



September 7, 2011

VIA EMAIL ONLY

Dear Legislator:

I am writing to give you advance notice that I am ordering closure of Oregon's state courts on nine days in the 2011-13 biennium, as part of the Judicial Department's response to budget reductions.

I do this reluctantly, and am aware of the impact that these closure days will have on public safety and the health and welfare of thousands of Oregonians who seek protection or enforcement of their rights in court. Simply put, however, the cumulative impact of ongoing budget reductions compels this result.

The court closure days will start on Friday, November 25, 2011, and fall on the same days as executive branch closures. Although we were able to keep courts open in 2009-11 while taking the same number of unpaid furlough days as the executive branch, the additional reductions in the 2011-13 budget make that practice unsustainable.

The full-day closures are only part of the budget reduction impact. In order to meet the constitutional requirement that we adjudicate cases "completely and without delay," we are having to sacrifice some public access to the courts and specialized services such as drug courts and mediation services that produce better outcomes for parties but are more expensive and time-consuming for the courts. The presiding judge or trial court administrator in your local county can provide specific impacts to the court(s) in your district.

Courts throughout the state are reducing their public service hours, which will limit the public's ability to make payments, file cases, seek restraining orders, and view documents. In addition, some courts are eliminating assistance to litigants who are not represented by attorneys. This will make navigating the judicial process more difficult, and slower, and less understandable for these people who need their problems solved by a court. Four counties are eliminating pre-trial release officers, so the decisions on who can be released from jail will shift to the sheriff, or to the prosecutors and defense to litigate before a judge.

The courts' everyday work environment now is similar to what occurs in the legislature when sine die is approaching. As you know, sometimes at the end of session committees or floor sessions get delayed because your staff needs time to translate the decisions you make in

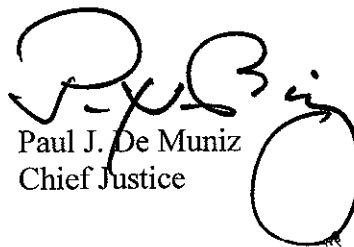
committee into the amendments and committee reports necessary to move bills through the process. A similar process occurs in courts, where proceedings are very staff- and paper-intensive – hearings have to be scheduled and parties notified, the court file located and updated, and the judge’s decision must be reduced to writing, signed, and entered into the data system and a judgment issued. We do that for about 600,000 cases per year, for cases ranging from traffic infractions to child custody disputes to complex contract cases.

Approximately \$32 million in OJD’s 2011-13 budget comes as new pass-through funds – money we send directly to counties and others for law libraries, mediation/conciliation services, and court facility security. These funds appear in our budget but do not fund court operations. I offer this information in the spirit of transparency – not by way of complaint. I approved these decisions reluctantly, knowing the great efforts the legislature made to balance the state budget, and knowing the impact on Oregonians and the justice they need and deserve. I made my case in the session, and after that it is the legislature’s prerogative to prioritize what public services it will fund.

I will, however, take this opportunity to remind you that additional reductions to court services will be necessary unless the legislature in February 2012 restores the \$11.5 million that was removed from OJD’s budget to contribute to the statewide reserve fund.

Please contact me or State Court Administrator Kingsley Click if you have questions or need additional information.

Sincerely,



Paul J. De Muniz
Chief Justice