

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Amy Margaret Baggio  
Amy Margaret Baggio-Hamilton

2. **Position**: State the position for which you have been nominated.

United States District Judge for the District of Oregon

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Multnomah County Circuit Court  
1200 Southwest First Avenue  
Portland, Oregon 97204

4. **Birthplace**: State year and place of birth.

1973; Pittsburgh, Pennsylvania

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1998 – 2001, Lewis and Clark Law School; J.D., 2001

1991 – 1995, Wake Forest University; B.A. (*cum laude*), 1995

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2019 – present  
Multnomah County Circuit Court  
1200 Southwest First Avenue  
Portland, Oregon 97204

Circuit Court Judge

2013 – 2019

Baggio Law

621 Southwest Morrison, Suite 1025

Portland, Oregon 97205

Solo Practitioner

2002 – 2012

Office of the Federal Public Defender for the District of Oregon

101 Southwest Main Street, Suite 1700

Portland, Oregon 97204

Assistant Federal Public Defender (2005 – 2012)

Research and Writing Attorney (2002 – 2005)

2001 – 2002

Metropolitan Public Defender

101 Southwest Main Street, Suite 1100

Portland, Oregon 97204

Trial Attorney

2000 – 2001

Office of the Federal Public Defender for the District of Oregon

101 Southwest Main Street, Suite 1700

Portland, Oregon 97204

Law Clerk

2000 – 2001

Professor Arthur LaFrance

Lewis and Clark Law School

10101 South Terwilliger Boulevard

Portland, Oregon 97219

Research Assistant

1999 – 2000

Blake and Duckler I.L.P

148 B Avenue, Suite 200

Lake Oswego, Oregon 97034

Law Clerk

1995 – 1998

Horn and Stronach Marketing, Advertising and Public Relations

315 North Spruce Street, Suite 215

Winston-Salem, North Carolina 27101

Account Assistant

Other Affiliations (Uncompensated):

2018 – 2019

Oregon State Bar  
Board of Bar Examiners  
16037 Southwest Upper Boones Ferry Road  
Tigard, Oregon 97224  
Special Investigator

2017 – 2019

Oregon's Public Defense Services Commission  
1175 Court Street Northeast  
Salem, Oregon 97307  
Commissioner

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

American Civil Liberties Union of Oregon, American Civil Liberties Award (2009)

Portland Chapter, American Jewish Committee's Judge Learned Hand Award (2006)

Lewis and Clark Law School

Dean's List (2001)

Moot Court Honor Board (2000 – 2001)

*Animal Law Review*

Associate Editor (1999 – 2001)

Member (1998 – 1999)

Jessup International Moot Court

Regional Team Member (1999 – 2001)

Regional Team Member, Best Brief (1999 – 2000)

First Year Moot Court Program, Outstanding Oral Advocacy Award (1999)

Wake Forest University

*Cum Laude* (1995)

Dean's List (1994, 1995)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees,

selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Inn of Court, Owen Panner Chapter, Member (2020 – 2023)

District of Oregon Attorney Representative to the Ninth Circuit Court of Appeals (2018 – 2019)

Federal Bar Association, Board of Directors (2009 – 2013)

Multnomah County Circuit Court Executive Committee, Member (2019 – present)

Multnomah County Impartial Justice Project (2021 – present)

National Association of Criminal Defense Lawyers (2012 – 2019)

National Association of Women Judges (2021 – present)

Oregon Criminal Defense Lawyers' Association (2001 – 2019)

Oregon Criminal Defense Lawyers' Association, Nancy Bergeson Ardent Advocacy Series Annual CLE, Founding Member and Organizer (2012 – 2019)

Oregon Gay And Lesbian Lawyers' Association (2020 – present)

Oregon Hispanic Bar Association (2021 – present)

Oregon Supreme Court

Chief Justice's Criminal Justice Advisory Committee, Member (2023 – present)

Pretrial Subcommittee, Chair (2022 – present)

Oregon Women Lawyers' Association (2017 – present)

United States District of Oregon Historical Society (2017 – 2021)

Women's White Collar Defense Association, Oregon Chapter, Executive Committee (2017 – 2019)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Oregon, 2001

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Ninth Circuit, 2006

United States Court of Appeals for the District of Columbia Circuit, 2006

United States District Court for the District of Columbia, 2005

United States District Court for the District of Oregon, 2005

To my knowledge there have been no lapses of admission in the Ninth Circuit Court of Appeals or the District of Oregon. My admission to the Court of Appeals for the D.C. Circuit and to the D.C. District Court were in connection with two specific court-appointed cases. My admission to the Court of Appeals for the D.C. Circuit remains active. My admission to the D.C. District Court expired in August 2017 when I declined to renew because the cases for which I had been admitted were closed.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

None.

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published

material to the Committee.

“*A Remarkable Leader*,” Letters, 81 OR. ST. B. BULL. 7 (Nov. 2020). Copy supplied.

United States District Court of Oregon, 2018 District Report (2018). Copy supplied.

OREGON STATUTORY TIME LIMITATIONS (Oregon State Bar, Professional Liability Fund and Legal Pubs 2014). Copy supplied.

CRIMINAL LAW, Federal Habeas Corpus & State Post Conviction, Co-Author (Oregon State Bar, 2005). Copy supplied.

*Legislators’ Reaction Telling*, Letter to the Editor, THE OREGONIAN (Feb. 3, 2005). Copy supplied.

Alicia Finigan, *Legislative Review*, 7 ANIMAL L. 146 (2001). I researched and drafted text for the review and summarization of changes to state anti-cruelty law, section IX, pages 165–68. Copy supplied.

With Arthur B. Lafrance, *Tobacco Litigation: An Overview For The Year 2000*, SE34 A.L.I.-A.B.A. Continuing Legal Educ., Health Care L. & Litig. Course of Study 565, 567 (Oct. 1999). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

#### Criminal Justice Advisory Committee

Since January 2023, I have served as a member of the Criminal Justice Advisory Committee which is made up of judges, court staff, criminal justice stakeholders, and community partners who are selected by the Chief Justice of the Oregon Supreme Court. Members of the Committee meet quarterly to discuss possible recommendations to the Chief Justice about changes to court policies and processes to improve access to justice throughout the state, and I made various statements at Committee meetings in that capacity.

Even prior to my appointment as a member of the Criminal Justice Advisory Committee, I served since July 2022 as the Chair of the Criminal Justice Advisory Committee Pretrial Subcommittee. The Pretrial Subcommittee members are also selected by the Chief Justice of the Oregon Supreme Court. The Criminal Justice Advisory Committee assigns specific topics to the Pretrial Subcommittee for

further study and possible recommendations to the Chief Justice. As Chair, I am not a voting member but I lead meetings and discussions among voting members about the work topics assigned to our Subcommittee, including issues such as consistency in pretrial release proceedings throughout the state, recommendations about classification of offenses with regard to initial arrest or release pending an initial appearance before a judge, and effectiveness of electronic location monitoring as a condition of pretrial release to increase community safety and appearance in court proceedings. I attended the meetings below. Meeting minutes and agendas supplied where available.

Criminal Justice Advisory Committee Meetings:

September 25, 2023

March 6, 2023

January 19, 2023

Pretrial Subcommittee Meetings:

October 3, 2023

August 25, 2023

July 12, 2023

May 31, 2023

April 19, 2023

March 16, 2023

December 16, 2022

November 14, 2022

October 21, 2022

August 15, 2022

Public Defense Services Commission

Oregon's Public Defense Services Commission is a statutorily-created, independent agency consisting of nine members charged with overseeing public defense services to ensure that Oregon's system is constitutionally adequate. Or. Rev. Stat. § § 151.213, 151.216. The Chief Justice of the Oregon Supreme Court appoints members to the Commission. I was appointed in December 2017 and served until my appointment as a state court judge in 2019. During my time on the Public Defense Services Commission, we commissioned studies by the Sixth Amendment Center and the American Bar Association to analyze Oregon's indigent defense system and make recommendations for improvement. I made various public statements at Commission meetings during my tenure. Meeting materials, minutes, and transcripts supplied where available.

Public Defense Services Commission Meetings:

March 21, 2019

February 22, 2019

January 17, 2019

December 13, 2018

October 26, 2018

September 20, 2018  
June 14, 2018  
May 17, 2018  
March 15, 2018  
January 25, 2018

City of Portland Arts Education & Access Fund Oversight Committee

In 2012, voters in the City of Portland approved an arts tax to improve access to arts education in public schools. In 2015, I was appointed by the City Counsel to serve as a volunteer member of Portland's Arts Education & Access Fund Oversight Committee. The Committee oversees collection and use of these tax funds to improve transparency and ensure responsible use of funds. During my tenure on the Committee, we issued one annual report about tax collection and distribution. Arts Oversight Committee Report on the Arts Education and Access Fund (June 16, 2016). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Oregon Legislative Committee Hearing, Speaker, HB 3145, March 25, 2019.  
Draft testimony supplied.

