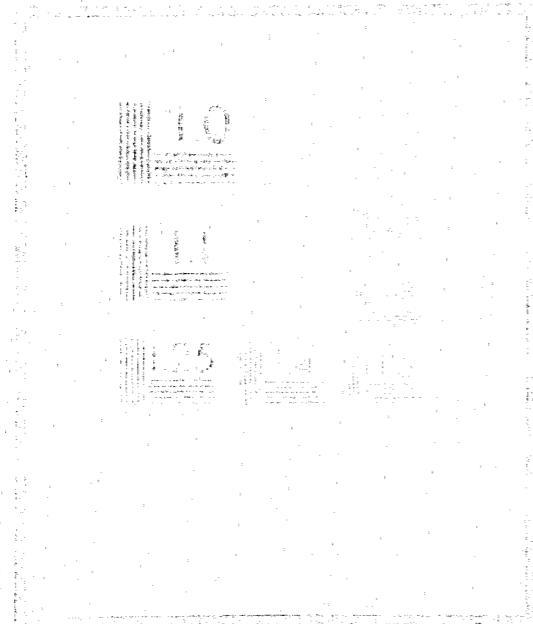


# NCJRS

This document was prepared from a document submitted to the NCJRS data bank. The NCJRS cannot certify the physical accuracy of the document submitted. The NCJRS is not responsible for any errors or omissions that may appear in this document. The document was prepared from a document submitted to the NCJRS data bank.



Information contained herein is for informational purposes only. The NCJRS does not warrant the accuracy of the information contained herein.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

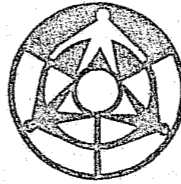
U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

6-29-77

imed

39853

The Office of the Director  
State Court Administration  
AN ANALYSIS



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



THE OFFICE OF THE OREGON  
STATE COURT ADMINISTRATOR:

AN ANALYSIS

April 1976

CONSULTANTS:

National Center for State Courts:

Larry L. Sipes  
John E. Mueller

**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  
**The Impact of Decriminalization on the Intake Process for Public Inebriates**

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

3  
2  
3  
2

NCJRS  
MAR 8 1977  
ACQUISITIONS

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

This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The American University is solely responsible for the factual accuracy of all material presented in this publication.

TABLE OF CONTENTS

	<u>PAGE</u>
SUMMARY OF RECOMMENDATIONS.....	1
I. INTRODUCTION.....	4
A. Problem Statement.....	4
B. Purpose of Consultancy.....	5
C. Methodology.....	5
II. ANALYSIS OF EXISTING SITUATION AND RECOMMENDATIONS..	7
A. Existing Situation.....	7
B. Organizational Structure.....	9
C. Appellate Case Processing.....	12
D. Internal Administration: Communications, Space, Personnel, Equipment Location, and Supplies.....	17
E. SJIS Project.....	20
F. Finances.....	21
G. Reports of Opinions.....	22
III. SUMMARY.....	24
APPENDICES	

The Law Enforcement Assistance Administration reserves the right to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use all or any part of the copyrighted material contained in this publication.

## SUMMARY OF RECOMMENDATIONS

### 1. Organizational Structure.

RECOMMENDATION: The position of Deputy State Court Administrator should be created to manage the day-to-day operations of the Administrator's office and to act on behalf of the Administrator during his absence.

### 2. Staff Reorganization.

RECOMMENDATION: The Assistant Administrator for Appellate Courts should function as liaison between the case processing staff and the Administrator or his Deputy executing the Administrator's policies and act as his representative to the case processing staff. The positions of Supreme Court Deputy and Court of Appeals Deputy should be consolidated. A Deputy for Appellate Case Processing should manage day-to-day operations for both courts. With staff aid this person should assist both courts with rulings on requests for extension of time. Clerical personnel should report directly to this Deputy. The Assistant Administrator for Appellate Courts should assume responsibility for bar association matters filed with the Supreme Court.

### 3. Computer Utilization.

RECOMMENDATION: When the State Judicial Information System (SJIS) is fully tested and operational at the appellate level, all manual case processing systems should be discontinued.

### 4. Numbering System.

RECOMMENDATION: Appellate matters should be assigned a single number to be used throughout appellate proceedings and should be retained for storage of the case file upon conclusion of the proceedings.

### 5. Filing System.

RECOMMENDATION: All active appellate files should be stored in one location within the work area of the case processing staff. An open shelf, vertical filing system should be installed and use of closed drawer file cabinets should be discontinued.

### 6. Preparation of Mandates.

RECOMMENDATION: The Supreme Court should expedite preparation of mandates.

7. Communications.

RECOMMENDATION: Interoffice communication should be improved. The methods should be developed by the Administrator in consultation with all staff members. Among the alternatives recommended for consideration are periodic meetings of the entire staff, distribution of minutes of meetings involving key administrative staff members, or a brief monthly memorandum containing short notes on matters which the Administrator or other staff members would like to bring to the attention of others in the office.

