Oregon Court of Appeals Annual Report

2009

Introduction--The Oregon Court of Appeals at 40

In July 2009, the Oregon Court of Appeals passed a major milestone: Forty years of service to the citizens of Oregon. Established by statute in 1969 as a five-judge court that was created to help relieve the burgeoning caseload of the Oregon Supreme Court, the Court of Appeals has evolved into a workhorse of the Oregon judicial system.

It has been my practice to report each year to those who follow the work of the Court of Appeals. The focus of the court's annual report varies each year. This report, written at the end of the most recessionary decade in the nation's economic history, addresses three interrelated topics. First, what is the court's current workload and how has it evolved throughout the years? Second, how can the court improve its institutional efficiency in challenging economic times, when, if anything, the public's need for timely justice is more pressing than ever? And, third, how can the court best ensure public trust and confidence in relationship to institutional performance? A discussion of the first issue will set the stage for the other two.

Before delving into those topics, I would like to acknowledge two additional milestones. First, on December 31, 2009, the Honorable Walter Edmonds, the longest-serving judge in the court's history, retired from the bench. We have honored, and will continue to honor, his service to the court in other forums, but it is appropriate to remark here that Judge Edmonds has left an enduring legacy. His countless contributions to this court's work, including a peerless work ethic, rigorous analytical skill, and an overarching commitment to quality decision making, transcend the multitude of outstanding opinions that he has authored. It has been a great honor for Judge Edmonds' colleagues and friends at the court to have served with him. Our regret is tempered by the prospect of his future service as a senior judge with the court and the appreciation that he has well earned the next chapter of his life and the many fulfilling opportunities that it will bring to him and his family. I speak for all his colleagues in thanking him and wishing him well.

Second, on January 7, 2010, Governor Ted Kulongoski announced the appointment of Rebecca Duncan to the Oregon Court of Appeals to fill the vacancy created by Judge Edmonds' retirement. We echo the comments that the Governor made in announcing Judge Duncan's appointment to the court:

> "Rebecca Duncan is an outstanding appellate lawyer with significant criminal and constitutional law experience, making her eminently qualified to serve on the Court of Appeals[.] Her familiarity with the volume and substance of the work before this court means she can hit the ground running and make immediate and meaningful contributions to one of the hardest working courts in the country."

We are very grateful to the Governor and his staff for their strong support of the mission of the Court of Appeals, as reflected by the timely and auspicious appointment of Judge Duncan. She will be an excellent judge and a wonderful addition to our court.

A. *The Workload of the Court of Appeals: Then and Now*

A quarter century ago, then-Chief Justice Edwin Peterson and the late Chief Judge George Joseph wrote separate, but intertwined, articles for the *Oregon State Bar Bulletin*. The primary focus of both articles was the seemingly perennial debate over the validity and necessity of the Court of Appeals' practice of affirming without opinion (AWOPing) trial court and administrative agency decisions. Both jurists defended the practice against criticism. My purpose here is not to revisit that debate. Rather, I am struck, based on the subtexts of both articles that, at least superficially, little has changed with respect to the core workload and production of the Court of Appeals in the span of a full generation. A few illustrations will make the point. According to the articles, in 1983, the Court of Appeals closed 3,423 cases, including 2,073 case dispositional decisions (after briefing and consideration by at least three judges), and it issued 544 authored opinions. Adjusted for current case-counting standards (113 of those opinions were two pages or less in length and, thus, in 2009 would be counted as *per curiam*, not authored, opinions), the number of authored opinions in 1983 was 431. In 2009, the court closed 3,609 cases, issued 2,173 case dispositional decisions, and issued 503 authored opinions. By any accepted measure, the court was then, and remains now, one of the busiest, most productive, and most overworked, appellate courts in the nation.

