

**Oregon State Bar**  
**Meeting of the Board of Governors**  
December 28, 2009  
**Special Meeting Agenda**

*The Special Meeting of the Oregon State Bar Board of Governors will begin at 12:00 p.m. on December 28, 2009, however, the following agenda is not a definitive indication of the exact order in which items will appear before the board. Any item on the agenda may be presented to the board at any given time during the board meeting.*

1. **Appellate Selection Committee**
  - A. Approve Recommendations to the Governor

# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** December 28, 2009  
**Memo Date:** December 24, 2009  
**From:** Chris Kent, Chair, Appellate Selection Committee  
**Re:** Appellate Selection Committee Recommendations for Court of Appeals

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### Action Recommended

Approve the recommendation of the Appellate Selection Committee regarding the candidates for the Court of Appeals vacancy created by Judge Edmonds' resignation.

### Background

On December 22 and 23, 2009, the Appellate Selection Committee<sup>1</sup> interviewed 19 candidates for the Court of Appeals vacancy created by the resignation of Judge Edmonds. The Committee also contacted as many as possible of the references listed by each candidate. The Committee was joined in the interviews by Joseph O'Leary, counsel to the Governor.

BOG consideration of judicial candidates is pursuant to OSB Bylaw 2.703 which provides, in pertinent part:

*"...The Board will make recommendations to the Governor from the pool of candidates who submit information to the Governor's office for appointment to fill vacant positions....Upon completed of the due diligence review, the Board's Committee on the Judiciary<sup>2</sup> will recommend a list of candidates suitable for consideration by the Governor to the Board, based on the statutory requirements of...ORS 2.540<sup>3</sup> for the Court of Appeals...as well as information obtained in the review process, and as screened in using, at a minimum, the following criteria: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, health, financial responsibility and public service. The Board will then determine the final list of candidates to submit to the Governor. The chair of the Board's Committee on the Judiciary (along with members of the committee as determined by the committee) will also provide a written or oral summary of the committee's information about each*

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<sup>1</sup> Committee members Chris Kent, Barbara Dilaconi, Audrey Matsumonji and Steve Larson conducted the interviews. Committee members Kellie Johnson and Gina Johnnie assisted with reference checks.

<sup>2</sup> The committee is now called the Appellate Selection Committee.

<sup>3</sup> The only statutory requirement for Court of Appeals judges is found in ORS 2.540(2): A judge of the Court of Appeals shall be an elector of the county of the residence of the judge and be admitted to the practice of law in this state.

candidate to the Office of General Counsel for the Governor. The summary will also include comments regarding candidates not submitted for consideration.

The Appellate Selection Committee has found all of the candidates to be qualified and recommends that the Board forward all the names to the Governor in alphabetical order:

1. Barry L. Adamson
2. Allan Arlow
3. Roderick Boutin
4. Suzanne Chanti
5. Nena Cook
6. Vance D. Day
7. Joel DeVore
8. James G. Driscoll
9. Rebecca A. Duncan
10. Barbara J. Gazeley
11. Judith A. Giers
12. Mark Johnson
13. David EA Leith
14. Kendra M. Matthews
15. Susie Norby
16. Julene M. Quinn
17. Kathleen Rastetter
18. Paul Smith
19. Edward H. Trompke

As indicated, the Governor's legal counsel participated in the interviews and the committee's discussions following the interviews. He is aware of the committee's views regarding the relative merits of the candidates and no additional written or oral report will be necessary.

A summary of the candidates' qualifications accompanies this memo.

# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** December 28, 2009  
**From:** Sylvia E. Stevens, General Counsel  
**Re:** Background Summaries of Appellate Court Candidates

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### **Action Recommended**

Review the summaries below and other information provided by the Appellate Selection Committee in preparation for recommending candidates to the Governor for the Court of Appeals vacancy created by Judge Edmonds' retirement.

Each summary includes the following information:

- Law school graduation and bar admissions
- Current employment and description of practice
- Past employment and judicial experience, including number of cases tried
- Civic and community activities, including speaking and writing

### **Appellate Court Candidate Background Summaries**

#### **Barry Adamson**

Adamson received his JD from UCLA School of law in 1975 and is a member of the Oregon and California bars. He is admitted to practice in the US District Courts for Oregon and the Central District of California; the 9<sup>th</sup> Circuit Court of Appeals; and the US Supreme Court.

