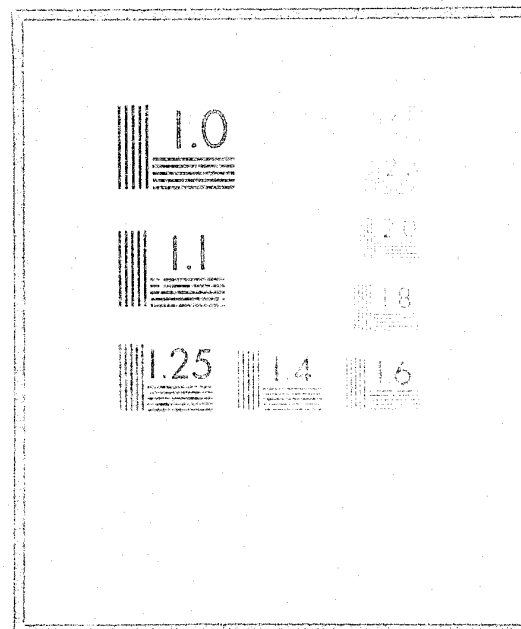


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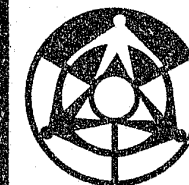
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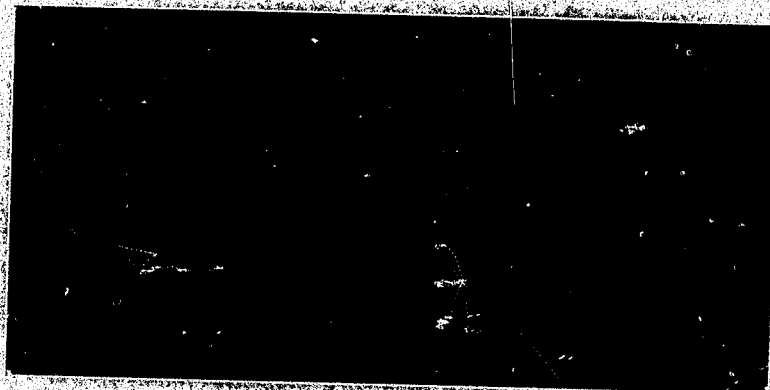
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REVIEW OF THE ADMINISTRATIVE OPERATIONS OF THE MULTNOMAH COUNTY CIRCUIT COURT IN PORTLAND, OREGON



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.



INSTITUTE FOR ADVANCED STUDIES IN JUSTICE

Nicholas N. Kittrie, Institute Director
Joseph A. Trotter, Jr., Associate Director
David J. Saari, Associate Director
B. J. Tennery, Associate Director

David E. Aaronson & C. Thomas Dienes, Co-principal Investigators
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H. H. A. Cooper, Staff Director
National Advisory Committee Task Force on Disorders and Terrorism

Jerry V. Wilson, Project Director
War on Crime in the District of Columbia, 1955-1975

Criminal Courts Technical Assistance Project
Joseph A. Trotter, Jr., Project Director
Caroline S. Cooper, Deputy Director
Bert H. Hoff, Technical Assistance Specialist
Johanna S. Kramer, Evaluation Specialist
Linda C. Sweeney, Research Analyst
Mark D. Cherry, Administrative Assistant

Project Advisory Board
Nicholas N. Kittrie, Institute for Advanced Studies in Justice
David J. Saari, Center for the Administration of Justice
College of Public Affairs

THE AMERICAN UNIVERSITY
Robert E. Cleary, Provost and Acting President
Gordon A. Christenson, Dean, Law School

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OF THE
MULTNOMAH COUNTY CIRCUIT COURT
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September 1976

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MAR 8 1977

ACQUISITIONS

Consultant:

Ellis D. Pettigrew

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
The American University Law Institute
4900 Massachusetts Avenue, N.W.
Washington, D.C. 20016
(202) 686-3803

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I. INTRODUCTION

The Circuit Court of Oregon's Fourth Judicial District, located in the Multnomah County Courthouse in Portland, Oregon, is a trial court with jurisdiction over criminal felonies, civil claims, domestic relations cases, and probate cases, and with appellate jurisdiction from the District Court in the county. The Court handles approximately 18,000 filings each year. The various administrative tasks involved in processing this case-load are performed by the 54 employees of the Administrative Office, under the direction of the Court Administrator, Michael D. Hall.

