

DATE: March 16, 2019

TO: Joint Ways and Means Committee

FROM: Melanie Kebler, Bend attorney

SUBJECT: HB 2239, providing a new judge for Deschutes County Circuit Court (Eleventh Judicial District)

Thank you for holding this State Budget Community Hearing here in Redmond so that constituents from Central Oregon and other neighboring areas of Oregon can attend and speak to you about our priorities. I am testifying today in support of HB 2239, specifically the provision that would provide an additional judge for the Deschutes County Circuit Court.

My name is Melanie Kebler and I am an attorney working out of the Bend office of the nonprofit Oregon Crime Victims Law Center. My testimony here represents my own personal opinions as a career prosecutor and attorney for crime victims and does not reflect the opinions or positions of my employer. I passed the bar in 2008 and spent the beginning of my career working as a prosecutor on the coast and in the valley, specializing in the prosecution of domestic violence and sexual assault crimes. Those crimes frequently involved child victims or child witnesses to crimes of abuse. I worked closely with victims of crime who keenly felt the effects of being exposed to trauma, either directly or indirectly. The victims I worked with often experienced symptoms of PTSD, anxiety, and depression because of the crimes committed against them. Remember that these victims were thrust into the criminal justice system through no fault of their own, and had very little control over how the criminal case proceeded. Court delays for the victims of crime that I worked with were excruciating and could exacerbate their trauma symptoms, not to mention make my cases more difficult to prove as witness memories faded, children grew up, and the families torn apart by trauma attempted to move on with their lives. However, moving on was an impossible task when a pending trial continued to loom over their life for many many months, or even years. As a prosecutor, I witnessed first hand the detrimental effect that a slow court system has on victims of crime.

When I transitioned to working for the Oregon Crime Victims Law Center, I began representing victims directly to help them assert and enforce their rights as victims in the criminal justice system. I have repeatedly made arguments to judges to avoid continuing a case, relaying the objection of my client the victim. Far too often, I have seen victims ready to go, prosecutor and defense prepared, only for the case to be "bumped" or rescheduled solely due to the lack of judges available to hear a trial. Though a victim has a statutory right in Oregon to have their case concluded with all practicable speed, this can seem impossible to uphold when there is simply not a courtroom to spare to hear their case.

When I came to Deschutes County to practice, I immediately learned that our courts here are very backed up. To be frank, I learned that if it's not a restraining order or a case involving an

in-custody defendant, good luck getting a trial within a year. And for a civil case? Good luck getting a trial date even in that time period. I learned that a first trial date setting (four to six months out) is very unlikely to actually be heard, and most likely will be bumped by an older case. The number of cases that are coming into the system is overwhelming for the judges and staff attempting to tackle the flow, schedule hearings, make critical decisions, and move cases along. One additional judge is an important, crucially needed first step towards having a court system in Deschutes County that will be able to keep up with the number of cases and litigants in an area that has seen rapid growth and will continue to grow. Unfortunately, this is one of the slowest courts I have practiced in during my career when it comes to scheduling and completing cases. In my work, that means that my clients, victims of crime, who are only part of a criminal case because of the actions of another person, are being hurt by the court's inability to achieve swift and certain results in their cases.

Because of my background, I chose today to focus on speaking to you mainly about the importance of a speedy resolution of a criminal case to victims of crime. But I know that an additional judge in Deschutes County would help vulnerable members of our community in another way - specifically that it would allow for our local courts to meet timeliness standards in child welfare cases, including shelter hearings, which are crucial to assuring the well being of potentially endangered children in our community. My work as a prosecutor involved working with multi-disciplinary teams on the issues of child abuse and child welfare, and I have conducted shelter hearings where judges had to make important, swift decisions about how best to care for a child who could be in an unsafe situation. There is no more vulnerable population than these children who, like victims of crime, find themselves involved in a court case through no fault of their own. They should also be afforded speedy court case results in Deschutes County.

For these reasons, I urge you to move HB 2239 forward and provide the Deschutes County Circuit Court with an additional judge.

Thank you,

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