8. Space.

RECOMMENDATION: Anticipated growth in the Administrator's staff over the next five years should be projected at this time. Efforts should then be commenced to secure space, preferably in proximity to the Supreme Court and Court of Appeals, to accommodate that future staff and its projected activities.

9. Personnel.

RECOMMENDATIONS: A personnel system should be developed for all employees in the Administrator's office and for non-judicial employees of the appellate courts. The plan should provide for their classification, description of duties, recruitment, selection, compensation, promotion, fringe benefits, discipline, removal, and retirement. To the extent required by law an affirmative action program should be prepared and implemented at the earliest possible time.

10. Equipment Location.

RECOMMENDATION: The computer printer should be relocated in an enclosed room to isolate noise generated by it.

11. Supplies.

RECOMMENDATION: The rate at which specific categories of supplies are used should be monitored for a brief period after which a person designated by the Administrator or Deputy Administrator should be responsible for replenishing the supplies on a weekly basis to adequate levels.

12. SJIS Project.

RECOMMENDATION: The training manual for persons utilizing SJIS within the appellate courts should be completed as soon as

possible. It should be presented at one or more scheduled training sessions at which use of the system will be reviewed by the SJIS staff for all employees of the Administrator's office who may have occasion to utilize the system. The Assignments Assistant should be involved in an installation of SJIS at the trial court level.

13. Finances.

RECOMMENDATION: The Administrator and Assistant Administrator for Planning and Fiscal Affairs should pursue to successful completion their efforts to present requests for funding of the appellate courts and the Administrator's office in a single budget bill thereby reducing the amount of time spent during the legislative process on fiscal matters.

14. Reports of Opinions.

RECOMMENDATION: One or more persons who do not have major administrative responsibilities should be trained to back-up the Editor in the event of her absence or inability to process the ever increasing volume of reported decisions. Consideration should be given to utilizing secretaries assigned to judges or justices of the appellate courts. With respect to distribution of the reports the Administrator should pursue his plans to take responsibility for all distribution and subscriber billings. In the event of continued delays at the state printing office, efforts should be made to obtain legislative direction to the state printer that appellate court opinions are to be the top printing priority second only to legislative measures.

## I. INTRODUCTION

### A. Problem Statement

The Oregon State Court Administrator is responsible for performing functions of statewide importance to the judiciary and furnishing administrative services required by the Supreme Court and Court of Appeals. These responsibilities are discussed more fully following this introduction.

Judge Loren D. Hicks, selected by the Supreme Court to serve as Administrator when the position was created in 1971, has occupied the position since then. The following developments have occurred during his tenure, prompting him to seek review of his office under LEAA's criminal courts technical assistance contract with American University:

- ⊙ Appellate filings in both the Supreme Court and Court of Appeals have increased steadily and significantly;
- ⊙ This increase in appellate workload has resulted in serious consideration of expanding both the size and jurisdiction of the Court of Appeals and granting the power of discretionary review to the Supreme Court;
- ⊙ The Administrator's staff has more than doubled, compelling recent acquisition and allocation of additional office space;
- ⊙ Pursuant to a multi-state experiment funded by LEAA the Administrator's staff has begun development and installation of a computerized information and case-load management system for both the appellate and trial courts (State Judicial Information System Project referred to in this report as SJIS);
- ⊙ New positions have been created for persons to direct the Administrator's expanding programs of public information and judicial education.

B. Purpose of Consultancy

The National Center for State Courts was requested by American University to conduct a review of the Administrator's office with emphasis upon:

- The relationship between his responsibilities to the appellate courts and his statewide responsibilities;
- Organizational structure of the staff;
- Functional assignments of staff members;
- Space needs and allocations; and
- Processing of appellate filings.

The focus of this assignment was on differentiating between the state court administrator's statewide functions and his appellate functions, and delineating in greater detail the appellate functions. The statewide functions of the State Court Administrator will be analyzed in more detail as part of Oregon's participation in the LEAA grant to the National Center for State Courts to develop planning capabilities in state courts. To facilitate coordination between this technical assistance assignment and the later efforts under the planning-capability grant, the Project Director of the latter effort accompanied the technical assistance team on its site-work in Oregon.

C. Methodology

Larry Sipes, Western Regional Director of the National Center, and John Mueller, Senior Staff Attorney, jointly visited the Administrator's



office from March 1st through March 4th, 1976. During that time the Administrator, each staff member with administrative responsibilities, and most clerical personnel were individually interviewed. In addition, Messrs. Sipes and Mueller jointly conferred with Presiding Judge Schwab of the Court of Appeals and Chief Justice O'Connell of the Supreme Court. Those interviews and conferences were supplemented by a review of relevant statutes, annual reports of the Administrator's office, organization charts, job descriptions, and statistical reports. Following the on-site visit the consultants analyzed the information gathered during the visit, reached conclusions, developed recommendations and prepared this report.

