

Judicial Election Questionnaire

1) Full name:

Mustafa T. Kasubhai

2) Office Address and Phone Number:

125 E. 8th Avenue, Eugene, Oregon 97401

(541) 682-4256

3) Web site (if applicable):

n/a

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.

El Camino Real High School (Woodland Hills, CA) 1984-1988 Diploma

Univ. California, Berkeley (Berkeley, CA) 1988-1992 B.S.

Haas School of Business Administration

Univ. of Oregon School of Law (Eugene, OR) 1993-1996 J.D.

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

**2006 – Present Lane County State Circuit Court
125 E. 8th Avenue, Eugene, OR 97401
Position : State Circuit Court Judge**

**2003 – 2006 Oregon Workers' Compensation Board
2601 25th Street SE, #150, Salem, Oregon 97302
Position : Board Member**

1999 – 2003 Law Offices of Mustafa T. Kasubhai, PC
132 East Broadway, #735, Eugene, Oregon 97401
409 Pine Street, #306, Klamath Falls, Oregon 97603
Position : Sole Practitioner

1998 – 1999 Law Offices of Kasubhai & Sanchez
132 East Broadway, #230, Eugene, Oregon 97401
Position : Partner

1997 – 1998 Rasmussen, Tyler & Mundorff
1600 Executive Parkway, Suite 110, Eugene,
Oregon 97401
Position : Associate

1996 – 1997 University of Oregon School of Law Library
1221 University of Oregon, Eugene, Oregon 97403
Position : Reference Desk Librarian

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

Oregon State Bar 970710

Federal District Court (Oregon)

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

N/a

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

Mustafa T. Kasubhai & Wm. Keith Dozier, Jr., *Chapter 21: Torts and Products Liability*, in OREGON STATE BAR 2007 OREGON LEGISLATION HIGHLIGHTS (2007 ed.).

Mustafa T. Kasubhai, *Compensatory Damages (Supplement)*, in OREGON STATE BAR, DAMAGES (2002).

Karsten H. Rasmussen & Mustafa T. Kasubhai, *Compensatory Damages*, in OREGON STATE BAR, DAMAGES (1998).

Mustafa T. Kasubhai, *Destabilizing Power in Rape: Why Consent Theory in Rape Law is Turned on its Head*, 11 WIS. WOMEN'S L.J. 37 (1996).

8) List community, teaching or civic activities.

Along with the continuing legal education seminars below, I regularly volunteer at the University of Oregon School of Law as a moot court judge and mentor for law students.

Mustafa T. Kasubhai & Greig Lowell, *The Unpersuasive Medical Opinion (Updated)*, Lorman Education Services (October 31, 2006).

Mustafa T. Kasubhai, *Deference to the Demeanor-Based Credibility Finding*, Workers' Compensation Board CLE (October 27, 2006).

Mustafa T. Kasubhai & Greig Lowell, *The Unpersuasive Medical Opinion*, Workers' Compensation Section Annual Conference (May 19, 2006).

Abigail Herman, Mustafa T. Kasubhai & Greig Lowell, *Role of the Workers' Compensation Board*, Lorman Education Services (January 31, 2006).

Mustafa T. Kasubhai, Vera Langer & Robert Davis, *Appellate Case Law Update*, Workers' Compensation Board CLE (October 14, 2005).

Mustafa T. Kasubhai & Greig Lowell, *Combined Conditions and Other Workers' Compensation Trends*, Oregon Law Institute (September 23, 2005).

Mustafa T. Kasubhai, Jill Reichers & Robert Brazeau, *The Burden of Proof Shift under ORS 656.266*, Workers' Compensation Board CLE (March 25, 2005).

