



TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 28, 2023
RE: OPPOSITION TO SB 807

Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary:

My name is Mae Lee Browning. I represent the Oregon Criminal Defense Lawyers Association. OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.

I am testifying to make recommendations to SB 807.

OCDLA acknowledges that blanket disqualifications by DA's offices are a major problem that needs to be addressed. Public defender offices do not blanket disqualify judges such as to deny them assignment to a docket. We understand that the bill proponents included public defenders to be fair, even though the stories shared during live testimony where stories of blanket affidavits by DAs.

Public defenders and private defense attorneys should and do file affidavits against judges when they have a good faith belief that they or their client cannot have a fair and impartial hearing or trial before a particular judge. Their client's liberty is on the line. However, defense attorneys do not file affidavits to the extent as to deny a judge assignment to a docket. DAs do. That is because DAs represent the state in all criminal matters in that county.

One change we would like to see is the addition of the word "fair" in the new subsection 7. OCDLA looks forward to sending proposed language to the Committee and to the proponents of the bill. Thank you for the continued conversation.
