

Oregon State Bar Judicial Voters Guide 2024

1) Full name:

David L. Carlson

2) Campaign web site (if applicable):

www.CarlsonForJudge.com

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

Whitman College, 1987-1991: BA (with Honors) in Politics

Willamette University College of Law, 1991-1994: Juris Doctorate & Certificate of Dispute Resolution

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

1995- Lawyer & Partner; Pierson, LaMont, Carlson & Gregg

2006- Lawyer; David L. Carlson, P.C.

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

Member- 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.

N/A

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 best characterized as civil in nature, focusing on probate and protective proceedings, trust and probate litigation and administration, business and general litigation. I am also a National Guardian and serve as a conservator and trustee in cases (usually cases that are litigious for some reason).

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

I have litigated many probate, trust, and protective proceedings (including elder financial abuse matters) in the last five years, primarily in the circuit courts in the Willamette Valley.

10) Describe any appellate court experience not included above.

N/A

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

Member- Arbitration Service of Portland

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.

OSB member since 1994. I have served as the Chair of the State Board of Professional Responsibility, as Chair of the Solo and Small Firm Practitioners section and as Chair of the New Lawyer's Division (among others).

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 would like to serve as a judge because I see a need in our bench in Marion County that is not being currently met and I believe that I am the best suited to fill that need. Specifically, we have tremendous depth of experience on the criminal law side of things as roughly 75% of our current judges have their primary experience in the criminal law- either as prosecutors or defense attorneys. But 60% of our cases are civil cases. And given the huge transfer of wealth that will occur when the baby boomer generation starts to transfer their accumulated wealth through their estates (up to \$90 trillion by 2040 by some estimates) that means we're going to have more conflict and thus more cases on the civil side in the coming years. We're already seeing that starting to happen. Unfortunately, very few people have experience with those issues. I do have that experience, both in the courtroom and outside of it. I believe those experiences make me uniquely qualified to fill the position.

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.

Fundamentally, a judge's purpose is to decide disputes that the parties cannot resolve on their own. That means first, giving the parties the necessary space to try to solve the problem. Second, provide clear guidelines to ensure that if they cannot resolve their dispute then the expectations are clear as to what should happen in a trial; and third, provide an open field so that the lawyers can do their jobs in presenting the case. If parties are *pro se* then the judge's job is to ensure that the rules are clear and followed equally by all sides. And then, lastly, to deliver a decision that is consistent with the law and the facts as presented.

Obviously, there are certain qualities that every judge should have- fairness, an appropriate temperament, knowledge of the law, etc. But one skill that is rarely discussed is the ability to listen to the litigants. For every case in which I have participated or seen one commonality is present- if the parties felt like they were heard then they understood the outcome (even if it didn't go the way they wanted it to). If they did not feel heard then they were bitter and disgruntled about the outcome. This is especially true when the parties are *pro se* as there is even less emotional distance from the issue being presented to the court and no lawyer to moderate expectations or performance.

As to the greatest challenges to the role, I suspect that (leaving aside the obvious issues about funding, where to place people who need assistance but have no place to go and similar things) knowing who to trust when they're standing in front of you or submitting materials to the court is the greatest challenge facing a judge on a day to day basis. For the most part, litigants and their lawyers want to present the best face possible for the

situation. That can lead to hyperbole regarding the facts or to overclaiming the importance or significance of case law and precedent. Or worse. Sorting that chaff from the wheat cannot be easy. Knowing who to trust and why is critical.

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.

The State Board of Professional Responsibility is the board that makes decisions about whether a lawyer should be charged with ethics violations, accepts Form B resignations, and authorizes final resolution in disciplinary matters. That process is one which is not widely understood as most lawyers would simply prefer (understandably so) to not have anything to do with the disciplinary system. For four years I served as a member of the Board after being approved by the Supreme Court and I had the privilege of serving as the Chair of the Board in the last year of my service. That experience was very illuminating as we considered and weighed whether one of our brethren at the bar had violated our own ethics rules. The hardest thing to grapple with was sitting in judgment of our peers, knowing that although the lawyer may have acted with the best of intentions, they nonetheless violated the ethical rules and that no matter what the motivation the law demanded a specific response as a result. It was also very rewarding to know that for cases that were not as close a call, motive-wise, that the system truly worked (albeit slowly in some instances) to protect the public from some very predatory practices. It was both educational and rewarding.

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

Right now Marion County is facing a challenge with the issues surrounding the State Hospital and criminal defense work relating to folks who should be in the State Hospital receiving treatment. The ongoing back and forth between Judge Broyles and Judge Mossman at the federal court has spotlighted an issue in which the system as it presently exists is simply failing. Unfortunately, while the problem is playing out in two courtrooms, the resolution to the problem most likely isn't in either one- it's at the legislature which simply needs to fund more beds for treatment of folks. And if they cannot be treated to the point of being able to aid and assist with their defense then we need to have a way to properly provide them with the assistance that they need moving forward. And this issue is not just an issue for the criminal side of the courthouse- I see this every day on the civil side. Bluntly put, we have many people with problems who are not being treated and have no effective path forward for treatment. The result of not getting appropriate mental health treatment earlier (and frequently through intervention on the civil side of things) is that their uncorrected behavior lands them squarely in front of a judge in a criminal court. That needs to change.

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

The obvious answer here is almost always Abraham Lincoln. He became a lawyer through hard work and perseverance, pulling himself up by his bootstraps from basically nothing, parleyed his hard work into a successful practice and then from there into politics and ultimately the Presidency at a time when the positions he knew he was taking would be hard to defend and very tumultuous. I have the utmost respect for how hard Lincoln would've worked in order to pull together what needed to be done at every stage of his life. But yet he never seemed to lose sight of the basic tenant that what he was doing he was doing for the betterment of everyday people.

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

N/A