But, on closer examination, significant changes have occurred over that period. In 1983, the court produced a very high number of opinions that were fewer than four pages long. By today's case-counting standards, the court produced at least one hundred more *per curiam* opinions and fewer AWOPs than it did in 2009. On the other hand, in 2009, the court's opinions filled at least 500 more pages than they did in 1983. The upshot is that the court today is producing fewer short opinions and more and significantly longer authored opinions than it did earlier in its existence. Those of us who have examined this trend view it as a product of increasingly complex and sophisticated appellate practice, especially in criminal and collateral criminal matters, which, in response, has required greater elaboration in written opinions. The net effect has been a greater demand for rigorous and sophisticated analysis layered on an already crushing caseload.

What is perhaps most remarkable is that the number of judges on the court--ten--remains the same as it did in 1983 and, indeed, has not changed since 1977. The Chief Justice's description in his 1983 article of the effect that the court's workload had on its judges was striking and remarkably candid. Referring to the judges of the Court of Appeals, he said:

> "Man, do they work hard. They read briefs, opinions and other materials at every opportunity. They are serious about their work. Unfortunately, they

> have little else to be serious (or happy or sad or grateful) about, for they have time for little else.
>
> "But they are tired. And a little discouraged. And unhappy. There is no evidence--not a shred--that their lot will improve. They can confidently expect that the demands of their jobs will continue, unabated, until they retire . . . or die . . . or leave office. If I were a judge on the Court of Appeals, I'd end my misery and quit. They could earn twice as much and work half as hard in private practice.
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> "I have scratched my head and said to myself, 'Why do they do it?' I don't know but we're lucky to have them."

Strong words, indeed, and yet they ring true. Even so, every one of my colleagues, like our predecessors, is extremely grateful for the privilege of serving the public as a member of the Court of Appeals. We will not quit, either from discouragement or overwork, but the time for stoicism is long past. The question, more fundamentally, is what kind of appellate justice system do Oregonians, as heirs to a free society that is subject to the rule of law, want to have? Justice will inevitably suffer when it is chronically underfunded. In the Oregon appellate court system, the dysfunction of inadequate funding has long required the court to compensate by producing a high number of decisions with no visible reasoning whatsoever, namely, AWOPs. In a society built on respect for public justice, all judicial decisions should be transparent and visibly reasoned, even if only in a short opinion. But, even short opinions, to be written and analyzed correctly and with clarity, require a substantial resource investment, one we cannot afford with any hope of keeping reasonably current on our caseload in light of chronic resource shortages.

Beyond AWOPS, the court has coped over the years by ceding to requests for lengthy extensions of time in briefing, especially in criminal and prisoner appeals. When it takes, as it often did a few years ago, *several years* to brief a run-of-the-mill criminal appeal, everyone--victim, defendant, and society--suffers from the delay of closure and justice. This adaptation to dysfunction, although less visible than the AWOP, is even more insidious. But there is more. After they are fully briefed, cases sometimes wait six months or more before they are submitted to the court for oral argument, not to mention adjudication. In the meantime, real people are waiting too long for decisions that affect their lives, while our judges and staff struggle to keep up as best they can.

The problems that I have described are not unique to Oregon. They are symptoms of a national phenomenon, exacerbated by the budget crises that presently face almost all state courts. But many states have done a better job of acknowledging the critical status that courts occupy in a free society, especially in tough times. In Colorado, for example, the state intermediate appellate court receives on average roughly three-quarters of the number of cases filed each year in the Oregon Court of Appeals. However, after that

court conducted a workload study in 2005, the Colorado legislature increased the size of the court from 16 to 22 judges, plus corresponding staff, in its next regular session. What that means--and the trend is by no means unique to Colorado--is that a court with fewer appeals than the Oregon Court of Appeals has more than double the numbers of judges and staff to manage its caseload than its counterpart in Oregon.

