

Judicial Election Questionnaire

1) Your full name:

Diana I. Stuart

2) Office Address and Phone Number:

**1021 SW Fourth Avenue, Room 330
Portland, OR 97204-1123
503.988.3201**

3) Web site (if applicable):

None

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.

Penn Yan Academy	1965-1969	High School Diploma
St. Lawrence University	1969-1971	[Worked for a year as a waitress and sales clerk]
Drew University	1972-1974	B.A. Political Science
Willamette University School of Law	1974-1977	Law Degree [J.D.]

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

From 1977 to 1980, I worked as a staff attorney handling civil rights litigation as well as varied civil litigation and family law matters in a legal services law office funded by the Oregon Corrections Division with some federal funds.

From 1980 to 1983, I was employed by the Washington County office of the Metropolitan Public Defender as an attorney handling criminal and juvenile matters and some mental health civil commitments.

From 1983 until 1988 I was employed in the Multnomah County office of the metropolitan Public Defender first as an attorney handling criminal litigation, later as the Senior Felony Attorney supervising all of the more experienced attorneys in the office, and finally as the Office Trainer responsible for training all of the MPD attorneys in Multnomah, Washington and Clackamas County, as well as being responsible for supervising the training of the office investigators and trial assistants.

From 1988 until 1990, I was employed by the Federal Public Defender as a staff attorney handling criminal litigation in federal court cases.

From 1990 until 2007, I was first an Associate and then a Partner in the law firm which became known as Goldberg, Mechanic, Stuart & Gibson LLP. Our firm represented many Oregon unions who represented grocery workers, operating engineers, classified teaching staff, nurses, bus drivers, janitors and farm workers. Additionally, I represented injured patients who had experienced medical malpractice, injured due to others negligence, as well as employees who had been wrongfully terminated from their employment. My practice increasing became focused on representing men, women and children whose families were going through disruptions due to family separation and divorce.

From 2007 to the present, I have served as a Multnomah County Circuit Court Judge for the 27th Department. I preside over: family law cases (divorce, custody/parenting time disputes, and child support issues); juvenile cases (children who are dependent on the courts for protection from abuse and neglect, and children who are adjudicated for committing crimes); domestic violence criminal jury trials, pleas, sentencing hearing and probation supervision; and probate matters (involving contested wills, guardianship matters, trusts and estate disputes).

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

**Oregon State Bar, 1977
U.S. District Court, District of Oregon, 1977
Ninth Circuit Court of Appeals, 1979**

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.

I have authored various materials for Continuing Legal Education presentations over my 30 years of law practice and have lectured on a variety of topics involving litigation skills development, professionalism and ethics in litigation, the Americans With Disabilities Act, employment discrimination and numerous criminal defense issues.

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

I have served on the boards of several community nonprofit organizations providing mental health services and day care services. As noted above, I have lectured on a variety of topics at lawyer education programs. I have repeatedly been asked to participate as a mentor for young inexperienced attorneys in a program sponsored by the Multnomah County Bar Association (MBA). Additionally, I have participated in the "We The People" program sponsored by the Classroom Law Project and the MBA which teaches civics education and the importance of the rule of law in Portland Junior High Schools. Until I became a judge, I volunteered on a monthly basis to represent, without charge, victims of domestic violence in hearings where their restraining orders were being challenged by the offender. When my daughter was young, I led a 4-H Club for youngsters from 9 to 17 years old.

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.

As I mentions above, as a partner with Goldberg Mechanic Stuart & Gibson LLP, my practice was a litigation practice primarily in state court (although occasionally in federal court). Over the years, I litigated civil matters such as personal injury cases, employment discrimination and wage cases. Additionally, I represented labor unions and working people in grievance arbitrations, before the NLRB, and in the courts. Increasingly, during the years before I became a judge, my practice focused more on the representation of people in family law matters involving the division of assets, spousal and child support, custody and parenting time issues.

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

Since early 2007, I have presided over: family law cases (divorce, custody/parenting time disputes, and child support issues); juvenile cases (children who are dependent on the courts for protection from abuse and neglect, and children who are adjudicated for committing crimes); domestic violence criminal jury trials, pleas, sentencing hearing and probation supervision; and probate matters (involving contested wills, guardianship matters, trusts and estate disputes).

