

Oregon State Bar Judicial Voters Guide 2020

1) Full name:

Amanda Benjamin

2) Campaign web site (if applicable):

BenjaminForJudge.com

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

**University of Tennessee College of Law 2009-2012, J.D.,
Concentration in Advocacy, Honors
University of North Carolina 2006-2009, B.A. in psychology, 4.0 GPA**

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

**Associate - Hornecker, Cowling, Hassen & Heysell - 2013-2014
Associate - Macpherson, Gintner & Diaz - 2014-2015
Deputy District Attorney- Lincoln County District Attorney's Office -
2015-2018
Circuit Court Judge Pro Tem, Lincoln County - Oregon Judicial
Department- 2019-current**

5) List state and federal bars, courts and administrative bodies to which you are presently admitted and the date of admission. If desired, list previous admissions.

Oregon – 2013

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

n/a

7) List community, teaching (Continuing Legal Education or otherwise) or civic activities.

Lincoln County Juvenile Model Court Team - Lead (Current)
Oregon Behavioral Health Advisory Committee (Current)
Mental Health Court Subcommittee (Current)
Lincoln County Child Abuse MDT - Co-Chair
Lincoln County Sexual Abuse Response Team
Board of My Sister's Place - Vice President
Children's Advocacy Center - Event Planning Committee
Oregon State Bar Unlawful Practice of Law Committee
Juvenile Dependency Team- Lead DDA

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

In private practice my primary concentration was domestic relations cases. When I began as a deputy district attorney, I prosecuted all types of cases including domestic violence, DUII, drug and property crimes. After approximately one year I transitioned into prosecuting almost solely child physical and sexual abuse cases, which were often Measure 11 cases. I was also the lead of the juvenile dependency team and handled juvenile delinquency sexual offenses.

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.

I have been a pro tem judge for Lincoln County since January 2, 2019. I have handled all types of cases since being on the bench in Lincoln County including criminal hearings and jury trials, domestic relations, civil, small claims, landlord/tenant matters, restraining and stalking orders, guardianship and conservatorships, and mental health commitment proceedings. I am primarily responsible for the Juvenile Delinquency and Dependency dockets for Lincoln County as well as a full criminal docket. I began working to establish a mental health treatment court in the fall of 2019 and I established Lincoln County Mental Health & Wellness Court, the first mental health court in Lincoln County that follows Oregon Specialty Court Standards.

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.

When I began as a pro tem judge in January of 2019, my docket consisted of domestic relations, DUII cases, mental health commitment hearings and civil cases including small claims and FEDs. I also handled in-custody arraignments on criminal matters and preliminary hearings. In

approximately March of 2019, one of our judges began taking medical leave and I became responsible for hearing a full criminal and juvenile docket while continuing to manage the dockets for both courtrooms.

While I've handled many types of cases as noted above, the majority of my docket is criminal and juvenile law. I handle criminal cases of all levels from Class C misdemeanors to Measure 11 offenses. When the court is functioning normally, I am responsible for most in-custody arraignments. I am assigned the juvenile dependency cases, termination of parental rights cases and juvenile delinquency cases for Lincoln County and any related domestic relations cases. I preside over Lincoln County Mental Health & Wellness Court, a treatment court that I began.

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

n/a

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

While I did not serve as a mediator or arbitrator while in private practice, I have conducted settlement conferences as a pro tem judge.

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

**Oregon State Bar
Oregon State Bar Unlawful Practice of Law Committee
Lincoln County Bar Association
Jackson County Bar Association, (2013-2014), Secretary (2014)**

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

**Unlawful Practice of Law Committee, Oregon State Bar (2018)
Oregon Judicial Department Behavioral Health Advisory Committee
(Current)
Lincoln County Mental health & Wellness Court (Current)
Lincoln County Juvenile Model Court Team (Current)**

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 parking offenses or traffic violations for which a fine of less than \$500 was imposed.

No

16) Have you ever been the subject of a formal disciplinary proceeding as an attorney or judge? If so, please give the particulars and the result. *Include formal proceedings only.*

No

17) What attracted you to a judicial career?

As an attorney, your role is to be an advocate for one side of a legal case or argument, so there may be times when your duty to advocate for your client is at odds with what you may believe is just or appropriate in a particular case. What attracted me to the role of a judge was having the ability to impartially enforce the law and to do what is just and appropriate in each and every situation. I enjoy the responsibility of determining how to correctly apply the law to cases in an unbiased manner rather than advocating only for a single side of an argument.