## II. ANALYSIS OF EXISTING SITUATION AND RECOMMENDATIONS

### A. Existing Situation

Numerous tasks are performed within the Administrator's office. Those of importance to this analysis fall within the following major categories\*:

1. Appellate case processing. Filing, calendaring, monitoring and management of appellate court records are performed by the Assistant Administrator for Appellate Courts, the Supreme Court Deputy, the Court of Appeals Deputy, and clerical staff working under the supervision of these persons.
2. Official reports. Preparation and publication of advance sheets and bound volumes containing the official reports of the Supreme Court and Court of Appeals are performed by the Editor.
3. Legal assistance to appellate courts. Legal research, advice and memoranda on motions or other matters pertaining to preliminary stages of appellate proceedings are furnished by the Legal Counsel and to a lesser extent by the State Court Administrator.
4. Finances. Biennial budgets and implementing legislation are prepared individually for each appellate court, the Administrator's office and salaries of Circuit and District Court Judges. The Assistant Administrator for Planning and Fiscal Management performs these functions. He also controls expenditures within the Administrator's office in conjunction with the Assistant Administrator for Appellate Courts.
5. Judicial assignments. Temporary judicial assignments are arranged, as needed and requested by trial courts, utilizing Circuit, District and Senior Judges as well as attorneys sitting as judges pro tempore. The Judicial Assignments Assistant is responsible for these arrangements.

---

\*

Attached as Appendix A is a copy of the current organizational chart of the Administrator's office.

6. Oregon Judicial Conference . The Administrator serves as Executive Secretary to the Oregon Judicial Conference (comprised of all judges of the Supreme Court, Court of Appeals, Tax Court, Circuit Courts, and District Courts), with members of his staff assisting the Conference in conducting statewide meetings and performing interim committee work.
7. Personnel. The Assistant Administrator for Appellate Courts also is in charge of personnel matters. The scope of this responsibility is not clearly defined, but in practice it appears to be confined to compensation and benefit questions pertaining to clerical staff working on appellate court matters. The Administrator personally determines employment, compensation and benefits of those staff members that have major administrative responsibilities or those that are not directly involved in work for the appellate courts.
8. Judicial information. Appellate and trial court statistics and management information are collected, analyzed and published. This is done utilizing an existing manual system and the SJIS computerized system which presently is in limited operation at the appellate level.

Several staff members are involved. The Judicial Assignments Assistant is responsible for collecting from each Circuit and District Court quarterly reports, which she reviews for accuracy. From these reports she compiles quarterly and annual statistical reports for the Research Statistician. The Research Statistician is responsible for preparation and publication of quarterly and annual reports pertaining to the appellate, Circuit, District, Municipal and Justice of the Peace Courts. The computerized system is being developed under the SJIS project, which has its own Director, Systems Supervisor, Programmer, Program Analyst, Management Analyst and clerical staff.

9. Public information. Press and community relations previously have been handled by the Administrator, but they are now the responsibility of the recently-appointed Director of Information.
10. Judicial education. The steadily growing educational programs for judges and court personnel have previously been conducted by the Administrator and the Assistant Administrator for Planning. These responsibilities will be delegated to a soon-to-be appointed Director of Judicial Education.
11. Legislative activities. The Administrator and Assistant Administra-

tor for Planning prepare, follow and testify on legislation of interest to the judiciary.

12. Trial court liaison. Matters pertaining to trial courts, with the exceptions of statistics collection and judicial assignments, are handled by the Administrator, who customarily works with the Presiding Judges. Further interaction with trial court judges occurs in conjunction with the work of the Judicial Conference.
13. Special projects. Several special projects, the most substantial being SJIS, have been conducted under the auspices of the Administrator. The Administrator, and to a lesser extent the Assistant Administrator for Planning, manage arrangements for these projects. Responsibilities include project design, funding and staffing.

B. Organizational Structure

RECOMMENDATION 1: The position of Deputy State Court Administrator should be created to manage the day-to-day operations of the Administrator's office and to act on behalf of the Administrator during his absence.

The basic organizational issue presented to the consultants was whether separate offices should be created to perform functions for which the Administrator presently is responsible; one to furnish administrative services to the appellate courts and the other to perform services of statewide importance to the judicial system. The above recommendation proposes delineating between court administration functions (for trial and appellate courts) and case-specific appellate court problems, but without creating separate offices for these duties. Rather, problems in appellate cases would continue to be handled by a division of the present office.

