



WASHINGTON COUNTY BAR ASSOCIATION

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NEWSLETTER

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Legal Issues Under Measure 49

By Beverly S. Cofield

INTRODUCTION

Oregonians passed Measure 49 by a fairly wide margin on November 6th. Measure 49 effectively repeals Measure 37 (2004) and replaces it with a more modest set of development entitlements. Measure 49 requires claimants with pending claims to take certain affirmative steps to protect development rights. This presentation will discuss some of the novel legal issues that arise under Measure 49 and old Measure 37 claim.

1. Effective Date

- December 6, 2007

2. Old Measure 37 Claims

- Ostensibly, non-vested Measure 37 claims are dead and only Measure 49 claims can lead to dwelling approvals on land where the zoning prohibits or maybe just restricts¹ dwellings.² See Sec 6(3).
- Measure 37 claims that are “vested” under common law on the effective date of Measure 49, may proceed under Measure 37. Sec 5(3). However, if a claimant guesses wrong on whether he is “vested”, and “vesting” is the election rather than “refilling”, then it appears that a claimant could lose any right to file a Measure 49 claim if he elected to proceed under Measure 37. This is because it appears under Measure 49 that a claimant gets one shot in the 90-day processing window. See Sec 5, 6(1), Sec 8(3). How this works is uncertain and not spelled out in Measure 49.
- What constitutes a “vested” M37 claim for purposes of Measure 49 is unsettled and will surely be litigated. The general rule of thumb is that at some point the ratio of total expenditures to the cost of

the project means a person has acquired a property right to complete the project. Exactly where that line is drawn in the context of Measure 37 and 49 is unknown. There is a court of appeals case that says a valid Measure 37 claim itself creates a property right. *Corey v. DLCD*, 210 Or App 542, 152 P3d 933 (2007), *aff'd on reconsideration*, 212 Or 536, ___ P3d ___ (May 9, 2007), *review granted*. This case is pending before the Oregon Supreme Court. If this decision stands, a claimant with an issued waiver may well have a vested Measure 37 claim under *Corey*.

- Measure 37 claimants may want to consider filing a “reservation” of any vested Measure 37 rights they have. The down side of filing a “reservation is that the state is likely to argue that such a “reservation” voids the entire Measure 37 claim and any possible Measure 49 claim because the claimant has failed to make an “election.” No one knows how this comes out.

3. Process

- The state controls the process. There will be no more local county Measure 49 or 37 types of applications. That is not to say the county is “out” of the process. Rather, the county gets a shot at the application that is “refilled”³ at the state in two ways. One way is that the county has a chance to provide “comments”. The second way is if the state decides the residential use sought in the claim is restricted only by county regulations and not state regulations, then the state has to transfer the claim to the county for the Measure 49 decision. Section (8)(4). But the process

Continued next page

starts with the claimant responding to a notice from the state that tells the state what the claimant plans to do and giving the state any additional information the state says it wants or that the claimant thinks is needed. More on this below.