Letter to U.S. Senators Jeff Merkley and Ron Wyden from Members of Oregon's Criminal Defense Bar (Sept. 7, 2017). Copy supplied.

Criminal Justice Act Review Committee, Judge Kathleen Cardone (W.D. Tex.), District of Oregon, Speaker, February 3-4, 2016. Video available at <https://cjastudy.fd.org/hearing-archives/portland-oregon>.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

April 14, 2022: Speaker, Career Night at Lake Oswego High School, Lake Oswego, Oregon. I discussed my career path. I have no notes, transcript, or recording. The address for Lake Oswego High School is 2501 Country Club Road, Lake Oswego, Oregon 97034.



March 19, 2021: Speaker, Balancing Act: Zealous Advocacy and the Oregon Rules of Professional Conduct, Oregon Criminal Defense Lawyers' Association, Portland, Oregon. Video available at <https://www.youtube.com/watch?v=u-juaSTOsk0>.

July 19, 2019: Speaker, Judge Amy Baggio Multnomah County Circuit Court Investiture. Remarks supplied.

November 14, 2018: Speaker, Learning the Ropes, Criminal Law Breakout Session, Oregon State Bar & Professional Liability Fund, Portland, Oregon. Presentation materials supplied.

July 19, 2018: Emcee, Nancy Bergeson Ardent Advocacy Series, Oregon Criminal Defense Lawyers' Association, Portland, Oregon. Notes supplied.

November 2015 (specific date unknown): Speaker, The Role of Criminal Defense in American Courts, Informal Presentation with Visiting Judges From Pakistan, Hosted by then-Chief Judge Michael W. Mosman, District of Oregon. Presentation materials supplied.

March 3, 2015: Panelist, Privacy in the Age of Facebook: Choices, Challenges, Consequences, Forest Grove Conversation, Forest Grove City Library. I participated in a panel on the privacy implications of social media and other internet-based services. I have no notes, transcript, or recording. The address of Friends of Forest Grove Library is 2114 Pacific Avenue, Forest Grove, Oregon 97116.

June 15, 2012: Speaker, Watching the Watchers: Search and Seizure in the Digital Age, Oregon Criminal Defense Lawyers' Association, Bend, Oregon. Presentation materials supplied.

June 18, 2011: Speaker, Electronic Evidence, Oregon Criminal Defense Lawyers' Association, Bend, Oregon. Presentation materials supplied.

June 2011 (specific date unknown): Speaker, 21st Century Investigations & Motions Practice, Federal Public Defender National Conference, Washington, DC. Presentation materials supplied.

November 9, 2010: Speaker, Uncharted Waters: Evidence From Big Brother's New Toys, Oregon Criminal Defense Lawyers' Association, Maui, Hawaii. Presentation materials supplied.

May 27, 2010: Speaker, Oregon Chapter, Federal Bar Association Annual Dinner, Portland Oregon. I presented the James M. Burns Federal Practice award for a government lawyer to Federal Public Defender Steven T. Wax. I have no notes, transcript, or recording, but press coverage is supplied. The address for the

Oregon Chapter of the Federal Bar Association is 209 Southwest Oak Street, Suite 500, Portland, Oregon 97204.

March 14, 2008: Speaker, Creative Ways to Suppress Statements, Oregon Criminal Defense Lawyers' Association, Eugene, Oregon. Presentation materials supplied.

March 11, 2006: Speaker, Gideon's Quartet, Oregon Criminal Defense Lawyers' Association, Eugene, Oregon. Presentation materials supplied.

June 21, 2002: Speaker, Merger for Misdemeanors, Oregon Criminal Defense Lawyers' Association, Bend, Oregon. This presentation was a continuing legal education seminar about the operation of Oregon statutory law regarding merger of conviction and sentence. I have no notes, transcript, or recording. The address of the Oregon Criminal Defense Lawyers' Association is 101 East 14th Avenue, Eugene, Oregon 97401.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Cynthia Newton, The Honorable Amy Baggio: Multnomah County Circuit Court Judge, MULTNOMAH BAR ASSOCIATION NEWSLETTER (Jan. 16, 2020). Copy supplied.

David Kravets, *We Don't Need No Stinking Warrant: The Disturbing, Unchecked Rise of the Administrative Subpoena*, WIRED (Aug. 28, 2012). Copy supplied.

Maxine Bernstein, *Nancy Bergeson case: Public Defender's Killer Still At Large*, OREGONIAN (July 11, 2012). Copy supplied.

Melody Finnemore, *The Red Hot Trail: As Electronic Tracking to Accumulate Evidence Becomes More Extensive, Many Worry About Threat to Privacy Rights*, 72 OR. ST. B. BULL. 19, FEATURES (Oct. 2011). Copy supplied.

Julie Sullivan, *Who Speaks For the Accused? Steve Wax*, THE OREGONIAN (June 12, 2011). Copy supplied.

Tim Goldan, *For Guantanamo Review Boards, Limits Abound*, N.Y. TIMES (Dec. 31, 2006). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Since April 8, 2019, I have served as a circuit court trial judge in Multnomah County, Portland, Oregon. Governor Kate Brown initially appointed me after a judicial selection process through the Multnomah Bar Association and the Office of the Governor. I was subsequently elected to the position as an unopposed incumbent candidate in 2020. My current term expires January 4, 2027. We are a general jurisdiction trial court presiding over criminal, civil, and family matters. I serve on the general law bench which handles civil, criminal, and a small number of family law-related matters.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over 42 trials.

- i. Of these cases, approximately what percent were:

jury trials:	50%
bench trials:	50%

- ii. Of these cases, approximately what percent were:

civil proceedings:	26%
criminal proceedings:	74%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of citations.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Burgett v. Northwest Medical Foundation of Tillamook, dba Adventist Health Tillamook and Gerken, MD*, 20CV41945 (Mult. Co. Cir. Ct. Mar. 13, 2023).  
Opinion supplied.

Ms. Burgett sued Northwest Medical Foundation of Tillamook (Adventist Health Tillamook) and Dr. Gerken for alleged medical malpractice during a hysterectomy. Ms. Burgett sought over \$3.2 million in damages. The case was assigned to me for a seven-day jury trial. Shortly after assignment, I conducted a scheduling conference with counsel. I then issued a case management order to set briefing deadlines for contested issues and to delineate the trial schedule. In presiding over the case, I resolved pretrial motions related to issues such as the standard of care and causation; I ruled on contested jury instructions; and I issued

a written decision on the parties' foundational and relevance objections to various aspects of an expert's videotaped perpetuation deposition testimony. I oversaw the seven-day jury trial after which the jury returned a complete defense verdict on March 23, 2023. The case was not appealed.

Counsel for Plaintiff:

Robert H. Beatty-Walters  
Law Office of Robert Beatty-Walters  
3838 Southeast Franklin Street  
Portland, OR 97202  
(503) 473-8088

Counsel for Defendants:

Peter D. Eidenberg (Adventist Health Tillamook, Inc., Gerken)  
Keating Jones Hughes PC  
200 Southwest Market Street, Suite 900  
Portland, OR 97201  
(503) 222-9955

Clark RF Horner (Northwest Medical Foundation Tillamook)  
Hart Wagner LLP  
1000 Southwest Broadway, Suite 2000  
Portland, OR 97205  
(503) 222-4499

2. *State of Oregon v. Borovets*, 20CR39111 (Mult. Co. Cir. Ct. Oct. 27, 2022).  
Opinion supplied.

Mr. Borovets was charged with manslaughter in the first degree and other related offenses stemming from a motor vehicle crash that killed his front-seat passenger. The case was assigned to me for trial. I presided over multiple defense pretrial motions and issued an opinion to address several of the issues. I found that Mr. Borovets had standing to challenge the seizures of evidence from the vehicle at the crime scene, that Mr. Borovets did not abandon interest in property in and around the vehicle at the crime scene, that the state lawfully searched and seized evidence from the vehicle pursuant to the city's vehicle inventory and tow policies, that the crashed vehicle was lawfully towed pursuant to an emergency, and that evidence seized from in or around the crashed vehicle was in plain view. I further denied Mr. Borovets's motion to controvert a subsequent search warrant and denied the Mr. Borovets's argument that the search warrant lacked probable cause. After jury selection but before the panel was sworn, the trial was continued on the state's request after defense counsel's family member became ill. Mr. Borovets was later convicted by a jury before a different judge and sentenced to the mandatory minimum sentence of ten years in prison on the manslaughter charge. Mr. Borovets did not appeal.