Adamson has been on inactive status since January 2006 and is not currently employed. During law school, Adamson was a judicial clerk in the US District Court for the Central District of California. He began his legal career as an associate in a Los Angeles firm. He joined the Portland firm of Williams, Frederickson & Stark in 1980, where he his practice emphasized business transactions, state and federal court civil litigation, state and federal appellate advocacy, local government and municipal law, land use and real estate matters, and state and federal administrative proceedings. From 1989 through 2005, Adamson had a solo practice in Lake Oswego where he continued to handle the same kinds of legal matters. From 1994 to 2003, Adamson was a land use hearings officer for Multnomah, Washington and Clackamas Counties and for the cities of Hillsboro, Beaverton and Keizer. He estimates he conducted more than 575 hearings and wrote more than 550 decisions. His application lists 110 Oregon appellate cases in which he wrote briefs

(including two in which he was a party) either for one of the parties or as *amicus*. He estimates he has tried 40-50 civil cases to conclusion during his career including 5-10 jury trials; he has represented clients in 10-15 arbitrations and 20-25 administrative proceedings.

Adamson is a prolific author, listing 17 books, chapters, articles and other writings during his career, including many articles published in the *OSB Bulletin* and *The Oregonian*. He has contributed to OSB Legal Publications on “Land Use’ and “Appeal and Review.” His book “*Freedom of Religion, the First Amendment and the Supreme Court: How the Court Flunked History,*” was published in 2008; another book, “*Because Truth Matters: What You’re Not Supposed to Know About ‘Free Exercise’ of Religion,*” is in the works. He has served on several OSB committees, including the MCLE Board. He was a moot court judge for Lewis & Clark and Willamette Law Schools during the 1990s and was a 20-year member of the Lake Oswego Rotary.

### **Allan Arlow**

Arlow earned his law degree from Georgetown University Law Center in 1969. He is a member of the Oregon, DC, Illinois (inactive) and Maryland (inactive) bars, and is admitted to practice in the US District Court of Maryland and the DC Circuit Court of Appeals.

Since 1999, Arlow has been an administrative law judge for the Oregon Public Utility Commission.

Immediately after law school, Arlow was in private practice in Washington, DC for six years. Between 1975 and 1995, he worked for several cellular telephone and communications companies as General Counsel and in other roles. From 1996 to 1998 he had a solo practice in Maryland. From 2001-2008 Arlow was also a hearings officer for Bonneville Power Administration.

Arlow’s White Paper, “Cutting the Gordian Knot—Providing Access in A fully Competitive Market place at the Lowest Possible Cost,” was published by the National Academy of Sciences in 1998. From 1982 to 1994 he was involved in management and overall direction of Chicago Public Radio Station WBEZ, first as a member and president of the Citizen’s Advisory Board, and for the final two years as chairman of the board.

### **Roderick Boutin**

Boutin attended Lewis & Clark Law School and earned his JD in 1982. In addition to Oregon state courts, he is admitted to practice in the US District Court of Oregon, the 9<sup>th</sup> Circuit Court of Appeals, and the US Supreme Court.

Boutin has been in private practice for his entire career. From 1992 to 2007 he was in a partnership in Oregon City and currently has a firm of his own in Lake Oswego. His practice is mostly civil litigation involving transactions, business organizations,

professional liability, construction, eminent domain, land use, technology licensing, trusts and estates and torts. He frequently organizes for-profit and non-profit entities and his clients include school districts in Clackamas County, the PLF, various business, charities and individuals.

Prior to attending law school, Boutin was Deputy Press Secretary and policy analyst for the Governor of Alaska. During and after law school he worked for Gary Bullock in Portland, had a solo practice for six years, and spent one year with a Lake Oswego firm before establishing the Oregon City partnership with Donald Bowerman in 1992. Boutin has tried 22 civil and 3 domestic relation cases to conclusion, 8 of which were jury trials. He has represented clients in 12 arbitrations and 15 administrative hearings. He has been a *pro tem* judge in Clackamas, Polk and Benton Counties since 2003.

