Motions and Affidavits to Disqualify or Change Judge Filed in Circuit Courts, March 1, 2021

Judges are required by Oregon's Code of Judicial Conduct to uphold and apply the law fairly, impartially, and without bias or prejudice. In addition, if any party to a case believes they cannot have a fair and impartial trial or hearing, they may file a motion to disqualify or change the judge presiding over their case under ORS Chapter 14. A party to a case may not file more than two motions to disqualify or change a judge on any case.

The Data

- Is listed by case type (criminal, civil, and domestic relations, etc.). Each listing then shows the county, case category within the case type, and the filer of the motion;
- Is presented as a cumulative total for the five-year period (January 1, 2016 through December 31, 2020) of the approximate number of motions to disqualify or change a judge; and
- Is a snapshot, but not a complete picture of these motions and orders, as explained below. It has not been clarified or organized significantly, due to time constraints for providing this information.

Data Challenges and Assumptions

Some motions to disqualify or change a judge occur on the record and without a formal, written motion. In these situations, we can estimate the number of motions made by using the order to disqualify or change judge as a proxy for a motion when no motion is filed or entered in the case register.

If a court does not enter the motion in the case register using one of five specific codes noted below, this data in Appendix A will not reflect the motions to disqualify or change judge accurately in that court. The codes queried are:

- 1. Motion to Disqualify Judge
- 2. Motion to Change Judge
- 3. Order to Disqualify Judge (only included in the data if there is not a preceding Motion to Disqualify Judge or Motion to Change Judge)
- 4. Order to Change Judge (only included in the data if there is not a preceding Motion to Disqualify Judge or Motion to Change Judge)
- 5. Affidavits to Disqualify or Change Judge where unaccompanied by a Motion.

Courts have the option to relate a motion or order entered in the case register to the filing party. In those situations, the data will reflect the party that filed the motion, as entered by the court. There are party types that can be grouped together for practical purposes, but for this analysis the filing parties reflect exactly what is entered by the court unless there is no party related to the

motion/order, in which case that party will be listed as 'Unknown Filer'. For example, for those entries that are identified as filed by the State, Assistant District Attorney, or District Attorney in the case data, there is a corresponding field for misdemeanor and felony cases. Yet this does not necessarily reflect all motions pursued by the State, nor do the remaining motions necessarily represent motions filed by defendants and their counsel, and the unknown filings are truly unknown.

What the data does not capture are scenarios in which courts are using nonstandard data entry, case "flags," blanket affidavits of bias or prejudice, or informal resolutions to objections by parties to the assigned judge. That additional information stored on court documents cannot be queried and would have to be manually reviewed for each case. As such, this data only reflects the specific codes and related parties identified above and does not reflect with perfect accuracy these motions filed in circuit courts or other actions taken to address instances where a party believes they cannot receive an impartial hearing before a judge.

If you have questions or seek additional information, please contact Erin M. Pettigrew, Access to Justice Counsel for OJD: erin.m.pettigrew@ojd.state.or.us.

Court	Felony	Misdemeanor	Total
Baker	35	32	67
Court Appointed Defense Counsel	8	4	12
Defendant	13	13	26
Deputy District Attorney	3	1	4
Plaintiff (State of Oregon)	10	13	23
Unknown Filer	1	1	2
Benton	27	22	49
Court Appointed Defense Counsel	4		4
Defendant		2	2
Privately Retained Defense Counsel	3	3	6
Unknown Filer	20	17	37
Clackamas	148	117	265
Attorney		4	4
Court Appointed Defense Counsel	79	48	127
Defendant	15	9	24
Privately Retained Defense Counsel	42	45	87
Unknown Filer	12	11	23
Clatsop	23	11	34
Attorney	1		1
Court Appointed Defense Counsel	6	4	10
Defendant	9	2	11
District Attorney	2		2
Privately Retained Defense Counsel	4	4	8
Unknown Filer	1	1	2
Columbia	22	19	41
Attorney		2	2
Court Appointed Defense Counsel	2	1	3
Defendant	15	12	27
Privately Retained Defense Counsel	2	1	3
Unknown Filer	3	3	6
Coos	189	101	290
Assistant DA		1	1
Attorney		2	2
Court Appointed Defense Counsel	85	49	134
Defendant	92	47	139
Deputy District Attorney	1		1
Privately Retained Defense Counsel	3	1	4
Unknown Filer	8	1	9
Crook	13	9	22
Attorney	1	2	3
Court Appointed Defense Counsel	9	5	14
Defendant	1	1	2
Privately Retained Defense Counsel		1	1