Counsel for the State:

Kate Molina  
Assistant Deputy District Attorney  
Multnomah County District Attorney's Office  
Multnomah County Central Courthouse  
1200 Southwest First Avenue, Suite 5200  
Portland, OR 97204  
(503) 988-3162

Counsel for Defendant:

A. Alexander Hamalian  
Law Office of A. Alexander Hamalian LLC  
5220 Northeast Sandy Boulevard  
Portland, OR 97213  
(503) 222-3641

3. *Ott & Ott v. Multnomah County; Hoppert*, 21CV26428 (Mult. Co. Cir. Ct. Oct. 4, 2022). Opinion supplied.

Mr. and Mrs. Ott sued their neighbor, Mr. Hoppert, and Multnomah County for damages to their property after Mr. Hoppert's development of his neighboring land allegedly damaged the Otts' property. The Otts' claims against Multnomah County stemmed from their allegations that Multnomah County failed to enforce permit restrictions related to Mr. Hoppert's property development and that Mr. Hoppert's violations of those land use permits resulted in damage to their land. I was assigned as the motions judge in the case and after extensive briefing and two oral arguments, I issued an opinion and order on Multnomah County's motion to dismiss the amended complaint. First, I rejected Multnomah County's argument that the court lacked subject matter jurisdiction, finding that the Otts had sufficiently alleged that Multnomah County had a duty under the Multnomah County Code to enforce the permit conditions and that the allegations in the complaint sufficiently alleged a continuing tort for Multnomah County's failure to do so. Second, I found that because the Otts' allegations against Multnomah County were sufficient to constitute a continuing tort, then the Otts suit against Multnomah County was timely. Lastly, regarding Multnomah County's arguments that each of the Otts' causes of action failed to state a claim, I found that the Otts' claims of trespass and nuisance failed to state claims on which relief could be granted and therefore, those claims must be dismissed; however, I concluded that the Otts had sufficiently pled their claim of negligence against Multnomah County to survive the motion to dismiss. This case is scheduled to proceed to jury trial in February 2024.

Counsel for Plaintiffs:

Lisa F. Miller  
Lisa F. Miller PC  
522 Northwest 23rd Avenue, Suite D

Portland, OR 97210  
(503) 446-2449

Counsel for Defendant:

Andrew T. Weiner  
Multnomah County Attorney's Office  
501 Southeast Hawthorne Boulevard, Suite 500  
Portland, OR 97214  
(503) 988-3138

4. *McNeice & McNeice v. St. Jude Medical S.C. Inc.*, 19CV14739 (Mult. Co. Cir. Ct. Sep. 9, 2022). Opinion supplied.

Mrs. and Mr. McNeice sued St. Jude Medical for damages allegedly suffered as the result of a motor vehicle accident caused by a St. Jude Medical truck driven by a St. Jude Medical employee that injured Mrs. McNeice. The driver of the truck was dismissed from the case on the eve of trial. The McNeices sought \$5.8 million in economic and noneconomic damages related to Mrs. McNeice's economic and noneconomic damages and to compensate for Mr. McNeice's loss of consortium. Our presiding judge assigned the case to me for a jury trial. I ruled on pretrial motions, including motions in *limine* regarding admissible evidence at trial, impermissible arguments by counsel, disputes over a proper neutral statement of the case, and with regard to proper jury instructions. Certain of my rulings were set forth in a written order. I presided over an eight-day jury trial. The jury returned a verdict in the McNeices' favor of approximately \$1.3 million in economic and noneconomic damages. The case was not appealed.

Counsel for Plaintiff:

Gregory Kafoury  
Jason L. Kafoury  
Mark G. McDougal  
Kafoury & McDougal  
411 Southwest Second Avenue, Suite 200  
Portland, OR 97204  
(503) 224-2647

Counsel for Defendants:

Jeffrey S. Eden  
Schwabe Williamson & Wyatt PC  
1211 Southwest 5th Avenue, Suite 1900  
Portland, OR 97204  
(503) 796-2837

Larry Lum  
Wilson Elser Moskowitz Edelman & Dicker  
150 East 42nd Street

New York, NY 10017  
(212) 915-5292

5. *Tri-County Metropolitan Transportation District of Oregon v. Bank of the West, Portland Community College*, 21CV16625. (Mult. Co. Cir. Ct. Oct. 25, 2021). Opinion supplied.

Tri-County Metropolitan Transportation District of Oregon (Tri-Met) provides commuter services in the Portland, Oregon, metropolitan area. Tri-Met filed a complaint seeking a determination of just compensation for property Tri-Met claimed it had lawfully taken from Bank of the West and Portland Community College (PCC) pursuant to Tri-Met's eminent domain powers. Ore.Const. Art. I, § 18; Or. Rev. Stat. Ch. 35. I was assigned as the motions judge in the case after Bank of the West and PCC filed an objection to Tri-Met's request for immediate possession of property. Bank of the West and PCC argued that Tri-Met had not engaged in a legal condemnation and that Tri-Met abused its discretion by seeking to take more property than was authorized during the condemnation proceedings. After extensive briefing by both sides and two hearings, I issued a written decision finding that Tri-Met failed to strictly abide by the statutory framework allowing for condemnation and further that Tri-Met abused its discretion in attempting to take Bank of the West and PCC's property. Under Oregon law, a trial court has jurisdiction to entertain an eminent domain proceeding for a determination of just compensation only when the condemner strictly follows the law. Because I concluded that Tri-Met failed to abide by the condemnation law, I dismissed the case without prejudice on December 2, 2021. The case was not appealed.

Counsel for Plaintiff:

Erica Clausen  
Miller Nash LLP  
111 Southwest Fifth Avenue, Suite 3400  
Portland, OR 97204  
(503) 224-5858

Counsel for Defendants:

Tab Wood (Bank of the West)  
Sussman Shank LLP  
1000 Southwest Broadway, Suite 1400  
Portland, OR 97205  
(503) 227-1111

Jennifer C. Paul (Portland Community College)  
Paul J. Sundermier  
Saalfeld Griggs PC  
250 Church Street Southeast, Suite 200  
P.O. Box 470

Salem, OR 97308  
(503) 399-1070

6. *State of Oregon v. Gallagher*, 21CR18052, 21CR18053, 21CR11976 (Mul. Co. Cir. Ct. May 7, 2021 & June 2, 2021). Opinions supplied.

Mr. Gallagher was charged in three different criminal cases. The first case involved three incident dates and charged him with five counts of felony strangulation, one count of attempted strangulation, two counts of fourth degree assault, one count of harassment, and one count of possession of a loaded firearm in public. All strangulation and assault charges were alleged as acts of domestic violence and involved the same listed victim. In case two, Mr. Gallagher was charged with four counts of violating a court-issued no contact order prohibiting Mr. Gallagher's contact with the same listed victim in the first case. The third case involved four additional charges: unlawful use of a weapon constituting domestic violence, coercion constituting domestic violence, felon in possession of a firearm, and harassment. Once again, this third case involved the same victim. Mr. Gallagher twice moved for pretrial release on the three cases. In each of two separate release hearings, I issued opinions in which I made findings of fact and applied the constitutional and statutory framework to deny Mr. Gallagher's motions for decreased bail and for release on conditions. He remained in custody pending resolution of his cases. Mr. Gallagher later pled guilty before a different judge pursuant to a global plea deal to resolve all charges in all cases. Under the plea agreement, Mr. Gallagher was sentenced to 14 months' imprisonment for being a felon in possession of a firearm and five years' probation for his domestic violence crimes.

Counsel for the State:

Samuel David Wilton  
Multnomah County District Attorney's Office  
Multnomah County Central Courthouse  
1200 Southwest First Avenue, Suite 5200  
Portland OR 97204  
(503) 988-3162

Counsel for Defendant:

Matthew J. Stephen  
Steven Law Firm  
1050 Southwest 6th Avenue, Suite 1113  
Portland, OR 97204  
(971) 712-8764

7. *Lawson v. Cain*, 20CV19590, 2021 WL 8078537 (Mal. Co. Cir. Ct. Mar. 24, 2021), *aff'd*, 323 Or. App. 730, 524 P.3d 529 (2023), *rev. denied*, 371 Or. 106, 530 P.3d 488 (2023).



