

# Oregon State Bar Judicial Voters Guide 2018

1) Full name:

**Lisl Miller**

2) Web site (if applicable):

[www.LislMiller.com](http://www.LislMiller.com)

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

**Oregon State University, 1986-1990, BS Agricultural & Resource Economics**

**Lewis & Clark Northwestern School of Law, 1990-1993, JD**

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

**Law Clerk to Presiding Judge Raymond R. Bagley, Jr., Clackamas County Circuit Court; 1994-1997: Managed juries, evidence, and courtroom; researched and recommended decisions on motions and issues in civil and criminal cases.**

**Associate Attorney, Mitchell, Lang & Smith, Portland; 1997-1998: Handled insurance defense cases from initial receipt through trial preparation; arbitrated claims.**

**Deputy District Attorney, Multnomah County; 1998-2000: Engaged in all aspects of prosecuting misdemeanor crimes, felony drug crimes, juvenile delinquency cases, and dependency cases.**

**Assistant State's Attorney, Kane County, IL; 2000-2001: Handled all aspects of prosecuting felony person, property, and drug crimes; tried all bench and jury trials in the county for involuntary commitment and administration of medication.**

**Associate Attorney, O'Hagan, Smith & Amundsen; Chicago, IL; 2001-2003: Handled insurance defense cases from initial receipt through trial; engaged in arbitrations, mediations, and trials.**

**Deputy District Attorney, Yamhill County; 2003-present: Responsible for prosecuting major crimes in Yamhill County, with a specialty in child abuse cases.**

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

**Oregon State Bar, 1993**

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

**Paper entitled, "Indemnification Agreements Under CERCLA" published in *Environmental Law*; January 1993**

**1995 Cumulative Supplement to *Damages CLE*, Chap. 1-3**

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

**Yamhill County Multidisciplinary Child Abuse Team since 2005; Chair November 2008 to June 2011 and December 2014 to present**

**Yamhill County Child Fatality Review Team; 2008 to present**

**Oregon Attorney General's Sexual Assault Task Force and Criminal Justice Committee; 2007-2011**

**Yamhill County Sexual Assault Review Team; 2005-2010**

**McMinnville Area Chamber of Commerce Community Leader Development Program; 2008-2009**

**Supervise, train, and mentor interns, volunteers, and new Deputy District Attorneys**

**Prepare and present educational programs to local schools, hospitals, Juliette's House Child Abuse Intervention Center, community partners, and community groups**

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

**As a Deputy District Attorney for Yamhill County, I represent the people of the State of Oregon, and I prosecute criminal cases that occur in Yamhill County. My expertise is in prosecuting person crimes, with a specialty in child abuse cases. My current caseload consists of major crimes, including murder,**

**kidnapping, assault, robbery, child abuse, elder abuse, sexual assault, traffic fatalities involving impaired driving, property crimes, and drug offenses. I am Chair of the Yamhill County Multidisciplinary Child Abuse Team, which focuses on community partners working collaboratively to better serve the community in investigating, prosecuting, addressing, and preventing child abuse.**

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

**For over 14 years, I have litigated criminal cases as a prosecutor in Yamhill County Circuit Court. I appear in court almost daily on a wide variety of violent and nonviolent criminal cases, for trials, motions, and hearings. In the last 5 years, my caseload has been primarily major person crimes, including homicide, assault, armed robbery, rape, kidnapping, child sexual abuse, criminal mistreatment, and child pornography, as well as a share of property crimes and drug offenses.**

**In over 17 years as a prosecutor for Yamhill County, Multnomah County, and Kane County, IL, I have tried hundreds of cases, the vast majority of which had been jury trials. Bench trials have involved both criminal and juvenile matters in Circuit Court.**

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.

