

## Oregon State Bar Judicial Voters Guide 2018

1) Full name:

**Wes Williams**

2) Web site (if applicable):

[www.weswilliamsforjudge.org](http://www.weswilliamsforjudge.org)

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

**I attended Southern Oregon State College to study criminology from 1979-1981. I attended Portland State University from 1982-1984 and was awarded a Bachelor of Science in Social Science and a Basic Oregon Teaching Certificate in June 1984. I attended Lewis and Clark College from 1985-1991 in the summers for a Standard Oregon Teaching Certificate. For law school, I attended the University of Oregon School of Law from 1993-1996 and was awarded a Doctor of Jurisprudence in May 1996.**

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

**I set up my own law practice in 1996 in La Grande Oregon. I have a general law practice, focusing primarily on civil and criminal litigation.**

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

**I am a member of the Oregon State Bar and I am also admitted to the United State District Court.**

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

**N/A**

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

**I was a high school social studies teacher from 1985-1992. I taught American history and law & justice courses. I was also the mock trial coach. Currently,**

**I am a member of Oregon Rural Action which supports local farmers. I am also a member of La Grande Farmer's Market which creates venues where local farmers connect directly with local consumers to purchase locally grown food.**

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

**The general character of my practice is civil and criminal litigation. The civil side of my practice focuses on property law, contract law, employment litigation, and insurance disputes. On the criminal side of my practice, I have represented defendants charged with various crimes from misdemeanor assault to murder.**

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

**I have had abundant civil and criminal litigation practice over the last five years. It would take up too much space to list it all but a cross section of which is delineated below:**

**1) *Best Custom Construction v. David Scully*, Union County Circuit Court Case No. 110146862. This was a civil lawsuit for breach of contract, among other claims, wherein I represented the defendant. The matter went to trial in July of 2012. I was the counsel for the defense. The matter was tried before the Honorable Russell B. West.**

**2) *State of Oregon v. Kathy Joanne Norman*, Wallowa County Circuit Court Case No. 12M6843. This was a criminal case that went to a jury trial on February 25 and 26, 2013. I was counsel for the defense. The case was tried before the Honorable J. Burdette Pratt and a jury.**

**3) *State of Oregon v. Don P. Edwards*, Union County Circuit Court Case No. M19466. This was a criminal case that went to a jury trial on November 7, 2013. I was counsel for the defense. The matter was tried before the Honorable Brian C. Dretke.**

**4) *State of Oregon v. Robert Joseph Jennings*, Wallowa County Circuit Court Case No. 14M8033. This was a wildlife violation which went to a jury trial in April 16 and 17, 2015. I was the counsel for the defense. The matter was tried before the Honorable Donald W. Hull.**

**5) *Lory A Graham v. Brian A Paige*, Union County Circuit Court Case No. 151050088. This was an action on a family abuse prevention act order. I represented the respondent, Brian A. Paige. The matter was tried to the court before The Honorable Russell B. West on October 26, 2015.**

**6) *State of Oregon v. Shawn Ritchie*, Union County Circuit Court Case No. M21173. This was a criminal case that went to a jury trial in**

January 7 and 8, 2016. I was counsel for the defense. The matter was tried before the Honorable Brian C. Dretke.

7) *State of Oregon v. Kevin Lee Hamann*, Union County Circuit Court Case No. M22102. This was a criminal case that went before a jury trial on June 16 and 17, 2016. The case was tried before the Honorable Russell B. West.

8) *Paul Swigert v. Kevin Hamann*, Union County Circuit Court Case No. 160250263. This was a civil lawsuit. The matter went to a jury trial on October 20 and 21, 2016. I was the counsel for the defense. The matter was tried before the Honorable Russell B. West.

9) *State of Oregon v. Shawn Ritchie*, Union County Circuit Court Case No. M21173. This was a criminal case that went to a jury trial on June 19, 2017 after the first trial resulted in a hung jury. I was sole counsel for the defense. The matter was tried before the Honorable Barbara Haslinger.

10) *State of Oregon v. Joshua James Ridley*, Union County Circuit Court Case No. 16CR56538. This was a criminal case that went to a jury trial on September 21, 2017. I was the counsel for the defense. The matter was tried before The Honorable Russell B. West.

11) *State of Oregon v. Scotty Joe Payne*, Union County Circuit Court Case No. 16CR74917. This was a criminal case that went to a jury trial on October 27, 2017. I was the counsel for the defense. The matter was tried before the Honorable Thomas B. Powers.

12) *State of Oregon v. Michael Jacob Altherr*, Union County Circuit Court Case No. 17CR29261. This was a criminal case. I was counsel for the defense. It was tried to the court. The judge was the Honorable Thomas B. Powers.

