

## Judicial Election Questionnaire

1) Full name:

**Timothy Patrick Barnack**

2) Office Address and Phone Number:

**715 W 10<sup>th</sup> Street, Medford Oregon 97504**

**Phone # (541) 608-2934**

3) Web site (if applicable):

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

4) List high school, college and law school attended, including dates of attendance, degrees awarded and your reasons for leaving each school if no degree from that institution was awarded.

**1983 High School Diploma: Juneau Douglas High School - Juneau, Alaska**

**1988 Bachelors of Science: University of Oregon - Eugene, Oregon**

**1991 Doctor of Jurisprudence: Lewis & Clark Northwestern School of Law - Portland, Oregon**

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

**(1991 – 1996) I practiced law in the Portland Metropolitan area. During this time, I worked for a small law firm (Walker & Warren) prior to starting my own practice. While at Walker & Warren, I practiced criminal defense law. As a solo practitioner, I represented clients in personal injury, criminal defense, and family law matters.**

**(1996 – Present) I have been practicing law at the Jackson County District Attorney's Office. Currently as a Senior Deputy District Attorney, I am responsible for prosecuting major crimes and supervising four misdemeanor attorneys.**

6a) List state and federal bars, courts and administrative bodies to which you are presently admitted and the date of admission.

**(1991) Oregon State Bar**

6b) List any previous admissions, including dates, and the reason why you are no longer admitted.

**None**

7) Publications and/or articles you have authored.

**None**

8) List community, teaching or civic activities.

***Community/Volunteer activities:***

**Head Start Board Member; Goose Hollow Homeless Shelter; Southern Oregon Special Olympics; Muscular Dystrophy Association; 'Stand Down' Veterans Administration; Phoenix/Talent Little League Coach; 'SMART' Reading Program; Kids Unlimited Rotary Youth Basketball Program Coach.**

***Teaching Appointments:***

**(1999 – 2001) Adjunct Professor, Rogue Community College**

**(2004 – 2005) Adjunct Professor, Southern Oregon University**

**At both Rogue Community College and Southern Oregon University I worked in the criminology department. I taught criminal theory and alternative to incarceration courses. I was also responsible for teaching trial court evidence rules.**

9) What is the general character of your practice? Indicate the nature of your typical clients and mention any legal areas in which you concentrate.

**I am currently employed as a Senior Deputy District Attorney for the Jackson County District Attorney's Office. My caseload includes prosecuting offenders who commit murder, manslaughter, robbery, domestic violence, elder abuse, rape, arson, and property crimes. I am also responsible for the supervision of four misdemeanor attorneys.**

10) What percentage of your practice is litigation?

**80% to 90%**

11) Do you regularly appear in court?

**Yes. I regularly appear in court for arraignments, pre-trial motions, and trials.**

12) What percentage of your litigation practice in the last five years was in:

Federal Trial Courts: **none**

Federal Appellate Courts: **none**

State Trial Courts: **100.00%**

State Appellate Courts: **none**

Administrative Bodies: **none**

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

**For the past five years, I have litigated cases exclusively in Circuit Court. I have litigated several different types of cases. Those include, but are not limited to murder, manslaughter, major assaults, domestic violence, elder abuse, robbery, rape, burglary and other property crime.**

**Over the past five years I have been involved in prosecuting driving related manslaughter cases. I am a member of the "Serious Traffic Accident Reconstruction" (STAR) team. This is a team of police officers, ODOT employees and prosecutors that are responsible for recreating car crashes. I also have prosecuted numerous robberies, including bank robberies. I have prosecuted four murder cases with two resulting in jury trials. In my most recent murder case, I successfully prosecuted Richard Pruitt for a murder that occurred near the Central Point exit #33. I also was responsible for the successful prosecution of Jack Harrelson, the notorious grave looter. I successfully prosecuted Richard Fogleman, an individual that attempted to kill a police officer.**

**For a more thorough review of the cases I have prosecuted, please visit my website [www.timbarnack.com](http://www.timbarnack.com) and click the "media" button.**

14) Describe any appellate court experience not included above.

**None**

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

**None**

16) State the approximate number of cases you have tried to conclusion in courts of record during each of the past five years (or longer period, if you desire), indicating whether you were sole, associate or lead counsel.

**I have tried well over 100 jury trials as sole counsel. It is important to note that I am the only candidate to have conducted jury trials both as a prosecutor and a criminal defense attorney. As a civil law attorney, I have also had both bench and jury trials.**

17) State the approximate number of cases you have handled in state and federal appellate courts in the last five years, indicating whether you were lead or co-counsel. Include citations of reported cases.

**None**

18) List any experience you have as a pro tem or municipal judge, and the names of the courts you have served.

**None**

19) List all bar association memberships, offices held and committee assignments.

**(1996 – 1999) Oregon State Bar Young Lawyers Executive Committee**

20) 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**

21) 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**

22) Why do you want to be a judge?

**I believe criminal offenders need to be held accountable for the harm they inflict on others. I believe that victims come first and that a circuit court judge needs to make this a priority when considering the sentence of an offender.**

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

**A judge should perform their duties impartially and professionally. Their decisions should be well reasoned and timely. A judge should follow the law whether they agree with it or not. A judge should not advocate from the bench, their job is not to make new law but to enforce existing law.**

24) 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.

**One notable case I prosecuted was State v. Jack Harrelson. Jack Harrelson was tried and convicted for attempted aggravated murder and abuse of corpse. Jack Harrelson desecrated an Indian burial site in the State of Nevada and removed two Piute Indian children buried in ceremonial baskets. These children had been buried in Elko Mountain cave for over 200 years. He then brought these skeletal remains back to Southern Oregon where he dismembered the heads to steal the jewelry necklaces for later resale. Jack Harrelson's case was chronicled on Court TV. Additional information is available here: <http://www.timbarnack.com/CourtTV.html>.**

**This case involved many complicated and sensitive issues that required a solid year of preparation. Jack Harrelson was ultimately convicted and sentenced for attempted aggravated murder and is currently serving 10 years in the Oregon State Penitentiary.**

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

**Victims need to have more access to the criminal justice system. A judge needs to consider the victims interest first when sentencing a criminal offender. I would like to see increased penalties for criminal offenders who drive in a reckless manner. I would like to see tougher sentences for criminal offenders who commit elder abuse crimes. Too many of our elderly are being taken advantage of by unscrupulous investors and family members.**

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

**I admire our Circuit Court Judges for their volunteer work every year at the Veterans Administration Domiciliary. I admire all the attorneys who volunteer their time to our local schools "moot court" programs. I admire William Haberlach for his tireless work on behalf of our military veterans. I am proud to be a part of a legal community where so many attorneys volunteer their time and legal expertise.**

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

***Experienced and Balanced:* I am the only candidate to have served both as a County Prosecutor and as a state appointed Criminal Defense Attorney. I have represented clients in both civil law and criminal law. As a civil attorney my practice was primarily family law.**

***Accountability:* For over a decade, I have held criminal offenders accountable. As a Senior Deputy District Attorney, I have fought for the rights of children, domestic violence victims, senior citizens, those subject to property crimes and victims who have lost loved ones due to intoxicated drivers.**

**As your Circuit Court Judge, I will perform my duties impartially and professionally. I will fight for the rights of victims and will hold criminal offenders accountable.**

**For more information, please visit my web site at [www.timbarnack.com](http://www.timbarnack.com)**