



TIMOTHY J. GONZALEZ | Statesman Journal

Oregon Supreme Court Justice Wallace Carson is stepping down from the bench. He has spent 25 years on the Supreme Court, 14 of those as chief justice.

Chief justice is retiring

Wallace Carson spent 25 years on the state's high court, 14 as chief

By PETER WONG
Statesman Journal

Wally Carson's sense of humor was rarely heard in public during the quarter century he sat on the Oregon Supreme Court.

His colleagues experienced it many times during their closed-door conferences, when the seven justices choose the cases they will consider, decide cases they have heard, and wrangle over the reasoning in support of their written opinions.

But this time, on Oct. 10, it was an open meeting.

Carson said Willamette University's Smith Auditorium is too small for everyone wanting to attend ceremonies for new lawyers admitted to the Oregon State Bar. As chief jus-

Online 

To read a longer version of this story and to learn more about Justice Wallace Carson, go to StatesmanJournal.com.

tice for a record 14 years that ended last year, Carson has presided over more such ceremonies than anyone else in Oregon history.

"When you have to choose between your wife and your mother, it's not a good way to start your career," Carson said as the other justices and observers laughed.

Justice Rives Kistler, who joined the court more than three years ago, said, "I will miss his sense of humor. I'll also miss his knowledge of the institution."

Three generations

When the Supreme Court opens Tuesday, it will be the first time in nearly 25 years that Wallace P.

What's next

Virginia Linder of Salem, the elected successor to Wallace Carson in Position 6 on the Oregon Supreme Court, will take office Tuesday. A public ceremony is scheduled at 3:30 p.m. Thursday in the third-floor chambers of the Oregon Supreme Court, 1163 State St., Salem. Seating is limited; call the chief justice's office at (503) 986-5709.

Carson will work for five years as a substitute judge to earn extra retirement benefits. He starts next week in Linder's place until the governor appoints her replacement on the Court of Appeals.

See Carson, 4C

Carson

Continued from 1C

Carson Jr. has been absent — and 40 years since Carson began his service in state government.

Carson is a third-generation lawyer in Salem.

His grandfather, John A. Carson, came to Salem in 1889, began practicing law the next year and was a state senator.

John A. Carson had three sons: John H. Carson, Allan G. Carson and Wallace P. Carson, also lawyers in Salem. John and Allan Carson were state senators, Allan and Wallace Carson were former presidents of the Oregon State Bar, and Wallace Carson was a circuit judge.

One of John A. Carson's daughters, Catherine Carson Barsch, was an assistant attorney general. The other daughter, Esther Carson McCammon, also received legal training and later became a legal secretary in the family firm.

To the high court

When Chief Justice Arno Denecke retired from the Oregon Supreme Court in June 1982, Carson knew what he wanted.

Gov. Vic Atiyeh, who served in the Oregon Senate with Carson, did not need persuading when he announced Carson's appointment to the court July 12, 1982. Carson then was a Marion County circuit judge.

"It was not just a matter of friendship on which I chose him," Atiyeh said. "I felt he was competent and qualified."

In September 1991, Carson's colleagues chose him as chief justice — a job that Denecke and the 1981 Legislature had transformed with the transfer of trial courts from counties to the state.

"Each successive chief justice has spent more time in administering the court system than in researching and writing opinions for the Supreme Court," Carson said.

Dealing with crisis

Perhaps his biggest crisis as chief justice was in 2003, after voter rejection of a budget-balancing tax increase forced spending cuts in the final four months of the state budget cycle. Carson put state court employees on a four-day work week, although judges remained full time, because their pay cannot be cut during their terms.

Carson said a similar cost-cutting measure was implemented more than 20 years earlier, when investment-pool losses forced Marion County to cut spending on court operations. As a circuit judge, Carson was a state official, but the county provided staffing.

"The one (attribute) that stands out in my mind is that Wally is the most humble and considerate person I have ever met in my years as a lawyer, judge and public official," said Gov. Ted Kulongoski, who served with Carson on the court from 1997 until Kulongoski resigned in 2001.

Early career

Carson was born in Salem, attended Salem schools and graduated from Salem High School (now North Salem High) in 1952. It was there that he met Gloria Stolk, who was nine months younger.

"We started playing tennis together," Carson recalled. "We courted for the four

Wallace Carson Jr.

POSITION: Retired from Position 6 on the Oregon Supreme Court

AGE: 72

FAMILY: Wife, Gloria, married 1956; daughter, Carol, who lives in Alaska. Two sons have died.

