



WCBA Newsletter

Washington County Bar Association

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October 2010, Page 1 of 4

President's Note

Welcome to the Washington County Bar Association's 2010-11 season! I am honored to serve as your president for this year. During the day, I am the Statewide Pro Bono Program Manager for the Oregon Law Center.



The rest of the time, I try to keep up with my old dog, husband, four grown children, one grandchild, the garden, etc.

We are hoping to provide you with interesting and meaningful opportunities for legal education and business socializing this year. Our October 13 CLE topic was a special request from Kevin Luby, and will involve a presentation by Dee Crocker from the OSB Professional Liability Fund on planning ahead for death and disability—how to manage your practice of law with an eye toward the events that all of us will eventually encounter. My wish for all of you is those events be as far in the future as possible.

If you have suggestions for CLE topics or any other business for the association, please don't hesitate to contact me or any other board member. I look forward to a successful and informative year!

The WCBA Board thanks retired Directors Judge Eric Butterfield, Rachel Houston and Nancy Hochman for their service on the WCBA Board of Directors and wish them well in their endeavors. The Board also extends immeasurable gratitude to retired Secretary and Director Sue Lain for her extended and committed service to the Board for the last five years. She was instrumental in bringing the WCBA into the current century by updating the WCBA website.

Please join the WCBA for a timely presentation by Dee Crocker, Practice Management Advisor, PLF *Preparing Ahead for Death and Disability* Wednesday, October 13, from 5:15-6:15 p.m. at the Spaghetti Factory 18925 NW Tanasbourne Dr., Hillsboro OR 97124

WCBA News

Brown Bag CLE Program Discontinued Indefinitely
Due to loss of the Courthouse Annex location, the Brown Bag CLE program has been discontinued. The Board will revisit the program next year if a new location and format can be determined. A CLE will be offered monthly, prior to regular Board meetings.

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Spotlight on Judge Gayle Nachtigal
See page 2 for story



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In late December 2009, President Barack Obama nominated the Honorable Gayle A. Nachtigal of the Washington County Circuit Court to the Board of Directors of The State Justice Institute (SJI), which is a private nonprofit corporation that was established by federal law in 1984. The SJI's mission is to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts. By law, SJI is supervised by a Board of Directors consisting of 11 members appointed by the President with the advice and consent of the Senate. Pursuant to 42 U.S.C. 10703, the President appoints six judges and one state court administrator from a list of candidates submitted to the President by the Conference of Chief Justices (CCJ). Judge Nachtigal is awaiting Senate confirmation.

On November 20, 2009 Judge Nachtigal was inducted into the National Center for State Courts' Warren E. Burger Society (named after the former Chief Justice of the US Supreme Court who helped found the National Center for State Courts in the early 1970s.) This award pays tribute to those who have volunteered their support to the National Center in an outstanding manner. From 1999 to 2005, Judge Nachtigal served on the Board of the National Center for State Courts (NCSC), and currently serves on NCSC's Court Consulting Advisory Board.

Judge Nachtigal was born in Pennsylvania, but spent the majority of her childhood in central Ohio attending Dayton Elementary and Worthington High School outside of Ohio's capital city of Columbus. During high school she worked part time at a day care center that her parents owned and operated. Upon high school commencement, she attended Bowling Green State University where she pursued a Bachelor Degree in Liberal Arts. She continued to work at her day care job during spring breaks while in college along with a part time job in the lingerie department at JC Penney. After college, Judge Nachtigal headed westward to pursue her law degree in Portland, Oregon. She received her JD from Lewis & Clark. During law school she worked as a law clerk in the support enforcement arm of the Washington County District Attorney's Office

Judge Nachtigal began her legal career as a deputy district attorney in the Juvenile Department of the Washington County District Attorney's Office. She worked Juvenile Dependency cases, Termination of Parental Rights cases, and Juvenile Delinquency cases. She later went to work for the Oregon Department of Justice in the Attorney General office working termination of parental rights cases and paternity cases. While at the Oregon Department of Justice she also worked as a branch manager in child support then moved to the attorney in charge of the collections section working on student loan recovery, veteran's mortgage defaults, and damages to state property. After her time at the ODJ she then pursued a private practice in both family law and criminal law. She returned to juvenile law with years of legal and managerial experience to serve as Pro Tem Judge in the Washington County Juvenile Court.

