

Oregon State Bar Judicial Voters Guide 2024

1) Full name:

Michelle Vlach-Ing

2) Campaign web site (if applicable):

<https://www.michellevlachingforjudge.com/>

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

University of Hawaii at Manoa, Honolulu, Hawaii; 1994-1998; Bachelor of Arts

Willamette University College of Law, Salem, Oregon, 1998-2001, Juris Doctorate

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

City of Salem, Judge Pro Tempore, December 2022 to present.

Serve as judge pro tempore on municipal matters from arraignment to disposition in violations and misdemeanors. Preside over jury trials, bench trials and trials by affidavit. Address parties from the bench in a respectful manner. Hear motions and evidence. Make findings of fact and conclusions of law. Write opinions. Conduct the business of municipal court judge and serve the residence of the city of Salem.

Law and Mediation of Michelle Vlach-Ing, Attorney, Arbitrator, Mediator October 2011 to present.

Serve clients with needs in domestic relations law, business law, contracts, and civil litigation including trademark and copyright disputes. Assisting clients in pursuit of their legal needs and dispute resolution in various forums including AAA, ICANN, USPTO, WIPO. State court jury trial experience in criminal Law (misdemeanors and felony) including at least nine jury trials and numerous bench trials, many cases settling the eve or morning of trial. Family law hearings and trials, construction litigation cases (settled before jury trial). Court appointed Arbitrator in Marion and Multnomah counties. FINRA arbitrator since 2016. Private domestic relations mediation and court-connected mediator in Marion and Polk County. Parenting Time Coordination since 2015 by helping parties post-judgment resolve disputes.

Complied with COVID-19 protocol pursuant to CJO. Complied with all requirements. VPN capabilities to work from home. Proficient with GoToConnect/Meeting, Webex, and Zoom. Third party software to verify and collect signatures on agreements and pleadings.

Crowell Ing, LLP, Partner, March 2006 to October 2011

Managed four attorneys, three staff attorneys and support staff in multi-jurisdictional civil litigation involving patents, trademark, copyright, contracts, and international law in Oregon, Hawaii (one jury trial), California and the Philippines. Caseload involving intellectual property infringement litigation (several cases through settlement), employment law (administrative hearings and wage claims), and contract law. Largest monetary award \$6.3 million arbitration award regarding an intellectual property contract dispute and several multimillion-dollar awards and settlements. Arbitrator in Lane, Marion, and Multnomah Counties.

Eskanos & Adler PC, Associate Attorney, August 2005 to February 2006

Developed and implemented legal collection procedures for Oregon, Idaho and Washington. Legal collections of consumer debt. Managed one associate and several staff in Oregon, Washington and California.

Law Office of Derrick E. Mc Gavic, August 2002 to August 2005

State court civil matters resolved through arbitration (hundreds), summary judgment (several dozen), or bench trials (six through completion). Civil litigation (defense) in federal court. Regular review of federal laws and modify firm policy to ensure compliance. Defend clients in FDCPA and FCRA matters.

Oregon Judicial Department, Judicial Clerk, August 2001 – August 2002

Judicial Clerk for Hon. Mary Ann Bearden. Bailiff trials, journal entries, draft orders, legal research and writing.

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

**Oregon State and Federal District Court
Ninth Circuit Court of Appeals
Thirteenth Circuit Court of Appeals
United State Supreme Court.**

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

**Polk County Parent Education Course and Mediation Orientation
2016-2022**

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

My current practice consists of a 73.75 FTE for criminal defense work through the Marion County Association of Defenders, where I am appointed felony cases including BM11. I continue to represent business clients and arbitrate for Marion and Multnomah Counties in civil disputes (contract and tort) and Domestic Relations Arbitration. I provide private mediation services. I serve as a Judge *Pro Tempore* for the City of Salem. Finally, I serve as a Court Appointed Parenting Time Coordinator where I referee post dissolution matters with high conflict families and endeavor toward coaching parents to improve communication and reduce conflict. I offer my services to Marion, Polk, Linn and Yamhill Counties, but I am also appointed in Clackamas and Washington County matters and have requests to take on matters in Multnomah County.

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

Multiple Court appearances weekly including probation violation hearings, release hearings, end of Mosman Jurisdiction hearings, change of plea, bench trials, jury trials, sentencing. I am always lead counsel except for a murder case. I also appear as a witness in modification of parenting time cases as a parenting time coordinator.

10) Describe any appellate court experience not included above.