- There are two important time clocks under Measure 49.⁴ The first is the 120-day period the state has to send claimants notice of how to proceed under Measure 49. The second is the 90-day period a claimant has in response to the state's 120-day notice for the claimant to tell the state how the claimant wants to proceed. In this 90-day window, the claimant is required to provide any other information on the claim that the claimant thinks will help its claim and to provide the information the state says it wants.
- The state 120-day clock: The new Measure 49 process starts with the state sending a notice to all Measure 37 claimants that filed a claim prior to June 28, 2007. This notice is to tell the claimant of the claimant's rights under Measure 49. This "notice" is supposed to say certain things and to include a form for a claimant to file an "election" of how the claimant plans to proceed (for a "fast track" or "complicated" M49 approval). A claimant is to return the form with the election to the state. We don't know exactly what the form will say yet.
- The state is supposed to send a claimant a notice of rights within 120-days after December 6 (by April 5). Sec. 8(1).
- Claimants should watch their mail closely and instruct their family not to toss anything with a government return address until a claimant has received the notice sent by the state in the 120-day period. It is unclear whether the state will send Measure 37 claimant's lawyers (or other representatives) the notice. It appears under Measure 49 the notice will go ONLY to the claimant. Sec. 8(1).
- If a claimant does not receive anything from the state by the middle of March, I strongly suggest calling the state to see if they mailed the notice.
- A claimant cannot file a new Measure 49 claim until the state sends the 120-day notice.
- But once it is mailed, a claimant's 90-day response clock is ticking even if for some reason the claimant does not get the notice.
- The 90-day response period: It appears that within 90-days of getting the state's letter, claimants must decide whether tell the state that they have a common law vested right to their Measure 37 claim or to "start over" under Measure 49 under the fast track or the complicated track. Sec 8(3)
- The state is required to tell claimants if they are missing any information the state need to process the claim and the claimants have to supply the information that the state wants in the 90-day response period.
- A claimant also should send in anything else to the state that he thinks is relevant because judicial review of a Measure 49 denial is limited to the record created in the written submittals. Sec 16.
- If a claimant does not return the state's form and the additional information the state says it needs from the claimant to finish the claim based on the election within 90-days of the date for form is MAILED BY THE STATE (KEEP THE ENVELOPE!), a claimant is forever barred from a Measure 49 claim. On this 90-day issue, the state has to RECEIVE the completed form within 90-days of the date of mailing. Sec 21a. To be sure the state gets it, a claimant should hand deliver the claim and associated materials to the state and get a date stamp for your records before the 90th day after the state's mailing date, or file the form very early – well in advance of the expiration of 90-days via certified mail return receipt requested, so the claimant knows when the state receives your materials.
- Regardless of whether a claimant sends in the state's form, responding to the state is a claimant's only shot at a Measure 49 claim. After 90-days from the date of mailing of the state's notice to you expires, you only have rights to whatever Measure 49 claims you refilled for in the 90-day window. After that it appears that a claimant may never file another Measure 49 claim – even if the state denies the claim.
- If a claimant chooses to tell the state he plans to proceed on the old Measure 37 claim as a vested right, he should understand it is unclear what will constitute a "vested right." A Measure 37 "vested right" is probably more than an approved claim. Courts are likely to decide that it requires that substantial construction has occurred on the Measure 37 claim. But this is unsettled. It is possible that a vested right can occur where there are such significant expenditures toward the claim in the ratio of total construction expenditures that a court will find that a right to proceed has vested. Also, under the court case explained above (*Corey v. DLCD*) it is possible that the Measure 37 claim has already vested. If a claimant wants to argue a vested right, an attorney should carefully review the development facts against the case law criteria. See e.g. *Holmes v. Clackamas County*, 265 Or 193 (1973).
- The downside of arguing a "vested right" is the state may say an "election" has not been made and a claimant would lose any Measure 49 rights he had. How the state, and ultimately the courts, will address the "election" issue is unknown, but it could potentially cause significant delay or potentially at worst, the loss of all rights to build a home on property under Measure 37 or 49.
- After a claimant sends in the materials and election form to the state, the state then acts on the claim. The state must act "as quickly as possible." Sec. 8(6). It has no specific processing deadline.
- The state must either approve or deny the claim. Sec. 8(7).