HOME: Salem

EDUCATION: Salem High School, 1952; bachelor's degree, 1956, Stanford University; law degree, 1962, Willamette University

MILITARY SERVICE: Air Force, 1956-59; many years in Air Force Reserve and Oregon Air National Guard, retired as brigadier general

WORK: Family law firm, 1962-77; Marion County Circuit Court judge, 1977-82; Oregon Supreme Court, 1982-2006, chief justice, 1991-2005

LEGISLATURE: Oregon House, 1967-71, majority leader, 1969 session; Oregon Senate, 1971-77

years I was at Stanford University. Then, in what seemed like a blur, I got my commission in the Air Force on June 16, 1956, graduated with my bachelor's degree on the 17th, and married my wife on the 24th. It was a busy eight days."

His next career steps were inevitable: A law degree from Willamette University in 1962, and entry into the law firm run by his father and uncle Allan in the Pioneer Trust building.

He won a seat in the Oregon House in 1966.

To the Senate

In 1970, Carson vacated his House seat to win the first of two terms in the Senate. A Salem lawyer and political ally, Norma Paulus, wanted to run for the seat but said in a 2005 interview, "Wally Carson told me this county would never elect a woman."

She ran anyway and won the seat, which in 1970 was decided on a countywide vote.

"She is one of my dearest friends, and the story is true," Carson said. "But I wish she would stop saying that."

Carson said it had been almost 40 years that Marion County voters elected Hannah Martin to the House.

Unlike in the House, Carson was part of the minority party in the Senate. A coalition of 14 Republicans and two Democrats held onto power in 1971, but for later sessions, Republicans saw their numbers dwindle until they got down to six in 1977 — the lowest number for either party in the Senate in the past 50 years.

"People would ask me what it was like," Carson said. "I said it wasn't all bad because Ma Bell gave us a caucus room that we could shut the door, the lights go on, and the fan start whirring."

His remark prompted a picture of the six Republican senators huddling in a telephone booth in the rear of the Senate chamber, in the same manner that college students packed themselves in years ago when that stunt was in vogue. Until this month, Carson hung a copy of that picture in his office.

Becoming a judge

Carson had decided that he would not seek re-election to the Senate. His father died in 1974, his uncle had retired, "and I had to get serious about raising a family."

Carson was not among those appointed to four new Court of Appeals judgeships. But then Jena Schlegel, a Marion County circuit judge

died, and Democratic Gov. Bob Straub asked Carson whether he might be interested in the vacancy.

"My father had been a judge for a year, but he did not like it," Carson said. "His brother wanted him to come back to his practice."

But with no other family members left in his firm, Carson resigned from the Legislature on Oct. 21, 1977, to accept the appointment. He said his experience in the Legislature, rather than in the courtroom, proved to be more helpful in his new role.

"You do not take all your skills as a trial lawyer and continue as an advocate, because you are not," he said. "You have to be impartial. That is what a good committee chairman should do: Treat people politely and fairly, play by the rules, and advance an agenda."

His influence

Edwin Peterson, who served as chief justice before Carson, is writing an article for Willamette Law Review about Carson's written opinions. He said his limited research hasn't let him draw any conclusions yet.

But Peterson said much of Carson's influence as a justice is reflected elsewhere.

Before he left the court at the end of 1993, Peterson led a task force to study inequities faced by racial and ethnic minorities in the judicial system. Its final report was issued in May 1994.

"Many, including me, expected the report to be filed and gather dust," Peterson said. "But largely because of Wally Carson, that was not the case. He appointed a committee to implement the recommendations — and that committee continues to work to ensure access to the courts for everybody, including minorities and non-English-speaking people."

Liani Jean Heh Reeves, co-chairwoman of the Oregon Minority Lawyers Association, said Carson has worked for years to encourage minority students to complete law school and enter the profession. She was one of those students seven years ago.

"He does not do these things out of a sense of obligation, but rather because he has a sense of what is right," she said.

Not policy-making

Carson said the court is not engaged in making policy.

"Now if you ask about when we rule on a case, does it change the law? Of course, it does," Carson said. "But we have a constitution and statutes, and for Oregon courts, lawyers and everybody, that is the law. We have a job to do — to say what the law is — and we do it."

Atiyeh said he has let Carson know when he disagreed with court decisions, although Atiyeh said he never did so while he was still governor.

"But that's part of the deal," Atiyeh said. "He appreciates the importance of the judiciary in our society. He treasures being on the Supreme Court. He knows he carries that burden on his shoulder and he felt it."

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