On April 6, 1976, Mr. Hall requested technical assistance, through the Law Enforcement Assistance Administration's Criminal Courts Technical Assistance Project at The American University, in reviewing the administrative structure of the Court, and in establishing short range and long range goals and developing planning guidelines. During the preceding year a number of new functions had been assumed by the Administrative Office, including the records management responsibilities described in Chapter Seven of the Oregon Revised Statutes, the control of files pertaining to the Court, the control of accounts receivable and of exhibits, and statistical control. During the same period, the Court's administrative staff had been curtailed because of budgetary cut-backs. As a result, the Court's ability to plan for the future was limited, and it was being managed on a day-to-day basis.

To provide the assistance requested, the Project designated Ellis D. Pettigrew, a management consultant with extensive experience in court administration and formerly the State Court Administrator of the South Dakota Unified Court System. Mr. Pettigrew visited the site for

five days in July, interviewed Court personnel, reviewed the structure and administrative policies of the Court, and examined pertinent statutes. Particular attention was given to the mechanisms for planning, formulation and execution of general administrative policy, and to the administrative operations of the records section and the calendaring sections, which the Court had been attempting to consolidate. In this report the consultant analyzes the existing situation in those areas, and presents recommendations for alternative approaches designed to enhance the Court's ability to set administrative goals and to meet them.

II. EXISTING SITUATION

A. General Description of the Court

1. Jurisdiction

The Multnomah County Circuit Court is a trial court of general jurisdiction, including civil (unlimited monetary and property claims), criminal (all felony trials and cases where the penalty is \$1,000 or one year or more), domestic relations (original juvenile jurisdiction and divorce) and probate. The Court also has appellate jurisdiction from the Multnomah County District Court. (The District Court has jurisdiction of civil claims of \$3,000 or less concurrent with Circuit Court; criminal misdemeanors with a penalty of less than \$1,000 or one year, and felony initial appearances and preliminary hearings; small claims; traffic violations; and all City of Portland ordinance violations--the City of Portland does not have a municipal court.) Both District and Circuit courts are housed in the Multnomah County Circuit Courthouse, with the exception of the juvenile facilities, which are housed in their own separate building. District Court processes were not reviewed by the consultants, nor were District Court personnel interviewed.

2. Organization

a. Judicial

The Circuit Court is staffed by 18 judges and a support staff of approximately 54 individuals. The Court is organized into three divisions: the General Trial Division (civil and criminal); the Probate Division (statutorily separate), and the Domestic Relations Division. It has a Presiding Judge, who also acts as Chief Civil Judge; a nine-member Judges' General Committee, which makes policy; a Chief Criminal Judge; and a Chief Domestic Relations Judge.

b. Administrative

The Court Administrator's position is authorized pursuant to

Oregon Revised Statutes 8.070 and supplemental Multnomah Circuit Court rules. The local rules provide for general and specific administration policy. The Administrative Office is divided into six sections: Administrative Services, Civil Calendaring, Criminal Calendaring, Domestic Relations Calendaring, Court Records, and Pre-trial Release. The administrative responsibilities of each section are outlined in the Court Rules of the Circuit Court, and in guidelines entitled Operational and Administrative Activities of Court Supportive Functions. Further guidelines, entitled "Policies Relating to Administrative Structure and Organization," have been drafted by the Court Administrator, but have not yet been published. Some of the more active of the duties relevant to this study are outlined below.

(1) Administrative Services

The Administrative Services office is responsible for management, purchasing, and accounting. This section also supervises and conducts management studies to improve work flow and operating methods and to simplify office procedures, and it analyzes practices and procedures used in recordkeeping, filing, forms control, purchasing, and other services, to assure efficiency of operations.

