



# WASHINGTON COUNTY BAR ASSOCIATION

September-November 2009

NEWSLETTER

VOLUME 26 NUMBER 2

## INSIDE THIS ISSUE

- 1 Domestic Violence Resource Center
- 2 WCBA News
- 3 President's Message
- 3 WCBA Contact Info
- 4 Law Library News
- 5 Race for Justice
- 5 Other Bar News
- 7 Calendar of Events, Announcements, Classifieds
- 8 WCBA Board of Directors
- 9 News From the Family Law Front

## CONCILIATION SERVICES UPDATE

By Wendy Hull, JD, Juvenile Services Division Manager,  
Specialized Programs and Services

As many of you may already know there have been some policy and procedural changes at Washington County Conciliation Services. Here is a brief update of recent changes and events.

The economy has taken a toll on Court services in many different ways. The way in which Conciliation Services has been impacted is through filing fees and waivers. Conciliation Services is primarily funded by a portion of domestic relations filing fees. A small portion of our budget is also funded by marriage license fees, domestic partnership fees and custody and parenting time evaluation fees. Fee waivers are on the rise due to the economy and the ease with which users of the Court system can now obtain a fee waiver. Thus, Conciliation Services' revenue has significantly decreased. This has impacted our ability to fully staff the program.

To address budget concerns Conciliation Services took steps to request an increase in the portion of filing fees designated to support the program. This request was approved by the Board of Commissioners and implemented in July 2009, resulting in an increase in domestic relations filing fees.

Early this year Conciliation Services saw a significant increase in the number of custody and parenting time evaluations being ordered. This led to a large backlog of cases. We have stopped accepting referrals for evaluations because of this backlog and because of staffing issues.

We have also noticed a number of cases referred for custody and parenting time evaluations that have very limited issues. Some cases, from our perspective, do not rise to the level of needing a comprehensive evaluation. Historically we have performed comprehensive evaluations on all cases per our policy and best practices. We are now looking at new models for evaluations, including shorter and more focused evaluation models. Our goal is to provide services to clients that match their needs and the needs of their children, as well as following accepted best practices within the field. As we do research and become more prepared to implement a new evaluation practice, Conciliation Services will be reaching out to our community partners, including the family bar, for input and to provide information.

Conciliation Services has recently changed our practice with respect to mediation agreements. Mediators are now sending any **written and signed** agreements to the assigned judge **seven days** after the agreement was signed. Attorneys identified by the parties will immediately receive these agreements once they are signed. Clients are informed of this protocol verbally and in writing and at mediation orientation. We also encourage and support attorney review of any agreements reached in mediation.

My staff and I encourage anyone to

*Continued next page*

call us with questions, concerns and feedback about our practices and policies. Our ultimate goal is to provide the best quality of service to clients, while helping them reduce conflict and maintain a healthy co-parent relationship.

I would like to express my appreciation to all of those who have supported Conciliation Services as a program and individually during some very difficult times. I especially appreciate the patience judges, attorneys and court staff members have extended to the program as

we manage fiscal and policy changes. Most importantly I would like to say “thank you” to the wonderful staff at Conciliation Services. They have worked hard to manage a high caseload and ever difficult clients in a challenging time. To Amy Baker, David Traisman, Alex Vidal, Cindy Carr and Carol Swoboda – thank you so much for your amazing work ethic, commitment to clients and undying support for children in our community.

*Wendy Hull may be contacted at 503.846.3537  
wendy\_hull@co.washington.or.us*

## WCBA NEWS

### WCBA Barbecue a Yummy Success!

The Washington County Bar Association hosted its annual June barbecue at Hillsboro’s Rood Bridge Park on June 10. The weather was sunny and gorgeous, and the food, catered by Cousin Kenny’s BBQ, was simply delicious. We had a great turnout and many WCBA members brought family and friends. We can’t wait until the next one, but in the meantime, you can catch Cousin Kenny’s BBQ at local farmer’s markets, including the one in Hillsboro.

