

Oregon State Bar Judicial Voters Guide 2024

1) Your full name:

Susie L. Norby

2) Office Address and Phone Number:

**Clackamas County Courthouse
807 Main Street, Rm. 205
Oregon City, OR 97045**

3) Web site (if applicable):

N/A

4) List high school, college and law school attended, including dates of attendance, degrees awarded and your reasons for leaving each school if no degree from that institution was awarded.

Dates	School	Location	Major/Degree
9/87 - 5/90	Lewis & Clark Law School	Portland, OR	Juris Doctor
9/81 - 5/85	University of S. Carolina	Columbia, SC	Bachelor of Arts
9/78 - 5/81	Westfield Sr. High School	Westfield, NJ	High School Diploma

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

I. Circuit Court Judge – Clackamas County Court – 1/2007 to Present

Duties:

Preside over Court Proceedings.

It is a judicial duty to preside over court proceedings, such as jury trials, court trials, contested hearings, pleas, probation violation hearings, arraignments, ex parte requests for restraining & stalking orders, and all other manner of court appearances.

Ensure the Law is Followed, by:

Making decisions based on the law, and not on outside influence, or even public opinion. The Judicial Branch of our government is a separate and equal branch to the Executive Branch and the Legislative Branch. Each of the three branches must serve as a check and balance on the other two. As an independent check and balance, it is a judge's duty to consult historical documents like the US Constitution, the Oregon Constitution, state statutes, and opinions written by the courts of appeals over many years when deciding what to do about problems presented to them. Judges are not allowed to make up answers to appease people for the moment – they must rule consistent with past

practice, making efforts to view each case both individually as well as in the context of a bigger picture. This framework keeps judges fair and impartial.

Protect People's Rights.

Our rights as citizens are written in the historic laws described above. Judges must protect them. Court proceedings require respect for the rights of citizens and make human rights a core principle of justice. Judges must work hard to make decisions promptly and carefully so that citizens' rights are secure, and so that each person's rights are properly balanced with those of other people.

Manage Heavy Caseloads Efficiently.

It is a judge's duty to manage dockets efficiently, so that any citizen who needs a day in court will not be turned away. It is necessary to consider several hundred cases a year, and each must receive the judge's careful and prompt attention so that the result is not compromised. This is true in civil cases, criminal cases, family law cases, juvenile cases, and everything in between.

Conduct Settlement Conferences:

In Clackamas County, each judge is assigned to mediate settlements in certain civil cases when that will benefit both parties, or where both parties' preference to avoid a trial. Settlement conferences allow the parties to hear a judge's viewpoint and suggestions about what might happen in a trial without risk, because the judge who conducts the settlement conference is never assigned to the trial of the same case. That allows confidentiality to protect the parties so that they can openly discuss their perspectives and reach fair resolutions.

Write Opinions.

In some cases, trial judges write opinions on legal matters that require significant deliberation to reach a conclusion.

Help Educate Lawyers and the Public About the Courts.

Judges are spokespeople for the court system and the processes of justice. It is a duty of an elected judge to take part on Boards and Committees that seek to make improvements in justice procedures and to speak to audiences interested in better understanding the work of the courts.

II. Senior Legal Counsel - Clackamas County Counsel - 10/1996 to 12/2006

Duties:

Write local laws, such as the Chronic Nuisance Ordinance and the Acceleration of Redemption Ordinance. Enforce local laws, such as the Solid Waste Code, the Building Code and the Zoning and Development Ordinance.

Act as legal advisor to help implement programs to clean up the community, such as:

- (a) The Chronic Nuisance Program – used to shut down drug houses and prostitution cover businesses after due process for the property owner at the local level rather than in state courts.
- (b) The Dump Stoppers Program – used to find illegal dumps, clean them up, and figure out the identities of illegal dumpers to compel them to give back to the community through community service and payment of the costs of cleaning up their dump.

