

Oregon State Bar Judicial Voters Guide 2018

1) Full name:

Kyle Larry Krohn

2) Web site (if applicable):

n/a

3) List college and law school attended, including dates of attendance, and degrees awarded.

Whitman College, 2002–2006, B.A. magna cum laude

Georgetown University Law Center, 2007–2010, J.D. cum laude

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

**attorney, Multnomah Defenders, Inc. (Portland), 2010–2011;
represented indigent criminal defendants in state trial court proceedings**

**Deputy Public Defender, Office of Public Defense Services (Salem),
2012–present; represented indigent criminal defendants in state appellate
court proceedings**

5) List state and federal bars, courts and administrative bodies to which you are currently admitted.

Oregon

6) If desired, list any publications and/or articles you have authored.

n/a

7) If desired, list any community, teaching or civic activities.

n/a

8) What is the general character of your practice? If desired, please indicate any legal areas in which you concentrate.

I represent criminal defendants in Oregon's appellate courts. Although that primarily involves issues related to criminal law, it can reach issues as varied as challenging the enactment of ballot measures or interpreting the state public meetings law.

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

Oregon Court of Appeals, criminal and administrative parole appeals. In the last five years, I have written over 300 appellate briefs and presented oral argument over 60 times.

Oregon Supreme Court, criminal and administrative parole appeals. In the last five years, I have filed dozens of petitions for review and presented oral argument four times.

10) Describe any appellate court experience not included above.

n/a

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

n/a

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

n/a

13) List any bar association memberships, and if desired, any offices held or committee/project assignments.

n/a

14) 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.

15) 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.

16) Why do you want to be a judge?

I believe that judges should explain their rulings. Currently, the Court of Appeals explains less than half its rulings. In over 60 percent of appeals, all they say is "affirmed without opinion." That often leaves the parties with no idea why the court did what it did. It can make it more difficult, and sometimes more costly, for other courts to review Court of Appeals decisions. And it undermines the transparency and accountability of the judicial system.

I want to be a Court of Appeals judge because, as a judge and with the backing of the voters, I believe I can end the "affirmed without opinion" practice and ensure that the court gives an explanation for every ruling.

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

Written or oral explanations of a judge's rulings are the bedrock of our legal system, whereas decisions without explanations are merely the unchecked exercise of power. Explanations assure the parties and the public that the judge is making a correct, unbiased decision. Explanations help other courts review the judge's decision and apply that decision in future cases. And explanations help the judge verify for herself that she is making the right decision for the right reasons.

The most important qualities for an appellate judge are insight, intelligence, and integrity. Appellate judges review the rulings of lower courts and administrative agencies, and appellate decisions can affect many people. Appellate judges need to have a working knowledge of nearly every area of law and the ability to quickly master unfamiliar legal issues. They need to be able to identify and reject incorrect answers and reach the correct answer based on the correct reasoning. They need to be able to explain their rulings to the parties, other courts, and the public. They need to be prepared to stand by their correct rulings, even when they are politically unpopular, but also willing to acknowledge when they got it wrong.

Currently, one of the greatest challenges for the Court of Appeals is that it is underfunded and understaffed for the number of cases it is expected to decide. That is one of the reasons for the “affirmed without opinion” practice—it is simply impossible for the court to give a detailed explanation for every appeal. But I think judges should still try to explain all of their decisions. In many cases, even one or two sentences could suffice, which would be a significant improvement over no explanation and shouldn’t be a significant burden for the court.

18) 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.

As a public defender, I have many fascinating stories, but nearly all of them are protected by lawyer confidentiality rules. What I can say is, I’m proud to be known as the most productive appellate public defender in the state. I write more briefs and present more oral arguments than anyone on the defense side. And my work is high-quality—the Oregon Supreme Court has called my briefing “thoughtful.” (State v. Cuevas, 11/13/15.) As a judge, I will bring that productivity and thoughtfulness to the court.

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

Because the Court of Appeals hears so many appeals, compared to the limited number of judges it has, it is important for the court to be as efficient as possible in its decisions. As explained above, I think the 60 to 70 percent of cases that are currently “affirmed without opinion” could receive a short summary of the court’s reasons without unduly burdening the court.

On the other hand, sometimes the court issues longer opinions in cases that probably don’t deserve it. Some of those longer opinions could also be replaced with short summaries, which would still inform the parties and other courts of the basis for the decision and be easier for the court to produce. For appeals that are so routine or fact-specific that full opinions would be unlikely to create new precedent, the court could err on the side of efficiency and issue more summary decisions. That would make it easier for the court to issue opinions in every case and also devote more time and energy to the cases where the court’s opinion will have the biggest impact.

Of course, finding the right balance will require careful consideration. But I think I’m up to the challenge.

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

I admire William O. Douglas, a former Justice of the United States Supreme Court and a fellow graduate of Whitman College. Justice Douglas was one of the most active and principled members of the Supreme Court, writing numerous opinions—whether he spoke for the entire court or for himself alone. He was strongly committed to civil liberties, and he didn't back down from his beliefs about what the law required, even when the politics of the day were against him. I don't necessarily agree with all of his views, let alone his scandalous personal life, but I admire his dedication and courage.

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

The Court of Appeals is making the best of a difficult situation, and I respect the judges' efforts. I'm running for the court because I believe that there's room for improvement and that I could make a positive impact. I hope I've earned your vote, but I'll be happy even just to get more people thinking about the issues that our courts face and what we want from our judicial system. Thank you for reading!