

December 10, 2010

Judge Richard L. Barron
Circuit Court Judge
Coos County Courthouse
250 N. Baxter Street
Coquille, OR 97423

Judge Mary Ann Bearden
Circuit Court Judge
Lane County Courthouse
125 E. 8th Avenue
Eugene, OR 97401

Judge Jean Kerr Maurer
Circuit Court Judge
Multnomah County Courthouse
1021 SW 4th Avenue
Portland, OR 97204

Re: Oregon Complex Litigation Court

Dear Judges Barron, Bearden and Maurer:

I would like to be considered for service on the Oregon Complex Litigation Court.

As required by Chief Justice Order 10-066, enclosed are my resume and a list of what I consider to be the complex civil jury trials over which I have presided. The enclosed list includes 29 jury trials. In addition to these 29 jury trials, I have also presided over an additional 62 civil jury trials (which I could not consider to be complex) and an additional 254 criminal jury trials. All total, I have presided over 345 jury trials, both civil and criminal.

I estimate, in my 23 years of law practice before becoming a judge in 1996, I represented clients in dozens of civil cases that went to trial, but I have no records or way to reconstruct this after all these years.

Sincerely,

John A. Wittmayer

Judge John A. Wittmayer

Multnomah County Courthouse
1021 S.W. 4th Avenue Portland, OR 97204 (503) 988-3165

EMPLOYMENT

CIRCUIT COURT OF THE STATE OF OREGON, MULTNOMAH COUNTY, PORTLAND, OREGON
Judge, 1998 to present, elected to 6 year terms in 2002 and 2008. Transferred to Circuit Court upon Consolidation of Circuit Court and District Court.

DISTRICT COURT OF THE STATE OF OREGON, MULTNOMAH COUNTY, PORTLAND, OREGON
Judge, 1996 – 1998, appointed by Governor John Kitzhaber, February, 1996. Elected to a 6 year term in 1996.

MITCHELL, LANG & SMITH, ATTORNEYS AT LAW, PORTLAND, OREGON
1981 – 1996, partner; managing partner, 1994 & 1995.
General practice of law in a 20 lawyer firm, emphasizing civil litigation, family law and probate.

GAYLORD, THOMAS & WITTMAYER, ATTORNEYS AT LAW, PORTLAND, OREGON
1977 – 1981, partner.
General practice of law in a 3 lawyer firm, emphasizing general civil litigation, personal injury litigation, and family law.

MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE, PORTLAND, OREGON
1974 – 1977, Deputy District Attorney.
Prosecuted criminal cases in the Circuit and District Courts.

UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, D.C.
1973 – 1974, Attorney General's Honors Program, Criminal Division.
Supervised nationwide prosecution of bribery and conflicts of interest cases.

EDUCATION

NORTHWESTERN SCHOOL OF LAW, LEWIS & CLARK COLLEGE, PORTLAND, OREGON
J.D. Degree (Law), 1973. Deans' List.

PORTLAND STATE UNIVERSITY, PORTLAND, OREGON
B.S. Degree (Political Science), 1969.

BAR ADMISSIONS

Oregon Supreme Court, 1973.
United States District Court, District of Oregon, 1974.
Washington Supreme Court, 1984 (inactive, 1996, resigned, 2001).
United States District Court, Western District of Washington, 1984.
United States District Court, Eastern District of Washington, 1984.
United States Court of Appeals for the Ninth Circuit, 1984.
United States Supreme Court, 1995.

BAR AND COMMUNITY ACTIVITIES

American Civil Liberties Union of Oregon: Volunteer Attorney, 1993 – 1995.
FISH Emergency Services, Inc.: Board Member, 1997 – 2002; Chair, 2000.
Montavilla United Methodist Church: Board Member, 1996 – 1999; Chair, 1996 – 1998.
Multnomah Bar Association, Professionalism Committee: Member, 1998 – 2001 & 2003 – 2006.
Willamette University Board of Trustees: Member, 2004 - 2010.
Oregon-Idaho Conference, United Methodist Church Board of Trustees: Member, 1997-2009; Chair, 1999-2004.
Multnomah Bar Association, *Multnomah Lawyer* publication columnist: "Tips from the Bench," 2004 – 2008.
Oregon State Bar Commission on Professionalism: Member, 2004 – 2010.
St. Andrew Legal Clinic: Volunteer Attorney, 1994 – 1996; Board Member, 1995 – 1996.

Judge John A. Wittmayer

Complex Civil Jury Trials

January 14, 1997

Maria Mitchell v. Noralee Sherwood v. State of Oregon

P: Previously settled out.

D/TPP: Larry Brisbee, Brisbee & Stockton

TPD: James Griffin, AAG

MVA, third party claim for contribution against state re highway design defect claims.

May 13, 1997

Sheryl Anderson v. Resource Recovery Group, Inc. & Balmer Logging, Inc.

P: previously settled out.

