

Oregon State Bar Judicial Voters Guide 2018

1) Full name:

Benjamin N Souede

2) Web site (if applicable):

www.bensouede.com

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

Harvard Law School (1999-2002), J.D.

University of Pennsylvania (1995-1999), BA – History; BA - Political Science

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

Judicial Law Clerk to Susan P. Graber, United State Court of Appeals for the Ninth Circuit (2002-2004)

Senior Advisor to United States Senator Hillary Rodham Clinton (2005)

Attorney, Williams & Connolly LLP (2006-2007)

Attorney, Lane Powell PC (2007-2010)

Attorney/Member, Angeli Law Group (2010-2015)

General Counsel, Office of the Oregon Governor (2015-2017)

Multnomah County Circuit Court Judge (2017-Present)

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

State Bars: Oregon, New York

United States District Court for the District of Oregon

United States District Court for the Western District of Washington

United States District Court for the Southern District of New York

US Court of Appeals for the Ninth Circuit

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

"False Claims Act Will Continue To Grow In Influence (Financial Fraud Law Report, March 2013) (co-author)

"Demand continues to rise for help of forensic accountants" (Portland Business Journal, May 29, 2009) (co- author).

"Justice Department takes on 'malicious' mortgage lenders" (Portland Business Journal, August 29, 2008) (co- author).

"Scheme liability' can put professional firms at risk" (Portland Business Journal, June 13, 2008) (co-author).

"Leading Case, PGA Tour, Inc. v. Martin," 115 Harvard Law Review 487 (2001).

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

Oregon State Board of Nursing, Public Member (2010-2015)

Oregon State Bar Federal Practice & Procedure Committee, Former Member

Planned Parenthood Advocates of Oregon, Former Board Member

Oregon Innocence Project, Former Member of the Advisory Board

Franklin High School Constitution Team, Coach

I have served and continue to serve as an official (and unofficial) mentor to young lawyers and to law students.

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

I preside over a combined criminal and civil docket. Prior to joining the circuit court, I spent portions of my career in private practice and also in public service. I have significant experience in complex criminal and civil litigation, appellate and regulatory practice, and the shaping of public policy.

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

Since taking office in September 2017, I have presided over approximately 35 trials (combined civil and criminal). I have heard motions and provided rulings in scores of civil cases. I have conducted hundreds of pleas/sentencings in criminal cases, and have heard motions, and provided rulings in hundreds of other criminal proceedings (probation violation hearings, motions for release, motions to modify terms of pretrial release, etc.).

10) Describe any appellate court experience not included above.

I litigated a number of appellate cases while in private practice.

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

I regularly conduct Judicial Settlement Conferences in civil cases as part of my duties as a circuit court judge.

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

N/A

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

Oregon State Bar

Multnomah Bar Association

- **CLE Committee Member**

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.*

No

16) Why do you want to be a judge?

I was appointed by Governor Brown in July 2017 to fill a vacancy created by the retirement of Judge Henry Kantor (to whom I will be forever grateful for encouraging me to seek his former position). I am now running for election to continue in this position.

I originally sought this position because believed that I could make a significant contribution to the work of the Court. A spate of retirements left Multnomah County with a shortage of judges with significant complex civil and white collar-criminal practice experience. My professional experience fit the contours of these needs. Moreover, my work in the Governor's Office demonstrated that my strengths as a lawyer met well those traits that are desirable in a trial court judge. I tend to be quick to learn and am able to cover a wide swath of topics with competence. I also genuinely enjoy meeting people and addressing their problems. These traits don't fit well in every job, but I think they are well-suited to meet the requirements for being a productive Multnomah County Circuit Court judge. This is a wonderful job, which I love doing.

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.

Fidelity to the law is the bedrock on which any judge who wishes to be successful must base his or her judicial career. That fidelity is non-negotiable, but it is also not as limiting as is sometimes thought. There remains ample room for discretion on questions of both procedural and substantial justice. How judges elect to apply that discretion is what makes the critical difference in the quality of justice afforded to our community.

It has been clear in the last several years that many of the institutions and legal regimes that have guaranteed Oregonians rights to opportunity and equality are being dismantled. What this means is that more and more often, members of our community are needing to turn to trial courts to seek individual justice, because the guarantees of system-wide justice are being removed or curtailed. Therefore, our trial courts are becoming ever more vital to preserving those foundational guarantees. It is important that trial court judges understand this shift.

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.

I am particularly proud of a recent case that I presided over which involved a challenge to a ballot title for a local measure being presented to Multnomah County voters. Putting all consideration of the merits to one side, the appropriate resolution of this case required to me to learn the details of an area of substantive law with which I had only minimal prior experience. It also required me to understand the intended effects of a reasonably complex proposed measure, and to consider whether the proposed ballot title adequately met the legal requirements for summarizing the measure. Finally, it required an opinion and (in the event) a redrafting of the ballot title itself, all on a very tight timeline given election deadlines. I am proud that I was able to consider carefully the parties' positions, make my ruling, and provide an explanation of my reasoning in a timely way.

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

I believe strongly in the Justice Reinvestment work being done in Multnomah County and statewide. This work is grounded on the belief that in many cases, dollars that would otherwise go to pay to incarcerate a defendant can be better spent on other work (training, treatment, other probationary and reintegration efforts) that will lead to better outcomes for the victim(s), the defendant, and the community as a whole. Minimizing the risk of recidivism and keeping the community safe often require work other than incarceration. This is not true in every case, but supporting the community justice tools that can make a difference in the appropriate cases is essential to improving both the quality of and the affordability of our justice system.

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

I greatly admire Justice Benjamin Cardozo. He became a judge at a time when the world around him appeared to be changing at an unprecedented and ever-increasing pace. His judicial response was to embrace the evolutionary nature of the common law to fill in the gaps where societal advances outpaced statutory frameworks. He also understood that for such legal evolution to be credible – that is, to be accepted as both lawful and prudent – these “new” (or “newly adapted”) principles had to be explained and justified in clear and vibrant written opinions. He was both a judge of his time, and a judge who understood the need to explain to future generations why a particular development in the law was important.

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

I am deeply grateful for the opportunity to hold this position, and I work hard every day to justify the enormous trust that has been placed in me. I was pleased and grateful to win the recent Oregon State Bar Preference Poll conducted in this race by a margin of more than 3-1. To know that the lawyers and judges that I work with every day are supportive of my approach to this work suggests to me that I am on the right path, and that with continued diligence and effort I can continue to make real contributions to the work of this Court and the people we serve.