Mr. Lawson, an adult in custody at the Snake River Correctional Institution (SRCI), sought state habeas corpus relief based on allegations that conditions of confinement at the institution violated his state and federal constitutional rights. Specifically, Mr. Lawson argued that the institution's COVID-19 practices and other health care provisions constituted "unnecessary rigor" under the Oregon Constitution, Article I, § 16, and cruel and unusual punishment under the Eighth Amendment to the United States Constitution. After a week-long trial, I granted relief in part, directing SRCI to provide Mr. Lawson with a consultation with an appropriate expert to address his serious health issues, ordering SRCI to provide documentation of its efforts to improve compliance with its stated COVID-19 policies, and enjoining SRCI from engaging in retaliation against Mr. Lawson. The state appealed my decision in part and the Oregon Court of Appeals affirmed, finding that the institution's practices violated the Oregon constitution. The Oregon Supreme Court denied review.

Counsel for Petitioner:

Katharine Edwards  
P.O. Box 417  
Hillsboro, OR 97123  
(503) 908-3589

Counselor for Respondent:

Yufeng Luo (former Assistant Attorney General)  
Office of the Public Records Advocate  
2850 Southwest Cedar Hills Boulevard #1121  
Beaverton, OR 97005  
(503) 689-3282

8. *People for the Ethical Treatment of Animals v. Oregon Health Sciences University*, 20CV15874 (Mult. Co. Cir. Ct. Mar. 15, 2021). Opinion supplied.

Plaintiff People for the Ethical Treatment of Animals (PETA) filed suit against Oregon Health Sciences University (OHSU), alleging multiple violations of Oregon's Public Record law. I was assigned as the motions judge for the case and after briefing and argument on OHSU's motions for judgment on the pleadings, I issued an opinion and order granting some of OHSU's motions and denying others.

A different judge was assigned to hear the trial and he found in part in PETA's favor on the merits, concluding that OHSU had unreasonably delayed disclosing photographs and videos of animal experiments in violation of Oregon's Public Records law. The trial judge found that PETA was entitled to \$400 in statutory penalties, \$1,143 in costs, and approximately \$433,000 in attorney fees. OHSU is currently appealing the trial judge's assessment of \$400 statutory penalties and the award of costs and attorney fees, Oregon Court of Appeals Case Number A180181. Based on Defendant-Appellant's opening brief, Defendant does not

appear to be appealing my decisions on Defendant's motion for judgment on the pleadings.

Counsel for Plaintiff:

Kristen Lynn Tranetzki  
Angeli Law Group LLC  
121 Southwest Morrison Street, Suite 400  
Portland, OR 97204  
(503) 954-2232

Counsel for Defendant:

C. Robert Steringer  
Harrang Long PC  
111 Southwest Columbia Street, Suite 950  
Portland, OR 97201  
(503) 242-0000

9. *Slinde & Nelson, LLC v. Luneke & Sanhi*, 16CV27593 (Mult. Co. Cir. Ct. Dec. 4, 2020). Opinion supplied.

This case involved law firm Slinde & Nelson's claims for unpaid legal fees by former clients Luneke and Sanhi. Mr. Sanhi filed counterclaims alleging legal negligence by Slinde & Nelson. The case was assigned to me for summary judgment proceedings. After extensive briefing and oral argument, I issued an opinion and order granting in part and denying in part Slinde & Nelson's motion for summary judgment and denying Mr. Sanhi's cross-motion for summary judgment. Specifically, I rejected Slinde & Nelson's argument that Mr. Sanhi failed to oppose Slinde & Nelson's summary judgment motion because Mr. Sanhi failed to pay a filing fee; I granted Slinde & Nelson's motion for summary judgment on 15 of the 17 alleged acts set forth in Mr. Sanhi's counterclaims of legal negligence, finding those specifications were conceded by Mr. Sanhi; I denied Slinde & Nelson's motions for summary judgment based on causation and damages, finding that the record in summary judgment raised genuine issues of material fact; and I denied Mr. Sanhi's cross motion for summary judgment based on issue preclusion, finding Slinde & Nelson was not in privity to a third party who raised similar issues in a separate bankruptcy proceeding. The case then settled.

Counsel for Plaintiff:

Matthew J. Kalmanson  
Hart Wagner LLP  
1000 Southwest Broadway, Suite 2000  
Portland, OR 97205  
(503) 222-4499

Counsel for Defendant:

Bonnie Richardson  
Jovita Wang  
Kirc T. Emerson  
Allegiant Law  
100 Southwest Main Street, Suite 400  
Portland, OR 97204  
(503) 517-8202

10. *Mathews v. ECom Merchant Solutions, Kristie Kliese*, 18CV34171 (Mult. Co. Cir. Ct. Oct. 5, 2020), *appeal dismissed* (Mar. 3, 2022) (A172989). Opinion supplied.

Ms. Mathews was the former employee of ECom Merchant Solutions, a company owned by Ms. Kliese. In this lawsuit, Ms. Mathews alleged that Ms. Kliese and ECom Merchant Solutions engaged in racial discrimination, retaliation for Ms. Mathews's opposition to racial discrimination, and whistleblower discrimination. Ms. Mathews sought \$300,000 in economic and non-economic damages, attorney fees, and injunctive relief in the form of a cease-and-desist order preventing illegal employment practices in the future. I was assigned by our presiding judge to serve as trial judge. I presided over pretrial motions related to admissibility of certain evidence, disagreement as to the propriety of remote video trial testimony, Ms. Mathews's motion for sanctions due to Ms. Kliese and ECom Merchant Solutions's alleged failure to comply with discovery obligations, and disputes over proper jury instructions and appropriate form of verdict. The case proceeded to a seven-day trial by jury after which the jury returned a verdict for Ms. Mathews on her claim of racial discrimination but for Ms. Kliese and ECom Merchant Solutions on the retaliation and whistleblower claims. The jury awarded \$9,083 in economic damages and \$51,833 in noneconomic damages on the racial discrimination claim, finding Ms. Kliese and ECom Merchant Solutions equally responsible. Subsequent to the verdict, counsel engaged in litigation over the award of proper attorney fees and costs based on the split verdict. After a hearing, I issued a decision awarding in part Ms. Mathews's requests for costs and attorney fees, allowing \$204,405 in attorney fees and \$11,591 in costs. I denied Ms. Mathews's request to apply a multiplier to the attorney fee award based on the Defendants' conduct during the case but allowed an enhanced prevailing party fee. Ms. Kliese and ECom Merchant Solutions initially appealed the case to the Oregon Court of Appeals; however, the parties settled the case and the appeal was dismissed.

Counsel for Plaintiff:

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(503) 221-1792

Laura L. Koistinen  
Law Office of Kevin Mintzer PC  
1350 Broadway, Suite 1410  
New York, NY 10018  
(646) 843-8181

Counsel for Defendants:

Jeremy James  
Southwest Portland Law Group LLC  
8455 Southwest Beaverton Hillsdale Highway  
Portland, OR 97225  
(503) 206-6401

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *City of Portland v. Nyland*, 21CV14984 (Mult.Co. Cir. Ct. Oct. 31, 2022).  
Opinion supplied.

Counsel for Plaintiff:

Karen L. Moynahan  
(503) 385-6675

Counsel for Defendant:

Matthew D. Colley  
Black Helterline LLP  
805 Southwest Broadway, Suite 1900  
Portland, OR 97205  
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2. *Tri-County Metropolitan Transportation District of Oregon v. Bank of the West, Portland Community College*, 21CV16625 (Mult. Co. Cir. Ct. Oct. 25, 2021). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:

Erica A. Clausen  
Miller Nash LLP  
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Counsel for Defendants:

Tab Wood (Bank of the West)

Sussman Shank LLP  
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Jennifer C. Paul (Portland Community College)  
Paul J. Sundermier  
Saalfeld Griggs PC  
250 Church Street Southeast, Suite 200  
P.O. Box 470  
Salem, OR 97308  
(503) 399-1070

3. *Lawson v. Cain*, 20CV19590, 2021 WL 8078537 (Mal. Co. Cir. Ct. Mar. 24, 2021), *aff'd*, 323 Or. App. 730, 524 P.3d 529 (2023), *rev. denied*, 371 Or. 106, 530 P.3d 488 (2023).

Counsel for Petitioner:

Katharine Edwards  
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Counselor for Respondent:

Yufeng Luo (former Assistant Attorney General)  
Office of the Public Records Advocate  
2850 Southwest Cedar Hills Boulevard #1121  
Beaverton, OR 97005  
(503) 689-3282

4. *Skelton v. Cain*, 20CV24540 (Mal. Co. Cir. Ct. Mar. 24, 2021). Opinion supplied.