As many of you know, with the assistance and stewardship of the National Center for State Courts, we are in the process of conducting a similar workload study for the Oregon Court of Appeals. There can be little doubt that the study will confirm what we already know, and what the Chief Justice knew in 1983. The question is, what will be done about it? With the support of Chief Justice Paul De Muniz, who has made this issue a priority, we anticipate that we will ask the 2011 Oregon Legislature for at least one additional three-judge panel for the court, plus corresponding staff. In tough economic times that may not happen, but, if it does not, it will not be for lack of effort. This takes me to my next point, that is, what must the Court of Appeals do to deliver justice in the most efficient way possible in these difficult budgetary times?

B. *Efficiency Measures: Savings without Sacrificing Justice*

(1) *Budget Background and Legislative Changes*

In light of budgetary challenges resulting from significant shortfalls in the current biennium, in 2009, the Court of Appeals developed a legislative package designed to enable the court to ensure meaningful appellate review in light of chronically inadequate resources.

The Legislative Assembly was responsive to the challenges facing the court and enacted our proposed legislation with few alterations. After passing both houses, the bill comprising those changes--SB 262--was signed by the Governor on June 4, 2009. In that bill, the legislature amended ORS 2.570 to allow the court, as needed, to decide cases in two-judge panels (with a third judge added to break a tie vote) or use up to two pro tem judges in cases decided by three-judge panels. In addition, the bill amended ORS 19.415 to permit the court to exercise *de novo* review on a discretionary basis, in much the same way that the Supreme Court currently employs that standard. This amendment reflects the reality that we can no longer afford being one of the few state appellate courts that provides universal *de novo* review of trial court decisions in equity cases.

SB 262 contained an emergency clause, and the amendments to ORS 2.570 are presently effective. Under section 3 of SB 262, however, the amendments to ORS 19.415 apply only to cases in which a notice of appeal is filed after the effective date of the act.

The Court of Appeals has adopted temporary amendments to the Oregon Rules of Appellate Procedure (ORAPs) in connection with the amendments to ORS 19.415. The ORAP amendments may be viewed online at http://tinyurl.com/denovoamendments. Among other things, those amendments set out a nonexclusive list of items that the court may consider when deciding whether to exercise its discretion to engage in *de novo* review. As temporary amendments, those amendments will go through the next regular cycle of the Oregon Rules of Appellate Procedure committee, in the spring of 2010, and will be open to public comment before becoming permanent. The court hopes that the permanent amendments will be improved both by comments submitted by members of the bar and by some experience with SB 262 and the temporary amendments in practice. Comments on the amendments may be directed to ORAP Committee staff liaison Lora Keenan, lora.e.keenan@ojd.state.or.us or Oregon Court of Appeals, 1163 State Street, Salem, Oregon 97301-2563.

In addition to changes relating to *de novo* review, the court also has changed, or has initiated changes to, four other critical court processes and structures.

(2) *Reduction in Oral Argument Time for Civil Cases*

On December 23, we announced the adoption of temporary amendments to ORAP 6.15. Under these amendments, all cases set for oral argument in the Court of Appeals will be allotted 15 minutes per side. Under an unchanged provision of the rule, requests for additional time must be made by written motion filed at least seven days before the time set for argument. The Chief Judge Order 09-10, adopting and setting out the amendments, may be viewed online at http://tinyurl.com/cjo0910. The amendments are effective February 1, 2010, and will expire on December 31, 2010, if not adopted as permanent amendments.

(3) *Reductions in Brief Length Limits and Adoption of Word Count Measure*

In addition, we have submitted proposed changes involving brief length and length counting protocols to the Oregon Rules of Appellate Procedure Committee. The purpose of the changes is to reduce brief lengths to a word count limit that is the equivalent of 35 pages for appellant's, respondent's, and combined opening briefs, and 10 pages for reply briefs, using the permissible font types and a 14-point font size. Requests for over-length briefs will be decided by the Chief Judge in accordance with the current ORAP procedure. The proposal is consistent with briefing protocols in the Ninth Circuit Court of Appeals, and it would place our brief length limits in the median of limits for intermediate appellate court limits nationally. If and when these amendments are adopted, they may be viewed on the Oregon Judicial Department website at http://www.courts.oregon.gov, under "Court Rules."

