



AAA Mediation.org™

Hon. Richard Baldwin, Esq.

Portland, Oregon

Current Employer-Title Baldwin Dispute Resolution - Mediator & Arbitrator

Profession Arbitrator, Judge, Mediator

Work History Mediator & Arbitrator, Baldwin Dispute Resolution, 2017 - Present; Associate Justice, Oregon Supreme Court, 2013 - 2017; Judge, Multnomah County Circuit Court, 2001 - 2012; Partner, Baldwin & Brischetto, 1983 - 1991.

Experience Served as an Associate Justice on the Oregon Supreme Court from 2012 to 2017. Currently serves as a Senior Judge for the Judicial Department on a part-time basis. Prior to service on the Supreme Court, served on the Multnomah County Circuit bench as a trial judge for 12 years. Practiced law for 25 years in Oregon before beginning judicial career.

As a state court trial judge addressed numerous legal issues relating to contract claims (including non-compete provisions), tort claims, wage claims and other statutory claims in employment cases. Ruled on a broad range of motions challenging the legal and factual sufficiency of employment claims including summary judgment motions. Presided over dozens of civil trials where plaintiffs sought damages in employment cases. These claims included common-law wrongful discharge and termination claims brought under chapter 659, Oregon Revised Statutes, and federal statutory claims. The statutory claims (state and federal) included allegations of discrimination based on race, ethnicity, disability, age, religious belief and "whistle-blower" status. As an Associate Justice on the Oregon Supreme Court, reviewed dozens of Petitions for Review involving a variety of employment law issues and made recommendations to the court with respect to review. Also participated in a number of court opinions explaining and settling various state law issues in employment cases. Prior to judicial career, engaged in a private practice that included litigation in employment law.

As a trial judge, experience addressing statutory employment issues included statutory coverage issues and other interpretive issues relating to chapter 659, Oregon Revised Statutes. Often, these coverage issues related to the scope or measure of damages available to an employee under various provisions of chapter 659. The most common statutory claim encountered was an alleged failure of an employer to reinstate an employee who has recovered from his or her work-related injuries. Also addressed many state and federal statutory claims (e.g. Title VII, ADA, Rehabilitation Act) where various types of discrimination (e.g., race, sex, age, disability) was alleged by employees. As an Associate Justice, participated in the review of many statutory interpretation issues in employment cases (e.g., coverage and recoverable statutory damages under chapter 659).

As a legal services attorney, served for several years as Executive Director of the Oregon Law Center. In private practice was a trial attorney and volunteered as a Pro Tem Domestic Relations Judge. As a regular trial court judge, assignments included the management of class actions, complex civil motions and settlement conferences. Presided over drug treatment courts and Multnomah County's first Mental Health Court. Over the years, has worked extensively with numerous community non-profits and civil rights organizations.

Mediator Experience Extensive experience mediating as a state court judge in numerous civil cases including a broad range of personal injury and employment cases. Cases included complex claims involving multiple

parties, statutory claims, common-law claims and large damages. Also has extensive experience presiding over state court trials including personal injury, medical malpractice and employment cases. Has extensive experience as a trial attorney trying and settling personal injury and employment cases prior to commencing judicial career.

**Representative Issues
Handled as a Mediator**

Primary experience mediating personal injury claims in context of automobile accidents, products liability cases (primarily asbestos claims), and wrongful termination and discrimination claims (employment). Primary issues involved were liability, causation of damages and amount of damages. Broad range of mediation experience as general jurisdiction state court settlement judge.

**Mediator Style & Process
Preferences**

In mediation, the parties have the responsibility to make a decision about how and when to resolve their dispute.

The mediator's responsibility includes: 1) full preparation for the mediation session by carefully reviewing submissions of the parties and tentatively planning a "game plan" for the session based on information provided, 2) establishing a relationship of trust with the parties and counsel at the outset of the session and throughout the session, 3) provide a safe and respectful environment in which the parties can effectively communicate with each other to resolve their dispute, 4) utilize proven practical strategies to assist the parties in making a good decision for themselves in view of the relevant risk factors that could result in a less satisfactory outcome in the event the parties do not reach an agreement, 5) maintain confidentiality of the process and keep promises to parties regarding confidentiality of information and relative positions, 6) unless the parties both specifically request an evaluative approach, a mediator's role is limited to providing practical methods to achieve an outcome that it satisfactory to the parties and not to evaluate claims or suggest a particular outcome, and 7) a mediator must always adhere to the highest ethical standards and act with integrity as he or she provides services to the public.

Parties and counsel utilizing a mediator with extensive judicial experience may well benefit from the moral authority and practical experience of the retired judge when that experience is tactically brought to bear on the issues confronting the parties in mediation and when the mediator wisely draws on that practical experience.

Education

Lewis and Clark Law School (JD - 1975); San Jose State University (BA Philosophy - 1970)

Professional Licenses

Admitted to the Bar, Oregon 1977

Professional Associations

Chair, Oregon Supreme Court Council on Inclusion & Fairness (2016 - Present); Member, Multnomah Bar Association; Honorary Member, Oregon Women's Lawyer's Association.

Mediation Rate

\$500 Per Hour

Languages

English

Citizenship

United States of America

Locale

Portland, OR

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.