13) *Duane Weise v. Western Automatic Sprinkler Company Inc.*, Union County Circuit Court Case No. 17CV00877. This was a civil case wherein Mr. Weise sued Western Automatic Sprinkler Co. Inc. for a declaratory judgment. The matter was tried before the court. The judge was the Honorable Thomas B. Powers. I was counsel for the defense.

14) *State of Oregon v Michael Jacob Altherr*, Union County Circuit Court Case numbers 17CR16981 and 17CR54470. This was a criminal action. It was tried before a jury. The two indictments were consolidated and both cases went to trial on June 19, 2018. The judge was the honorable Thomas B. Powers.

15) I represented the Plaintiffs in *Greg Williams & Shane Williams v. KeyBank National Association*, United States District Court Case No. 2:16-cv-00374-SU. This was a breach of contract action against KeyBank. In the lawsuit, the Plaintiffs alleged claims against KeyBank for breach of the implied covenant of good faith and fair dealing, breach of oral agreement and a violation of Oregon's unlawful trade practices

act. On July 19, 2017 the parties attended a settlement conference before the Honorable Magistrate Judge John V. Acosta at the Mark O. Hatfield United State Courthouse. The case settled at the end of the day. The settlement terms are confidential.

16) I represented the defendant in a civil matter *Kerr Contractors Oregon, Inc. v. HNS Inc.*, Marion Circuit Court Case No. 16CV01713. Kerr sued HNS for breach of contract and HNS alleged a counterclaim against Kerr for breach of contract. I represent HNS, a small rock crushing company that crushed rock for Kerr's use in making asphalt to be applied on I-84 in Eastern Oregon. The case has since settled and the settlement is confidential.

17) I defended two civil forfeiture actions. The first civil forfeiture action was entitled *United States of America v. 1309 Fourth Street et al.*, US District Court Case No. 2:12-CV-02263-MA. This case was joined with a second civil forfeiture action *United States of America v. \$182,110.00 In United States Currency*, US District Court Case No. 2:12-CV-02267-MA. These two cases involved the civil forfeiture of real property located at 1309 Fourth Street, La Grande, Oregon and a forfeiture action of \$182,110.00 in United States Currency seized from a safe deposit box. The settlement conference was held on December 10, 2015, at the Mark O. Hatfield United States Courthouse. I represented the claimant, Kathy Lepper. As a result of the settlement the United States agreed to release to Ms. Lepper all of its interest in the real property. The United States also agreed to release to Ms. Lepper \$90,000.00 in United States Currency which was a part of the \$182,110.00 in United States Currency in Case No. 2:12-CV-02267-MA.

18) I represented the defendant in *State of Oregon v. Micah Andrew Julius Schultze*, Union County Circuit Court Case No. F22233. The settlement conference was held on October 31, 2016, and November 1, 2016, at the Union County Courthouse. I represented the defendant, Micah Andrew Julius Schultze. Micah, a 15 year old boy, was indicted on five counts of conspiracy to commit murder. The settlement resulted in all five counts being dismissed and Micah pleading guilty to disorderly conduct as a Class A Misdemeanor, and a second count of disorderly conduct as a Class C Felony.

19) I was counsel for the plaintiff in *Hilton et al v Indemnity Insurance Company of North America*, United States District Court Case No. 2:16-cv-00301-SU. This was a civil action wherein the plaintiffs filed an action against their insurance company to receive insurance coverage for their barn roof which blew off in a storm. The insurance company denied coverage. The matter settled shortly before trial and the settlement is confidential. The judge was the honorable Patricia Sullivan, US Magistrate.

10) Describe any appellate court experience not included above.

**I have argued several cases to the court of appeals over the last twenty two years in both civil, criminal law, and juvenile law. I cannot recall them all, but they include, *State v Dunning*, 245 Or App 582 (2011); *State ex rel Juv. Dept. v. Krieger*, 177 Or App 156 (2003); and I have argued one appeal before the Oregon Supreme Court, which was *State ex rel Department of Human Services v Simmons*, 342 Or 76 (2006).**

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

**I have served as an arbitrator on several cases including *Diamond D. Ranch Inc. v. City of Joseph*, Wallowa County Circuit Court Case No. 17CV20703, *Clark & Suzanne Downing vs United States Stove Co.*, Wallowa County Circuit Court Case No. 16-02-14672; *Equable Ascent Financial, LLC v Timothy Matthews*, Union County Circuit Court Case No. 11-07-47185; and *Liberty Acquisitions LLC, Inc v Drew M. Kelly*, Union County Circuit Court Case No. 13-12-48766.**

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.

