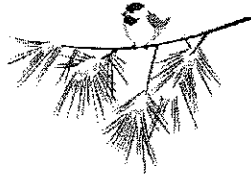


# LORI A.G. HELLIS, P.C.

## Attorney at Law



May 7, 2013

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Chair Jeff Barker  
Members, House Judiciary Committee

Re: SB 812

Chair Barker and Members of the Committee:

I am writing to express my concern regarding the upcoming vote on SB 812. While on its face, the bill may seem like a reasonable "fix" to a perceived problem, I believe it may cause more trouble than it solves, and urge you to consider slowing the process in order to collect more information.

For those of us who practice in smaller communities, the issues surrounding judicial fairness are very real.

When I practiced in the Portland metropolitan area, it wasn't unusual for months to pass when I didn't appear before the same judge or see the same attorney.

In small communities, we see the same judges and opposing attorneys daily. Unlike larger areas, where attorneys may live and work in different communities, we live where we work. Our judges participate with us in schools, sports, and community activities. The judge who disagreed with your call as the umpire at a baseball game on Saturday could hear your client's objection to a restraining order on Monday morning. Judges own property in the community and our families live and work in the same small towns. In the case of one small county, the judge owned the local pizza parlor. You could appear before him in the morning, and he could deliver your pizza that night.

The familiarity that makes smaller towns so desirable also makes getting a fair trial more difficult. The judges in smaller jurisdictions sometimes know too much, and may have formed an opinion about the case before them.

In smaller communities, a judge who has been on the bench for a few years knows all the families, knows who is related, and how. Sometimes you don't want the

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judge who just sentenced your client's cousin on a drug charge trying your client's DUII.

The ability of an attorney to request that a judge be disqualified protects their clients, themselves and the judge from any appearance of prejudice or misconduct.

I agree that if attorneys in smaller jurisdictions are using the disqualification process as a way of shopping for a judge who they believe will be favorable to their case, it should stop. However, I have real concern that SB812 is a "throwing the baby out with the bathwater" approach. I think with more time and consideration a more nuanced and thoughtful approach could be found.

Thank you for your courtesies.

Sincerely,

Lori A.G. Hellis