(4) *Changes to Protocol for Requesting Oral Argument*

We also have proposed an ORAP amendment that would change the current opt-out oral argument system to an opt-in system. Although oral argument would remain universally available in appeals where all sides are represented by counsel, the notion is to ask parties to consciously decide whether oral argument would add value to the decisional process by requiring them to ask for it before it is set, rather than to waive oral argument after it already has been set. We would continue to set all attorney-represented cases for submission on a date certain, and we would have argument on that date for any cases where oral argument has been requested in accordance with the proper procedure. Cases not argued would be taken under advisement or decided as is now done. To effect these changes, we are submitting a proposed revision to ORAP 6.05 to the Committee for consideration and comment. Again, if and when adopted, this revision may be viewed on the Oregon Judicial Department website at http://www.courts.oregon.gov, under "Court Rules."

(5) *Restructuring of Motions Department*

Finally, we have streamlined the court's Motions Department. As discussed above, the 2009 Legislative Assembly amended ORS 2.570 to allow the Chief Judge of the Court of Appeals to order that a department of the court consist of two judges unless a third judge is necessary to break a tie vote by the department. Senate Bill 262, § 1 (2009). By Chief Judge Order 09-07, dated October 12, 2009, and effective January 1, 2010, Motions Department membership has been reduced from three to two judges, consisting of the Presiding Judge and another judge. The second judge will rotate out of the assignment periodically so as to give other judges an opportunity to participate in decisions involving the thousands of substantive motions that are filed with the court each year. The order may be viewed online at http://publications.ojd.state.or.us under the heading "Order Restructuring the Court of Appeals Motions Department."

Summary

These are just some of the difficult decisions that we have made and will continue to confront. As always, the judges and staff of the Court of Appeals will do everything we can to provide the best possible work in the circumstances. In the meanwhile, we must, and will, do a better job of explaining our role in a justice system that works and has the respect of the public. And, that requires us to be accountable, to continue to work hard, and to be transparent in our decisions and processes. That brings me to the final subject of this report: process improvement and institutional performance of the court.

C. *Appellate Court Performance Measurement: Transforming Processes and Building Trust*

Historically, courts have not found change easy. Courts are institutions whose hallmarks have been consistency, stability, predictability and, sometimes, isolation. But the acceleration of cultural and technological change in society in the last generation has created a different dynamic, one that has required us to justify and explain ourselves in new ways. Among other challenges, courts have struggled to keep up with the private sector in the development of functional technological support for their work. They also have been caught in a resource bind, where the demands of their traditional case-deciding role are in competition with the need to reach out to external stakeholders to explain the importance of public justice in a free society.

Apropos of those developments, in 2004, the Oregon State Bar created a task force to study Oregon's state appellate courts. Although the resulting report was generally positive in its appraisal of the Oregon Court of Appeals, it identified resource-driven delay in resolving cases and a lack of communication and transparency in internal processes as two areas where improvement was needed. Those concerns were legitimate and, frankly, they mirrored our own concerns.

Since then, the court has taken several steps to address those issues. First, we have updated our internal processes in conjunction with the implementation of a new computerized case management system, in the process eliminating numerous redundancies and archaic case and file handling practices. *The Oregon Court of Appeals Internal Practices Guidelines* describe the internal workings of the court, from the filing of documents that trigger the court's jurisdiction through the issuance of judgments that end it. Included are descriptions of the organization of the court and its professional and administrative staff, how the court processes various filings at the initiation of an appeal or judicial review proceeding, how the court typically arrives at its decisions, and how it prepares them for publication. It also includes descriptions of how the court processes its several thousand motions annually and how cases may be referred to its nationally recognized Appellate Settlement Conference Program. The court hopes that, by providing these insights into its internal workings, its work will be more accessible and its rules and procedures easier for litigants to follow. Copies of the Guidelines may be obtained online at the court's web page on the Oregon Judicial Department's website at: http://tinyurl.com/practicesguidelines.