D1: Steve Voorhees, Kilmer, Voorhees & Laurick

D2: Tom Dulich & Darin Loisselle, Schwabe, Williamson & Wyatt

Contribution between 2 D's for \$470K paid half each to injured log truck driver when a log fell from her truck at the log dump just prior to unloading the log truck.

February 15, 2000

Giro & Shirley Umemeto v. John Anderson, D.O.

P: Kevin Cathcart

D: Steve Jones

Medical negligence/malpractice.

April 3, 2000

Robert Hill v. LaGrande Industrial Supply Co, Inc.

P: Gil Purcell & Elaine Brown, Brayton, Purcell, Curtis & Geagan

D: Art Tarlow, Tarlow, Jordan & Schrader

Asbestos exposure case against supplier (not a manufacturer) only, with an asbestosis injury and lung cancer claim.

June ?, 2000

Benedict v. Various Asbestos Defendants

P: Gil Purcell, Elaine Brown, Brayton, Purcell

D: Diane Kero, Jim Gidley, and the CCR crew

Asbestos exposure case against manufacturers.

August 7, 2000

Theodore Norman and Marion Norman v. US Gypsum (CCR) & Krueger Lumber Co.

P: Gil Purcell & Elaine Brown, Brayton, Purcell, Curtis & Geagan

D: Ed Houff, Jim Gidley, Diane Kero, Liz Martin, Veveca Parker

Asbestos exposure case.

September 6, 2000

Dennis Emrick v. ACS, The Asten Group, Quimby Welding Supplies, Scapa Dryer Fabrics and US Minerals.

P: *Gil Purcell* (Novato, Calif) , Elaine Brown (Portland), and Ray Thomas (Portland)
D: for ACS: *Terry Hall* (Seattle) and Barry Groce (Portland);
for Asten: *Ronnie Collins &* , Tim Gray & Ren Wilkes (Mississippi) and John Kennedy (Portland);
for Quimby Welding: *Rudy Lachenmaier* (Portland);
for Scapa Dryer Fabrics: *H. Lane Young* (Atlanta) and George Pitcher;(Portland)
for US Minerals: *Kevin McNaughton* (Los Angeles) and Jim Case (Beaverton).

Asbestos exposure case.

April 12, 2001

Shindler v. Fred Meyer, Hamilton Materials, Union Carbide & USG

P: *Tony Vieria* & Elaine Brown, Brayton * Purcell
D: For Fred Meyer: Ken Renner, Hoffman Hart
For Hamilton Materials: H Lane Young & John Dudrey
For Union Carbide & USG: Ron Gardner & Liz Martin
For USG only: Richard Sykes

Asbestos exposure case.

April 19, 2001

Vance v. AC&S

P: *Tony Vieria* & Elaine Brown, Brayton*Purcell
D: *Bradley Wolf* & Barry Gross

Asbestos exposure case.

May 7, 2001

Peterman v. AC&S, et al

P: Chris Andreas & Elaine Brown, Brayton*Purcell
D: For AC&S: Terry Hall & Michael Turner
For Beadex Mfg & Knez Building Materials: Steve Rizzo & Michael Mattingley
For L & W Supply and USG: Ron Gardner, & Jim Gidley
For USG (only): Richard Sykes & Tom Cusak
For Hamilton Materials: Lane Young & John Dudrey
For Kaiser Gypsum: Steve Leatham

Asbestos exposure case.

November 15, 2001

Troy Seabourn v. N-B Hatch Co.

P: Dan Dziuba, Tichenor & Dziuba
D: Jeanne Loftis, Bullivant Houser Bailey
Personal injury claim for injury on highway construction site.

February 25, 2002

James Brissette & Marylou Brissett v. ACandS, Inc.

Plaintiff's attorney: Chris Andres and Elaine Brown, of Brayton Purcell

Defense attorney: Terry Hall of Wolfestone (Seattle) and Barry Gross of McEwen (Portland)

Asbestos exposure case.

February 28, 2002

Lewis Hagerman v. Tingué, Brown & Co.

P: Chris Andres and Elaine Brown, of Brayton Purcell

D: Stephen Rizzo

Asbestos exposure case.

August 6, 2002

Brian Weissinger v. Lewis & Clark College

P: Ted Runstein & Jennifer Kampsula, Kell, Alderman & Runstein

D: David Ernst, Bullivant Howser Bailey

Negligence case.

September 17, 2002

Harvey Johnson v. Theresa Waltman & Gresham Nissan Suburu, Inc.

P: Michael Wise & Jason Posner (Michael Wise & Associates)

D: Heidi Mandt (Schwabe)

MVA, rear end.

November 20, 2002

William J. Mendoza v. Aqua-Chem, Inc.

P: Gil Purcell & Elaine Brown, Brayton Purcell, Portland and Novato, CA

D: John Osburn, Bullivant, Portland; Ollie Harton, Hawkins & Parnell, Atlanta; Jennifer McCormick, C.W.Woods & Assoc, San Francisco.

Asbestos exposure case.

