

PUBLIC OFFICIALS COMPENSATION COMMISSION

REMARKS OF CHIEF JUDGE DAVID V. BREWER OREGON COURT OF APPEALS

My purpose today is to provide a basic introduction to the place and function of my court, the Court of Appeals, within the Oregon judicial branch and to answer any questions that any of you may have about our role and operation.

We are a 10-judge "intermediate" appellate court that is elected statewide. "Intermediate," in this context, means that we are situated between the Supreme Court and the trial courts and administrative agencies in Oregon's state justice system. With the exception of certain appeals that go directly to the Supreme Court, we receive every appeal filed from state trial court and administrative agency decisions. The citizens of Oregon have an unqualified right to appeal those decisions to our court. In turn, if a litigant is unhappy with a decision made by our court, he or she may seek review of that decision before the Supreme Court, which has discretion whether to accept the case for review.

There are 39 intermediate appellate courts in the United States, and we generally rank first or second among those courts in terms of workload. Whether we measure from the number of cases filed per citizen, or the number of cases filed per judge, from year to year we are one of the busiest appellate courts in the nation. Over the past 10 years, we've had about 3,500 to 4,000 appeals filed per year in our court. To meet the demands of its workload, our court sits in regular panels of three judges. Each panel has a presiding judge and two additional members. Each panel hears cases on average three days per month. Between 12 and 30 cases are argued or submitted to a panel for decision without argument each sitting day. We also schedule a fourth panel each month to hear fast track cases to which we give priority by statute or internal court rule. Chief among those case types are juvenile dependency, termination of parental rights, and land use appeals. Cases are assigned at random to each panel for argument and decision.

Our judges come from many different backgrounds. Some of us were trial judges, some government lawyers, and others came from private practice. However, we each regularly sit on all of the varied types of cases that fall within the Court of Appeals' jurisdiction. Before oral argument, each judge on the panel reads all the legal briefs that are filed in the cases and each panel member participates in the argument. At the beginning and end of each argument session, the judges meet to discuss the issues in the cases. After argument, the presiding judge of the panel assigns cases among the three judges for the preparation of written opinions. Each of our judges is working on 25 to 30

cases at a time. We meet in full court conference once per month and, over the course of a year, we consider about 2 percent of our cases in full court. The full court conference model helps assure that our decisions are internally consistent, which is critical to the operation of a large and busy appellate court.

I'd like to briefly mention two programs that we have adopted to carry forward our mission. The first is our appellate settlement program. Each year, the Court of Appeals is able to settle 150 to 200 civil, domestic relations, and worker's compensation appeals through the use of this unique mediation program. Cases are carefully screened for the program and of those that participate, our settlement rate, approximately 70 percent, is among the highest in the nation. The second program that I'll mention is one that the Supreme Court initiated several years ago, but which our court also has adopted in earnest. As you know, it is not uncommon for students in high schools today to receive little government or civics education. We recognize our role as a statewide court, and we believe in making the court's work accessible and understandable to the public. To perform a role in community education, our court regularly sits in schools throughout the state, holding oral argument, and talking to students and community groups about the importance of the rule of law and how our government works.

Finally, as a statewide court that decides cases in a group decision making model, our judges and staff assemble each day in the same building, on the same floor, to do our work. We find that having regular personal access to each other and our staff is critical to an effective and collegial court. In the same vein, we look forward to getting better acquainted with each of you as colleagues who collaboratively perform the peoples' work. And, we pledge any further assistance that we can offer to explain our role in Oregon's justice system.

David Brewer
Chief Judge
Oregon Court of Appeals