

Oregon State Bar Judicial Voters Guide 2018

1) Full name:

Susie L. Norby

2) Web site (if applicable):

N/A

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

Dates	School	Location	Major/Degree
9/87 - 5/90	Lewis & Clark Law School	Portland, OR	Juris Doctor
9/81 - 5/85	University of S. Carolina	Columbia, SC	Bachelor of Arts

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

I. Circuit Court Judge – Clackamas County Court – 1/2007 to Present

Duties:

Preside over Court Proceedings.

One judicial duty is to preside over court proceedings, like jury trials, court trials, contested hearings, pleas, probation violation hearings, arraignments, ex parte requests for restraining & stalking orders, and all other manner of court appearances.

Ensure the Law is Followed.

This is done by making decisions based on the law, and not on outside influence, or even public opinion. The Judicial Branch of government is a separate and equal branch to the Executive Branch and the Legislative Branch. Each of the three branches must serve as a check and balance on the other two. As an independent check and balance, it is a judge's duty to consult historical documents like the US Constitution, the Oregon Constitution, state statutes, and opinions written by the courts of appeals over many years when deciding what to do about problems presented to them. Judges are not allowed to make up answers to appease people for the moment – they must rule consistent with past

practice, making efforts to view each case both individually as well as in the context of a bigger picture. This framework keeps judges fair and impartial.

Protect People's Rights.

Our rights as citizens are written into the historic laws described above. Judges must protect them. Court proceedings require respect for the rights of citizens, and make human rights a core principle of justice. Judges must work hard to make decisions promptly and carefully so that citizens' rights are secure, and so that each person's rights are properly balanced with those of other people.

Manage Heavy Caseloads Efficiently.

It is a judge's duty to manage dockets efficiently, so that any citizen who needs a day in court will not be turned away. It is necessary to consider several hundred cases a year, and each must receive the judge's careful and timely attention so that the result is not compromised. This is true in civil cases, criminal cases, family law cases, juvenile cases, and everything in between.

Conduct Settlement Conferences:

In Clackamas County, it is each judge's duty to attempt to mediate settlements in certain civil cases when that will be of benefit to both parties, or where it is both parties' preference to avoid trial. Settlement conferences allow the parties to hear a judge's viewpoint and suggestions about what might happen in a trial without risk, because the judge who conducts the settlement conference is never assigned to the trial of the same case. That allows confidentiality to protect the parties so that they can openly discuss their perspectives and reach fair resolutions.

Write Opinions.

In some cases, trial judges write opinions on legal matters that require significant deliberation to reach a conclusion.

Help Educate Lawyers and the Public About the Courts.

Judges are spokespeople for the court system and the processes of justice. It is a duty of an elected judge to participate on Boards and Committees that seek to make improvements in justice procedures and to speak to audiences interested in better understanding the work of the courts.

II. Senior Legal Counsel - Clackamas County Counsel - 10/1996 to 12/2006

Duties:

Write local laws, such as the Chronic Nuisance Ordinance and the Acceleration of Redemption Ordinance. Enforce local laws, such as the Solid Waste Code, the Building Code and the Zoning and Development Ordinance.

Act as legal advisor to help implement new programs to clean up the community, such as:

(a) The Chronic Nuisance Program – used to shut down drug houses and

prostitution cover businesses after due process for the property owner at the local level rather than in state courts.

(b) The Dump Stoppers Program – used to identify illegal dumps, clean them up, and determine the identities of illegal dumpers to compel them to give back to the community through community service and payment of the costs of cleaning up their dump.

Practice law in all the following areas:

(1) Litigation, (2) Federal Law on Reasonable Accommodations for Persons with Disabilities, (3) Landlord/Tenant Law, (4) Real Property Law, (5) Contract Law, (6) Employment Law, (7) Torts Law, (8) Land Use Law, (9) Constitutional Law, (10) Riparian Rights Law, (11) Debtor/Creditor Law, (12) Tax Law, (13) Irrigation & Special District Law, (14) Election Law, (15) Public Record & Meeting Law, and (16) Administrative Law.

Represent clients in:

(1) Oregon Supreme Court, (2) Oregon Court of Appeals, (3) Clackamas County Circuit Courts, (4) Oregon Tax Court, (5) US District Court for the District of Oregon, (6) Oregon Land Use Board of Appeals, (7) Oregon Employment Relations Board, and (8) various administrative hearing bodies. This includes both plaintiff and defense work in civil court.

