

Oregon State Bar Judicial Voters Guide 2018

1) Your full name:

Benjamin Matthew Bloom

2) Office Address and Phone Number:

Jackson County Circuit Court, 100 S. Oakdale, Medford, OR 97501

(541) 776-7171, ext. 230

3) Web site (if applicable):

N/A

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.

Cherry Hill High School East, Cherry Hill, NJ 1981-85

Hamilton College, Clinton, NY 1986-1990 (B.A.)

University of Edinburgh, Edinburgh, Scotland 1988-1989

Lewis & Clark Law School, Portland, OR 1990-1993 (J.D.)

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

Attorney, Hornecker, Cowling, Hassen & Heysell, Medford, OR 9/1993-12/2010-Civil litigator and appellate lawyer with emphasis on representing physicians and lawyers and representing public bodies such as Jackson County and Josephine County.

Jackson County Circuit Court Judge, Medford, OR 1/2011-present

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

Oregon State Bar-9/23/1993

United States District Court for the District of Oregon-1993

United States Court of Appeals for the Ninth Circuit-1994

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.

"Municipal Liability Post *Clarke v. OHSU*" (Oregon Association of Defense Counsel Newsletter Fall 2009)

Update to the OSB Damages CLE publication, False Imprisonment Chapter, 2007

Update to the OSB Damages CLE publication, False Imprisonment Chapter, 2002

8) List community, teaching (Continuing Legal Education or otherwise) or civic activities.

Board Chair, Southern Oregon Chapter of the American Red Cross; Board Member, Greater Oregon Chapter of the March of Dimes; Member, Oregon Council on Court Procedures; Member, Local Rules Committee, United States District Court for the District of Oregon; Member, Board of Directors, Oregon Chapter of the Federal Bar Association Member, Executive Committee, OSB Litigation Section; Member, Executive Committee, OSB Products Liability Section; appointed pro bono counsel in two federal cases by Judges Stewart and Clarke; Past President, Temple Emek Shalom; Attorney Advisor/Coach, North Medford High School Mock Trial Team; Instructor, Reserve Officer Law Enforcement Academy at Rogue Community College, Publications Representative, Trial Practice Group, Oregon Association of Defense Counsel

9) Prior to your becoming a judge, what was the general character of your legal practice? Indicate the nature of your typical clients and mention any legal areas in which you concentrated.

As stated above, I was a civil trial attorney whose primary focus was representing medical providers and attorneys in professional negligence actions. I also represented public bodies, primarily Josephine and Jackson Counties, in state and federal court. Those cases frequently involved alleged civil rights violations. In addition to my trial work, I frequently worked on appellate cases, both in state and federal court. I argued approximately forty cases in courts of appeals, including approximately 20 reported decisions. I also represented individuals in administrative hearings and in property disputes.

During law school, I worked for the United States Attorney's Office in Portland for two years where I was actively involved in assisting the United States in criminal prosecutions. I prosecuted petty officials and prepared criminal appellate briefs.

10) List your judicial experience, including as a pro tem, and/or service on an administrative tribunal, or justice, municipal, tax, circuit, or appellate court.

I have sat as a circuit court judge since January, 2011. I was a circuit court judge pro tem from 2005-2010. In that period I primarily heard small claims actions about once month. However, in 2007, I spent a week as the duty judge, where I handled landlord tenant cases, presided over a stalking trial, and sentenced a defendant in a criminal case.

11) Describe the general character of your judicial work over the past five years. Indicate the nature of the cases over which you preside, any specialty courts or court programs, and any legal areas in which you concentrate.

In the last five years, I have managed a civil docket which includes general civil litigation, domestic relations and child custody cases, and probate. I also preside over a treatment court, Community Family Court, which provides wrap around services for parents with drug and alcohol problems whose child or children are in the juvenile dependency system. At the current time, domestic relations and child custody cases make up the majority of my caseload like the other judges handling civil cases on our court. I also hear civil commitment cases and preside over the occasional criminal trial.

