

February 26, 2023

Dear Chair Prozanski, Vice-chair Thatcher, and Members of the Committee,

Thank you for this opportunity to comment in support of SB 807 and ask that you consider expanding Subsection (7) to include juvenile dependency cases. The blanket disqualification by the Clackamas County District Attorney's office of our full-time juvenile dependency judge severely interfered with the administration of justice at the Clackamas County Circuit Court.

While I was the presiding judge in Clackamas County, Department of Human Services (DHS) and the Clackamas County District Attorney's office blanket disqualify one of my judges who, for 15 years, had been the court's full-time juvenile judge, handling virtually all the juvenile docket. In Clackamas County, the full-time juvenile judge has her courtroom in the juvenile building. This courtroom cannot accommodate jury trials which are unnecessary in juvenile cases. The juvenile building is located away from the courthouse in downtown Oregon City. Unlike the courthouse, the juvenile building has great parking, is easily accessible to attorneys and the parties, which often comprise of mothers, fathers, and children, each with their own attorneys. The DHS case workers are also housed within the juvenile building.

When the district attorney's office decided to blanket disqualify this judge from juvenile dependency cases, she began hearing family law cases because her courtroom in the juvenile building could accommodate these types of cases which are tried to the bench. While also an expert in family law, all of this judge's expertise in juvenile law was no longer accessible for juvenile cases in Clackamas County.

We had to create a rotation of other judges to cover the dependency docket which was moved to the courthouse at considerable inconvenience to everyone but the district attorney's office. Unlike the juvenile building, the courthouse has almost no space for attorneys and caseworkers to privately confer with their parties or witnesses. Parking is terrible and the change of location to downtown Oregon City was very confusing for the parties and witnesses. Litigants and witnesses constantly appeared at the wrong location. Caseworkers had to pack all their voluminous files to the courthouse, find a place to park and until we created a special entry pass for them, go through the security checkpoint. Oregon City has a rigorous parking patrol and many parents received expensive parking citations they could not afford.

In my opinion, had Subsection (7) of SB 807 been in place, this extremely disruptive blanket disqualification would not have happened. I do not believe DHS or the district attorney's office could have proven that a reasonable person would have perceived the juvenile judge as biased.

Thank you for the consideration.

*Bob Herndon*

Robert D. Herndon

Senior Judge, Clackamas County