

Citizens for Commonsense Government Urge The Legislature to Pass Senate Bill 807

Dear Chair Prozanski, Vice-Chair Thatcher and Committee Members:

Citizens for Commonsense Government urge the legislature to pass SB 807. Oregon is one of a minority of states that allows lawyers to prevent a judge **elected by us** from hearing any of their cases without proof of bias, conflict of interest, or incompetence. ORS 14.260. There is no oversight of this process opening the law up for abuse.

Removal of judges without requiring proof of bias is a particular problem when a public defender's or district attorney's office does it. By repeatedly filing "blanket disqualifications" against a particular judge, they can effectively remove the judge from the criminal docket. It disrupts court operations, especially in rural judicial districts with few judges and increases costs by requiring the Oregon judicial department to send judges from outside the area to accommodate the needs of a community.

It allows the DA or public defender to "judge shop" - choose the judge they believe will rule in their favor most of the time (or eliminate the judge who doesn't always rule the way the lawyer wants). **But, we, the people, elected all the judges in their community, not just those that the DA or public defender favors.** This is the community's right and no judge should be prevented by one lawyer from hearing the community's criminal cases without proof of wrongdoing.

The issue is not theoretical. In recent years, blanket disqualifications have been filed in Clackamas, Jackson, Klamath, Lake, Lane, Multnomah, Umatilla, Union, Wallowa, Wasco and Washington Counties. The removed judge and the judicial department have little recourse. To stop the disqualifications, the judge must prove the lawyer's personal belief that the judge can't be impartial is in bad faith - a virtually impossible task.

SB 807 provides the solution: require a public defender or district attorney who is blanket disqualifying a judge to prove to an independent judge that a reasonable person would perceive the judge as biased. **This objective inquiry is already used in 36 states for every motion to disqualify a judge in criminal cases.** Depending upon the case, the independent judge may then take appropriate action, including mediate or impose other requirements.

The fiscal impact will be positive - saving the state (and us) money. Judges can stay in their districts, hearing their community's cases, with far less travel costs.

It's time for Oregon to join the 43 states that have either never allowed or have stopped abusive blanket disqualifications.

Thank you for your consideration.

Citizens for Commonsense Government

We are a representation of people around the state who want to stop abuse of the law allowing lawyers to remove judges without cause. It's time to join the other 43 states which have either never allowed or have stopped abusive blanket disqualifications.

“With no checks and balances and accountability, it seems people will abuse privilege and power until someone stops them.” Pete Rusaw, Oregon citizen

1. Jeff Wallace (The Dalles)(former district attorney, former circuit court judge, current public defender)
2. Dan Ousley (Enterprise)(retired district attorney)
3. Charles Gillis (Pendleton)(public defender)
4. Robert Moon, Jr. (Baker City)(public defender)
5. Martin Birbaum (Summerville)(former public defender, retired district attorney)
6. John Frohnmayer (Medford)(retired lawyer)
7. Anne Morrison (La Grande)(retired public defender)
8. David Johns (McMinnville)(lawyer)
9. Amber Yates (Bend)
10. Marina Richie (Bend)
11. Wes Pyne (Bend)
12. Glen Ardt (Bend)
13. Stacy Sharlet (Bend)
14. Christy Cordova (Silverton)
15. Shawn Steinmetz (La Grande)
16. Brady Callahan (Corvallis)
17. Cristian Fuentes (Portland)
18. Judy Dozler (Stayton)
19. Benjamin Moizio (Portland)
20. Brett Claude Olsen (Milwaukie)
21. Theo Loew (Portland)
22. Sasha Scanlan (Milwaukie)
23. Marcett Banks (Portland)
24. Brock Evans (La Grande)
25. Donna Rainboth (Cove)
26. Susan Sterrenberg (Salem)
27. Kara Campbell (Portland)
28. Hazel Mucken (Milwaukie)
29. McKenna Jones (Portland)
30. Catherine Dickson (La Grande)
31. Marie Carver (Salem)
32. Ronda Wallace (The Dalles)
33. Lisa Robertson (Enterprise)
34. Linda Birnbaum (Summerville)
35. Jim Tully (Ashland)
36. Camille Tully (Ashland)

37. Cindy Noffke (Falls City)
38. Glen Herron (Sisters)
39. Lyle Mann (Summerville)
40. Iris Mann (Summerville)
41. Kevin Smolkowski (Elgin)
42. Voda Smolkowski (Elgin)
43. Bruce Macke (Enterprise)
44. Michelle Hines (Hermiston)
45. Jeff Hines (Hermiston)
46. Mark Collier (Grants Pass)
47. Linda Densmore (Hood River)
48. Gregg Densmore (Hood River)
49. Cassie Miller (Union)
50. Ari Chadwick-Saund (Portland)
51. John Petersen (Union)
52. Debbie Pewonka (Culver)
53. Steve Pewonka (Culver)
54. Andrew Houck (Port Orford)
55. Annie Williams (Bandon)
56. Donna Higgins (Halfway)
57. Mike Higgins (Halfway)
58. Suzanne Steffan (Mosier)
59. Dan Leone (Mosier)
60. Bev Beach (Rock Creek)
61. Ray Beach (Rock Creek)
62. Kaite Gekeler (La Grande)
63. Keil Gekeler (La Grande)
64. Bonny Godfrey (La Grande)
65. Janet Schemm (Wilsonville)
66. Jessica Schemm (Tualatin)
67. James Peykanu (Tualatin)
68. George Peykanu (Tualatin)
69. Linda Garcia (La Grande)
70. Dan White (La Grande)
71. Connie Mattson (Portland)
72. Jay Mattson (Portland)
73. Pete Rusaw (Newberg)
74. Amy Rusaw (Newberg)
75. Candace Livingston (Oregon City)
76. Wes Livingston (Oregon City)