



### In this issue:

- President's Note, Pages 1 & 3
- In Memoriam: Judge Alexander
- New Directors: Pages 3 & 4
- Courthouse News, Page 4
- Youth Justice Corps, Page 5
- WCBA CLE registration, Page 6
- WCBA membership form, Page 7

# WCBA Newsletter

Washington County Bar Association  
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 Hillsboro, Oregon 97124  
 Phone: 503.648.0300  
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 November 2012, Page 1 of 7  
 Published monthly  
 Deadline: 20th of preceding month

## President's Note

*Lawyers associated for justice, service, professionalism, education, mentoring, social interaction and leadership for our members and our community.*



Last month's CLE, covered current trends in mortgage foreclosures including an interesting discussion of *Niday v. GMAC Mortgage*. Presenters included Elizabeth Lemoine, who was one of the attorneys who took *Niday* to the Court of Appeals, as well as Kelly Harpster and Simon Whang.

Following the CLE the Washington County Bar Association was privileged to host dinner for two candidates each vying for a seat on the Oregon Court of Appeals, position 6, and one candidate for a seat on the Oregon Supreme Court, position 3. This was a great opportunity for us to meet the candidates and

hear directly from them.

Linn County Circuit Court Judge James Egan and attorney Timothy Volpert each told us a bit about themselves and why, based on their backgrounds and experience, we should vote for them. Multnomah County Circuit Court Judge Richard C. Baldwin talked about why he would be the best candidate for the Oregon Supreme Court. Nena Cook, who is also a candidate for position 3 on the Oregon Supreme Court, was invited to speak as well, but was unable to attend.

### [Voter's Guide](#)

If you would like more information about all of the candidates, here is a link to the Oregon Voter's guide: <http://oregonvotes.org/pages/history/archive/nov62012/guide/english/votersguide.html>. Just click on non-partisan candidates to read their individual statements.

### [November CLE and Dinner Speaker](#)

We hope to see you on November 14 for the CLE: Navigating the Intellectual Property Icebergs. The CLE presenter will be Dave Petersen who was an adjunct professor at Lewis and Clark School of Law and has practiced Intellectual Property Law since 1975. The CLE will be an overview of Patent, Trademark and Copyright Law for General Practitioners with a focus on major traps. As usual the CLE presentation is from 5:15 pm until 6:15pm. Dinner will follow the CLE from 6:30-7:30pm

Speaking of dinner, don't miss this one! We are fortunate to have The Honorable Gail Nachtigal and Fred Nachtigal as our dinner speakers. They will be sharing their adventures from a recent motorcycle road trip they took. Will their adventures be anything like the movie *Wild Hogs* with John Travolta? Come to dinner and find out.

### [E-Discovery](#)

The world is changing and so is the way litigators exchange information with our clients, the court and with other attorneys. With these changes, come new challenges. Board Director Sim Rapoport is organizing a CLE on this subject to be presented in April, 2013 and he would like feedback from practitioners, staff and the court in order to tailor the presentation for us. For

Continued on p. 3

## Upcoming Events/CLEs

- November 14, 2012: Intellectual Property
- December 12, 2012: No meeting
- December 19, 2012: Holiday Party
- January 9, 2013: Court Practices and SLRs
- February 13, 2013: TBA
- Dinner Guests: *Oregon Court of Appeals*
- March 13, 2013: Search and Seizure
- Dinner Guests: *Oregon Supreme Court*
- April 10, 2013: E-Discovery
- May 8, 2013: TBA
- June 12, 2013: Annual Picnic/Spring Meeting



## SAVE THE DATE

OUR HOLIDAY PARTY IS

**\*WEDNESDAY, DECEMBER 19, 2012**

**\*(NOTE: NOT THE 2ND WEDNESDAY)**

**COCKTAILS AT 6PM, DINNER AT 6:30PM  
 AT THE GLENN & VIOLA WALTERS CULTURAL  
 CENTER IN DOWNTOWN HILLSBORO**

The WCBA uses email to promote its programs and services to members only and does not share its email list with third parties. If you would like to be removed from our email list, please reply to this message with the word "remove" in the subject line.

## CLASSIFIEDS

**Auto injury / pain management clinic in Tualatin** provides exceptional injury recovery services to your PIP & WC clients. Accurate & efficient medical/billing records provided within two business days upon attorney request. All About Wellness of Tualatin, P.C.  
503.619.7788.