### New WCBA Officers and Board Members Elected for 2009-2010

At the business meeting held on May 13, the following board members were elected to officer positions:

Elizabeth LeMoine, President; Sharon Brown, President-Elect; Sue Lain, Secretary; and Bret Knewton, Treasurer. New board members include Eric Butterfield and Erik Bucher. Returning board members include Becky Mehringer as Immediate Past President, Janelle Factora Wipper, Rachel Houston, Shelley Fuller, Arthur Saito and Alex Libmann. Julie Viner continues to be the Administrative Assistant Extraordinaire to the board.

### Upcoming Lunchtime CLEs

**Sponsored by the  
Washington County Bar Association**

Located at the Courthouse Annex  
2nd Ave. and Main St., Hillsboro  
12-1 pm., Cost: \$15

### September 21

#### *Victims’ Rights and Updates on New Legislation*

Presented by Meg Garvin of the  
National Crime Victims Institute

### October 19

#### *Personal Injury Legislative Updates*

Presented by Neil Jackson

## ADVERTISEMENT

**WCBA Newsletter Contact: Julie Viner**

Phone : 503.648.0300/Fax : 503.693.9304  
PO Box 912, Hillsboro, OR 97123

### Newsletter Ad Rates Per Issue:

Members/Non-Members

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Note: ad sizes may be changing.

These ads will stand out and reach our county bar membership. Please send your ad one month prior to publication, along with payment, to:

WCBA, PO Box 912, Hillsboro OR 97123  
Any questions, call 503.648.0300

## PRESIDENT'S MESSAGE

By Elizabeth Lemoine, WCBA President



Elizabeth Lemoine

When I ran for the office of student body president in high school, I campaigned with an impressive agenda of reform. My published goals included longer lunches, more student socials and a school wide campus beautification project. Of course, after I was elected, the principal nixed many of my wonderful ideas and I learned an important lesson on civic involvement. I learned

that sometimes the best leaders are those who don't "reinvent the wheel", but instead work diligently to improve efficiency and production from the "old wheel." To that end, I am dedicating my term as bar president to improving the quality and types of services that the Washington County Bar Association currently provides.

In the last year, the board has made some necessary and positive changes. First of all, the monthly CLE and dinner meeting was moved to the Old Spaghetti Factory located in Tanasbourne. We have had many positive comments about the change and intend to continue our monthly meetings at this location. The first CLE and dinner meeting was held on **September 9**, with the CLE from approximately 5:15-6:15, and dinner served at 6:30 pm. The Honorable Judge Keith Raines presented a CLE on Family Law in this challenging economic climate. Please let us know if you are not receiving emails regarding these monthly meetings so that we can update our files and make sure you get them in the future. We also request the courtesy of an RSVP to the bar by phone, 503.648.0300, fax 503.693.9304 or email to [wcba.association@verizon.net](mailto:wcba.association@verizon.net).

Another positive change was to upgrade our website. Board member Sue Lain has worked very hard to improve the look and functionality of the site. Be sure to check it out at [www.wcbabar.org](http://www.wcbabar.org). We are pleased to announce that we will be able to offer very reasonable rates for advertising on the site. We will be sending an email to all members within the next month with additional information.

A third positive change was the introduction of the Brown Bag Luncheon Series CLEs held on the third Monday of every month since March, at 12 noon. These CLEs are held at the Courthouse Annex in Hillsboro. Board member Shelley Fuller has worked diligently to provide fantastic speakers on interesting and relevant

topics. We hope to continue the lunchtime CLEs, but would really appreciate input on speakers and topics for the future from the members of the bar.

Finally, due to significantly increased pricing by the Oregon State Bar for distribution of this newsletter, the board has decided to limit the publication of the WCBA newsletter to four times per year in September, December, March and June. We encourage all members to submit articles and announcements regarding bar members' new positions and/or new locations. Submissions are due by the 15<sup>th</sup> of the month prior to the month of publication. Please send all announcements and articles to Carol Hawkins at [wcbanews@comcast.net](mailto:wcbanews@comcast.net). Advertising is also available at a reasonable rate. Please contact Julie Viner, WCBA Administrative Assistant, via the contact information listed below, for pricing options.

