

Oregon State Bar Judicial Voters Guide 2018

1) Full name:

Fay Stetz-Waters

2) Web site (if applicable):

www.judgefaystetzwaters.com

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

Manchester Community College (1996 – 1999)
Trinity College, B.A. History (2001)
Lewis and Clark Law School, J.D. (2005)

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

Oregon Department of Justice
Certified Law Clerk
2004 - 2005

Worked in the Family Law Section, now the Child Advocacy Section, and supported DHS's Child Welfare Section. Trial preparation for termination of parental rights. Represented the State's interest at child support enforcement hearings and involuntary committals to the state hospital. Reviewed and analyzed financial, employment and credit reports, medical and mental health reports, mental health treatment, arrests reports, and criminal records. Planned, organized trial strategy.

Oregon State Bar
AAP Assistant
2006 – 2007

Administered scholarships, bar exam grants, clerkship stipends, and public honors, and first year internship programs. Reviewed employer's payroll and student legal assignments for program compliance. Assisted in planning, award winning recruitment and retention program, Opportunities for Law in Oregon (OLIO). Liaison between the Bar, Oregon law schools, and leaders of the multicultural legal community.

Legal Aid Services of Oregon
Staff Attorney – Linn County Office
2007 - 2009

Represented low-income clients, clients with disabilities, seniors, and

vulnerable adults. Practiced family law, landlord-tenant law, federal housing law, and administrative law that focused on reduction or denial of unemployment, medical and other public benefits.

Office of Administrative Hearings

Administrative Law Judge

2009 - 2013

Conducted orderly, efficient hearings in contested unemployment insurance cases. Presided over more than 4,100 contested cases with a low appeal rate and a 92% affirm rate.

Board of Parole and Post-Prison Supervision

Hearings Officer

2013 - 2016

Presided over hearings with offenders accused of violating criminal laws and conditions of parole and post-prison supervision. Made recommendations for sanctions, revocations and returns to prison in accordance with Oregon laws and administrative rules. Presided over more than 1,000 hearings throughout Oregon.

Oregon State University

Civil Rights Investigator

2016 - 2017

Investigated sexual assault, harassment, and discrimination complaints arising under Title IX, and investigations of Title VII, ADA complaints and violations of OSU policies.

State of Oregon

Circuit Court Judge, District 23, Position 1 (Linn County)

2017 - Present

Preside over cases in criminal, civil, family, and administrative law. Assess search warrants for legal sufficiency. Holds leadership and administrative roles in family law and juvenile dependency law.

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

Oregon State Bar

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

N/A

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

Current activities:

**National Association of Woman Judges, Member
Rotary Club of Albany, Member
Marine Corps League, Member
Woman Marines Association, Member
American Legion, Post 10, Member**

Past activities:

**Linn-Benton Women Lawyers, Co-President
Center for Dialogue and Conflict Resolution, Presenter
Center Against Rape and Domestic Violence, Board Member
Neighbor 2 Neighbor Mediation, Member-Mediator
American Federation of State, County, Municipal Employees 75, Steward
Oregon Employment Department Labor-Management Committee, Member**

8) Prior to becoming a judge, what was the general character of your legal practice? Where appropriate indicate any legal areas in which you concentrated.

As a Staff Attorney at Legal Aid in Linn County, I represented seniors and other vulnerable Oregonians who needed help with serious legal issues. I was an effective advocate and a skilled negotiator. I helped parents keep custody of their children. I helped people with disabilities keep their housing and support. I helped victims of domestic violence and stalking obtain protective orders. I helped seniors resolve contract disputes and consumer complaints.

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

**Office of Administrative Hearings
Administrative Law Judge
September 2009 to July 2013**

**Board of Parole and Post-Prison Supervision
Hearings Officer
July 2013 to May 2016**

**State of Oregon
Circuit Court Judge, District 23, Position 1 (Linn County)
November 2017 – Present**

10) 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.

After working as a staff attorney at Legal Aid, I took a position as an Administrative Law Judge (ALJ) for the State of Oregon's Office of Administrative Hearings. As an ALJ, I ruled on more than 4100 cases involving unemployment insurance. If there was a conflict between an employee who believed they were entitled to unemployment benefits and an employer who did not, I heard their case, applied the law, and made a finding.

I later worked as a Parole Board Hearings Officer, a position akin to an administrative law position. At the Parole Board, I adjudicated cases where parole officers and parolees disagree about parole violations and the ensuing punishment.

At the Parole Board, I held criminals accountable for their behavior, provided a forum for crime victims to speak about the impact of crime on their lives, and protected public safety. I often sent offenders back to prison, but also earned a reputation for fairness.

As a Circuit Court Judge, I hear cases ranging from criminal to landlord tenant law, wrongful death to child custody. I also serve as the Chief Family Law Judge and secondary Juvenile Dependency Judge. I am an impartial decision maker who enters the courtroom with no agenda other than my deep commitment to due process and the law. Even though I hear about unimaginable tragedy and suffering, I make my decisions based on the law. I make processes clear for those who have little experience in the courtroom. As those who have come before me know, I treat everyone in the courtroom with respect. Because I respect the individuals before me and the dignity of the court, I run a calm, well-ordered courtroom in which business is conducted efficiently and fairly.