Counsel for Petitioner:

W. Edward Neusteter  
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Sisters, OR 97759  
(707) 726-2056

Counselor for Respondent:

Yufeng Luo (former Assistant Attorney General)  
Office of the Public Records Advocate  
2850 Southwest Cedar Hills Boulevard #1121  
Beaverton, OR 97005  
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5. *People for the Ethical Treatment of Animals v. Oregon Health Sciences University*, 20CV15874 (Mul. Co. Cir. Ct. Mar. 15, 2021). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:

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Counsel for Defendant:

C. Robert Steringer  
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Portland, OR 97201  
(503) 242-0000

6. *State of Oregon v. Streeter-Hillerich*, 20CR70247, 18CR63896 (Mult. Co. Cir. Ct. Feb. 8, 2021). Opinion supplied.

Counsel for the State:

Anna Fuller (former Assistant Deputy District Attorney)  
Assistant Attorney General  
Oregon Department of Justice  
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Counsel for Defendant:

Ted Occhialino  
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Portland, OR 97204  
(503) 225-9100

7. *Slinde & Nelson, LLC v. Luneke & Sanhi*, 16CV27593 (Mul. Co. Cir. Ct. Dec. 4, 2020). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:

Matthew J. Kalmanson  
Hart Wagner LLP  
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Counsel for Defendant:

Bonnie Richardson  
Jovita Wang  
Kirc T. Emerson  
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8. *Yacht Harbor, LLC v. City of Portland*, 20CV14800 (Mult Co. Cir. Ct. Nov. 16, 2020). Opinion supplied.

Counsel for Plaintiff:

Christopher P. Koback  
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Counsel for Defendant:

Michael J. Jeter (former counsel for the City of Portland)  
Assistant United States Attorney for the District of Oregon  
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Portland, OR 97204  
(503) 727-1000

9. *Mathews v. ECom Merchant Solutions, Kristie Kliese*, 18CV34171 (Mult. Co. Cir. Ct. Oct. 5, 2020), *appeal dismissed*, A172989 (Mar. 3, 2022). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:

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Counsel for Defendants:

Jeremy James

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8455 Southwest Beaverton Hillsdale Highway  
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10. *Martinson v. United Services Automobile Association*, 19CV11303 (Mult. Co. Cir. Ct. Aug. 25, 2020). Opinion supplied.

Counsel for Plaintiff:

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The Law Office of Steve Seal LLC  
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Counsel for Defendant:

Joshua Nathan Kastan  
DKM Law Group  
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San Francisco, CA 94111  
(415) 226-7400

- e. Provide a list of all cases in which certiorari was requested or granted.

None.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

In *State v. Pitts*, 327 Or. App. 350, 535 P.3d 349 (2023), the Oregon Court of Appeals reversed my oral denial of Mr. Pitts's motion for judgment of acquittal on the charge of interfering with public transportation. The incident giving rise to the criminal case involved Mr. Pitts's decision to load his bicycle on a bike rack on the front of a city bus when the bicycle had a pair of shears attached to it by a bungee cord. The driver instructed Mr. Pitts to remove shears from the bicycle because they were unsafe attached to the front of the bus. Mr. Pitts reacted with anger toward the driver, arguing to the point that the driver was concerned for his own safety. Eventually Mr. Pitts left the bus to remove the shears, at which time the driver locked Mr. Pitts out of the bus and called for assistance from dispatch. Mr. Pitts then blocked the bus's passage and threatened the driver with the shears from outside the bus, threatening to hit the bus or the driver with the shears. I held that this conduct was sufficient to deny Mr. Pitts's motion for judgment of acquittal on the interfering with public transportation charge. The Court of



Appeals reversed. The court held that because the state charged Mr. Pitts with interfering with public transportation “in the bus,” that Mr. Pitts’s conduct outside the bus could not be a basis for denying the motion for judgment of acquittal. The court noted “although no existing published case has facts closely similar to this one,” the facts in *Pitts* were insufficient for the state to survive a motion for judgment of acquittal. This case was recently returned to me from the Court of Appeals for further proceedings consistent with the decision.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

I have written approximately 100 opinions. All Multnomah County Circuit Court decisions are filed in the court’s Oregon eCourt Case Information (OECI) and available to the public.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

*State of Oregon v. Hill*, 20CR56736 (Mult. Co. Cir. Ct. May 19, 2022). Copy supplied.

*State of Oregon v. Hayes*, 21CR36783 (Mult. Co. Cir. Ct. Mar. 18, 2022). Copy supplied.

*Tri-County Metropolitan Transportation District of Oregon v. Bank of the West, Portland Community College*, 21CV16625 (Mult. Co. Cir. Ct. Oct. 25, 2021). Copy previously supplied in response to Question 13c.

*Lawson v. Cain*, 20CV19590, 2021 WL 8078537 (Mal. Co. Cir. Ct. Mar. 24, 2021), *aff’d*, 323 Or. App. 730, 524 P.3d 529, *rev. denied*, 371 Or. 106, 530 P.3d 488 (2023).

*Skelton v. Cain*, 20CV24540 (Mal. Co. Cir. Ct. Mar. 24, 2021). Opinion previously supplied in response to Question 13d.

*People for the Ethical Treatment of Animals v. Oregon Health Sciences University*, 20CV15874 (Mult. Co. Cir. Ct. Mar. 15, 2021). Opinion previously supplied in response to Question 13c.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Oregon state court judges are bound by the Oregon Code of Judicial Conduct. The Code sets out the ethical standards applicable to judges and judicial candidates. Rule 3.10, entitled “Disqualification,” provides the framework for disqualification of a judge from a given proceeding. I have never disqualified myself from any proceeding, nor have I been asked to do so.

In addition to the Code of Judicial Conduct disqualification process, Oregon law provides that once a case is assigned to a judge for a hearing or trial, any party or attorney has the right to file a motion for change of judge if that party or attorney asserts in a supporting affidavit that the party or attorney believes that he or she “cannot have a fair and impartial trial or hearing before the judge, and that it is made in good faith and not for purposes of delay.” Or. Rev. Stat. § 14.260. Certain procedural requirements apply, including the requirement that the movant serve the motion and affidavit on the judge. *Id.* I have never had a motion for change of judge filed against me.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

In 2015 I was appointed by Portland City Council to the City of Portland Arts Education and Access Citizen Oversight Committee as a Committee Member and

as a Metrics Subcommittee Member. I served from 2015 to 2017.

In 2017, I was appointed by former Chief Justice Martha Walters of the Oregon Supreme Court to serve as one of the nine members of the Public Defense Services Commission. I continued to serve as a commissioner until I became a judge in 2019.

In 2018 I was appointed by the Chair of the Oregon State Bar Board of Bar Examiners as a Special Investigator. I resigned this position in 2019 when I was appointed to the state court bench.

Besides these appointments, I have not held any other public office other than judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk.

I have never clerked for a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I ran a solo practice called Baggio Law from December 2012 until my appointment to the state court bench in April 2019. The address was 621 Southwest Morrison Street, Suite 1025, Portland, Oregon 97205.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2001 – 2002  
Metropolitan Public Defender, Inc.  
101 Southwest Main Street, Suite 1100

Portland, Oregon 97204  
Trial Attorney

2002 – 2012

Office of the Federal Public Defender for the District of Oregon  
101 Southwest Main Street, Suite 1700  
Portland, Oregon 97204  
Research and Writing Attorney (2002 – 2005)  
Assistant Federal Public Defender (2005 – 2012)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator; however, state court judges in Multnomah County are assigned judicial settlement conferences in both civil and criminal cases.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

Before I became a judge, I practiced criminal defense my entire career. I estimate approximately 98 percent of that work was in court appointed cases.

I started in state court as a trial attorney in the misdemeanor unit of Metropolitan Public Defender, Inc., a non-profit, county-level, state indigent defense services provider. There I was responsible for a caseload of approximately 90 to 120 cases. I argued motions and represented clients in trial in the Multnomah County Circuit Court. I worked in this position for 13 months, from September 2001 until October 2002. I left that state court public defender's office to return to the Office of the Federal Public Defender for the District of Oregon, where I had clerked while in law school.

I returned to the Federal Public Defender in October 2002 in the role of Research and Writing Attorney. I supervised law clerks, managed research requests, maintained the library, and worked directly with Federal Defender Steven T. Wax to provide research and writing support on large, complex federal cases.

