

To the Senate Committee on the Judiciary:
RE: SB 807

Thank you for giving me the opportunity to submit this written testimony in support of SB 807.

“The bullying tactics of DA Nisley against me personally, and against the Judiciary in general, further cripple our already burdened criminal system in Wasco County.”

“By filing affidavits of prejudice against Judge Stauffer, District Attorney Nisley has figured out a way that he, alone, can manipulate and control the Wasco County criminal justice system. For all concerned the effect is unreasonable, costly, and unfair, especially to victims and to those accused of crimes.”

These were my words shortly after the Wasco DA began a systematic process to exclude the elected circuit court judge from hearing all criminal cases in Wasco County in August, 2013.

DA Nisley filed 80 plus such affidavits immediately after Judge Stauffer ruled that the State had not met the burden of proof in a sex crimes allegations against a Latino teenager. The district attorneys from the other 4 counties over which Judge Stauffer presided did not disqualify her.

Then Presiding Judge, Paul Crowley responded as follows: “The citizens of Wasco County overwhelmingly elected Judge Stauffer. They did not elect Mr. Nisley to run the court. Mr. Nisley’s actions challenging Judge Stauffer are unwarranted.”

At the time, the Court attempted to mediate the issues. The District Attorney’s response was to pick up his ball and try to bring the entire justice system to a halt. Ultimately after much negative press against the DA, the matter was mediated and resolved. The DA ceased filing affidavits of prejudice.

The effects of these unprofessional actions by the DA were devastating to the administration of justice in the 7th Judicial District (Hood River, Wasco, Sherman, Wheeler and Gilliam Counties). The district was already burdened because Judge Wolf was married to a Wasco County deputy district attorney, thus disqualified from hearing all criminal matters. When the Wasco County DA disqualified Judge Stauffer, that meant that the Hood River Judges were needed in Wasco County. And the Wasco judges were required to exchange courthouses with the Hood River judges. Staff was overburdened with the scheduling issues. Costs in time and travel expenses were incurred. Cases were often delayed and victims were not served.

As you can see from my personal experience, blanket disqualifications thwart the will of voters by preventing a duly elected judge from hearing cases which the voters intended that judge to hear. SB 807 provides the process to address disqualifications that significantly impact the administration of justice.

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