

OSB Judicial Voters Guide Questionnaire

1) Full Name:

Joseph Martin Charter

2) Office Address and Phone Number:

1568 Windsor, OR 97520, (541) 488-9556

3) Web site:

www.JudgeJoeCharter.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:

**Waterford Township High School, 1972-1975, Cum Laude
Oakland Community College, Associate in Liberal Arts, 1977
University of Michigan, Bachelor of General Studies, 1980
University of California at Berkeley (Boalt Hall), Juris Doctor (Law), 1984**

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

**1/97 to Present: Partner, Joseph M. Charter, P.C., Ashland, Oregon
Family law, employment, business, real estate, elder law, mediation.**

**3/92 to 12/96: Partner, Werdell, Charter & Hanson, Medford, Oregon
Employment, personal injury, appellate, real estate, construction litigation, land use, and business law.**

**1/91 to 2/92: Associate, Grantland, Grensky & Blodgett, Medford, Oregon
Personal injury and real estate transaction practice.**

**1/90 to 12/90: Private Practice, Yreka, California
Real estate, landlord/tenant, personal injury, probate, business, and family law.**

**7/86 to 9/89: Associate, Hellen, Partnow & Condon, Anchorage, Alaska
North Slope oil royalty litigation, administrative, appellate, and personal injury law.**

**8/84 to 8/85: Law Clerk, Hon. Walter Carpeneti, Juneau, Alaska
Legal research, opinion writing, and special master duties.**

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

Admitted to Oregon (1991) and California (1984) Bar Associations; United States District Court, District of Oregon (1992), and Ninth Circuit Court of Appeals (1986).

6b) List any previous admissions, including the dates for the period of admission and the reason why you are no longer admitted:

Formerly admitted to Alaska Bar Association, 1985 to 1992. I allowed my membership to be suspended by not paying annual dues for inactive members because I was no longer actively practicing in Alaska and had moved permanently to Oregon. My membership could be reinstated by paying inactive dues from 1992.

7) List publications and/or articles that you have authored:

**Proving Damages in Employment Cases, Oregon State Bar Litigation Journal, March, 1997
Case Note, Solar Access Obstruction Nuisance Remedy: 11 ELQ 47 (1983)**

8) List community, teaching or civic activities:

**Jackson County Justice of the Peace, 2004-present
Jackson County Judge Pro Tempore, 1996-1997, 1999-2002
Jackson County Bar Association President, 2001-2002
Jackson County Bar Executive Committee, 1997-2002
Jackson County Courts, Alternative Dispute Resolution Committee, 1997-present
Small Claims Court Volunteer Mediator, 1997-2000
Divorce Mediation Training Coach, Southern Oregon University, 1999, 2002
Oregon State Bar House of Delegates, 1999-2002
Oregon State Bar Civil Rights Section Executive Committee, 2001-2002
Oregon State Bar Continuing Legal Education Committee, 2008-
Presenter, Oregon Department of Transportation Judicial Education Conference, March 2008**

**Medford School District 549C Budget Committee 1999
Medford Planning Commission, 1994-1995; Vice Chair, 1995
Medford Charter Review Committee, 1998
Ashland Forest Lands Commission, 2000-2002**

**Member, American Judge's Association
Member of Ashland and Medford Chambers of Commerce
Member, Ashland Rotary Club
Board Member, Mediation Works, 2004-2007
Boys To Men Northwest Rite of Passage Volunteer and Mentor, 2003
Board Member, Rural Outdoor Education, 1996-1998
Board Member, Samaritan Counseling Center, 1996-1999
Council Member, Ascension Lutheran Church, 1995-1998; President, 1997-1998**

SMART Reader, Jackson School, 1998-1999
Advisory Board Member, Child Care Connections, 1993-1997
Member, Rogue Valley Civic League, 1993-1996

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 have a general civil litigation practice which includes family law, employment, business, real estate, construction litigation, trade practices, elder law, personal injury, and mediation. Typical clients are working people and small businesses. A large portion of my practice is concentrated in family law (divorce mediation), probate, and employment law.

10) What percentage of your practice is litigation?:

Around 80% of my practice is litigation. Litigation means to bring a legal action or proceedings for the purpose of enforcing a right or seeking a remedy in court. It includes the settlement of disputes.

11) Do you regularly appear in court?:

Yes.

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

Federal Trial Courts	0%
Federal Appellate Courts	0%
State Trial Courts	90%
State Appellate Courts	5%
Administrative Bodies	5%

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

See my answers to questions 10-12 above. I regularly appear in court on family law and employment cases. In recent years I have tried civil jury trials for gender discrimination, disability discrimination, and unpaid wages, and court trials involving breach of contract and a public whistle-blower. I have presented dozens of cases in arbitration hearings, many of them involving construction disputes. I have represented both employers and employees in civil employment cases and administrative hearings before the Oregon Employment Department and Bureau of Labor and Industries, and the National Labor Relations Board and Merit System Protection Board. I have tried divorce, personal injury, wrongful death, property damage, and trade practices cases. I have tried cases both in state and federal court, both jury trials and court trials.

