

KRISTIAN SPENCER ROGGENDORF
OREGON STATE BAR # 013990 | COLORADO STATE BAR # 53307

P.O. Box 1137, Evergreen, CO 80437
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*Strategic, incisive, and methodical civil litigator representing clients at all levels of the legal system.
Dispassionate evaluation of case strengths and weaknesses over a comprehensive range of legal issues.
Focus: Appellate practice, child abuse victim representation, and government accountability litigation.*

EXPERIENCE

Bar Admissions: U.S. Supreme Court, U.S. Ninth Circuit Court of Appeals, U.S. District Court for Oregon, U.S. District Court for Colorado, Oregon Supreme Court and all courts of the State, Colorado Supreme Court and all courts of the State; U.S. District Court for Washington (*pro hac vice*), U.S. District Court for Idaho (*pro hac vice*), Supreme Court of Missouri (*pro hac vice*), Washington Court of Appeals (*pro hac vice*), Michigan Trial Courts (*pro hac vice*)

Argued before: Ninth Circuit Court of Appeals, Oregon Supreme Court, Oregon Court of Appeals, US District Court for Oregon, U.S. District Court for Idaho, Multiple Oregon Circuit Courts

Throughout my career, I have fought for the interests of individuals against large institutions, representing victims of child abuse and citizens harmed by the government. My practice has focused on appellate advocacy and trial level briefing before a number of both federal and state courts in multiple jurisdictions. My efforts have helped to achieve eight-figure verdicts, hundreds of high value settlements, injunctions against government overreach, and significant favorable changes in caselaw affecting millions of individuals.

THE ZALKIN LAW FIRM, P.C. — October 2019 – Present
ATTORNEY

VIAL FOTHERINGHAM LLP — July 2018 – October 2019
ATTORNEY

ROGGENDORF LAW LLC — June 2013 – June 2018
OWNER

O'DONNELL CLARK & CREW LLP — January 2000 – May 2013
PARTNER (June 2007 – May 2013); ASSOCIATE (October 2001 – June 2007)

PROFESSIONAL ASSOCIATIONS

COLORADO TRIAL LAWYERS ASSOCIATION — Amicus Committee, 2018 – Present; Legislative Committee, 2019 – Present

OREGON TRIAL LAWYERS ASSOCIATION — Amicus Committee, 2011 – Present

NATIONAL CRIME VICTIM'S BAR ASSOCIATION — Amicus Committee, 2017 – Present

PIONEER COURTHOUSE HISTORICAL SOCIETY — Secretary, 2013 – July 2018; Board Member, August 2018 – Present

OREGON STATE BAR — Chair, Procedures and Practice Committee, January 2017 – January 2018; Secretary, 2016 – 2017

UNITED STATES COMMISSION ON CIVIL RIGHTS, OREGON ADVISORY COMMITTEE — Member, 2010 – 2014

EDUCATION

JURIS DOCTOR WITH CERTIFICATE IN ENVIRONMENTAL LAW — May 2001

Northwestern School of Law of Lewis and Clark College, Portland, OR

- Cornelius Honor Society Recipient for Scholarship, Leadership, and Outstanding Contribution to the School.
- Ninth Circuit Review member, Environmental Law Review — One of the best five law review write-on applications.
- Dean's Fellowship — 1998 – 2001.

BACHELOR OF ARTS IN POLITICAL SCIENCE, CUM LAUDE — December 1996

University of South Florida, St. Petersburg, FL

- Dean's List of Scholars, University of South Florida — 1996.

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PUBLICATIONS

Torts Arising from Child Sexual Abuse, co-authored with Kelly Clark and William A. Barton, BAR BOOK ON TORTS, Chapter 4 (Oregon State Bar, August 2012).

Of Compelling Interest—Religious Liberty Issues in the Priest Abuse Cases, co-authored with Kelly Clark and Peter Janci, 85 OREGON LAW REVIEW 481 (2007).

ENVIRONMENTAL LAW 30:3 Case Notes (*for attribution see* Errata 30:4 Editor’s Note).

