

HOUSE JUDICIARY
SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

Hearing Room 357
10:00 am Tapes - 41

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Bryan Johnston, Vice-Chair
Rep. Kate Brown
Rep. Chuck Carpenter
Rep. Lisa Naito
Rep. Eileen Outub
Rep. Bob Tiernan

STAFF PRESENT:

Milt Jones, Committee Counsel
Sarah May, Committee Assistant

MEASURES HEARD:

HB 2300 - Public Hearing
HB 2625 - Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

004 CHAIR PARKS: Calls the meeting to order at 8:40 am.

PUBLIC HEARING ON HB 2625

007 CHAIR PARKS: Discusses HB 2625 in that it would abolish district courts on July 1, 1996. Discusses possible proposed amendments. Discusses how this would effect the judicial system.

Witnesses: William Keys, District Court Judge Association
Kingsley Click, Judicial Department

059 WILLIAM KEYS, DISTRICT COURT JUDGES ASSOCIATION: Testifies in support of HB 2625. We are also in support of the proposed amendment that are going to be submitted by Kingsley Click.

129 KEYS: I have done that job temporarily, but I am not a presiding judge.

130 CHAIR PARKS: Is the role of a presiding judge the assignment of the workloads?

137 KEYS: That is one of the issues.

138 CHAIR PARKS: I think that judge should be able to do that because I think we need someone in that authority role.

143 KEYS: I think it is a balancing issue, explains. I am concerned about how the citizens decided how public officials should be handled. Explains that on one side there are judges that are publicly elected, and on the other hand are judges who are appointed. We rely on the elected officials to do their jobs with pride and professionalism. The concern is that there are personnel rules that are not entirely in keeping with that tradition, explains. There is also a concern with judges who end up being dictators. I'm afraid that many things, including Measure 11, will put us in a tighter squeeze for efficiency in our state. We are more efficient now than we were ten years ago, explains.

197 REP. NAITO: How are the presiding judges chosen?

199 KEYS: They are appointed by the Chief Justice who has a pole with the other judges prior to the appointment.

203 REP. NAITO: There are judges who don't hold up their end of the system. I am concerned about a presiding judge loading a particular judge up with cases for political reasons.

213 KEYS: That is the problem and I don't have a good answer for that. Judges see themselves as publicly elected officials, the voters decide their fate and that is where their responsibility lies. Cooperation is ninety percent the rule. For those who aren't cooperative, generally they still do their jobs and work hard. Discusses assigning cases to judges where they might not know, understand, or feel comfortable with the proceedings.

243 REP. JOHNSTON: Can you briefly summarize the training of a new judge?

251 KEYS: Judges used to go to the national judicial college, we don't do that as often now. Often times judges start their work with very little training. The week long training course, or the judicial college, is enough to train.

267 REP. JOHNSTON: Do you think that the judges get the kind of training they need in other area besides litigation?

275 KEYS: I think the process is getting there, explains. Discusses the 20/20 court system committee that he is Chairman of and the topics that they are trying to establish with this committee. Judge LaMar has a mediation video out that is very helpful for judges. There is room for improvement to the system though.

301 REP. NAITO: Can we get a copy of that video?

304 KEYS: Yes.

305 REP. JOHNSTON: In 1984, the Senate for dispute resolution delivered the judicial conference. I've been in front of less receptive audiences.

311 KEYS: Don't you think that is changing?

312 REP. JOHNSTON: Yes.

313 KEYS: Having a judge like Judge LaMar, working full time on alternative dispute resolution is something that wouldn't have happened six or eight years ago.

322 KINGSLEY CLICK, STATE COURT ADMINISTRATOR: Testifies and submits written testimony in support of HB 2625 with proposed amendments. (EXHIBIT

A)

342 CHAIR PARKS: There are a lot of changes and additions to this bill. I am going to have LC put these changes in the form of an engrossed bill. The first issue of concern is that if a judge is elected, they would be able to refuse certain kinds of work for six years, 1998 to 2004. Explains what the position of the district judge is. Starting in 1995, the job won't be the same as it was before. Therefore, they would then be bound to do the job that they originally ran for.

384 REP. JOHNSTON: I agree. Six years from 1995?

389 CHAIR PARKS: There are some legitimate reasons for delaying the implementation for two years, explains. I have agreed to change the implementation date to January 15, 1998.

