

Circuit Court of the State of Oregon for Jackson County



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Tim Gerking, Judge

Testimony On HB 2605
(New Judicial Positions)
House Judiciary Committee
Rep. Jeff Barker, Chair
February 14, 2017 Hearing

Chair Barker and Committee members, my name is Tim Gerking. I am the Presiding Judge for the Jackson County Circuit Court (First Judicial District). I have been a practicing lawyer and judge for 43 years. Please accept my testimony in support of the Oregon Judicial Department's request for new judgeships.

As you are probably aware, Southern Oregon is experiencing rapid population growth. In some respects this is a good thing; however, in other respects it is not. That is because, while our region has a relatively strong and vibrant economy, it is also rife with drug and opioid abuse, homelessness, crime and domestic violence. This phenomena is placing enormous pressure on our Court.

Currently, we have nine (9) judges. In order to process our very heavy caseload as efficiently as possible, we employ a hybrid case docket management system. Three (3) judges are assigned to a master criminal docket and those judges are primarily responsible for presiding over daily morning and afternoon arraignments, trials, sentencings, pretrial motions, hearings, settlement conferences and anything else that comes up on the criminal docket.

Three (3) judges are assigned to individual civil dockets. Those judges preside over all civil and domestic relations cases and probate matters. Civil trials and evidentiary hearings, with several backup cases if the primary case resolves, are generally scheduled every day of the week. We also have one (1) judge who has a combination criminal/domestic relations docket which is our attempt to accommodate the overflow of criminal and domestic relations cases that we process. Finally, we have two (2) judges that preside over our juvenile docket and our four (4) specialty courts.

The National Center For State Courts (NCSC) conducted an Oregon Circuit Judicial Officer Workload Assessment Study in 2016. This study was based on case filings in 2015. The NCSC's final report, published in May

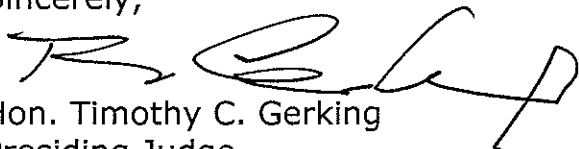
2016, indicated that Jackson County has the greatest need for additional judicial positions over any other Judicial District in the State. The study specifically recommended an additional 7.04 judicial positions for Jackson County which represents a 78% deficiency of judicial resources in Jackson County.

The NCSC also focused on juvenile courts and developed a separate Oregon Juvenile Court Workload Study. That study, which was also based on 2015 filings, again reflected that Jackson County has the greatest need for additional juvenile judge positions over other Judicial Districts in the State.

The pressure on our juvenile court has only been increasing. In 2016 Jackson County has experienced a 20-25% increase in time-intensive juvenile dependency cases. Our dependency caseload is now third highest in the State (Multnomah is first) and is roughly equivalent to Lane County's dependency caseload, even though we have significantly fewer judicial resources to allocate toward our exponentially expanding juvenile caseload. The Committee also should be aware that our two (2) Juvenile Judges also preside over our four (4) very successful, but time intensive specialty courts. (Community Family Court, Recovery Opportunity Court, Adult Drug Court and Mental Health Court)

Jackson County's plight is by no means unique. There are a number of other counties in Oregon that are roughly in the same position that we are in. The Committee members need not be reminded that each case that comes before a judge, whether it be criminal, civil, domestic relations or juvenile, is unique and requires the undivided time and the special attention and talents of the assigned Judge. This heavy judicial responsibility is at serious risk in Jackson County because of our lack of judicial resources. Although we absolutely recognize the financial crisis that Oregon faces, we nevertheless would greatly appreciate whatever help you can provide in terms of funding additional judgeships for Jackson County and for other judicial districts in need around the State.

Sincerely,



Hon. Timothy C. Gerking
Presiding Judge
Jackson County Circuit Court

CC: TCA Robert Kleker