

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes

MEMBERS PRESENT:

SEN. NEIL BRYANT, Chair
SEN. RANDY MILLER, Vice-Chair
SEN. KEN BAKER
SEN. JEANNETTE HAMBY
SEN. PETER SORENSON
SEN. DICK SPRINGER
SEN. SHIRLEY STULL

STAFF PRESENT:

M. MAX WILLIAMS II, Committee Counsel
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

BILL INTRODUCTION LC DRAFT 1791-1 (SB 603)

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 , A

005 CHAIR BRYANT: Calls the meeting to order at 3:00 p.m.
- Announcements: Subcommittees will meet this afternoon.

Opens INFORMATIONAL MEETING on LC 1791-1 (603)

WITNESS: Robert Chandler, Editor BEND BULLETIN
Michael Gillette, Associate Justice, State Supreme Court

023 ROBERT CHANDLER, Editor, Bend Bulletin: Explains how Commission on Judicial Fitness arose to correct case of judicial malfeasance in Washington County.

045 - Commission on Judicial Fitness can determine fitness of judges to continue to serve; whether they deserve censure, suspension, or removal from office.

058 - Proposal is now similar to California plan. Explains compositions of commission.

090 CHAIR BRYANT: Comments on intent of original amendment giving authority to court versus giving more authority to commission to hold hearing.

095 CHANDLER: Discusses process used by commission to devise bill.

107 SEN. BAKER: How successful has it been to use the California system?

108 CHANDLER: I haven't heard of any problems. When you have appointments made by the governor it depends upon wisdom of governor making appointments.

116 SEN. BAKER: If we get sixth congressional district, we may have drafting problem in this bill.

125 CHANDLER: I don't think you should increase ratio to get an even number, that gives you a chance in future to make changes if it isn't working.

130 SEN. SORENSON: Legislative Counsel says this proposal may not be constitutional. Can you address legislative assembly intruding into role of court to impose discipline on state judiciary.

138 CHANDLER: I'm not a lawyer, but I did discuss this with several lawyers and they didn't agree with the Legislative Counsel.

147 SEN. SORENSON: Does idea of a judicial discipline and disability commission intrude on right of recall, which is protected in our constitution?

160 CHANDLER: Not in the case I mentioned. Commission did hold hearing, Supreme Court did sanction judge involved. Sanction had no conduct on judge, so voters recalled him.

210 MICHAEL GILLETTE, Associate Justice, State Supreme Court: Testifies about measure, speaks neither pro or con on measure. Cites his concern with bill:

226 - On page 3, line 24 language should read "censure, suspension or removal."

235 - Item B, page 5, line 14, language may create conflicts with constitution.

274 - Item 6, page 6, line 22, language may limit court review

Closes INFORMATIONAL MEETING on LC DRAFT 1797-1 (SB 603)

320 CHAIR BRYANT: Adjourns meeting at 3:30 p.m.

Submitted by, Reviewed by,

DIANE DUSSLER M. MAX WILLIAMS, II
Committee Assistant Committee Counsel