

**Stephen K. Bushong**  
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## **EMPLOYMENT**

**Multnomah County Circuit Court Judge**, February 2008 to present. Presided over 41 civil jury trials (including 1 class action) and 69 criminal jury trials as of Feb. 2011.

**Oregon Department of Justice**, 1994 to February 2008.

**Chief Trial Counsel**, Aug. 2005 to Feb. 2008. Management responsibility for all civil lawsuits filed against the State of Oregon, including: collateral challenges to criminal convictions (state post-conviction and federal habeas cases); condemnation, commercial, environmental, and administrative law cases; tort and employment cases; suits for declaratory and injunctive relief. Also served as lead trial counsel in selected cases, including *Oregon v. Legal Services Corp.* (challenge to federal restrictions on legal services program for the poor); *OHCA v. Oregon Home Care Comm'n* (challenge to laws authorizing creation of commission to regulate in-home care for the elderly). As a member of the Attorney General's executive staff, assisted in developing legal policies and coordinating legal services provided throughout state government.

**Attorney-in-Charge**, Special Litigation Unit, 1998-2005. Defended constitutional challenges to state laws and programs, and supervised a team of attorneys, paralegals and staff. Lead trial counsel in *Oregon v. Ashcroft* (suit challenging US Attorney General's attempt to block Oregon Death with Dignity Act); *MacPherson v. Dept. of Admin. Servs.* (suit challenging constitutionality of Measure 37); *Li v. Oregon* (same-sex marriage litigation). Lead appellate counsel in 9<sup>th</sup> Circuit and Oregon Supreme Court on several First Amendment cases. Lead trial counsel defending constitutional challenges to vote-by-mail law, public school financing laws, program for serving adults with developmental disabilities, and statewide assessment program for high school students. Lead trial counsel defending lawsuit seeking to block construction of chemical weapons incinerator at Umatilla; in PERS and congressional redistricting litigation and in other cases.

**Assistant Attorney General**, Trial Division, Special Litigation Unit, 1994-1998. Defended variety of complex cases, including challenge to validity of Death with Dignity Act and lawsuit seeking to block execution of death-row inmate.

**Sole practitioner**, Portland, Oregon, 1993-94. General litigation practice.

**Miller, Nash, Wiener, Hager & Carlsen**, Portland, Oregon, 1985-93. Associate specializing in complex civil litigation and appeals.

**Judicial Clerk** for United States Magistrate Marc L. Goldman, US District Court for the Eastern District of Michigan, 1984-85.

## **EDUCATION**

**University of Michigan Law School**, J.D., *cum laude*, 1984.

**University of Michigan**, B.A. in economics 1980. Honors College, 1976-78; Class honors, 1977, 1978.

## **PUBLICATIONS**

Oregon Civil Pleading & Practice, chapter on “Intervention” (2006 edition and 2010 supplement).

“Public Sanctions, Public Liability in Oregon—The Case for Legislative Action and Judicial Restraint,” 36 Willamette Law Review 911 (2000).

“Breathing Life into the Right to Die: Oregon’s Death With Dignity Act,” 11 Issues in Law & Medicine 269 (1995) (co-authored with Thomas A. Balmer).

“Recent Significant Oregon Cases,” Oregon State Bar Litigation Journal (regular feature, 1998-present).

## **BAR ACTIVITIES**

Oregon State Bar, member of Uniform Civil Jury Instruction Committee, 2010 to present.

Multnomah County Bar Association, member of Professionalism Committee, 2009 to present (currently serving as chair of committee).

Oregon State Bar Litigation Section, member of Executive Committee, 2004 to 2008.

Oregon State Bar Government Law Section, member of Executive Committee, 2005 to 2007.

## **CLE PRESENTATIONS AND SEMINARS**

10/8/10 “Trial Tips for the Litigator” (presentation on special jury instructions), Oregon Law Institute CLE.

10/30/09 “Civil Court Judicial Forum: Advanced Discovery and Trial Practice,” National Business Institute CLE

11/03/06 “Constitutional Litigation: The State’s Perspective,” Oregon State Bar CLE.

5/25/06 “Civil Rights Litigation: A National Perspective,” Oregon Department of Justice CLE.

**CLE PRESENTATIONS AND SEMINARS (cont.)**

- 5/11/06 “*Oregon v. Ashcroft*,” US District Court Historical Society presentation.
- 4/11/06 “Civil Rights Attorney Fee Claims,” National Association of Attorneys General, Washington, D.C.
- 3/14/06 “Crafting Effective Legal Arguments,” Oregon Department of Justice CLE.
- 6/14/05 “Federalism,” World Trade Council (presentation to delegation from Iraq).
- 4/1/05 “Attorney Fee Claims: Defense Strategies,” Oregon Law Institute CLE.
- 3/18/05 “Litigating Civil Rights Attorney Fee Claims,” National Association of Attorneys General, Washington, D.C.
- 3/11/05 “Federalism & *Gonzales v. Oregon*,” Willamette Law School Symposium.
- 11/5/04 “Upholding Constitutions,” Oregon State Bar CLE.
- 4/20/04 “Legal Writing for Trial Lawyers,” Oregon Department of Justice CLE.
- 4/16/03 “*Oregon v. Ashcroft*: Federalism Issues,” Hastings College of Law Symposium, San Francisco, CA.
- 4/9/03 “Hot Topics at DOJ: Budget Crisis Litigation,” Oregon Department of Justice CLE.
- 1/9/02 “Hot Topics at DOJ: *Oregon v. Ashcroft*,” Oregon Department of Justice CLE.
- 11/30/01 “Current Challenges, Issues & Trends in Government Law: PERS Litigation,” Oregon State Bar CLE.
- 9/8/00 “New Developments in Federalism,” Oregon Law Institute CLE on Government Law in the New Millennium.
- 4/6/00 “Governmental Liabilities and Immunities Under 42 USC 1983,” Oregon Department of Justice CLE.
- 2/26/00 “Public Sanctions, Public Liability in Oregon,” Willamette Law School Symposium.

**CLE PRESENTATIONS AND SEMINARS (cont.)**

- 1999-2000      Avoiding Liability Under the Civil Rights Act: A Guide for Supervisors,” Oregon Department of Public Safety Standards & Training (periodic training for public safety officers).
- 7/22/99        “State Sovereign Immunity: From *Seminole Tribe* to *Alden*,” Oregon Department of Justice CLE.
- 2/98            “Implementing the Death With Dignity Act,” Oregon State Bar CLE.
- 4/5/97         “Legal and Legislative Issues of Assisted Suicide,” Minnesota State Conference on Disability, Minneapolis, MN.
- 4/96            “Eleventh Amendment Immunity After *Seminole Tribe*,” Oregon Department of Justice CLE.
- 6/95            “Constitutionality of Oregon’s Death With Dignity Act,” University of Oregon Law School (panel discussion).
- 4/95            “Physician-Assisted Suicide in Oregon,” Wisconsin Bar Association CLE, Milwaukee, WI.