Give legal advice to County Commissioners, Department Heads, and Management.

Respond to Clackamas County citizen inquiries regarding local laws and enforcement issues.

Train County and City attorneys to update them on recent case decisions from the Oregon Supreme Court and the Oregon Court of Appeals.

III. Law Instructor – Oregon Police Corps (Part Time) 6/2001 to 2005

Duties:

Train police officer recruits in law, update legal course outlines for police, and revise police training objectives.

IV. Law Instructor – State Police Academy (Part Time) 1997 to 2001

Duties:

Train police officer recruits in law, update legal course outlines for police, and revise police training objectives.

V. Clackamas County Deputy District Attorney 1/1992 to 10/1996

Duties:

Represent victims' interests in prosecuting hundreds of criminal cases, including Ballot Measure 11 cases, felonies, and misdemeanors.

Prosecute all aspects of criminal jury trials and criminal court trials.

Prosecute probation violation hearings.

Train other Deputy District Attorneys across the state in trial strategies and techniques.

Train police in evolving laws and investigation techniques.

VI. Judicial Clerk to Honorable Robert W. Redding 9/1990 to 12/1991

Duties:

Assist Circuit Court Judge in managing courtroom activity.

Conduct legal research to support opinions of the court.

Work with jurors through all aspects of trials, including one lengthy aggravated murder trial.

Ensure that judge's sentences are accurately documented.

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5) List state and federal bars, courts and administrative bodies to which you are presently admitted and the date of admission. If desired, list previous admissions.

- **Oregon State Bar** – Admitted: April 1991
- **US District Court for the District of Oregon** – Admitted: April 1997
- **California State Bar** – Admitted: December 2003

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

- i) Dissenting Opinion: State v. Ngyuen, 229 Or App 719, 212 P.3d 1284 (July 22, 2009).
- ii) Trial Letter Opinion quoted in: Eichner v. Anderson, 229 Or App 495, 499-500, 212 P.3d 521, 523 (July 8, 2009).
- iii) Majority Opinion: Grabhorn Inc. v. Washington County, 255 Or App 369, 297 P.3d 524 (February 21, 2013).
- iv) *A Diversity Within: The Mystery of the Lost Juror*, OSB Bulletin, Vol. 74, No. 1, pp. 32-35 (October 2013).
- v) *Stipulations & Orders Supplement Chapter* -- OSB Civil Litigation CLE Manual (2008 & 2009).
- vi) *Users' Guide* -- OSB Civil Jury Instruction CLE Manual (2008 Edition Co-author).

- vii) *Lot Line & Boundary Dispute Resolution* -- RELU Conference Manual (2004).
- viii) Clackamas County Code Chapter 6.08 -- Chronic Nuisance Chapter -- Title 6-28 through 6-34 (July 2001).

(I was also integrally involved in the codification of all miscellaneous County laws into the Clackamas County Code, and edited many chapters, as noted on p. 4 of the Forward to the Code, in the "Codifier's Note".)

- ix) *A Passage to India*, Oregon State Bar Bulletin, Vol. 60, No. 7, pp. 15-18 (May 2000).
- x) Update to Misdemeanor Sentencing Supplement Chapter -- OSB Criminal Law CLE Manual (1997).

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

i) **Council on Court Procedures – Member (2017 – Present)**

The Council on Court Procedures is an organized body of judges and attorneys appointed by the Chief Justice of the Supreme Court to oversee the Rules of Civil Procedure that govern court proceedings throughout the state. The Council reviews the rules, recommending amendments, deletions and additions annually.

ii) **Oregon Judges Charitable Foundation**
President (2013 – 2016)
Vice-President (2012 – 2013)
Chair – Application Review Committee (2010 – 2018)
Board Member (2010 – 2018)

OJCF is a 501(c)(3) organization with a Board of state trial & appellate judges. The Foundation oversees a fund endowed solely by judges statewide, to award grants to Oregon Judicial Department employees who face unanticipated hardship, including forced furloughs, uninsured medical issues, and loss due to victimization or disaster. As President, I spearheaded a project to create an employee training film on coping with the effects of vicarious trauma from work in the courts. The film is called "Bearing Witness: A Survival Guide" and was distributed to all state court branches through the intranet for ongoing distribution and OJD employee use.

