

Oregon State Bar Judicial Voters Guide 2018

1) Full name:

Brett A. Pruess

2) Web site (if applicable):

www.JudgePruess.org

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

Montana State University- Bozeman, B.S. Politics and Ethics, Jan. 2001-December 2003; University of Wisconsin Law School, Juris Doctor, September 2007-May 2010

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

Circuit Court Judge, 15th Judicial District, January 2018-Present: Presiding over and deciding civil, domestic relations, traffic, small claims, landlord-tenant, violations, abuse prevention act, probate, mental health and civil commitments, guardianship, and other cases as necessary. Ensuring the fair and diligent administration of justice. Upholding the laws and constitution of Oregon and the United States of America.

Managing Attorney, Oregon Law Center- Coos Bay, January 2014-December 2017: Representing and advising low income Oregonians in civil, domestic relations, landlord-tenant, abuse prevention, probate, health care, discrimination, employment, and other cases as necessary. Managing the Coos Bay office and staff of OLC. Collaborating with community partners. Writing and administering grants.

Staff Attorney, Oregon Law Center- Coos Bay, September 2010-December 2013: Representing and advising low income Oregonians in civil, domestic relations, landlord-tenant, abuse prevention, probate, health care, discrimination, employment, and other cases as necessary. Collaborating with community partners.

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

Oregon State Bar- admitted 2010
United States District Court- admitted 2011

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

N/A

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

Boys and Girls Club of Southwestern Oregon- Board of Directors
The Lighthouse School- former school board member
Coos Hispanic Leadership Committee- former participant
South Coast Veterans Assistance Network- former service provider
Surfrider- Coos Bay Chapter- founding member
4/H and Warm Waters Youth Surf Camp- instructor

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

Circuit courts in Oregon are courts of general jurisdiction. As a circuit court judge, nearly any type of civil or criminal case may be presented in my courtroom. Since taking the bench I have heard a wide variety of cases, including but not limited to: FED/evictions (residential and commercial), violations (including misdemeanors given violation treatment), traffic infractions, mental health court, civil commitment hearings, property disputes (adverse possession, boundary disputes, etc...), probate (trusts, wills, intestate succession, etc...), restraining orders and protective orders, family law (dissolutions/divorces, modification of spousal or child support, custody issues, etc...), and small claims.

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

Prior to becoming a judge, the majority of my litigation practice consisted of several high volume practice areas such as landlord-tenant, abuse prevention, and family law/domestic relations which kept me in the courtroom on a regular basis. Fittingly, most of my litigation experience was in the very courtroom in which I now preside as judge.

In addition to the experience described above, I argued many cases to administrative law judges. Those cases generally focused on public benefits such as: income maintenance, social security and disability, SNAP (food stamps), and medical insurance/treatment.

10) Describe any appellate court experience not included above.

N/A

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

Though I have participated extensively in mediation as an attorney, and I work closely with Common Ground Mediation as a judge, I have not had the opportunity to formally serve in the role of arbitrator or mediator.

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 a Circuit Court Judge serving the 15th Judicial District (Coos and Curry Counties) since January 2, 2018.

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

Coos County Bar Association
Civil Justice Improvement Task Force- appointed by Chief Justice Balmer 2017

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?

My entire professional career has been a quest to use my skills, abilities, and experience for the greater good of society. As idealistic as it may sound, I want to make the world a better, safer, more just place to live now and for future generations. That is the reason I served in AmeriCorps and Peace Corps; that is the reason I went to law school; that is the reason I chose to work for a non-profit legal aid law firm upon graduation; and that is the reason I became a judge. Public service has been the driving force behind my educational and career decisions. I can think of no higher honor than serving my community.

Quite frankly, I want to be an instrument of justice. Justice depends not only on the laws, but on the people interpreting and applying those laws. It is a rigorous and demanding profession, but also immensely rewarding.

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.

Being a judge isn't just my job, it's my calling. As a judge I have worked diligently to ensure the courts are accessible to all, justice is administered fairly, and the rule of law is faithfully applied. I believe it is a judge's responsibility to treat all who enter the courtroom with respect, listen closely to the facts presented, and apply the law to those facts in order to reach a just decision.