14) Describe any appellate court experience not included above:

I was responsible for all brief writing and appellate oral argument in two cases which established for the first time in Oregon the right of employees to future wage loss (front pay) damages: *Wooton v. Viking*, 136 Or. App. 56 (1995) and *Tadsen v. Praegitzer*, 326 Or. 465 (1996). I was responsible for the briefing and oral argument in an appeal involving a class action wage lawsuit, *Russell v. Sheahan*, 324 Or. 445 (1996). I was responsible for the briefing and oral argument in an appeal concerning the admissibility of the statements of a decedent in a case involving insurance proceeds. *Holmes v. Morgan*, 135 Or. App. 617 (1995). I currently have an employment case on appeal, *Bowers v. V.R., Inc.* I have also argued cases before the Alaska Supreme Court and the Ninth Circuit Court of Appeals.

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

I served as a Small Claims Court Volunteer Mediator from 1997 through 2000 through the nonprofit agency Mediation Works. I have conducted dozens of successful mediation sessions resulting in agreements, including landlord/tenant disputes, construction issues, and payment disputes. In the past several years, I have successfully mediated divorce settlements including issues of spousal support, property division, and child visitation or parenting plans. I have acted as a Divorce Mediation Training Coach on two occasions for courses at Southern Oregon University. I served as a Board Member for Mediation Works from 2004 to 2007.

I am a member of the Jackson and Josephine County Courts Arbitration Panels. I have conducted dozens of arbitrations over the past several years. As an arbitrator, I attempt to provide a clear and well reasoned explanation for my decisions within a few days of the hearing. The types of cases in which I have acted as an arbitrator run the gamut of civil cases, including divorces, personal injury, and business disputes.

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. Include citations of any reported cases:

I have tried approximately 60 cases in court in the past five to ten years, and approximately 120 during my legal career. In almost all of those cases, I was sole counsel. Recent reported cases include *Wooton v. Viking Distributing*, 136 Or. App. 56 (1995); *Haimovitz and Haimovitz*, 163 Or. App. 244 (1999); *Cantua, et al. v. Creager*, 161 Or. App. 81(2000); and *Holmes v. Morgan*, 135 Or. App. 617 (1995) (co-counsel).

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:

Additional appellate cases for which I have been responsible in recent years are *Tadsen v. Praegitzer Industries, Inc.*, 324 Or. 465 (1996); *Russell v. Sheahan*, 324 Or. 445 (1996); and *Milligan v. Nopanen, et al.*, Ninth Circuit No. 95-36007 (unpublished) (co-counsel).

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

Since December of 2004, I have served as the Justice of the Peace of Jackson County and have presided over hundreds of traffic trials and thousands of arraignments. My objective at the Justice Court has been to create a fair and impartial court that treats citizens with dignity and respect. Citizens are able to have their cases heard in an informal setting, often without assistance from lawyers.

I served as a paid Jackson County Judge Pro Tempore during 1996 and 1997. During that term, I presided over criminal jury trials and numerous family court hearings and Small Claims Court trials. During 1999-2002, I served as a volunteer Pro Tem Judge for Small Claims Court trials. I presided over approximately 25-50 trials in that capacity.

I was appointed as a Special Master for the Juneau, Alaska, Superior Court in 1983. In that role I presided over uncontested divorces, restraining orders, adoptions, and name changes.

19) List bar association memberships, office held and committee assignments:

**Member of Oregon, California, and Jackson County Bar Associations
Member, American Judge's Association
Member, Oregon Justice of the Peace Association
Jackson County Bar Association President, 2001-2002
Jackson County Bar Executive Committee, 1997-2002
Jackson County Courts, Alternative Dispute Resolution Committee, 1997-present
Oregon State Bar House of Delegates, 1999-2002
Oregon State Bar Civil Rights Section Executive Committee, 2001-2002
Oregon State Bar Continuing Legal Education Committee, 2008-**

20) Have you ever been convicted of or plead guilty to a violation of any federal, state, county or municipal law, regulation or ordinance? If so, please give details. Do not include traffic violation 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:

No.

22) Why do you want to be a judge?:

I have enjoyed my service as a Justice of the Peace and I am ready to serve as a Circuit Court Judge for Jackson County. I have the knowledge, experience, and ability to use my legal skills to the benefit of the broader community in resolving disputes as an impartial decision maker. I have a thorough knowledge of the rules of evidence and the conduct of trials. I have experience presiding over jury trials, court trials, and hearings as a judge, Justice of the Peace, and arbitrator. My appellate practice has honed my skills in researching, analyzing, and interpreting laws and regulations. I have the appropriate temperament to practice patience, courtesy, common sense, and decisiveness. I am passionate about justice and a hard worker.

