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WCBA Newsletter

Washington County Bar Association
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May 2012, Page 1 of 7
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President's Note

New and experienced practitioners attended April's CLE presentation by David Markowitz on rainmaking. One attendee remarked that he tries to attend any CLE where he knows David Markowitz is speaking. I personally enjoy hearing Mr. Markowitz speak, whether it's about Rainmaking or depositions. While some people just like to talk, Mr. Markowitz listens too, and then he gives good and thoughtful advice. Karie Trujillo, the marketing director at Markowitz, Herbold, Glade & Mehlhaf, stayed for dinner and offered to give her advice to those with questions about marketing for your law practice. I hope that you were able to attend



the CLE, but if not, feel free to ask me about it. I know there will be future opportunities to learn about rainmaking events through OWLS very soon.

The dinner was very well attended as practitioners took time to thank their staff during staff appreciation. Several judges brought their hard-working staff and the child support team was there too. It was nice to be able to see everyone and say thank you. None of us could do what we do without our staff.

I would like to again say a special thank you to Julie Viner, the Washington County Bar Association secretary. Without her we would not be able to do the things we do. So, thank you Julie, you are appreciated! I must also acknowledge and say thank you to Carol Hawkins, who patiently and expertly puts together our newsletters each month. Thank you Carol! We really appreciate you.

Upcoming Events—Attention, Elder and Family Law Practitioners!

On May 9, [Judge Rita Batz Cobb](#) will be our CLE presenter on Temporary Emergency Guardianship proceedings in Washington County. [Mike Schmidt](#) of Schmidt and Yee will give the practitioner's perspective. This CLE is for anyone and everyone who has a family or deals with families. That means if you practice Family Law or Elder Law, you do not want to miss this CLE. So, you've never encountered a situation where you needed to ask for Temporary Emergency Guardianship? Don't wait until it happens to you to get the forms, advice and information you need! In a true emergency, you don't have time to reinvent the wheel or figure out what to do.

Why is this family law issue? What if you are handling a family law case and are trying to decide between temporary emergency custody and a temporary emergency guardianship under Chapter 125? Learn about the pros and cons of proceeding under Chapter 125. While this CLE will be primarily fo-

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cused on adult guardianships, the subject will touch on issues involving minors. But, since older couples get divorced too, you may find yourself needing to facilitate a temporary emergency guardianship for an adult. What about a disabled older child who is about to become an adult? What will you do if your client's adult child needs protection because of sudden mental or other illness? This CLE will give you the information you need so when "your hair is on fire" you can get the job done right the first time.

Elections

May is election time! Those in attendance at the May 9 dinner will be able to vote. If you would like to be a director, let us know and we'll put you on the ballot. I believe we have two open positions on the board. Want to know how you can become involved or have some ideas for CLEs for the 2012-13 season? Please share your ideas and tell us what you would like to see and do next year.

Year End Picnic

June marks the end of the 2011-12 season for the Washington County Bar Association before the summer break. Our annual picnic this year will be at the Oak Knoll Winery on June 13. My prediction is for sunshine, but we will have picnic tents just in case. I am looking forward to being entertained by a surprise local talented attorney and friends' musical group who has graciously agreed to play for us. I'll have more information on them in our next newsletter. Wine lovers will have the option of participating in wine tasting, but there will be other beverages and appetizers available too.

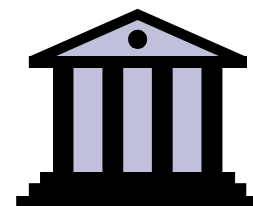
Professionalism Award

The Professionalism award will be presented to Laura Orr, Washington County Law Librarian, for her contributions to the practice of law here in Washington County and Oregon in general. A complete profile regarding her contributions will be in the next newsletter. Please join as at the June picnic when she receives the award.

Sincerely,
Kathy Proctor

News From Around the Courthouse

by Presiding Judge
Kirsten Thompson



Budget Cuts

Oregon Judicial Department went through another round of budget cuts following the February 2012 legislative session. Washington County Circuit Court implemented the cuts on a local level by laying off or terminating three employees and eliminating a total of five budgeted positions. Court staff has re-apportioned duties in judicial support, records, and family law support. Washington County has reduced from 110 FTE positions to 91 at this time. Public service hours remain 8 a.m. to 5 p.m. Monday through Friday except for furlough days in which the court is closed.

