

## OMLA JUDICIAL QUESTIONNAIRE

**Name:** Cheryl Albrecht

**Position Sought:** Circuit Court Judge, 4th Judicial District, Position 31

**Campaign Address:** 1117 SE Division

City, State, Zip Code: Portland, OR 97202

**Campaign Manager:** Lisa Ludwig/Cari Carter

**Phone Number:** 503-314-1787

**Fax Number:** n/a

**E-mail Address:** cherylalbrecht@gmail.com

**District:** 4th Judicial District, Position 31

**Web Page:** <http://www.cherylforjudge.com>

**Incumbent (yes or no)?** No

**How long?**

**Present Position:** Full-time Circuit Court Judge Pro Tem

**PLEASE RESPOND TO THE FOLLOWING:**

### **I. PROFESSIONAL EXPERIENCE**

**1. Law school and undergraduate schools attended:** Lewis & Clark Northwestern School of Law; Louisiana State University; University of Southwestern Louisiana

a) Years of Graduation: 1993 (law school); 1988 (LSU)

b) Degrees: Juris Doctorate; B.A. in Journalism with distinction

### **2. Hours and type of pro bono work performed during last five (5) years:**

Because I am not currently practicing and not covered by the PLF, I have not performed direct service pro bono work in the last five years. However, I have devoted during that time hundreds of hours to work on various committees which address matters of importance to the legal system as a whole, including increasing diversity in the legal community, improving jury service, drafting jury instructions and addressing needs of stalking victims.

**3. Have you ever represented government, corporations or insurance companies? If "yes," please list and discuss.**

I have not represented government, corporations or insurance companies.

**4. Have you ever been a prosecutor for any government entity? If "yes," where and for how long?**

I have not served as a prosecutor.

**5. Have you ever defended a person accused of a crime? If "yes," where and how many cases?**

My practice as an attorney focused on criminal defense. I worked at Rieke & Savage from 1993 to 2000 and represented more than 1000 indigent and non-indigent criminal defendants. I also worked as a sole practitioner and during that time worked on criminal cases including Aggravated Murder, Racketeering and Securities Fraud, and other matters.

**6. Have you ever served as an arbitrator or mediator? If "yes," where and how many times?**

I have not served as an arbitrator or mediator.

**7. How many times have you participated as a judge or attorney in:**

**Circuit Court jury trials:** Approximately three dozen.

**Federal District Court trials:** none

**Arguments in Court of Appeals:** none

**Arguments in Supreme Court:** none

**Municipal Court:** Multnomah County Circuit Court includes traffic matters and violations, which are usually set in municipal court in other jurisdictions. I've worked for five years as a full-time Judge Pro Tem presiding over various types of "municipal" court hearings, including landlord/tenant trials, small claims disputes, traffic trials, misdemeanor and felony arraignments, stalking protective order hearings and other types of criminal hearings.

**8. In what court/forum do you primarily practice (civil, criminal, family, probate, dependency, bankruptcy, other):**

My primary practice as an attorney focused on criminal law. I also worked as a juvenile attorney at Metropolitan Public Defenders representing parents and children in dependency and delinquency trials and hearings.

**9. List any complaints you have received through any Bar Association, Judicial Conduct Committee or Board, or private insurance carrier.**

As a criminal defense attorney representing primarily indigent defendants, I represented more than 1000 clients. During that time, I received a total of four complaints from four individuals to the Oregon State Bar, all of which were dismissed as unfounded. To retain their confidentiality, I would rather not identify those individuals. The system has since changed, and claims are now investigated before they become classified as “complaints.”

I have not been made aware of any complaints related to my role as a Judge.

**II. PLEASE ANSWER THE FOLLOWING QUESTIONS IN 50 WORDS OR LESS**

**1. What recommendations do you have for improving court system funding and administration?**

Judges can assist court funding and administration by documenting and recording trends, more effectively communicating with the public and legislators about needs of litigants and courts, and collaborating with other judges and community partners to create programs which make more efficient use of judicial resources.

