

**Oregon State Bar Judicial Voters Guide 2016**  
**Judicial Candidate Questionnaire: Non-Judge/New Judge Version**

1) Full name:

**Meagan Flynn**

2) Office Address and Phone Number:

**1163 State Street  
Salem, OR 97301-2563  
(503) 986-5676**

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.

**Holy Names Academy, Seattle - HS diploma 1985**

**Willamette University, Salem - BA, *cum laude* Philosophy and Political Science 1989**

**Gonzaga University School of Law - JD, *magna cum laude* 1992**

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

**Judicial clerk to the Honorable Rick Haselton and Honorable Robert D. Durham on the Oregon Court of Appeals (1992-94)**

**Associate attorney at Pozzi Wilson Atchison, LLP in Portland, Oregon, where she primarily handled cases in the areas of products liability, personal injury, state workers compensation and federal longshore compensation (1994-99)**

**Civil appellate practice at Preston Bunnell & Flynn, LLP in Portland, Oregon, primarily handling matters before the Oregon Supreme Court and Court of Appeals, the Ninth Circuit Court of Appeals and the Benefits Review Board of the U.S. Department of Labor (partner 2004-14; associate 1999-2004)**

**Judge, Oregon Court of Appeals, 11/2014 to present**

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

**Oregon State Bar, 1992**

**US Dist Ct DO 1994**

**Ninth Circuit Bar, 1996**

**U.S. Supreme Court Bar, 1998**

**US Dist Ct WDWA 2008**

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

**Washington State Bar, 2002-2014 (withdrew when joined the bench)**

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

**Author, OSB Appeal & Review: The Basics, chapter 6 "Briefing" (2010)**  
**Co-author, OSB Appeal & Review: Beyond the Basics, ch 3, "Effective Written Advocacy" (2014)**  
**Co-author, OSB Appeal & Review, 2002 Supplement, Chapter 14**  
**Co-Author, OSB Damages, 2007 Cumulative Supplement ch. 35**

8) List community, teaching or civic activities.

**Oregon Law Institute, executive committee, CLE planner and presenter, including most recently: OLI Evidence From the Judges, 11/13/2015; OLI Practical Legislative History CLE, 10/23/15**

**Volunteer, Sunnyside Environmental School**

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.

**My practice in the five years prior to joining the bench (2009-2014) was primarily civil, appellate (including motion practice in trial courts and briefing before administrative bodies). I represented plaintiffs in a variety of personal**

**injury, maritime and insurance coverage disputes as well as occasional business disputes. The remainder of my practice was representing longshore workers in compensation disputes before the U.S. Department of Labor and on appeal to the Ninth Circuit Court of Appeals**

10) What percentage of your practice is litigation?

**Close to 100% of my practice as an attorney was litigation, including before trial courts, appellate courts and administrative bodies**

11) Do you regularly appear in court?

**As an attorney in private practice, I regularly appeared in court**

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

**\*\* The percentages are approximate. I no longer have access to precise records. \*\***

Federal Trial Courts: **5%**

Federal Appellate Courts: **10%**

State Trial Courts: **15%**

State Appellate Courts: **50%**

Administrative Bodies: **20%**

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

**See #9**

14) Describe any appellate court experience not included above.

**My appellate court experience since 11/14 has been as a judge of the Oregon Court of Appeals.**

**Before being appointed to the bench, in addition to my private appellate practice, I prepared and filed numerous amicus briefs on behalf of the Oregon Trial Lawyers Association in the Oregon Supreme Court.**

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

**N/A**

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.

**During the course of my career in private practice, I tried 9 cases to a verdict as lead counsel and 3 to verdict as secondary counsel. All were tried prior to 2000.**

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.

**I handled approximately 10 appellate cases in the five years before I became a judge, occasionally as co-counsel but generally as lead counsel. Reported cases from that time period include:**

***Leonard v. Moran Foods, Inc., 269 Or App 112, rev den, 357 Or 324 (2015)***

***Thoens v. Safeco Insurance Company, 272 Or App 512 (2015)***

***Landye Bennett Blumstein, LLP v. Mutnick, 270 Or App 158 (2015)***

***Koller v. Schmaing, 254 Or App 115 (2012)***

***Smith v. Truck Ins. Exchange, Inc., 242 Or App 202 (2011)***

***Mason v. Mt. St. Joseph, Inc, 226 Or App 392 (2009)***

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

**N/A**

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

**Oregon State Bar**

**OSB Appellate Practice Section, Chair, Chair-elect, Secretary and executive committee member (2006-12)**

**OSB Products Liability Section, Chair, Chair Elect, Treasurer and executive committee member (2001-07)**

**Consumer Law Section, executive committee (Chair 98-99),**

**OSB UCJI Committee 1996-99**

**Oregon Workers Compensation Section, Executive Committee 1998-99**

**Multnomah Bar Association, member**

**Oregon Women Lawyers, member**

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 am already a judge. The work is both challenging and rewarding, and I love it.**

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.

**As a judge of the Court of Appeals, I view it as my responsibility to personally decide each case impartially, on the basis of the records created below and arguments presented to us; to construe statutes in a manner that is faithful to the legislative intent; to acknowledge and follow existing case precedent; and, where no precedent exists, to decide the case according to whatever guidance is provided by the Supreme Court. In addition, I consider it my responsibility to write opinions in such a way that non-lawyers, or lawyers with no knowledge of the area of law, will understand the legal context and the pertinent considerations on which our decision is based.**

**I believe the qualities most important to the role of appellate judge are integrity, intelligence and humility, combined with the abilities to write clearly, readily grasp new concepts and think logically. The greatest challenge is balancing the need to fully and individually consider each case with the need for prompt resolution**

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.

**I will answer this question with reference to the opinions I have written during my 16 months on the bench. I have written opinions resolving disputes in a wide variety of legal areas. All of my published opinions can be found on the Oregon Court of Appeals web site. I believe those opinions reflect fair and informed consideration of the arguments presented, precision in language and reasoning, and an effort to explain the underlying legal concepts.**

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

**Parties to cases on appeal to the Court of Appeals often wait too long to receive a decision. This is a product of a variety of factors that can delay the case, from lawyers whose heavy workload requires delays in preparing briefs, to competition with categories of cases that must be given expedited consideration, to backlogs on the judges' dockets. I am working with my colleagues to identify changes we can make that will shorten the time to decision without sacrificing individual attention and careful decisions in each case.**

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

**I admire Justice Betty Roberts, first woman to serve on the Oregon Supreme Court. She was a hard-working public servant and a careful and thoughtful decision maker.**

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