A successful judge must first and foremost be fair and unbiased. This requires attention to both explicit and implicit bias, and a focus on the law and the facts. Second, a judge must be a good listener. He or she must not only hear the testimony given, but must also judge the credibility of the witness. This requires a high degree of patience and attentiveness. A good judge must also be prepared, studious, and organized. Litigants expect and deserve a judge that has read the pleadings, studied the pertinent law, and comes to trial prepared to hear the case. Finally, a good judge should have a passion for justice and an insatiable curiosity. This ensures the judge remains engaged, thoughtful, and determined to be fair and just.

Being a judge is not without its challenges. The civil cases that actually make it to trial are often extremely close calls or cases of first impression. If they weren't, they would have settled long ago. Often times, especially in custody cases, there are either no good options or two good options. This can be immensely challenging. Likewise, knowing how important the case is to the litigants bears with it a high degree of responsibility. It may only be a day or two out of my busy schedule, but my decision will likely have long-term effects on the lives of the parties. Such impacts are not to be taken lightly. The hours can be long, the work demanding, and the decisions sometimes difficult. Despite these challenges (or perhaps because of them), it is a opportunity to serve the greater community that I cherish.

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 judge, I preside over Mental Health Court (MHC), a specialty court designed to support and adjudicate criminal defendants who are living with mental health disorders. These individuals would likely struggle with the requirements of probation without intervention and support, thereby keeping the individual entangled in the criminal justice system without addressing the underlying issues or making our communities safer. Together, the district attorney's office, public defenders, mental health professionals, individual support systems, and the court work together to tailor a program around each participant. Each program ensures the defendant is held accountable, makes proper restitution, and receives supportive services to fit the individual's needs. The wrap around services and team approach facilitate a high rate of compliance. It also better prepares the participant for success after graduating from the program by providing them with tools to manage their illness, and resources to obtain further assistance. MHC makes our communities safer and healthier. Of that I am particularly proud.

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

Access to justice is an ongoing concern here in Oregon and across the nation. Courts are seeing an increase in self-represented litigants. Often times, people lack the financial resources to hire an attorney, or the amount in controversy is relatively small compared to the cost of litigation. The technical requirements of a successful lawsuit are complicated and require a high degree of expertise. Unrepresented litigants are at a distinct disadvantage when attempting to navigate this system. Presiding over cases with an unrepresented party requires more patience and understanding. Some judges are better than others at recognizing this

disparity and maintaining procedural fairness regardless of a litigants ability (or lack thereof) to hire an attorney.

In a number of high volume dockets, one or both sides may be self-represented. Examples of such dockets in which pro se litigants often appear include landlord-tenant, domestic violence protective orders, family law, and debt collection actions. The stakes are high for the litigants, even if the dollar amount is low or non-existent. Courts must continue to explore options and improve our ability to reach decisions on the merits of the case, without unduly burdening or unfairly assisting unrepresented litigants.

Currently, I am on the Civil Justice Improvement Task Force (CJITF). The CJITF, appointed by Chief Justice Balmer, is tasked with providing recommendations for improving our court system to better handle civil cases across the state. Increasing access to justice and procedural fairness are among our highest priorities.

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

Atticus Finch of *To Kill a Mockingbird* (not of the posthumously published *Go Set a Watchman*). The fictional character, Atticus Finch, is a lawyer in Alabama during the Great Depression. In the novel, he agrees to represent Tom Robinson, an African-American defendant wrongfully accused of raping a white woman.

The reasons I admire Atticus are numerous. First, he is willing to stand up against the ingrained racial prejudice of his local community despite the risk to himself and his family. Second, he works diligently for his client and for justice despite the long odds of success. Third, he serves as a moral compass to some members of his small town, but especially for his children, Scout and Jem. Fourth, Atticus adheres to a moral philosophy that abhors taking advantage of the poor or uneducated. Finally, he is a father that loves, respects, and encourages his children, and his children grow to love him deeply in return.

Atticus did the right thing, even when it was not popular. He recognized the good and bad in individuals, admiring the former and forgiving the latter. He was consistent and unflinching throughout the novel. Though a bit cliché, it is true to say that Atticus Finch is one of the reasons I took my first steps down this particular career path.

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

It has been and continues to be an honor to serve the people of Oregon as a Circuit Court Judge for the 15th Judicial District. I appreciate your support. Thank you.