Boutin received the OSB President's Public Service Award in 2003. Since 2008 he has chaired the Clackamas Cultural Coalition. He incorporated and served as president of the Campaign for Clackamas County, a non-profit created to support integrated treatment courts for adults and juveniles; HumaniNet, a nonprofit that provides voice and data communication services to relief workers in disaster areas; and Urban Sports, a nonprofit providing services to at-risk youth. He chairs the OSB Aviation Section and has been on the faculty of the Oregon Trial Advocacy College since 2005. Boutin provides *pro bono* counsel to several foundations and charities. He has been active in the Clackamas County Bar Association and has been a coach and judge for the Classroom Law Project Mock Trials since 1998.

### **Suzanne Chanti**

Chanti earned her law degree from UO Law School in 1988. In addition to Oregon courts, she is admitted to practice in the US District Court of Oregon, the 8<sup>th</sup> and 9<sup>th</sup> Circuit Courts of Appeals, and the US Supreme Court.

Currently, Chanti is a partner in Chanti & Middleton in Eugene. She primarily represents people with employment of civil rights claims in federal and state court. She also represents two cities and several employers. She has litigation claims for breach of contract, wrongful discharge, sexual harassment, age, sex, race and disability discrimination and violation of constitutional rights.

From 1992 to 2007, Chanti was a partner in a variety of small firms in Eugene. Her first four years of practice were as an associate in a small firm. She has tried 15 civil cases and 1 domestic relations case to conclusion, 11 to juries. She has also argued 9 matters in administrative hearings.

Chanti has taught a small business class at Umpqua Community College for two years and has been an instructor at the UO Law School Trial Practice Workshop. She has two published law review articles and one in the OTLA magazine, and is a frequent speaker for continuing legal education programs.

Chanti was appointed by Governors Roberts and Kitzhaber to the Oregon Disabilities Commission and served from 1992-1996. She served on the PLF Board of Directors from 2007 to 2012, and was Chair in 2012. She has served two terms on the Lane County LPRC, and was chair during her last year. She was a member of the OSB House of Delegates and served on the Affirmative Action Committee. She is currently serving a three-year term as a Lawyer Representative to the 9<sup>th</sup> Circuit Judicial Conference and has served on the District Court Local Rules Committee. Chanti has served on the boards of Lane County Public Defenders and Mobility International (a disability rights advocacy organization). She has volunteered for Lane County Legal Aid and Senior Law Clinic, Food for Lane County, and “Vote from Home” Columbus, Ohio. Chanti is or has been a member of OTLA, National Employment Lawyers Association, the Federal Bar Association, OWLs, Lane County Bar, the Sierra Club and the ACLU.

### **Nena Cook**

Cook earned her JD from Willamette University College of Law in 1991. She is a member of the Oregon and Washington bars, and is admitted to practice in the US District Courts of Oregon and Eastern and Western Washington, the 9<sup>th</sup> Circuit Court of Appeals and the US Supreme Court.

Cook has been with the Portland firm Sussman Shank since 1995. Her practice is primarily commercial litigation including admiralty claims, business torts and insurance coverage disputes. Over the last five years, she has concentrated on professional negligence defense and appellate law.

During her last two years of law school, Cook was a certified law student in the Marion County DA’s Office, where she tried misdemeanor cases and assisted with felony trials. She spent the next five years in two different private firm where she handled family law matters and represented plaintiffs in personal injury and wrongful death cases. She also represented plaintiffs in employment discrimination cases, securities violations and ERISA claims. Her trial experience is comprised of 20 civil, 20 criminal and 10 domestic relations cases tried to conclusion, 25 of which were jury trials. She has handled 20 matters in arbitration and 10 administrative hearings. Cook has been a *pro tem* judge in Multnomah County since 2007, hearing three to six summary judgment motions one day a month.

Cook has authored three chapters in the OSB Civil Litigation Manual as well as numerous articles for the MBA, Oregon Business Lawyer, Portland HR Management, Lorman Education Service, and Sterling Education Society publications. She has been active in OSB sections and committees.

Cook is a member of the Oregon Commission for Women (appointed by the Governor and confirmed by the Oregon Senate; has been a cooperating attorney for the ACLU since 2006; and serves on the US District Court of Oregon’s *pro bono* panel assisting prisoners with habeas corpus or civil rights claims. Cook’s other volunteer activities include OWLs,

the Campaign for Equal Justice, the OSB Legal Services Program, Metro Crisis Line, and St. Clair School.