4. "Fast Track" Section 6

- Eligibility is for "owners"⁵ who filed Measure 37 claims with the state and the county before the June 28, 2007 adjournment of the 2007 legislative session.
- The fast track option is only available for claims on land outside UGBs.
- Up to three residential lots are allowed per owner if the land use regulations at the time of the acquisition⁶ would have allowed three lots (three lots would have been "lawfully permitted.")
- The three allowed lots means a total of three including existing lots and existing residences. In other words, you are supposed to be able to get ONLY three homes per ownership – combining existing and desired homes.
- The exception to the above is if there are already three homes on a single ownership, then the "owner" can have one more.
- Each home site has to be two acres or less if "located on" high value farmland (HVF) or in a groundwater restricted area (GRA) or five acres or less the land is not located on HVF or GRA. Sec. 11(3)
- If in an EFU zone, forest zone, mixed zone, then the new lots must be clustered to "maximize suitability" of the remnant for farm or forest use. Where multiple properties are involved, clustering is not mandatory on all but clustering can occur on the least suitable parcel, leaving the more suitable property intact. Sec. 11(3) and (4).

5. "Complicated Track" Section 7

- Up to 10 homes
- Have to submit an appraisal that is mind numbingly complicated and novel. Sec. 8(5) and Sec 7(6).
- Can't be on HVF or in a GRA
- Complicated processing and informational requirements. These include requiring an appraisal of the property under appraisal standards which most experts predict to be nearly impossible to satisfy. See Sec. 7(6).
- Can be converted to "fast track" M49 claim if written notice of conversion sent to state before appraisal is due. Sec. 8(5).

6. Universal Rules

- Any person has a "lifetime maximum" of 20 lots regardless of how much property they own or how many different locations the property is in. Sec. 11(5).
- Transfer to others allowed. But a claimant should not transfer the property until the claim is fully approved or a claimant will lose the claim altogether.
- But if the property is transferred the new owner (other than revocable trust or spouse) then the new owner must divide the land and build home within 10 years of the

date of the date the land was conveyed to such other person. Sec. 11(6)

- Another caution is that a M49 lot or parcel remains a discrete lot or parcel so long as the lot lines are not vacated or the lot or parcel is not further divided. Sec 11(6)(a).
- 1 This presentation is not intended to be legal advice and reflects this law office's understanding of Measure 37 and 49. Planners should work closely with a retained attorney on any Measure 37 and 49 claim. There is controversy about whether under Measure 49 a claim can succeed where the dwelling sought is "restricted" by say an income standard, rather than prohibited outright. The language of Measure 49 allows "waivers" where land use regulations prohibit the dwelling. Sec 6(d). Strictly speaking, "prohibit" is not the same thing as "restrict." No one knows how this will come out.
 - 2 Pending litigation on partial or whole non-vested Measure 37 denials are probably "mooted" by Measure 49. But if a person wanted to be 100% cautious they would defend pending Measure 37 litigation against the inevitable Notice of Potential Mootness and Motion to Hold in Abeyance. See e.g. Central Oregon Landwatch v. DLCD, Appellate Court No. A135454.
 - 3 I say "refilled" because I expect that the state is going to want a wholly new set of information from claimants and that also most observers believe that it is unlikely that the state will simply allow people to check boxes like the "Yes on 49" campaign promised would be the case. Because appeal of a Measure 49 claim is "on-the-record" in a writ of review, a claimant takes a serious risk to simply allow the state to define what should be in the refilled claim. Whatever the claimant's response to the state is, it will trigger the state to act on the claim under Measure 49.
 - 4 There is a third time clock and that has to do with a claimant's election under the "complicated" process of Measure 47 Sec 7, for up to 10 homes. Here, there is a 180-day period for filing an appraisal.
 - 5 "Owner" means the owner as shown on deed records, or purchaser under a recorded land sale contract, settler of a revocable trust or trustee of an irrevocable trust.
 - 6 "Acquisition date" means the date the claimant became the owner. But Measure 49 also says that "If a claimant conveyed the property to another person and reacquired the property * * * the claimant's acquisition date is the date the claimant reacquired ownership in the property." Spouses can claim a deceased spouse's original acquisition date (or date of the marriage) even if the surviving spouse was not on the original deed.

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President's Message

By WCBA President Rebecca Mehringer

I was hoping that I had a few more months before I had to come up with something clever for this column (just in case someone reads it). However, with Keith Rogers' recent move to the judiciary, I had better get busy...

