

Oregon State Bar Judicial Voters Guide 2018

1) Full name:

Russell L. Baldwin

2) Web site (if applicable):

Not applicable. Facebook: RussBaldwinforJudge/

3) List college and law school attended, including dates of attendance, and degrees awarded.

University of Oregon School of Law, 1986-1989, J.D.

Whitman College, 1981-1985, BA.

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

**Sole Practitioner, Attorney at Law, November 1993 to present.
General civil litigation and negotiation in areas of business, contracts, real estate, inverse condemnation, land use, copyright infringement, estate planning, probate, and personal injury. Civil rights litigation defending political speakers from city and state government intrusion in state and federal courts at trial and on appeal. Defend small business owners before Office of Administrative Hearings involving enforcement actions by ODOT, DSL, and DEQ. Appellate practice. Largest jury verdict awarded and attorney fees awarded: \$3,378,750.00 and \$450,000.00, each in Linn Circuit No. 081164 May 2010 and January 2011.**

**City of Falls City, Oregon, Interim City Attorney, 2010 to 2011.
Drafting of settlement agreements, correspondence, oral advice to City Administrator on employee benefits and compensation, easement agreements, and former and prospective litigation.**

**Law Offices of Stephen A. Lovejoy, Partner, March 1992 to November 1993.
Civil litigation in the areas of personal injury, wrongful death, sexual harassment, post-traumatic stress, guardianship, divorce, contract, construction, business, real estate, wage claims, and property damage. Represented private sector firms and local districts in the areas of administrative, construction and employment law. Estate and business**

planning. Case preparation, including client counseling, pleading, deposition and motion practice, and investigation.

Kulla & Ronnau P.C., Associate Attorney, October 1989 to February 1992. Civil litigation in areas above described, including unlawful trade practice defense, and appellate briefs including oral argument before the Oregon Court of Appeals.

Attorney, Oregon Coast Cultural Center, Inc. 1996 to 2002. Pro bono services rendered to non-profit organization in the formation and development of a cultural center.

5) List state and federal bars, courts and administrative bodies to which you are currently admitted.

Oregon Supreme Court, September 1989.

United States Supreme Court, October 2011.

United States Ninth Circuit Court of Appeals, January 2001.

United States District Court for Oregon, January 1991.

6) If desired, list any publications and/or articles you have authored.

J.D. Thesis: *Realism in the Board Room and on the Battlefield: A Proposal for Close Corporation REMEDIES in Oregon.*

7) If desired, list any community, teaching or civic activities.

Small Business Development Center & Oregon Coast Community College, Instructor, Fall 1991 to Spring 1993.

Prepared and taught curricula for continuing education seminars required of Oregon Contractors: Oregon Lien Law; Advanced Contract Law.

8) What is the general character of your practice? If desired, please indicate any legal areas in which you concentrate.

Civil litigation concentrating on real property rights, eminent domain, inverse condemnation, and civil rights.

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

Over the last 5 years, I have been primarily engaged in briefing civil appeals. The period before the last 5 years is more representative of my trial experience. In May, 2010, I tried an inverse condemnation case against the State of Oregon. I was the sole counsel for plaintiff. After a week-long trial, the jury awarded my client nearly \$3.4 million against the State in state court. I was the only lawyer for the plaintiff from the case's inception, and I did all of the pleadings, correspondence, trial work, and post-trial work other than the appeal.

I assisted Hon. W. Michael Gillette of Schwabe Williamson & Wyatt P.C. on the ensuing appeal in the Oregon Court of Appeals and the Oregon Supreme Court.

Over the last 5 years, I count 15 civil cases, most settled or were resolved prior to trial. I was sole counsel on each of my cases tried to conclusion during the past 5 years. Many of my cases which I have been litigation over the last 5 years have not yet concluded. I count six cases tried to conclusion in circuit court during the past 5 years.

10) Describe any appellate court experience not included above.

**MacPherson et al v. DAS et al, 340 Or. 117 (2006)(Measure 37).
Meredith v. State of Oregon, 321 F.3d 808 (9th Cir. 2003).
Drayton v. Department of Transportation, 186 Or. App. 1 (2003),
pet. for review granted with remand, 341 Or. 244 (2006),
reversed and remanded to agency, 209 Or. App. 656 (2006).
Outdoor Media Dimensions, Inc. v. Dept. of Transp., 341 Or. 244 (2006).
Seagrove Owners Assoc. v. Smith, 114 Or. App. 45 (1992).**

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

Served as a court appointed arbitrator approximately 10 years ago. One party failed to show for hearing. Appearing party put on a prima facie case and was awarded a remedy by default.

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

None.

13) List any bar association memberships, and if desired, any offices held or committee/project assignments.

Oregon State Bar, Member of Unlawful Practice of Law Committee. January 2010 to December, 2011.

Oregon State Bar, Member, Judicial Administration Committee. January 2006 to December, 2008.