Practice law in all the following areas:

- (1) Litigation, (2) Federal Law on Reasonable Accommodations for Persons with Disabilities, (3) Landlord/Tenant Law, (4) Real Property Law, (5) Contract Law, (6)

Employment Law, (7) Torts Law, (8) Land Use Law, (9) Constitutional Law, (10) Riparian Rights Law, (11) Debtor/Creditor Law, (12) Tax Law, (13) Irrigation & Special District Law, (14) Election Law, (15) Public Record & Meeting Law, and (16) Administrative Law.

Represent clients in:

(1) Oregon Supreme Court, (2) Oregon Court of Appeals, (3) Clackamas County Circuit Courts, (4) Oregon Tax Court, (5) US District Court for the District of Oregon, (6) Oregon Land Use Board of Appeals, (7) Oregon Employment Relations Board, and (8) various administrative hearing bodies. This includes both plaintiff and defense work in civil court.

Give legal advice to County Commissioners, Department Heads, and Management.

Respond to Clackamas County citizen inquiries about local laws and enforcement issues.

Train County and City attorneys to update them on recent case decisions from the Oregon Supreme Court and the Oregon Court of Appeals.

III. Law Instructor – Oregon Police Corps (Part Time) 6/2001 to 2005

Duties:

Train police officer recruits in law, update legal course outlines for police, and revise police training goals.

IV. Law Instructor – State Police Academy (Part Time) 1997 to 2001

Duties:

Train police officer recruits in law, update legal course outlines for police, and revise police training goals.

V. Clackamas County Deputy District Attorney 1/1992 to 10/1996

Duties:

Represent victims' interests in prosecuting hundreds of criminal cases, including Ballot Measure 11 cases, felonies, and misdemeanors.

Prosecute all aspects of criminal jury trials and criminal court trials.

Prosecute probation violation hearings.

Train other Deputy District Attorneys across the state in trial strategies and techniques.

Train police in evolving laws and investigation techniques.

VI. Judicial Clerk to Honorable Robert W. Redding 9/1990 to 12/1991

Duties:

Assist Circuit Court Judge in managing courtroom activity.

Conduct legal research to support opinions of the court.

Work with jurors in all aspects of trials, including one aggravated murder trial.

Ensure that judge's sentences are accurately documented.

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6a) List state and federal bars, courts and administrative bodies to which you are presently admitted and the date of admission.

- **Oregon State Bar** – Admitted: April 1991
- **US District Court for the District of Oregon** – Admitted: April 1997
- **California State Bar** – Admitted: December 2003

6b) List any previous admissions, including dates, and the reason why you are no longer admitted.

N/A

7) List publications and/or articles you have authored.

- Ghostbusters Meets Guardians of the Galaxy – Giving Life to the Council on Court Procedures**, The Verdict (Issue 2, 2022).
- Then and Now: One Woman’s Awakening in Law and Politics**, OSB Bar Bulletin (May 2021).
- Ivory Tower Interventions - Responding to Professionalism Dilemmas with Judges**, OSB Bar Bulletin (July 2020).
- The Mystery of the Missing Juror**, OSB Bar Bulletin (October 2013).
- Majority Opinion** for Court of Appeals: Grabhorn v. Washington County, 255 Or. App. 369 (2013).
- Dissent Opinion** for Court of Appeals: State v Ngyuen, 229 Or App 719 (2009).
- Trial Court Letter Opinion** quoted verbatim by Court of Appeals: Eichner v Anderson, 229 Or App 495, 499-500 (2009).
- Stipulations & Orders Supp. Chapter*** – OSB Civil Litigation Manual 2009.
- Users’ Guide*** -- OSB Civil Jury Instruction CLE Publication 2008 (Co-Author)
- Update to Misdemeanor Sentencing Chapter*** – OSB Criminal Law CLE Supp.
- A Passage to India**, OSB Bar Bulletin, Volume 60, No. 7, pp. 15-18 (May 2000).

