

# Oregon State Bar Judicial Voters Guide 2018

1) Full name:

**Mark P. Pihl**

2) Web site (if applicable):

**[www.Markpihlforjudge.com](http://www.Markpihlforjudge.com)**

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

**Portland State University 1982 BS; Willamette College of Law 1986-89 JD**

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

**GRENLEY, ROTENBERG, LASKOWSKI, EVANS & BRAGG, P.C. Portland, OR (disbanded); 1988-90; 1990-91. Certified Law Clerk; Associate. Participated in all phases of litigation support in federal and state courts; drafted pleadings and motions in areas of bankruptcy, corporations, domestic relations, personal injury, real estate, and securities law. Prepared and argued case to the Oregon Court of Appeals.**

**WASHINGTON CO. DISTRICT ATTORNEY'S OFFICE, Deputy District Attorney Hillsboro, OR 1991-98**

**Circuit Court/Juvenile; Reviewed and prosecuted classes A, B, C felonies and misdemeanors; grand jury presentations; preliminary hearings; Routinely drafted and argued procedural and substantive motions; defended post-conviction relief trials (civil); prosecuted juvenile delinquency cases; reviewed and prosecuted civil cases for State Offices for Services to Children & Families (now DHS); Member Wash. Co. Multi-Disciplinary Team, Child Fatality Review Team; Approximately 125 jury trials and 450 bench trials.**

**RENTRAK CORPORATION, Interim Corporate Counsel, Portland, OR 1999**

**Responsible for five-person legal department for a publicly traded international video distributor with \$120mm in revenues. Reviewed/analyzed distributor contracts; managed and plaintiffed lawsuits in state and federal courts in the US and Canada; hired, managed, and directed outside counsel to plaintiff lawsuits in US and Canada; plaintiffed creditor's rights in bankruptcy in US and Canada; negotiated case settlements.**

**LAKE OSWEGO CITY ATTORNEY'S OFFICE, Deputy City Attorney  
Lake Oswego, OR 1998 - 2000**

**Responsible for reviewing and prosecuting all municipal crimes and civil violations; drafted and argued procedural and substantive motions; circuit court trials/appeals; Approximately 35 jury trials and 50 bench trials; Provided training for Lake Oswego Police Department.**

**CONKLIN, MURPHY, CONKLIN (disbanded), Senior Litigation Associate,  
Chicago, IL 2001 - 2003**

**Managed and prepared for trial complex corporate litigation including several cases over \$1mm involving products liability, contract disputes, insurance defense, insurance coverage analysis, general civil litigation, negligence cases, wrongful death and arbitration. Routinely drafted and argued procedural and substantive motions, drafted pleadings, interviewed clients and witnesses and prepared them for depositions and trial; conducted all aspects of discovery including depositions.**

**MAY TRUCKING COMPANY, Corporate Counsel, Salem, OR 2003 - 2004**

**Provided legal counsel for a private, nationwide corporation with 1200 employees. Responsible for litigation and litigation management, hiring outside counsel throughout the US in cargo, personal injury and property cases, general business, employment law, and bankruptcy. Drafted pleadings and motions, conducted all aspects of discovery, and prepared witness for depositions and trial. Negotiated settlements and participated in meditations. Assisted in drafting and reviewing property leases, equipment sales and leases, service provider contracts, customer contracts, PTO conversion plan, employee and driver handbooks, and preparation and planning for governmental regulatory inspections.**

**CONTRACT LITIGATION SERVICES (pre-Pihl Law LLC) Lake Oswego, OR 2005 – 2006**

**Provided litigation services to law firms and individual clients including appearances, drafted and argued pleadings and motions; took and defended depositions, conducted discovery, legal research, document review, and pretrial case workup. Services areas accommodated include arbitration/mediation, contracts, construction defects, general business, employment law, insurance defense, torts, and personal injury.**

**DUBOFF LAW GROUP, LLC, Senior Litigation Attorney, Portland, OR 2006 – 2007**

**Assisted in the management of state and federal litigation for four attorneys; assisted in supervising two paralegals/secretaries, and two law clerks. Drafted and argued pleadings, motions, trial preparation, all aspects of discovery, arbitration/mediation representation, negotiated settlements involving litigation of administrative, complex business, construction defects, employment, general business, insurance defense, negligence, personal injury, products liability, and torts law.**

**CONTRACT LITIGATION SERVICES, Lake Oswego, OR 2008 - 2009**

**Provide litigation services to law firms and individual clients including appearances, draft and argue pleadings and motions; take and defend depositions, conduct discovery, legal research, document review, and pretrial case workup. Services areas accommodated include arbitration/mediation, contracts, construction defects, general business, employment law, insurance defense, torts, and personal injury.**

**GUNN CAIN & KINNEY LLP (disbanded)– Senior Litigation Attorney  
Newberg, OR 2009 – 2011**

**Manage state litigation for three attorneys; assist in supervising, training and mentoring two attorneys, and two – three paralegals; manage client cases from intake to trial/resolution; practice areas include employment, business and contract litigation, general business, construction, criminal defense, employment, landlord-tenant, real estate litigation, and torts; participation in community service events.**

