

## **Bio**

Judge Bay Mitchell was born in 1953 in Enid, Oklahoma and attended Enid public schools. He received his undergraduate and law degrees from the University of Oklahoma. He was admitted to the bar in 1979 and then spent the next 14 years in private practice in Oklahoma City and Enid.

In 1993, he became a staff attorney for the Hon. Carl Jones of the Court of Civil Appeals and in 2002 was appointed by Governor Keating to fill the vacancy on that court left by the retirement of Judge James Garrett. Judge Mitchell was retained by the voters in 2004 and 2006 and is on the ballot again in 2012. In 2009, Judge Mitchell served as Chief Judge of the Court of Civil Appeals.

Judge Mitchell is a member of the Oklahoma County, Garfield County and Oklahoma Bar Associations. He has served on the Board of Directors of the Oklahoma County Bar Association and as Chairman of its Continuing Legal Education Committee and Bench and Bar Committee.

Judge Mitchell is also a member of the O.B.A. Appellate Practice Section, a Sustaining Fellow of the Oklahoma Bar Foundation, a member of the Supreme Court Committee for Uniform Jury Instructions and a Master of the Ginsburg Chapter of the American Inns of Court.

He has been admitted to practice in all Oklahoma state courts, the United States District Courts for the Western and Northern Districts of Oklahoma, the United States Court of Appeals for the Tenth Circuit and the United States Supreme Court.

Judge Mitchell and his wife, Debra, have been married for thirty-six years. They have three grown children. He and his wife are members of St. Luke=s United Methodist Church in Oklahoma City. Judge Mitchell enjoys traveling, working in his yard, reading and fishing.

## **Questions**

1) Why should the voters retain you?

I have been a judge on the Court of Civil Appeals for over ten years and an opinion-writing staff attorney on this Court for another nine years. In these capacities I have written hundreds of appellate opinions and have reviewed and voted on many hundreds more. I have two decades of experience reviewing nearly every imaginable issue that might arise in a civil case and be raised on appeal. This experience has served me well, allowing me to provide leadership and guidance to colleagues and staff.

Litigants and their attorneys are entitled to decisions from the appellate courts explaining the basis and reasoning for the court=s decisions. The opinions and decisions I have authored are matters of public record. Each decision is explained in light of applicable law and the relevant facts presented in the trial court. Reviewed as a whole, my opinions will reflect an even-handed

treatment of all concerned and an absence of bias or partiality toward either side. I always strive to make legally correct and clearly explained decisions without regard to who prevails.

There will always be people who disagree, or are displeased, with any judicial decision. This is a given that comes with the territory for all judges. I do not shy away from difficult cases which may result in unpopular decisions. I have always tried to be fair, impartial, independent and respectful of all parties and their attorneys, and show respect for the rule of law.

I am fortunate to have the knowledge, training and experience to serve as an appellate judge. I am honored to be able to serve the people of Oklahoma and the judiciary in this capacity, and I hope to be allowed to continue this important and meaningful work.

2) How can you ensure a fair judiciary for all parties involved?

To ensure that the judicial process works for everyone involved, judges must be familiar with and be prepared to require compliance with federal and state constitutional protections. The Oklahoma statutes and court rules also provide appropriate procedures that must be followed in every case and applied consistently.

Even when it is inconvenient and will cause delay, there is no excuse for not zealously protecting the due process rights of all parties involved. Judges at all levels must be on guard to ensure all parties have appropriate notice of all proceedings and an opportunity to be heard. It is also important for litigants to feel they are being given the same rights, considerations and courtesies that anyone else would receive.

As a Court of Civil Appeals judge, I primarily review the records of the trial court proceedings and appellate filings to determine if any *reversible error* exists. Regardless of the size or nature of the case, I try to reach a decision and write an opinion that is clear, well-reasoned and consistent with applicable law and prior precedent. It is important to me that litigants and their attorneys on the losing side feel the appellate judges were fair and unbiased in their treatment of the appeal; that the judges listened to and carefully considered their positions and arguments, but ruled against them for justifiable and understandable reasons. I believe clear and well-reasoned written opinions will minimize the feelings of litigants that they were treated unfairly or arbitrarily.