**2. What recommendations do you have for increasing access to the judicial system (Civil and Criminal)?**

Ensuring facilities are readily accessible to the disabled and those without vehicles; providing forms and information on the Internet, in different languages, and building electronic capabilities; plain language jury instructions and other jury service improvements; using non-legalese to communicate; and creating programs to provide greater community access to interaction with judges.

**3. What actions have you taken in the last five years on issues regarding access to the judicial system?**

I strive to communicate all proceedings in an understandable and respectful manner. I ensure speakers of other languages can understand. I’ve drafted model jury instructions governing juror questions at trial, and am exploring use of plain language jury instructions. I’ve also worked to enhance diversity in the legal community, which I believe helps create access.

**4. How have you promoted diversity within your staff?**

In my current position, I have no influence on hiring positions, but I have urged consideration of diversity in hiring.

**5. If you are a candidate in a contested primary race, what record of performance, ability, experience, personal qualities, and positions on issues distinguish you from your opponent(s)?**

In total, I have the most judicial experience of the candidate. Also, I am the most active of the candidates in working on issues of importance to the judicial system and creating tangible results, including developing a court website for jurors, improving aspects of jury service, creating networking, mentoring and speaking opportunities for minority lawyers, studying the way the justice system serves stalking victims, and other activities.

**6. Describe yourself (gender, race, ethnicity, social background, disability, sexual orientation): (please answer whether you are a minority attorney or not):**

Male  Female  
 African American  American Indian  Asian Pacific American  
 Latin/Mexican American  Caucasian/White  Other  
 Disabled  Gay  Lesbian  
 Bisexual  Transgender

**7. Do you wear clothing, accessories, or other items that identify your religious background:**

Yes  No. If yes, what do you wear?

**8. Describe your employer (by answering below):**

**a) City in which employer is located:** Oregon Judicial Department is based in Salem, Oregon

**b) Number of lawyers in your office:** In Multnomah County, there are 38 Circuit Court Judges in 14 Hearings Referees.

**c) Percentage of partners/owners:** n/a

**d) Percentage of associates:** n/a

**e) Are you a partner, associate, independent contractor, other:** n/a

**f) Percentage of attorneys who are women:** Of the Multnomah County Circuit Court Judges and Hearings Referees combined, 42 percent are women.

**g) Percentage of attorneys who are minorities:** Of that same number, 5 percent are minorities.

**h) Percentage of partners who are women:** n/a

**i) Percentage of partners who are minorities:** n/a

**j) Does your employer support volunteer/community/pro bono work or bar activities? Yes.**

**9. Do you feel that your gender, race, ethnicity, social background, disability, sexual orientation, or religious background have influenced the level or amount of your monetary compensation derived from the practice of law? x Yes No**

**Please describe:**

At one law firm, male attorneys who joined our office with similar levels of experience, especially those with families, were able to negotiate compensation packages worth more than mine even though I worked there for more years. My employer grew more comfortable with women attorneys over the years but had very little experience with women attorneys at the time I joined the firm and was initially skeptical that women could perform at the same level as men in trial work.

**10. What is your overall impression of a minority attorney's experience practicing law in Multnomah, Clackamas or Washington County, etc?**

My impression is that minority attorneys are more isolated from a welcoming social structure and more likely to be viewed as an anomaly to the practice of law. My perception is that minority attorneys in this area, like those in other areas, are not compensated as well as their non-minority counterparts. There are exceptions and some growth over the past several years, but still much more work to be done.

**11. In the last five years, have you observed any bias (demeaning or unfair treatment based upon gender, race, ethnicity, social and/or religious background, disability, or sexual orientation) in any legal proceeding (in court, in depositions, from the judge, from the court staff, from the jury, dealing with opposing counsel, from or against clients)? If so, please describe:**

Lack of understanding about cultural differences can present as bias even when it is not intended and we must be vigilant to guard against this. Also, the court system should work harder to ensure speakers of other languages have equal access to various programs. Regarding a specific example, in one recent hearing, a witness made a statement that had the effect of accusing African-Americans as being intimidating. Although it is not always possible to immediately respond to bias, in this case, I was able to confront him about the statement and told him his remark revealed prejudice and that I did not appreciate it.