Judge Nachtigal was appointed to the bench in 1991 by then Governor Barbara Roberts and has served three elected terms since her appointment. From 1996 to 2002, Judge Nachtigal served as Presiding Judge in Washington County. She currently serves as the Lead Judge on Criminal Court Assignments. The most rewarding aspect of being a judge is case management and issues within a class of cases. Efficiency in court moves the cases through the system more quickly and with better procedures that allow court staff to

work smarter, not harder. Advice to bar members who consider becoming a judge: work as a Pro Tem Judge to understand how to decide cases in an expeditious manner and how to manage both lawyers and cases each day. This position gives better insight to the work behind the scene of deciding the cases before the bench since there is much more to the job than what is seen in the courtroom. Knowledge of the staff's workload and responsibility prepares a judge to understand how their actions affect the efficiency of staff.

A challenging aspect facing the criminal court is that a small percentage of repeat offenders takes a larger amount of time and resources from the court. The majority of offenders generally do not return to court since they complete their diversion program and/or work with probation and parole. But the repeat offender continues to return to court either not completing their program or committing probation violations. An underlying problem could be mental illness. Washington County started a Mental Health Court in 2007 that addresses the mental health needs of defendants on probation for nonviolent misdemeanors. The Honorable Marco Hernandez is Presiding Judge over the Mental Health Court. The Mental Health Court is doing great work, but has very limited funds to help all the repeat offenders with mental health issues.

Judge Nachtigal is active in various volunteer organizations. She is a member of the American Judges Association (AJA), where she served as Secretary, First and Second Vice President, and President (2004-2005). She has been involved with the AJA since 1992. She is involved with American Judges Foundation and currently serves on National Center for State Courts' (NCSC) Consulting Advisory Board.

On the local level, she has been an active Rotarian for 20 years, a member of the Oregon Women Lawyer's Association and the Washington County Bar Association. She recently joined the Bag and Baggage theater production group as a Member of the Board. Bag and Baggage works in communities throughout Oregon that do not have professional theatre company; they perform at the Venetian Theater in downtown Hillsboro.

In her free time away from work and volunteer activities, Judge Nachtigal enjoys travel and cooking. She would like to go to cooking school someday. She did spend a day in Italy taking a cooking class. Her favorite food is blueberry pie, but she also likes to cook chicken curry, beef bourguignon, and sea scallops. Her greatest personal achievement is rearing two wonderful daughters along with the help of her husband Fred. She is very proud of her family.

As a young girl growing up in Ohio, her aspirations were to be a teacher, nurse, and mom. Judge Nachtigal has fulfilled her goal of being a proud mom. She has also followed a path that led her to Oregon and law and so much more. She would have been an exceptional nurse and teacher, but life led her into law and eventually into becoming an honored judge. It is a pleasure to have her as a member of the Washington County Bar Association and we congratulate her on her Senate confirmation to the Board of Directors of The State Justice Institute.



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503.241.0677 1000 SW Broadway, Portland, OR 97205

The Annual OSB PLF Seminar: Learning the Ropes, a Practical Skills & Ethics Workshop

Wednesday- Friday, November 3-5, 2010 at DoubleTree Lloyd Center Hotel in Portland.

Cost is \$65, which includes lunch on Wednesday and Thursday; registration deadline is October 27 (no refunds issued after that date).

The seminar qualifies for 15.75 MCLE credits. A registration form for the seminar can be found at www.osbplf.org. Select Upcoming Seminars under Loss Prevention.

CLASSIFIEDS

DOWNTOWN PORTLAND-1 OFFICE, CLASS A SPACE-RIVER VIEW \$1,350/Monthly

Class A office space, 18th floor of Umpqua Bank Building, at One SW Columbia. One exterior office with panoramic view of mountains, river front and downtown. AV family law practice will share two conference rooms, receptionist services and kitchen. Copier, fax, telephones and email provided at cost. Building amenities include conference rooms, private gym and bank in building. Approximate room size 10x15. Call Cecelia Connolly 503.224.7077.

Have you paid your 2011 WCBA dues? September, 2010 began the new year. The WCBA membership year runs through August, 2011. Dues for 2011 are \$75, and may be paid by contacting Julie Viner, Administrative Assistant, at 503.648.0300.