iii) **CASA Instructor & Speaker for CASA Events (2014–2017)**
("CASA" stands for Court Appointed Special Advocate for Children)

iv) **White Oak Savannah Speaker at Ribbon-Cutting Ceremony (2017)**

v) **OSB AAP–OLIO OJD Judicial Mentorship Program – Mentor (2010-18)**

This program matches Judges with law students of diverse backgrounds for mentoring.

vi) **Classroom Law Project Regional High School Mock Trial Competition Coordinator for Clackamas County (2008-2012); Volunteer Judge**

Coordinating entailed recruiting dozens of attorney volunteers to judge mock trials, liaising with 10-12 high school coaches and student teams, and working with courthouse judges, staff, security & maintenance to organize and run a day long competitive event.

vii) **Clackamas County Bar Association - Treasurer (1999-2000); Member (1992 – Present)**

viii) **OSB New Lawyer Mentoring Pool – Mentor (2011 – 2013)**

ix) **Oregon Trial Advocacy College – Volunteer Judge (2004 – Present)**

x) **Classroom Law Project “We the People” Competition Judge (2012 – Present)**

xi) **Oregon State Bar Civil Jury Instruction Committee Member (2008-11)**

xii) **Sunset Primary School & Athey Creek Middle School Mock Trial Judge (2007-2017)**

xiii) **Rotary International Member (2008-2010)**

xiv) **Volunteer Judge with “Destination Imagination” (2000-2004)**

xv) **Clackamas County Arts Action Alliance – Vice Chair (1998-1999)**

8) *Prior to your becoming a judge, what was the general character of your legal practice? Where appropriate indicate any legal areas in which you concentrated.*

Prior to becoming a judge, I was a Senior Legal Counsel to Clackamas County. I wrote local laws. I handled trials and hearings in Circuit Court, the Court of Appeals, the Supreme Court, the Tax Court, the US District Court for the District of Oregon, and before administrative bodies such as the Employment Relations Board, the Land Use Board of Appeals, and various Hearings Officers.

I gave legal advice to the Board of County Commissioners, and the administrative heads of all County departments, such as the Sheriff’s Office, the Department of Transportation and Development, and the Tax Assessor’s Office. I also represented all those officials in civil lawsuits. Sometimes my client was the plaintiff, such as when the County was enforcing local laws. Sometimes my client was the defendant, such as when the County was being sued.

I acted as legal advisor in the creation of new programs to clean up Clackamas County communities, such as the Chronic Nuisance Program (evicting drug dealers and other criminals from County neighborhoods), and the Dump Stoppers Program (cleaning up illegal dump sites in County communities). I evicted drug dealers and users from public housing under the One Strike Law. I practiced law in all of the following areas: (1) Litigation, (2) Federal Law on Reasonable Accommodations for Persons with Disabilities, (3) Landlord/Tenant Law, (4) Real Property Law, (5) Tax Law, (6) Employment Law, (7) Torts Law, (8) Land Use Law, (9) Debtor/Creditor Law, (10) Riparian Rights Law, (11) Contract Law, (12) Irrigation & Special District Law, (13) Constitutional Law, (14) Election Law, (15) Public Record & Meeting Law, and (16) Administrative Law.

I was a legal advisor to County programs that provided zero interest loans to low income homeowners to restore their homes to a safe condition, and to qualifying low income citizens needing help to purchase their own homes.

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

- **Clackamas County Circuit Court Judge, District 5, Position 11
January 2, 2007 – Present**
- **Pro Tem Judge with Oregon Court of Appeals 2009 & 2012-2015**

10) 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.

As a judge in Clackamas County I preside over many different kinds of cases and proceedings. In Clackamas County, our budget is only enough to support eleven trial court judge positions. Comparisons of Clackamas County's population to the population of other counties and comparisons of the number of court cases filed in Clackamas County to those filed in other counties tell us that we should have at least fourteen judges to be fully equipped to handle our workload without getting significantly behind each year. Since we do not have the fourteen judges we really need, our eleven judges do not have the luxury of being able to specialize only in certain types of cases. We must all handle whatever cases need to be taken care of on any particular day. As a result, one week I may be presiding over an Aggravated Murder trial and the next week I may be assigned a complex civil trial or a small claims case.

