



CAPITOL INSIDER

OSB Public Affairs Newsletter for Bar Leaders

May 31, 2002

General Election Season Begins

By Bob Oleson

Given that the fall political season is just beginning, it is difficult to make many predictions about the 2003 legislative session. One negative prediction is that the state budget wars will become more intense. One positive prediction from the OSB Government Relations staff is that the number of practicing lawyer legislators serving in the next session will more than double—going to at least 12. (See the list of Lawyer Candidates/Legislators on page 2.)

There were no practicing lawyers serving on the Senate Judiciary Committee last session. Having more experienced lawyers serving in the next legislative session helps to ensure that the judiciary committees will continue to be influential centerpieces of the legislative process. Many of the thorniest bills confronting the legislature are assigned to the judiciary committees. In these committees complex bills are likely to become workable laws that smoothly fit into the existing statutes.

It is interesting that some lobbyists are reluctant to support lawyer candidates because they know that once these candidates become legislators they will routinely ask pointed and productive questions of witnesses. Lawyer legislators will want their colleagues to fully understand the intent and effect of

proposed laws. They tend to suggest many good amendments and closely consult with bar groups and other outside experts. There is also a strong commitment by judiciary committee members to the pre-session filing process that allows the legal community and others to submit and review legislative proposals in advance of the regular session. All of this serves the public interest.

Lawyers generally make excellent lawmakers because of their court/governmental experiences, legal knowledge, and broad analytical abilities. Lawyers of all philosophies are running this year. It should be easy for anyone to find at least one candidate to support. The influx of lawyers may also help the Judicial Department get better treatment as the state budget struggles are played out in the next legislative session.

This summer, in addition to a heated race for Governor, there will be a battle royal for party control in each chamber of the Oregon legislature. Many observers think that one chamber will go to the Republicans and one will go to the Democrats. Special-interest groups will spend record amounts of money in targeted races.

Lawyer Candidates/Legislators

The good news is that the results of the primary election did not significantly affect

the record number of lawyers that are running for legislative seats.

| Candidates/Legislators | Party | Dist. # | Region |
|------------------------|-------|---------|------------------|
| Bryan Johnston | D | SD 10 | Salem |
| Peter Courtney | D | SD 11 | Salem |
| Ken Crowley | D | SD 13 | Hlsbr, Tigard |
| Charlie Ringo | D | SD 17 | Beaverton |
| *Bill Witt | R | SD 17 | Beaverton |
| Bob Tiernan | R | SD 19 | SW Ptlid, L.O. |
| Kate Brown | D | SD 21 | SE Ptlid, not up |
| *Dave Nelson | R | SD 29 | Pndltn, not up |
| Dave Tilton | D | HD 1 | Curry,Coos,Dg |
| Dennis Richardson | R | HD 4 | Medford |
| Rob Patridge | R | HD 6 | Medford |
| Floyd Prozanski | D | HD 8 | Eugene |
| Phil Barnhart | D | HD 11 | Eugene |
| Robert Ackerman | D | HD 13 | Eugene |
| Dan Doyle | R | HD 19 | Salem |
| Mike Swaim | D | HD 21 | Salem |
| Lane Shetterly | R | HD 23 | Dallas |
| Keith Parker | R | HD 28 | Beaverton |
| *Betsy Johnson | D | HD 31 | Astoria |
| V Brad Avakian | D | HD 34 | Beaverton |
| Max Williams | R | HD 35 | Tigard |
| **Randy Miller | R | HD 37 | Lake Oswego |
| Jim Zupancic | R | HD 38 | SW Ptlid, L.O. |
| Greg Macpherson | D | HD 38 | SW Ptlid, L.O. |

*Not admitted to Oregon State Bar **Inactive OSB member

The best time to meet and talk to candidates about your issues and concerns is now, before the general election in November. In light of the state's fiscal crisis and its effect on the courts, it is essential to educate candidates and staff about the function and needs of the court system. It is also an opportunity to discuss the development of new laws in your area of practice.

Initiative Petitions

As this edition goes to print, 38 initiatives are still in circulation. Four initiatives could significantly affect the justice system. Another initiative resurrects legislative term limits. The deadline for signature-gathering to qualify for the November general election is July 5, 2002. Below are the five justice system initiatives (with the Secretary of State subject lines):

Justice System Initiatives

Restore Constitutional Government in the State of Oregon: This initiative petition is significant in the breadth of its impact. Filed by Michael Marsh and Pamela Gaston, this statutory amendment would repeal what they characterize as the "legislative statutory supplantment" to Article VII (Amended) of the Oregon Constitution.

Article VII (Amended) authorizes, and the legislature has adopted, statutes that create courts inferior to the Oregon Supreme Court; establish the jurisdiction of Oregon's courts; empower the Oregon Supreme Court to appoint temporary judges to Oregon's courts; set judges' salaries and retirement age; prescribe the record on appeals; govern juror selection and qualifications; prescribe the form for indictments; establish the punishment, in addition to dismissal from office, for incompetence, corruption, malfeasance, or delinquency in office; establish the procedure for removing or suspending a judge from office; and provide for juries consisting of fewer than 12 but at least six jurors.

None of the Above: Filed by Don McIntire and Gregg K. Clapper, this initiative petition would amend the Oregon Constitution to require midterm judicial vacancies be filled by election at the closest May or November election held more than 90 days after the vacancy occurs. In addition, all judicial ballots must include a "None of the Above" option. If no candidate receives more votes than "None

of the Above,” the judicial office remains unfilled until a candidate other than “None of the Above” receives a plurality of votes cast at subsequent May, November or special elections.