I was promoted to an Assistant Federal Public Defender in 2005. While at the Federal Defender, my caseload ranged from 40 to 60 cases, depending on whether I had an indictment caseload or a mixture of indictment and

federal habeas corpus cases. I represented approximately 250 clients during my tenure as an Assistant Federal Public Defender. I represented defendants in two criminal jury trials. I handled direct appeals for all trial-level cases in which my clients exercised their rights to appeal. In total, I handled six appellate cases, filing briefs and arguing the cases before the Ninth Circuit Court of Appeals.

I left the Federal Public Defender at the end of 2012 in order to have a better work-life balance. I opened a solo practice where I continued to do mostly federal court appointed work. I also did a small amount of retained work. During this time I began working as a criminal law expert for the Oregon State Bar's Professional Liability Fund, which provides primary professional liability coverage to Oregon lawyers in private practice. I carried a case load of approximately 10 to 12 cases at a time while in private practice. In addition to managing the administrative aspects of my solo practice, I handled all of my own legal research, writing, and filed my own pleadings. The decreased case load and flexibility gained from solo practice allowed me to participate in more time-intensive volunteer opportunities, including serving on the Public Defense Services Commission and as a Special Investigator for the Oregon Board of Bar Examiners. This remained my practice until my appointment to the state court bench in April 2019.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Other than the first 13 months of my legal career while I was at the state public defender's office, almost all of my career as a practicing attorney was spent as a criminal defense attorney in federal court. At the Office of the Federal Public Defender, attorneys did not specialize in areas of practice; every attorney was expected to be able to represent clients facing any type of federal criminal charge. I represented indigent defendants from pre-indictment through post-conviction phases. I also represented clients in federal habeas corpus proceedings pursuant to 28 U.S.C. § 2254 in which petitioners raised federal constitutional challenges to their state court convictions.

When I left the Federal Defender to open a solo practice, my caseload went from 40 to 60 cases at a time down to around 10 to 12 cases at a time. The vast majority of my solo practice cases involved federal court appointed work. In my specialty work for the Oregon State Bar's Professional Liability Fund, I was brought in by Professional Liability Fund Claims Attorneys to assess potential legal malpractice in state and federal criminal cases. My role was primarily to work with the Claims Attorney and the criminal practitioner to assess and repair potential malpractice issues in order to avoid liability for the Fund. When I

identified an area of potential malpractice, my role varied by case. I might advise the defense attorney of a means to correct the error, I might interact with the prosecutor as an intermediary if the prosecutor needed to consent to the correction, and on occasion I would interact with the court (either on or off the record) as an attorney retained by the Professional Liability Fund to attempt to repair the potential malpractice in order to avoid that potential malpractice liability in the future.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

All of my practice as a lawyer was in litigation, both at the trial and appellate levels. I appeared in court on a daily basis when I was in the state public defender's office (2001 – 2002) and on a weekly basis in federal court when I was at the Federal Public Defender's Office (2002 – 2012). My court appearances declined when I opened my solo firm (2012 – 2019) since my case load was much smaller. The court appointed work I did while in private practice tended to be larger, more complex matters. I continued to appear frequently in federal court during this time. I also appeared from time to time in state court for Professional Liability Fund-related matters when I was in private practice.

- i. Indicate the percentage of your practice in:

1. federal courts:	90%
2. state courts of record:	10%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	10%
2. criminal proceedings:	90%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

As an attorney, I tried 12 cases to verdict, judgment, or final decision after a trial. These trial cases include two jury trials in federal court, approximately six jury trials in state court, and four court trials in state court. In the two federal jury trial cases I had co-counsel, as was the typical practice in the Office of the Federal Public Defender. In the six jury trials and four bench trials handled in state court, I was sole counsel.

- i. What percentage of these trials were:

1. jury: 67%
2. non-jury: 33%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

*Gul v. Obama*, 566 U.S. 940 (2012) (petition for a writ of certiorari, 2011 U.S. S. Ct. Briefs LEXIS 2947 (Dec. 9, 2011))

I do not believe that I filed petitions for *certiorari* on behalf of any of my other clients. It is possible that my name appeared in briefing for other clients of the Office of the Federal Public Defender for the District of Oregon because I worked on many cases as a Research and Writing Attorney, but my research has revealed no additional cases.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;
  - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
  - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Crawford et al.*, Case No. 3:16-cr-00352-HZ (D. Or)

From 2016 until 2019, I represented Mr. Collins in the District of Oregon where he and two codefendants (Crawford and Martin) faced criminal charges related to theft, fraud, and identity theft in connection with an alleged federal fraud scheme. This matter was significantly litigated pretrial because Mr. Collins was developmentally disabled and his disability raised important issues related to his competency, was relevant to a defense of *mens rea*, and constituted important mitigation in the case. The court found Mr. Collins was unable to aid and assist in his own defense due to his developmental disability. I then litigated the lawfulness of mandatory incarceration of an out-of-custody defendant for purposes of competency restoration, particularly when he had been generally compliant with the conditions of federal pretrial release and when the basis for the lack of competency was developmental disability and not a more easily treatable mental illness.

The court denied the defense motions and Mr. Collins was required to surrender to FCI Butner in North Carolina. I withdrew from this case when I was appointed to the state court bench in 2019. Mr. Collins later resolved his case pursuant to a plea agreement in which he pled guilty to conspiracy to defraud the government with respect to claims. The court sentenced Mr. Collins to five years of probation and \$326,715 in restitution.

Judge:

Chief Judge Marco Hernández

Counsel for Amicus:

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Disability Rights Oregon  
511 Southwest 10th Avenue, Suite 200  
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Counsel for Codefendants:

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Law Office of Krista Shipsey  
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Samuel Kauffman (Crawford)

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Leslie A. Goemaat

United States Attorney's Office for the District of Columbia  
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2. *United States v. Dencklau et al.*, Case 3:18-cr-00319-MO (D. Or.)

In this case, the government filed a number of racketeering charges against leaders, members, and associates of the Gypsy Jokers Motorcycle Club. Mr. Dencklau and six



codefendants, including my client Mr. Pribbernow, were charged with a racketeering conspiracy, murder in aid of racketeering, kidnapping in aid of racketeering, kidnapping resulting in death, and a conspiracy to commit kidnapping, resulting in death. I represented Mr. Pribbernow from 2018 until 2019 when I withdrew to become a state court judge. He testified as the primary cooperating witness against all co-defendants who proceeded to trial. In an agreement with the government, Mr. Pribbernow pled guilty to one count of racketeering conspiracy. He was sentenced to 11 years and eight months in prison followed by a five-year term of supervised release.

Judge:

Judge Michael W. Mosman

Co-counsel:

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Counsel for Codefendants:

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Ludwig Runstein LLC  
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Lynne B. Morgan (Fisher)  
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Todd E. Bofferding (Hause)  
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(541) 490-9012

Dianna J. Gentry (Negrinelli)  
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Richard L. Wolf (Erickson)  
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Office of Public Defense Services  
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Counsel for the Government:

Leah K. Bolstad  
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3. *United States v. O'Shaughnessy*, Case 3:16-cr-00051-BR (D. Or.)

Mr. O'Shaughnessy was among 26 defendants charged with the 2016-armed occupation of the Malheur National Wildlife Refuge in eastern Oregon. Specifically, Mr. O'Shaughnessy was charged with conspiracy to impede officers of the United States. I was court appointed counsel to Mr. O'Shaughnessy from January until December 2016. I had dual roles in this this case: defense representative and as appointed counsel for Mr. O'Shaughnessy.

Acting as defense representative, I negotiated agreement among the many defendants and their counsel as to the phases of a proposed case management schedule, including the topics of and scheduling of multiple rounds of motion litigation. After obtaining as much agreement as possible among defendants, I then acted as negotiator with the government via conferrals in order to jointly propose, to the extent possible, an agreement on case management to allow for efficient and effective presentation of issues. These agreements were then presented in the form of joint status reports to the court. The court agreed to the proposed case management schedule. Lawyers from both sides took turns filing joint status updates over the life of the case to update the court as needed based on intervening events.

