

# Oregon State Bar Judicial Voters Guide 2018

1) Full name:

**Leslie Roberts**

2) Web site (if applicable):

**None**

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

**Reed College, 1964-69, BA (Phi Beta Kappa)**

**Yale Law School, 1969-72, 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 Justice Arno Denecke, Oregon Supreme Court, 1972-74**

**Partner, law firm of Lyon and Roberts, 1974-75 (general practice)**

**Associate, then partner, law firm of Kell, Alterman & Runstein, 1975-85 (general practice)**

**Partner, law firm of Sullivan, Josselson, Roberts, Johnson & Kloos; later Josselson, Potter & Roberts, 1985-2006 (general practice)**

**Judge, Multnomah County Circuit Court, 2007-present**

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, 1972**

**United States District Court for the District of Oregon, 1974**

**United States Court of Appeals for the Ninth Circuit, 1977**

**United States Supreme Court, 1979**

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

**Author, "Arbitration," Civil Pleading and Practice Handbook, Oregon CLE, 1985, and Supplements, 1991 and 1995**

**Author, "Judgments" Real Estate Handbook, Oregon CLE, 1983 and 1984 Supplements**

**Author, "Judgments and Execution," Real Estate, Oregon CLE, 1993**

**Co-editor and Co-author: Arbitration and Mediation, Oregon CLE, 1987 and 1992, and Supplement, 1996.**

**Co-Editor, Oregon Health Law Manual, Oregon Health Law Section, 1990 and Supplement, 1992**

**Author of articles on various aspects of trial practice, evidence, and procedure as "Tips from the Bench," published in rotation with five or six other judges in the MBA Multnomah Lawyer, 2007-present**

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

**As an attorney in private practice, I served a term as Co-Chair of the Multnomah County Small-Firm Committee of the Campaign for Equal Justice; served as a National Board Member of the ACLU and as a volunteer lawyer for it; served as President of the National Environmental Defense Center and as a volunteer lawyer for it; and served as a Director of Multnomah County Rural Fire Protection District No. 10 (a position I resigned to become legal counsel for the district). I also have been a member of Families with Children from China for Oregon and SW Washington. I have been a CLE speaker on legal ethics (when serving on the Oregon Bar Ethics Committee) and litigation (after becoming a judge). I have been a guest speaker about the judicial system at Benson High School, a judge at regional mock trials, and a judge for moot court competition at Lewis and Clark Law School.**

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.

**Before taking the bench in 2007, my practice, primarily, was representing individuals and local businesses in civil litigation and appeals in business and real property disputes in state and federal court. I also represented health care providers in administrative matters, and special service districts as general counsel. I was a volunteer lawyer on civil liberties and environmental issues.**

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.

**I have been a Multnomah County Circuit Court judge since 2007, handling a general docket of civil and criminal matters. Before taking the bench, I had occasionally done volunteer pro tem work as a Multnomah County judge.**

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.

**Routinely, I preside over civil and criminal trials and related motions. As part of the court rotation, I sit in criminal arraignments and preliminary hearings five weeks of the year and in misdemeanor trials for three months of the year. I also supervise hundreds of bench probations and conduct attendant probation hearings in bench and formal probations. To assist other judges, I have occasionally covered matters outside my usual routine, such as family law assignments, civil commitments, community court, and traffic court. I am a member of the foreclosure panel of our court and, hence, am specially assigned trust deed and mortgage cases for scheduling, motions, and trial. I act as a settlement judge, upon request, perform weddings, and review and issue search and arrest warrants and emergency protection orders.**

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

**None**

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

**As a settlement judge, I have mediated many cases at the request of the parties. Before my election as a judge, I acted as an arbitrator in civil disputes in court-annexed arbitration, and in private arbitration, and served on the panel of volunteer mediators of the United States District Court for Oregon.**

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

**I am a member of the Multnomah Bar Association and the Oregon State Bar. I was a member, Oregon State Bar Disciplinary Board, 1996-2000; Member, Board of the Oregon State Bar Real Estate and Land Use Section, 1978-80; Chairman, Oregon State Bar Section on Alternative Dispute Resolution, 1990-91; Chairman, Oregon State Bar Health Law Section, 1991-92; and Chairman, Oregon State Bar Ethics Committee, 1996-97.**

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

**I presently serve as an appointed member of the Oregon Council on Court Procedures and have served on the Multnomah County Circuit Court Arbitration Commission and on the Multnomah County Circuit Court governance committee, the last of which was charged with drafting a structure of internal governance for the court (a plan subsequently adopted by vote of the court). I am a member of the Multnomah County Circuit Court Motions Panel and have served on a committee to revise the ex parte rules of the Supplementary Local Rules for the Multnomah County Circuit Court.**

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**

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**

17) What attracted you to a judicial career?

**As a trial lawyer, the part of the work that I enjoyed most was seeking to unravel difficult legal problems and issues. As an advocate, that work is bounded by the necessity to argue for an outcome favorable to your client. I sought a judicial role in which I was free to find and to rule according to my very best judgment of the legal and equitable outcome, without a prior commitment to any side of the controversy. As a trial court judge, my only "client" is the law. The role gives me the satisfaction of serving the interests of justice and equity directly, rather than merely arguing that another actor should do so. At the same time, trials still immerse me in the human stories that give the law its life and meaning.**

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.