### WCBA Contacts

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**President Elect** Amy Velázquez  
**Immediate Past President** Sharon Brown  
**Treasurer** Rebecca Guptill  
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### In Memoriam

**Senior Judge Timothy Alexander**  
March 12, 1947-September 7, 2012  
*by Rebecca Guptill*

Senior Judge Timothy Alexander passed away suddenly on September 7, 2012. He was memorialized on September 14 at Rock Creek Country Club. Judge Alexander is survived by his wife, Lindy; daughters Laurie and Tracy; sons-in-law Josh and Bob; siblings Steven, Penny, and Andrew; and grandchildren Justin, Mason, Zoey, and Alexander. Donations may be made in Judge Alexander's memory to Bonnie L. Hays Animal Shelter in Hillsboro or to the Oregon Humane Society.

Judge Alexander moved to Oregon from Texas in 1975 and was appointed to the bench in 1990 after many years as a prosecutor and in private practice.

Judge Alexander is remembered fondly not only by his friends and family, but by his colleagues on the bench, lawyers who appeared before him, and likely even those defendants whom he sentenced in criminal matters. As those who knew him will certainly tell those who did not share that privilege, Judge Alexander was always thoughtful, polite, fair and respectful both on and off the bench.

I personally had the privilege of numerous trials and appearances before Judge Alexander, most recently when he returned to Washington County as a Senior

Judge. At the end of that multi-count Unauthorized Use of a Motor Vehicle bench trial, Judge Alexander calmly found my client guilty of the charges and sentenced him (in the most gentlemanly manner, of course) to the presumptive prison sentence. As he did so, however, Judge Alexander stated that while the case law was clear and he felt he had to find my client guilty of the charges, the case should be appealed because he believed the case law should be reconsidered by the higher courts. Judge Alexander, as always, showed his respect for the law and the judicial process. I am sad that I will not have the privilege of appearing before him again, and I am quite positive I am not the only attorney to feel that way.

While he presided over many high-profile cases over the years, Judge Alexander was most recently in the public eye for his role in the Gary Haugen death penalty case. In that matter, Judge Alexander ruled in favor of Gary Haugen, a death row inmate fighting to be executed despite Gov. Kitzhaber's reprieve, stating that Gary Haugen had to accept the reprieve to make the reprieve effective. Despite this ruling, Judge Alexander was recommending the abolishment of the death penalty in Oregon at the time of his death, a position he came to over the course of many years and after much thoughtful deliberation.

The Washington County Bar Association caught up with Senior Judge Alexander just last year. At that time he was enjoying spending more time with his family, traveling, and golfing whenever he could. He was also enjoying seeing how different courts functioned around the state as part of his Plan B service. Judge Alexander was looking toward the future with the knowledge that transitions such as retirement could be tough. He said, "I think I will miss it when I am not doing it at all."

And we certainly miss him.



### A New Lawyer's Division of the WCBA?

The Board has discussed the idea of forming a New Lawyer's Division of the WCBA. At this time, we are seeking feedback from the members of WCBA as to whether this group would be a positive and beneficial addition to the WCBA. Other counties in Oregon and other states have created these programs in order to serve their local bar, state bar and communities as a whole. Young lawyer groups are increasing throughout the nation, and are becoming valuable networking tools for both new and experienced practicing attorneys. I would appreciate any input from members of the Bar regarding the creation of one of these groups. Please contact Nicole Schneider at [nls@helzercromar.com](mailto:nls@helzercromar.com) or 503.626.2889.

## Meet our New Director Matthew McKean



Mr. McKean began his career by serving this country as a soldier in the U.S. Army. He then worked for many years in the aviation industry, first for several airlines and then with the Boeing Aircraft Company. Deciding he wanted to pursue a different tack and help individuals, so he decided to go into law.

Matthew's practice focuses on Elder Law, Family Law, Probate, guardianships, and Estate Planning. He is a member of the Elder Law, Estate Planning, and Family Law sections of the Oregon State Bar.

Mr. McKean earned his Bachelor of Science degree from Metropolitan State College in Denver, Colorado, graduating *summa cum laude*. He received his law degree from Lewis & Clark Law School, where he earned a Dean's Fellowship.

