

TESTIMONY ON HB 2605  
BEFORE THE HOUSE JUDICIARY COMMITTEE

PRESENTED BY: THE HONORABLE TRACY PRALL, PRESIDING JUDGE  
MARION COUNTY CIRCUIT COURT

Chair Barker and committee members, my name is Tracy Prall and I am the presiding judge for Marion County Circuit Court. I have been a judge since 2008 and was a full time referee/pro tem judge for three years before that. I am here to support the Oregon Judicial Department's request for new judgeships.

There is certainly statistical information to support that our counties have become more populated, and we are struggling to meet statewide standards for timely disposition of all case types. Senior Judge James Rhoades testified before this committee in 2015 on behalf of Marion County's request for new judgeships. Our circumstances have not changed for the better since then. Civil filings continue to increase as have hearings on our master criminal and juvenile dockets. Marion County runs three master calendars to handle the influx of these cases. This means that fewer judicial resources are available to handle individual calendars. We see:

- 3755 hearings per month (conservatively) at our criminal court annex;
- 1102 hearings per month at our juvenile court;
- 465 hearings per month on our civil miscellaneous docket, that's not including the review of over 450 ex parte orders and judgments that are submitted every **week**.

Our current need is for approximately 3.5 judicial positions, but the addition of *even one judge* will have a significant positive effect on case processing by decreasing case backlogs and improving timely case disposition.

Our concern is not just with the quantity of services, but also the quality of services that we provide to the citizens of Marion County.

The Marion County Circuit Court is solving problems, not just processing cases. To that end, we manage five treatment courts – adult and juvenile drug courts, a child welfare dependency courts, an adult mental health court and a Veteran's court. As a result:

- Collectively, our judges devote over 2 ½ days each week to treatment courts.
- This means other cases are handled with fewer available judicial resource hours for general case processing and trials.
- There is grant funding for parts of these programs but the judicial resources ("judges' time") are provided only through our general fund budget.
- This is well worth it given all we know about the benefits of treatment courts to clients and the system as a whole. But this is not sustainable without additional judicial resources.

The quantity, quality, and complexity of work we perform as judges in Marion County is also affected by the fact that we sit in the state's capitol. This makes our docket somewhat unique.

- Marion County judges handle many complex civil cases, including the vast majority of challenges to legislative actions, elections issues, and claims against state agencies.
- Over one-third of Oregon state prisons (5 of the 14) are located in Marion County, including Oregon's death row. Death row litigation is extremely time-consuming for our judges.
- The Oregon State Hospital is also within our jurisdiction. Consequently, we handle a significant number of civil commitment hearings.

We have seen other changes that have increased our need for additional judges:

- Marion County has consolidated its Justice Courts, which will now only handle violations. Without additional resources, Marion County Circuit Court now has the responsibility for processing the increased criminal filings (with the right to court appointed counsel and jury trial) in circuit court primarily in the form of DUII prosecutions.
- Over time, major civil and criminal cases (as well as case law and statutory law) have become more complex, and the lawyering more sophisticated, with the result that cases require more judicial time.

We have utilized a number of stop-gap measures to reduce delays:

- We have an Early Disposition program for minor criminal cases;
- Free mediation for our small claims and landlord-tenant disputes;
- We have family law facilitators to assist domestic relations self-represented litigants as well as assisting complainants in processing Restraining order applications;
- We have referees and pro tem judges to assist in processing juvenile, criminal, support enforcement, mental commitments, small claims, residential evictions, trancies, probate matters and self-represented custody matters.
- We have worked with our District Attorney's Office to identify appropriate candidates for Marion County's SB416 project with the goal to develop and implement evidence-based strategies to improve the supervision of probationers and reduce recidivism.
- Our judges regularly conduct settlement conferences to facilitate early (and less expensive) resolution of criminal, civil and criminal cases.

Thank you for your time and for considering our proposal.