



CIRCUIT COURT OF THE STATE OF OREGON
FOURTH JUDICIAL DISTRICT
MULTNOMAH COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OR 97204-1123

NAN G. WALLER
PRESIDING JUDGE

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Dear Chair Barker and Members of the Judiciary Committee:

I am the Presiding Judge for Multnomah County, OJD's largest judicial district. I am here today to request that you approve OJD's request for another judge for Multnomah County.

Our court has 38 judges elected judges to handle the legal needs of the approximately 790,294 residents of Multnomah County. In addition we have 4 full time juvenile court referees and 9 referees/pro tem judges. Our court also serves as the Municipal court for the cities of Portland and Gresham, Oregon's 1st and 4th largest cities. In 2016, 367,001 parking and violation citations were filed and approximately 80,000 other matters, including 20,313 felony and misdemeanor offenses, 12,784 civil actions, 5,908 landlord tenant actions, 9,698 small claims and approximately 16,962 new cases in Family Court. The size and diversity of our population creates its own set of demands on our court. Our goal has remained to be able to provide meaningful access to the court for all segments of our community – from the business community to vulnerable populations.

The metro area has both a growing population and a growing level of economic activity. Both factors impact the demand for judicial services. 64% of the total Oregon State Bar membership has offices on the metro region. A significant number of the state's civil complex cases are filed in our court. Complex cases are assigned to individual judges so that all aspects of the cases can benefit from the consistency and attention of one judge. It is vital to the continued economic health of the state that the businesses and industry located in Multnomah County have ready access to the courts when disputes arise.

On the other end of the spectrum, as the major urban center in Oregon, Multnomah County has a concentration of community services to address the needs of vulnerable populations, services that in turn draw people seeking those services to our county. These vulnerable populations include the homeless, the mentally ill, veterans, addicts and families who still struggle with the effects of the recession. These citizens, as a result of their vulnerabilities, often interface with the justice system. Our court has been responsive to the needs of our vulnerable populations by creating a robust menu of specialty and treatment courts, including a Veterans' docket; Mental Health Court; drug and alcohol courts (S.T.O.P. and S.T.A.R.T.); DUII Intensive Supervision Program (D.I.S.P.), Domestic Violence Court and community court.

Each of these dockets and programs require assigned, dedicated judges who spend intensive time helping eligible defendants. The goal of each of these specialized courts is to improve the outcomes for each defendant as well as increasing long term public safety. Each specialty court uses evidence based methods and techniques to engage defendants and address the reasons which gave rise to their criminal activity. The success of the specialty courts is directly related to the dedication of the community partners and the judge as well as simply having sufficient judicial time to invest in each defendant and each hearing. If an addict becomes clean and sober or a person suffering from mental illness can manage in the community we have reduced risk to the community as well as created a productive member of our community. The results of the time and effort put into treatment courts by judges are impressive. Last August, the Success Through Accountability, Restitution and Treatment (S.T.A.R.T) program graduated its largest class and its 100th graduate.

As Multnomah County's population has grown so has the diversity of our population. The increasing diversity has resulted in an increase in the number of cases requiring the use of interpreters. The use of interpreters necessarily lengthens hearings which in turn absorbs increased amounts of judicial time.

We have also seen an increase throughout the court in the numbers of persons representing themselves. In civil cases (taking out small claims cases and landlord tenant cases), at least 23 % of the cases one side is unrepresented. In family law cases more than 75% of the cases have at least one side that is unrepresented. Cases involving self-represented litigants necessitate the expenditure of additional judicial time to maximize the ability of self-represented litigants to understand and participate in the proceedings.

As a result of the opportunity the Oregon Legislature provided in passing HB 3194 in 2013, our court has participated with the other partners in the public safety system to implement the Multnomah County Justice Reinvestment Program (MCJRP). The goal of MCJRP is to reduce the use of prison beds by having eligible defendants participate in risk/needs assessments to allow for more informed decision making by DAs, defense attorneys and judges. This allows for a more informed decision as to which defendants should go to prison and which defendants can be safely kept on probation in the community with a period of intensive supervision and wraparound services. The program depends on judges having sufficient time to conduct judicial settlement conferences for all eligible defendants. The outcome data from our first full year of MCJRP being in operation is very encouraging.

The number of judges and referees occupied with specific dockets or rotation assignments to address the needs of our caseload often leaves few remaining judges to handle trials. Our court must assign judicial officers to cover at least 27 regular assignments on a daily basis, including:

- 5 arraignment courts (one for violations downtown, three for misdemeanor and felony preliminary hearings and arraignments, and one for arraignments in the East County)
- small claims and landlord/tenant
- civil commitments
- restraining orders
- 6 judges required daily for juvenile dependency and delinquency proceedings, including shelter hearings and delinquency arraignments
- felony call for trial
- civil call for trial
- family law call for trial
- 3 judges dedicated to misdemeanor trials
- 2 judicial officers dedicated to violation trials
- one judicial officer devoted to community court proceedings

- and, judges presiding over each of our treatment courts

We also have multiple judges occupied at any given time with complex civil trials and longer criminal trials that have been specially set. At times this leaves limited judicial availability for assigning matters from the civil, family law, and felony call dockets, which can then have an adverse effect on time to trial for these cases.

The efficacy of a court system depends upon the trust and confidence the public has that the disputes and criminal matters that bring them before the court will be efficiently and promptly addressed with the time and attention each matter deserves. This can be achieved only with sufficient judicial resource to meet the needs of the community. I urge you to authorize another judicial position for Multnomah County Circuit Court so that we can maintain our commitment to the community.

Thank you for your consideration.

Nan G. Waller
Presiding Judge
Multnomah County Circuit Court