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

Community & Civic Activities

- Council on Court Procedures 2018**-Present
Spearheaded re-write of ORCP 55 (Subpoena Rule); Chaired Committee to enact a new rule to curb vexatious litigation.
- Commission on Professionalism 2019** - 2023

- c) **Oregon Judges Charitable Foundation**
President 2012 – 2016; Vice-President 2012 – 2012; Secretary 2010 – 2012;
Chairperson of Application Review Committee 2010 – 2017
- d) **Oregon State Bar Affirmative Action Judicial Mentorship Program**
Mentor 2010 – 2018
- e) **Diversity Convocation Mentoring/Networking Committee** 2010 – 2012
- f) **Oregon State Bar Civil Jury Instruction Committee** 2008 – 2011
- g) **Regional Coordinator of Clackamas County High School Regional Mock Trial Competition** for the Classroom Law Project 2008 – 2012
- h) **Oregon Trial Advocacy College** Volunteer Judge, 2004 – Present
- i) **4th Grade Mock Trial & Read to Me Volunteer** – Elementary Schools: 2007–2014

Teaching Activities

- a) **Tri-County Update on Probate Practice**, Continuing Legal Education Seminar;
Clackamas County Court Spokesperson, December 2020 & January 2024
- b) **National Center for State Courts**, Blueprint for Racial Justice Project, Speaker in
Nationally Distributed Videos, April 2023
- c) **Judicial Analysis in Protective Proceedings**, Oregon Judicial Department Lunch &
Learn Seminar, Early 2023
- d) **Professionalism: How We Treat the Law, Ourselves and Each Other Matters**,
Continuing Legal Education Seminar sponsored by the Commission on Professionalism,
co-taught with Supreme Court Justice Meagan Flynn, Dec. 2019
- e) **A Day in the Life of a Judge** – Portland State University Guest Speaker 2011
- f) **Objecting at Trial** – OSB Evidence in the Courtroom CLE Speaker 2010
- g) **Evidence in Court** – Lewis & Clark Law School Guest Speaker 2008 – Present
- h) **Family Law Judicial Forum** – Oregon State Bar Seminar Speaker 2010
- i) **Judicial Forum on Advanced Discovery & Trial Practice Speaker** – 2009
- j) **Courtroom Demeanor & Testimony** – Code Enforcement Assn Conf. - 2008
- k) **Search and Seizure Law** – Various Police Agencies Continuing Education Speaker
1995 - 2004
- l) **Sexual Harassment Law** – Department of Public Safety, Standards & Training &
Oregon Police Corps Part-Time Faculty Member 1997 - 2005
- m) **Civil Liability in Law Enforcement** – Department of Public Safety, Standards &
Training & Oregon Police Corps Part-Time Faculty Member 1997 - 2005

n) **DUII Litigation Techniques** – Oregon District Attorney’s Association Training Seminar
Speaker 1995-1996

9) Prior to becoming a judge, what was the general character of your legal practice?
Indicate the nature of your typical clients and mention any legal areas in which you concentrated.

ANSWER:

Prior to becoming a judge, I was a Senior Legal Counsel for Clackamas County. I wrote local laws. I handled trials and hearings in Circuit Court, the Court of Appeals, the Supreme Court, the Tax Court, the US District Court for the District of Oregon, and before administrative bodies such as the Employment Relations Board, the Land Use Board of Appeals, and various Hearings Officers.

I gave legal advice to the Board of County Commissioners, and the administrative heads of all County departments, such as the Sheriff’s Office, the Department of Transportation and Development, and the Tax Assessor’s Office. I also represented all those officials in civil lawsuits. Sometimes my client was the plaintiff, such as when the County was enforcing local laws. Sometimes my client was the defendant, such as when the County was being sued.

I acted as legal advisor in the creation of new programs to clean up Clackamas County communities, such as the Chronic Nuisance Program (evicting drug dealers and other criminals from County neighborhoods), and the Dump Stoppers Program (cleaning up illegal dump sites in County communities). I evicted drug dealers and users from public housing under the One Strike Law. I practiced law in all of the following areas: (1) Litigation, (2) Federal Law on Reasonable Accommodations for Persons with Disabilities, (3) Landlord/Tenant Law, (4) Real Property Law, (5) Tax Law, (6) Employment Law, (7) Torts Law, (8) Land Use Law, (9) Debtor/Creditor Law, (10) Riparian Rights Law, (11) Contract Law, (12) Irrigation & Special District Law, (13) Constitutional Law, (14) Election Law, (15) Public Record & Meeting Law, and (16) Administrative Law.