**12. How do you think the courts should handle bias (judicial intervention, sanctions, education, reports to the Oregon State Bar, other)?**

First, if we see bias occurring, we should address it right then and there or as soon as practicable. If the bias involves an attorney, the judge should consult with the attorney and advise the attorney of the effect of his or her actions. If there are repeat instances, then the Bar should intervene with targeted discussions and education beyond the scope of the Elimination of Bias

credit. Repeat offenses occurring after that should be subject to disciplinary action. Bias would need to be clearly defined, of course, for such an approach to work. I favor the continuation of the Elimination of Bias CLE requirement, and favor additional training for court staff.

**13. In the last five years, have you observed any bias in your work environment (promotions, compensation, access to clients, marketing opportunities, career advancement)?**

Not specifically, although minorities are underrepresented as employees in the court system.

**14. How do you think employers should handle bias?**

A clearly delineated approach combining discussions, intervention, education and escalating sanctions similar to the one above in Question 12 would provide balance while sending a message that the employer takes prejudicial conduct seriously and will act to stop it.

**15. Has any career decision you have made been influenced by treatment you have received as a minority attorney? If yes, please describe:** Not applicable

**16. Which of the following statements best describes your overall perception of bias in the courts:**

- There is no bias**
- Bias exists, but only in a few areas and by certain individuals**
- Bias is widespread, but subtle and hard to detect**
- Bias is widespread and readily apparent**

There are bits and pieces of each of those statements that I believe make up the picture of bias in the court system at any given time. It's complicated and I'm not willing to ascribe one scenario to the exclusion of others. I do agree that bias is more widespread than many people would like to believe, and that a more common form of prejudice these days is insidious prejudice, or prejudice that doesn't express itself as intentional discrimination but can unintentionally shape outcomes and results.

**17. Which of the following statements best describes your overall perception of bias in the work place:**

- There is no bias**
- Bias exists, but only in a few areas and by certain individuals**
- Bias is widespread, but subtle and hard to detect**
- Bias is widespread and readily apparent**

Same as above.

**18. Are there any other aspects of bias in the courts or in your job upon which you would like**

**to comment?** Minorities remain disproportionately represented in the criminal justice system, but there are some successes. Several years ago, "recog" interviews, or interviews by release officers authorized to grant pre-trial release from custody, underwent revision and are now subject to scoring based on objective criteria. Release occurs if the person meets a certain score. There are still concerns, but this scoring has helped to reduce disproportionality in the race of those eligible for release.

**III. PLEASE ATTACH THE FOLLOWING:**

1. Your current resume.

# **CHERYL ALBRECHT**

1631 NE Broadway #338

Portland, OR 97232

(503) 314-1787

cherylalbrecht@gmail.com

## **PROFILE**

Accomplished attorney with extensive courtroom experience as judge and trial lawyer. Strong background in all aspects of litigation, including negotiations, motion hearings, and court and jury trials. Proven ability in effective written advocacy and ability to handle difficult litigants. Licensed in Oregon and U.S. District Court.

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## **LEGAL & WORK EXPERIENCE**

### **State of Oregon, Circuit Court Judge Pro Tem, 2001 to present**

- Presided over variety of court hearings, including jury and court trials, landlord/tenant hearings and trials, trust deed foreclosures, small claims matters, stalking protective order hearings, traffic trials, criminal arraignments, and probation hearings.
- Planned and presented CLE's for judges and others in civil stalking law, trials by affidavit, ethics and discovery procedures.
- As member of Presiding Judge's Jury Standards Committee, explored and implemented improvements in Multnomah County jury service, including assisting in design and writing of court website for jurors and formulating procedures for juror questions in trial.