Taking over as Washington County Bar President makes me think about my relationship with the Bar. As many of you know, my dad was active with the Bar and was Bar President back in the early 1960's. I don't know if there has ever been another instance of a father and daughter both being Presidents of the Washington County Bar (I stand corrected and apologize if I am wrong), but I think it is kind of cool. I don't think our goals are that different even though over four decades separate us, but I sure believe the Bar has changed. My first recollection of the Bar was the Bar picnics out at our house in Banks. We would spend days preparing, the lawyers would come out and set up before the picnic and the "bar wives" would prepare all the food for the day. I remember tapping the kegs early in the morning and eagerly awaiting everyone's arrival. I was always amazed at Judge Ashmanskas' athletic ability on the volleyball court, and enjoyed watching Henry Kane flip hamburgers out near the pool. I heard stories about Jimmy Darr swimming the length of the lake, but I understand it was Jim Gardner (Judge Gardner's father) who was actually the first successful person to swim the lake, back and forth! But times have changed. The picnics are a thing of the past and even the golf tournament has gone by the wayside. I'm even pretty sure the "bar wives" club has been disbanded! It appears that people don't have time for the social aspect of the bar. But, I still believe the Bar is necessary - not just for the education, but for the camaraderie, as well. If it's time that's keeping you from participating, three hours per month isn't that bad for a CLE, dinner and a few drinks with colleagues. If it's money that's keeping you away, your first year's membership is free, and I will buy dinner for the first four people who respond to this offer who haven't been to a Bar meeting in over a year (this will prove whether anybody really reads this newsletter!).

To emphasize how important those relationships can be, I was gone 28 years from this area, yet the first week I'm back I hear someone calling down the halls of the courthouse - Is that Becky Boo? Okay, I haven't been Becky Boo since I was 8, but it sure made me feel good to be home. I hope that's how you feel too.

Washington County Bar Association

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The Board of Directors meets the first Wednesday morning of the month

WCBA

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Contact Julie Viner, our Administrative Assistant, at the above address and/or number for any correspondence or information about membership, meeting reservations or Newsletter articles or classifieds. Leave a brief message (60 sec. limit) on our answering machine and she will get back to you as soon as possible.

Letters, award and news items, and announcements are welcome. Articles by members are accepted. All submissions may be edited for length, clarity and style, are published on a space available basis, and at the editor's discretion. Views expressed in articles represent the author's opinion, not necessarily the WCBA's. The publication does not purport to offer legal advice.

Calendar of Events

WCBA Newsletter Deadline

Please submit your information, articles, announcements, ads, etc. to our address or fax for publication in our next Newsletter by the following date:

- April 2008 Issue: March 15, 2008

Schedule of Business Meetings/ CLE's/Social Events

Washington County Bar Association

- WCBA Monthly Meeting
Wednesday, February 13, 2008
Rock Creek Country Club
- CLE and Dinner Meeting
March 12th, 2008
Rock Creek Country Club
Begins at 5:15 p.m. Dinner at 6:30 p.m.

* All WCBA CLE programs are \$15.00 for those who register in advance and \$20.00 for those who register at the door. Charge for non-WCBA members is \$25.00. Please register so we know how many CLE packets we need to prepare.

Case Update *By Alex Libmann*

CASE NOTE: *Johnson v. Swaim*, : *Johnson v. Swaim*, ___ Or ___ (November 23, 2007). ORS 20.080 and Attorney Fees. The issue before the court was whether plaintiff had complied with the requirements of attorney fee statute, ORS 20.080(1). The Court of Appeals reversed the underlying award of attorney fees because plaintiff failed to comply with the pre-filing requirement of ORS 20.080(1). The court provided the following test for attorney fees under ORS 20.080:

...for plaintiff to be entitled to attorneys fees under the statute, four requirements must be met: (1) the plaintiff must have filed an action in which the amount pled was \$5,500 or less; (2) the plaintiff must have prevailed in that action; (3) the plaintiff must have made a written demand on the defendant for payment of "such claim" at least 10 days before filing the action; and (4) the judg-

ment that the plaintiff obtains in the action must be greater than any pre-filing settlement made by the defendant. See *Landers*, 266 Or at 476 (distilling those four requirements from the statute).