I look forward to a wonderful year with all of you. Please feel free to contact me at [elizlemoine@yahoo.com](mailto:elizlemoine@yahoo.com) with suggestions or ideas on how we can be of better service to our members. Have a wonderful fall season!

Thanks,

### WCBA

PO Box 912, Hillsboro OR 97124

Phone: 503.648.0300, Fax: 503.693.9304

Please contact Julie Viner, our Administrative Assistant, with any questions regarding membership, meeting reservations, newsletter articles or classified ads. Leave a brief message (60 second limit) on our answering machine and she will get back to you as soon as possible.

Articles for the newsletter may be emailed directly to Carol Hawkins at [wcbanews@comcast.net](mailto:wcbanews@comcast.net).

*Letters, awards and other news items, and announcements are welcome. Articles by members are accepted. All submissions are edited for length, clarity and style, and are published on a space-available basis, at the editor's discretion. Views expressed in articles are not necessarily those of the association. This publication does not purport to offer legal advice.*



## WHAT'S NEW AT THE WASHINGTON COUNTY LAW LIBRARY

By Laura Orr, Law Librarian

News from your Washington County Law Library will be migrating to the Law Library's website, which you can visit at [www.co.washington.or.us/LawLibrary](http://www.co.washington.or.us/LawLibrary) for announcements, legal research guides, and legal research tips.

I have also created an "Oregon Lawyer Research Links and Documents" webpage at the website. That URL is [www.co.washington.or.us/LawLibrary/lawyer-links.cfm](http://www.co.washington.or.us/LawLibrary/lawyer-links.cfm).

You will still see our presence here in the print newsletter, but a much smaller one than in the past, so visit our website for access to all our legal research resources.

You can also link to the Law Library from the Washington County Bar Association's website: [www.wcbabar.org/](http://www.wcbabar.org/). Just click on the Links.

### Other County Law Library Websites

As Oregon counties update and redesign their websites, so do their county law libraries. Ours has recently been updated, though it is still a work in progress. Some of us are updating with CMS (Content Management System) software so we have more control over the site's content.

Visit our website and let us know if there are any additional legal research links you want. We can't change

layout or design, but can add links and documents.

### Our Legislature and the Well-Researched Lawyer (and Pro Se Litigant)

We wish to convey our sincerest gratitude to our Oregon legislators for supporting their county law libraries and the pro se litigants and solo and small law firm attorneys who use our services. We save judges and lawyers (and their clients) a lot of time and money and give them the research tools they need to resolve legal disputes efficiently and cost-effectively.

So, if you use your county law library, please thank your local legislators. Whether you agree or not with their final decisions, their jobs are hard, the hours long, the verbal and written abuse sustained, and the rewards modest. As is true of school teachers who stand in front of hundreds of children for hours day after day after day, few of us would retain our cool, our calm, our welcoming demeanors under the steady drumbeat of constituents, staffers, email, letters, phone calls, lobbyists, colleagues, agency heads, reporters, bloggers, and many more, all of whom focus their (our) opinionated laser pointers on individual legislators who were elected to represent our best interests.

### SMALL CLAIMS PRO TEM JUDGES

The court had become comfortable with referees/pro tem judges handling small claims matters for the past nine years. With the financial crisis and attendant loss of Pro Tem Judge Hochman, the court turned to the local bar for help. We are very fortunate and grateful for the volunteer services of our pro tem judges hearing these cases: Larry Brisbee, Eric Butterfield, Marsha Cordin, C. Thomas Davis, Terry Hall, Rob Harris, Greg Karpstein, Tim Marble, John Mayfield, Robin Pope, Doris Winegar and Pam Yee. Although the need for these services is indefinitely long, we know our volunteers may need to take a break after a while, so if any other experienced counsel is interested, please contact Judge Keith Raines at 503.846.3457.

## *The Website is up!*

Visit us at [www.wcbabar.org](http://www.wcbabar.org) and send us your suggestions or comments!