Judicial Accountability Act of 2002: Filed by Steve Doell, Ted Ferrioli, and Bob Smith, this initiative petition would amend the Oregon Constitution to require the creation of judicial districts based on population. It requires all Oregon Supreme Court judges and Court of Appeals judges elected or appointed to office to reside within their districts. The measure also revises the procedure and requirements for appointments to judicial vacancies and recall of judges.

Fairness in Judicial Elections Act: Filed by Steve Doell and Larry George, this statutory amendment would delete the current statutory requirement that ballots list the word “incumbent” after names of state judicial candidates designated as incumbent by the Secretary of State.

Restoring the People’s Vote: Filed by Ted Piccolo, this initiative petition would amend the Oregon Constitution to limit state legislators to six years as a state representative, eight years as a state senator, and a total of twelve years in the Legislative Assembly.

Other initiative petitions of interest to the legal community include three more tax initiatives advanced by Bill Sizemore and four variations on the theme of “Responses to Measure 7.”

Tax Initiatives

Senior Citizen Property Tax Relief Act: Eliminates most residential property taxes that seniors pay by 2007 and requires a similar benefit for senior renters.

Makes Payroll Taxes Deductible On Oregon Tax Return: Makes payroll taxes deductible on Oregon tax returns and provides for a five-year implementation.

Income Tax Limit: Amends the Oregon Constitution to limit annual income-tax revenue spending growth to four percent and includes

provisions for returning revenue.

“Measure 7” Responses

These four initiatives were approved for circulation in mid-April 2002. Frederic A. Heutte filed three initiative petitions, each with a slightly different focus, and each including modifications to the existing compensation requirements.

Fairness To Landowners And Taxpayers Act: Provides a qualified compensation right for local regulations that reduce property value.

Fairness For All Oregonians Act Of 2002: Provides a qualified compensation right for land use regulations that reduce property value.

Fairness For All Oregonians Act: Provides a qualified compensation right for local regulations that reduce residential property value.

Taxpayer Protection Act of 2002: Scott Chapman filed a more comprehensive initiative petition that repeals any 2000 amendments to a compensation right when the government takes private property. The measure would retain any preexisting right.

For more information, go to the Oregon Secretary of State’s web site at www.sos.state.or.us and follow the link to the Elections Division.

Courthouse Open House

The Marion County Courthouse is holding an open house on Thursday, June 6, 2002, from 3:00 p.m. to 5:00 p.m. This is an effort by the OSB and the judiciary to host open houses around the state to encourage an ongoing dialogue among lawyers, judges, legislators, and the local community. Get an insider's view of community programs that have been critical additions to Marion County. Review the great success of the Family Court Coordinator program.

Join the presiding judge for a dedication of two new courtrooms. In addition, Presiding Judge Lipscomb will brief public officials in his chambers from 4:30 p.m. to 5:00 p.m. For more information, contact Megan Hassen, at (503) 581-0654 or Megan.HASSEN@ojd.state.or.us.

The next courthouse open house is scheduled at the Washington County Courthouse on Thursday, July 11, 2002. Additional information about this event and other courthouse open house events will be included in the next edition of *Capitol Insider*.

2002 HOD Meeting

The HOD annual meeting is scheduled for October 5, 2002, from 10:00 a.m. to 2:00 p.m., at the Valley River Inn, Eugene, Oregon. **The resolution deadline is August 19, 2002, 5:00 p.m.** This event presents a unique opportunity for lawyers, legislators, and judges from the community to socialize and discuss the work of the local courts and other issues of concern.

The following regional HOD meetings have been finalized.

Region 1 (Bend) – June 17, 2002, 4:00 p.m. to 5:00 p.m. (conference call only)

Region 2 (Eugene) – July 11, 2002, 4:30 p.m. to 5:30 p.m. (conference call and in-person at Gaydos, Churnside & Balthrop)

Region 4 (Hillsboro) – June 26, 2002, 4:30 p.m. to 5:30 p.m. (conference call and in-person at Tyner & Associates)

Region 5 (Portland) – June 13, 2002, 4:30 p.m. to 5:30 p.m. (conference call and in-person at Standard Insurance Center)

Region 7 (out of state) – June 18, 2002, 9:00 a.m. to 10:00 a.m. (conference call only)

Updated information will be available on the OSB web page at www.osbar.org.

Corrections to April 2002 Issue

The Lawyer Candidates table incorrectly identified Bob Tiernan as an inactive member of the Oregon State Bar. Mr. Tiernan is an active member of the Bar.

In addition, Dave Tilton should have been listed in the Lawyer Candidates table as a candidate running under the Democratic party ticket for House District 1, which serves Curry County and portions of Coos and Douglas counties. Mr. Tilton is an active member of the Oregon State Bar.

OSB Public Affairs Department

The OSB Public Affairs Committee (“PAC”) oversees legislative activities and makes recommendations on major policy issues. Chaired by Hillsboro attorney John Tyner, other members include: James Brown, Salem; William Carter, Medford; Nena Cook, Portland, David Hytowitz, Portland; and Charles Williamson, Portland. Angel Lopez, OSB President, is also an ex-officio member of the PAC.

If you have questions about this newsletter or legislative issues, contact the Public Affairs Committee chair John Tyner at (503) 648-5591 or the Public Affairs staff at (503) 620-0222 or in Oregon at (800) 452-8260. You can reach Bob Oleson, Public Affairs Director, at ext. 317 or by e-mail at boleson@osbar.org.

contact Susan Grabe, Public Affairs Manager,
at ext. 380 or by e-mail at sgrabe@osbar.org;
or contact Joyce Patton, Public Affairs
Attorney, at ext. 358 or by e-mail at
jpatton@osbar.org.