Separate offices would relieve the Administrator from involvement in many matters pertaining to the appellate courts, particularly those that concern day-to-day operations. In the judgment of the consultants this would be the only advantage -- and it is outweighed by the following considerations:

- o Statewide duties of the Administrator inevitably involve the appellate courts. Examples are preparation and presentation of appellate court budgets, preparation of statistical and other information concerning operations of the appellate courts, and public information or education programs which involve those courts. Even with separate offices the Administrator would continue to be involved in appellate court operations.
- o Under the present system the Administrator represents the entire court system in dealing with the public, the executive and legislative branches of government, and other state and federal agencies, as well as national and local organizations interested in the Oregon judiciary. Separate offices could lead to multiple spokesmen.
- o Because of the supervisory authority vested in the Supreme Court and Chief Justice over various aspects of the Oregon courts, the Administrator must work closely with both. He would be required to do so even if relieved of appellate administrative responsibilities.
- o In view of the recent creation of the Administrator's position, accompanied by abolition of the Supreme Court Clerk's office, an attempt to revert to the former system at this time could generate legislative criticism and resistance.
- o If contemplated State funding of all courts or further administrative unification of the court system occurs, the need for a single administrative office for the system, including the appellate courts, would be greater than at present.

The suggestion of creating separate offices appears to result from conflicting demands made upon the Administrator. On the one hand, he is expected to be present daily to deal with operational problems arising in the course of processing appellate matters. On the other hand, he is expected to work with trial courts throughout the State and to represent the

Oregon judiciary in various programs, all of which require travel and prevent him from being physically present in his office every day. Each area of activity is legitimate. The consultants conclude that the Administrator should be relieved of daily administrative responsibility for processing appellate matters. With respect to his statewide responsibilities he should confine himself to policy issues and other important matters. If this were done, he would be free to travel as required. Time to engage in important court planning, to execute court policy and to interact with the legislature and other organizations affecting the courts also would be increased. Rather than create separate offices the consultants recommend achieving these results by two organizational changes.

The first is to create the recommended "second-in-command" position. The person in this position would be responsible for day-to-day management of the Administrator's office, and further would be authorized to act in the absence of the Administrator. His or her duties would involve day-to-day administrative problems affecting the trial and appellate courts alike, especially in the areas of statistical reporting, budgeting and fiscal administration, personnel and the like. Problems concerning individual appellate cases, such as records management and caseflow and office administrative problems in the two appellate court offices, would remain the responsibility of the Assistant Administrator for Appellate Courts (see next recommendation). This reorganization would insulate the Administrator from tasks which currently require his regular presence in the office and which divert him from other more important responsibilities.

The second organizational change, involving the processing of appellate matters, is set forth in the following section.

C. Appellate Case Processing

1. Staff Reorganization

RECOMMENDATION: The Assistant Administrator for Appellate Courts should function as liaison between the case processing staff and the Administrator or his Deputy executing the Administrator's policies, and should act as his representative to the case processing staff. The positions of Supreme Court Deputy and Court of Appeals Deputy should be consolidated. A Deputy for Appellate Case Processing should manage day-to-day operations for both courts. With staff aid this person should assist both courts with rulings on requests for extension of time. Clerical personnel should report directly to this Deputy. The Assistant Administrator for Appellate Courts should assume responsibility for bar association matters filed with the Supreme Court.

At present the Assistant Administrator for Appellate Courts has supervisory responsibility for Supreme Court and Court of Appeals clerical operations. She also assists in preparation of the Supreme Court docket and in processing state bar association matters.

The Deputy for the Supreme Court and the Deputy for the Court of Appeals are responsible for day-to-day processing of appeals. Personnel working under these Deputies are assigned either to the Supreme Court or the Court of Appeals. The large volume of Court of Appeals' filings mandates a larger staff than that of the Supreme Court, which has only two full-time employees. Separate office space, counters, filing cabinets, and computer terminals are allocated to each court. Employees assigned to one court do not perform work for the other. They operate independently and generally are unfamiliar with the specific duties of comparable employees in the other court. There is no provision for

cross-training or rotation of assignments between the courts.

This physical separation of clerical staff and segregation of duties inhibit efficient deployment of resources. For example, one computer terminal currently is assigned to the Supreme Court; two are assigned to the Court of Appeals. The Court of Appeals' filings, which are now much greater than those in the Supreme Court, are expected to increase if the Supreme Court becomes solely a court of review. If the present allocation of computer equipment were perpetuated, it would be impossible to process the ever-expanding number of Court of Appeals' filings. Separate assignment of terminals to the two offices also delays entry of Supreme Court transactions in the computer system, because of other duties of the two Supreme Court employees often take precedence. Allocation of the three computer terminals to a single staff assigned responsibility for processing all appellate transactions would overcome both of these problems and would permit utilization of the equipment on the basis of actual need.

Consolidation of operations has the further advantage of permitting flexibility in staff assignments, for example when employees are sick, on vacation or retire. Consolidation of operations and cross-training of personnel would facilitate substitution of rotation and would eliminate reliance upon only one or two individuals.

To facilitate this functional consolidation of staff, the Supreme Court Deputy, who plans to retire in the near future, should train both her assistant and the Court of Appeals Deputy in the processing of all Supreme Court matters.



At the present time, with the possible exception of Assistant Administrator for Appellate Courts, no one other than the Supreme Court Deputy is sufficiently familiar with the processing of Supreme Court matters to assume her responsibilities. This underscores the importance of cross-training; aside from the recommended consolidation of appellate functions, this training should be achieved as soon as possible.