Cook was OSB President in 2004-2005, during which she initiated the Leadership College. She chaired the Leadership College Advisory Board from 2006-2008, was Lawyer Representative to the 9<sup>th</sup> Circuit Judicial Conference from 2000-2003, and served on the Joint Bench/Bar Professionalism Commission in 2005. She Cook was one of the Portland Business Journal's *Forty Under 40* in 2002, named as one of the state's top five women leaders by Oregon Business magazine in 2004, one of Willamette Week's fifty most influential women in 2005, and has been selected as a "Super Lawyer" since 2006.

### **Vance Day**

Day earned his law degree from Willamette University College of Law in 1991. In addition to Oregon Courts, he is admitted to practice in the following US Courts: District Courts of Oregon and Colorado, 9<sup>th</sup> Circuit Court of Appeals, Court of Federal Claims, Court of Military Appeals, Court of International Trade, Tax Court and Supreme Court.

Since 2000, Day has been in a small firm in Salem with a practice focusing on general litigation, personal injury and workers' compensation. He is also a pro-tem judge in Salem municipal courts and a member of the Circuit Court Arbitration Panel for Marion, Polk and Yamhill Counties.

Day was an associate in a small firm in Salem for three months after finishing law school, and from 1992 through 1999 was in solo practice. He has tried 300 civil cases and 2 criminal cases to conclusion, 28-30 of which were jury trials. He has represented clients in 110 arbitrations and 200 administrative hearings.

Day has been active in the Cascade Pacific Council of Boy Scouts for several years, serving as District Chairman from 2004-2006, and is a recipient of the Silver Beaver Award. He has received distinguished service awards from the Oregon Army National Guard and the Linn County Sheriff's Department. He lectures on leadership theory and practice to various military and public safety organizations. He was chairman of the Oregon Republican Party for four years and has served on the Marion County Compensation Commission. He also accepts *pro bono* litigation cases through community referrals.

### **Joel DeVore**

DeVore graduated from U of O Law School in 1982. He is a member of the OSB and is admitted to practice in the US District Court of Oregon, the 9<sup>th</sup> Circuit Court of Appeals, the Federal Circuit Court of Appeals and the US Supreme Court.

DeVore is a partner at Luvaas Cobb in Eugene, where he has worked since 1988. His practice emphasizes appellate work and trial motion practice in all common areas of civil litigation. About half of his current practice is malpractice "repair" for the PLF in trial and

appellate courts; he associates on troubled cases and assumes responsibility to avoid dismissal or seek reversal of an adverse outcome, typically for plaintiffs.

For five years after law school, DeVore practiced with Mautz Hallman in Pendleton. He clerked for Oregon Court of Appeals Judge Young and for Larry Gildea while in law school. Between college and law school, DeVore was ombudsman for the Municipality of Anchorage (three years). During college he had a two month externship as a research assistant to the NAACP Legal Defense Fund in Jackson, Mississippi. At Mautz Hallman, he had a general civil practice that included divorces and personal injury cases; while there he tried 12 civil cases to conclusion, three to juries.

DeVore was president of the Toastmasters Club while in Pendleton; more recently he was president of the Lane County Bar Association. He has authored four OSB CLE chapters in written numerous articles on insurance and litigation. He drafted the 1997 amendments to Oregon's auto insurance statutes, and was a proponent of auto insurance repair proposals approved by the Oregon law Commission for legislation in 2005 and 2007. He is a regular speaker at CLE seminars on civil litigation. He is a 2007-2010 lawyer representative on the 9<sup>th</sup> Circuit Judicial Conference.

### **James G. Driscoll**

Driscoll graduated from Lewis & Clark Law School in 1977. He is a member of the Oregon and California bars and is admitted to practice in the US District Court of Oregon and California, the 9<sup>th</sup> Circuit Court of Appeals and the US Supreme Court.

Driscoll is a pro-tem judge in Multnomah County. In 2005 he retired from Bullivant Houser, the firm at which he spent his entire legal career, including two years as a law clerk while in law school. His practice was complex civil litigation, including environmental contamination, intellectual property, ERISA and insurance coverage claims. He also handled real estate and land use, natural resources, civil rights and municipal liability matters. From 1993-1997 he was a Sacramento County Superior Court Settlement Judge Pro-Tem. He has tried 40 civil cases to conclusion, of which 15 were jury trials, and handled 10 arbitration matters and 5 administrative hearings.

