96 |

* The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$249,762,817 General Fund, \$23,510,763 Other Funds, \$8,220,055 Other Funds Nonlimited, and \$892,247 Federal Funds for a total funds of \$282,385,882 in his budget as a placeholder. The General Fund amount is a calculated average reduction.

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 also 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.

Judicial Branch

- 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 \$346.6 million total funds. This budget supports all programs and all policy packages submitted for legislative consideration. The agency request budget is 25.3 percent more than the 2003-05 Legislatively Approved Budget.

The Chief Justice's maintenance level budget request is \$274.5 million General Fund, \$30.1 million Other Funds (\$7.4 million Nonlimited), and \$0.4 million Federal Funds. In addition, the budget request adds \$39.6 million General Fund, \$1.6 million Other Funds (\$0.8 million Nonlimited), and \$0.5 million Federal Funds in policy packages. This includes funding requests for increased juror per diem, new judgeships and their staff, judges and staff compensation and benefits adjustments, funding for the Integrated Family/Drug Courts, staff interpreters, and additional staff to address critical workload needs in Appellate and Administration programs and the Trial Courts. It also includes funding to continue development of the Application Contribution program and for critical facility, technical equipment, furniture and system improvements.

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 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 and drug courts, programs and the Trial Courts. It also includes funding to continue development of the Application Contribution program and for critical facility, technical equipment, furniture and system improvements. Funding is included for a legislative concept dealing with juror per diem.

Judicial Branch

COMMISSION ON JUDICIAL FITNESS AND DISABILITY

| | 2001-03 Actuals | 2003-05 Legislatively Approved | 2005-07 Agency Request |
|----------------------------|--------------------|--------------------------------------|---------------------------|
| General Fund | \$185,580 | \$161,762 | \$179,073 |
| 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 | \$185,580 | \$161,762 | \$179,073 |
| Positions | 2 | 1 | 1 |
| Full-time Equivalent | 0.75 | 0.50 | 0.50 |

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 \$179,673 General Fund. This is 10.7 percent higher than the 2003-05 Legislatively Approved Budget. The increase is mostly attributable to inflation and employee cost increases and maintains operations at the level established by the 2003 Legislature.

Revenue

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

Judicial Branch

PUBLIC DEFENSE SERVICES COMMISSION

| | 2001-03 Actuals | 2003-05 Legislatively Approved | 2005-07 Agency Request * |
|----------------------------|--------------------|--------------------------------------|-----------------------------|
| General Fund | \$151,553,739 | \$151,421,598 | \$186,841,589 |
| Lottery Funds | 0 | 0 | 0 |
| Other Funds | 531,989 | 1,107,063 | 957,723 |
| Federal Funds | 0 | 0 | 0 |
| Other Funds (Nonlimited) | 0 | 0 | 0 |
| Federal Funds (Nonlimited) | 0 | 0 | 0 |
| Total Funds | \$152,085,728 | \$152,528,661 | \$187,799,328 |
| Positions | 64 | 60 | 61 |
| Full-time Equivalent | 61.44 | 58.45 | 59.45 |

* The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$159,440,519 General Fund, and \$957,723 Other Funds, for total funds of \$160,398,242 in his budget as a placeholder. The General Fund amount is a calculated average.

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 \$187.8 million total funds. The budget includes funds for increased caseloads, additional positions for Post-Conviction Relief cases, 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.

Judicial Branch