Second, we have implemented an electronic Appellate Case Management System, which has contributed to increased processing efficiency by providing functions such as:

- Automated case tracking and data entry.
- Document generation through the use of predefined templates.
- Data tracking and automated statistical report generation.

Third, and in harness with the Appellate Case Management System, the court has undertaken a performance measurement project that will help us to be more transparent and accountable. Through that project, we have identified three core values in the planning and performance of our work. The first is quality: fairness, equality, clarity, transparency, and integrity of the judicial process. The second is the resolution of cases in a timely and expeditious manner. And the third, but not least, is the cultivation of public trust and confidence, which fundamentally flows from the first two values. In order to measure its achievement of those values, the court has adopted the following four key performance measures.

Measure 1. Appellate Bar and Trial Bench Survey

Definition

The percentage of members of the Oregon appellate bar and trial bench who believe that the Court of Appeals is delivering justice, both in its adjudicative and other functions.

Purpose

Trust and confidence in the judicial process are enhanced when a court demonstrates that it adequately considers each case and resolves it in accordance with the law. That involves balancing the expeditious resolution of a case with thoughtful review of its unique facts and legal complexities in the context of the parties' assignments of error and arguments, as well as existing precedent. Trust and confidence in the judicial process is also enhanced when a court is accessible. Physical access is important, but a court user's perception of the broader sense of accessibility also is influenced by the court's procedures and fees and by the effectiveness of the court's communication with its stakeholders about court procedures, operations, and activities. Oregon's trial court judges and its appellate bar are uniquely positioned to assess accessibility to the court and whether the court is fulfilling its responsibility to consider each case and resolve it in accordance with the law. Their responses about how well they believe the court is fulfilling its duties are an indicator of the court's quality.

Method

This performance measure was obtained by survey using a simple self-administered questionnaire. Survey respondents were asked to rate their agreement with the survey items on a scale from "strongly agree" to "strongly disagree." The survey items derived primarily from the performance standards applicable to every state appellate court system articulated in the *Appellate Court Performance Standards* (1995) and the *Appellate Court Performance Standards and Measures* (1999) by the Appellate Court Performance Commission and the National Center for State Courts.

As our first formal effort to measure the quality of the court's work, in the spring of 2007, the court invited attorneys and judges involved in circuit court cases on appeal in which any case dispositional decision was entered between July and December 2006 to complete an anonymous online survey. The survey was administered confidentially and analyzed automatically via the Internet using an inexpensive online survey service. The results were reported and analyzed based on generalized categories concerning the nature of a respondent's contact with the court (*e.g.*, appellate attorneys' frequency of contact with the court).

Survey respondents gave the highest marks to the court's treatment of the trial court judges and appellate attorneys involved in the cases on appeal. Nine out of ten reported that the Court of Appeals treats them with courtesy and respect. A lesser percentage of respondents, approximately two out of three, indicated that the court handles its caseload efficiently, that the court is accessible to the public and attorneys in terms of cost, and that the court does a good job in informing the bar and the public of its procedures. Overall, four out of five appellate attorneys and trial judges indicated that the court is doing a good job.

Measure 2. On-Time Case Processing

Definition

The percentage of cases disposed of or otherwise resolved within established time frames.

Purpose

Appellate court systems should resolve cases as expeditiously as possible. Although all litigants want their appeals resolved quickly, adequate review of an appeal requires careful consideration by the court. Thus, on-time case processing is a balance between the time needed for review and the court's commitment to expedite the issuance of a decision. By resolving cases within established time frames, the court enhances trust and confidence in the judicial process.

Unlike Measure 3, Clearance Rate, which focuses on clearance rates broken down by appellate case type--that is, civil, criminal, collateral criminal, juvenile, and agency/board--this measure focuses on (1) specific case types and subtypes with particular benchmarks for issuance of case dispositional decisions and (2) a "composite category" for all remaining case type-subtype combinations. In conjunction with Measure 3, this measure is a fundamental management tool that helps the court assess the length of time that it takes to issue a case dispositional decision once a case has been submitted.

