

Oregon State Bar Judicial Voters Guide 2010

1) Full name:

Paul B. Meadowbrook

2) Office Address and Phone Number:

913 1st Ave. E., Albany, OR 97321

3) Web site (if applicable):

paulmeadowbrook.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.

1966-1969 Venice High School Los Angeles, CA. Honors diploma.

1969-1970 U.C. Calif. - Berkeley. English major, dean's list.

1971-1974 Calif. State Univ. - Humboldt Arcata, CA B.A., Journalism, Political science, summa cum laude.

1971 summer session, Santa Monica Community College, Santa Monica, CA.

1971 - summer session, West Los Angeles Los Angeles Community College , Los Angeles, CA.

1976 - 1979 Willamette University College of Law, Salem, OR. Juris doctor.

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

1973-1974 Redding Record Searchlight, 1101 Twin View Blvd., Redding, CA, news reporter and photographer.

1974-1976 Humboldt County Humboldt County Schools, Eureka, CA, Administrative Analyst.

1977 Oregon Educational Coordinating Commission, 225 Winter St. NE, Salem, OR, research intern.

1978-1979 Ore. Legislative Counsel, State Capitol, law clerk to Chief Deputy Kathleen Beaufait.

1979-1989 Oregon School Employees Association, 4735 Liberty Rd. S., Salem, OR., general counsel.

1989-1993 Oregon Executive Department, 155 Cottage St. NE, Salem, OR., labor relations manager.

1993-1997 Patrick & Meadowbrook 388 State St., Salem, OR., law partnership.

1997-2010 Paul B. Meadowbrook P.C., 913 1st Ave. E., Albany, OR., solo law practice.

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

- 1) 1979 Oregon Supreme Court**
- 2) 1981 U.S. District Court for the District of Oregon**
- 3) 1989 U.S. Ninth Circuit Court of Appeals**

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

None.

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

None except for newspaper and magazine articles authored as a journalist

8) List community, teaching or civic activities.

Active in local public and charter schools, pro bono advice to local nonprofit. Volunteer work for swim club in which daughter competed for eight years. Involved with children in 4H, Extension Service, Girl Scouts, Boys and Girls Club when older daughter was growing up.

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.

I have a litigation practice emphasizing contingent fee labor and employment and personal injury matters. My hourly work includes family law and occasional criminal defense. Most of my work is plaintiffs side although I occasionally do defense work. I do appellate work in Oregon's appellate courts and the Ninth Circuit Court of Appeals.

10) What percentage of your practice is litigation?

90 percent.

11) Do you regularly appear in court?

Yes.

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

Federal Trial Courts: 48.

Federal Appellate Courts: 1

State Trial Courts: 44

State Appellate Courts: 2

Administrative Bodies: 5

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

Barrett v. *Rudolf*, Marion County Circuit Court No. 05C15524, July 2005. I sought a stalking order, which the court granted plaintiff after a two-day trial. I was plaintiffs solecounsel. Opposing counsel was Jeffrey M. Jones, Salem. The trial judge was James Murch, *Pro Tem*.

***Sf. Clair and St. Clair*, Linn County Circuit Court No. 07-0082, about November, 2007. This was a dissolution trial, including trial de novo of property matters at issue in the arbitration case listed above. I was petitioner's sole counsel. Opposing counsel was David Corden of Corvallis. The trial judge was Carol Bispham. This was about a day or day and a half trial involving division of property, spousal support and attorney fees.**

Rice and Lytle v. Oregon Department of Corrections et al., Marion County Circuit Court No. 04C19412. February, 2008. I was co-counsel in this case. The jury returned a \$1 million verdict on whistleblower, discrimination and wrongful discharge claims. Chief defense counsel was Senior Oregon Assistant Attorney General, now Trial Division chief Loren Collins. The trial judge was Dennis Graves.

Christopher Wilson v. Poijamarn Arpornratn, Lane County Circuit Court No. 150717659, April 2008. I was sole counsel in a divorce trial involving custody and parenting time issues. This was a two-day trial. Opposing counsel was Steven J. R. Shepard of Eugene. The trial judge was Douglas Mitchell.

Cadle Company v. Murphy, Linn County Circuit Court No. 052519, May, 2008. I was defending on a promissory note/mortgage breach claim arising under California law. I was sole counsel for the defendant. The jury returned a verdict of about \$8,000 on plaintiff's prayer for about 10 times that amount. The opposing counsel was Chris O'Neil of Portland, Oregon. The trial judge was John McCormick.

Fraker v. Benton County Sheriff's Office, Circuit Court No. 00-10060, December, 2008. I was chief counsel and in the run up to jury trial I obtained appellate reversal of summary judgment against one defendant in two precedent-setting decisions regarding responsibility for "failure to warn", 214 Or.App. 473, 166 P.3d 1137 (2007) and 217 Or.App. 159, 174 P.3d 1111 (2007). The case settled after a day and a half's testimony by plaintiffs witnesses for \$150,000. Opposing counsel was veteran insurance defense counsel Robert Franz of Springfield, Oregon. The trial judge was David B. Connell.