(2) Calendaring

The civil, criminal, and domestic relations calendaring sections are charged with organizing, directing, and coordinating the activities of their respective sections. The three sections are organizationally separate, although they are located in the same office area. Each is a three or four-person operation, with its own supervisor. These three sections are also responsible for the preparation of trial date notices, daily assignment calendars, daily trial calendars, and all relevant statistics and reports. The section supervisors, or coordinators, are also responsible for the daily workflow and for internal procedures. Coordinators

are responsible directly to the Court Administrator.

(3) Records

The Court Records section is the largest of the six sections, with 31 employees. It is responsible for the filing and maintenance of civil, domestic relations, and criminal records; for preparing special studies, statistical reports, and recommendations to the Presiding Judge, the Judges' General Committee, the Criminal Court Committee, and other committees, regarding the business of the Court; for conducting special research and analysis projects as assigned or as self-initiated; and for maintaining all data and records pertinent to the operation of the Court and the Administrative Office. All exhibit room responsibilities, including maintenance of exhibit records, are in charge of the supervisor of civil files.

(4) Pre-trial Release

The Multnomah County Pre-trial Release Program supports the Circuit and District Courts daily by identification and interview of arrested defendants, verification of information, and recommendations as to pre-trial release. In addition, and when so delegated, the program acts for the Circuit Court or the District Court in executing the release decision. The program also assists in formulating pre-trial release conditions and programs for defendants accused of crimes. The pre-trial release program has four employees.

B. Administrative Improvements To Date

The Multnomah County Circuit Court has made consistent efforts, such as the following, to establish sound administrative practices:

1. Establishment of administrative policy, to be set out formally in guidelines entitled "Policies Relating to Judicial Structure and Organization," now in draft form. These guidelines will outline and define methods of conducting court business for all parties to review and understand.

2. Establishment of Court Rule No. 4, and subsequent efforts to implement it. This rule establishes, as an item of Court policy, the goal that criminal cases should not remain open for more than three months. The overall effort embodied in this rule is to reduce the time required for processing cases before the Court. Perhaps the most important aspect of this development is the implied assertion that the judiciary is responsible for case administration. The existence of this rule and related case management procedures manifest an underlying acceptance of the philosophical premise that the Court should assume responsibility for the effective management of its own business. This premise is clearly a prerequisite to the development and exercise of effective judicial administration.

3. Establishment of personnel policy for court employees by court rule.

4. Establishment of a personnel position classification plan by court rule.

5. The Pre-trial Release Program.

6. The Victims Restitution Program.

7. An integrated record-keeping system directed by the Court Administrator.

8. A centralized, numerical filing system, with one numbering system covering all types of cases and files.

9. An automated system of accounting for monies received at the point of initial information capture (at the cash register).

10. Keeping of dockets on letter-sized forms in loose leaf binders, rather than in the traditional bound volumes.

11. Microfilming programs.

12. A central juror pool, shared with the District Court.

13. A completely automated juror administrative system.

14. A case processing management information system.
15. Regular production of management reports describing the current status of each section, and listing any problems, with proposals for their solution.
16. Design of a program/performance budget for the Court (not yet implemented).
17. Publication of a pamphlet on court operations for the information and education of the public.
18. Use of graduate students to supplement court staff in research and development planning.
19. Courtroom facility innovations.

Such activities demonstrate an affirmative effort by the Court to provide a better quality of justice to the citizens of Multnomah County.

III. OBSERVATIONS AND RECOMMENDATIONS

A. Frustrations Attendant to Change

Observations.--During the course of the consultant's site visit, several court employees spoke of frustrations that could be characterized as administrative growing pains. In other jurisdictions, when courts have been in comparable stages of administrative change, personnel have experienced similar feelings of frustration. There is nothing unusual about these feelings in the present context, in this Court, of new administrative programs. The process of change--no matter how minor the change--naturally brings about unsettled feelings. Recognizing that these feelings are natural may not lessen them, but should permit them to be better understood. They do not, in any case, present a major problem.