Matters pertaining to the state bar should be managed by the Assistant Administrator for Appellate Courts. They are not a part of routine case processing, and she is familiar with them.

2. Case Processing

·Computer Utilization, Numbering, Filing and Mandates.

a. Computer Utilization

RECOMMENDATION: When SJIS is fully tested and operational at the appellate level, all manual case processing systems should be discontinued.

SJIS has been designed to replace existing record-keeping systems and to provide rapid data retrieval for case monitoring and compilation of statistics. The appellate processing staff is now experiencing a transition during which staff members utilize manual systems as well as the computer. There is continued reliance upon manual systems because the computer has been "down" part of the time and because some employees lack confidence in the reliability of the automated system. The result is duplication of effort in indexing, statistical compilation and maintenance of tickler or retrieval systems.

When SJIS becomes fully tested and operational these manual systems should be discarded. Exclusive use of the computer will result in time-savings which can be applied to the processing of appeals. For example, approximately three days per month are now spent compiling statistics for the Court of Appeals. Once the computer system is perfected that time will be available for other activities. Another example of the manual system which will no longer be required is the cross-index card system now used to identify appeals. Since all the information transcribed on the index cards is duplicative of that stored in the computer, it will become unnecessary to prepare them.

b. Numbering System

RECOMMENDATION: Appellate matters should be assigned a single number to be used throughout appellate proceedings, and should be retained for storage of the case file upon conclusion of the proceedings.

Upon filing in either the Court of Appeals or the Supreme Court a case is assigned a number which it retains only until the case is closed. It then is assigned a new number and refiled according to the new number in a file of closed cases.

The rationale for this dual numbering system is two-fold: cases terminate in a chronological order different from that in which they are filed, and there is inadequate space to store closed cases in the order in which they were commenced.

Recommendations elsewhere in this report will resolve the problem of physical storage space. And, in any case, the recommended system of single numbering is preferable because it reduces confusion in referring to or locating

a file and eliminates the work required in renumbering the cases.

c. Filing System

RECOMMENDATION: All active appellate files should be stored in one location within the work area of the case processing staff. An open shelf, vertical filing system should be installed and use of closed drawer file cabinets should be discontinued.

Three separate filing systems are maintained for each court within the working area of the appellate processing staff: new appeals, appeals at issue and closed appeals. These files are physically maintained in multi-drawer file cabinets.

This system can be greatly simplified, with greater ease of reference and savings in space. All active files should be placed in open shelf, vertical files and stored there until the possibility of further appellate court action terminates. Placement of these files should be arranged in sequential order by case filing number. Segregated file facilities for the two courts should be continued to avoid confusion.

Installation of this system will eliminate current confusion, unnecessary movement of records and rearrangement of the file on an alphabetical basis when a case is at-issue. Open shelf filing also will reduce the disadvantages of closed file cabinets which are space consuming, awkward to use and disruptive of traffic patterns when in use.

To reduce the size of appellate records to be placed in permanent storage, trial court documents which presently are retained as part of the appellate record, after the case is decided, such as the transcript of the trial court pro-

ceedings, should be returned to the trial court.

With respect to the storage of closed files the consultants recommend exploration of use of microfilm or microfiche, which could substantially reduce the volume of records presently placed in the archives. This could also improve retrieval time when such records are needed for reference.

d. Preparation of Mandates

RECOMMENDATION: The Supreme Court should expedite preparation of mandates.

At present, Supreme Court mandates are prepared as original documents on a case-by-case basis. The Court of Appeals has greatly reduced the amount of time and energy expended in preparing mandates by utilizing standardized forms and pre-prepared cards or tapes for use on mag typewriters. This system appears to be equally adaptable to Supreme Court proceedings.

D. Internal Administration: Communications, Space, Personnel, Equipment Location, and Supplies

1. Communications

RECOMMENDATION: Interoffice communication should be improved. The methods should be developed by the Administrator in consultation with all staff members. Among the alternatives recommended for consideration are periodic meetings of the entire staff, distribution of minutes of meetings involving key administrative staff members, or a brief monthly memorandum containing short notes on matters which the Administrator or other staff members would like to bring to the attention of others in the office.

Staff members at all levels perceive a need for increased communication in two areas: (1) communication between individual staff members working in different areas; and (2) communication regarding matters of general interest

to the entire office. An example is the fact that not all staff members had been advised of the date and location of the Annual Judicial Conference, even though at the time of the consultants' visit arrangements for the meeting had been made and announcements were being sent to participating judges. Another example is the addition of new staff members in newly-created positions without prior distribution of information concerning the functions of the positions or the individuals who would be filling them.

The consultants acknowledge the desire of many persons in the office, including the Administrator, to preserve the informal methods by which matters were communicated when staff size was smaller and the space it occupied was more cohesive. However, it now appears that concessions to formalized communications are necessary and should be explored.