In *Johnson*, the third requirement was at issue. The *Johnson* court found: "...plaintiff's first letter about his claim told defendant only that "a claim is being pursued" and advised defendant that "the matter should remain open until fair and full compensation is paid". The court found the letter did not put defendant on notice that plaintiff was demanding payment of a claim with a value of \$5,500 or less. Without that information defendant was not on proper notice pursuant to ORS 20.080. Under these circumstances, plaintiff was not entitled to attorney fees pursuant to ORS 20.080.

Letter to the Editor

January 28, 2008

Dear Editor:

I read with interest Becky Mehringer's well-written article in the December WCBA Newsletter regarding courthouse security. While informative, it seems that her basic premise, that security checkpoints are necessary, has not been fully addressed. Rather than just assuming that security checkpoints, and the requisite frustration and losses of convenience and freedom, are a necessary evil, we should be looking as to whether or not we really need such a program and whether such checkpoints are the best use of taxpayer dollars.

While there certainly have been incidents in the past where violent episodes have occurred at the Courthouse, the frequency of such occurrences is so rare as to suggest that our current security efforts may be nothing more than over-reaction. What exactly is it we are trying to accomplish by requiring the annoying and invasive inspections when entering the Courthouse? Are we trying to protect the judges? While certainly a reasonable and valid goal, it does not take much intelligence to recognize that the judges walk freely to and from the Courthouse to their cars, local businesses, etc. If a psychopath is really intent upon attacking a judge, couldn't he or she just attack the judge immediately outside of the Courthouse? If this is a real concern, why are we leaving the security just at the Courthouse doors? Should we be considering hiring bodyguards for each of the judges? Perhaps the County should establish a mini-Secret Service for the judges.

Is the threat to other litigants from perhaps an overly emotional spouse in a domestic dispute? Again, litigants walk freely to and from the Courthouse, as do attorneys, witnesses and court staff. Again, why does security start and stop at the

Courthouse steps?

I find it hard to believe that we cannot come up with a more cost effective, public-friendly and taxpayer responsible program. Personally, I've found that the deputies who work in and around the Courthouse are extraordinarily capable and are, perhaps, the best deterrent to violence in the Courthouse. Perhaps we could just beef up the number of deputies patrolling the Courthouse. If there is a particular case that warrants additional security, metal detectors can be used for anyone entering the particular courtroom as a further deterrent. Lawyers who are concerned about the mental stability of the one or more litigants, or are otherwise concerned about a particular risk, can notify the Trial Court Administrator and request additional security. Might this be sufficient?

While I recognize that life has gotten more violent and perhaps more unpredictable over the years, I do not find it to be responsible or rational to institute half-hearted procedures which do little more than present a facade of security. Let's be vigilant, but let's not be wasteful. Hopefully the time for having this discussion is not passed as how taxpayer dollars are spent should be continuously evaluated. I urge the Bar Association to look into this issue and determine whether to recommend to the County and the Presiding Judge that they consider revising security at the Courthouse.

Yours truly,

Kevin W. Luby

kevin@luby.org

Out and About at the Courthouse

Changes at the Courthouse

Congratulations to our former Washington County Bar Association President Keith Rogers on his recent appointment as Washington County's newest Circuit Court Judge. You can find him in Judge Alexander's former courtroom, next to Judge Leatourneau. Judge Knapp has taken over Room 410J and Judge Cobb took over Judge Bailey's Office in Room 101C. Judge Bailey is now supervising LEC. Also, if you haven't had a chance to meet our new Hearings Referee, Nancy E. Hochman, she is located in room 105c and handles the SED docket, along with Small Claims/FED, FAPA, and traffic.