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Unknown Filer	2		2
Curry	6	8	14
Court Appointed Defense Counsel	1		1
Defendant	4	5	9
Plaintiff (State of Oregon)		1	1
Privately Retained Defense Counsel	1	2	3
Deschutes	255	174	429
Attorney	7	4	11
Court Appointed Defense Counsel	83	43	126
Defendant	6	1	7
Privately Retained Defense Counsel	75	47	122
Unknown Filer	84	79	163
Douglas	113	66	179
Attorney		1	1
Court Appointed Defense Counsel	30	35	65
Defendant	61	8	69
Plaintiff (State of Oregon)	1		1
Privately Retained Defense Counsel	10	6	16
Public Defender	2	4	6
Unknown Filer	9	12	21
Grant	8	13	21
Court Appointed Defense Counsel	3		3
Defendant	2	10	12
Plaintiff (State of Oregon)	1	1	2
Privately Retained Defense Counsel	2		2
Unknown Filer		2	2
Harney	2	5	7
Defendant	1		1
Unknown Filer	1	5	6
Hood River	1	2	3
Court Appointed Defense Counsel	1	1	2
Unknown Filer		1	1
Jackson	343	168	511
Defendant	258	135	393
Unknown Filer	85	33	118
Jefferson	56	6	62
County Counsel	1		1
Court Appointed Defense Counsel	14	6	20
Defendant	2		2
Plaintiff (State of Oregon)	32		32
Privately Retained Defense Counsel	6		6
Unknown Filer	1		1

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Josephine	269	297	566
Attorney	1	5	6
Court Appointed Defense Counsel	206	219	425
Defendant	27	10	37
District Attorney	3	3	6
Plaintiff (State of Oregon)	1	2	3
Privately Retained Defense Counsel	26	51	77
Unknown Filer	5	7	12
Klamath	4,450	7,151	11,601
Court Appointed Defense Counsel	19	2	21
Defendant	53	46	99
Deputy District Attorney	94		94
District Attorney		5	5
Plaintiff (State of Oregon)	3,325	5,527	8,852
Privately Retained Defense Counsel	11	4	15
Unknown Filer	948	1,567	2,515
Lake	94	120	214
Court Appointed Defense Counsel	6	3	9
Defendant	4	6	10
District Attorney	3	7	10
Plaintiff (State of Oregon)	79	99	178
Privately Retained Defense Counsel		1	1
Unknown Filer	2	4	6
Lane	19	7	26
Attorney		1	1
Court Appointed Defense Counsel	11		11
Privately Retained Defense Counsel	7	5	12
Unknown Filer	1	1	2
Lincoln	155	175	330
Attorney		6	6
Court Appointed Defense Counsel	60	35	95
Defendant	14	22	36
Plaintiff (State of Oregon)	2	1	3
Privately Retained Defense Counsel	33	58	91
Unknown Filer	46	53	99
Linn	38	18	56
Court Appointed Defense Counsel	5	2	7
Defendant	14	7	21
Plaintiff (State of Oregon)		2	2
Privately Retained Defense Counsel	5	2	7
Unknown Filer	14	5	19
Malheur	13	5	18
Court Appointed Defense Counsel	11	4	15

