

Introduction

The League of Women Voters of Oregon (LWVOR) has undertaken a two year study of the Oregon judiciary to update and expand the current League position on the judicial system adopted in 1979. In this first year of the study, the LWVOR planned to distribute background information on the Oregon state court system. However, that information will not be available until next fall.

The League of Women Voters of Lane County has prepared this document about circuit court programs and issues in Lane County, which is one of 27 Oregon Judicial Districts. There are four sections: general information about the role and operation of the Oregon juvenile courts (specialty courts within the circuit court system), a description of the two teen courts in the City of Eugene, a review of the inadequate facilities for the Lane County Circuit Courts, and Voters Guide information about the Lane County Judicial Position 14.

Juvenile Court

Cases

In the state of Oregon there are five types of cases handled in Juvenile Court: dependency, delinquency, termination of parental rights, emancipation, and expunction.

Dependency

Dependency petitions involve a person who is under 18 years of age. A petition may be filed for a child who is beyond the control of his/her parents; who is dependent for care and support on a public or private child-caring agency; whose parents have abandoned, neglected or abused the child; or who has run away from home. Any person may file a petition in the juvenile court, although petitions are usually filed by a child-care agency.

Delinquency

Delinquency petitions involve a person who is under 18 years of age and has allegedly committed a crime. The District Attorney, Juvenile Department, or Oregon Youth Authority may file a delinquency petition in the juvenile court.

In delinquency proceedings, the juvenile has the same rights as an adult with the exception of bail and a jury trial. The juvenile is entitled to representation by a public defense attorney, who represents the juvenile rather than his/her parents or guardians. He or she can call and question his or her own witnesses, obtain a record of the trial, and appeal the verdict.

A disposition in juvenile court is similar to sentencing in adult court. The judge may choose from many options, from a simple warning to a diversion program or sentencing to a state training school. The judge is expected to make the most appropriate disposition for the offender and to gather as much material on the offender as possible from various sources: home, school, neighborhood and juvenile records. Judges cannot sentence a juvenile to a longer sentence than would have been received in adult court. Juveniles accused of rape or murder are tried in adult court rather than juvenile court.

Termination of Parental Rights

Termination of Parental Rights is the extinguishment of all legal ties between a parent and a child. As a last resort parental rights may be terminated by the consent of the parents or involuntarily by

order of the court. The rights of one parent may be terminated without affecting the rights of the other parent. Petitions are filed with the Attorney General's office on behalf of children who have been committed to the Department of Human Services.

Emancipation

Emancipation is the process by which a juvenile 16 or 17 years of age can obtain most of the rights and responsibilities of an adult, including establishing a residence, working for adult wages, and being recognized as an adult for the purpose of criminal laws.

Expunction

Expunction occurs when the court orders the destruction of all or any part of a juvenile's record. The juvenile must petition the court and meet statutory qualification, including that no objection is filed. Once the expunction is ordered, the party may claim that the record never existed.

Teen Court Program in the City of Eugene

Peer Court Programs

Peer courts provide youthful offenders the opportunity to appear before a group of peers in lieu of facing consequences through the criminal justice system. Volunteers and participants learn responsibility and gain valuable experience in decision making, public speaking, law, and ethics. Lane County presently has peer courts in Eugene, Cottage Grove, Florence-Mapleton, and Oakridge; previously Springfield and Fern Ridge had such courts.

History of Teen Courts in Eugene

The peer courts in the city of Eugene are Bethel and West Eugene Teen Courts. These teen courts began as a neighborhood community project. The Eugene Community Partnership, Bethel Living Village Center, and the police officer assigned to Willamette High School joined together and formed a committee which laid the ground work for the Teen Court Program. The committee met in 1997 and presented its findings and recommendations to the Department of Youth Services. In November 1997 the Bethel Teen Court heard its first case. In March 1999 West Eugene Teen Court had its first hearing. The funding comes from the City of Eugene Recreation Service Division along with a federal grant.

