

Detail of 2010 Session 10% Reduction Plan to 2009-11 Legislatively Approved Budget (LAB) Level

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SUMMARY OF REDUCTION IMPACTS TO A STATEWIDE COURT SYSTEM

The Oregon Judicial Department (OJD), is a unified statewide court system required to have trial (circuit) courts in all counties in addition to a centralized Supreme Court, Court of Appeals, and Tax Court. The Office of the State Court Administrator provides the centralized and statutory infrastructure for OJD as a state entity.

Oregon's state courts are operating with 15% less General Fund at the Legislatively Approved Budget (LAB) level than was required to maintain court services at 2007-09 levels. Court staff reductions were mitigated by an allocation of increased fees and surcharges for an overall budget level developed with legislative leadership to maintain an "open and accessible" court system in Oregon (courts open five days a week and accessible to process all case types). However, numerous support staff and services have been lost.

Any additional General Fund reductions and staff losses will destroy Oregon's "open and accessible" court system necessarily resulting in court closures, limiting hours and days of public operation. Local public safety systems, business communities, and families and children in crisis are put at extreme risk if courts are not open and accessible and are not funded to adequately perform constitutional and statutory obligations. Significant delay in handling cases denies constitutional and statutory access and timely justice to thousands of people. Revenues collected by the courts that go to the General Fund (GF) and Criminal Fines and Assessment Account (CFAA) will shrink significantly with court delays and less staff resources, resulting in additional losses to public services in all parts of the system.

As a result of the limited months remaining in this budget period, a 5% biennial budget reduction is the equivalent of a 12.5% reduction and a 10% reduction becomes the equivalent of a 25% reduction to General Fund LAB. About 30% of the \$299 million Oregon Judicial Department General Fund budget is fixed costs for judicial compensation, debt service, and non-reducible state charges. That limitation forces more reductions onto the remaining General Fund balance which is used to fund staff providing core judicial services.

At a 5% General Fund reduction, OJD loses 8.5% of its biennial FTE. This would require a loss of 15.3% of its available workforce (186 positions) for the remainder of the biennium (May 2010 - June 30, 2011) to achieve the reduction dollar levels. With less staff, in order to keep up with the workflow, the courts will have to close to the public at least one day a week. These closures will significantly impact victims of domestic violence, stalking, and elder abuse who cannot obtain protective orders on those days. Budget reductions forced on trial courts decimate drug and other treatment courts, reduce available assistance for people who cannot afford a lawyer in non-criminal case, and eliminates 30 days of funding for jury trials and court interpreters. At this level, courts will not have the staff to collect \$3.7 million for state-funded services (GF/CFAA), \$1.6 million for cities and counties, and \$0.2 million of crime victim restitution. Core business support structures that maintain the statewide court system are impacted, eliminating essential statewide services (e.g. budget, audit, legal, human resources, technology, information network security, and statewide system support) for OJD judges, staff, partner agencies, and the public.

At a 10% General Fund reduction, OJD loses cumulatively 18.3% biennial FTE. This would require a loss of 32.9% of its available workforce (400 positions) for the remainder of the biennium (May 2010 - June 30, 2011) to achieve the reduction dollar levels. These reductions eliminate safeguards that protect public funds, impose long delays in issuing appellate decisions, destroy the core business support for a statewide court system, and close trial courts to the public at least two days per week. Funding is eliminated for 60 days of jury trials and interpreters payments. Cases involving public safety and vulnerable children would be prioritized to the extent possible, but cases involving business transactions, personal injury, debt collection, and divorces would languish. At this level, courts will lose the staff to collect \$7.9 million for state-funded services (GF/CFAA), \$3.4 million for cities and counties, and \$0.4 million of crime victim restitution.

These levels of General Fund reductions dissolve a unified statewide court system, close trial courts, derail the Oregon eCourt program, and invite constitutional challenges to the state's obligation to administer justice "completely and without delay."