I was a legal advisor to County programs that provided zero interest loans to low-income homeowners to restore their homes to a safe condition, and to qualifying low-income citizens needing help to buy their own homes.

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

**Clackamas County Circuit Court Judge, District 5, Position 11
January 2, 2007 – Present**

Pro Tempore Judge for the Oregon Court of Appeals 2009 - 2012

11) 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.

As a Clackamas County Judge, I preside over many kinds of cases and proceedings. In Clackamas County, our budget is only enough to support eleven trial court judge positions. Comparisons of Clackamas County’s population to the population of other

counties and comparisons of the number of court cases filed in Clackamas County to those filed in other counties tell us that we should have at least fourteen judges to be fully equipped to handle our workload without getting significantly behind each year. Since we do not have the fourteen judges we really need, our eleven judges do not have the luxury of being able to specialize in certain types of cases. We must all handle whatever cases need to be taken care of on any particular day. As a result, one week I may be presiding over an Aggravated Murder trial and the next week I may be assigned a complex civil trial or a small claims case. I am the Lead Judge who oversees: (1) the Probate and Guardianship caseload, (2) the FED caseload, and (3) all Adoption cases. I am also one of four judges who are specially assigned to oversee the juvenile dependency caseload.

I spend most of my regular working hours in the courtroom, listening to trials, motions, and miscellaneous other criminal and civil court matters. Some days I meet with attorneys and parties in chambers to conduct settlement conferences in civil cases. After court closes, beginning at about 5:30pm, I read documents that summarize arguments I will be hearing the next day, and review files to become familiar with the problems that will bring the parties to court the next day. I also review Judgments that have been sent by attorneys to make sure they reflect my rulings correctly, and I read requests from probation officers to issue warrants for probation violations. On evenings and some weekends, I do legal research to figure out the answers to the most complicated questions I must decide, and I write opinions to explain my decisions to the parties in cases that require extra time for ruling. At any hour of the day or night, I may receive a request to review a search warrant affidavit in a criminal case. That requires me to meet with a police officer, swear him in, read his Affidavit, and decide whether there is sufficient evidence to issue a search warrant as requested. I also sometimes make appearances at Legal Education seminars to speak about courtroom procedures and evidence rules, or at events important to the pursuit of Justice in our community. Of course, I also make time to meet with law students or young lawyers who I am mentoring.

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

In 2009, I was recommended by Clackamas County's Presiding Judge Steven Maurer to be appointed as a Pro Tempore Judge for the Oregon Court of Appeals in order to hear and decide three cases as an appellate judge. I was sworn in with the Court of Appeals and sat as one member of a three-judge panel with Judge Walter Edmonds and Judge Timothy Sercombe. I reviewed the appellate briefs and the records of trial proceedings sent in all three cases and heard the oral arguments of the attorneys in those cases. I discussed the legal issues with the other appellate judges on my panel and helped to decide those cases. In one case, I disagreed with the decision made by the other two judges, and wrote a dissenting opinion, which was published along with the majority opinion. My dissent can be found with the citation: State v Ngyuen, 229 Or App 719 (July 22, 2009) A136914.

In 2012, I was invited to return as a Pro Tempore Judge for the Oregon Court of Appeals. I sat as one member of the other two three-judge panels on a myriad of cases on appeal. In one case, I was invited to write the majority opinion for the panel, which was published. My majority opinion can be found with the citation: Grabhorn v. Washington County, 255 Or. App. 369 (2013). My favorite thing about my experiences as an appellate judge was forming friendships and relationships with the other judges at that court, and deepening the respect I already felt for them and the hard work that they do.

- 13) State the approximate number of trials or contested hearings over which you have presided as the judicial officer during each of the past five years. Indicate roughly how many were jury trials and how many were court trials.