12) Describe any judicial experience in appellate courts not included above.

N/A

13) State the approximate number of trials or contested hearings over which you have presided as the judicial officer during each of the past five years. Indicate roughly how many were jury trials and how many were trials to the court.

As stated above, I have presided over approximately 15 trials and 900 contested hearings in the last five years.

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

I have acted as a settlement judge/mediator in domestic relations cases and personal injury cases.

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

Jackson County Bar Association. See also, answer to question 8.

16) Describe any bar association or judicial department committees, task forces, or special projects in which you have been involved.

Executive Committee Member, Oregon Circuit Court Judges Association; member, Judicial Leadership and Education Committee; member, Civil Justice Initiative Task Force; member, Court Reengineering and Efficiency Work . See also, answer to question 8.

17) 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 parking offenses or traffic violations for which a fine of less than \$500 was imposed.

No.

18) Have you ever been the subject of a formal disciplinary proceeding as an attorney or judge? If so, please give the particulars and the result. *Include formal proceedings only.*

No.

19) What attracted you to a judicial career?

I enjoyed practicing as a lawyer, but I wanted to be the individual making the decisions. I have a logical mind and I am very concerned about the integrity of the judicial process. I thought my temperament and integrity would be a good fit for the judiciary and others suggested that I pursue this career path. Pursuing a judicial career was a decision I weighed seriously because it meant giving up a successful civil practice. However, it is not a decision I have regretted ever.

20) 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 needs to always be mindful that for people seeking recourse in court, their cases represent some of the most important events in their lives. All litigants need to have their opportunity to be heard and to present their cases, whether they are represented or not. With this in mind, I believe it is critical that a judge allow all parties adequate time to present their cases. Judges should then make prompt decisions whenever possible.

Equally important, judges need to remember that the court is governed by the rule of law, and we must make decisions based upon the law as it exists and not what we think it should be.

21) 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.

Several years ago, as an attorney, I represented a girl who was being denied the right to participate in a high school sport by a state administrative body because she had previously transferred from another school. After several attorneys had told the girl's parents that the case was not worth pursuing, I represented the girl at a hearing and was able to demonstrate that the agency's rule prohibiting the girl from playing a sport exceeded the agency's authority granting by state law. The girl was ultimately able to play soccer her senior year with her teammates.

The case represented to me the importance of treating every client as if his or her case was the most important case I ever handled because for this girl, it was. The case is indicative of how I believe a judge should act: come prepared, treat everyone with respect, and be prepared to closely look at the given facts and law to make sure that the law is applied correctly.

22) Briefly describe an issue, related to Oregon's justice system, that is of particular interest or concern to you, or that you have interest in working toward improving.

I am concerned about access to justice. With our budgetary crisis, it may be more difficult for the courts to provide access for the most vulnerable populations and to provide services as fast as would be beneficial to individuals in the community. Court closures and limited hours delay access to the courts, sometimes limiting victims of domestic abuse or elder abuse from timely obtaining restraining orders. Fewer resources and increasing caseloads mean that judges and staff are more pressed to timely reach resolutions to many disputes. This is a concern to me.

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

I admire my former law partner Bob Cowling, who is an excellent trial attorney. Bob hired me in 1993. He was a constant example of zealously representing every client while behaving professionally and ethically. Most importantly, I will never forget how much he loved being a lawyer, which for me, as a young lawyer, was instructive. I knew that to be an effective litigator, you had to enjoy what you were doing. I think the same principal applies to being a judge. I had a great career as a lawyer, and now I am honored to represent the people of Jackson County and the State of Oregon as a judge. I love serving in this capacity, and I think my enjoyment is reflected in how I treat litigants and how I analyze the issues in front me.

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

I have worked as a lawyer or judge in the Rogue Valley since graduating from law school in 1993. My wife and I, along with our three children, love the valley, and I am committed to helping make our community a better and safer place. I left a law practice I loved to serve as a judge. I intend to continue to be an active member of the community while serving as a circuit court judge and applying the law, not creating it.