Recommendations.--The Court should continue setting sound, practical goals, and instituting prudent changes when necessary to meet those goals.

B. Records and Calendaring

Observations.--This Court is very fortunate that the Court Administrator is responsible for administering all court records. Many courts around the country, particularly medium-sized and large courts, are engaged in tedious efforts to obtain control of their own records. These efforts are based on the conviction that records management should not be separate from calendar management. Record-keeping is supportive to calendaring. If administrative relationships between records and calendar management are not harmonious, serious problems may result.

Such problems have already been identified in the Circuit Court. Case files, for one thing, are often not complete. For another, the delay in posting and filing supplemental legal documents is reported to be as much as 14 days; this is too long by any standards. The time lapse, including microfilming, should not be longer than 48 hours.

Recommendation.--The Court could adopt a rule requiring duplicate filings on all case documents. This may not be practical, because of resistance from the local bar, but it should, nonetheless, be considered.

Recommendation.--The Court could do its own microfilming. Assuming that the present county filming system contributes to the delay, this would help to alleviate the problem.

Recommendation.--The three calendaring sections and the record-keeping section should be moved into the same physical space, and their functions should be merged. The consultant's interviews and observations revealed a distinct need for such a merger, which would have benefits in the long run that the measures in the two preceding recommendations would not have. And long-term benefit should be the primary consideration in planning for these key sections.

1. Benefits of Merger

There are several benefits that could be expected from such a merger.

a. Accountability.--The current organization of records and calendaring, with responsibilities divided among four separate sections, does not focus responsibility along clear and distinct lines. As a result, when problems, such as incomplete records or lost files, arise, each section tends to perceive that the other is responsible. Such a situation lends itself to low employee morale. The recommended merger would focus responsibility and, thus, bring about accountability.

b. Coordination.--Locating the two offices in the same area would bring all related administrative activities under one umbrella. The manual case-tracking system used at present would be enhanced by bringing the people and materials needed closer together; this would allow prompt processing of information, and would make possible a more complete record.

c. Preparedness for SJIS.--The automated Oregon State Judicial Information System will be implemented beginning January 1977. One of the many requirements of such a system, particularly an on-line one with limited terminal input, is the need for fast data entry. Prompt data entry, as previously indicated, could be assured by the integration of operations recommended. The Court, in recognizing the needs that the new SJIS program will have, could benefit from the experiences of other jurisdictions in similar circumstances. Those experiences demonstrate that the Court can control its own administrative course by acting now to meet, affirmatively, the SJIS program. To fail to act would be to risk giving rise to a situation in which the SJIS component, by its very nature, would dictate administrative changes. The consultant believes that if the calendaring and records sections were to be integrated now, the Court would then be able to implement the SJIS program without undue administrative hardship.

d. Increased Efficiency.--The Court has, over the past several fiscal years, suffered a net loss of five administrative personnel because of budget limitations in Multnomah County. The gain in efficiency resulting from integration of the records and calendaring sections eventually should free a limited number of personnel. This gain would not offset the total personnel loss, but should ease the burden.

2. Implementation Schedule

a. Following an initial design of new office procedures by the Administrator's staff, the Criminal, Civil and Domestic Relations calendar sections would be brought into the Records Office in one move. This move would not take longer than two weeks. If at all possible, flow-charting should be completed before beginning the move. Approximately five to seven days of concentrated effort would be needed to flow-chart the present and the proposed systems.

b. Criminal calendaring and criminal records would then be integrated. This section should be integrated first, largely because of the impending SJIS activity, which, as mentioned earlier, will require centrally available case processing information for input and update of records.

c. Either the Civil or the Domestic Relations calendaring sections would then be integrated with the corresponding Records component. The one to be integrated first would be determined at that time, according to the priorities of the time. In either case, approximate time frames are (1) two weeks for the initial move; (2) two weeks to one month for integration of the criminal operations; and (3) two or three months each for integration of the Domestic Relations and Civil operations. The total time required for the complete merger would be approximately nine to twelve months.