Barrett v. Rudolf, Marion County Circuit Court No. 07C13020, January, 2009. I represented plaintiff in a damage action against the man who was found to have illegally stalked Barrett in the earlier case cited above. I was plaintiff's sole counsel. This was a two- or three-day jury trial. The opposing counsel was C. Michael Arnold from Eugene. The trial judge was Don Dickey.

14) Describe any appellate court experience not included above.

I have two or three additional reported appellate decisions with opinions in which I obtained reversals of trial court judgments.

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

None. However, as a union general counsel I appeared before many arbitrators each year. This also was true as a labor relations manager at the State of Oregon.

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.

Seven for the five year period; four in 2008, one in 2005, one in 2007 and one in 2009. In two I was co-counsel; in five I was sole counsel. In addition I handled many court hearings that were several hours in duration.

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.

I have handled 20 appellate cases with published opinions. In addition to the *Fraker* decisions cited in question 13 above, reported decisions include:

***Soliz v. Jimenez*, 222 Or.App. 251, 193 P.3d 34, (2008).**

***Reese v. Jefferson School District No. 14J*, 208 F.3d 736 (C.A. 9, 2000).**

***Lawson v. Umatilla County*, 139 F.3d 690 (C.A.9 1998).**

***Small v. Umatilla County*, 148 Or.App. 443, 939 P.2d 1190 (1997).**

***Oregon School Employees Ass'n, Chapter 89 v. Rainier School Dist. 13*, 91 Or.App. 42, 754 P.2d 9 (1988).**

***Kautz v. Employment Div.*, 87 Or.App. 241, 742 P.2d 622 (1987).**

***Oregon School Employees Ass'n, Chapter 115 v. Pendleton School Dist. 16R*, 85 Or.App. 309, 736 P.2d 204 (1987).**

***School District 115, Clackamas County v. Oregon School Employees Ass'n, Chapter 66*, 64 Or.App. 685, 669 P.2d 821 (1983).**

***Reynolds School Dist. v. Oregon School Employees Ass'n*, 58 Or.App. 609, 650 P.2d 119 (1982).**

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

None.

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

Oregon State Bar Association.

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.

None.

22) Why do you want to be a judge?

I want to be a judge because I genuinely enjoy people, don't lose my temper, have the skills and experience to insure attorneys and litigants receive a fair and respectful hearing, and am not someone who finds comfort in the statement "that's how we've always done it."

I would advocate changes in the way Linn County courts operate, borrowing good ideas and practices from other counties and the federal courts that would strengthen Linn County's ability to improve services, as for example assigning a judge to a case at the outset, offering federal court style settlement conferences, acknowledge pain caused to victims in sentencing criminals, and adopting new state rules affording jury trials within four months in certain civil cases.

Anyone can work hard. Many lawyers already do that. Judges have to work smarter, especially in these challenging financial times. We must find ways to do the court's work faster and inspire confidence in the public that our courts seek justice.

That is what I would do as a judge: I would advocate keeping what works well and changing what doesn't. I would do it with a sense of humor and humility that is my trademark. I can and do laugh at myself.

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.

Oregon's trial courts job is to apply our statutes and common law to the litigants in court. Often there is law on point from Oregon's appellate courts. Where there is not judges must be competent to assess precedent from other jurisdictions and decide a case as a matter of first impression in Oregon.

This takes intellectual curiosity and willingness to make a difficult decision. If a lawyer cites a case, it is incumbent on the court to read the decision and ask questions regarding the case's meaning and application. A judge must be fluent with Westlaw or Lexis to keep up with litigants.

The court's role is to give litigants and their attorneys a fair opportunity to make their case, subject only to rules of evidence. If a judge has an issue with a lawyer before the court, the judge should restrict statements to sidebar or chambers to avoid prejudicing the jury.

A judge who cannot control his temper on the bench or in chambers does not make a good judge. A judge who is not experienced and willing to conduct settlement conferences is not going to be able to handle his docket as efficiently as one who does.

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 the *Fraker* case described above I successfully appealed grant of summary judgment to a girlfriend who allowed her boyfriend on pretrial release to drive her car, with a gun in the trunk, after the boyfriend threatened to kill the boyfriend's estranged wife and stepdaughters.

On remand – the court holding there was a duty to warn – the trial testimony was so raw that midway through the testimony the defendant settled the case to end the nightmare. Counsel for both sides treated each other and the plaintiffs respectfully throughout.

Afterward on the courthouse steps the plaintiffs and the district attorney who had opposed release of the boyfriend on house arrest ten years before

hugged and cried. Ten years and two appellate decisions after the victims were taken hostages the victims finally got closure.

It was good lawyering and good social work.

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

The drug court model, which some refer to as treatment courts, is much more effective than traditional prison terms at preventing criminals from re-offending. We need to explore ways to expand the treatment court model to more defendants and for defendants who do not have drug problems.

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

Atticus Finch in To Kill a Mockingbird. Finch defends a black man in the face of community prejudice and insults, without rancor. Finch does not give up despite overwhelming odds. Finch was my kind of lawyer.

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

My website, paulmeadowbrook.com, contains more information about me and the qualities I would bring to the courtroom.