

Oregon State Bar Judicial Voters Guide 2020

Candidate Questions:

1) Full name:

Kelly D. Lemarr

2) Campaign web site (if applicable):

www.kellylemarrforjudge.com

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

George Fox University, BA history, 1999

Willamette University College of Law, JD and Certificate of Dispute Resolution, 2003

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

St. Andrew Legal Clinic, staff attorney, Portland, 2004-2006; non profit family law

David Owens & Associates, associate attorney, Portland, 2006-2008; family law

St. Andrew Legal Clinic, branch manager, Hillsboro, 2008 to present, family law and supervising attorney

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

Oregon State Bar, 2003

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

As a member of the Statewide Family Law Advisory subcommittee on parental involvement, I compiled and edited the contributions of the committee for the following article in March, 2011:

PARENT EDUCATION: WHAT WORKS BEST? A REPORT OF THE PARENTAL INVOLVEMENT WORKGROUP A SUBCOMMITTEE OF THE STATE FAMILY LAW ADVISORY COMMITTEE

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

For the last ten years, I have worked with the Lewis & Clark externship program, mentoring and supervising law students for semester long pro bono work at St. Andrew Legal Clinic.

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

St. Andrew Legal Clinic is a non-profit law firm providing family law representation to low-income Oregonians in Multnomah, Washington, Columbia, Clackamas and Yamhill Counties.

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

As a family law attorney, I regularly litigate cases involving divorce, custody, support, restraining orders, modifications, enforcement of parenting plans and contempt matters. I primarily practice in Washington County, Yamhill County, and Columbia County.

10) Describe any appellate court experience not included above.

My practice does not include appellate work.

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

N/A

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

Since June, 2018 I have been appointed as a Pro Tem Judge in Washington County Circuit Court. I am assigned to the restraining order docket where I hear contested matters involving Family Abuse Prevention Act Restraining Orders (FAPA); Elderly Persons and Persons with Disabilities Abuse Prevention Act Restraining Orders (EPPDA); and Sexual Abuse Protection Orders (SAPO).

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

Local Professional Responsibility Committee, Multnomah County, 2008-2010 State

Professional Responsibility Board, May, 2018 to present

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?

As a non-profit family law attorney for the last sixteen years, I believe it is absolutely necessary for Washington County to have more judges with a family law background. Currently, only three of the fifteen judges in Washington County have a family law background, and only four of that fifteen are women. With the retirement of the current holder of this position, there will only be two judges with a family law background. Other than being a criminal defendant, the most likely interaction the public will have with the justice system is in Family Court. Judges who are experienced and knowledgeable about dysfunctional family systems and how they impact our greater community can do more to better protect children and ensure that families have the best chance of success as they move forward in co-parenting relationships.

In turn, this skillful handling of family law matters will improve community outcomes as these families interact with schools, medical professionals, mental health professionals, coaches, and each other.

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.

Not only must a judge have the substantive knowledge and reasoning necessary to render appropriate decisions, a judge must have a commitment to ensuring procedural fairness in the courtroom, transparency in decision making, and respect for self-represented litigants. This requires an intellectual curiosity to learn areas of the law outside the judge's legal practice areas, dedication to following the highest ethical standards for personal and professional conduct, and a belief that our justice system must continually look for ways to improve access to justice for all Oregonians.

I think one of the biggest challenges a judge can face is struggling to make a decision that you know will impact a person's life irrevocably. As an example, a judge in a family law matter is asked to make decisions that determine the course of a parent's relationship with their children. Other than the decision to take someone's liberty, there cannot be a more serious involvement of the Court in an individual person's life. As a non-profit family law attorney for sixteen years and as a pro tem judge for the last two years handling contested restraining order matters, I understand how thoughtful and committed a judge must be to making the tough calls.

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.

In 2006 I represented a woman who was in a same sex relationship that was not legally recognized as a marriage by Oregon at the time. She was seeking to establish her legal parentage of two children born to her partner via artificial insemination during their relationship. At the time the artificial insemination statute automatically conferred legal parentage on the husband of a woman undergoing artificial insemination. Because same sex couples were not allowed to marry, this benefit was not conferred on same sex couples. I filed a petition challenging the constitutionality of that statute and seeking to have that benefit conferred on my client and others in her situation. The trial court dismissed the petition, however, the trial court was later reversed and that benefit was extended to same sex couples going through artificial insemination procedures. For nearly ten years, this was the only way a person in my client's situation was able to have her legal parentage established by operation of law, rather than going through the expensive and cumbersome process of adoption.

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

For sixteen years, I have worked for a non-profit legal clinic that is committed to providing quality and affordable legal representation to Oregonians with family law matters. I have seen first hand the inequities that can result when one party is represented and the other is not. So many people in Oregon do not have the means to

hire counsel, even at reduced rates. As a judge, I would seek to continue the work I have done as a non-profit attorney to improve the experience of low income and self-represented parties. This includes improving and expanding the number of self-help legal forms, supporting pro bono efforts to provide limited service representation for assistance in filling out these forms, and developing more training for court staff, including judges, as they interact with self-represented parties.

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

There are many figures to choose from, but I have to say I most admire Supreme Court Justice Ruth Bader Ginsburg. I admire her for the fact that she was a trail blazer for women in the legal profession, but most importantly I admire her tenacity and commitment to preparation. As a non-profit attorney and as a woman, I have often found myself in the position of being underestimated. I have always valued hard work, preparation, and conviction. These values have served me well in representing my clients.

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

Right now Washington County needs judges who have experience in family law matters. There are only two out of fifteen judges in Washington County with a family law background and none of the opponents in this race have the family law experience that I have. The judge I would potentially be replacing has been the primary family law judge in Washington County for twenty years. Washington County also needs a judiciary more reflective of the community it serves. Right now, only four out of fifteen judges in Washington County are women.