

Oregon State Bar Judicial Voters Guide 2018

1) Full name:

Jon Weiner

2) Web site (if applicable):

www.JonforJudge.com

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

Willamette University College of Law, J.D. Cum Laude (1999)

University of San Francisco (1996-1997), transferred to Willamette

University of California, B.A., Mathematics (1995)

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

Municipal Court Pro Tem Judge, City of Salem (2006–present)

Attorney, private practice (1999–present)

Executive Director, Marion County Association of Defenders (2014–present)

Law Clerk, Oregon Department of Justice (1999)

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

Oregon State Bar

U.S. District Court of Oregon

9th Circuit Court of Appeals

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

Co-Author of Oregon Criminal Defense Lawyers Association's Post-Judgment Manual (2011). This Manual provided guidance for attorneys representing imprisoned clients challenging their convictions on the basis that their attorneys provided constitutionally inadequate representation.

Editor of Law Memo (1999-2012), a nationally recognized employment law news service. This publication was distributed to paid subscribers (law firms and law schools – including Harvard, University of Virginia, and UCLA) throughout the United States. As Editor, I read, analyzed, and summarized the vast majority of all employment law appellate cases decided in the United States (at both the state and federal levels) since 1999.

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

Oregon Board of Psychology (2015–present)

Board Member and Co-Chair, Mid-Willamette Valley Community Action Agency (2015–present)

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

My practice of law has centered on protecting the rights of Oregonians in the workplace and those facing criminal charges. I have represented individuals fighting back against discrimination or unlawful wage practices and community members facing criminal prosecution. I have represented small businesses attempting to navigate the sometimes complex web of rules and regulations confronting all employers. I have also handled several hundred "post-conviction" appeal cases that examine whether citizens have received constitutionally adequate assistance of counsel.

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

My practice has almost exclusively centered on litigation. I have handled cases in the United States District Court for the District of Oregon as well as the majority of Oregon's 36 Circuit Courts. The federal court cases were employment law cases. The state court cases were criminal and various types of civil cases.

10) Describe any appellate court experience not included above.

I have handled employment law cases in the United States Court of Appeals for the Ninth Circuit and criminal cases in the Oregon Court of Appeals.

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

I have never served as an 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 served as a pro tem judge at Salem Municipal Court since 2006.

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

I belong to the Marion County Bar Association, Oregon Trial Lawyers Association, and Oregon Criminal Defense Lawyers 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.*

In 1981, at the age of 20, I was convicted in Santa Cruz California of misdemeanor possession of less than one ounce of marijuana. In 1989, I was charged in Orange County Superior Court (Westminster, California) with contempt of court for non-payment of parking fines. In 1993, while serving in the United States Army, I was subject to minor discipline (e.g. – extra duty) and non-judicial punishment for rule violations.

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.*

I have never been the subject of formal disciplinary proceedings as an attorney.

16) Why do you want to be a judge?

I have presided over thousands of criminal cases at Salem Municipal Court as a pro tem judge. Those experiences have demonstrated to me the positive impact an effective judge can have on the lives of victims, the future of defendants, and the safety of our community. These lessons have been reinforced by my experiences on the other side of the bench as a lawyer, seeing how judges do things all over our state.

Being a judge provides an opportunity to make a difference. It is good, hard, rewarding work. I have loved my years at Salem Municipal Court and look forward to the opportunity of serving as a Marion County Circuit Court Judge.

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.

It is important that everyone who comes to court feels the process was fair. A judge must create a courtroom environment where the parties feel heard and their lawyers are able to do their best work. Fairness and respect are essential elements in any well-functioning courtroom. Good and just outcomes can only happen when these conditions exist.

A good judge must be fair, humble and able to put aside personal biases and prejudices to apply the law to the facts of the case. A good judge must be firm yet compassionate. A good judge must always remain aware that a judge is a public servant charged with the public's trust. A good judge must be able to work under pressure, make hard decisions that impact lives, and live with the consequences of those decisions.

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.

I have worked on several "death row appeals." These are cases where defendants have been sentenced to death and are challenging those sentences based on the ineffective assistance of their trial attorneys. In most cases, the primary goal is to change a death sentence to a sentence of life in prison.

If our legal system sentences someone to death, we must ensure that the process was not flawed in some critically important way. There has to be some type of quality control mechanism ensuring that people aren't sentenced to death as a result of poor performance by their attorneys. Inadequate assistance of counsel is an issue that has gained national attention in the past few years. I am proud to have been a

part of the quality control mechanism that helps protect our citizens against being wrongfully put to death.

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

People with limited financial resources have a greater chance of obtaining a bad outcome in court. People with essentially no financial resources can have their lives devastated as a result of merely coming into contact with court.

When one side in a divorce case can afford an attorney and the other side can't, the person with the attorney will almost always obtain a better outcome. When one criminal defendant can afford to hire his own attorney, and another defendant has court appointed counsel, the defendant who was able to hire his own attorney will usually obtain a better outcome.

When a homeless person is held for a day or so before court, or sentenced to jail, that usually results in the loss of everything that person owns. If that person had a bike, a backpack, or a dog, then those will generally be gone when the person is released. Under similar circumstances, a person who is just barely making it financially will often lose his or her job and become homeless.

This institutional unfairness must change. As a judge, I hope to work within our judicial system to help make that change happen.

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

Thurgood Marshall, lead counsel for the plaintiff in *Brown v. Board of Education*, 347 U.S. 483 (1954). This decision overruled the "separate but equal" doctrine adopted in *Plessy v. Ferguson*, 163 U.S. 537 (1896) and declared race-based school segregation unconstitutional. Thurgood Marshall's effective lawyering helped change the course of U.S. history. He would later be appointed by President Lyndon B. Johnson as the first African American Justice of the United States Supreme Court.

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

I am grateful for this opportunity and would appreciate your support.