*We are proud to welcome
our newest attorney,*

Melissa B. Kelleigh,

*to the YM&E team
of trusted counsel.*



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Loophole on Garnishment of Exempt Assets from Bank Accounts Now Closed

On January 1, Senate Bill 731B became effective. The bill is intended to help correct some serious problems that have arisen in the garnishment of "exempt" assets from bank accounts.

Despite clear state and federal law prohibiting collection of public assistance benefits including Social Security, SSI, retirement benefits, unemployment insurance, veterans' benefits and worker's compensation, these funds were commonly diverted by creditors from beneficiaries' bank accounts by garnishment. Under prior Oregon law, removal of exempt funds from bank accounts was entirely legal. The individual was forced to file a "claim of exemption" to seek return of the funds, a process which often took months to accomplish. This loophole left beneficiaries of these exempt programs in great peril. Most beneficiaries rely on these payments as their only income to pay for housing, food, medicine and other critical expenses.

Senate Bill 731B amends Oregon's garnishment laws to protect vulnerable people from inappropriate garnishment of exempt funds. Recipients of certain direct deposit exempt funds will receive protection against garnishment for the sum of those funds. Anything over the protected amount will still be subject to garnishment. The types of benefits that qualify for protection under this act include exempt retirement plan payments, social security payments, public assistance payments, unemployment compensation payments, black lung benefit payments, veterans' benefits payments, and workers' compensation payments. Protection applies when the financial institution can identify a direct deposit as one of the protected benefit payments from information given by the payor or the account holder has given the financial institution an affidavit, identifying the funds as protected benefits. Comingling of funds does not negate the exemption. A first in, first out method of accounting will apply.

Individuals can receive the protection by completing an affidavit provided by their financial institutions to formally notify the institution of the protected funds. Even if the individual does not complete the affidavit, the new law protects funds that the institution can readily identify as protected funds. For example, regular monthly deposits from the Social Security Administration can reasonably be assumed by the institution to be exempt funds. Necessary amendments are also made to garnishment forms. The new provisions can be found in Chapter 430 of 2009 Oregon Laws, and will be codified at ORS 18.252 through 18.993. Additional information on this and many other legal issues, as well as useful forms, can be found at our website, www.OregonLawHelp.org.

Summary provided by:

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WCBA Newsletter (page 4 of 4)

LAW LIBRARY NEWS

Please feel free to call upon us if you have legal research, database or publication questions. Oregon law librarians work together to serve our legal community's legal research needs.

Washington County Law Library

111 NE Lincoln

Hillsboro OR 97124

Phone: 503.846.8880

Email: lawlibrary@co.washington.or.us

URL: www.co.washington.or.us/lawlibrary

BLOG: <http://oregonlegalresearch.blogspot.com/>

SERVICE TO THE BAR

LAW LIBRARY ADVISORY COMMITTEE (LLAC)

- Do you use the services of your county law library?
- Do you think about the future of law practice and legal research? (E.g. WestlawNext, MSOffice-Lexis, Fastcase Apps, Google Legal Scholar, Law dot com, and more.)
- Do you enjoy being an advocate and organizer?
- Do you enjoy speaking to your elected state representatives?
- Do you want to engage in interesting conversation about the future of your Washington County Law Library - and partake of some light refreshments with fellow attorneys once a month in our peaceful conference room?

If your answer is yes to all (or most) of the above, let a member of the Washington County Bar Association Executive Board know that you want to serve on the Law Library Advisory Committee (LLAC).

Among other projects for the LLAC this coming year is to compile a concise manual for new LLAC members to explain what the LLAC does. WCBA Executive Board members will be consulted on this project to make sure the LLAC manual is in alignment with their bylaws.

LEGAL RESEARCH DATABASES

New computer workstations have arrived in the Law Library. You now have free and easy access from these workstations to Shepard's and to Westlaw, 24/7 (assuming you have an after-hours key).

We also have wireless service (password protected and encrypted), if you are so inclined, but you will not have remote access to our subscription databases from your own computers. Our subscription legal research databases, e.g. Westlaw and Shepard's, are accessible only from our dedicated workstations, with the exception of HeinOnline.

You can search HeinOnline from any computer with your Washington County public library card number, by going to the WCCLS dot org website, clicking on Government/Law, and following the instructions under HeinOnline. There are links to HeinOnline from the Law Library's website.

Our workstations give you free access to Shepard's and Westlaw.