

Oregon State Bar Judicial Voters Guide 2010

1) Full name:

Rebecca A. Duncan

2) Office Address and Phone Number:

**Oregon Court of Appeals
1163 State Street
Salem, OR 97301-2563**

Tel: 503.986.5555

3) Web site (if applicable):

www.judgerebeccaduncan.com

4) List high school, college and law school attended, including dates of attendance, degrees awarded and your reasons for leaving each school if no degree from that institution was awarded.

Catholic Central High School; Burlington, WI; 8/85 – 6/89; Diploma

Reed College; Portland, OR; 8/89 – 12/91; Left due to financial hardship

University of Wisconsin; Madison, WI; 1/92 – 8/93; Bachelor of Arts in political science, with honors

University of Michigan Law School; Ann Arbor, MI; 8/93 – 5/96; Juris Doctor

5) List employment since graduation from law school, including dates employed, your position and the nature of the practice or activity.

Oregon Court of Appeals; Salem, OR; 1/10 – present; Judge

**Office of Public Defense Services, Appellate Division; Salem, OR; 3/00 – 1/10;
Deputy Defender, Assistant Chief Defender; Represented clients in appeals
before the Oregon Court of Appeals and Oregon Supreme Court**

**Metropolitan Public Defender; Portland, OR; 5/95 – 8/95, 10/96 – 3/00;
Research Intern, Attorney; Represented clients in trial level misdemeanor,
felony, and civil commitment cases**

6a) List state and federal bars, courts and administrative bodies to which you are presently admitted and the date of admission.

Oregon State Bar; admitted 9/96

Wisconsin State Bar; admitted 2/04

6b) List any previous admissions, including dates, and the reason why you are no longer admitted.

n/a

7) List publications and/or articles you have authored.

"Jurisdiction and Venue" in the Oregon State Bar's *Criminal Law* (2005)

"Perjury" in the Oregon Criminal Defense Lawyers Association's *Major Crimes and Defenses* (2004)

8) List community, teaching or civic activities.

I have made presentations on criminal law, appellate law, and legal research at continuing legal education programs.

9) What is the general character of your practice? Indicate the nature of your typical clients and mention any legal areas in which you concentrate.

Immediately before being appointed to the Oregon Court of Appeals, I was the Assistant Chief Defender of the Office of Public Defense Services – Appellate Division in Salem, Oregon. I represented clients in appeals before the Oregon Court of Appeals and the Oregon Supreme Court.

My legal work involved researching and analyzing legal issues, writing motions, briefs, and petitions, and presenting oral arguments. I managed a high volume case load that regularly presented complex issues of appellate and criminal law, including novel issues of statutory and constitutional interpretation.

In addition to representing clients, I worked with the Chief Defender to manage the Appellate Division, a 40-employee law office. I assisted in all aspects of management, including the hiring, training, and supervising of

attorneys and staff. I served as a liaison between the Appellate Division and the Attorney General's Office and the Court of Appeals; we worked together to improve the appellate process for criminal, juvenile, and parole cases. I also represented the Appellate Division before the legislature and on legislative work groups. I have drafted and testified in support of legislation that has been enacted to improve the appellate process.

10) What percentage of your practice is litigation?

As an attorney, all of my trial and appellate work was litigation.

11) Do you regularly appear in court?

As a trial attorney, I regularly appeared in court in proceedings ranging from arraignments to jury trials. As an appellate attorney, I regularly argued cases in the Oregon Court of Appeals and the Oregon Supreme Court.

12) What percentage of your litigation practice in the last five years was in:

Federal Trial Courts: 0%

Federal Appellate Courts: 0%

State Trial Courts: 0%

State Appellate Courts: 100%

Administrative Bodies: 0%

13) Describe your litigation practice in the last five (5) years and address both the courts and types of cases.

In the five years before I joined the Court of Appeals, I worked as an appellate attorney litigating criminal cases in the Oregon Court of Appeals and Oregon Supreme Court. My cases involved interpreting administrative, statutory, and constitutional law.

14) Describe any appellate court experience not included above.