**My bar association memberships include: criminal defense bar and the litigation bar**

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 want to be judge in order to make the judiciary more responsive to the people. All people in our community, regardless of their economic status, political position, gender, or ethnicity, deserve respect and to be heard. I believe the court should be a place where people can trust they will be heard, their constitutional rights will be protected, and they will be adequately represented. If I am fortunate enough to be elected judge, I will create such a court environment and I will show all people patience and respect. In this way, everyone that comes before me in court will know that they have been heard and have received a full and fair hearing.**

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.

**My judicial philosophy is that a judge should create a courtroom atmosphere wherein all persons are treated with respect and dignity. The most important character trait of a good judge is judicial temperament. This character trait encompasses both the ability to apply the law to the facts and to understand how a judicial decision will affect the people appearing before the court. It is the ability to communicate with counsel, jurors, witnesses, and parties calmly and courteously as well as the willingness to listen and consider what is said on all sides of the issue before the court. Perhaps the greatest challenge before the judge is to not prejudge. Each case should be approached with an open mind and humility.**

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.

**There are many cases of which I am proud. One such case is *State ex rel Dept. of Human Services v Simmons*, 342 Or 76 (2006). In that case, the state had filed a petition to terminate the parental rights of Dana Jo Simmons. Ms. Simmons came to my office with her two sisters one afternoon for a free consultation. After hearing of Ms. Simmons' incredible struggle with childhood diseases and all of the efforts she had made to comply with the state's demands to keep the parental rights of her young child, I decided to take the case on. The trial lasted several days. The trial court judge terminated Ms. Simmons' parental rights. I felt that this was an unjust decision and contrary to Oregon law. With the help of co-counsel, I appealed the trial court's decision. However, the Oregon Court of Appeals affirmed the termination of Ms. Simmons' parental rights. I then requested certiorari before the Oregon Supreme Court. After the lengthy briefing and oral argument the Supreme Court reversed the trial court's termination of Ms. Simmons' parental rights.**

**Years later, when leaving my office, two women approached me in the hallway. I immediately recognized Ms. Simmons. She had remained steadfast and brave while being committed to sobriety during all of those years since the Supreme Court had reversed the termination of her parental rights and she had been at last reunited with her daughter. With Ms. Simmons was a young lady. This was Ms. Simmons' daughter. She was attending nursing**

**school at Blue Mountain Community College and had become an intelligent and successful young woman.**

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 that we can expand and improve upon treatment court. Along with many other states, Oregon is experiencing increased opioid use among youth and adults. Opioid addiction is complex and we are just beginning to learn how to grapple with its effects and help those struggling with addiction. The treatment court program in the tenth judicial district has been successful in helping citizens lead a life of sobriety and reducing recidivism. I believe that with the proper training, we can engage more citizens in treatment court and help more people lead a clean and sober lifestyle.**

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

**There are two legal figures whom I admire most. The first is fictional. Atticus Finch was the fictional lawyer in "To Kill a Mockingbird". Although he knew it was unpopular, that his law practice would suffer, and that he would likely lose the case, Atticus had the courage to take on the defense of Tom Robinson. Although Mr. Finch lost the case, he fought zealously for his client. At all times he was a gentleman. He also raised his two children on his own and by his example, instilled in them the value that all people deserve respect.**

**The other figure which I admire was Judge Milo Pope. I first met judge Pope as a young attorney trying cases before him. After he retired, Milo and I tried several cases together, most notable *State v Lyle Mann*, Union County Circuit Court Case Nos. F12712 & F13694. In *State v Mann*, the accused was charged with 43 counts of racketeering. The case was lengthy and incredibly complex. After a week-long trial, the jury found Mr. Mann not guilty of all 43 counts. Throughout the two years of litigation and weeklong trial, Milo was able to sort out the complexities of the case and purported himself as a gentleman. It was Milo Pope's last big trial in a long and distinguished career and I was proud to be his co-counsel.**

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

**I think it is important not only that a trial judge have extensive experience in criminal and civil litigation, but it is also equally important that a trial judge can understand and empathize with the citizens that come before him. This is where one's background comes into play. I was raised on a farm. I worked hard to pay my own way through college and I was the first member of my family to earn a college degree. After college, I taught high school for seven years while saving the money to go to Law School. I paid my own way through law school by clerking for the Oregon Department of Justice and for the law firm of Rasmussen, Tyler, and Mundorff. Afterwards, I started my own law practice with the hope of representing people so I could solve their**

**legal problems. I value hard work and the hard working citizens of Eastern Oregon. My upbringing has taught me that I only deserve the amount of respect that I am willing to show my fellow citizens.**