CASES: SELECTED DECISIONS

J.M. v. Oregon Youth Authority, 364 Or. 232, 434 P.3d 402 (2019) (filed amicus brief and presented oral argument [a rare honor for amicus counsel] on the successful defense of the use of the discovery rule in 42 U.S.C. § 1983 cases)

Buchwalter-Drumm v. State, 288 Or. App. 64, 404 P.3d 959 (2017) (major successful ruling under Oregon Tort Claims Act that a child must be cognizant of all elements of claim or capable of discovering them on her own before notice period and statute of limitations start to run)

Doe v. Silverman, 287 Or. App. 247, 401 P.3d 793 (2017) (2009 amendments to ORS 12.117 are retroactive as to previously time-barred causes of action without need to use “magic words” to expressly revive such claims; common law causes of action do not expire and therefore do not need to be revived)

Doe v. Silverman (and Dixon), 286 Or. App. 813, 399 P.3d 1069 (2017) (ongoing cold reaction of wife to abused minor coming out of husband’s separate bedroom created a question of fact as to whether wife “knowingly allowed encouraged, or permitted” later child abuse per ORS 12.117)

Courter v. City of Portland, 286 Or. App. 39 (2017) (failure to bury water pipes in easement at depth agreed and testified to at prior condemnation hearing presents live and justiciable question of fact in subsequent inverse condemnation action)

Long v. Farmers Ins. Co., 360 Or. 791, 388 P.3d 312 (2017) (co-counsel on successful appeal in first party insurance case, announcing new holding on availability of attorney fees in absence of entry of judgment in favor of consumer. Clarified significant gap in attorney fees awards where insurance companies could pay prayer prior to or at trial, resulting in dismissal of the claim based on mootness)

Smith v. Province of the Holy Name, No. 3:16-cv-00412-JE, 2016 U.S. Dist. LEXIS 100052 (D. Or. July 28, 2016), *adopted in full*, 2016 U.S. Dist. LEXIS 100379 (D. Or., May 26, 2016) (successful remand of child abuse action erroneously removed to federal court on basis of prospective defense of First Amendment entanglement)

Bearden v. Clark County, No. C14-5318 BHS, 2016 U.S. Dist. LEXIS 38951 (W.D. Wash. Mar. 24, 2016) (lead counsel in successful suit brought on behalf of Deaf inmates based on discrimination in Clark County, WA Jail; plaintiffs’ summary judgment motion on liability granted in part, finding jail had discriminated as matter of law. Settlement included significant changes in operation as well as compensation to those incarcerated)

Voe v. Roman Catholic Archbishop of Portland in Or., No. 3:14-cv-01016-SB, 2015 U.S. Dist. LEXIS 182641 (D. Or., Mar. 10, 2015) (lead counsel on motion/order denying majority of social media discovery sought by defendant)

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CASES: SELECTED DECISIONS

(cont'd)

Bagley v. Mt. Bachelor, Inc., 356 Or. 543, 340 P.3d 27 (2014) (filed *amicus* brief on behalf of OTLA in successful case striking down ski resort liability releases as unconscionable and in violation of public policy)

Moro v. State, 354 Or. 657, 320 P.3d 539 (2014) (challenge to Oregon Supreme Court's hearing of case involving public employee pensions on grounds of conflict of interest; motion to disqualify rejected, but issue of disqualification subject to extended examination and explanation)

N.K. v. Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints, 175 Wn App 517, 307 P.3d 730 (2013) (co-counsel on successful appeal seeking reversal of dismissal of institutional defendants in a child abuse case; clarified Washington law on failure to warn and failure to remedy obvious dangerous situations)

State ex rel. Haggemiller v. Clackamas County, Oregon Supreme Court S060685 (September 6, 2012) (lead counsel in case in which court issued stay on petition for peremptory writ of mandamus, halting the sale of \$20,000,000 in light rail bonds based on failure to allow voter approval; sale cancelled and County obtained private loan)

Jack Doe 1 v. Lake Oswego School Dist., 242 Or. App. 605, 259 P.3d 27 (May 18, 2011), *rev den*, 351 Or. 254, 264 P.3d 1285 (2011), *rev. allowed on reconsideration* 351 Or. 678, 278 P.3d 18 (2012), *reversed* 353 Or. 321, 297 P.3d 1287 (2013) (successful appeal of dismissal at trial court and loss at Court of Appeals, arguing that the Oregon Tort Claims Act discovery rule allowed victims of sexual abuse by teacher to sue school district decades after the abuse)

Doe v. Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 2012 U.S. Dist. LEXIS 124658 (D. Idaho 2012); 837 F. Supp.2d 1145 (D. Idaho 2011) (successful defense of motion for summary judgment and motion to dismiss respectively, in which court recognized and upheld fraud action against LDS and BSA; previously in the case, successfully stopped defendants from bringing an interlocutory appeal to the Ninth Circuit on a certified issue)