**See the latest information on upcoming events, join the WCBA or catch up on the most recent newsletter.**

## RACE FOR JUSTICE RAISES \$145,000 FOR ST. ANDREW LEGAL CLINIC

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The 9th annual Race for Justice for St. Andrew Legal Clinic (SALC) rocked NE Portland on June 20, beginning and ending at the beautiful Madeleine Parish on NE 24th St. This year, a record-shattering 720 walkers, runners, and volunteers showed up to participate in the 3.1 mile course and more than 100 volunteers signed up to assist, making this the biggest R4J crowd ever. The Kids' Fun Run attracted 60 pint-sized participants, who completed their route before retiring to post-run ice cream cones and root beers.

The adult walk/run starting line bustled with 700 contestants, who got off the mark at 10:15. The earliest finish was 15:50, completed by Mike McGrath. The après-run party entertainment included free beer from Rogue Brewery and piping hot pizza. The coveted traveling bronze sneakers were awarded to Prevailing Parties and Stahancyk, Kent, Johnson & Hook for Best Fundraising Team and Largest Team, respectively. The famed Markowitz Challenge was awarded to Douglas Way Dawdlers, Prevailing Parties, and Ball Janik. This year Reinisch Mackenzie won the new Workers' Competition Award for Largest and Best Fundraising Team among workers' compensation firms. Winners of the inaugural Charlie Coulter Family Law Challenge Award were:

Gevurtz Menashe, Stephens Margolin and Meyer & Wyse. In the challenge between the Oregon Department of Justice and the Oregon Public Defense Services, the DOJ won for both Fastest Team and Best Fundraiser.

An amazing \$145,000 was raised this year to benefit SALC. Proceeds from the race, as well as direct community donations, allow low-income families access to quality family law services on a sliding scale. SALC is committed to providing security for children, support to women in crisis, and access to justice for the working poor.

SALC maintains offices in Washington, Multnomah, and Clackamas counties. Client intakes are performed by volunteer attorneys under the supervision of a regular staff attorney. The Washington County office regularly conducts client intakes on Wednesday evenings. For more information on volunteer opportunities, contact the Washington County office at 503.648.1600.

## OTHER BAR NEWS

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**Monica Wells**, associate attorney with Bullivant Houser Bailey PC, has joined the Resource Development Board of CARES Northwest, a child abuse assessment program in Portland. The resource board raises funds, in-kind resources and community awareness for CARES Northwest and identifies community supporters to match with opportunities for supporting the program.

Wells' legal practice is focused on defending personal injury claims, primarily defending companies in toxic tort and product liability claims. She has performed pro bono legal work for the Children's Center of Clackamas County and CARES Northwest.

### OSB PLF Seminar November 4-6

The OSB Professional Liability Fund sponsors its annual practical skills seminar, "Learning the Ropes,"

for new admittees to the Oregon State Bar and lawyers entering practice in Oregon. Attending the full program satisfies MCLE requirements for a new admittee's first reporting period. The deadline for registration is October 28. The \$65 registration fee covers the seminar and lunch for November 4 and 5.

To register, visit [www.osbplf.org](http://www.osbplf.org) or call DeAnna Shields at 503.639.6911.

### Upcoming Multnomah Bar Association Events

September 16 is the 12<sup>th</sup> annual golf championship and dinner at Pumpkin Ridge, which benefits Legal Aid.

The MBA *Absolutely Social* Social featuring "blind" wine tastings is October 14. For details about these and all other MBA events, visit [www.mbabar.org](http://www.mbabar.org).



# AUTUMN AFFAIR

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TO BENEFIT THE  
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Join us at one of Washington County's premier wine tasting events. Tickets are \$75, and include tastings provided by six wineries, a cocktail reception dinner, silent auction, and commemorative glass. *Autumn Affair* is the Domestic Violence Resource Center's annual fundraiser: critical to supporting Washington County's only emergency shelter, 24-hour crisis line, and keeps services for survivors free of charge and bilingual in English and Spanish.

Visit [www.dvrc-or.org](http://www.dvrc-or.org) to purchase tickets or call 503-640-5352, x 308.



