



HOUSE OF REPRESENTATIVES

Chair Bynum, Vice-Chairs Noble and Power, and Members of the Committee,

District attorneys are elected officers that hold a monopoly on the prosecution power of the state. Under current law, they have the ability to affidavit or “bump” up to two elected judges by simply asserting their belief that they cannot receive a fair trial before that judge, with no requirement that they support the filing with specific facts showing a bias or partiality on the part of the judge. This is a particular challenge in districts with only 3 elected judges, as it allows the DA effectively to choose the judge they prefer to hear their case. Under HB 2998, District Attorneys retain the power to disqualify judges they believe cannot be fair or impartial, but only after alleging and proving bias on the part of the judge.

The problem is not limited to judicial districts in one part of the state. Below is a list of Judges who have had “blanket” affidavits filed against them from District Attorneys in recent memory—

- Judge Wes Williams, Baker, Union & Wallowa Counties
- Judge Wogan, Klamath County
- Judge Ted Carp, Lane County
- Judge Mooney, Lane County
- Judge Matarazzo, Multnomah County
- Judge Litzenberger, Multnomah County
- Judge Temple, Umatilla County
- Judge Fun, Washington County
- Judge Keith Rogers, Washington County
- Judge Collins, Yamhill County

In addition to those blanket affidavits, in one instance the Lake County District Attorney filed blanket affidavits on the only judge on the bench, which would have meant that all cases had to have a judge sent by the Chief Justice of the Supreme Court.

It is inappropriate for one elected official to deprive another of the full scope of her office, absent a showing of partiality or bias. House Bill 2998 would address this concern by both requiring proof of this bias as well as creating a record that the voters may consider in determining how to vote in elections for judges and district attorneys.

Sincerely,

A handwritten signature in black ink that reads "Marty Wilde". The signature is written in a cursive, flowing style.

Marty Wilde
State Representative, House District 11