The court has begun using community volunteers at the information counter to assist courthouse users to find their way around, assist with jurors, and with some routine mailing of court notices. Look for volunteers at the information desk on Monday, Tuesday, and Friday mornings.

Court operations manager, Andy Sells, provided the following notice regarding FTR record request. The court has been following this protocol for a couple of years, but some attorneys are still getting used to this system:

Audio Recordings

Requests for courtroom audio recordings (FTR) are provided via secure server link sent to you through the valid email account you provide (your e-mail address). Also included in the link will be instructions on how to open and download the audio recording file, and install the FTR player. If you need to create a CD, you can do so from the electronic audio file. The link will be available for 10 days. The cost, which must be prepaid, is \$10 per request.

Turnaround time for digital copies is 5-10 business days. You will be notified via email when the recordings are ready for downloading.

Supplemental Local Rules Committee

The SLR committee is working through some updates and revisions of the Washington County's SLR in a variety of areas. Look for notices about the upcoming revisions once the committee has completed its work.

Washington County Circuit Court Provides Payment Service

People who need to pay fines or make monthly payments to the Washington County Circuit Court will soon be able to pay online, instead of having to travel to the courthouse and wait in line, mail in a check, or pay by phone.

“OJD Courts ePay” (a component of Oregon eCourt) will go live on May 7 in the Washington and Clackamas County Circuit Courts. All state courts will have OJD Courts ePay available by the end of June.

The new online service makes paying the courts more convenient for the public - especially for those who live long distances from the courthouse - and will free up court staff to assist the public with other customer service matters. OJD Courts ePay will accept both Master Card and Visa debit and credit card payments, and will include a \$3.50 transaction fee.

The public can access the OJD Courts ePay website from the Washington County Circuit Court webpage at: www.courts.oregon.gov/Washington or from the OJD homepage at: www.courts.oregon.gov.

The Oregon Legislature continued the Oregon eCourt Program into 2013 by authorizing funding in its February 2012 session. Yamhill County Circuit Court will pilot the Oregon eCourt Odyssey product starting in June, providing online civil case services for attorneys and litigants. Multnomah County Circuit Court will begin implementing Odyssey next Spring, as part of the second phase of Oregon eCourt. The timing to install Odyssey in Washington County Circuit Court has not yet been established, and depends on future legislative decisions.

As Oregon eCourt moves forward with phased implementations of Odyssey, the Oregon Judicial Department and the Oregon State Bar continue to collaborate, resolving implementation issues that are important to the work of Oregon’s attorneys.

**Washington County Circuit Court Contact
for Inquiries on OJD Courts ePay:**
Richard Moellmer, Trial Court Administrator
Phone: 503.846.8767



The Washington County
Circuit Court Judges
cordially invite you
to attend the investiture of
**Oscar Garcia as a
Circuit Court Judge**
on Friday, May 11 at 3 p.m.
Hillsboro Civic Center Auditorium
Tom Hughes Civic Center Plaza
150 E Main St
Hillsboro, Oregon 97123

Reception following



Have you moved?
Merged?
Changed your practice?

**To share news with your
Washington County
colleagues:**

Send it to
washingtoncountybarnews@gmail.com

Pot: Legalize it, or Not?

We hope our readers will enjoy reading the two points of view on a current and recurring controversy in our society. Should we or shouldn't we legalize marijuana for personal use? The Washington County Bar Association Board does not endorse one side or another, but we hope that these two perspectives will aid in our understanding of the issue. We welcome your feedback and submission of ideas on future Pro and Con subjects.

PRO

Legalize It!

Let's start with a little history and perspective. Marijuana, like alcohol, has been used for thousands of years in religious rites, for physical and emotional pleasure, and for social interaction. Both substances are cultivated from natural products, unlike certain drugs which have to be created by using and blending various chemicals. Both can be abused and both can have detrimental health effects on frequent users. The biggest difference between the two, at least for purposes of this article, is that one is legal for recreational use and the other isn't.

The first state laws criminalizing marijuana arose in the early 20th century. There have been numerous articles that base this criminalization on racism, ignorance and corporate greed. It is important to note, however, that none of statutes were based upon competent science. While there are obviously physiological differences between marijuana and alcohol, science has established that marijuana is generally less harmful and addictive than alcohol. We, as a nation, attempted to prohibit the use of alcohol and that experiment failed miserably. The war on drugs has also failed; too many people just refuse to acknowledge that fact.