14) 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.

15) 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.*

I stipulated to a public reprimand by the Oregon State Bar following a complaint by my former law partner for an alleged conflict of interest in drafting a will many years before. However, it is my recollection that such proceeding was NOT authorized for prosecution by the SPRB.

16) Why do you want to be a judge?

I am running for judge because I am gravely concerned that people with civil issues involving real property, business, collections, and divorce--are unable to have their matters timely heard. The court's decisions are often left unexplained. Currently, litigants requesting special findings of fact and conclusions of law often do not receive a neutral decision simply applying the facts to the law.

Litigants are not receiving findings and conclusions due in part to economics. During my time on the Judicial Administration Committee, we were tasked to find ways to better fund our state courts. Our courts are severely underfunded. It is a problem that has faced each of our Chief Justices of the Supreme Court over the last 30 years.

In order for our state to function for its people, persons with civil disputes need an effective, timely, and neutral venue in which to have their concerns heard, and resolved, in a timely manner. It is my personal opinion that our circuit courts are not providing access to that civil justice. Currently, criminal cases take priority over all civil cases on the court's docket. It is my desire, with almost 30 years of experience litigating both simple and complex cases, to use my experience and legal talent to fairly, completely, and timely

adjudicate civil matters consistently with the requirements of our state constitution.

I look forward to bringing my substantial legal experience, integrity and fairness to the court in full service to the people of Lincoln County.

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

The most important qualities for the role of a judge is neutrality, impartiality, and timeliness. My philosophy of the judicial role is one of service, i.e. all persons coming to court for resolution of conflict are consumers of judicial services. A judge should be patient, and well informed on the applicable rules of procedure, and the substantive law. A judge should, when possible, give counsel direction during oral argument on substance and procedure by asking penetrating questions. I believe that many attorneys and judges have forgotten that the primary purpose of oral argument, according to the Oregon appellate courts, is to provide an opportunity to answer questions and to make the judge publicly accountable for the court's decision.

I strongly believe that litigants and their lawyers should receive a decision whenever possible when they are before the bench, and that a judge should take matters under advisement only when absolutely necessary. A judge should also be mindful that justice delayed is justice denied, and that ORS 1.050 requires that no submitted question remain unanswered for more than three months absent sickness or unavoidable casualty.

The greatest challenges to the role would be to remain patient and impartial at times when one or more party(ies), or their attorneys, might be having the worst day of their lives. A judge should therefore also be compassionate and strive for fair and just results, regardless of the tenor of the dispute being resolved.

I also believe that it is extremely important for judges to thank the lawyers for their hard work and preparation immediately prior to making a decision. Too often lawyers leave court not knowing if they, or their clients, were really heard. By thanking counsel and summarizing the facts and applicable law from the bench, few if any consumers of judicial services would leave court wondering if the judge actually made a reasoned decision.

18) 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.

My trial work in Viewcrest v. Oregon Department of Transportation. This was an inverse condemnation case brought by owners of commercial property that had been previously landlocked by the State. Following judgment against the State to remove barriers, the State then began publishing its intention to remove the owner's sole means of access

notwithstanding prior judgment. It took nearly 2 years to get the matter to trial. A jury awarded my client nearly \$3.5 million. Over the course of those 2 years, was able to single handedly keep up with the many assistant attorney generals filing ever more motions—even an interlocutory appeal filed on the eve of trial.

This case demonstrates my legal ability, work ethic, and temperament.

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

Oregon's judiciary is severely underfunded by the legislature. I worked to improve that previously as a member of the OSB's Judicial Administration Committee. My experience is that people come to court frightened and intimidated, as though court is something that "happens" to them instead of being an opportunity to be heard and have conflicts resolved. I will endeavor to change that by example. People with civil controversies should not be afraid that they will be punished if the judgment goes the other way. Moreover, people should not fear that they will lose everything if they eventually get a civil judgment but have no way of paying their attorney to enforce it.

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

Admiral Hyman Rickover. He frequently appeared before Congress to testify about the Navy's progress and abusive practices by third party vendors and contractors. Adm. Rickover was the primary architect behind the technological achievement of powering the Nautilus submarine with nuclear power. That same technology would later be used to power land based nuclear power stations. He was able to achieve this, I believe, by making people working for him accountable for what they accomplished in a complex, newly-emerging technical field. His quote says it all:

Responsibility is a unique concept. It can only reside and inhere in a single individual. You may share it with others but your portion is not diminished. You may delegate it but it is still with you. You may disclaim it but you cannot divest yourself of it. Unless you can point your finger at the man [or woman or judge] who is responsible when something goes wrong, then you have never had anyone really responsible.

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

I shall take my oath of office seriously, and I will discharge all of my duties as judge in a timely manner, in a dignified and kind way, and without intimidating counsel, litigants, or anyone else. Courts exist to serve the people during their pursuit of justice.