## 2. Space

RECOMMENDATION: Anticipated growth in the Administrator's staff over the next five years should be projected at this time. Efforts should then be commenced to secure space, preferably in proximity to the Supreme Court and Court of Appeals, to accommodate that future staff and its projected activities.

During the latter part of 1975 the Administrator's office space was expanded. The consultants have no suggestions which would significantly improve the allocation or utilization of the expanded space. However, the additional space does no more than satisfy the Administrator's current needs. Since future staff growth and expanded responsibilities appear to be inevitable, plans should be made now for accommodations suitable to projected needs.

3. Personnel

RECOMMENDATION: A personnel system should be developed for all employees in the Administrator's office and for non-judicial employees of the appellate courts. The plan should provide for their classification, description of duties, recruitment, selection, compensation, promotion, fringe benefits, discipline, removal, and retirement. To the extent required by law an affirmative action program should be prepared and implemented at the earliest possible time.

There are plans to develop both a personnel system and an affirmative action plan for employees under the Administrator's jurisdiction, but this has not yet been done. These are matters of importance which the consultants recommend for implementation as soon as reasonably possible.

4. Equipment Location

RECOMMENDATION: The computer printer should be relocated in an enclosed room to isolate noise generated by it.

A printer for computer print-outs has been recently introduced into the office. It is situated in the open work area in which clerical staff members work on appellate matters, and it raises the noise level of this area to one of discomfort.

Physically removing this equipment as recommended will solve this problem. At the same time user access is sufficiently infrequent as to avoid any significant inconveniences.

Consideration could be given to relocation of the MTST typewriter if it also produces an unacceptable noise level.

5. Supplies

RECOMMENDATION: The rate at which specific categories of supplies are used should be monitored for a brief period after which a person designated by the Administrator or Deputy Administrator should be responsible for replenishing the supplies on a weekly basis to adequate levels.

A small closet located adjacent to the work pool area is supplied from a larger storage area in the basement of a building adjacent to the Administrator's office. Two complaints concerning the supply system were reported. First, the materials adjacent to the work pool area are not regularly replenished, requiring employees to make special trips to the adjacent building to obtain needed materials. Second, every employee in the office has unlimited access to the supplies.

The procedure recommended above should solve the first problem. With respect to the second, because there was no indication that open access had been abused, no charge appears to be warranted at this time.

E. SJIS Project

RECOMMENDATION: The training manual for persons utilizing SJIS within the appellate courts should be completed as soon as possible. It should be presented at one or more scheduled training sessions at which use of the system will be reviewed by SJIS staff for all employees of the Administrator's office who may have occasion to utilize the system. The Assignments Assistant should be involved in installation of SJIS at the trial court level.

Introduction of SJIS and its application to the appellate courts have posed problems within the Administrator's office. These problems are partially procedural, partially human and partially technical. It appears that many have been resolved. Others remain. For example, there are disparities in

the classification of data being entered by appellate court personnel, resulting in unreliable statistical reports. Because of problems encountered with the system the Assistant Administrator for Appellate Courts, Supreme Court Deputy, Court of Appeals Deputy and Editor continue manually to maintain records as to the status and docketing of cases. Neither a training manual nor a formalized training program has been prepared for staff members who are processing appellate filings.

A related problem of potential importance is that the Assignments Assistant, who is responsible for producing quarterly statistics from District and Circuit Courts, has not been involved in any significant way in the plans for application of SJIS in those courts. This omission should be cured, because the Assignments Assistant has a working relationship with persons whose cooperation will be most helpful in installation of SJIS at the trial court level. Furthermore, since a portion of the trial courts' statistical system will continue to be operated manually even after computer installation, the Assignment Assistant's input and assistance will be required to guarantee that automated and manual components of that system mesh effectively to assure accuracy and promptness.

F. Finances

RECOMMENDATION: The Administrator and Assistant Administrator for Planning and Fiscal Affairs should pursue to successful completion their efforts to present requests for funding of the appellate courts and the Administrator's office in a single budget bill, thereby reducing the amount of time spent during the legislative process on fiscal matters.

No serious deficiencies were reported in this area and the mechanics of budget preparation and expenditure controls appear to be well handled



by the Assistant Administrator for Planning and Fiscal Affairs. The above recommendation is directed to the fact that at present separate budgets and separate funding bills must be prepared and followed for each appellate court and the Administrator's office.

G. Reports of Opinions

RECOMMENDATION: One or more persons who do not have major administrative responsibilities should be trained to back-up the Editor in the event of her absence or inability to process the ever increasing volume of reported decisions. Consideration should be given to utilizing secretaries assigned to judges or justices of the appellate courts. With respect to distribution of the reports, the Administrator should pursue his plans to take responsibility for all distribution and subscriber billings. In the event of continued delays at the state printing office, efforts should be made to obtain legislative direction to the state printer that appellate court opinions are to be the top printing priority second only to legislative measures.

Recent attempts to discontinue governmental reports of appellate decisions in favor of commercially prepared reports were unsuccessful. The Administrator advised that legislative refusal to change this policy means that no further attempts will be made at this time to terminate these reports or to shift them to another agency of Oregon government. The resulting question is what, if anything, can be done to improve performance of this responsibility by the Administrator.