Despite the fact that marijuana has been generally illegal for 100 years, its use continues unabated. A 2010 study by the US Substance Abuse and Mental Health Services Administration found that there was a significant increase in the recreational use of illegal drugs and, in particular, marijuana. We aren't just losing the drug war, we lost.

There are two issues to be briefly discussed. The first is whether drug use should have been criminalized in the first place and the second is whether drugs should now be decriminalized. As to the first issue, my gut reaction is no. If someone wants to get high, let them. I would rather spend our tax dollars on educating people to the risks and dangers of drug use than to punish someone for their own particular "pursuit of happiness." Before you scream at me, I understand that some drugs are highly addictive. My response is that the addictive nature of certain drugs like heroin and methamphetamine have been known for decades yet people still use them. The addictive and dangerous nature of alcohol has been known for decades (if not centuries) and yet people

continue to drink to excess. The addictive and dangerous nature of tobacco has also been known for decades and yet people continue to smoke. Let's just acknowledge that people are going to use and abuse substances despite their knowledge of the health risks involved. There is no valid health argument for allowing alcohol and tobacco use but to prohibiting marijuana use.

The second issue then becomes whether we should decriminalize drugs. Because of the limited nature of this article, I'm not going to debate the argument as to whether greater access to drugs will create more users. I accept the proposition that if drugs are decriminalized, more people will try drugs. I believe, however, that with education, most people will avoid experimenting with dangerous drugs. I've never tried heroin or meth and am pretty darn sure that if they were legalized, I still wouldn't. With "non-dangerous" drugs, more people may try them but I don't anticipate a major change in the total number of people who use intoxicants. There may be a shift from alcohol to other drugs but I don't expect an overall increase in abusers. Those who want to get high or drunk, will do so. Those who don't, won't.

So why shouldn't we decriminalize drugs? The best argument is that it would throw our economy into a free fall, something that we can't afford at this time. Fox News reported in 2010 that the United States had spent more than \$1 trillion on the war on drugs over the prior 40 years. The National Drug Control Budget for the 2012 fiscal year includes a requested increase of funding to \$26 billion and that's only the Federal government. Think about the law enforcement personnel and support staff (federal, state, and local), prison officials, employees and staff, and court staff that would become unemployed if drugs were decriminalized.

Rather than demonizing drugs, why not recognize that some people enjoy their effects and are willing to accept the risks that come with their use. The fact is that some people like to get intoxicated. Speaking merely for myself, I don't use marijuana but, then again, I don't drink to excess either. I enjoy a social glass of wine and an occasional beer but can honestly say that I have not been intoxicated in over 30 years. Just because I don't enjoy the sensation of intoxication does not serve as a basis for supporting any effort to deprive others from the right to get drunk or high. I just ask that they do it safely and avoid putting others at risk.

CON**Public opinion regarding the legalization of marijuana is evolving**

According to a Gallup poll published October 17, 2011, 50% of Americans now favor legalization. This is a record number, representing a 20% increase in favor of legalization since 2002.

Conversely, 46% opposed legalization, a record low. In Oregon, the Campaign for the Restoration and Regulation of Hemp has gathered over 40,000 signatures to put an initiative on the ballot that would legalize, regulate, and tax sales of marijuana and hemp in the state of Oregon.

Marijuana advocates raise several trenchant points. Prohibition is not a rational, fair, or effective policy. Prohibition has failed to diminish drug use, has cost taxpayers billions of dollars, and has made criminals out of otherwise law-abiding citizens. There is no coherent reason why alcohol and tobacco should be legal while marijuana is criminalized. Tobacco and alcohol are demonstrably more addictive, deadlier, and have higher social costs.

It is also true that opponents of marijuana legalization frequently indulge in hysteria, misinformation, and specious “slippery slope” arguments. For example, opponents often argue that marijuana use necessarily leads people to use “harder” drugs such as cocaine and heroin. Admittedly, the “gateway” argument is not supported by medical science, and overstates the current research. At most, research suggests a correlation between marijuana use and other drug use.

That said, proponents of legalization need to be prepared to realistically address the legal and social challenges already arising as part of the legalization process. Legalization will lead to conflicts with the federal government and other states, create new budget problems, and give rise to serious law enforcement challenges.

Legal conflicts over state legalization include new constitutional questions regarding states’ rights, the full faith and credit clause, and Federal interstate commerce clause authority. This conflict is already in play with respect to medical marijuana. The Obama administration has reversed its policy regarding medical marijuana and is currently actively investigating and prosecuting medical marijuana growers and vendors, regardless of compliance with state law. It is reasonable to expect that state legalization will likely lead to massive litigation costs associated with defending the policy against the federal government.