I chose the legal profession because it was my desire to be a public servant. I wanted a profession that would enable me to make positive changes in peoples' lives. Serving as a judge is the greatest way to put my legal skills, dedication to public service and work ethic to use for our community. I have seen the difference in case outcomes when a judge is disengaged or unprepared for a hearing compared to when a judge is invested and conscientious in their rulings. Judges have a great amount of power to change the direction of a person's life, to safeguard the community, to protect the rights of individuals and to implement change. I truly believe that I can benefit my community by serving in this role.

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.

I believe the effectiveness of our courts relies on the quality of the judges and the amount of respect the community has for them. The community must feel that that they can take their legal matters to the court and receive a fair and just outcome. This begins by having judges that take the time to fully review and prepare for hearings, listen and respectfully address the litigants and victims, and explain their rulings and decisions to the parties. Judges see people on a daily basis that are facing the worst or most difficult times in their lives; people that are in the midst of addiction, have been victimized, facing incarceration, getting divorced, fighting for custody of their children, losing financial security, etc. Hearings can be highly emotional and tense and the temperament of the judge is important in keeping the parties calm throughout the hearing and enabling them to leave the courthouse feeling that they were heard and respecting the decisions that were made. In addition to having the appropriate temperament, judges must be dedicated to their own continual legal education. Regardless of the experience a judge has, it is important that they have the humility to listen and consider the arguments of counsel and fully review the law before making a decision. There are times when attorneys or parties agree on a course of

action that is not legally correct. A judge must be committed to researching the law or being up to date on the law that applies to every case that comes before them for a decision.

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.

It would not be appropriate to discuss any particular case however, I have established general practices that I am proud of. Generally speaking, I understand, and am always cognizant of, how my actions and treatment of a case impact the people before me and the communities view of our justice system as a whole. I take the time to read through a case and prepare myself for issues that may arise before every single hearing, regardless of the type of case. I believe that every person that comes before the court deserves that attention and respect from the judge. When I need to, I take time to contemplate the decisions I have to make in a case rather than ruling from the bench. This practice is avoided by many judges because it requires more work to write an opinion than to rule from the bench, however, I find that it allows me to give a case the consideration it deserves and it provides the parties with a clear written explanation of my decisions. While it does take more work, it is important for the court to fully consider the arguments of each party, be thorough in their review of the law and to fully explain the decisions that were made. I work diligently to issue opinions in a timely manner because I know that the decisions I am making can greatly impact the lives of the litigants. I was recently affirmed the the court of appeals on a difficult case and the court commented on the thoughtfulness and thoroughness of my written opinion.

I have an even temperament and a calm approach to the handling of hearings and trials. I speak to jurors after every trial and I take the most pride in the comments I have received from them. Jurors have felt, particularly after difficult or highly contentious trials, that the parties were treated fairly and respectfully, and the jurors have left the courthouse with a positive impression of our court system.

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

I have always been particularly interested in juvenile court. Juvenile cases are not always given the amount of attention that they deserve. The children who are placed in the juvenile court system through no fault of their own deserve to be made a priority. The way in which these children are treated by the courts can have an impact on the direction they take in their lives and their developing sense of self-worth. It is my goal to continually improve our juvenile court program and to reach a point when children are comfortable appearing in court, want to participate in their hearings and truly feel that they have community support.

Our county has more review hearings in juvenile dependency cases than many other counties and I believe it is important that the court continue to closely monitor the cases. Although DHS caseworkers are typically in their profession because they are dedicated to social work and care about children and families, they are greatly overworked and understaffed. Court oversight is important to ensure that a child or families' needs are being met.

Finally, it is my goal to continue to build a strong juvenile court team in Lincoln County. I believe that utilizing the experience and ideas of all of our juvenile court participants will result in a highly efficient and successful program where we can come together to truly make children and families a priority.

Another interest of mine has been establishing a mental health treatment program in Lincoln County. This has been attempted in the past but has always lacked some key components that were needed to ensure success, such as involvement of community partners and community supervision of participants. It became very clear to me after taking the bench that our county needed a treatment court to help connect defendant's involved in the criminal system as a result of their mental illnesses with appropriate services and support. I began Mental Health & Wellness Court, a treatment court that complies with the Oregon Specialty Court Standards. It is my goal to strengthen existing community partnerships, build new community partnerships and to expand the services and assistance we can offer to our participants.

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

Ruth Bader Ginsburg. Not only because of her work to establish gender equality but also because of her character and the way she led her personal life. In her early career, RBG managed to excel in a field that did not welcome women while raising a family and caring for her husband through cancer. She conquered cancer 4 times herself and was able to serve in one of the most important roles in our country until age 87. In a professional capacity, I admire the way that she handled conflict or disagreements. She was able to work with, respect and have friendships with individuals with vastly different viewpoints than her own. She was able to present her positions on divisive issues in a way that helped people understand and consider her viewpoint without being confrontational.

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

You can learn more about myself and my candidacy at BenjaminForJudge.com