Method

This measure is used to determine the percentage of cases in which the court issued its first case dispositional decision within established time frames from the date that the case was submitted to the court. The measure requires information about the actual time between the date that a case is first submitted to the court and the date that the court issues its earliest case dispositional decision that is not later withdrawn.

Much of the information that is needed to make the calculations that underlie this measure is obtained from the Appellate Case Management System. For each resolved case, the system is queried to determine the number of days between the filed date of the earliest docket entry that reflects the submission of the case to the court and the filed date of the case dispositional decision docket entry.

For purposes of calculating the percentage of cases in which a case dispositional decision was issued within established time frames, benchmarks are necessary. Although some benchmarks find their origin in statutes and rules, the court has established specific benchmarks for calculation purposes. For any case type or subtype not having a specific statutory or rule-based benchmark, the court has adopted a 180-day residual benchmark.

For each resolved case, the number of days calculated is compared to the established case type-subtype benchmark to determine whether the case was resolved within the established benchmark. For each of the case type-subtype categories listed above, a percentage is calculated--that is, the number of cases resolved by the benchmark in the category divided by the total number of resolved cases in the category. This measure is reviewed each quarter and at the end of each calendar year.

Measure 3. Clearance Rate

Definition

The ratio of outgoing cases to incoming cases expressed across all case types and disaggregated by case type--that is, civil, criminal, collateral criminal, juvenile, and agency/board.

Purpose

A court should regularly monitor its productivity in terms of whether it is keeping up with its incoming caseload. At least in the short term, it is quite possible for a court to dispose of cases that it hears in a timely manner, as indicated by Measure 2, On-Time Case Processing, and yet fail to keep up with the cases filed. That is so because a mandatory review court like the Oregon Court of Appeals has no control over the number of cases that it must consider. An indicator of whether a court is keeping up with its incoming caseload is the ratio of case disposition or clearance ratio--that is, the number

of cases that are disposed of in a given period of time divided by the number of case filings in the same period.

Although mandatory review courts have no control over the number of cases filed, ideally they should aspire to dispose of at least as many cases as are filed. If a court is disposing of fewer cases than are filed, a growing inventory and backlog are inevitable. Knowledge of clearance rates for various case categories over a period of time can help suggest improvements and pinpoint emerging trends, problems, and inherent resource limitations. The initial result of taking the measure can serve as a baseline, answering the question, "Where are we today?" Successive measures can show how the rate of case disposition is changing over time compared against the baseline measure. Such trend measures can quickly highlight clearance levels over time and answer questions such as, "How have we been doing in our delay reduction efforts over the last 12 months or several years?"

Method

This measure requires information about the number of incoming and outgoing cases broken down by case type during a given period of time. Unlike Measure 2, which concerns the court's disposition of cases within established time frames and focuses on several specific case type-subtype combinations, the information in this measure is disaggregated only by case type--that is, civil, criminal, collateral criminal, juvenile, and agency/board--and not by the various case subtypes.

To determine the number of incoming and outgoing cases during the reporting period, data is generated from the Appellate Case Management System. The clearance rate for each category is calculated by dividing the number of outgoing cases by the number of incoming cases. Finally, to obtain a clearance rate for all case types, the total number of incoming cases in all case types is divided by the total number of outgoing cases.

Measure 4. Productivity

Definition

The number of cases resolved by the Court of Appeals broken down by decision form--that is, signed opinions, *per curiam* opinions, AWOPs (affirmances without opinion), and case dispositional orders.