In my role as Mr. O'Shaughnessy's counsel, I successfully argued for his pretrial release from custody before a magistrate judge and successfully protected that release decision based on written briefing and oral argument after the government appealed Mr. O'Shaughnessy's release to the assigned district judge. I also wrote and argued a motion for bill of particulars, asserting that the superseding indictment was insufficiently specific to put defendants on notice as to the government's theories of their culpability. While the court denied the motion for bill of particulars, it ordered the government to provide a written statement that set forth the primary factual bases of Mr. O'Shaughnessy's alleged criminal liability and a statement as to whether that liability was alleged to be as principal, aider-or-abettor, or both. In addition, I wrote and argued a motion to dismiss

count one as unconstitutional in which I asserted on behalf of Mr. O'Shaughnessy that the conspiracy to impede federal officers statute (18 U.S.C. § 372) was impermissibly vague as to the conduct it prohibited such that the statute violated First and Second Amendment guarantees, particularly as applied in this case where the Defendants asserted they were merely exercising their First Amendment rights at the same time that they were exercising their Second Amendment rights. The court denied the motion, finding that 18 U.S.C. § 372 did not on its face implicate First and Second Amendment rights but noting that Defendants were free to argue at trial that their conduct was protected by the First Amendment and further holding that "mere possession of a firearm at a protest does not violate § 372."

In terms of the ultimate case resolution for Mr. O'Shaughnessy, in August 2016 he pled guilty pursuant to a plea agreement with the government in which he admitted to conspiring to impede federal employees from conducting their work through intimidation. A small subset of his codefendants proceeded to trial by jury and were acquitted in October 2016. At the end of 2016 I moved to withdraw as counsel of record and the following month Mr. O'Shaughnessy moved to withdraw his guilty plea with the assistance of substitute counsel. Mr. O'Shaughnessy's motion to withdraw his guilty plea was denied. He was sentenced to time served followed by two years of supervised release. He was also required to pay \$7,000 in restitution to the Friends of the Malheur Refuge.

Judge:

Judge Anna J. Brown

Counsel for 25 Codefendants Include:

Per C. Olson (Fry)  
Hoebet Olson PC  
1000 Southwest Broadway, Suite 1740  
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Tiffany A. Harris (Cox)  
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Matthew G McHenry (Anderson)  
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Counsel for the Government:

Ethan D. Knight  
Geoffrey Barrow  
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Mr. Craig J Gabriel (former Assistant United States Attorney)  
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4. *United States v. Khan*, Case 3:12-cr-00659-MO (D. Or.)

Mr. Khan was charged in the District of Oregon with having provided material support to terrorists in violation of 18 U.S.C. § 2339A. Mr. Khan was alleged to have provided support to a person who was believed to have killed himself in a suicide bombing of Pakistan's Inter-Services Intelligence agency in Lahore, Pakistan, in May 2009. I was court-appointed counsel in his case from 2013 to 2015. I had different co-counsel assist in various stages of the case but I remained lead counsel to Mr. Khan throughout the case.

As Mr. Khan's counsel, I successfully argued for his pretrial release from custody before the magistrate judge and successfully defended the release decision after the government appealed Mr. Khan's release to the district judge.

This case involved extensive motion litigation. I wrote and argued motions related to disclosure of monitoring attorney-client communications and use of a filter team, preservation of Foreign Intelligence Surveillance Act evidence, Classified Information Procedures Act processes, seeking notice of all searches and seizures and the purported authority to justify those searches and seizures, to preclude use of email evidence derived from the Foreign Intelligence Surveillance Act, to dismiss the indictment, and for a pretrial determination as to the eventual jury instruction regarding Mr. Khan's knowledge and intent.

My co-counsel filed and argued Mr. Khan's motion regarding court recusal which sought to outline potential conflicts for the assigned judge, Judge Mosman, in light of his work as a judge on the Foreign Intelligence Surveillance Court, a motion for access to evidence in the form of a burned hard drive, a motion for a bill of particulars and to strike surplusage from the indictment, and a motion for a pretrial determination of admissibility of alleged co-conspirators' statements (a so-called *James* hearing).

After initial rounds of motion litigation, the case resolved in February 2015 by guilty plea to a single superseding charge that Mr. Khan was an accessory after the fact to a conspiracy to provide material support to terrorists which resulted in death. The agreement included a joint recommendation that he be sentenced to seven years and three months' incarceration followed by three years of supervised release. In June 2015, the court accepted Mr. Khan's guilty plea and sentenced him consistent with the joint recommendation.

Judge:

Judge Michael W. Mosman

Co-counsel:

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Ryan O'Connor  
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John S. Ransom  
I am unable to locate contact information for Mr. Ransom

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Jameel Jaffer  
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Counsel for the Government:

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5. *United States v. Rodriguez*, Case 3:13-cr-00094-BR (D. Or.)

From 2013 to 2014, I represented Mr. Rodriguez who was charged with multiple counts related to alleged drug trafficking. The government had engaged in an extensive investigation leading up to Mr. Rodriguez's indictment, including the use of search warrants and wiretaps. At the request of the government, motions to suppress the fruits of the search warrant and wiretaps were filed to be filed under seal. In a sealed order, Judge Brown granted in part and denied in part the defense motion to suppress evidence derived from the search warrant. After Judge Brown's ruling, the government agreed to dismiss the federal case against Mr. Rodriguez. The wiretap motions were not litigated in light of the dismissal.

Judge:

Judge Anna J. Brown

Counsel for the Government:

Scott M. Kerin

United States Attorney's Office for the District of Oregon

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6. *United States v. Allen*, 3:11-cr-00120-JO (D. Or.)

Mr. Allen was charged in federal court with a single count of possession with intent to distribute cocaine. I served as his court-appointed counsel from 2011 until 2014. This case involved rather extensive mitigation investigation, the sum of which was presented to the government in the context of plea negotiations. The parties resolved the case with a plea to the sole count in the indictment and a joint recommendation for a sentence of time served, followed by three years of supervised release. The court followed the joint recommendation in sentencing.

Judge:

Judge Robert E. Jones

Counsel for the Government:

Scott M. Kerin

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7. *United States v. Valladares*, Case 3:10-cr-00010-MO (D. Or.)

Mr. Valladares was charged in a large-scale drug trafficking prosecution along with 15 codefendants. I represented him from 2010 to 2011. The government's investigation involved a number of wire taps and search warrants. The case involved significant motion litigation. Co-counsel and I shared in all aspects of the representation of Mr. Valladares.

I drafted and filed motions to sever codefendants and counts, which was denied with leave to renew. I drafted and argued a motion to dismiss counts 1 and 6, or in the alternative for a bill of particulars, as well as a motion for disclosure of “sources of information” referenced in the warrants and wiretap applications for purposes of evaluating motions to suppress. The court granted in part and denied in part these motions, ordered the government to produce a bill of particulars, and further ordered the government to disclose its sources of information to the court for further review. Co-counsel litigated the lawfulness of the government’s wiretaps. Those motions were denied.

During ongoing motion litigation, the case resolved by plea agreement wherein Mr. Valladares pled guilty to a superseding information that charged him with a single count of conspiracy to import and distribute controlled substances. The court followed the joint recommendation set forth in the plea agreement and sentenced Mr. Valladares to 13 years in prison followed by five years of supervised release.

Judge:

Judge Michael W. Mosman

Co-counsel:

Lisa Hay  
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Counsel for the Government:

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8. *United States v. Minthorn*, Case 3:07-cr-00335-KI (D. Or.)

In August 2007, Mr. Minthorn was indicted for second-degree murder for the killing of his father on the Confederated Tribes of the Umatilla Indian Reservation. I was his attorney from 2007 until 2009. During the course of my representation, I wrote and argued a motion for Mr. Minthorn’s pretrial release from custody under the Bail Reform Act. Mr. Minthorn was released to the supervision of U.S. Pretrial Services.

Ultimately, the parties resolved the case with an agreement that Mr. Minthorn plead guilty to involuntary manslaughter. The government recommended the court impose a sentence of 18 months’ imprisonment. The defense recommendation was submitted under seal. The court sentenced Mr. Minthorn to a year and one day in prison, followed by three years of supervised release.

Judge:

Judge Garr M. King

Co-counsel:

Gerald Needham (retired)  
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Counsel for the Government:

Billy J. Williams (former Assistant United States Attorney)  
Best Best & Krieger LLP  
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9. *Gul v. Bush*, Case 05 CV-888-CKK (D.D.C.). *In re Petitioners Seeking Habeas Corpus Relief In Relation To Prior Detentions At Guantanamo Bay*, 700 F. Supp. 2d 119 (D.D.C. 2010), *aff'd sub nom. Gul v. Obama*, 652 F.3d 12 (D.C. Cir.), *reh'g denied en banc* (Sep. 12, 2011), *cert denied*, 566 U.S. 940 (2012).