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Defendant	1	1	2
Privately Retained Defense Counsel	1		1
Marion	1,544	1,200	2,744
Attorney	12	11	23
Court Appointed Defense Counsel	845	700	1,545
Defendant	171	112	283
Plaintiff (State of Oregon)	4	2	6
Privately Retained Defense Counsel	156	123	279
Public Defender	3	2	5
Unknown Filer	353	250	603
Morrow	17	16	33
Defendant	7	1	8
District Attorney	1		1
Privately Retained Defense Counsel	2		2
Unknown Filer	7	15	22
Multnomah	172	273	445
Court Appointed Defense Counsel	7	20	27
Defendant	34	52	86
Plaintiff (State of Oregon)	9	2	11
Privately Retained Defense Counsel		1	1
Public Defender		1	1
Unknown Filer	122	197	319
Polk	14	12	26
Defendant	9	10	19
Plaintiff (State of Oregon)	1	1	2
Privately Retained Defense Counsel	2		2
Unknown Filer	2	1	3
Sherman	2	1	3
Defendant		1	1
Privately Retained Defense Counsel	1		1
Unknown Filer	1		1
Tillamook	12	21	33
Defendant	10	18	28
Plaintiff (State of Oregon)	1	1	2
Privately Retained Defense Counsel		1	1
Unknown Filer	1	1	2
Umatilla	537	918	1,455
City Attorney		1	1
Court Appointed Defense Counsel	5	7	12
Defendant	11	12	23
Deputy District Attorney	11	9	20
District Attorney	226	596	822

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Privately Retained Defense Counsel	2	3	5
Unknown Filer	282	290	572
Union	190	394	584
Attorney	100	2	2
Court Appointed Defense Counsel	53	27	80
Defendant	25	47	72
Deputy District Attorney		2	2
District Attorney	58	156	214
Plaintiff (State of Oregon)	49	139	188
Privately Retained Defense Counsel	3	6	9
Unknown Filer	2	15	17
Wallowa	15	12	27
Attorney	1		1
Court Appointed Defense Counsel	4	2	6
Defendant	7	7	14
District Attorney	2	3	5
Privately Retained Defense Counsel	1		1
Wasco	7	6	13
Defendant	4	2	6
Unknown Filer	3	4	7
Washington	319	88	407
Court Appointed Defense Counsel	10	2	12
Defendant	220	68	288
Plaintiff (State of Oregon)	38	8	46
Privately Retained Defense Counsel	31	4	35
Unknown Filer	20	6	26
Wheeler	4	1	5
Defendant	2	1	3
Privately Retained Defense Counsel	2		2
Yamhill	67	40	107
Defendant	38	16	54
Plaintiff (State of Oregon)	14		14
Unknown Filer	15	24	39
Total	9,179	11,508	20,687

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Court	Civil	Landlord Tenant	Small Claims
Baker	9		
Attorney	5		
Defendant	1		
Plaintiff	2		
Privately Retained	1		
Benton	35	3	1
Attorney	1		
Defendant	3	1	
Petitioner	1		
Plaintiff	2		
Unknown Filer	28	2	1
Clackamas	59	4	
Attorney	2		
Defendant	20	3	
Guardian Ad Litem	2		
Petitioner	1		
Plaintiff	28	1	
Privately Retained	4		
Unknown Filer	2		
Clatsop	6	4	
Attorney	3	1	
Defendant		2	
Plaintiff		1	
Unknown Filer	3		
Columbia	19	3	2
Attorney	9		
Defendant		3	
Plaintiff	6		2
Privately Retained	3		
Unknown Filer	1		
Coos	10	1	169
Attorney	3		
Defendant		1	
Plaintiff	4		118
Privately Retained	1		
Public Defender	1		
Unknown Filer	1		51
Crook	7		
Attorney	7		
Curry	7	2	4
Attorney	4		
Defendant	1		
Plaintiff		2	4
Privately Retained	2		