3. Implementation Task Force

The Court Administrator may wish to form a task force to coordinate and complete the integration. The task force could be made up of the coordinators from each calendaring section, the Records section manager, the file room coordinator, an SJIS representative, and, if possible, a planner from outside the Court.

4. Requirements for Integrating Records and Calendaring

a. Space Availability.--Space is necessary to the recommended restructuring. Ideally, the present calendaring personnel would be moved into the present offices of the Records section. This would require a desk space for about ten more workers within the already crowded Records Office. The Court Administrator thus may wish to consider relocating those functions that are now located within the Records Office and that are only peripherally related to criminal, civil, or domestic relations cases, such as the Support Payments section and the Probate Records section.

b. Design of Initial Phase-in Plan by Court Administrator's Staff.--This design should include flow-charts and structural guidelines for personnel. It seems advisable to place each integrated calendaring and records section under the supervision of the coordinator now in charge of the appropriate calendaring section. (See chart on page 13.)

c. Organizational Development Meeting.--An organizational development meeting should be held during the design stage, before any move is begun. The meeting should include the calendaring and records staffs and should allow them to discuss the changes planned and to offer their thoughts. This would involve them in the changes and would help develop among participants a feeling of personal commitment to bringing about the desired results. The meeting would take about three hours. An outside facilitator skilled in conducting such meetings might be brought in for the meeting.

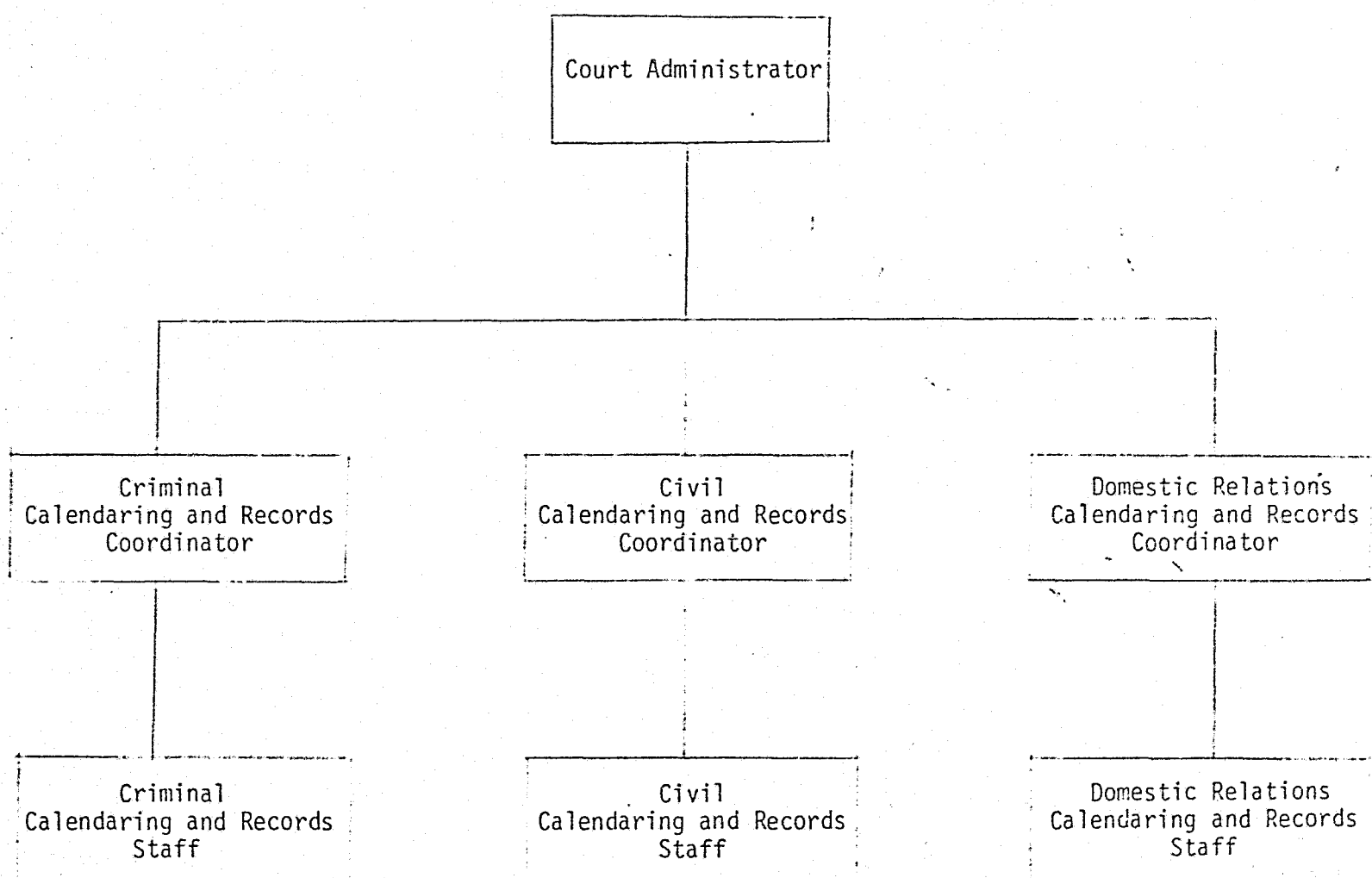
d. Evaluation of Results.--Subsequent to the merger, an objective evaluation, by an outside resource person, of the progress made would be helpful to the Administrator's staff. No more than three days would be needed for this.