Local News

Local cases making the news: Star of "Little People, Big World" reality TV show was found not guilty of DUII charges. According to KGW news, "in an unusual twist, the judge learned that jurors had looked up legal terms on the internet in violation of the judge's directions. Matt Roloff then waived his right to a jury trial and petitioned the judge for a directed verdict of not guilty of drunk driving, which the judge rendered Thursday morning. Roloff still has to pay approximately \$600 in fines for two violations: refusing to take a breathalyzer test and not maintaining his lane."

Washington County Sheriff's Office

Check out the Washington County Sheriff's Web page www.co.washington.or.us/cgi/sheriff, especially their "Can You ID Me" section. To date, 29 persons have been identified. It's worth scrolling through the pictures just to make sure

you are not in any of them! Also on the Washington County Sheriff's web page you can see if any of your clients are still in custody. The web site lists the charges and projected release dates. Until recently, in order to get the same information from Multnomah County Sheriff's Office, you had to call them and speak to them in person. They now, also, have an online website for your use. <http://www.mcso.us/public/>, under the heading "online inmate data".

Downtown Hillsboro

Come out and check out downtown Hillsboro next time you're at the courthouse. Along with new restaurants such as Taylor's and Tresca's, there is a new Thai restaurant on the corner of 2nd and Main. The antique shops are hopping, and there are two great music stores - Watz Up Music and Mirs. There is a new art gallery on 3rd between Main and Washington, and an art supply store across the street. Finally, there is a new "gaming" store next to Subway at 3rd and Main. By the time the new theater is finished, we'll have a whole new town!

Washington County Bar News

Speaking of online services, the Washington County Bar is working feverishly on getting our website up and running. We will provide updates in upcoming Bar newsletters.

Thanks to our recent CLE speakers Matthew J. Kalmanson of Hoffman, Hart and Wagner, and Amy T. Elkanich, of the Law Offices of Amy T. Elkanich. They provided an entertaining look at the recent legislative changes in both criminal and civil law. Matt provided a great overview of how bills are presented, reviewed, and passed, and discussed some legislative changes involving arbitration, civil unions, and sexual orientation. Amy discussed House Bill 2333 regarding sex offender reporting status for defendants who were less than 5 years older than their victims and where lack of consent was due to the victim's minority. She also discussed HB 3515 which creates a new crime of "online sexual corruption" and HB 2843 which creates the new crime of "furnishing sexually explicit material to a child". Not surprising, however, that the crowd's overwhelming interest was in SB 694B which creates the new offense entitled

"Restrictive Confinement of a Pregnant Pig, which can result in a maximum fine of \$720!

Thank you also to Judge Kohl who presented the annual "State of the Court Address". He presented some interesting statistics on ECR cases, as well as civil cases disposed of in the last 24 months. He also passed along information on the general trial rotations for 2008, a list of what each judge is responsible for, and a brief on how motions are handled in Washington County. If any practitioners want a copy of those materials, please e-mail the bar.

The next meeting is scheduled for February 13, 2008. The CLE is on domestic partnerships and the Court of Appeals Justices will be in attendance. Please also mark your calendars for March 12, 2008. The Supreme Court Justices will be here and Justice Kistler will be presenting the CLE on Search and Seizure.

Classroom Law Project is seeking volunteers to judge the upcoming Mock Trial Competition to be held March 1, 2008. Please contact Camille Tourje at (503) 227-2464.

News from the Family Court Team

By *The Honorable Keith R. Raines*

Here are some things the Family Court Team would like to highlight:

New requirements for DCS. A parent requesting child support payment through Salem must indicate that request (and sign it) on the form of judgment at the end of the document. The parent must still complete the packet provided by the DAs office to effect the services..