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Court	Civil	Landlord Tenant	Small Claims
Deschutes	76	7	2
Attorney	40		
Defendant	5		2
Plaintiff	2	4	
Privately Retained	25		
Unknown Filer	4	3	
Douglas	16	2	1
Attorney	1		
Defendant	4		
Plaintiff	9	2	1
Unknown Filer	2		
Grant	5		
Defendant	1		
Plaintiff	1		
Unknown Filer	3		
Harney	2		
Defendant	2		
Hood River		1	
Plaintiff		1	
Jackson	96	14	2
3rd Party Defendant	1		
3rd Party Plaintiff	1		
Attorney		1	
Defendant	29	10	
Interested Person	1		
Plaintiff	49	3	
Respondent	1		
Unknown Filer	14		2
Jefferson	7		
Attorney	2		
Plaintiff	2		
Unknown Filer	3		
Josephine	25	2	2
Attorney	9	1	
Court Appointed	1		
Defendant	1		
Plaintiff	9		2
Privately Retained	5	1	
Klamath	13	1	3
Attorney	3	1	
Defendant	4		
Plaintiff	3		
Privately Retained	2		
Unknown Filer	1		3

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Court	Civil	Landlord Tenant	Small Claims
Lake	13		
Defendant	8		
Plaintiff	3		
Unknown Filer	2		
Lane	39	3	1
Attorney	1	-	
Defendant	9	1	
Guardian Ad Litem	1		
Plaintiff	20	1	
Privately Retained	2		
Unknown Filer	6	1	1
Lincoln	12	2	
Attorney	1		
Defendant	4	1	
Plaintiff	6	1	
Unknown Filer	1		
Linn	13	6	1
3rd Party Defendant	1	-	
3rd Party Plaintiff	1		
Defendant		5	
Plaintiff	10		1
Respondent		1	
Unknown Filer	1		
Malheur	67	4	3
Attorney	2		
Court Appointed	7		
Defendant	1	1	
Petitioner	14		
Plaintiff	29		3
Privately Retained	4	3	
Unknown Filer	10		
Marion	1,056	1	1
Acting By and Through	1		
Assistant Attorney General	4		
Attorney	190		
Court Appointed	16		
Defendant	12	1	
Petitioner	57		
Plaintiff	74		
Privately Retained	15		
Unknown Filer	687		1
Morrow	14		1
Attorney	1		
Unknown Filer	13		1

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Court	Civil	Landlord Tenant	Small Claims
Multnomah	1,061	10	5
3rd Party Defendant	1		
3rd Party Plaintiff	1		
Attorney	15		
Claimant	1		
Defendant	58	3	
Petitioner	1		
Plaintiff	93	7	5
Privately Retained	3		
Unknown Filer	888		
Polk	11	3	
Defendant	2	3	
Plaintiff	6		
Unknown Filer	3		
Tillamook	5	2	
Defendant	4	1	
Plaintiff		1	
Unknown Filer	1		
Umatilla	171	59	55
Attorney	7		
Court Appointed	1		
Defendant		4	
Petitioner	8		
Plaintiff	62		28
Privately Retained	1	1	
Unknown Filer	92	54	27
Union	6	1	
Defendant	1		
Personal Representative		1	
Plaintiff	3		
Privately Retained	2		
Wallowa	8		
Attorney	3		
Court Appointed	2		
Plaintiff	1		
Privately Retained	2		
Wasco	5	1	
Defendant		1	
Plaintiff	3		
Privately Retained	2		

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Court	Civil	Landlord Tenant	Small Claims
Washington	274		3
3rd Party Defendant	1		
3rd Party Plaintiff	1		
Attorney	1		
Defendant	14		1
Interested Person	1		
Petitioner	6		
Plaintiff	244		2
Privately Retained	1		
Unknown Filer	5		
Yamhill	8	1	
Attorney	1		
Defendant		1	
Petitioner	3		
Plaintiff	2		
Unknown Filer	2		
Total	3,155	137	256