Funding of Teen Court

The 2004-2005 budget for the two existing Eugene Teen Courts was \$93,523 (though the actual expenditures were \$85,786). The 2005-2006 budget is \$96,047. The major share of the money is from the City of Eugene Recreation funds. The balance is from a federal Juvenile Accountability Block Grant (JABG), which is dispersed by the Lane County Department of Youth Services to local programs including peer courts. In 2004-2005 the peer court received \$20,810 in JABG money. In 2005-2006 this amount was reduced to \$11,519.

Qualifying Offenses/Consequences

Teen Court hears cases involving violations and misdemeanor crimes that are nonviolent in nature. Such charges include shoplifting, theft (2nd and 3rd degree), trespass, criminal mischief (2nd and 3rd degree), curfew violations, possession of less than one ounce of marijuana, and minor in possession of alcohol. To be eligible for Teen Court, the offender must be between the ages of 12 and 17, be a Bethel School District resident or student or reside or attend school in the Churchill High School region (West Eugene), admit to committing the offense, and be either a first time offender or not have a significant criminal record. In 2005 Bethel heard 33 cases, while West

Eugene had 55 .

Teens deal with their time in Teen Court differently. Defendants are given a chance to make amends, and everyone involved tries to bring them back into the community. The objective of Teen Court is to help defendants realize why their actions were wrong and what they can do to make things right, while also demonstrating to defendants that they are still accepted by their peers and the community. In every peer-jury sentence, defendants are assigned a certain number of community service hours and jury duties. In this way, defendants can give back to the community. Jury duty also helps the defendant see what it is like on the other side of the "hot seat."

Administration and Hearing Locations

Teen Court is administered by Teen Court Supervisor Bruce Steinmetz, 682-6376. Bethel Teen Court is held at Lane Education Service District Board Room on Thursday evenings. West Eugene Teen Court is held at the Eugene Bible College in the Hunt Music Center on Wednesday evenings. The hearings are twice a month and open to the public.

Youth Courts Program Evaluation

In June 2004 research staff at the Lane County Department of Youth Services (Youth Services) conducted an evaluation of local youth courts as part of their on-going evaluation of all programs. The evaluation design included a comparison group of similar juvenile offenders who received a warning letter from Youth Services.

Findings indicate that youth courts graduates had significantly fewer crimes than the letter group. The difference is statistically significant with long-term follow-up. The percent and number of juveniles who did not re-offend during the follow-up period includes:

Follow-up Time	Juveniles Who Did Not Re-offend
	Youth Courts
1-year	84.4% (140 of 165)
2-years	80.7% (117 of 145)
3 years	81.4% (48 of 59)

The evaluation also includes a cost / benefit overview. It found that at the two-year follow-up period the youth courts group was ten percent (10%) more effective at reducing crime. This efficacy produced over \$325,000 in cost savings when looking at the probability of re-offending.

Lane County Courthouse

Background

Action by the 1981 Oregon legislature shifted financial responsibility for court employees to the state but left counties with the responsibility to provide and maintain suitable and sufficient circuit court facilities.

The current Lane County Courthouse was built in 1958 with the Public Service Building additions in

the 1970s. Existing problems include safety, security, access, and space restrictions. County budget constraints have limited the funds available to address these issues.

According to Lane County Court Administrator David Factor, the Lane County Courthouse has reached its limit in terms of space. Because all jury trials require twelve jurors, not six, there needs to be building changes in the courtrooms. The 15 judges have had to "double up" and not have their own courtrooms because only two rooms have been completed. Fortunately judges and staff have cooperated to allow the completion of cases. Another problem is the lack of mediation rooms as the system is turning to more mediation and fewer trials. Rooms are also needed as safe rooms for children who are witnesses. Asbestos removal is needed. Storage areas are packed. As time permits, employees are transferring case files to database to allow the conversion of storage space to rooms for witnesses or for mediation sessions.

Lane County Presiding Judge Mary Ann Bearden, in response to a League of Women Voters question about the adequacy of court facilities, made the following comments: "The court facilities are not adequate for getting the court's business done. We don't have enough courtrooms, conference rooms and offices. The facilities have many problems associated with old buildings with insufficient maintenance. There are major renovations that need to be completed so that the court facilities meet ADA (Americans with Disabilities Act) guidelines and can meet modern business needs and security needs."