Driscoll has a long list of published articles and papers and has spoken often at continuing education programs. He has been an arbitrator for the American Arbitration Association and a member of several OSB and California State Bar sections.

### **Rebecca A. Duncan**

Duncan graduated from the University of Michigan Law School in 1996. She is a member of the Oregon and Wisconsin bars.

Since 2000, Duncan has been employed by the Office of Public Defense Services-Appellate Division, initially as a Deputy Defender and now as Assistant Chief Defender. She manages a high-volume case load representing indigent clients in appeals to the

Oregon Court of Appeals and Supreme Court. She also assists the Chief Defender to manage a 40-employee law office including hiring, training and supervising attorneys and staff. She also represents the Appellate Division before the legislature and is liaison between OPDS, the AG's Office and the Court of Appeals to improve appellate processes for criminal, juvenile and parole cases. She has been chief counsel on five cases at OPDS.

From 1996 to 2000, Duncan was a staff attorney with the Metropolitan Public Defender in Portland; in 1995 she worked there as a research intern. While in law school she spent three months as an extern to the US Department of State, Office of the Legal Advisor; did a one-month fellowship at the AIRE Center (a charity that provides information and advice on international human rights law) in England; and was a summer intern at the Walworth County DA's Office in Elkhorn, WI. During her tenure with the Metropolitan Public Defender she tried approximately 45 criminal cases to conclusion, of which 20 were jury trials. She has argued one matter to an administrative body.

Duncan is past chair and has served on the executive committee of the OSB Criminal Law Section for seven years; she is also a member of OCDLA. She speaks frequently at OCDLA programs and has authored two published articles.

### **Barbara J. Gazeley**

Gazeley received her JD from Willamette Law School in 1978. In 1994 she earned an MA in Counseling Psychology from Lewis & Clark Graduate School of Professional Studies. She is a member of the Oregon, Washington and Alaska bars. She is admitted to practice in the US District courts for Oregon, Eastern and Western Districts of Washington, and the 9<sup>th</sup> Circuit Court of Appeals.

Since 2004, Gazeley has been a staff attorney for the Appellate Settlement Conference Program. In addition to mediating cases in the program, she screens cases to determine which should go to mediation and which should be sent back to the Court of Appeals for briefing and oral argument.

After finishing law school in 1978 until 2004, Gazeley was a litigation attorney in private practice (Martin Bischoff and Garvey Schubert), government (Federal Aviation Administration and DOJ) and in-house counsel positions (Hartford Insurance). Beginning in 1993 and until 2004 she was a mediator and arbitrator in private practice, handling cases in court-annexed and private programs involving domestic relations, personal injury, business/commercial, contracts, tort, construction, probate, trusts, debtor/creditor, and multi-party and community disputes. During her career she tried 30 civil cases to conclusion, 15 of which were jury trials, and has argued 10 matters before administrative bodies.

Gazeley was on the ADR Section Executive Committee from 1996-1997; served on the Multnomah County LPRC in the 1980's; was a Campaign for Equal Justice committee member from 1994-1998; and has been on the OSB Fee Arbitration panel of arbitrators for several years. She was a volunteer for Portland Public Schools between 1996 and 2004,

teaching reading, math and music half-time while her children were in grade school. She was a coach and occasional judge for the Catlin Gabel mock trial team from 2004-2009.

### **Judith A. Giers**

Giers earned her JD at Suffolk Law School in 1990. She is admitted to practice in Oregon courts and in the US District Court for Oregon and the 9<sup>th</sup> Circuit Court of Appeals.

Currently, Giers practices in a two-person firm in Eugene. She limits her practice to appeals and handles trial matters only when they are related to her appellate work. With the exception of one major criminal appeal, her work is civil or administrative. She consults with other lawyer on appellate issues, mediates for the Court of Appeals settlement program and is volunteer mediator for the US District Court program. Since 2005 she has been an adjunct professor at UO Law School, teaching Constitutional Law, Litigation Practice & Procedure, Advanced Persuasive Writing and Drafting Settlement Agreements.

From 2004 to 2009 Giers was Of Counsel at Hershner Hunter, managing the firm's appellate practice and assisting with trial work. She taught full time at the law school from 2000-2004. From 1992-2000, Giers was with Harrang Long's complex litigation and appellate practice, handling business and public law matters. During that time she was the City Prosecutor for Eugene and tried criminal cases. Giers has tried 10 criminal cases and 30 civil cases to conclusion, 20 of which were to juries. She has experience with one administrative hearing.