Purpose

An appellate court should ensure that each case is given due consideration, thereby affording every litigant the full benefit of the appellate process. However, not all cases require the same time and attention to achieve this standard. And, the particular form that the court's decision takes does not necessarily determine whether this standard has been met. For example, some cases, particularly those involving unique facts or legal issues of

first impression, may require greater written analysis than others, resulting in full, signed written opinions. Some cases are sufficiently similar on their facts to others already decided by our appellate courts that the legal analysis applied in those cases can be assumed to apply without the need for extensive discussion or analysis. This is one reason that a case may be affirmed without any written opinion. In other cases, a mere reference to precedent on the same or a similar point is helpful, but more than that is not necessary. An opinion issued *per curiam* is an example.

Method

This measure requires information about the number of case dispositional decisions issued by the court for a given period of time (*e.g.*, each year, quarter, month, week) disaggregated by four decision forms (*i.e.*, signed opinions, *per curiam* opinions, AWOPs, and case dispositional orders). A "signed opinion" is a majority opinion that is longer than two pages in slip opinion format. A "*per curiam* opinion" is an unsigned majority opinion that is two pages or less in length in slip opinion format. An "AWOP" is an unsigned decision indicating that the court is affirming a case without writing an opinion that explains the court's reasoning. A "case dispositional order" is one that disposes of the case.

This measure focuses on information for each decision form category as well as information across categories. The number of case dispositional decisions in each decision form category is reported, as is the court average per judicial officer--that is, the number of case dispositional decisions divided by the number of judicial officers.

Comparative Statistics

The following chart shows comparative statistics for the Court of Appeals for the years 2003-09:

Court of Appeals Comparative Statistics 2003-2009							
	2003	2004	2005	2006	2007	2008	2009
Adoptions	1	3	3	4	5	5	3
Criminal	1120	1519	1571	1562	1356	1384	1588
Criminal Stalking	NA	NA	NA	NA	1	4	2
Civil	487	432	418	405	388	402	365
Civil Injunctive Relief	NA	0	1	0	0	0	
Civil Agency Review	NA	1	13	12	24	9	
Civil FED	NA	22	35	27	29	28	29
Civil Other Violations	NA	3	11	9	6	15	17
Civil Stalking	NA	5	25	19	25	16	19
Civil Traffic	NA	15	30	35	31	36	39
Domestic Relations	218	195	176	159	187	185	176
Domestic Relations - Punitive Contempt	NA	NA	NA	NA	5	7	8
Habeas Corpus	93	80	85	81	84	78	48
Mandamus	0	1	0	0	0	0	
Juvenile	74	0	1	0	0	0	
Juvenile Delinquencies	11	42	38	32	30	24	31
Juvenile Dependencies	8	62	65	64	80	125	100
Juvenile Terminations	75	72	79	65	67	44	55
Probate	15	20	23	18	8	31	19
Post Conviction	249	387	550	334	291	236	225
Traffic	96	160	109	88	90	72	87
Administrative Review	231	217	200	193	232	212	324
LUBA	43	29	36	21	26	34	29
Parole Review	157	116	86	175	103	49	65
Workers' Compensation	214	181	120	116	102	110	79
Mental Commitment	88	115	126	94	102	83	71
Columbia River Gorge Commission	NA	NA	NA	NA	1	1	0
Rule Challenge	NA	NA	NA	2	1	13	9
Other	0	0	0	2	38	17	28
Total Filings	3180	3677	3801	3517	3312	3220	3416
Opinions Issued	344	351	400	420	400	436	503

Beginning in 2004, the Court of Appeals refined its tracking of certain broad categories of case filings. For example, before 2003 the category "juvenile" had included both delinquency and dependency proceedings. Now each type of filing is reported separately.

Conclusion

For 40 years, the court has set and maintained a standard of judicial excellence--of principled and efficient decision making--in service to the people of Oregon. Today, the court faces new challenges, perhaps more daunting than any in our history. But challenge begets opportunity for greater service. Through this report, I have outlined for you the ways that we continue to embrace that opportunity.

David V. Brewer
Chief Judge
Oregon Court of Appeals
February 1, 2010