



Martin J. Birnbaum 65540 Cherrywood Rd. La Grande, OR 97850

(541)975-4105

April 30, 2023

Representative Janelle Bynum, Chair
Members of the House Judiciary Committee
House Judiciary Committee
900 Court St. NE, H-276
Salem, OR 97301

Re: SB 807

Dear Representative Bynum and Members of the House Judiciary Committee,

I support Senate Bill 807. I hope you will also.

Lawyers need the option to disqualify a judge who is biased, but the current law invites abuse. It allows lawyers to disqualify a judge for reasons that are not legitimate, while simultaneously placing a great burden on the court system.

In my career, I served as District Attorney for Union County, as Public Defender for Umatilla and Morrow Counties, and as administrator of the Union-Wallowa Counties Criminal Defense Consortium. I supervised and counseled both prosecuting attorneys and criminal defense lawyers. Lawyers aren't angels. Occasionally a lawyer in my office would want to disqualify a judge for strategic reasons rather than for bias. Currently, judges have no recourse. The law provides no remedy.

Senate Bill 807 establishes a reasonable alternative without diminishing the right of lawyers to obtain a fair hearing. I urge you and the Judiciary Committee to pass SB-807.

Respectfully,

Martin J. Birnbaum