Mediation. A show cause order to modify custody or parenting time must include a mediation order.. The status conference orders that accompany the hearing notice are not actually mediation orders. Please obtain a separate mediation order in your case if there are unresolved custody and parenting time issues.

Fee deferral/waivers are in a new format. Please use the state approved form. For initial appearances (both petition and first appearance), the clerk's office will act first on the request. A judge will review a denied motion if submitted at ex parte. For modifications, the judge issuing the show cause will review the fee deferral.

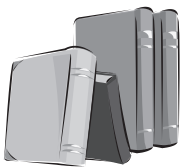
Fee deferrals and Kids' Turn. Kids' Turn will work out an alternative payment plan if the parent contacts them with a court certified copy of a fee deferral WITHIN 14 DAYS of getting the deferral.

Schedule Changes. Judge Cobb hears family law matters on Monday, Tuesday and Wednesday mornings; she hears probate

matters on Wednesday afternoon, Thursday and Friday. Probate ex parte continues to be by appointment only. Family law ex parte is daily at 8:30 am, Monday and Tuesday at 1 pm. If there is a genuine ex parte emergency which cannot be handled during this time, please contact Judge Cobb's staff for an appointment. You may drop off show cause orders at their office at other times.

Status Conferences. A party's personal appearances for status conferences is not optional. It may be waived by prior application to the Court for good cause, eg living out of the area, but the party must be available by phone. Failure to appear by a represented party may result in an award of attorney fees. Failure to appear by an unrepresented party may result in a prima facie hearing and judgment.

Appeals of administrative orders. Appeals of administrative support orders should be assigned to the department handling any pre-existing dom rel case, treated as if it were a modification for the purpose of setting a hearing date. If it appears that your de novo trial has not been set before the correct department, please contact the judge's staff to get it straightened out..



What's New at the Washington County Law Library

By *Laura Orr*, Law Librarian

NOTE OF APPRECIATION

Washington County Law Library staff wish to thank our local attorneys who volunteer with the St. Andrew Legal Clinic, the Washington County Circuit Court Family Law Facilitator, and the Bankruptcy Clinic. You have all heard how only 20% of Oregonians in need of legal services are able to afford or find help. Many of the remaining 80% visit their local public and public law libraries for guidance. We refer some of these law library patrons to the Oregon State Bar and others to local social service, advocacy, and legal aid offices and deeply appreciate the lawyers who donate their time to these and other legal service or pro bono organizations.

NEW CLEs

- *20th Annual Ethics*, 2007, OLI
- *Administering the Basic Estate*, OSB, 2007
- *Art of Cross-Examining Experts*, 2007, OLI
- *Broadbrush Taxation*, OSB, 2007
- *Dealing Successfully with State & Local Governments*, 2007, OLI
- *Evidence from the Judges*, 2007, OLI
- *Fundamentals of Oregon Civil Trial Procedure*, OSB, 2007
- *Guardianships and Conservatorships: Updated Forms and Procedures*, 2007, OLI

Continued next page

- *Mediation and Arbitration in Oregon: Learn From the Experts*, 2007, OLI
- *Motion Practice in Oregon*, OSB, 2007
- *Planning the Basic Estate*, OSB 2006
- *Pulse of Healthcare in Oregon: News from the 2007 Legislature*, 2007, OLI
- *Real Estate 2007: Legal Tools for the Future*, OSB
- *Selecting and Influencing Your Jury with Dr. Susan Jones*, OSB, 2007
- *Water, Water Everywhere & Not a Drop to Drink: Municipal Supply Challenges*, OSB, 2007