DOMESTIC VIOLENCE  
RESOURCE  
CENTER

## CALENDAR OF EVENTS

### Upcoming WCBA Newsletter Editorial schedule

- Next WCBA Newsletter deadline is November 15, 2009 (for the December-February quarterly issue).

Please submit your articles, calendar items and other news copy to Carol Hawkins at [wcbanews@comcast.net](mailto:wcbanews@comcast.net) by the deadline, preferably in Word or Rich Text Format. Please include a high resolution digital photo of the event or article author.

### Schedule of Business Meetings, CLEs and Social Events

#### Washington County Bar Association

\* All WCBA CLE programs are \$15 for those who register in advance and \$20 for those who register at the door. The nonmember rate is \$25. **Please register so we know how many CLE packets we need to prepare.**

#### Lunchtime CLEs are the third Monday of each month at the courthouse annex on 2nd and Main

Sponsored by the  
Washington County Bar Association

September 21  
*Victims' Rights and Updates on New Legislation*

Presented by Meg Garvin of the  
National Crime Victims Institute

October 19  
*Personal Injury Legislative Updates*

Presented by Neil Jackson

## ANNOUNCEMENTS

*Paul C. Galm* has joined C. Thomas Davis of Davis Law Firm in Beaverton. The firm handles estate, business, real estate and collection matters. Prior to joining the Davis Law Firm, Galm worked as an associate for Perkins Coie LLP and for the Multnomah County District Attorney's Office as a deputy district attorney. He received his J.D. from New York University of Law.

## CLASSIFIEDS

### OFFICE SHARE IN BEAVERTON/GRIFFITH PARK

One to two attorney offices available November 1 for an office share arrangement. Convenient location on Griffith Dr. near Beaverton City Hall. Space should accommodate one to two attorneys plus one staff. Share fax, copier and conference room. Nice space, convenient access and free parking. Sublease rent negotiable. Contact 503.968.5820 or [rayburn@pacifier.com](mailto:rayburn@pacifier.com) for details. Looking for November 1 occupancy.

### BEAVERTON

Two small offices available in congenial 2-attorney law office. Rent includes reception, large conference room, facsimile, copier, high speed internet, kitchen, off-street parking, close to bus line and 217. Telephone, desk, and chairs available or bring your own. \$400. Secretarial and paralegal services also available. Call Katie at 503.626.7917.

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### EXPANDED JAIL VISITING SCHEDULE

#### *Social and Professional Visits - Effective September 1*

In an effort to stretch budget dollars during the economic downturn, the Washington County Jail implemented a new staffing schedule. Normally having fewer deputies available would mean fewer visiting hours for the public and professional visitors. However, thanks to innovative ideas from our jail staff, we implemented a series of schedule changes to meal times and other programs, so we are actually able to increase the number of available visiting hours from 36 to over 49 hours per week!

Professional visitors may still contact Jail Administration to request special appointment consideration, 503.846.2798. Thank you for taking time to review the updated schedules on our website at [www.co.washington.or.us/sheriff](http://www.co.washington.or.us/sheriff).



## NEWS FROM THE FAMILY LAW FRONT

By Judge Keith R. Raines, Family Court Team

**UTCR 2.130 FORMS.** Each litigant has to complete the form under 2.130. A party seeking to have the confidential information limited away from the opposing party can apply at

ex parte for an order limiting disclosure of that information. If somehow your pleadings include the confidential information in some form or another, eg. Uniform Support Affidavit or

exhibits, the court will not redact the information even if there is an order limiting disclosure. Please familiarize yourself with this rule.

### WITHDRAW TO AVOID

**HEARTACHE.** Please submit a withdrawal of representation when you have completed a case, one for each case, even if there is a consolidation order. Recently we had a FAPA renewal which was contested. The notice of hearing went to petitioner's old attorney who had not withdrawn from the FAPA case (but had withdrawn from the associated dom rel case). The petitioner never found out about the hearing date and the renewed FAPA was dismissed because of her unexplained non-appearance. Now it's a huge headache for the lawyer, the litigants and the court.