2005 Study/Recommendations

In 2005, the county hired an architect and security consultant to assess the building structure, security needs in the current facility, and court capacity needs now and in the future. The conclusion was that the building itself is virtually obsolete, cannot provide the security measures which would be designed into any building constructed today, and does not have the space necessary to provide the expanded programs and staff necessary for the court to function at capacity.

Security is an important concern. While in the courthouse, staff, litigants, and observers have the right to expect to be safe. According to the 2005 study, the present electronic screening process works well. However, the design configuration for both the Plaza level and lower lobby is too constrained and easily compromised by distracting screening staff.

Because of costs (estimate of \$55 million minimum for a new facility) and limited county money, the focus is on security improvements within the existing building environment. Security recommendations of the study include:

1. Develop a comprehensive 20-year space need study for the court and agencies in the Public Service Building (PSB).
2. Conduct a more detailed design study of the cost to lower the Courthouse Plaza Entry level so that in time one single secure screening point could be created.
3. Study alternatives for physically challenged people and close the Oak Street entrance.
4. Look at creating a new vehicle sally port for inmates along 7th Avenue and a new inmate processing area.
5. Study the potential to move the District Attorney from the 4th floor to another location and convert the space to additional courtrooms, jury assembly, court records, and mediation rooms.
6. Implement a broad range of internal access and control measures.
7. Change access by all persons into the Courthouse.
8. Create a central monitoring and control center for the Courthouse and PSB that would

also be the location of lockers for any weapons brought to the Courthouse.

9. Implement a "no weapons" policy in the Courthouse.

10. Implement a policy to limit access to the secure elevator to judges and escorted inmates.

11. Study the implications of installing a control gate into the County Parking Structure and closing all pedestrian stairs into the garage.

12. Install security bollards around the north, east, and west sides of the Courthouse and security glazing in all windows at the first two levels above grade of the Courthouse.

The estimated cost for all 12 of the recommendations is \$26,731,00. The program budget of the Lane County public safety proposal includes funds for about \$10 million of improvement.

Sources

Judge Mary Ann Bearden, Lane County Circuit Court Presiding Judge, responses to League of Women Voters of Oregon questionnaire, March 2006

City of Eugene Recreation Services Division, "Bethel Teen Court"

David Factor, Lane County Circuit Court Administrator, responses to League of Women Voters of Oregon questionnaire, March 2006

Carter Goble Lee in association with KMD Architects, *Lane County Courthouse: Security Improvement Concepts*, August 2005

Lane County Department of Youth Services, *Youth Courts Program Evaluation*, June 2004

Multnomah Bar Association Pro Bono Committee, *Youth Faces The Law 2002, A Juvenile Rights Handbook*

Oregon Judicial Department web site: www.ojd.state.or.us/lan/juvenile

Oregon State Bar web site: www.osbar.org

Bruce Steinmetz, Teen Court Supervisor, March 2006

Carissa Surace, "Teen Court Helps Juvenile Offenders Recognize Their True Potential," *Eugene Register Guard*, March 30, 2006

Discussion Questions

1. What is the value of peer courts?

2. What strategies should be used to address court facility problems in Lane County?

3. Judges in the state court system (which includes circuit courts) run for nonpartisan election. However, if a judge retires, resigns, or dies before completing a term, the governor may appoint another qualified person to the position. To retain the position, the appointed person must run for a full six-year term at the next general election. In Lane County, Circuit Court Judge Bryan Hodges is retiring as of the end of his term, which does not allow the governor to appoint a successor. Four attorneys have filed for election to succeed Judge Hodges. What are the advantages and disadvantages of a contested judicial election in general as well as when there is no appointed or elected incumbent?