Giers chaired the OSB Appellate Section 2009 and currently serves on the Disciplinary Board for Region 2. She is a fellow and organizer of the annual UO Kenneth O'Connell Conference, aimed at further the education of the appellate bench. She has authored several articles for legal publications and made presentations at a variety of CLE programs for the OSB and other sponsors. Giers served on the board of Lane County Legal Aid from 1998-2007 and was a volunteer with the program from 1994 to 1998; she has served on the board of trustees of Oak Hill School; coached the UO Law School Nat'l. Appellate Advocacy Competition Team; was a volunteer judge for the "We the People" High School Competition in 2005; and chaired the Lane County Bar Association Pro Bono Committee for two years.

### **Mark Johnson**

Johnson earned his law degree at UC Berkeley (Boalt Hall) in 1987 after graduating from Reed College. He is a member of the Oregon and Washington bars and is admitted to practice before the US Supreme Court.

Since 1993, Johnson has been self-employed, currently in the firm of Johnson & Lechman-Su. In addition to managing the firm, Johnson has a complex legal practice focused on

professional ethics issues, appellate litigation (primarily family law), adoptions and, most recently, civil liberties.

After finishing law school, Johnson clerked for US District Court Judge Helen Frye and then for Oregon Court of Appeals Judge William Riggs. He then spent four years as an associate at Gevurtz Menashe before establishing his own practice. Johnson has not tried a case in the last five years and does not list any from prior employment. He currently serves as an appellate judge for the Northwest Intertribal Court System. From 2003-2007 he was an association justice of the Court of Appeals for the Confederated Tribes of the Grande Ronde. He has also served as a pro tem judge in Multnomah and Clackamas Counties and occasionally as a private arbitrator.

Johnson is currently a member of the City of Portland's Citizen Review Commission (Independent Police Review Division). He has been active in the ABA and has been the Oregon State Delegate for the past three years. He currently serves on the ABA Standing Committee on Professional Discipline and has served on a variety of ABA committees and commissions. Johnson was a member of the OSB Board of Governors from 1996-1999, serving as president from 1998-1999. He has been a member of the OSB House of Delegates and the State Professional Responsibility Board; he has also been active in the Family Law and Appellate Practice Sections. For the last 10 years he has been active with groups pursuing marriage equality for gay and lesbian couples.

### **David Leith**

Leith earned his law degree from UO Law School in 1992. He is admitted to practice in Oregon state courts, the US District Court for Oregon and the 9<sup>th</sup> Circuit Court of Appeals.

Leith began his legal career as a judicial clerk in the Oregon Court of Appeals. Since 1994 he has been at the Department of Justice. Leith was recently named Associate Attorney General, responsible for overseeing the state's legal position and analyses in significant matter. He also serves as Chief Counsel of the General Counsel Division, supervising 100+ AAGs. Previously, Leith was in the Special Litigation Unit (and was Attorney in Charge for several years), handling a mix of high-profile constitutional, environmental and other politically-sensitive litigation. Earlier assignments were in the Trial, General Counsel and Appellate Divisions. Leith has tried 250 civil cases and 25 criminal cases to conclusion during his career, 5 of which were jury trials. He has successfully mediated five cases.

Leith received the DOJ Outstanding Service Award in 2004. He has been active in the OSB Constitutional Law Section, including serving as chair in 2005. He has participated in the Willamette Law School Mentor program, served as a moot court judge and on the Classroom Law Project fundraising committee.

### **Kendra Matthews**

Matthews graduated from Georgetown University Law School in 1996. She is a member of the Oregon and Washington bars and is admitted to practice in the US District Courts for Oregon and the Western District of Washington, the 9<sup>th</sup> Circuit Court of Appeals and the US Supreme Court.

Matthews has been in private practice with the Ransom & Blackman firm since 1998, the last four years as a partner. She represents individuals and entities in criminal matters in state and federal court, as well as professionals in disciplinary proceedings. A substantial focus of her practice is appellate litigation, generally in post conviction challenges or appeals of Stalking Protective Orders or FAPA Restraining Orders.