Clackamas County has a few specialty dockets that certain judges are assigned to in rotations, and which are integrated into our regular workload for the duration of a rotation. My specialty assignments have included:

- Probate & Guardianship (2013 – Present)
- DUII Treatment Court (2013 – 2016)

- Arbitration Program Coordinator (2013 – Present)
- Juvenile Dependency / Foster Care Docket (2014 – 2017)
- Adoption Coordinator (2017 – Present)

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

I was invited to sit as a part-time Court of Appeals Judge with each of the three Judicial Panels that existed prior to the recent addition of a fourth panel. I reviewed appellate briefs, heard oral arguments of counsel, and deliberated with my colleagues on each panel. I wrote a Dissenting Opinion in 2009, and a Majority Opinion in 2012 (published in 2013).

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

In Clackamas County, trial judges must preside over judicial settlement conferences in civil cases. Settlement conferences are mediations between the parties in an effort to resolve the case without a trial. It is difficult to know how many settlement conferences I have mediated, but I guesstimate that the number exceeds five hundred. I have settled approximately two-thirds of the cases assigned to me for mediation. These include, among others, complex civil cases, dissolutions of marriages, contract cases, personal injury cases, and property cases.

13) List any bar association memberships. Where appropriate, list officer positions, committee assignments or other notable work.

National Association of Women Judges
Oregon Women Lawyers
American Bar Association
Oregon Circuit Court Judges Association
Oregon Judges Charitable Foundation (President, Vice-President, Secretary,
 & Chair of Application Review Committee)
Oregon State Bar
California State Bar
Clackamas County Bar Association

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

I was appointed as a board member of the **Council on Court Procedures** in 2017. I Chair a committee on ORCP Rule 7, and am a member of committees on ORCP Rule 55, the Fictitious Names committee, and a Probate Harmony committee.

I was appointed as a board member of the **Oregon Judges Charitable Foundation** in 2010, and held the offices of President, Vice-President, Secretary, and Chair of the Application Review Committee during my tenure. OJCF is a 501(c)(3) organization with a Board of state trial & appellate judges. The Foundation oversees a fund endowed solely by judges statewide, to award grants to Oregon Judicial Department employees who face unanticipated hardship, including forced furloughs, uninsured medical issues, and loss due to victimization or disaster. As President, I spearheaded a project to create an employee training film on coping with the effects of vicarious trauma from work in the courts. The film is called "Bearing Witness: A Survival Guide" and was distributed to all state court branches through the intranet for ongoing distribution and OJD employee use.

I was appointed as a judge mentor to the **Oregon State New Lawyer Mentoring Program** in 2011. Through the program, I help guide new lawyers assigned to me as they begin their practice of law after completing their law school education. There is a specific set of subjects that we explore together, including practical management information, ethics issues, and presentation of clients and cases in court.

I volunteer as a judge mentor to law students of diverse backgrounds as part of the **Oregon State Bar Affirmative Action Judicial Mentorship Program** since September 2010. Through the program, judges develop relationships with students to help guide them in discovering the meaning of law in our lives, and introduce them to methods of working through challenges in the world of law.

I was appointed to the **Diversity Convocation Mentoring/Networking Committee** from September 2010 until the Diversity Convocation concluded in November 2011. This Committee worked on presentations to promote mentorships within the Oregon State Bar.

I was appointed to the **Oregon State Bar Civil Jury Instruction Committee** from January 2008 until January 2011. This Committee works to improve the jury instructions used in civil jury trials. Improving the instructions means making them easier for jurors to understand, ensuring that the instructions accurately and succinctly summarize the laws, and creating new instructions to help judges and attorneys explain all legal claims at the end of jury trials.

15) 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, I have not.

16) 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, I have not.

17) What attracted you to a judicial career?

Immediately after law school, in 1990, I went to work for a trial court judge as his law clerk. I admired him and the work that he did. I saw how much he respected the people who came to court, and how many opportunities he had to help people. I wanted to be like him. I knew that it would take many years of hard work to gain the experience, perspective, and life skills to become a good judge. I also knew that I would have to earn the respect of colleagues, employers, and citizens in order to have a hope of serving as a judge. But I wanted to try my best, because it was clearly an interesting and rewarding position that offers many opportunities to make important contributions to the community. I have always enjoyed difficult challenges, I have always believed in the possibility of true justice, and I have always wanted to be instrumental in helping people. I wanted to become a judge because it is a difficult challenge, and an extraordinary honor.

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

Justice is one of the two primal forces that define the quality of every human life. Love makes sense of the heart inside us; justice makes sense of the world outside us. These two elemental ideals are embedded in our intellectual and emotional DNA, and are so powerful that they can inspire us to unity – or corrupt us to war.