Mojo Ideas, Inc. v. J.W. Constr. Co., 2012 U.S. Dist. LEXIS 83456 (D. Or., Feb. 29, 2012) (successful challenge to personal jurisdiction over sale of helicopter via the internet, local action dismissed)

State ex rel. Dewberry v. Kulongoski, 346 Or. 260, 210 P.3d 884 (2009) (successful briefing on behalf of citizens' group opposition to governor's signing of agreement for Florence, Oregon Tribal casino, allowing case to proceed without Tribal involvement as necessary party)

Emmert Industrial Corp. v. City of Milwaukie, 307 Fed. Appx. 65, 2009 WL 118074 (9th Cir., January 07, 2009) (briefing and oral argument before Ninth Circuit on behalf of citizen over breach of contract and house demolition by City)

Martinez v. Kulongoski, 220 Or. App. 142, 185 P.3d 498 (2008) (successful briefing on behalf of *amicus* in ballot measure defense)

Corey v. DLCD, 344 Or. 457, 184 P.3d 1109 (2008) (briefing and oral argument for *amicus* Measure 37 owners on application of Measure 49 to existing Measure 37 cases)

T.R. v. Boy Scouts of America, 344 Or. 282, 181 P.3d 758 (2008), *cert. denied sub nom.*, *City of the Dalles v. T.R.*, 555 U.S. 825 (2008) (drafted successful petition for reconsideration, petition for review, Oregon Supreme Court briefing on review, and opposition to petition for *certiorari* in United States Supreme Court; succeeded in establishing Oregon precedent allowing delayed discovery of negligence actions in child abuse actions against government entities)

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John Doe 140 v. Archdiocese of Portland in Oregon, 249 FRD 358 (D. Or., February 26, 2008) (successful briefing on behalf of sex abuse victim where Archdiocese attempted to compel the use of victim's true name in pleadings)

Lindsay et al. v. Smith and Jester, Oregon Supreme Court, SC S53313 (March 2006) (successful petition on behalf of developmentally disabled children for peremptory writ of mandamus against discovery into children's medical, educational, and social service records by sexual abuser seeking post-conviction relief)

Luethe v. Multnomah County, Multnomah County Circuit Court Case #0609-09466, CA No. A138836 (pretrial and trial briefing on behalf of property owners in Measure 37 action, Second Chair at successful trial, judgment from the bench: \$750,000 (entire prayer), briefing on appeal following Measure 49)

D.I. v. Corporation of the Presiding Bishop, Case No. S055003, Oregon Supreme Court (July 2, 2007) (obtained denial of petition for mandamus seeking to halt production of the LDS Church's financial records and lifting of stay on production of records)

Dewberry v. Kulongoski, 406 F. Supp.2d 1136 (D. Or. 2005) (briefing and summary judgment oral argument on behalf of citizens in declaratory relief action against Florence casino)

Li v. State, 338 Or. 376, 110 P.3d 91 (2005) (simultaneous opening/response/reply briefs, supplemental briefing, and attorney fees briefing on behalf of citizens opposed to Multnomah County's illegal issuance of marriage permits, successful in getting Oregon Supreme Court to declare illegally issued marriage permits void)

Checkley v. Boyd, 198 Or. App. 110, 107 P.3d 651 (2005) (successful briefing on behalf of plaintiff in IIED case seeking recovery for church's interference with familial relationship)

Starrett v. City of Portland ex rel. State, 196 Or. App. 534, 102 P.3d 728 (2004) (briefing and oral argument on behalf of CHL holder excluded from City-sponsored event)

Stubbs v. Goldschmidt, 2004 WL 1490323 (D. Or., June 29, 2004) (briefing and oral argument on behalf of university graduate student in firearms rights case)

City of Portland v. Courter, MCCC 9810-07438 (2003) (success as Second Chair on behalf of property owners in condemnation case; City's 30 day offer: \$325,000, jury verdict: \$625,000 plus attorney fees)

Wyant v. Myers, 336 Or. 128, 81 P.3d 692 (2003) (briefing in ballot title challenge on behalf of chief petitioner)

Langlotz v. Noelle, 179 Or. App. 317, 39 P.3d 271 (2002) (briefing as law student and oral argument as lawyer [erroneously unattributed] on behalf of CHL applicant subject to extra-statutory investigation procedures)

Van Raden v. City of Portland, 2001 WL 34047031 (D. Or., May 31, 2001) (drafted briefing and presented oral argument as certified law student in NEPA action challenging the Interstate light rail project's destruction of historic building)

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References available on request.