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:

The corner stone of the judicial system is fairness - a balanced scale of justice. Lawyers as advocates have agendas, but a judge should not. A judge's only agenda is to apply the law consistently, predictably, and fairly. Judicial decisions should be based on the laws, Constitution, and evidence, not the judge's personal beliefs. Judges should make calls based on existing rules, and not change the rules to affect the outcome of the game. The ability to relate to the problems of others, use common sense, and be humble are all important aspects of judicial temperament. Broad based knowledge and the ability to quickly learn new areas of the law are important personal characteristics for good judges.

I believe that the courts must protect the fundamental rights of citizens from government intrusion. I believe that every citizen deserves to be treated with dignity and respect, whether they are represented by an attorney or not. Every litigant is entitled to have their story heard and to have a clear and well reasoned explanation for a ruling.

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:

There are a number of cases of which I am proud. I have tried a case in Coos County to recover damages for injuries inflicted on the victim of a drunk driver. *Junior v. Miller*, 94-CV0376. I have represented the family of a woman who was abused in a nursing home. *Estate of Margaret Slowey*, Jackson County Case No. 96-485-P3. I have represented women in successful trials involving sex discrimination, disability discrimination and unpaid wages. *Marathon Media v. King*, 01-10818-E-3; *Kuykendall v. Soda Mountain Broadcasting*, 98-928-L-2. I have represented victims of domestic violence on a pro-bono or no fee basis. I have represented non-profit organizations, such as St. Mark's Episcopal Church, Friends of the Animal Shelter (FOTAS), the Grange, and Advocates for the Severely Handicapped (ASH). In all of these matters, I have advocated for the legal rights

of vulnerable and under-represented individuals and organizations to advance equal justice before the law for all citizens.

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

I am interested in improving citizen education related to the laws. Since ignorance of the law is no excuse, citizens need to be informed of the law in order to comply. I am interested in continuing my long term community involvement by strengthening and maintaining community partnerships with treatment providers, mediation services and law enforcement. I am interested expanding statistical reporting of caseloads and disposition outcomes. As corrections in Oregon moves towards "evidence based" programs, the courts will need to be increasingly involved in the statistical analysis of various court programs offered. Similarly, data-based criminal justice tools can be used to give sentencing judges better information to focus sentencing decision on reducing recidivism, resulting in "smarter sentencing."

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

Sandra Day O'Connor, who was the first woman to serve as an Associate Justice of the Supreme Court of the United States. She served for over twenty-four years from 1981 to 2006. She was a strict constructionist. Her case-by-case approach to jurisprudence and her moderate political views made her the crucial swing vote of the Court for many years. During her time in Arizona state government, she served in all three branches: as an Assistant Attorney General, an Arizona State Senator, and as a Superior Court Judge and Court of Appeals Justice. In 1996, she made a surprise appearance as Queen Isabel in a Shakespeare Theatre production of Henry V.

"She seemed to look at each case with an open mind." – Willamette College of Law Professor Steve Green, *Oregon State Bar Bulletin*, February/March 2006. In retirement, Justice O'Connor has urged the creation of a system for "merit selection for judges." In 2006, she served as a member of the Iraq Study Group. She generally resisted judicial activism.

"A judge typically defers to precedent. [O]ur judicial system has safeguards to ensure consistency and preservation of the law. But it is threatened when judges ignore settled law and make decisions according to personal or public preferences." *How to Save Our Courts*, Parade Magazine, February 24, 2008. "[T]he judiciary has admirably performed these two vital tasks: checking the other two branches and protecting minority rights." *The Threat to Judicial Independence*, The Wall Street Journal, October 1, 2006.

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

I have more than 100 hours of judicial training, including the week long course presented by the Oregon Judicial Department to new Circuit Court Judges. I have recently had the privilege of instructing other judges concerning commercial driver's licensing laws and have taken a refresher course in Criminal

Evidence law. I have the knowledge, experience, and ability to resolve disputes as an impartial decision maker. I have supervised the administration of the Justice Court from the ground up, developing forms and procedures, hiring and supervising staff, overseeing budgeting, and implementing policies and programs. I have more than 23 years of legal experience in most of the areas handled by the Circuit Court.

I favor:

**Expanded Drug and Specialty Courts
Holding Offenders Accountable and Keeping our Community Safe
Strengthening and Maintaining Families
Mediation to reduce the destructive impact of divorce
Applying the Rule of Law
Defending the Rights of Individuals and Victims**