See above.

15) Describe any experience serving as an arbitrator or mediator.

n/a

16) State the approximate number of cases you have tried to conclusion in courts of record during each of the past five years (or longer period, if you desire), indicating whether you were sole, associate or lead counsel.

As an appellate attorney, I have not tried cases in the last five years, but I have litigated cases in the appellate courts.

17) State the approximate number of cases you have handled in state and federal appellate courts in the last five years, indicating whether you were lead or co-counsel. Include citations of reported cases.

In the last five years, I litigated approximately 90 cases in the state appellate courts as lead counsel.

My appellate work resulted in approximately 40 reported decisions in the last five years.

18) List any experience you have as a pro tem or municipal judge, and the names of the courts you have served.

n/a

19) List all bar association memberships, offices held and committee assignments.

Oregon State Bar, Criminal Law Section Executive Committee, Member and Past Chair (1/01-Present)

Oregon State Bar, Constitutional Law Section Executive Committee, Member (1/07-12/09)

20) Have you ever been convicted of or pleaded guilty to a violation of any federal, state, county or municipal law, regulation or ordinance? If so, please give details. *Do not include or parking offenses or traffic violations for which a fine of less than \$500 was imposed.*

No.

21) Have you ever been the subject of a formal disciplinary proceeding as an attorney? If so, please give the particulars and the result. ***Include only proceedings that were authorized for prosecution by the SPRB.*

No.

22) Why do you want to be a judge?

I became a Court of Appeals judge because I believe in the importance of the Court's work and I want to help the Court succeed in its work. The Court plays a critical role in ensuring the integrity of, and public confidence in, the justice system. I became a judge to use my talents and energy to help the Court play that role.

For me, being a judge is simply about service. I have dedicated my legal career to public service. Through my work, I gained the experience, knowledge, and skills necessary to handle complex appellate cases and successfully manage a high volume case load. I also demonstrated my commitment to access to justice and the rule of law. I became a Court of Appeals judge because I want to serve, and I am well prepared to serve, the Court and my fellow Oregonians.

23) Briefly describe your philosophy of the judicial role, the qualities that are most important for the role, and the greatest challenges to the role.

Judges must be committed to the rule of law; they must act impartially, dispassionately, and with respect for all who come before them. They must be dedicated to ensuring the integrity of the judicial system and our structure of government, with its separate branches and system of checks and balances.

Judges have the responsibility to resolve the matters that come before them calmly, carefully, and clearly. Judges should be bright, thoughtful, articulate, problem solvers who are willing to work hard for the benefit of their communities.

Judges should also be able to manage a high volume case load, while always keeping in mind the importance of each case to the parties involved. Doing so is one of the challenges of being a judge, particularly on the Court of Appeals, which is recognized as one of the busiest intermediate appellate courts in the country.

24) Briefly describe a case, or a legal issue on which you worked, of which you are particularly proud, or which is reflective of your legal ability, work ethic, judicial philosophy, or temperament.

In one case of which I am particularly proud, I represented a man who was charged with a crime, said that he was innocent, but also said he did not want

to take his case to trial because he did not have faith in the justice system. After a while, as I worked with him and investigated his case, he changed his mind and decided to try his case. A unanimous jury acquitted him. I'm proud of my work on the case because it helped restore faith in the justice system for my client, his family, and his community.

25) Briefly describe an issue, related to Oregon's justice system, that concerns you, or that you have interest in working toward improving.

I am concerned about the effect of our state's difficult economic situation on the justice system, particularly on the criminal justice system. Reduced funding for those involved in the criminal justice system – including police, prosecutors, public defenders, and courts – can adversely affect our public safety by reducing the criminal justice system's ability to bring and adjudicate criminal cases.

26) Briefly describe a legal figure, personal, fictional or historical, whom you admire and why.

I admire James Madison for his work drafting the Bill of Rights, which guarantees freedoms that are fundamental to our society, including the freedom of speech and the freedom of religion.

27) State any other information that you regard as pertinent to your candidacy.

The above responses cover the information pertinent to my candidacy.