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Court	Domestic Relations	Juvenile	Probate	Total
Baker	13	8		21
Agency		7		7
Attorney	2			2
Parent		1		1
Petitioner	4			4
Privately Retained Counsel	2			2
Respondent	5			5
Benton	48	2	3	53
Attorney	2			2
Objector			1	1
Petitioner	13			13
Privately Retained Counsel	3			3
Respondent	15			15
Unknown Filer	15	2	2	19
Clackamas	233	317	11	561
Attorney	28	7	6	41
Court Appointed		2		2
Deputy District Attorney		127		127
Parent		2		2
Personal Representative			2	2
Petitioner	70		1	71
Privately Retained Counsel	47	4	1	52
Respondent	84		1	85
State of Oregon		161		161
Unknown Filer	4	14		18
Clatsop	83	4	1	88
Attorney	10			10
Court Appointed	1			1
Department of Human Services		1		1
Guardian			1	1
Parent		3		3
Petitioner	37			37
Privately Retained Counsel	19			19
Respondent	16			16
Columbia	177	19	18	214
Attorney	38	2	6	46
Court Appointed		3		3
Objector			1	1
Parent		10	2	12
Personal Representative			5	5
Petitioner	83		1	84
Privately Retained Counsel	15	2	3	20
Respondent	35			35
Unknown Filer	6	2		8

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Court	Domestic Relations	Juvenile	Probate	Total
Coos	13	2	1	16
Attorney	2	_	•	2
Petitioner	3			3
Respondent	4			4
Unknown Filer	4	2	1	<u>.</u> 7
Crook	7	3		10
Attorney	4			4
Court Appointed		3		3
Petitioner	1			1
Respondent	1			1
Unknown Filer	1			1
Curry	19		2	21
Attorney	2		1	3
Petitioner	2		1	3
Privately Retained Counsel	5		-	5
Respondent	7			7
Unknown Filer	3			3
Deschutes	144	15	16	175
Attorney	23		1	24
Court Appointed		1		1
Devisee			1	1
Heir			2	2
Parent		12		12
Personal Representative			1	1
Petitioner	23		1	24
Privately Retained Counsel	60	2		62
Protected Person			1	1
Respondent	27			27
Unknown Filer	11		9	20
Douglas	33	16	6	55
Court Appointed		5		5
Guardian			1	1
Parent		8		8
Personal Representative			1	1
Petitioner	19		1	20
Public Defender		1		1
Respondent	14			14
Trustee			1	1
Unknown Filer		2	2	4
Grant	3	1	1	5
Agency		1		1
Attorney			1	1
Petitioner	1			1
Unknown Filer	2			2

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Court	Domestic Relations	Juvenile	Probate	Total
Harney		4		4
Parent		2		2
Unknown Filer		2		2
Hood River	1	1		2
Attorney		1		1
Respondent	1			1
Jackson	124	14	49	187
Attorney			9	9
Court Appointed		6		6
Devisee			1	1
Guardian			2	2
Guardian Ad Litem	1			1
Heir			1	1
Initiating Party	1			1
Intervenor	1			1
Juvenile		1		1
Personal Representative			5	5
Petitioner	56		11	67
Protected Person			3	3
Respondent	49			49
Trustee			2	2
Trustor			1	1
Unknown Filer	16	7	14	37
Jefferson	11	8		19
Court Appointed	7	2		2
Parent		3		3
Petitioner	6			6
Privately Retained Counsel	2	2		4
Respondent	3			3
Unknown Filer		1		1
Josephine	180	216	3	399
Attorney	94	4		98
Court Appointed		204		204
Objector			1	1
Parent		3		3
Personal Representative			1	1
Petitioner	6			6
Privately Retained Counsel	65	3		68
Respondent	6			6
Unknown Filer	9	2	1	12