**FINANCIAL CRISIS.** We have partially survived the 7.5% reduction in the OJD budget by not replacing staff who left. But it also means that we are way down on support staff with no realistic expectation of change in the foreseeable future. We lost full-time Referee Nancy Hochman. Our staff will also be required to take furlough days which will keep the courthouse open but skeletonized. We are grateful that things aren't worse, but we have had to change some procedures to meet the realities. The State Court Administrators office has been decimated and there is no staff person currently monitoring the state on line forms which many self represented individuals use. If you are referring individuals to a website for forms, please use: [courts.oregon.gov/](http://courts.oregon.gov/) Washington for our local forms.

**EX PARTE.** You have probably noticed that ex parte is now only at

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8:30 am. We encourage you to drop off non-essential ex parte documents for signature rather than running them through ex parte, although we understand sometimes it really is necessary.

**FAPA/ELDER ABUSE CONTESTED HEARINGS.** A marvelous group of volunteer pro tem judges have come forth from the ranks of the local bar to hear contested FAPA cases. There is a DVD explaining the

procedure for a contested FAPA for self represented litigants (English and Spanish) which plays before the hearings. The family court judges still hear the cases which are consolidated with dom rel cases. We are very grateful to Pro Tem Judges Lillian Bier, Paul DeBast, Brad Lechman-Su, JoAnn Reynolds, Laura Schantz, and Greg Soriano for their commitment and assistance. Please contact Judge Raines at 503.846.3457 if you would be interested in joining this corps.

**FAPA APPLICATIONS.** The family law judges are doing FAPA & Elder Abuse applications on a monthly rotational basis. There is a DVD for self-represented individuals providing an overview of FAPA law for self represented litigants (English and Spanish) which applicants see before meeting the judge. This has significantly streamlined the application process.

**JUDICIAL CONFERENCE.** The family law judges will be gone October 20 and 21. Pro tem Judge Rini will be available for true emergency ex parte, but we urge you to avoid those days.

**OLD REMINDER. STIPULATED DOCUMENTS.** Stipulated means signed by both sides before submission to the court. If it isn't, please rename it.

**MORE OLD STUFF. CERTIFICATES OF SERVICE.** If it isn't stipulated or approved as to form there must be a certificate of service. A letter saying everyone agrees, even cc; to the other side does not suffice as the letter will be discarded and not part of the document or court file.

**CO-PETITIONERS.** If the parties started as co-petitioners but a conflict has arisen, please apply for an order which changes the case caption to a petitioner/respondent case.



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# WASHINGTON COUNTY BAR ASSOCIATION JANUARY – DECEMBER 2009 MEMBERSHIP APPLICATION/DUES FORM

The WCBA is a local association of lawyers serving Washington County practitioners. It provides a forum for the exchange of ideas and for local bar members to voice their views on matters of importance to their everyday practice. Consider the benefits of low-cost membership:

- \$ You will receive the WCBA Newsletter which keeps you informed (and sometimes entertained) on updated information from Washington County Judges, various bar committees, monthly CLE Programs, social dinners and activities, the law library, etc. The Newsletter is also an excellent and inexpensive place for advertising and classifieds.
- \$ Discount on monthly CLE programs and materials.
- \$ Discount on monthly dinner meetings with speakers or opportunities to express your views and become informed directly from local practitioners.
- \$ Events and committees for relaxation, networking and socializing with your colleagues.
- \$ Leadership opportunities and community service.

Membership Dues: \$75 per year (January 2009 to December 2009)  
*(Note: new members have this fee waived for the first year!)*

**Payable to:**  
**Washington County Bar Association**  
PO Box 912  
Hillsboro, OR 97124  
Phone: 503.648.0300, Fax: 503.693.9304

Name: \_\_\_\_\_ OSB # \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Phone/Fax/E-mail: \_\_\_\_\_

One application per attorney, please.

Please return this form with your payment to the above address and indicate:

\_\_\_\_\_ New Member Referred by: \_\_\_\_\_

\_\_\_\_\_ Renewing Member

<b>For internal use only:</b>
Date received: _____
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Form revised 11/08
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