4. Are there any questions you have concerning what has been presented or not covered in this material?

Prepared by League of Women Voters of Lane County Judiciary committee; Flo Alvergue, Nancie Fadeley, Becky Gladstone, Diana Grandberry, Nadine Harrang, Kathy Ismail, Janette Mowery, Joan Rich, Pat Hocken, chair

Circuit Court Judges Questions and Answers

The four candidates of our only contested judiciary race in Lane County replied to the three questions sent by the LWWLC Voters Service Committee. No editing was done; as a result, all responses are exactly as the candidates sent them. We could not ask questions about how they would vote on specific issues.

Candidate Questions:

1. What experiences and training qualify you to be a judge?
2. Why do you wish to be a judge?
3. What do you consider to be the greatest challenge in being a judge in Lane County?

Position 14

James Chaney

1. After graduating from Stanford and UCLA School of Law, I've been proud to be a courtroom lawyer for all of the 23 years which I've been in practice. I've handled litigation ranging from discrimination claims for individual Oregonians, up to wrongful death cases for Big Three auto makers and everything in between. I've also been an arbitrator since 1995.

2. I'm an enthusiastic "true believer" in our justice system. I've had the privilege of being part of it as an advocate for 23 years, and taking the bench will be my way of repaying the debt which I owe for having had that opportunity. And, service on the bench is the best way to make a real difference.

3. Funding! The public safety and court systems are in true crisis; without a massive reworking of how (and how much) we pay, we'll start seeing truly irrevocable change in this community. Without adequate law enforcement, jails, probation, addiction treatment, crisis care and domestic abuse prevention programs, all of the court orders in the world are just whistling in the wind.

Debra Vogt

1. As a prosecutor in the Lane County District Attorney's Office since 1996, I have handled more than 3,000 cases and logged countless hours in the courtroom. My colleagues regard me as dedicated, hardworking, and fair; and I am honored to have the endorsements of five sitting Lane County Circuit Court Judges and Oregon Court of Appeals Chief Judge Dave Brewer.

2. Judges make a difference in our community's quality of life and serve as role models for our children. I wish to be a Lane County Circuit Court Judge to continue my long career in public service, maintain the integrity of our judiciary, and use my position to educate children on how to make good choices in their lives.

3. The overwhelming caseload being handled with too few resources is affecting the accessibility of courts to the citizenry, the court's ability to appropriately handle complex cases, and the court's accountability to the community. The problem is further exacerbated by the large number of criminal defendants who fail to appear for court, needlessly costing the system thousands of dollars each month.

Alan Leiman

1. I am an experienced judge, having worked as a Eugene municipal court judge since 2002. My criminal justice experience also includes three years as Eugene City Prosecutor, and four years as a public defender. My extensive litigation background in state and federal court gives me the broad range of experience required of a Circuit Court Judge.

2. As a judge, I take great pride in serving the public. Every time I go to work, I strive to provide a courtroom where justice is administered free from bias. Circuit Court judges affect Lane County lives. My goal is to provide a courtroom where the public will find a hard working, fair, and respectful judge who follows the law.

3. The greatest challenge to the courts and citizens of Lane County is the scourge of drug and alcohol abuse, and in particular methamphetamine. Judges must choose how best to protect the public while making the most efficient use of dwindling resources. Programs addressing the cycle of addiction factor prominently in any solution to this crisis.

Beverly Anderson

1. 5 years practicing domestic relations law. 6 years as a corporate attorney.

Law degree from U of O with mediation certification.

BS and MS in Rhetoric and Communication from U of O.

5 years teaching Interpersonal Communication, U of O and LCC.

10 years as a single mom with three teenage children who grew up successfully and still like me.

2. I have the aptitude and temperament to be an excellent judge. I bring a unique set of skills and a broad range of experience to the court. When people appear before a judge, they should expect to be treated with respect even while being held accountable for their behavior to the fullest extent allowed by law.

3. First, the epidemic of drug related crimes which account for perhaps 85% of our criminal docket and have a significant impact on our domestic relations docket. Second, creating efficient systems which maximize scarce judicial resources. Third, consistently acting with wisdom in applying the law to each set of facts so that justice is administered evenhandedly.