**The criminal justice system demands firm, balanced judges who are responsive only to the law and to the public interest, and who can stand independent of the prosecutors and defense attorneys appearing before them. In civil cases, the parties deserve a neutral and fair judge, preferring neither side to the controversy but dedicated to providing for an efficient,**

**open, and respectful hearing for their dispute. The power of the position is a trust imposed on the judge to rule as demanded by the laws of the state, established by the Constitution of Oregon, and the United States, by legislation, and by judicial precedent, and not according to personal preference. A judge must seek to treat with courtesy and respect the parties who come into court. The case may require the court to impose serious consequences for criminal or wrongful behavior, but the judge's role requires a recognition and acknowledgment of the rights and dignity of all. In criminal sentencing, the court's first duty is to protect the community and crime victims. Because most people convicted of crime return to society on probation or after incarceration, protection of the community requires measures that are effective to support reform and rehabilitation. Merely punitive sentencing increases community danger and has no place in a modern justice system.**

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.

**The beauty and the challenge of service as a trial court judge on a general docket is the great variety of cases that come before the court, demanding prompt and accurate rulings in matters ranging widely across the spectrum of the substantive law, criminal and civil procedure, and the fine points of evidence. This makes it very difficult to select just one case as illustrative of work of which I am proud. A recent case involving child sex abuse (a portion of the trial was described at [http://www.oregonlive.com/portland/index.ssf/2018/01/somali-american\\_girls\\_battle\\_f.html](http://www.oregonlive.com/portland/index.ssf/2018/01/somali-american_girls_battle_f.html)), tried to the court, required that I parse testimony, including disclaimed testimony, to determine the facts and then explain my findings, as clearly and as fairly as possible, to a highly emotional courtroom full of relatives and friends of the participants.**

**A contrasting type of challenge was presented by a four-week court trial regarding the claim of the State of Oregon and members of a religious community that managing directors of a nonprofit, charitable organization had violated their fiduciary obligations in disposing of the major assets of the organization. (*Sardarni Guru Amrit Kaur Khalsa v. Kartar Singh Khalsa*, Mult. Co. Cir. Ct. No. 10-10-14518.) The adjudication of that case required meticulous tracing of business documents and transactions recorded in a dozen volumes of testimony and hundreds of exhibits, and preparation of detailed findings and conclusions to determine the allegations, and also to craft relief that did not involve the court in the administration of a religious group but that restored over a million dollars' worth of assets to the charitable and religious purposes to which they were dedicated.**

**As a member of the court's foreclosure panel, I have worked to hold financial agencies to their obligations in cases that typically involve unrepresented homeowners.**

**I believe that the strength that I bring to the bench includes the flexibility and energy to bring scholarship, experience, and judgment to bear effectively and accurately to a wide range of civil and criminal matters,**

**while being respectful of the emotions and human struggles involved. This ability is based on a long career in civil practice and over a decade of misdemeanor and felony trials, with a solid foundation of academic discipline and life experience.**

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.

**One issue that is of particular concern to me, as it is to other experienced litigators, is the steady and steep increase in the cost of litigation, with the result that civil jury trials are a vanishing phenomenon. Young lawyers do not have the opportunity to hone the skills that they need to try, and to confidently settle, those disputes. Cost puts legal representation in our justice system increasingly out of the financial reach of middle-class Americans when they need to enforce rights as consumers, as employees, as citizens, and as family members. I am constantly mindful in deciding issues in civil cases that the purpose of the court Rules of Civil Procedure is to provide for the efficient and fair determination of cases. I try to encourage that viewpoint in lawyers who appear in my court and to advance it in my position on the Oregon Council on Court Procedures, seeking to promote more effective and economical rules of procedure.**

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

**For two years, at the very threshold of my professional life, I was the judicial clerk for Oregon Supreme Court Justice Arno Denecke. His kindness, humility, and dedication, and his serious love of the law and of the work we do to serve justice, have served as a model for me of what the ideal judge should bring to the bench.**

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

**Because of the variety of work that the Multnomah County Circuit Court calls upon a judge to handle promptly with expertise and confidence, a judge on our bench must bring a wide and varied background and a talent for quick absorption of new material. My background demonstrates that capacity. An important part of what a person brings to the bench is that person's demonstrated dedication to serve the public interest. My record of public service includes volunteering my time and talent to defense of civil liberties and the environment; helping establish through an early landmark case the constitutional rights of people with mental illness; and volunteering my services to a victim of sexual harassment by a U. S. Senator, taking a stand against the abuse of public power. As a private lawyer, I have worked for the election of eminent lawyers to take or maintain positions on the bench, such as Judge Newman, Judge Schwab, and Justice Linde. Unlike other employment, a position on the bench is a**

**public trust and demands a well-established record of dedication to the community welfare.**

**I am proud that my re-election is endorsed by former Governor Ted Kulongoski; retired Oregon Chief Justice Paul DeMuniz; retired Oregon Supreme Court Justices Robert Durham and R. William Riggs; Oregon Attorney General Ellen Rosenblum; Former United States Attorney for the District of Oregon Kristine Olson; City Commissioner Nick Fish; retired Oregon Tax Court Judge Henry Breithaupt; Multnomah County Circuit Court Presiding Judge Stephen Bushong; Multnomah County Circuit Court Judges Chris Marshall, Judith Matarazzo, and Patricia McGuire; and retired Multnomah County Circuit Court Judges Janice Wilson and Henry Kantor.**