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

N/A

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

As a settlement judge, I mediated many cases at the request of the parties. I am also a former member of Neighbor 2 Neighbor Mediation.

13) List any bar association memberships. Where appropriate, list officer positions, committee assignments or other notable work.

Oregon State Bar Lawyers for Veterans Executive Steering Committee, Member
Oregon State Bar Diversity Leadership Award, Recipient 2011
Oregon Minority Lawyers Association, Member
Oregon Chapter of the National Bar Association, Member

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

Chair of the Linn County Family Law Advisory Committee
Linn County Juvenile Dependency Workgroup
Linn County Arbitration and Mediation Committee

15) 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.*

N/A

16) 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.*

N/A

17) What attracted you to a judicial career?

I have always been passionate about due process (the system of rules by which the court ensures that everyone gets a chance to be heard and their case decided in a fair, reasonable, and transparent manner). As an attorney, I saw how the application or misapplication of due process rules could significantly change the outcome of a case. I saw how important it was for the judges in charge of these rules to be unbiased and how important it was that they followed the law.

My experiences as a U.S. Marine taught me the importance of following the chain of command and instilled in me a spirit of humble service. As a judge, I am never swayed by preconceived notions or outside agendas. I serve the greater good by following the command of the law and of due process. Just as I was honored to put my own ego aside and serve as a Marine, I am honored to serve my state and my county in various judicial capacities.

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

First, a judge must rule by the law. They must never let their own opinions supersede the rule of law. However, judges do have discretion in many situations. When they do, I believe a good judge should make choices that keep the community safe, show compassion, and preserve human and economic resources by looking at issues from all angles, not just the lens of crime and punishment. This is particularly important since economics play such a powerful role in the criminal justice system.

One of the great challenges facing the judicial role are economic disparities between litigants. A low-income litigant might have to represent themselves because they cannot afford an attorney. Even though they may have limited understanding of the law or even limited literacy, they must present their own case. Meanwhile another litigant can afford the best lawyers in the area. The judge must rule on the law and the case presented, but ultimately it may be the ability or inability to afford an attorney that truly decides the verdict

19) 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.

When I was working for Legal Aid, I represented a woman with cognitive disabilities. One of the great joys in her life was participating in Special Olympics where she was a champion bowler. When she was sexually assaulted by another participant, she was devastated, both by the assault and by the fact that her attacker remained in the program after serving a short term of incarceration. If she wanted to participate in community athletics, she had to interact with him.

It was a challenging case for many reasons. My client had difficulties articulating what had happened to her and understanding court proceedings. My client's attacker had many supporters who argued that he should not be held accountable for his actions due to his cognitive disabilities. They argued that my client might well have initiated and wanted the sexual contact and then changed her story. The case required a great deal of tact and discretion. Special Olympics is a wonderful program, and no one would benefit from having Legal Aid destroy the local chapter of this valuable and generally well-run program.

My client said that the only thing she wanted was to be able to bowl without seeing her attacker. I ensured this by obtaining a stalking order that specifically limited her attacker's participation in the Special Olympics program and in other programs where they might encounter each other.

In many ways, the challenges of this case encapsulate the challenges I see before me in my work as a circuit court judge. Many litigants

struggle to navigate the legal system because of low literacy, cognitive disabilities, or mental health issues. Many times, the biases and prejudices of our society come into the courtroom, both subtly and overtly. Almost always, the case before me involves more stakeholders than just the two parties before me. My diverse work experience--as a 911 dispatcher, poverty lawyer, administrative law judge, civil rights investigator and now circuit court judge--gives me the breadth of experience necessary to understand just how complex the law and the human experience really are.

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

Anyone who is currently working in the justice system, in law enforcement, in medicine, or in social services sees the toll that drug addiction takes on the individual lives and on the community. As a circuit court judge, I see drug addicts convicted and imprisoned only to reoffend as soon as they are released. When this happens, the great expense of prison has done nothing to make the community safer or more law abiding. I would like to see that change. With increased support for drug addiction treatment and mental health care, we could prevent many of the crimes that plague our communities.

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

A picture of Thurgood Marshall hangs in my chambers as it has hung in all my previous offices. Marshall's legal career was long and illustrious, but he was probably best known for being the first African-American Supreme Court Justice. As I step out into my courtroom--the first judge of color and the first LGBTQ judge in my county--Marshall's portrait reminds me that firsts are possible.

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

I am proud that my election is endorsed by Oregon Supreme Court Chief Justice Paul De Muniz (ret.), Oregon Supreme Court Justice Richard Baldwin (ret.), Oregon Supreme Court Justice Rives Kistler, Oregon Supreme Court Justice Adrienne Nelson, Oregon Court of Appeals Chief Judge James Egan, Oregon Court of Appeals Judge Darleen Ortega, Linn County Circuit Court Judge Carol Bispham Hashagen (ret.), Albany Mayor Sharon Konopa, the Linn-Benton-Lincoln Central Labor Council and the Oregon Steelworkers Legislative and Education Committee.