<u>200+</u>	Civil
<u>265+</u>	Criminal
<u>125+</u>	Domestic Relations
<u>150+</u>	Jury Trial
<u>440+</u>	Trial to the Court

- 14) Describe any experience serving as an arbitrator or mediator.

In Clackamas County, trial judges must preside over judicial settlement conferences in civil cases. Settlement conferences are mediations between the parties to try to resolve the case without a trial. It is difficult to know how many settlement conferences I have mediated, but I surmise the number is in the hundreds over almost two decades. I have settled approximately two-thirds of the cases assigned to me for mediation. These include, among others, complex civil cases, criminal cases, dissolutions of marriages, contract cases, personal injury cases, probate cases and property cases.

- 15) List all bar association memberships, offices held and committee assignments.

Council on Court Procedures
Commission on Professionalism
National Association of Women Judges
Oregon Women Lawyers
Oregon Circuit Court Judges Association
Oregon Judges Charitable Foundation (President, Vice-President, Secretary,
Chair of Application Review Committee)
Oregon State Bar
California State Bar
Clackamas County Bar Association

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

I was appointed to the **Council on Court Procedures** by the Oregon State Bar in 2018, and still serve as a council member. The Council on Court Procedures are the guardians of the Rules on Civil Procedure that apply in all trial courts across the state. The Council reviews the rules to ensure that they are accessible, understandable, and fair. The Council improves existing rules and carefully considers whether new rules need to be adopted. As part of my Council work, I spearheaded a comprehensive update to a twelve-page rule on subpoenas. I am currently working to create a rule that would curtail abusive litigation that harm others without a valid legal purpose.

I was appointed to the **Commission on Professionalism** by the Supreme Court Chief Justice in 2019 and served through 2023. This Commission works to create seminars on ethics and professionalism for attorneys, and to promote recognition of legal professionals who meet the highest standards of professionalism. Commission members speak at law schools and to legal communities around the state to help future and present lawyers apply rules of professionalism in difficult situations.

I was appointed as a judge mentor to the **Oregon State New Lawyer Mentoring Program** in 2011. Through the program, I helped guide new lawyers assigned to me as they begin their practice of law after completing their law school education. There is a specific set of subjects that we explore together, including practical management information, ethics issues, and presentation of clients and cases in court.

I also volunteered as a judge mentor to law students of diverse backgrounds as part of the **Oregon State Bar Affirmative Action Judicial Mentorship Program** from September 2010 -2018. Through the program, judges develop relationships with students to help guide them in discovering the meaning of law in our lives and introduce them to methods of working through challenges in the world of law. My first law student mentee was recently appointed as a judge in Maryland!

I was appointed to the **Diversity Convocation Mentoring/Networking Committee** from September 2010 until the Diversity Convocation concluded in November 2011. This Committee worked on presentations to promote mentorships within the Oregon State Bar.

I was appointed to the **Oregon State Bar Civil Jury Instruction Committee** from January 2008 until January 2011. This Committee works to improve the jury instructions used in civil jury trials. Improving the instructions means making them easier for jurors to understand, ensuring that the instructions accurately and succinctly summarize the laws, and creating new instructions to help judges and attorneys explain all legal claims at the end of jury trials.

17) 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, I have not.

18) 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, I have not.

19) What attracted you to a judicial career?

Immediately after law school, in 1990, I went to work for a trial court judge as his law clerk. I admired him and the work that he did. I saw how much he respected the people who came to court, and how many opportunities he had to help people. I wanted to be like him. I knew that it would take many years of hard work to gain the experience,

perspective, and life skills to become a good judge. I also knew that I would have to earn the respect of colleagues, employers, and citizens in order to have a hope of serving as a judge. But I wanted to try my best, because it was clearly an interesting and rewarding position that offers many opportunities to make important contributions to the community. I have always enjoyed difficult challenges, I have always believed in the possibility of true justice, and I have always wanted to be instrumental in helping people. I wanted to become a judge because it is a difficult challenge, and an extraordinary honor.

