

Judicial Branch

PROGRAM AREA AGENCIES

OREGON JUDICIAL DEPARTMENT	K-3
COMMISSION ON JUDICIAL FITNESS AND DISABILITY	K-5
PUBLIC DEFENSE SERVICES COMMISSION	K-6

	2005-07 Actuals	2007-09 Legislatively Approved	2009-11 Agency Request
General Fund	\$465,816,680	\$530,685,835	\$665,790,755
Lottery Funds	0	0	0
Other Funds	21,996,394	42,969,721	84,524,028
Federal Funds	1,478,760	979,687	1,053,719
Other Funds (Nonlimited)	9,481,442	10,492,966	10,233,769
Federal Funds (Nonlimited)	0	0	0
Total Funds	\$498,773,276	\$585,128,209	\$761,602,271
Positions	2,096	2,140	2,339
Full-time Equivalent	1,926.76	1,977.82	2,139.12

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.

Three 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:

- Proposes continuing a five year funding plan to modernize the technology and business process of the trial courts and a long range plan to improve court facilities.
- Supports judge and staff compensation and benefit adjustments.
- Adds new judgeships and related staff.

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Highlights of the Public Defense Services Commission's budget:

- Requests resources for Juvenile Dependency Representation.
- Funds rate increases for public defenders to address pay disparities.

Overall, the requested Judicial Branch budget is almost 30.2 percent higher than the 2007-09 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 \$527,121,999. This includes a 6.6 percent decrease for the Judicial Department and Public Defense Services Commission from their essential budget level. This amount also maintains services for the Commission on Judicial Fitness at the same program level as the 2007-09 biennium.

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OREGON JUDICIAL DEPARTMENT

	2005-07 Actuals	2007-09 Leg Approved Budget	2009-11 Chief Justices' Requested*
General Fund	\$282,060,774	\$315,619,416	\$390,437,432
Lottery Funds	0	0	0
Other Funds	21,671,603	42,365,102	83,847,183
Federal Funds	1,478,760	979,687	1,053,719
Other Funds (Nonlimited)	9,481,442	10,492,966	10,233,769
Federal Funds (Nonlimited)	0	0	0
Total Funds	\$314,692,579	\$369,457,171	\$485,572,103
Positions	2,039	2,071	2,255
Full-time Equivalent	1,871.21	1,911.47	2,056.95

*The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$325,108,851 General Fund, \$83,404,809 Other Funds, \$10,233,769 Other Funds Nonlimited, and \$1,047,391 Federal Funds for a total funds of \$419,794,820 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 reviews permanency plans for children in out-of-home placements and makes recommendations to the circuit court judges on the feasibility and progress of these plans.

Requested Budget

The Chief Justice's agency request budget is \$485.6 million total funds. This budget supports all programs and all policy packages submitted for legislative consideration. The requested budget is 31.4 percent more than the 2009-11 Legislatively Approved Budget.

The Chief Justice's maintenance level budget requests \$348.0 million General Fund, \$46.3 million Other Funds (\$10.2 million Nonlimited) and \$1.0 million Federal Funds. In addition, the budget adds \$38.7 million General Fund and \$47.4 million Other Funds (\$0.0 million Nonlimited) in policy packages.

The agency request budget proposes continuing 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 benefit adjustments, as well as funding to continue and expand drug, mental health and domestic violence courts. The budget adds new judgeships and related staff, plus allows for real time reporting on aggravated murder cases. It also requests funding for a rural court law clerk pool, preservation efforts in the Supreme Court building, funds for training and outreach and funds for a performance measurement/data analysis office.

Revenue

Eighty percent of the Judicial Department's budget is General Fund and most of the operation 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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PUBLIC DEFENSE SERVICES COMMISSION

	2005-07 Actuals	2007-09 Leg Approved Budget	2009-11 Agency Request*
General Fund	\$183,534,420	\$214,885,309	\$275,159,797
Lottery Funds	0	0	0
Other Funds	316,795	604,619	676,845
Federal Funds	0	0	0
Other Funds (Nonlimited)	0	0	0
Federal Funds (Nonlimited)	0	0	0
Total Funds	\$183,851,215	\$215,489,928	\$275,836,642
Positions	56	68	83
Full-time Equivalent	55.05	65.85	81.67

*The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$220,186,896 General Fund and \$676,845 Other Funds for a total amount of \$220,863,741 in his budget as a placeholder.

Overview

The Public Defense Services Commission (PDSC) consists of three divisions: the Appellate 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 Appellate 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 Appellate Division. The commission is not under executive branch control.

Requested Budget

The requested budget for PDSC is \$275.8 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 composed of application fees and contributions for services from people who can afford to pay for a portion of their defense services.