**PIHL LAW, LLC – Founder, Manager, Senior Litigation Attorney  
McMinnville & Lake Oswego, OR 2011 – Present**

**Private practice in areas of general business, business & contract litigation, and criminal defense; with an emphasis on criminal defense. Member of the Yamhill (County, OR) Justice Consortium (court appointed attorney- CAA) 2011-present – criminal defense. Retained & Court Appointed Criminal Defense of felonies & misdemeanors in Oregon Circuit Courts including: Assaults, Drug Cases, DUII, Robbery, Sex cases, Theft. 95% of practice is in Yamhill County. Conflict CAA also.**

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

**Oregon State Bar, 1990; US Dist. Ct/OR, 1990; US Dist. Ct of Appeals/9<sup>th</sup> Circuit, 1992; Illinois State bar Assn, 2001 (Inactive).**

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

**N/A**

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

**Served on the Yamhill County Court Security Committee while President of the Yamhill County Bar Association (2012-14). Law Instructor, Sumner College, 2012-15 (Criminal, Constitutional, Family & Real Estate Law, Remedies). Former Precinct Committee Chairperson. 2 years working on Habitat for Humanity – April Projects. Recreational basketball coach for high school summer league, 2 years. Member Pacer Athletic Club 2008-12, President 2009-10 (Lakeridge High School). Clackamas Community College Foundation Board Member 1983-85. Assisted in spearheading Save the Canby Ferry Group fighting for keeping the ferry & testifying before the Clackamas County Commissioners, 1982-83. Danish Instructor at Portland State University 1979-81.**

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

**Private practice in general business & business litigation and criminal defense, with an emphasis on criminal defense 2011-present. Member of the Yamhill Justice Consortium (2011-present) doing court appointed attorney (CAA) work, and conflict CAA work.**

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

**Retained & Court Appointed Criminal Defense of felonies & misdemeanors in Oregon Circuit Courts including: Assaults, Drug Cases, DUII, Robbery, Sex cases, Theft. 95% of my practice is in Yamhill County. I have had approximately 12-15 criminal jury trials (Yamhill County) and about 15-20 court trials (Yamhill County).**

10) Describe any appellate court experience not included above.

**While at Willamette University College of Law I had the opportunity to clerk at the US Attorney's Office in Portland, OR, and research and write several 9<sup>th</sup> Circuit Court of Appeals appellate briefs (1988). Later, as a young attorney and after a decision against a firm client, I received the case and had the opportunity to prepare and argue the case before the Oregon Court of Appeals in 1990.**

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.

**I have been honored to serve as a Yamhill County Circuit Court Judge Pro Temp since 2011. In those 7 years, I have heard numerous small claims/counter-claims and traffic trials.**

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

**Yamhill County Bar Association, Member 2009-present, Executive Board Member 2009-present, VP 2010-12, President 2012-14; Clackamas Multnomah & Washington County Bar Associations; Illinois State Bar and Chicago Bar Associations (Inactive).**

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 am passionate about the law and enjoy solving legal issues. I would bring a patient, understanding, firm and compassionate temperament to the position. Those qualities blend with the courage to follow the law, even if it is unpopular. I believe that my experience in civil litigation, prosecution and criminal defense, provide me with the background and understanding of court, and trial procedures. And my years sitting as a Yamhill County Pro Temp Judge hearing small claims and traffic cases has enhanced my ability to solve issues in a balanced, fair and compassionate manner.**

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.

**The judge's role in our system of justice is to be the experienced, neutral arbiter of the law during pretrial and trial. Later at sentencing or disposition of a case, the judge weighs the evidence and listens to all parties in reaching a decision. The result is a decision that balances the safety of the community, the rights of the victims and the rights and circumstances of the defendant for a balanced, fair and just result.**

**A good judicial temperament is important – patience, understanding, integrity, open-mindedness, firmness, courtesy and the courage to follow the law.**

**Since the judiciary is only one of our three branches of government some of the challenges to the role are funding helpful programs for organically and chemically challenged people, getting the resources to help solve problems rather than attack symptoms.**

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.

**From the prosecution side – convicting a sexual predator who, as a young handyman, preyed on daughters of single mothers whom he charmed, and they hired him, ... . From the defense side – defending a young man charged with a Measure 11 consensual sex case in which the same age female had a moral hangover the following day about what to tell her boyfriend afterwards. From the civil side – the intellectual stimulation by doing the legal research on responsibility in wrongful death case that resulted from an industrial accident where there was no precedential law regarding presumptive responsibility (Chicago, Ill/Ohio). And, from the bench - listening to both sides of cases (that are sometimes complex factually & emotionally) and being able to help resolve legal issues in a balanced, fair and just manner.**

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

**Two issues come to mind: first, how organic & chemical mental health issues affect the criminal justice system. Second, that issue spills into addiction, homelessness and joblessness and their effect on the criminal justice system and the community's safety. While funding for programs is a political issue, Oregon Courts have taken innovative approaches such as women's'/men's' recovery courts and courts that address the mental health issues. These approaches have been successful overall and should be continued.**

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

**Abraham Lincoln – he was self-taught and had the determination to go after his goals even under difficult circumstances. He was able to simplify and explain complex ideas to a broad range of people. And he had the integrity and courage to follow the law and tactfully explain his course(s) of action with compassion and reason even though they may have been unpopular.**

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

**My all-around experience as a civil litigator, prosecutor, criminal defense attorney and as a judge pro temp have helped shape my judicial temperament to be balanced, fair and compassionate in reaching decisions.**

**I encourage you to Mark Pihl on your ballot!**