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

Judicial restraint is the philosophy all trial judges are sworn to uphold at the Circuit Court level. Trial judges must base rulings on legal principles and reason and may not rule inconsistently with the law. Evolution and change in the law is only appropriate at the appellate level.

Judicial decision-making at the trial court level is most demanding when existing law does not give a clear answer to the specific question presented in a case. When that happens, a trial judge must work to find touchstones in legal reasoning developed on similar issues in comparable circumstances, and must apply experience, sense, reason and a sense of humanity in reaching a final conclusion.

Above all, trial judges must treat those who come to the courts with patience, respect, deference and sincerity. While it is important for judges to be firm, I believe it is possible to communicate firm decisions without using language that is cruel or indifferent. I strive to do what must be done with compassion and let the consequences alone be the primary measure of justice.

21) 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.

On the juvenile dependency docket (foster care) I presided over a case where a foster family was poised to adopt two children who had been in their care for more than two years. The children's biological parents' rights had been terminated for abandonment. The children adored their foster parents, and their new brothers and sisters. One day, shortly before the adoptions were to be finalized, the foster father had an isolated and uncharacteristic event in which he slapped a different child on the cheek. No other children heard or saw it, and no one would have known it happened if the foster parents themselves had not reported themselves to the child welfare worker. But when child welfare heard the confession, they immediately removed the two foster children (but not the child who was slapped) and cancelled their possibility to adopt. The children were devastated, as were the foster parents, who had done the right thing by being fully transparent when they made a mistake. It is rare for a juvenile judge to evict the child welfare department from a dependency case, but I did. Over the course of a year, I made the two foster children wards of the court and took over decision-making power in the case from the child welfare department – a very difficult thing to do within the bounds of juvenile law. Within two years, I was able to ensure that the children were reunited with their foster family. It took longer to get the adoptions back on track, because the child welfare department placed more obstacles in the family's path when they tried to do a private adoption. But eventually, both children were adopted by their foster family. This is a case in which I know for certain that my involvement changed the outcome for these children and this families for

the better.

22) 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 am particularly concerned about the experiences self-represented litigants (parties not represented by attorneys) are having with the courts, since they must try to seek justice without a full understanding of court rules, procedures and laws that apply. Sometimes people need a judge's help and intervention in a problem but do not know how to put together the right paperwork, how to schedule proceedings, or how to present evidence in court. Historically, attorneys have had greater involvement with the majority of parties, and court procedures have developed over time that are difficult for a typical citizen to understand or apply. Since these processes are long established and foundational to our current method, it can be very difficult for judges and court staff to simplify the court's processes to accommodate the needs of citizens who do not have attorneys.

I am interested in working toward improving the experiences of self-represented litigants with the courts. I already try to help people without attorneys to understand what law will be applied and what processes must be followed. I give simplified explanations on the record when dealing with citizens directly. I try to explore the expectations and needs of litigants who do not have attorneys to make sure that unnecessary formalities don't get in the way, and to make sure the things people really need me to decide are understood by all. I also try to explain the framework and limitations of the laws that apply to problems I must decide for those not represented by counsel.

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

Justice Betty Roberts, the first woman to sit on the Oregon Supreme Court, was an icon, an inspiration, and a friend. She had a keen intellect, and a commitment to justice for those who never before had a strong voice advocating for them in government. She had an unmitigated optimism about the future. She had boundless energy, and never rested on her laurels. Once she achieved a position of influence, she used her influence not only for positive change on issues she cared about, but also to encourage others to seek leadership positions and build on their own passions to pursue positive change. She was an extraordinary woman who treated others as equals regardless of their station in life. She was a true humanitarian. Her determination to create a better future echoes on in me, and in everyone who knew her.

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

Although I am running unopposed to keep my seat, I believe I have a responsibility to voters as an elected official to provide as much information as I can about my background and my approach to work as a judicial servant. I am grateful for the trust the voters placed in me when they elected me over my opponent in 2006 and re-elected me in 2012 and 2018. I work hard every day to continue to be worthy of that trust.