**Member of Oregon State Bar since 1993**

**Member of Illinois State Bar 2000-2003 (thereafter inactive)**

**Member of Yamhill County Bar Association**

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 want to be a judge to continue my service to the public in a way that has a broader value to our community. I have focused my career on public service because I want to make a difference. As a prosecutor, my responsibility is to achieve justice. This requires considering all sides—the wishes of the victim, the needs of the defendant for treatment or punishment, the safety of the community, and the law. Pursuing justice sometimes means seeking a prison sentence, and at other times means dismissing all the charges. My experience in making these determinations in countless cases as a prosecutor for over 17 years, will serve me well as a judge focused on achieving justice for all who appear in my courtroom.**

**It's my firm belief that every person who walks into court must have equal access to the legal system. Justice has no eye for race, gender, sexual orientation, financial status, or pedigree. A judge must be respectful of everyone and bring compassion to every case. I have the experience, temperament, legal knowledge, and understanding of our courts that is critical to administering justice.**

**When violent crimes and threats of school shootings fill the news, our feeling of safety in our community erodes. Increased police patrols, neighborhood watch groups, and safety task forces all help, but oftentimes where law and order are most influenced is in the courtroom. And that's why I'm running.**

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.

**A judge's responsibility is to serve the people of the State of Oregon by deciding issues fairly, impartially, and according to the law. A judge needs to view each person standing before them as a valued member of our society. A judge needs to balance that with the needs of victims, families, our communities, and the law.**

**A judge needs to be experienced in courtroom procedures and trials, and knowledgeable of the law. Every person appearing in court must be treated with respect and given careful consideration. A judge's approach must be consistent, wise, and always in accord with the law.**

**One of the greatest challenges to judicial fairness involves discerning what justice is in each case. In a majority of crimes, the victim knows the offender—their spouse, relative, or friend. Victims are often conflicted: they want the offender punished, but that person is loved or may be the family's sole breadwinner. The law is usually viewed as black and white, but people's stories rarely are. The challenge for the judicial system is to figure out what justice looks like—to read the entire story and act in the best interest of everyone involved.**

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.

**In 2007, I prosecuted a case involving an uncle who sexually abused three of his nieces—ages 14, 10, and 7. It was a complex case that involved many records, motions, legal issues, and two defense attorneys that worked the case together. After a four-week trial, the jury convicted the defendant.**

**In 2011, the case was overturned on appeal based on a change in the law. In 2007, the law had allowed trial testimony about the medical diagnosis of child sexual abuse. By 2011, juries were no longer allowed to hear evidence of that diagnosis, so a new trial was required. This raised new legal issues and required a different approach to the case, and to other cases like it.**

**At the retrial, a doctor who testified said something on the witness stand that caused the judge to declare a mistrial. At the second retrial, one of the children said something in her testimony that caused the judge to declare a mistrial. Finally in the third retrial the case was fully presented to the jury, which convicted the defendant. Each additional trial was harder on the victims and their family. Each additional trial was more difficult as witnesses' memories faded and there were additional statements under oath at each proceeding, from which counsel could point out inconsistencies. Successful prosecution was only accomplished by hard work, perseverance, patience, and determination of police, child abuse assessment team, other community partners, and myself to seek justice.**

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

**In recent years the justice system has implemented policies and procedures focused on evidence-based decision making. This has allowed more defendants to be evaluated before cases are resolved, using validated tools for assessment to determine the individual's needs for treatment and the risk of re-offense in the community. The goal is to hold offenders**

**accountable while reducing crime. While these assessments help judges make decisions based on evidence, at this time they are only validated for certain types of crimes. I have a strong interest in working toward putting evidence-based decision making to its best use, so that sentences can be fair, proportional, and consistent.**

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

**The most influential legal figure in my life was Clackamas County Circuit Court Judge Raymond R. Bagley, Jr. My first job out of law school was as a law clerk for him. As such, I was in court whenever he was in court, managing the courtroom, evidence, and juries. I did legal research and recommended decisions on motions and other legal issues. I sat in on settlement conference and jury debriefs. For over three years, I had the privilege of observing and learning from someone of the highest integrity, whose purpose was to serve justice. He always dealt professionally and courteously with those appearing before him, and never failed to give considered, well-reasoned decisions based on the rule of law. He was the kind of judge I want to be.**

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

**My career as a prosecutor distinguishes me from my opponents. Most attorneys enter the courtroom representing an individual or an organization, and the attorney's obligation is to get the best result they can for their client. As a prosecutor, my responsibility is to achieve justice—a different focus than attorneys representing individuals or organizations. That focus on justice is something a judge should have. My broader legal career has helped me develop unique insight into all sides of complex legal issues. My experience, steady temperament, and commitment to fairness and truth make me the best candidate for Yamhill County Circuit Court Judge.**