

Judicial Election Questionnaire

1) Full name:

David Brien Herr

2) Office Address and Phone Number:

PO Box 597

St. Helens, OR 97051

3) Web site (if applicable):

www.davidherrforjudge.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.

Oregon City High School; 1978-1981.

Oregon State University; 1981-1985.

Northwestern School of Law Lewis and Clark College; 1985-1988.

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

Columbia County District Attorney's Office; March, 1989- June, 1996, Deputy District Attorney. I was assigned to all aspects of criminal prosecutions from charging cases, reviewing search warrant affidavits, appearing in District and Circuit Court for all manner of arraignments, hearings, trials and sentencing's including appearances in juvenile court and involuntary commitment hearings. I was also assigned to the Multi-Disciplinary Team.

Stephen D. Petersen, P.C. then Petersen and Herr; July, 1996-November, 2002, Associate Attorney. A general civil practice that focused on domestic relations, small estates, wills, contract cases, criminal defense, prosecution and real estate. The firm had an indigent defense contract that I was assigned to all of the criminal defense cases. I was also assigned to retained criminal defense cases. The firm is the City Attorney for the City of Rainier and I was assigned all of the prosecutions. I appeared regularly for all manner of arraignments, hearings, trials, sentencing's and administrative hearings in Circuit, District, Justice, and Municipal Court and also for administrative hearings with the Department of Motor Vehicles and the Employment Department for child support cases.

David B. Herr, P.C.; December, 2002 to present, Solo Practitioner. I have a general civil practice focused on domestic relations, small estates, wills,

contract cases, criminal defense and real estate. I appear regularly in Circuit, Municipal and Justice Court and for administrative hearings with the Employment Department and the Construction Contractors Board.

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

Oregon State Bar; 1/24/1989.

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

None.

7) List publications and/or articles you have authored.

None.

8) List community, teaching or civic activities.

Board Member Columbia County Legal Aid; July, 1996 - November, 2000.

Member City of Scappoose Peer Court; 1996.

Volunteer Attorney, Scappoose Booster Club, 2002 – 2003.

Member Review Board for Death Investigation of Christopher Brown, 1999.

Member Columbia County Arbitration Commission, July, 2004 to present.

Member Deadly Physical Force Planning Authority pursuant to SB 111.

Member St. Helens Kiwanis.

Regular presenter at St. Helens Middle School Career Day.

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 small town practice focusing on Domestic Relations and Criminal Law, including related Contempt, Restraining Order and Stalking Order cases. I also handle Probate, Will, Contract and Real Estate matters. My typical client works and resides in Columbia County or the surrounding area.

10) What percentage of your practice is litigation?

90%.

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: **0.**

Administrative Bodies: **10.**

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

I have tried numerous Domestic Relations cases over the last five years. These cases have had the entire range of issues that are involved in Domestic Relations cases from contested custody cases, spousal support cases and issues regarding separate property and inheritances. I have also been involved in many contempt actions both as the Petitioner's attorney and the Respondent's attorney. Most, if not all, of these cases have been in Columbia County Circuit Court although I have tried several cases in Clackamas County Circuit Court. I have also been involved in a number of Criminal Defense cases in Columbia County. I have co-counseled on two criminal defense cases. An Aggravated Murder case and a high profile rape case. Each of these cases were in Columbia County. Additionally, I have tried numerous administrative cases on child support issues.

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 over 25 Domestic Relations cases to conclusion over the past five years. That does not include contempt or modification cases. In all of these cases I have been the sole counsel. Over my career I tried many criminal cases to conclusion both as a prosecutor and as a defense attorney. As a defense attorney I was co-counsel on two cases, an Aggravated Murder case and a high profile rape case that our client entered a plea on, but we had a full

day sentencing hearing. I was co-counsel in one prosecution case where we had over 150 defendants on trial at once.

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.

Member Oregon State Bar.

Member Columbia County Bar Association.

Member Family Law Section, Oregon State Bar.

Former Member, Oregon Criminal Defense Lawyers Association.

Former Member Oregon Trial Lawyers Association.

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 want to serve my community. I started my legal career in public service at the Columbia County District Attorney's Office and over the last 19 years I have been exposed to a wide range of legal issues that I believe would be beneficial to the people of our community. I have the skill necessary to move cases through the system and the temperament to allow litigants to be heard and treated fairly, whether the case be a Criminal or Civil case. I want to be able to serve the citizens of Columbia County in a capacity that maximizes my skills to their benefit. Becoming a Judge with the background I have developed over the past 19 years satisfies my goal of public service.

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.

Understanding that justice delayed is denied, I am committed to working hard for the litigants that appear before me to reach a fair and timely decision. I believe that a Judge needs to have a temperament that allows litigants to be heard but also to impress upon them that they can only go so far before a decision must be made. Making a timely decision requires organization, patience and a commitment to hard work. I will bring these qualities to the bench. Familiarity with the Oregon Evidence Code is essential to fair and efficient judicial decisions and the best way to learn the code is to try cases. A Judge needs to be accessible to the people and needs to make the litigants feel they are being heard.

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.

Since my practice is primarily focused on Domestic Relations cases I have been involved in a number of contested custody cases. Understanding that the litigants are highly emotional and charged to "win" their case, I believe it is imperative to bring those levels of emotions down for the benefit of the children. Even though several of my cases could have deteriorated into complete chaos, I was able, with the assistance of opposing counsel, to bring down the emotions and have the parents focus on their children and to see the benefit to being able to effectively co-parent their children. This requires a certain temperament that allows both your client and the opposing party to feel they have been heard, but also to keep in focus what is in the best interests of their children. It also requires a certain philosophy with the clients that by narrowing the issues for the trial Judge, their agreement on those issues will last longer and be more effective.

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

Litigants come to court for resolution of their issues. I believe it is only fair to the litigants that a decision is made in a timely manner. Dockets are often slow, which frustrates lawyers and litigants. I would commit to work hard to speeding up the docket in Columbia County while making well heard and thought out decisions.

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

Dale Anderson, Chief Deputy District Attorney for Columbia County is an attorney for whom I have the utmost respect and admiration. When I came out of law school, he was my mentor and is mainly responsible for my development as an attorney. His philosophy about moving cases through the system, treating litigants fairly, preparation for court, respect of the judiciary and the publics' interests are all qualities that have resonated in my practice. Observing the manner in which he conducts himself by keeping himself informed of the current case law, analysis of legal issues, preparedness for hearings has left an indelible mark on the way I try to conduct my practice.

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

I will bring to the position a serious work ethic and respect for those I will serve. I appreciate the importance each Judge has in the lives of Columbia County residents and my experience in several areas of the law which are frequently addressed in court has prepared me to make knowledgeable and fair decisions.