During my private practice, I represented employees in arbitration hearings, before the NLRB, and the Employment Relations Board.

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.

See above.

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

N/A

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.

Since early 2007, I have presided over approximately 7 or 8 jury trials and probably 300-400 trials and hearing without juries (trial to the court).

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

While in private practice I was selected as the arbitrator in a labor dispute.

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

Oregon State Bar Association and Multnomah Bar Association. I have served on the Multnomah County Bar Association Board of Directors and have previously served on as the Chair of the Court Liaison Committee, the MBA Board Liaison to the LASO (Legal Aid Services of Oregon) and LOC (Oregon Law Clinic) Pro Bono

Coordinating Committee, and the MBA Outreach Committee. Currently, I serve on the MBA continuing legal education committee. In the past I have served on the Oregon State Bar Mandatory Continuing Legal Education Committee, the OSB Indigent Defense Task Force II, and the OSB Judicial Administration Committee.

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

See above.

7) 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 have long felt that the rule of law is the social contract which holds our community together and prevents a total breakdown of order. For that social contract to be honored, citizens must feel that the courts are a place where every person has access to the court for assistance in resolving their disputes and having his or her rights upheld. The judge is the person in that courtroom whose job it is to ensure that all people in our community have a fair and full opportunity to be heard without regard for social standing or wealth. Throughout my career I have chosen employment opportunities where I represented people I believed needed advocacy. After 30 years of practice as a lawyer, I sought a judicial career to try to bring that lifetime of experience representing people of all walks of life to the other side of the bench. I am honored to have joined the Multnomah County Circuit Court whose judges I have long admired while practicing before them.

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 believe that it is my responsibility to be fully prepared for each matter before me by working hard to understand the issues bringing the parties into court and the legal position and human needs of all of the participants. A judge's role is to apply the law to the facts of the case without regard to issues of power or wealth, color, gender, language barriers, or mental issues. I do my very best to ensure all parties have an even playing field and are treated fairly, with dignity, and are fully heard. It is also my philosophy that the law must be applied with compassion. Judicial qualities of the best judges are patience, respect, the ability to listen carefully, a strong work ethic, intelligence, and humility.

Today's challenges to judges include limited resources to meet the increasing social needs of people before the court, and a legal system not intended or equipped to meet drug addiction, poverty, and mental illness that affect the families and children before family law judges, and defendants in the criminal

justice system where the lack of such resources creates safety issues for the community and an inability to reduce recidivism. Adequate treatment resources and work release opportunities would help to reduce the cost to our community of crime, reduce victimization, help keep families together preventing the social, personal and financial costs to all of us of the need to provide parental/foster care to children whose parents are unable to adequately and safely parent children due to criminal and personal conduct related to such problems.

Additionally, our antiquated courthouse which is one of the most unsafe public courthouses in the nation, and a woefully out of date computer system create difficult delays in efficiently operating our courts.

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.

The cases which come before the family court are increasingly challenging. When I can hold individuals responsible for their conduct but also encourage reformation and a return to a life of pride and responsibility, I am particularly proud to be part of those successes. But, I am also proud of cases in which I have been able to track many days of conflicting testimony and evidence over months of time to make difficult credibility determinations resulting in decisions creating safe custodial settings for children.

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.

Our courts are filled with families, children and individuals who desperately need intervention with mental health services, and drug and alcohol addiction treatment. Additional long term incarceration from mandatory minimum sentencing has not proved to prevent recidivism, to protect our communities, and to reunify families. Rather, it diverts money from treatment into corrections instead of treating the underlying problem. Jails and prisons are now frequently the only place where many untreated seriously mentally ill people can receive help. But, criminal courts and prisons are not the appropriate place to address such issues.

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

The Honorable Betty Roberts has provided a wonderful example to all people of her ability to raise a family and pursue a trail blazing career (that few envisioned possible) in the Oregon Legislature, and the Oregon Court of Appeals and the Oregon Supreme Court. She made a legal career and a judicial career seem imaginable to numerous younger women, including me.

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

I am honored to be serving the citizens of Multnomah County and will continue to work hard to uphold this trust.