In addition to helping the lives of his clients, he also works to improve the community. In addition being a director of the Washington County Bar, he is currently on the Tualatin Hills Park & Recreation District's Parks Bond Citizen Oversight Committee, has been elected as a delegate to the Oregon State Bar, and currently sits on the Elder Abuse Subcommittee of the Elder Law Section of the Oregon State Bar.

He has lived with his wife and two boys in Washington County for many years and enjoys the outdoor opportunities that Oregon has to offer. He and his family love to find a great new camping spot where they can enjoy boating, fishing and hiking. He also enjoys skiing, the occasional game of golf, and likes to help out with his son's scout troop.

### 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](mailto: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](mailto:washingtoncountybarnews@gmail.com).

Cont'd from p. 1

example, one Director wanted to know how to encrypt email messages. What about encrypting files and documents you send to your clients to protect their confidences? How do we get rid of metadata? What is the best way to organize E-discovery? What is the law regarding E-discovery? If you have specific questions you would like answered in April, please email Sim at [sim.rapoport@ibridgellc.com](mailto:sim.rapoport@ibridgellc.com).

### Dinner Raffle and Prices

This will be the third month of our dinner raffle. At each meeting, each member who pays to attend dinner will be entered into a raffle to win a free dinner at the next meeting. October's raffle winner was Robin Wright and John Tyner was our September winner.

In our October newsletter, we announced a change to our dinner and CLE prices. **Prices will stay the same at \$15 for the CLE and \$15 for the dinner.** Due to some concern by members and a need for more information about potential upcoming costs, the Board agreed to keep prices the same for now and address the issue again at a later meeting. The Board wants to encourage the members to participate in our monthly dinner meetings. So come to dinner!

As always, if you have suggestions, please feel free to contact me.

### Bar Dues due!

Just a reminder to everyone that our bar membership year begins in September so it is time to renew your membership if you have not already done so. We don't send out notices in the mail, but will send a reminder email. Bar dues are \$75 for the year but are free for the first year to new members. More information, past newsletters and a membership form can be found at <http://www.wcbabar.org/membership.asp> or on the last page of this newsletter.

### In Memoriam

The Washington County Bar Association has made a donation to the Bonnie L. Hays Animal Shelter in memory of Judge Timothy Alexander.

Thank you for reading and as always, if you have ideas or suggestions, please feel free to contact me personally at [kproctor@proctorlawpc.com](mailto:kproctor@proctorlawpc.com) or 503.352.0730, or the WCBA at 503.648.0300, [wcba.association@frontier.com](mailto:wcba.association@frontier.com).

Sincerely,  
Kathy Proctor



## Washington County Courthouse News

### Security Policy Update: Attorney Magnetic Keys

- New combined application form for the Courthouse, Justice Services Building, Juvenile Services Building, Law Enforcement Center and Law Library
- \$25 annual fee payable to "Washington County"

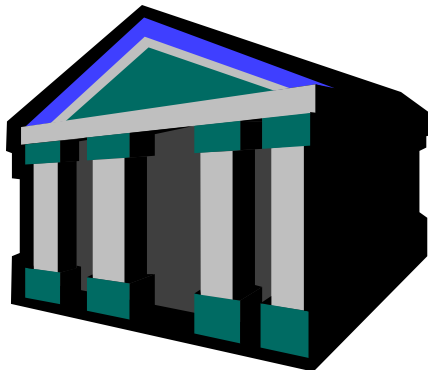
In July 2012, Washington County began using a new combined application form. Attorneys may now apply for magnetic key access to multiple Circuit Court facilities and the law library for a single annual fee of \$25. Previously, separate application forms and fees were required.

Beginning in 2013, current attorney magnetic key holders will be required to renew and pay the \$25 annual fee at the beginning of the month in which they originally obtained their magnetic key. Reminder statements will be sent a month in advance and keys that are not renewed will be deactivated.

NOTE: Deactivated keys may be easily reactivated upon renewal and payment.

This court security policy update is intended to improve key control and increase revenue.