For her first two years after law school, Matthews clerked for Judge Armstrong in the Oregon Court of Appeals. During law school she was a student advocate at the Georgetown Law Center Appellate Litigation Clinic, a law clerk for the ACLU of Colorado, and an intern with the Superior Court of Washington D.C. During her career, she has tried 9 civil and 5 criminal cases to conclusion, 2 of which were jury trials. She has also tried 13 post-conviction cases to the court (w/o hearing?). Additionally, Matthews has handled one case in arbitration and five administrative hearings.

Matthews has contributed articles to several professional publications. She is a volunteer lawyer for the ACLU of Oregon, participated in the MBA Imprint Program, served on the board of Oregon Women Lawyers (including chairing the Roberts-Diez Awards Dinner Committee for four years), was a delegate to the OSB House of Delegates, and served on the OSB's Equality and Satisfaction in Practice Committee. Additionally, she is active in and serves on the boards of directors of the Columbia Empire Volleyball Association and the Oregon Kickball Club.

### **Hon. Susie Norby**

[Note: My copy of Norby's application did not include a resume and she did not answer all the questions on the application, so the summary of her experience is not as detailed as it might otherwise be.]

Norby graduated from Lewis & Clark Law School in 1990 and is a member of the Oregon and California bars.

Norby has been a trial judge in Clackamas County Circuit Court since being elected in 2007.

She was a judicial clerk during law school and began her legal career with the Clackamas County DA's Office in 1992, where she stayed for four years. She then spent ten years (1996 to 2006) as Senior Legal Counsel and the Clackamas County Counsel's Office. From 1998 to 2005 she was also a part-time instructor at the Dept. of Public Safety, Standards & Training and the Oregon Police Corps.

Norby serves on the OSB Civil Jury Instructions Committee and is a prior member of the CLE Committee. She has been regional coordinator for the Classroom Law Project's

Clackamas County High School Mock Trial competition and a volunteer judge for the Oregon Trial Advocacy College and the Elementary School Mock Trial competition. She is also a Volunteer Reader at Sunrise Primary School.

### **Julene Quinn**

Quinn earned her JD at Washington College of Law, the American University in 1985. She is a member of the Oregon, Virginia and Maryland bars and is admitted to practice in the US District Court for the Eastern District of Virginia, and the 4<sup>th</sup> and 9<sup>th</sup> Circuit Courts of Appeals.

Quinn has worked at SAIF for 19 years as both trial and appellate counsel. As trial counsel, she handled a high volume of workers' compensation cases in administrative hearings throughout the state. As appellate counsel, she represents employers in the Court of Appeals, Supreme Court and 9<sup>th</sup> Circuit.

During law school, Quinn participated in the law school's Criminal Justice Clinic, representing criminal defendants at trial. After law school, she spent five years as an associate in three different Virginia law firms where she did criminal defense (retained and appointed) and general business work. Quinn has had 3 criminal jury trials to conclusion and estimates she had appeared in 500 administrative hearings during her career.

Quinn is a member of the OSB Workers' Compensation Section. She has served on the OSB Legal Ethics Committee, a Gender Fairness Task Force workgroup, and on the board of Oregon Women Lawyers. She also volunteered on the DOG Mediation Project for Marion County Small Claims cases. Quinn was president of the AAUW, Salem Branch and has been on the board and served as president of the Deepwood Historical Estate in Salem. She currently serves on the Monmouth Planning Commission and was Polk County Precinct Committee Person and Chair of the Polk County Democratic Central Committee.

### **Kathleen Rastetter**

Rastetter earned her JD from Rutgers University in 1990. She is an active member of the Oregon bar and an inactive member of the New York and New Jersey bars. She is admitted to practice in the US District Court of Oregon and the 9<sup>th</sup> Circuit Court of Appeals.

Rastetter has been Senior County Counsel in Clackamas County since 2004. Her practice is general civil litigation including civil rights, employment, torts, municipal law, administrative law, federal law, appellate and insurance coverage work. She also handles labor arbitrations and administrative hearings and advises the County Sheriff, Clerk, Assessor and the Departments of Human Services, Corrections and Employee Services.