NEW BOOKS

- *2007 Legislative Analysis of Criminal and Juvenile Laws*, OCDLA
- *Collect Your Judgment in 5 Easy Steps*, McMillan, Adrienne M., 2007, Sphinx Publishing
- *Essentials of Juvenile Court Dependency Practice*, OCDLA, 2007
- *The Law (in Plain English) for Restaurants and Others in the Food Industry*, DuBoff, Leonard D. & King, Christy, 2006, Sphinx Publishing
- *Polarizing the Case: Exposing & Defeating the Malingering Myth*, Friedman, Rick, 2007, Trial Guides, LLC (gift)
- *Power of Attorney Handbook*, Haman, Edward A., 2006, Sphinx Publishing

WEB NEWS AND TIPS

What's a URL?: URL stands for Uniform Resource Locator and you know more than you think you do about what it is. If you've ever typed something like this, www.TinyURL.com into your browser's search box, you've typed a URL. A URL is just the technical name for a web page address. If you want more information about URLs, type this into your browser: <http://en.wikipedia.org/wiki/Url>

What's a "browser"? It's software that allows you to browse the web, e.g. Yahoo, Google, Netscape, etc. See, I bet you knew that too, but just didn't know you knew it. Socrates rules!

Search Engines: If you want to improve your web searching skills, here's a monthly Research Tip service you will like – the Bates Info Tip: <http://www.batesinfo.com/tip.html>.

FROM THE OREGON LEGAL RESEARCH BLOG (OLR):

To find the live links (underlined below) at the OLR blog, go to <http://oregonlegalresearch.blogspot.com/>. You can also link to the OLR blog from the Law Library's official home page: www.co.washington.or.us/lawlibrary. I've included (below) the dates of the posts so you can find them easily. **

Oregon Council on Court Procedures: The Oregon Council on Court Procedures has a new website. Their much awaited

Minutes are included. (Posted Nov 26, 2007)

Oregon Will and Trust Forms: Many but not all Oregon attorneys know about the 3 volume set of *Will and Trust Forms (Oregon Version)*, compiled by Joseph J. Hanna, Jr. and Campbell Richardson and published by the US Bank Private Client Group. Rumors have been swirling that there is a 2006 edition, but upon inquiry we were informed that this is incorrect and the 2003 edition is still the latest one. This is good news for most of us. The set is not cheap (*but is excellent value*) and must still have a good and long life ahead in its current form. (Posted 12/12/07)

More Free and Low-Cost Legal Research Tools: I blog a lot about free and low cost legal research tools. Type *low cost* (do NOT use quotation marks) into the Oregon Legal Research blog home-page search box to see those earlier posts and additional links. (Posted Nov 19, 2007)

U of O Scholars' Bank: If you research local government law and haven't yet explored the growing collection at the University of Oregon Scholars' Bank, now is the time. The *Cities* collection is here and the *Counties* one here. You will also find other treasures, such as this Oregon Practice Materials annotated bibliography. Click on the view/open option to see the PDF (Posted 12/6/07)

Federal Search and Seizure Law Report: The Oregon Federal Public Defender has this report, Developments in Federal Search and Seizure Law, and much more at their web site (including an Oct 2007 Blakely/Apprendi and State v. Ice update). (Posted Nov 27, 2007)

Search for Current Oregon Legal News: Quick and Easy Searching for Oregon Legal News: Go to Justia's Blawg Search, type *Oregon* in the search box, click on *Sort by Date*. (Posted Nov 27, 2007)

Telephone Customer Service – Get a Human: <http://www.gethuman.com/>. This is a directory of phone numbers, and instructions, on how to reach a real person at over 500 company customer service centers. The instructions change frequently so check the website for updates before calling. (Posted Jan. 2, 2008)

THE HOHBACH LAW FIRM LLC is proud to announce the addition of Mandi Philpott (formerly Mandi Logelin) as an associate attorney. Practice areas include victims rights, family law and now all levels of criminal law

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Bier Family Law

9755 SW Barnes Road,
Portland, OR 97225.

She may be contacted by phone at 503.595.4141,
by email at lbier@bierfamilylaw.com
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Ms. Bier thanks Beth Mason for all the years she was privileged to work with Ms. Mason at Mason & Associates.

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