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Court	Domestic Relations	Juvenile	Probate	Total
Klamath	75	22	4	101
Agency		1		1
Attorney	10	2		12
Co-Petitioner	1			1
Court Appointed		2		2
Guardian			2	2
Parent		8		8
Petitioner	27		1	28
Plaintiff			1	1
Privately Retained Counsel	4	2		6
Respondent	23			23
Unknown Filer	10	7		17
Lake	19	7	1	27
Petitioner	7			7
Respondent	8			8
Unknown Filer	4	7	1	12
Lane	29	1	1	31
Co-Petitioner	1			1
Defendant	1			1
Petitioner	5			5
Privately Retained Counsel	3			3
Respondent	17			17
Unknown Filer	2	1	1	4
Lincoln	33	7	2	42
Attorney	2			2
Court Appointed		4		4
Personal Representative			1	1
Petitioner	10			10
Privately Retained Counsel	6			6
Respondent	14			14
Unknown Filer	1	3	1	5
Linn	93	2		95
Attorney	7			7
Petitioner	46			46
Privately Retained Counsel	21			21
Respondent	16			16
Unknown Filer	3	2		5
Malheur	14	5		19
Court Appointed		2		2
Parent		3		3
Petitioner	2			2
Privately Retained Counsel	3			3
Respondent	6			6
Unknown Filer	3			3

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Court	Domestic Relations	Juvenile	Probate	Total
Marion	945	37	80	1,062

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Court	Domestic Relations	Juvenile	Probate	Total
Attorney	256		26	282
Conservator			1	1
Court Appointed		1		1
Parent		7		7
Personal Representative			4	4
Petitioner	64		12	76
Privately Retained Counsel	137	1	9	147
Respondent	101		1	102
Trustee			2	2
Trustor			1	1
Unknown Filer	387	28	24	439
Morrow	8	1	3	12
Petitioner	1			1
Respondent	2			2
Unknown Filer	5	1	3	9
Multnomah	82	21	11	114
Assistant Attorney General		2		2
Attorney	9		1	10
Court Appointed		4		4
Objector			2	2
Obligor	2			2
Parent		3		3
Petitioner	22		2	24
Privately Retained Counsel	12	1		13
Respondent	35			35
Unknown Filer	2	11	6	19
Polk	20	2	2	24
Attorney	3			3
Objector			1	1
Parent		2		2
Petitioner	15			15
Respondent	2			2
Unknown Filer			1	1
Sherman	2			2
Unknown Filer	2			2
Tillamook	22	2	4	28
Attorney			1	1
Devisee			1	1
Personal Representative			1	1
Petitioner	2		1	3
Privately Retained Counsel	2			2
Respondent	14			14
State of Oregon		1		1
Unknown Filer	4	1		5

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Court	Domestic Relations	Juvenile	Probate	Total
Umatilla	182	25	11	218

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Court	Domestic Relations	Juvenile	Probate	Total
Attorney	4			4
Petitioner	17			17
Privately Retained Counsel	8			8
Respondent	26			26
Unknown Filer	127	25	11	163
Union	29	44	12	85
Attorney	2			2
Court Appointed		6		6
Deputy District Attorney		2		2
District Attorney		5		5
Guardian			1	1
Heir			1	1
Juvenile		3		3
Personal Representative			4	4
Petitioner	7		2	9
Plaintiff		23		23
Privately Retained Counsel	3	3		6
Protected Person			4	4
Respondent	16			16
State of Oregon		1		1
Unknown Filer	1	1		2
Wallowa	8	1	3	12
Attorney			2	2
Court Appointed		1		1
Petitioner	3		1	4
Respondent	4			4
Unknown Filer	1			1
Wasco	4	2		6
Petitioner	1			1
Privately Retained Counsel	1			1
Respondent	2			2
Unknown Filer		2		2
Washington	232	17	2	251
Attorney	9			9
Court Appointed		4		4
Deputy District Attorney		2		2
Petitioner	43			43
Privately Retained Counsel	28			28
Respondent	26			26
State of Oregon		2		2
Unknown Filer	126	9	2	137
Wheeler	1			1

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Court	Domestic Relations	Juvenile	Probate	Total
Respondent	1			1
Yamhill	44	17	1	62
Juvenile		3		3
Petitioner	16		1	17
Plaintiff		2		2
Privately Retained Counsel	10			10
Respondent	8			8
Unknown Filer	10	12		22
Total	2,931	843	248	4,022

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