### **Sole Practitioner, 2001**

- Worked as co-counsel in aggravated murder case, including drafting and arguing all pre-trial motions, supervising investigation, and planning trial strategy.
- Performed research and writing of all pre-trial motions in securities fraud/RICO case, and numerous other criminal cases.

### **Associate, Metropolitan Public Defenders, 2000 to 2001**

- Assumed full caseload for attorney on leave of absence in MPD juvenile section.
- Represented parents and children in family court dependency hearings, including supervising investigation, conducting legal research, and negotiating with district attorneys, children's services workers and professional service providers.
- Represented minors in juvenile delinquency trials.

### **Associate, Rieke & Savage, P.C., 1993 to 2000**

- Handled large, busy caseload of all types of criminal cases, from misdemeanors to aggravated murder.
- Represented clients at all stages of litigation, from intake to sentencing and post-trial matters. Supervised investigation, conducted legal research, drafted and argued pre-trial motions, performed court and jury trials, negotiated with district attorneys and criminal defendants.

- Specialized in working with numerous types of experts, including physicians, forensic experts, appraisers, psychologists, pathologists, and others. Researched law and conducted hearings regarding various expert evidentiary issues.
- Supervised law clerks and created firm data base of sample motions. Organized firm attorneys in comprehensive constitutional challenge to Measures 11 and 40.
- Served as law clerk from 1991 to 1993.

### **The Daily Advertiser, 1988 to 1990**

- Editor and reporter for daily newspaper in Lafayette, Louisiana, covering regional news and features, federal courts, schools, economic development and spot news.
- Coordinated paper's coverage of high-profile three-month federal drug trial involving 187 co-defendants, at that time the largest trial in federal history.
- Won regional awards for news and feature writing.

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## EDUCATION

### **Northwestern School of Law, Juris Doctorate, 1993**

- Dean's Fellowship, Member of Regional Competition Moot Court team
- Founding member of Public Interest Law Project

### **Louisiana State University, BA in Journalism, 1988**

- Kappa Tau Alpha award for highest GPA, Manship School of Journalism
- Outstanding Woman Graduate award, Manship School of Journalism
- William Randolph Hearst national award for editorial writing
- Sigma Delta Chi regional awards for feature and investigative writing
- Managing Editor, the LSU Daily Reveille

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## OTHER SERVICE AND ACTIVITIES

- OSB Public Service Advisory Committee, 2006
- OSB Diversity Section Executive Committee member, 2006
- OSB Uniform Criminal Jury Instruction Committee, 2003-2005
- MBA Equality Committee, 2002-2006, Chair 2003-2004
- Queen's Bench Board of Directors, 2003-2005
- Gus Solomon Inns of Court, Pupilage Group Leader, 2002 to present
- MBA Pro Bono Committee, 1996-2000
- OSB House of Delegates, 1996
- Write Around Portland, creative writing workshop facilitator for low income community members, 2002-2004, ongoing volunteer

**2. A list of organizational and personal endorsements you have received in this race. Identify your top 3 endorsers and why.**

It's very difficult to isolate three endorsements from the others, because I value each and every one. I would have to say my most important endorsement is from Judge Darleen Ortega, because she has provided infinite amounts of inspiration and encouragement for my campaign as judge, and because I imminently respect the quality work she's contributed to the legal system. The other top two endorsements I would chose are State Representative Chip Shields and Mr. Roy Jay of the African American Chamber of Commerce because their careers reflect the type of dynamic, creative, results-oriented devotion to public service that I seek to achieve in my own career.

**ENDORSEMENTS**

"In her years as a pro tem judge, Cheryl has already demonstrated that she is diligent, practical, smart and uncommonly insightful. She has earned the respect of the circuit judges and the litigants who appear before her. I am convinced she is the right choice for the Multnomah County Circuit Court bench and recommend her enthusiastically."