I believe justice is our shared expectation of fairness and dignity in all human behavior. Judges seek to restore justice amid human conflict, so we need a resilient affection for people, that transcends superficial categories, and perceptivity about how to protect the vulnerable. The pursuit of justice requires analytical skill, to craft a fair result, and communicative skill, to help others understand and appreciate why the result is fair. The perpetual challenge is to honor people's competing perspectives about what outcome justice demands at any moment in time.

I believe justice is our shared conviction that fairness and dignity are every person's birthright. It is the essence of humanity, the cornerstone of civilization, and the prime directive of free government.

19) 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.

I feel particular pride about the outcome of a set of several cases that intertwined to decide the fate of three children. The children's Mother and Father had a troubled marriage, fraught with difficulties arising from substance abuse and mutual animosity that affected their ability to parent safely. They had Restraining Order cases against one another, and a divorce case in which each sought full custody. The children were often left in the care of a family friend who was not a relative, but had been devoted to the children throughout their lives. Sometimes they lived with her for many months and only saw their parents occasionally. The family friend also filed for full custody of the children. While all these cases were open, at one point the Child Welfare office also filed a case to seek custody of the children. In the beginning, there were seven open cases on the same family.

The cases were on different dockets at different times, so some early rulings were made by different judges, and conflicted with each other. However, when a hearing was set before me one day, I located all of the case files, put them together for my hearing, and created a chart to help organize the inter-related issues for future hearings. Soon after, I got permission to specially set all seven cases with me to ensure future rulings were consistent with one another.

Over the next year, I resolved all the cases, and ultimately took the unusual step of awarding custody to the family friend, not either parent. The Mother and Father were given parenting time, but Mother moved out of state and never visited the children. Father not only stayed, but also overcame the hardships created during the bad marriage, and renewed his commitment to the children, two of whom are not biologically his. He and the new custodial "parent" also overcame their mistrust of one another, and together they created a healthy, hopeful and stable support system for the children. They invite me to important events in the children's lives, and I am struck by how well the family now works, and how much love the children give to and receive from their Father and custodial caregiver. Every time I see this unusual family, I feel joy that my rulings paved the way to the happier lives they now lead. Best of all, the oldest child recently announced that she wishes to become a lawyer, and one day a judge, to help other children have better lives.

20) 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 particularly concerned about the experiences self-represented litigants (parties not represented by attorneys) are having with the courts, since they must try to seek justice without a full understanding of court rules, procedures and laws that apply. Sometimes people need a judge's help and intervention in a problem but do not know how to put together the right paperwork, how to schedule proceedings, or how to present evidence in court. Historically, attorneys have had greater involvement with the majority of parties, and court procedures have developed over time that are difficult for a typical citizen to understand or apply. Since these processes are long established and foundational to our current

methodology, it can be very difficult for judges and court staff to simplify the court's processes to accommodate the needs of citizens who do not have attorneys.

I am interested in working toward improving the experiences of self-represented litigants with the courts. I already try to help people without attorneys to understand what law will be applied and what processes must be followed. I give simplified explanations on the record when dealing with citizens directly. I try to explore the expectations and needs of litigants who do not have attorneys to make sure that unnecessary formalities don't get in the way, and to make sure the things people really need me to decide are understood by all. I also try to explain the framework and limitations of the laws that apply to problems I must decide for those not represented by counsel.

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

Justice Betty Roberts, the first woman to sit on the Oregon Supreme Court, was an icon, an inspiration, and a friend. She possessed a keen intellect, and a commitment to justice for those who never before had a strong voice advocating for them in government. She had an unmitigated optimism about the future. She had boundless energy, and never rested on her laurels. Once she achieved a position of influence, she used her influence not only for positive change on issues she cared about, but also to encourage others to seek leadership positions and build on their own passions to pursue positive change. She was an extraordinary woman who treated others as equals regardless of their station in life. She was a true humanitarian. Her determination to create a better tomorrow echoes on in me, and in everyone who knew her.

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

Although I am running unopposed to retain my seat, I believe I have a responsibility to voters as an elected official to provide as much information as I can about my background and my approach to work as a judicial servant. I am grateful for the trust the voters placed in me when they elected me over my opponent in 2006, and offered to me again when I was re-elected in 2012. I work hard every day in my ongoing effort to be worthy of that trust.