408 CLICK: Continues explanation of amendments, at number "2" of EXHIBIT A.

TAPE 41, SIDE A

006 CHAIR PARKS: Gives example of Klamath county and Lake county. I would like the people of Klamath county to only vote for the judges who are residents of Klamath county and not Lake county. Do these amendments cover that?

018 CLICK: They do not provide for that, explains.

023 CHAIR PARKS: The idea is that we are not changing the way things are, but insuring that the judgeships are closer to the people. They people who vote for judges are the people that the judge would be serving. There are about six districts like this.

034 REP. NAITO: You don't want to adopt what Ms. Click is recommending?

035 CHAIR PARKS: We agree on these amendments.

039 REP. NAITO: I support the existing amendments in that it makes sense that one of the judges be from the county they serve. I don't see the

equity in setting up a situation if a judge is hearing cases from the entire area, that part of the county has a higher right of electing the judges to serve that area.

046 CHAIR PARKS: Gives example of how amendments would work in small counties that are far away from other counties and judicial districts. Explains why they would be kept in the same judicial district. The people who are served by the Lake county judge, should vote for that judge who is serving them. What other districts are like this?

074 CLICK: Cites districts that this bill would and would not effect.

088 CHAIR PARKS: We are trying to maintain the status quo of these districts.

089 REP. NAITO: I can go along with that.

090 REP. JOHNSTON: Currently in the Polk and Yamhill district, only those residents of Polk county vote for the district court judge. Under this rule, would that change?

094 CLICK: Yes, the candidate would have to be a resident of Polk county, but the election would still be judicial district wide.

097 CHAIR PARKS: That is not what I want.

100 CLICK: This bill maintains the present judicial districts. Unless we split those districts, constitutionally we could not, within a judicial district, have the voting be only for one judge. Discusses additional amendments and what they would do.

117 MILT JONES, COMMITTEE COUNSEL: If you want to do what the chair has suggested, constitutionally what would that require you to do?

120 CLICK: It would be to split each of those counties into a separate judicial district and that might defeat the overall efficiencies in consolidation, explains. Cites concern of small districts.

139 CHAIR PARKS: I need you to work with the committee counsel to get this bill worded correctly. Discusses what the purpose of the language is, that needs to be changed.

154 CLICK: Cites ORS 3.040. What we were suggesting is not consistent with what you would like. Under ORS 3.040 circuit judges now do designate certain residency be in certain counties which will allow for a more proportional representation, explains.

169 REP. NAITO: I think we need those other amendments, explains.

180 CHAIR PARKS: What are the last amendments?

182 CLICK: Discusses the last amendments for this bill.

PUBLIC HEARING ON HB 2300

(HB 2300 authorizes physician cooperatives for provision of health care services. [EXHIBITS B,C])

Witnesses: Ellen Pinny, Oregon Health Action Campaign
Bruce Bishop, Kaiser Permanente

213 ELLEN PINNY, OREGON HEALTH ACTION CAMPAIGN: Testifies and submits written testimony in opposition to HB 2300. (EXHIBIT D)

330 BRUCE BISHOP, KAISER PERMANENTE: Testifies and submits written testimony in opposition to HB 2300. (EXHIBIT E)

370 SEIJI SHIRATORI, OREGON ASSOCIATION OF NATUROPATHIC PHYSICIANS: Testifies and submits proposed amendments in opposition to HB 2300. (EXHIBITS F, G)

439 JANE MYERS, OREGON DENTAL ASSOCIATION: Testifies and submits proposed amendments to HB 2300. (EXHIBIT H)

TAPE 40, SIDE B

033 CHAIR PARKS: Adjourns the hearing at 9:38 am.

Submitted by, Reviewed by,

Sarah May Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Proposed Amendments to HB 2625 - Kingsley Click - 3 pages
- B. Proposed Amendments to HB 2300 - Staff - 13 pages
- C. Testimony on HB 2300 - Ted Falk - 30 pages
- D. Testimony on HB 2300 - Ellen Pinny - 2 pages
- E. Testimony on HB 2300 - Bruce Bishop - 2 pages
- F. Testimony on HB 2300 - Seiji Shiratori - 2 pages
- G. Proposed Amendments to HB 2300 - Seiji Shiratori - 1 page
- H. Proposed Amendments to HB 2300 - Jane Myers - 1 page
- I. Testimony on HB 2300 - Barney Speight - 2 pages
- J. Testimony on HB 3072 - Kingsley Click - 43 pages
- K. Testimony on HB 2300 - Joyce Bernheim - 7 pages
- L. Testimony on HB 2625 - Oregon Land Title Association - 2 pages