Other Community Activities

- **Member, Oregon Law Commission (2007-present)**
- **Member, Oregon State Bar Board of Bar Examiners (2007-present)**
- **Secretary, Committee on Practices and Procedures, Oregon State Bar (2006-present)**
- **President, University of Oregon School of Law Alumni Association (2006-present)**
- **Executive Committee Member, Workers' Compensation Section, Oregon State Bar (2007-present)**
- **Member, Oregon Minority Lawyers Association**
- **Fellow, Oregon State Bar Leadership College (2006)**

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.

For the majority of my private legal career, I was a sole practitioner with offices in Eugene and Klamath Falls. I regularly represented clients for claims in the following areas: workers' compensation, civil personal injury, employment law, Employer Liability Law, and third-party causes of action arising out of work-related injuries. I also represented a local labor union in Klamath Falls. While I primarily represented injured workers, I also represented alleged non-complying employers in workers' compensation cases.

10) What percentage of your practice is litigation?

While in private practice, my practice was devoted to the civil litigation, including workers' compensation cases.

11) Do you regularly appear in court?

I am currently serving as a State Circuit Court Judge. Yes.

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

In the last five years I have been working in the public sector as either a State Circuit Court Judge or Workers' Compensation Board Member.

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

N/a (Since 2003 I have in the public sector as either a State Circuit Court Judge or a Workers' Compensation Board Member)

14) Describe any appellate court experience not included above.

In private practice I regularly appeared before the Oregon Court of Appeals

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

In my capacity as a State Circuit Court Judge I mediate cases.

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.

N/a

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.

N/a

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

I served as a Workers' Compensation Board Member.

- **The Governor nominates and the Senate confirms five members of the Oregon Workers' Compensation Board for renewable four-year terms. Board Members are full-time appellate decision-makers. Board Members serve in panels or *en banc* when deliberating.**
- **The Board reviews *de novo* Administrative Law Judges' Opinions and Orders, and publishes written opinions and Orders on Review. Our Orders on Review are appealed to the Oregon Court of Appeals. I review approximately 300-400 workers' compensation cases annually. The Board also reviews *de novo* appeals from the Crime Victims' Assistance Fund.**
- **The Board promulgates Chapter 438 of the Oregon Administrative Rules regarding practice and procedure before the Workers' Compensation Board.**
- **As a Board Member I maintain active involvement with the Oregon community through regular outreach to a diverse group of stakeholders including the plaintiff and defense bars, labor, management and insurers. I also regularly present at continuing legal education seminars.**

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

Please see answer to question #8

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 have had the privilege of pursuing a vibrant private legal professional career. However, when I committed to studying law, I always wanted to ultimately devote my professional training to public service. I can think of no greater service and responsibility than to serve the public through the judiciary. This third branch of government ensures the integrity of the rule of law. Frankly, that protective role, when performed honorably and vigorously, also preserves the public trust in our unique democracy. Without that public trust, this democracy could not be sustained. Simply, I wish to play my part in upholding these foundational principles.

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] must try to realize the paradox that it is not necessary to be heavy in order to have weight."

-Justice Oliver Wendell Holmes

The above quote embodies my overarching philosophy of my role as a judge. While no doubt, experience and knowledge of the substantive law is necessary, personal humility and compassion for all parties that appear before me are primary. The challenge everyday is to try to perform my duty on the bench in such a way that upholds the dignity of every party, and reinforces the integrity of the court and 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.

Since I have begun my service on the bench, there are several matters about which I feel I have conducted myself in the way I described in my answer to question #23. However, I should not discuss any details regarding cases that may not yet be final.

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

Over the last several decades, the positive public perception of our justice system has diminished. Whatever the reasons, it is incumbent that judicial leadership reach out to the public the listen and learn, as well as engage in dialogue with the public about the necessity of a healthy relationship between the judiciary and our local communities. I do know that our Chief Justice of the Oregon Supreme Court is committed to that kind of outreach.

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

I admire all of those legal public servants who passionately believe in the rule of law, who serve dutifully every day on every case (whether those cases are "big" or "small") and treat the parties respectfully, and do so in relative obscurity.

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