



A Quick Start

by Cate Wollam

This past two months has been so busy I hardly know where to begin. First, the All Things Cannabis seminar was simply terrific! There was a lot of tie-dye (I wore such a sweatshirt myself) and commitment to winning these cases. (Remember this occurred before President Obama announced that medical cannabis patients and clinics were not to be bothered by the feds—a great victory brought about by dedicated folks who publicized the stories, thank you, Lee Berger, among others.)

Those of you who were unable to attend but who do drug cases (including drug DUIs) should seriously consider ordering the CDs and the materials, and plan to attend the next one. Such experts as Bart Reid and Kenn Meneely were there taking notes, and a number of very experienced DUII and drug-case defenders from around the state attended, so the rest of you know how much you could have learned about defending these cases (and now must play catch-up to those who were there). Every speaker had great new stuff for us to use and ways to creatively use the old stuff. There was not a clunker in the bunch.

The usual suspects are at it again with ballot measures. OCDLA responded to six, so far—all draconian: A new three-strikes law for us, because it works so well for other states and their budgets; an effort to repeal the 30 percent good time rule; an effort to intimidate judges by creating a new bureaucracy whose sole function is to tabulate each judge's sentences separately, including the defendant's charges, criminal history and the sentence (but, tellingly, not the facts of the case or departure factors); a change in sentencing guidelines making the *upper* level advisory only; well, you get the idea. All of the measures will cost money and none of them are benign.

BARBARA BABCOCK is the guest speaker at the dinner for the winter conference. I mean, really, BARBARA BABCOCK! The first woman director of the public defender's office in Washington, DC, the first woman tenured at Stanford Law, author, speaker, and all-around really interesting pioneer. Great venue, great food and did I mention BARBARA BABCOCK? There are tickets available, and this is truly an opportunity not to miss (see the article on page 6).

The legislature is meeting again in February. There are a number of issues of interest to us. There is a movement to bring back the bail-bondsman. It is well-funded, obviously because there is a lot of money involved in being a bail-bondsman and Oregon is not contributing to that coffer. Measure 57 is on the table. Stories please! You know the prosecutors are collecting their stories to show that the measure only locks up really bad guys who really need to be locked up. Funding is a huge issue this February. And, the ("job-killing") tax on the wealthy is being debated.

And finally, a great victory: *Rodriguez/Buck*. Measure 11 has been successfully attacked for the first time, and the cries of dismay from its proponents are conspicuous in their absence. The facts in the cases that the OSC chose to use to empower judges to reduce sentences were so very outrageous that virtually nobody has tried to argue that the sentences under Measure 11 were appropriate. Thanks to the courageous stands of Judge Nancy Campbell in Washington County and Judge Rick McCormick from Linn County. They did exactly what they were elected and paid to do—they used their *judgment* and found the required sentences to be inappropriate under the facts of their cases. Judges everywhere in the state now know that if the mandatory minimum sentence violates Article I, section 16, the proportionality clause of the Oregon Constitution, then it is unlawful.

It has been an eventful two months, with some awful and some terrific ground-breaking stuff down the pike. See you at the Winter Conference. ☞

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