Significant progress already has been made by the installation of the MTST typewriter, revision of the format of the advance sheets, and the installation of new equipment by the state printer, who, by statute, is the only printer authorized to produce the reports.

Two problems remain. First, if the Editor is absent for an extended period of time the Assistant Administrator for Appellate Courts is the only person in the office able to perform the Editor's functions. This appears to be a practical impossibility in view of the Assistant Administrator's other responsibilities. To avoid a breakdown in production of the reports, the training of backup personnel is recommended.

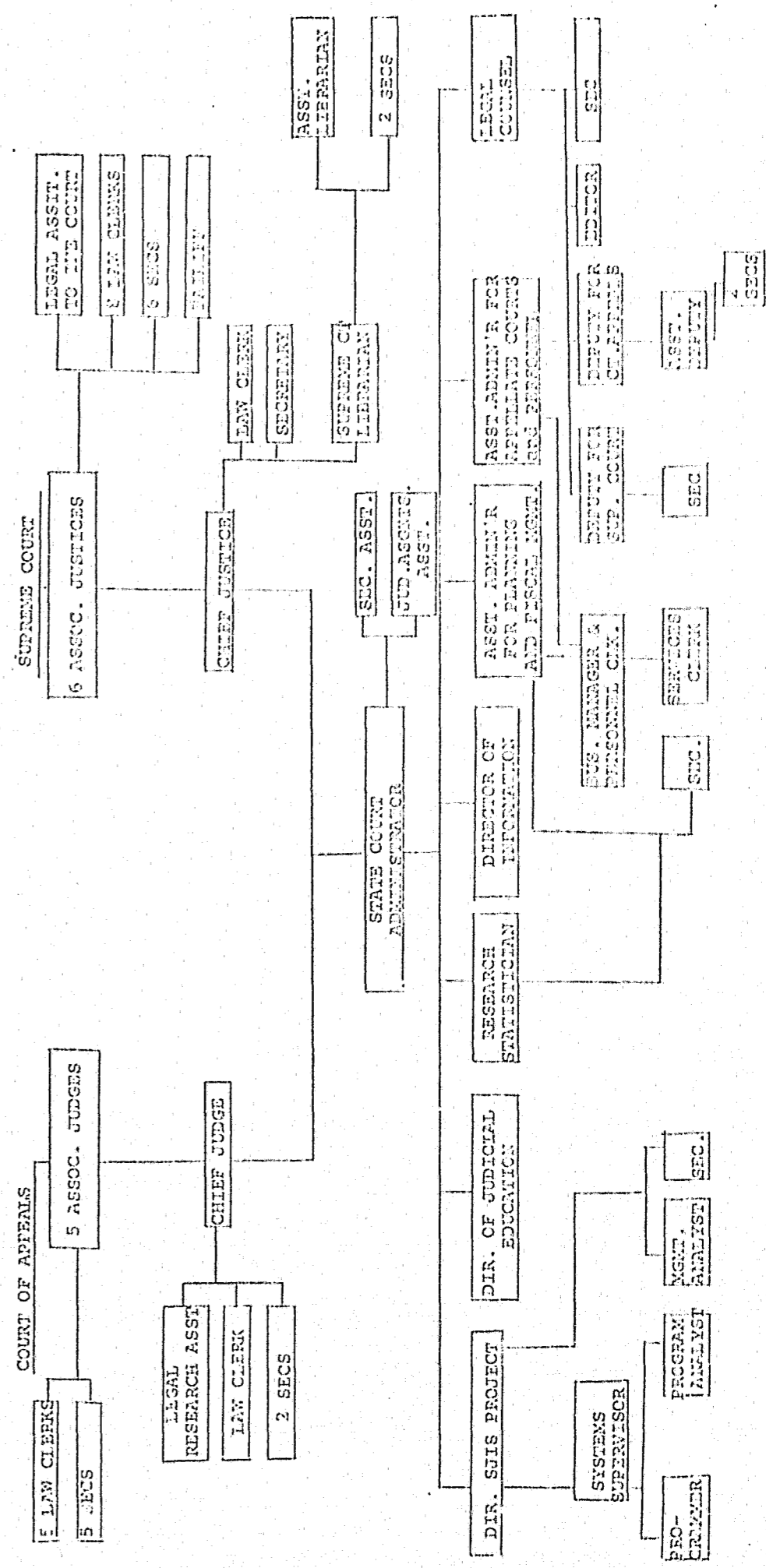
Second, although distribution of the advance sheets is becoming more timely, bound volumes often are not distributed for many months following the issuance of opinions. For reasons not readily apparent, the distribution system is bifurcated, with the Administrator distributing advance sheets and the Secretary of State distributing the bound reports. The Secretary of State also bills subscribers, although provision for printing the reports is made in the Administrator's budget. To expedite printing, maintenance of current subscriber lists, collection of subscriber fees and distribution management by the Administrator of all phases of the process is recommended.