None

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

I began serving as a Court Annexed Arbitrator in Lane, Marion and Multnomah Counties beginning as early as 2007. Submitted over 65 Arbitration Awards in Marion and Multnomah County in the past five years (lost data from prior years). I served on a panel of three arbitrators for FINRA, all cases resolved before hearing.

I mediated over 1000 parenting time cases in Marion and Polk County. I also helped many families in private mediations resolve disputes between parents and in several cases prepare co-petitions for dissolution which included resolution of child custody, personal property, and real property.

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

Judge Pro Tempore, City of Salem Municipal Court. Preside over court matters from arraignment to disposition of cases, hear special motions, jury trials, bench trials, trials by affidavit, write opinions, and make findings of fact and conclusions of law from the bench. See employment history above.

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

- **Marion County Bar Association, (Board of Directors, 2008 – 2012)**
- **OSB ADR Executive Committee, Chair, Past-Chair 2020 to present.**
- **Willamette Valley Inn of Court, Team Leader (Webmaster 2015-2019)**
- **Oregon Criminal Defense Lawyers Association since 2018**
- **Region 6 Delegate, Oregon State Bar House of Delegates 2007 – 2013, 2015 to 2021**
- **Committee Member, OSB Out-of-State Attorney in Arbitration Task Force 2009 – 2010**

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?

When I was a child, I learned the courts make decisions that affect people who are not parties to the case.

It first began when my parents divorced. Prior to the divorce, I lived with my grandparents who provided a stable and loving home. My parents came up with a stipulated settlement that the court rejected. The court determined that my mother was to have primary custody and my father was granted limited parenting time. While I personally did not agree with the judge's decision at that time, I know now that was a sound decision having reread the file as an adult. My mother agreed to terms that violated public policy to remove herself and her children

from an unhealthy situation and the court saw the terms would set the family up for failure.

Throughout my life, I noticed how decisions a judge makes needs them to look at not only the needs of the parties who bring matters before it, but how those decisions affect the families and communities for all involved.

Should I be elected or appointed to the bench, the residents of Marion County and the State of Oregon will know that they have a hard working, thoughtful judge who understands the law, how facts apply to the law and will look to maximize benefit.

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.

The Court is where we as a society go to seek civil dispute resolution. If we are unable to uphold the rule of law, there will be violence and chaos. First and foremost, a court must possess and present a face of neutrality and impartiality until it is time to render a decision. A judge must maintain that neutrality by not stepping outside the role of judge and stepping into the role of an advocate. One of the greatest challenges to the role is when parties and or litigants appear, and they do not provide the court with the necessary information to make a sound decision. The attorneys or *pro se* litigants need to provide the necessary evidence for a court to make a decision. When the attorneys or litigants fail to provide such information, it leaves the court with incomplete information. This can be remedied in many situations by the court pointing out the need for more information and providing the parties the opportunity to present that information when appropriate. A good judge will exemplify patients, understanding and compassion and set the tone for civil dispute resolution in civil and criminal matters.

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.

I took several cases to trial where allegations of domestic violence came about because the victim exaggerated a domestic dispute in order to use police to remove the other party from the home. In one particular case that exaggeration resulted in a felony Assault IV (DV) charge. My attempts to negotiate a plea to a misdemeanor with the deputy district attorney prior to trial was unsuccessful. In the middle of my *voir dire*, the State moved for a continuance on the pretext that the alleged victim was no longer available due to childcare reasons. The court, over my objection, granted a continuance. In truth, I believe the colloquy I was having with the jury began to highlight the fact that the alleged victim had, minutes before the incident my client was indicted upon, scratched my client so hard that her acrylic nail broke and left him with bloody scratches on his face and neck. The body camera footage showed that my client did not want his pregnant girlfriend to

be taken to jail for that. On the other hand, his pregnant girlfriend wanted him to be arrested for walking into her as he attempted to reenter the home through the garage as she attempted to block him with her body.

The district attorney and I were able to come to a resolution for a differed sentence and dismissal of a misdemeanor upon completion of treatment.

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

Too often the criminal justice system is saddled with dealing with a mental health crisis. Many people who have mental illness or who are developmentally delayed are caught in the criminal justice system when they and the community are best served by identifying their needs and addressing it through the appropriate channels.

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

There are many, however the person who I think of foremost is Clarence Darrow for his remarkable trial skills and ability to relate to people.

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

A vote for me is a vote in favor of someone who will fulfil the office of a Circuit Court Judge. While I bring a breadth of experience in civil and criminal law, I know I do not know everything. I will seek answers when I am aware of my lack of knowledge or incite. I will listen to each case with an open mind and look to the attorneys who appear before me to present the facts and the law as they know it and treat people who appear before me with the honor and the respect they deserve.