November 26, 2002

Richard Austin & Colleen Austin v. Aqua-Chem, Inc & Honeywell, Inc.

P: Tony Viera & Elaine Brown, and David Stewart, Brayton Purcell, Portland and Novato, CA

D Aqua Chem: John Osburn, Bullivant, Portland; Ollie Harton, Hawkins & Parnell, Atlanta; Jennifer McCormick, C.W.Woods & Assoc, San Francisco.

D Honeywell: Jim Gidley & Randy Aldisert, Perkins Coi, Portland; G. Mark Phillips, Nelson, Mullins, Greenville, S.C.

Asbestos exposure case.

August 18, 2003

Joseph Hargrave & Carol Hargrave v. Fred Shearer & Sons, Inc.

P: Chris Andreas & Elaine Brown, Brayton Purcell

D: John Osborn & Jim Hibbard, Bullivant Howser

Asbestos exposure case.

March 2, 2004

Michael Bisceglia v. Ford Motor Company and Dana Corporation

P: Chris Andreas & Elaine Brown

D Dana: Diane Kero and Kurt Rasmussen, (and rarely Jim Gidley)

D Ford: Paul Lankford, Nancy Erfle & Josh Stump (gone after P's opening statement)

Asbestos exposure trial.

May 17, 2004

Morris & Donna Nagl v. Allied Building Products, Inc and others

P: Gil Purcell, Elaine Brown & Robin Stein, Brayton Purcell

D Cronin Company (flooring distributor): George Pitcher and Christopher Marks, Williams Kastner, Portland;

D Kentile Floors, Inc. (flooring mfg): Jeffrey Johnson & Michael Walton, Cosgrave Vergeer, Portland; Allied Building Products (flooring retailer) and Domco Products (flooring mfg), John Osburn, Bullivant Houser, Portland;

D Wanke Panel Co, (flooring distributor), Steve Rizzo & Michael Mattingly, Rizzo Assoc, Portland;

D Dowman Products (flooring mfg), Steve Nichol & Karen Agelson, Walsworth Franklin, Orange, Calif and Jay Beattie, Lindsay Hart, Portland;

D General Motors (friction - brakes, clutches), Jose Gaitan & Virginia Leeper, The Gaitan Group, Seattle, D Josh Stump, Schwabe Williamson, Portland, and Mark Fucile, Stephen Redshaw & Daniel Reising, Stoel Rives, Portland; and

D Ford, Jose Gaitan & Virginia Leeper, The Gaitan Group, Seattle, Josh Stump, Schwabe Williamson, Portland.

Asbestos exposure case.

June 15, 2004

Martin Ziegler v. Dana Products Co.

P: Gil Purcell

D: Kurt Rasmussen & Diane Kero

Asbestos case.

November 16, 2004

Susan Oran v. Chris Rowe, Coast Crane Services, Inc., and Donald Ellis

P: Elden Rosenthal, Rosenthal & Greene

D1: Chris Davis, solo practice

D2: David Hytowitz, Safeco in-house defense counsel

Negligence case

Alva & Eva Anderson v. Makita USA, Inc and Cessco, Inc.

P: Jeff Bowersox & Scott Supperstein

D: Mary-Anne Rayburn

Products Liability & Negligence case.

March 2, 2005

Kelly Wik-Olson v. Stacy & Witbeck, Inc, Schonert & Assoc. Inc, and Robt Eidem dba Professional Safety Services

P: Thomas D'Amore

Ds Stacy & Schonert: Andrew Glascock & Deanna Wray (Bodyfelt Mount)

D Eidem: Steve Hallock (in-house defense counsel)

Trip and fall case.

June 6, 2005

Lanette McDonald v. John C. Misko, MD

P: Jim Leventhal (Denver) and Kathleen Carr-Gatti (local)

D: Larry Brisbee

Medical malpractice case.

August 27, 2007

Clarence Lasely, PR of Estate of Mark Lasley v. Combined Transport, Inc & Judy Clemmer

P: Stephen Hendricks

D Combined Transport: Danny Hitt

D Judy Clemmer: Edward Daniels

Negligence case.

October 22, 2007

Virginia Foster (and 8 other P's) v. Upshur House, Ltd and Cascade Mgt, Inc.

P: Kenneth Dodson

D: Candace Weatherby

Toxic tort case.

March 15, 2010

Jack Doe #4 (tn Kerry Lewis) v. Boy Scouts of America and Cascade Pacific Council, BSA

P: Kelly Clark & Paul Mones (O'Donnell Clark & Crew and Sole Px)

D BSA: Chuck Smith & Christie Moilanen (Mitchell, Lang & Smith)

D CPC: Paul Xochihua & Nicole Rhodes (Davis Rothwell et al)

Child sex abuse case.

April 26, 2010

Marsha Johnson v. James Makker, M.D.

P: Bryan Gruetter & Jennifer Coughlin, from Bend

D: Mick Hoffman, Hoffman Hart & Wagner

Medical negligence case.