C. Planning, Research and Development

Current administrative practices in the Court reflect a desire to develop a component responsible for planning based upon research and development. The Court has done and is doing administrative planning. The object of the following suggestions is a more refined and formalized planning process.

A policy formulation process based upon firm planning concepts can guide an administration effectively and can help it to avoid crises. The principal requirement for the development of a sound research and development component is a consistent resource base. The personnel resources

CHART: PROPOSED STRUCTURE OF INTEGRATED CALENDAR AND RECORDS SECTION



available to the Circuit Court are acutely inadequate for permanent research and development services. The Administrator's Office recognizes the need for planning, and has attempted to meet that need in several ways. One way was the use of temporary student help to do broad management-related planning and research. A second, more significant way, was the formal assignment of planning and research duties to the Administrator's assistant. This position, entitled, "Coordinator of Administrative Services", is, however, now vacant because of budgetary constraints. Within such constraints, the Administrator's Office has made use of a graduate student in administration to help with these duties. The Court Administrator has also prepared a limited statement of yearly goals and proposed research tasks. When resources become more available, the administrative assistant position can be filled; he or she could then perform the planning function, and the statement of goals and research tasks could be expanded. Presently, little more can be done to meet the need for planning: securing federal or state Law Enforcement Assistance Administration (LEAA) funds would not satisfy the Court's need for long-term resources.

Recommendation.--The Court should continue seeking to develop a planning component, and the Court's capability for timely, goal-oriented policy formulation should be developed in a systematic fashion. The Court cannot permit further erosion of critically necessary administrative resources. It is often not easy for judicial officials to recognize the need for planning and subsequent research and development. That the Multnomah County Circuit Court has recognized this need is exhibited by the prior efforts of this court--efforts that are now producing benefits not usually observed in trial courts in the United States. The Court should put the appropriate county executive and legislative officials on notice that further budget cutbacks would severely limit the Court's ability to meet the needs of the future.

Surely the present limitations of the Court, and the related basic, mechanical difficulties, such as incomplete case files, are indicative of administrative and adjudicatory ills to come. It is a well established maxim that time-consuming operational tasks drive out planning. And the consultant has little doubt, after five days of on-site observation, that the present administrative staff has an abundance of basic functional duties. The constraints on development-related work, if not eased soon, will continue to hamper the activities of the Court, which will find itself continually reacting to crisis situations. What the Court should do is to prepare for the future by identifying problems before they arise, so that they can be met with timely, appropriate solutions.

END

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