Likewise, marijuana legalization on a state-by-state basis will in all likelihood create a system of conflict between “dry states” and “narco states.” It is reasonable to expect that this will lead to inconsistent enforcement, interstate bootlegging, and the rise of regional criminal trafficking organizations. It begs questions of the full-faith and credit act, as well as

Meanwhile, it will be exceedingly difficult for Salem to tax marijuana production because the plant is ubiquitous and easy to grow in almost any home setting. Even in the event that the state is able to obtain tax revenues from marijuana legalization, it stands to reason that the Federal government will do everything within its power to subvert or confiscate those revenues.

Within Oregon, legalization will bring new law enforcement challenges in the areas of DUI, distribution to minors, unauthorized production and sales. It is reasonably foreseeable that law enforcement agencies will need to be supplied with a means to test blood for marijuana.

Marijuana advocates really need to seriously consider whether they’re prepared to address these future challenges or if they’re simply better off under the current system, which essentially amounts to law enforcement tolerating those who can fly under the radar and limit their possession to personal use.



To suggest or submit a PRO or CON topic idea or an article, email:

WCBA President Kathy Proctor,
kproctor@proctorlawpc.com

Pro and Con articles are published anonymously.

News from the Washington County Jail

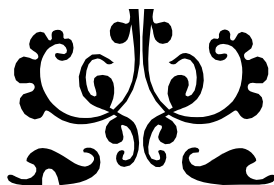
The Washington County Jail has notified the bar of changes to the jail rules regarding contact visits, defense counsel authorizations and laptop use.

- Inmate contact visits have been discontinued
- Professional visits will take place during posted visiting hours and in the visiting booths (exceptions may be made on a case-by-case basis)
- Non-attorney professional visitors must have written defense-counsel authorization
- There is special handling for documents requiring inmate signature
- There is a laptop user agreement

Information about jail visits may be found at:
<http://www.co.washington.or.us/Sheriff/Jail/index.cfm>

Or check the WCBA website
<http://www.wcbabar.org/>

Questions may be directed to Lieutenant
Kim Phillips at 503.846.6819.



Classified advertising rates:

\$20 for the first 50 or fewer words, and \$.50 per word thereafter. Classified ads must be prepaid.

To obtain a quote, send the proposed text to:
washingtoncountybarnews@gmail.com.

Display advertising rates:

Business card size (2" x 3.5")	\$30
1/4 page	\$50
1/2 page	\$90

Please submit your ad in JPEG format to:
washingtoncountybarnews@gmail.com.

THE WCBA CLE & DINNER MEETING
WEDNESDAY, MAY 9
CLE, 5:15 p.m.

Temporary Emergency Guardianship

Please join us for our May CLE, presented by
Judge Rita Batz Cobb
Mike Schmidt

Cocktails at 6 p.m.
Dinner at 6:30 p.m.
Place: The Old Spaghetti Factory
18925 NW Tanasbourne Drive
Hillsboro, Oregon 97124

Please send your pre-registration form to:
Julie Viner, PO Box 912, Hillsboro OR 97123;
phone 503.648.0300; fax number 503.693.9304;
or via email to wcba.association@frontier.com.
You can now also pay online on our website,
wcbabar.org using PayPal.

Please register by Monday, May 7 so that we will be
able to guarantee space.

DINNER COST \$15 (PLEASE CHOOSE AN ITEM)

Dinner Reservation
Your name: _____

Dinner food choices:

- Spaghetti Sampler _____
(Mizithra cheese, meat, clam & tomato sauces)
- Spaghetti with Meat Sauce _____
- Spaghetti with Marinara _____
- Spaghetti with Mizithra Cheese _____
- Fettuccini Alfredo _____
- Baked Chicken with steamed broccoli _____

CLE Reservation
Your name: _____

Yes, I will attend the May CLE

Number of attendees: _____

\$15 for members, \$25 for non-members.

WASHINGTON COUNTY BAR ASSOCIATION 2012 DUES

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 (September 2011 to August 2012)

(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
 *You can also pay by credit card with our PayPal account
 by visiting our website at www.wcbabar.org

Name: _____ OSB #: _____

Firm: _____

Address: _____

Phone/Fax/Email: _____

One application per attorney, please.

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

_____ New Member Referred by: _____

Renewing Member: _____