

Eve L. Miller Dispute Resolution

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Dear Chair Kropf, Vice-chairs Wallan and Andersen, and Judiciary Committee Members:

I am a retired Clackamas County Circuit Court Judge. During my 20 years on the bench, I presided over every type of case that comes to the circuit court.

**I am writing to ask for your support for SB 807.** The bill is designed to ensure fairness and democracy by requiring a lawyer to prove that a reasonable person would perceive an elected judge as biased before removing the judge from over half the court's cases (known as a blanket disqualification). This is the standard in every criminal case in 36 states.

The current practice under ORS 14.260(1) allows one person or an office to disqualify a judge without any showing that the judge cannot be fair. The lawyer or law office has unilateral, unchecked power over whether a judge presides over their cases. While typically this is not a problem because judges do not want to oversee a case if a party believes she will not get a fair trial. But, when this privilege is used by an attorney in a blanket fashion, removing a judge from every case without consideration of the parties, the charges, or the victims (if any), oversight may be needed to ensure the law is not being abused.

Such oversight is particularly necessary when a district attorney's or public defenders' office disqualifies a judge from every criminal case, over half a court's docket. Such action significantly and negatively affects the court system, forcing counties, large and small, to change the docket, many times requiring a postponement of a case, to replace the assigned judge.

SB 807 supplies the needed independent oversight in these situations and provides a fair, transparent process where the moving party must provide facts to a disinterested judge showing that a reasonable person would perceive the judge as biased.

Thank you for your time and consideration.

Best Regards,



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Eve L. Miller