In 2005 I was appointed by the U.S. District Court for the District of Columbia to represent Mr. Gul, who had filed *pro se* a petition for writ of habeas corpus pursuant to the United States Supreme Court decision in *Rasul v. Bush*, 542 U.S. 466 (2004). Mr. Gul was detained as an enemy combatant at the United States Naval Base in Guantánamo Bay, Cuba. I traveled with co-counsel to meet with Petitioner Gul at the detention facility. Mr. Gul claimed that his detention was a case of mistaken identity and that he was innocent. Subsequent to our meeting, my co-counsel and a team of investigators engaged in an independent investigation of Mr. Gul's claims in Pakistan and Afghanistan. The defense team obtained a series of sworn video declarations by several people who corroborated Mr. Gul's story of innocence. These declarants were individuals who had had no contact with Mr. Gul since his arrest in Afghanistan years earlier. We filed pleadings in the district court setting forth the video evidence and seeking his immediate release. Without further litigation, the government released Mr. Gul and returned him back to his home country. The government moved to dismiss the federal habeas proceedings on mootness grounds due to Mr. Gul's release. We argued that the case was not moot because Mr. Gul's enemy combatant designation remained and the designation could give rise to collateral consequences. The district court agreed with the government that the case was moot; the D.C. Circuit affirmed; and the United States Supreme Court denied Mr. Gul's petition for writ of *certiorari*. My representation lasted from my initial appointment in 2005 until the Supreme Court denied *certiorari* in 2011.

Judge:

Judge Colleen Kollar-Kotelly

Co-Counsel:

Ruben Iniguez (retired)

Counsel for the Government:



Terry Marcus Henry  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, Northwest  
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10. *Mills v. Oregon*, Case 05-cr-01775-AA (D. Or.), *aff'd*, 330 F. App'x 135 (9th Cir. 2009)

I was court appointed to represent Mr. Mills from 2005 to 2008 as he pursued federal habeas corpus relief from his state court convictions for weapons violations. Mr. Mills had a documented history of mental health crises; however, original trial counsel failed to investigate his mental illness and how it impacted the events underlying the conviction. I engaged in an actual innocence investigation and sought to overturn the conviction on both a stand-alone claim of actual innocence as well as claims of ineffective assistance of trial counsel. The district court denied the petition. Per Mr. Mills's request, I litigated his appeal to the Ninth Circuit, which affirmed the denial of habeas relief.

Judge:  
Judge Ann Aiken

Counsel for the State:  
Lester Huntsinger  
No contact information available

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to my in-court work as a judge, I volunteer in different groups dedicated to improving our system of justice. First, I am a member of the Chief Justice of the Oregon Supreme Court's Criminal Justice Advisory Committee (CJAC). The Chief Justice formed the CJAC "to advise the Chief Justice on changes to court roles, policies, processes, services, or other areas in response to current and future issues in the state criminal justice system for the purpose of improving the administration of justice and ensuring access to justice for all." Chief Justice's Criminal Justice Advisory Committee Charter (Aug. 31, 2020) *available at* [https://publicaffairs.osbar.org/files/2020/09/CJAC\\_Charter\\_Final.pdf](https://publicaffairs.osbar.org/files/2020/09/CJAC_Charter_Final.pdf). The CJAC is made up of judges, court staff, criminal justice partners, and community stakeholders. (Article 5.3). Members serve for 3-year terms. The CJAC studies and makes recommendations in a variety of areas, such as improvement in the

pretrial release process to reduce disparities for persons historically overrepresented in the criminal justice system (Article 3.2) and examination of the impacts of fines and fees on socio-economically disadvantaged criminal justice involved persons (Article 3.5). I have served as a member of the CJAC since January 2023. We meet quarterly to discuss the work of the CJAC and its Subcommittees to consider possible recommendations to the Chief Justice on a variety of topics outlined in the CJAC Charter.

I also serve as the Chair of the CJAC Pretrial Subcommittee. The Pretrial Subcommittee meets approximately ten times per year to discuss pretrial practices throughout the state. Topics addressed while I have served as Chair include policies regarding detention pending initial appearance in cases involving bias crimes, recommendations regarding release conditions for persons facing domestic violence charges, and study of a possible state-wide tool for use in analyzing factors probative of potential risk in pretrial release.

I am also one of the judge members on the Multnomah County Circuit Court Executive Committee. Our Executive Committee is made up of the presiding judge, three chief judges (family, civil and criminal), the trial court administrator, four trial court judges, and one referee. The four-trial judge and one referee members are elected by other judges on the court to serve for three-year terms. Due to the unique challenges to the court created by the COVID-19 pandemic, the Executive Committee has been without changes in membership since 2020. The Executive Committee meets once per month to discuss court business such as changes in the law that affect court operation, resource and staffing issues, barriers to efficiency, access to justice, and any other issues on which the presiding judge seeks counsel. The Executive Committee provides advice to the presiding judge but has no independent authority.

Prior to becoming a judge, I volunteered in legal activities apart from representation of clients. I served as one of the nine members of the Oregon Public Defense Services Commission (PDSC) from 2017 until 2019. The PDSC is an independent body that oversees the state's Office of Public Defense Services and is tasked with maintaining a public defense system that comports with the Oregon and United States constitutions. The Commission met approximately ten times per year in Salem, Oregon, to discuss issues related to indigent defense in the state system. We were also charged with overseeing the budget for the Oregon Public Defense Services Office and the performance of its Executive Director. During my tenure on the Commission, we commissioned a Sixth Amendment Center study of the operation of criminal defense in Oregon in order to consider improvements to the local indigent defense system and an American Bar Association study of public defender caseloads.

Also prior to becoming a judge, I was appointed as a volunteer Special Investigator for the Oregon State Bar Board of Bar Examiners. The State of Oregon has a process under which an applicant may be denied privileges to practice law even after passing the bar examination if there is evidence that the applicant lacks the requisite character and fitness to practice law. If the applicant requests a hearing on the denial, the Chair of the Board of Bar Examiners appoints a Special Investigator to independently investigate the applicant's character and fitness and to then present that evidence before a Hearing Panel.

I acted in this capacity in an applicant's case until Governor Brown appointed me as a circuit court judge.

I have never registered as a lobbyist or engaged in lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain

how you would address any such conflict if it were to arise.

I have identified three potential categories of conflict: my husband, persons involved in my prior work as an attorney, and my ownership of stock. First, my husband is currently an Assistant Federal Public Defender at the Office of the Federal Public Defender in the District of Oregon where he represents clients at the trial court and appellate levels. Second, because I worked as a criminal defense attorney for approximately 20 years prior to becoming a judge, it is possible that a conflict could arise based on my prior representation of a party somehow involved in the current case, whether defendant, alleged victim, or witness. Third, I own a small number of individual stocks. Should any of those potential conflicts arise, I would resolve the issue consistent with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable authority.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

Were I to become a district court judge, I would resolve any potential conflicts of interest consistent with 28 U.S.C. § 455 and any other relevant ethical laws, rules, and canons, including the Guide to Judiciary Policy, and relevant Advisory Opinions issued in connection with that Guide to Judiciary Policy. I will err on the side of caution and disclose to litigants even the potential appearance of conflicts to allow input as to whether recusal would be in the interests of justice in a given case.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association’s Code of Professional Responsibility calls for “every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My almost two-decade career in indigent defense served marginalized and disadvantaged clients on a daily basis. As an attorney I acted as a mentor for newer lawyers, both officially for the Oregon State Bar Mentor Program (2015 to 2016) and unofficially to lawyers interested in indigent defense throughout the two decades of my career. As a judge, I have participated as a mentor for women and minorities through the Oregon State Bar Mentor Program (2021 to 2022); Oregon Judicial Department, Diversity and Inclusion Judicial Mentorship Program (2020 to 2021); and the Oregon Women Lawyers’ Foundation Armonica Grant Mentorship Program (2023 to present). I also participated in the Oregon State Bar and Professional Liability Fund’s “Learning the Ropes” event for new lawyers, both as a participant at the Bar Leader Luncheon (2016, 2017) and as a speaker (2018) in order to support and encourage the newest members of our bar.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from

beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In March 2023, United States Senators Ron Wyden and Jeff Merkley announced a timeline for nominations to fill the vacancy created by Chief Judge Marco Hernández's announcement that he would take senior status. The announcement directed interested parties to submit a number of materials to Senator Wyden's office, which I did on April 7, 2023. On May 13, 2023, I interviewed with a Judicial Selection Committee, which was made up of ten lawyers throughout the state. The Judicial Selection Committee reported their recommendations to the Senators. On June 1, 2023, the Senators announced a list of six finalists for the district court position. I was one of those finalists. On June 14, 2023, I interviewed with attorneys from the White House Counsel's Office. I was contacted on September 14, 2023, by the White House Counsel's Office and informed that I was selected for additional vetting. Since September 15, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On November 15, 2023, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.