### III. SUMMARY

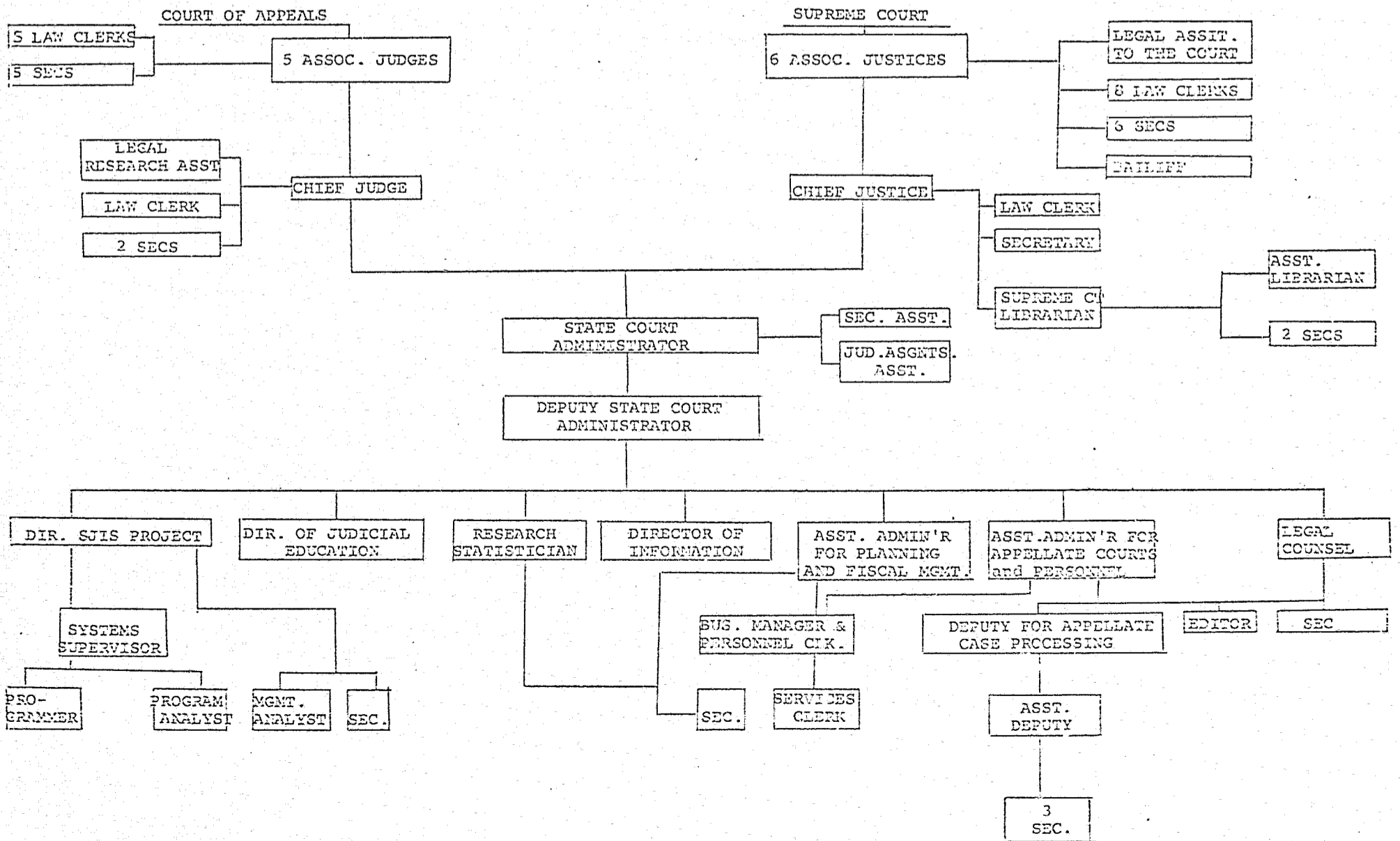
The purpose of this consultancy was to conduct a general review of operations in the Administrator's office and to identify areas for further improvement. The consultants have concluded that the overall operations of the office are fundamentally sound and are performed by a competent, highly motivated staff. Indicative of such competency is the staff's in-house problem solving capacity, which was developed and utilized during the major transition period in the latter part of 1975. Temporary judicial assignments, a time-consuming and involved process if not properly handled, also are executed in commendable fashion with a minimum of complications. Finally, the addition of professional staff members to direct the public information and judicial education programs and the introduction of computer technology are other progressive steps in development of office capabilities.

APPENDIX A

ORGANIZATION CHART OF EXISTING OREGON SUPREME COURT,  
COURT OF APPEALS AND STATE COURT ADMINISTRATOR



APPENDIX B  
 ORGANIZATION CHART OF PROPOSED OREGON SUPREME COURT,  
 COURT OF APPEALS AND STATE COURT ADMINISTRATOR



END