

Judicial Election Questionnaire

1) Full name:

Douglas Malcolm McGeary

2) Office Address and Phone Number:

**2 N. Oakdale Ave.
Medford, OR 97501
541-779-4647**

3) Web site (if applicable):

www.doug4judge.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.

Phoenix High School	Graduated 1974
The Evergreen State College	1975 - 1977
Portland State University	BS in Economics 1980
Northwestern School of Law	
Lewis and Clark College	Graduated Doctor of Jurisprudence 1987

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

Douglas M. McGeary, Attorney at Law - 2008
County Counsel, and Senior and Assistant County Counsel - 1998 – 2007, civil attorney for Jackson County
Senior and Deputy District Attorney - 1988 - 1998 - Criminal prosecution

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

US District Court – 2002
Oregon State District Court, Circuit Court, Court of Appeals and Supreme Court – 1988
Oregon State Bar – 1988

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

Not Applicable

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

Not Applicable

8) List community, teaching or civic activities.

I am a current board member and past budget chairman of the Jacksonville Highway Water District, and have served on the boards of Mount Ashland Ski Association and the Rogue Flyfishers. My other civic activities include: Volunteer coach for both boys soccer team and as umpire for girls softball league; Give a Kid a Lift Program, Mt. Ashland; After School Ski Program, West Medford 549C school system. I have participated as a judge for the high school mock court trials.

I have taught civil rights law in the Rogue Community College criminology program and law enforcement report writing and warrantless search law for the Oregon Board of Public Safety Standards and Training (then, the Board of Police Standards and Training).

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 began practicing law twenty years ago. For the first ten years I served in the District Attorney's office prosecuting all levels of property, drug and person crimes, including homicide. For the next ten years I was the county's civil attorney in the County Counsel's office, as well as serving as outside counsel. In my private practice I concentrate on municipal law, business contracts, land use and zoning, and wills & trusts.

10) What percentage of your practice is litigation?

While practicing at the district attorney's office, 100%. While practicing at the county counsel's office, 15%.

11) Do you regularly appear in court?

Not in the last five years.

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

Federal Trial Courts: 1%

Federal Appellate Courts: 0%

State Trial Courts: 80%

State Appellate Courts: 1%

Administrative Bodies: 18%

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

I defended the county in state court from tort claims and Measure 37 claims, writs of review, habeas corpus actions and public records requests. I also initiated property acquisition condemnation and code enforcement abatement

actions. I prosecuted code enforcement before the county's administrative tribunal. I further reviewed claims against the county to determine appropriate assignment to outside legal counsel and to afterwards monitor these complex federal and state civil litigation matters involving the county. For actual litigation in federal court, see 24) below.

14) Describe any appellate court experience not included above.

I defended the county's land use decisions before the Land Use Board of Appeals (LUBA) and appeal to the Oregon Court of Appeals.

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

Not applicable.

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.

Over the past 20 years I have tried approximately 40 criminal jury cases and numerous bench trials to conclusion. Of those I was usually the sole or lead counsel. In civil matters, I have litigated writs of review to conclusion, several habeas corpus proceedings, numerous code violations and at least two code enforcement abatement actions.

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.

One case.

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

Not applicable.

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

**Oregon State Bar
Jackson County Bar 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 wish to serve as Circuit Court judge in Southern Oregon because I want to put my experience, knowledge and skills to work to serve my community in the best way possible. I have the good fortune of living in the Rogue Valley where I was born and raised, and where I work and am now raising my own family. My years of legal experience and service to my community give me support and perspective to do the important work of the court.

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.

Ultimately, the role of the judge is to apply the law fairly and impartially according to the applicable facts of any legal matter. When interpretation and analysis of settled law allows for discretion to make a decision, the court should rely upon common sense, just as a reasonable and competent person within the community would. The challenge is to assure such interpretation and analysis avoids bias or prejudice and is not unduly swayed by popular attitudes or the judge's personal preference. I imagine making decisions decisively and independently on such matters is probably the greatest challenge for any judge.

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.

Almost from the day it was built over 30 years ago, the Jackson County Jail was subject to a federal consent decree that capped the jail inmate population to less than 60% of the facility's operating capacity and despite what the staff was safely capable of managing. According to its terms, modification of the decree could only be initiated by the plaintiffs. Nevertheless, as attorney for the county, I was able to revive the decree with the consent of the ACLU. During negotiations, the parties discovered that the county operation of its jail, although inadvertent, was technically in violation of parts of the decree. Working cooperatively, seeking fairness and gaining trust through professional and dignified negotiations, I was still able to reach a mutual settlement of the matter that allowed for legal and more responsible management of the jail population, a savings of taxpayers' money, and a solution that promoted the safety of the community both inside and outside the jail. The final result was codified by ordinance to replace the decree, a status that ensured compliance and further reduced unnecessary liability to the county and the sheriff into the future.

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

Our justice system in Southern Oregon is relatively advanced when compared to the rest of the state or the nation. Jackson County Courts handle a large number of matters efficiently and accommodate several types of innovative court reform programs. Some of these programs are aimed at resolving criminal behavior affecting children and families in a holistic manner while

others have effectively promoted alternative dispute resolution in civil matters. Our judicial system in Jackson County also benefits particularly from a cooperative legal community. There is, however, always room for improvement where efficiencies and resources allow. I would work to continue improving practices and methods that provide competent, speedy and final resolution of matters in our legal system.

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

Atticus Finch of To Kill a Mockingbird, by Harper Lee was a youthful influence. I admired, and still do, the fictional character in this story about a defense attorney defending a black man against the charge of rape of a white woman. Mr. Finch had to face the popular will of his community in the Deep South during the 1930s. He had to do what was right according to the law without regard for race despite the overriding prejudice of his community. Atticus Finch is a model of integrity and adherence to judicial rule by which any judge should abide when faced with making the most difficult of unpopular decisions.

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

Seeking the office of Circuit Court Judge is a privilege. I intend to be a judge that people can trust; one who will be prepared, who will listen and follow the law. I have demonstrated dedication to my work and my community, and I look forward to proving to those who elect me that I am prepared for the hard work and discipline it will take to be a good and fair judge even when the hard and unpopular decisions have to be made.