*Hon. Darleen Ortega, Oregon Court of Appeals*

Also endorsed by:

City Commissioner Erik Sten  
State Representative Chip Shields  
Roy Jay (President, African American Chamber of Commerce)  
Multnomah County Corrections Deputy Association

**JUDGES**

The Hon. Alicia Fuchs; The Hon. Kristena LaMar; The Hon. Marilyn Litzenberger; The Hon. Michael Marcus; The Hon. Christopher Marshall; The Hon. Merri Souther-Wyatt; The Hon. Janice Wilson

**ATTORNEYS**

John Bachofner (Bullivant Houser Bailey)  
Leland Berger  
Andrew Chilton  
Christopher Clayhold (Forrest Rieke & Associates)  
Todd Cleek (Kivel & Howard, LLP)  
Mark Austin Cross  
Mark Ginsberg  
Susan Glen (Dunn Carney)  
James Gregory (Larson Gregory P.C.)  
Shari Gregory  
Steve Griffith (Stoel Rives)  
Alexander Hamalian (Law Offices of Alex Hamalian)  
Christopher Hill  
Edward Hill  
Charles Hinkle (Stoel Rives)  
Thomas Ifversen (Kahn & Ifversen)  
Kellie Johnson (Multnomah County District Attorney's Office)  
Matthew Kaplan  
Sam Kauffman (Garvey Schubert Barer)  
Ronnee Kliewer (Law Office of Ronnee Kliewer)  
Rob Kline

Peter Leichtfuss (Davis Wright Tremaine)  
Jeanne Loftis (Bullivant Houser Bailey)  
Lisa Ludwig  
Adina Matasaru (Harrang Long Gary Rudnick)  
Sue-Del McCulloch  
Cynthia Mohiuddin  
Sonia Montalbano (Elliott, Ostrander & Preston, P.C.)  
Robert Neuberger  
Donna Oden-Orr (Bonneville Power Administration)  
Melvin Oden-Orr (Oden-Orr LLC)  
Xiomara Torres Mattson (Bertoni & Todd)  
Devon Zastrow Newman (Keating Jones)  
Lake Perriguy (Bradley J. Woodworth & Associates)  
Liani JH Reeves (Department of Justice)  
Shouka Rezvani (Tonkon Torp)  
Forrest Rieke (Forrest Rieke & Associates)  
Matthew Rizzo (Allstate Staff Council)  
Susan Russell (Federal Public Defenders)  
Kathryn Salyer (Farleigh Witt)  
Bradley E. Sands (Law Offices of Robert S. Dorband)  
Jason Steen (Raivio Kohlmetz Steen)  
Bruce Tarbox  
Mary Tarbox  
FG (Jamie) Troy (Law Office of Ronnee Kliewer)  
Lisa Umscheid (Ball Janik)  
Katherine Weber  
Bear Wilner-Nugent (Metropolitan Public Defenders)

**3. A list of all elected and appointed positions you have sought or held in any political organization or in the federal, state or municipal government. (Include elected offices held, election contests in which you were a candidate, party offices held, campaigns in which you served as a volunteer, and political memberships.)**

I serve as a Circuit Court Judge Pro Tem and am appointed for a three-year term by the Oregon Supreme Court. Other than filing for election for Circuit Court Judge, Position 31, I have not sought or held any elected office.

**4. Current and past memberships in any clubs or organizations, including unions, bar and legal associations.**

Memberships in clubs, organizations and bar associations

Member Oregon State Bar, since 1993

Committees and other work:

House of Delegates: 1996

Uniform Criminal Jury Instructions Committee: 2003-2005

Public Service Advisory Committee: 2006

Diversity Section, Executive Committee: 2006

Member U.S. Federal District Court, since 1996

Member Multnomah Bar Association, since 1993

Committees:

Equality Committee: 2002-2006 (chair 2003-2004)

YLS Pro Bono Committee: 1998-2000

Member Oregon Women Lawyers

Queen's Bench Board of Directors: 2003-2005

Member Oregon Minority Lawyer Association, since 2004

Member Oregon Criminal Defense Lawyers Association: 1993-2001

Member East Portland Eagles Lodge, since 2003