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Regarding: Senate Bill 95

To: The Senate Judiciary Committee  
Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

I am a court-appointed attorney, and Co-Administrator of the 22<sup>nd</sup> Circuit Defenders, LLC, a consortium of attorneys providing legal defense services in Crook and Jefferson Counties. I have been an attorney in Oregon for thirty three years. I have the honor of routinely appearing in front of Judges Hillman, Vitolins and Whiting. I speak for our consortium of thirteen attorneys, who represent parties in criminal, juvenile, and mental health cases, with regard to our support for Senate Bill 95.

Our judicial district is made up of two counties, with the court houses separated by twenty seven miles. Our courthouses each have the physical capacity to handle three courtrooms running at any given time. And both counties have the current caseload need to have at least two courtrooms running each day. Unfortunately, with only three judges, we end up on any given day with one courthouse having only one judge, and the other courthouse running with two judges. Usually, it will be one judge handling a jury trial and the other judge handling the entire day's docket, which is generally packed with hearings the entire day, and some hearing slots are double set due to the limited docket.

In order to create more docket time, Judge Hillman eliminated "trial call," which means that parties in cases set for trial appear on the trial date, and do not have an appearance the week before with the other side to verify both parties are prepared for trial. Witnesses and police officers on multiple cases appear on the trial date, and the trial judge makes a last minute decision on which case will go forward that day. In the event that none of the cases are ready for trial, a jury pool of at least 48 citizens will have been called to the courthouse and made to wait a significant period of time, before being sent home or back to work. I often hear potential jurors commenting to each other about the waste of their time as they file out of the courthouse. If we had a fourth judge, the court would have more time to reinstate "trial call," and save everyone else involved a significant amount of time and money.

The attorneys I work with handle adult criminal cases, juvenile dependency and delinquency cases, and mental health civil commitment cases. When a mental health commitment case comes into the court, it takes priority over everything else, since the person being held has the right to a hearing within a very short period of time. There is no time period routinely set aside in the docket for these hearings, and the court must shuffle other cases around and reset them. There are many other types of hearings that also take priority in the court's docket, including in-custody probation violation hearings, in-custody criminal trials, and juvenile dependency hearings where the child has been taken from the parents and remains in substitute care. When these types of hearings come up, and they come up often, the court also must move

other hearings around to make space for these priority cases. When this happens justice is delayed for everyone else. Most commonly, cases are set over approximately six weeks, and sometimes much longer. Victims are told that they must wait for their abuser to be brought to justice. Defendants who maintain their innocence must wait longer for the chance to clear their name. Attorneys and judges must prepare for the same hearings, over and over. A fourth judge would ease this congestion and allow the court to make room in the docket for these urgent, last minute hearings.

Even matters that are not being “bumped” by emergency court hearings are being set far into the future simply due to the shortage of judges. For example, in January I asked for a Settlement Conference on a fairly simple case. The soonest the court could hear it is in May. And the court recently had to move a juvenile delinquency alleged sex abuse case due to a shortage of judges, and the next hearing date the clerk could find for us was in April of this year. This tells the alleged Youth Offender that their offense isn’t that serious, and the alleged victim that they are not important enough to the court to be heard in a reasonable period of time.

Unfortunately, there are times when the court simply is not able to squeeze a matter into the docket within its statutory time line, especially when it comes to Juvenile Dependency cases. Parents and Children wait weeks and months sometimes, before their cases are heard, which is a clear violation of any Best Practices time lines. A fourth judge would alleviate this logjam, and the court might even be able to start looking at assignment one judge to a family for the life of the case, and not shuffling families around into whatever time slot works for the court.

The three judges we have work long hours. They are routinely at the courthouse long before the 8 am opening of the building, work through their lunch time, and frequently are the last ones to leave the courthouse at the end of the day. They do not have the capacity to work any more hours than they are already working.

In sum, there has not been a new judicial position added to the 22<sup>nd</sup> Circuit since 1996, regardless of the fact that Central Oregon has grown immensely. The rising amount of criminal and mental health cases has crippled the court system into a gridlock that affects the rights of crime victims and those accused of crimes. The simple addition of a fourth judge would make all the difference in the world in protecting everyone’s rights. Thank you.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jennifer Kimble".

Jennifer Kimble  
Attorney at Law  
Co-Administrator, 22<sup>nd</sup> Circuit Defenders, LLC