

Judicial Election Questionnaire

1) Your full name:

Timothy John Sercombe

2) Office Address and Phone Number:

Court of Appeals

1163 State Street

Salem, OR 97301-2563

503-986-5659

3) Web site (if applicable):

www.ojd.state.or.us

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.

East Catholic High School, Manchester, CT, 1967

Northwestern University, B.A., 1971

University of Oregon, School of Law, J.D., 1973

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

Oregon Supreme Court, Law Clerk, 1976-77

**Harrang Long Gary & Rudnick, 1977 - 1991, Associate and Shareholder
(Municipal, Land Use, Administrative, Constitutional and Appellate Law)**

**Preston Gates & Ellis LLP (now K&L Gates), Of Counsel and Partner, 1991 -
2007 (Municipal, Land Use, Administrative, Constitutional, Energy and
Appellate Law)**

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

Oregon State Bar, 1976

United States District Court (Oregon), 1980

United States Circuit Court (9th Circuit), 1991)

United States Supreme Court, 2006

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.

"First Amendment Pitfalls in the Regulation of Signs" (International Municipal Lawyers Association Conference, 2006)

"Recent Developments in Article I, Section 8 Jurisprudence" (Oregon District Attorneys Association, 2006)

"Sign Codes: The Lake Oswego Case and New Developments in Litigation" (Oregon City Attorneys Association, 2006)

"The Beaverton/Nike Dispute: Public Records Law in the Modern World" (Oregon Government Law Section, 2006)

"Condemnation for Private Development" (Oregon City Attorneys Association, 2005)

"Takings and Condemnation" (Oregon Government Law, 2004)

"Binding Future Councils" (Oregon City Attorneys Association, 1998)

"Voter Approved Annexations" (Oregon State Bar, 1998)

"Constitutional Potpourri" in *Oregon Constitution: A Survey of Significant State Provisions* (Oregon Law Institute, 1995)

"Fiscal Considerations" (with Richard D. Roberts and Harvey W Rogers) in *Oregon Local Government Law* (OLI, 1993 Revision)

"Oregon Constitution, Article XI, Section 9 (Lending Credit)" (OLI, 1987)

"Bias, Prejudgment and Conflict of Interest" in *State Administrative Law* (OSB, 1985)

"Municipal Immunity and Liability Under the Sherman Act: An Overview and Suggested Risk Management System" (League of Oregon Cities, 1982)

8) List community, teaching (Continuing Legal Education or otherwise) or civic activities.

Laurel Hill Center, Board of Directors (1986 - 1991) and Board President (1989 - 1991)

1000 Friends of Oregon, Board of Directors (1985 - 1997) and Board President (1994 - 1996)

Oregon Law Institute, Board of Directors (2008 to present)

Elder, First Presbyterian Church of Portland (2007 to present)

Lecturer in numerous seminars on municipal, administrative, constitutional and land use law

9) Prior to your becoming a judge, what was the general character of your legal practice? Indicate the nature of your typical clients and mention any legal areas in which you concentrated.

I practiced in the areas of: municipal and land use law where my principal clients were local government entities; administrative law representing energy utilities including NW Natural and Emerald PUD; constitutional law representing public and private clients on free speech issues and local government authority questions; and appellate practice, representing both public and private clients.

10) List your judicial experience, including as a pro tem, and/or service on an administrative tribunal, or justice, municipal, tax, circuit, or appellate court.

I have been a judge on the Oregon Court of Appeals since my appointment in March 2007. Prior to that time, I had no judicial experience. I did act as an advisor to several local government adjudicative bodies (city councils, planning commissions, boards of county commissioners).

11) Describe the general character of your judicial work over the past five years. Indicate the nature of the cases over which you preside, any specialty courts or court programs, and any legal areas in which you concentrate.

My work on the Oregon Court of Appeals is not specialized. I have participated in and voted upon cases of all stripes. The majority of the Court's caseload is criminal appeals and post-conviction relief cases. The Court decides all cases on appeal from circuit courts and administrative agencies, including appeals in the areas of juvenile law, mental health commitments, civil disputes, administrative law, including land use, domestic relations, and prisoner discipline.

12) Describe any judicial experience in appellate courts not included above.

I had extensive experience before my appointment in representing clients before the Oregon Court of Appeals and Oregon Supreme Court. I also represented clients before the Ninth Circuit and the U.S. Supreme Court.

13) State the approximate number of trials or contested hearings over which you have presided as the judicial officer during each of the past five years. Indicate roughly how many were jury trials and how many were trials to the court.

None

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

None

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

Oregon State Bar, 1976 to present

OSB Judicial Administration Committee, 1986-1987

16) Describe any bar association or judicial department committees, task forces, or special projects in which you have been involved.

Oregon Bench and Bar Commission on Professionalism, 2007 to present

Oregon Judicial Department Technology Committee, 2007 - 2008

Oregon Appellate Judges Association (2007 to present)

17) 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 parking offenses or traffic violations for which a fine of less than \$500 was imposed.

No

18) Have you ever been the subject of a formal disciplinary proceeding as an attorney or judge? If so, please give the particulars and the result. *Include formal proceedings only.*

No

19) What attracted you to a judicial career?

I was interested in a different opportunity to be of public service. I was attracted to the intellectual challenge of being a good appellate judge. I knew many of my colleagues on the Court, and appreciated their personal and professional qualities, and thought that it would be a challenging and collegial place to work. (It is!)

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

I am committed to judge cases on the merits with no personal agendas to enforce, to dedicate myself to the rule of law. I believe that it is the role of courts to protect minorities, to safeguard the interests of individuals from the excesses of political and corporate institutions and to provoke our profession with calls to justice. Given the huge workload of the Oregon Court of Appeals, it is a challenge to give each case the consideration it deserves and to keep an open mind, especially on cases that seem easy. My own goals are to maintain a curious and suspicious mind, write clearly, and in ways that clarify and refine the law, be generous and professional with my colleagues, and be respectful to every judge, lawyer, and litigant.

21) 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.

As an attorney, I am proud of my work in the district court and 9th Circuit on *GK Ltd. Travel v. City of Lake Oswego*, 436 F3d 1064 (9th Cir. 2006). I successfully defended the City of Lake Oswego's sign code against a great number of constitutional challenges. The appellate decision clarified First Amendment law in a number of respects and the case is a national precedent in First Amendment law.

22) Briefly describe an issue, related to Oregon's justice system, that is of particular interest or concern to you, or that you have interest in working toward improving.

I have worked in the past two years on Oregon eCourt, a program to allow access to court forms and information over the internet, and to permit filing court documents and payments electronically. Once implemented, Oregon eCourt will greatly improve the access of ordinary citizens to the justice system and our ability to make the justice system more accountable to our needs.

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

I admire Kenneth J. O'Connell, who served as a justice on the Oregon Supreme Court from 1957 to 1976. I clerked for Justice O'Connell after completing law school. I admired him for his intellectual curiosity and open-mindedness, his hard work and efficiency as an appellate judge, and the elegance of his writing.

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