While in law school Rastetter was a legal intern for a New Jersey District Court judge and a summer associate at the New York office of Dechert Price & Rhoades. After law school she clerked for two years for another US District Court judge in New Jersey and then was an intern for one year for Judge Robert Jones of the US District Court for Oregon. From 1993 to 2004 Rastetter was an associate and partner at Cosgrave Vergeer Kester; she was special counsel to Williams Zografos & Peck in Lake Oswego for a brief time in 2004. From 1998 to 2000 Rastetter was an administrative hearings officer for Multnomah County Dog Control. She has tried 16 civil and 3 criminal cases to conclusion during her career, of which 13 were jury trials. She has also represented clients in 6 administrative hearings and more than 100 arbitrations.

Rastetter was a fellow of the OSB Leadership College in 2007; she has contributed to OSB CLE publications on Damages and Uniform Civil Jury Instructions. She is the 2003 recipient of the MBA Pro Bono Award of Merit and in 1999 received the MBA Young Lawyers' Award of Merit. Rastetter has served on the Boards of Directors of OWLs, the Oregon Chapter of the Federal Bar Association, Dress for Success Oregon and JOIN (a non-profit helping the homeless). She continues to be active in OWLs, the MBA, on the Legal Aid/Oregon Law Center Pro Bono Board of Directors Committee and the Classroom Law Project. She has also mentored at-risk youth in the Portland Public Schools.

### **Paul Smith**

Smith graduated from Indiana University School of Law in 1999. He is admitted to practice in Oregon state courts, the US District Court and the 9<sup>th</sup> Circuit Court of Appeals.

Smith has worked at Oregon Dept. of Justice Appellate Division since 2002. Currently he is one of two Assistant Attorneys-in-Charge of Criminal Appeals. Together they process approximately 1200 cases per year, reviewing each new case, summarizing the legal issues, assigning it to one of the Division's lawyers, supervising the assigned attorney through the briefing and argument of the case, and ensuring consistency in the state's legal position. Smith has his own caseload and briefs and argues at least one case per month in the Court of appeals or Supreme Court. He also advises local DAs on a wide range of substantive and procedural issues and serves as a resource to upper management at the DOJ on criminal law and appellate procedure issues.

Before assuming the management position in 2007, Smith handled about 50 cases each year in the Appellate and Trial Divisions; his cases were mostly criminal appeals, but he has also argued civil, administrative and post-conviction appeals, original jurisdiction mandamus actions and ballot-title challenges. Smith has no trial experience, but has briefed or argued 25 civil cases and more than 300 criminal cases during his career.

Smith wrote the Criminal Law chapter of the OSB's 2009 Legislative Highlights publication and had two law-review type articles published while he was in law school. He received the DOJ Outstanding Service award in 2008. He is a Willamette University

College of Law law student mentor and has been a volunteer coach for the WU Forensics Team. Smith serves on the OSB Appellate Section Executive Committee and was a fellow of the OSB Leadership College in 2008. He is currently a member of the Oregon Firearms and Domestic Violence Task Force. His also a member of the Northwest Adoptive Families Association.

### **Edward H. Trompke**

Trompke is a 1984 graduate of Lewis & Clark Law School and a member of the Oregon State Bar.

Trompke has practiced with Jordan Schrader & Ramis since 1997. He characterizes his practice as efficient dispute resolution through negotiation, arbitration, mediation or the courts. His experience is in a broad spectrum of commercial matter, including securities, corporation law, real estate and land use, shareholder/partner disputes, banking, business formation and dissolution, trade secrets, e-business, tax, government regulation and municipal law.

While in law school, he clerked at Haugh & Foote in Portland. After graduation, he worked at Phillips & Dunn in The Dalles for two years, the worked for 2 years as a securities examiner for the Oregon Dept. of Insurance and Finance. From 1987 to 1997 he was with Brownstein Rask in Portland. Trompke has tried 14 civil cases and 30 criminal cases to conclusion during his career, of which 5 were jury trials; he has represented clients in 10 arbitrations and 30 administrative hearings.

Trompke has authored a wide variety of professional articles, including a chapter in the OSB CLE "Fundamentals of Real Estate." He has served on the executive committees of the OSB Constitutional Law and Securities Sections and is a member of the Real Estate and Diversity Sections. His community activities include advisor for a Classroom Law Project team; president of the Westside Economic Alliance; board member and chair of the Government Affairs and Legal Action Committee of the Home Builders Association of Metropolitan Portland; member of the Washington County Watersheds 2000 Advisory Committee; and service on the boards of Lake Oswego Youth Football, Joyful Noise Childcare Centers and Archbishop Howard School.