Richard Moellmer,  
Trial Court  
Administrator  
October 22, 2012



## Washington County Bench Bar

A planning and organizational meeting of the Washington County Bench-Bar Committee was held Thursday, October 25, 2012. The meeting was attended by Presiding Judge Kirsten Thompson, Judge Knapp, and attorneys Larry Brisbee, Rob Harris, Matt Kehoe, Kathy Proctor, Mike Schmidt, Greg Scholl, Amy Velazquez and Pam Yee, as well as the Washington County Trial Court Administrator, Richard Moellmer. Washington County currently has active Family Law and Juvenile Bench-Bar Committees. Probate Judge Cobb and Probate attorneys also meet as needed. The planning and organizational meeting is intended to create a Washington County Bench-Bar Committee for all areas of law, including civil and criminal. More information will follow. If you have any questions, please feel free to contact Kathy Proctor at [kproctor@proctorlawpc.com](mailto:kproctor@proctorlawpc.com), 503.352.0730.



### Meet our Newest Director Simeon D. Rapoport

Mr. Rapoport is Vice President & General Counsel with I Bridge LLC. He has been an attorney for almost 25 years. He began his career working in the courts and private practice for more than 10 years, and has been in-house corporate counsel since 1998. Rapoport's experience includes private practice with the large West Coast firm of Bullivant Houser and more than 10 years at Standard Insurance Company, where he held the title of Assistant Counsel & Director of Litigation and managed the company's ERISA, bad faith and other claims litigation across the country.

Mr. Rapoport is a frequent author and speaker. He enjoys being active in Bar and civic organizations.

Currently, Rapoport is an elected member of the DRI Board of Directors, the Chair of the Oregon State Bar (OSB) Section of Litigation, a Vice-Chair of the ABA TIPS Health & Disability Committee, and an appointed member of the OSB House of Delegates. Previous activities include serving as Vice President of the St. Andrew Legal Clinic Board of Directors, President of the Association of Corporate Counsel (ACC) Oregon Chapter, a member of the Oregon State Board of Bar Examiners, and a member of the Multnomah Bar Association (MBA) Board of Directors.

## Share Your News With Colleagues

Have you moved?

Changed your practice areas or firm?

Need or have a space to rent?

Have a position to fill?

Send your news and updates to  
[washingtoncountybarnews@gmail.com](mailto:washingtoncountybarnews@gmail.com)



## Seeking Volunteers

### Youth Justice Corps - Advocates for Education Rights

Youth Rights & Justice, Oregon's nonprofit law firm for children, is seeking volunteer attorneys and law firm partners who will help some of Oregon's most vulnerable children get the support they need to enroll in school, stay in school, succeed and graduate. The students who will be served will be in the foster care system, the juvenile justice system, or both. The majority of the students will reside in Washington County. Volunteer lawyers will help protect students' rights to due process and to a "Free and Appropriate Public Education."

Youth Rights & Justice, formerly known as the Juvenile Rights Project, was founded in 1975. Over the past 37 years, we have represented over 50,000 youth and parents in the juvenile court system. Most have been foster children, and the majority has suffered from abuse and/or neglect. In 2002, we created the SchoolWorks Program. Since that time, the program has served 2,500 students, directly addressing the educational risk factors that endanger the success of children in foster care and youth in the juvenile justice system. The vast majority of our clients reside in Multnomah County.

Numerous studies, including those from the Casey Family Foundation, The Washington State Institute for Public Policy, and the Chapin Hall Center for Children, report dismal outcomes for children in foster care when it comes to their education and readiness to become self-sufficient and successful adults. Youth involved in the juvenile justice system as a group have high rates of learning disabilities and school discipline and relatively low rates of literacy, academic achievement and high school completion.

The movement of students who are repeatedly disciplined in school to the juvenile justice systems has been called, "the school-to-prison pipeline." The goal of the SchoolWorks program is to disrupt this "pipeline" for youth that are most at risk. This proposal is aimed at increasing our capacity and geographic reach to help additional struggling students, many of whom are minority students, stay in school.

Youth Rights & Justice is creating a referral system for students primarily from Washington County. We are working with the Juvenile Department, Metropolitan Public Defenders and DHS to identify youth who are in need of advocacy to return to or stay in school. Many of these youth have special education needs that are not being met. Others have experienced excessive exclusionary discipline which has hindered their ability to learn.

Youth Rights & Justice is recruiting individual attorneys and firms to provide services similar to our SchoolWorks program to students we cannot serve due to our limited capacity. We will provide training and consultation to volunteer attorneys on an ongoing basis. Additionally, we will provide referrals and a brief questionnaire to collect outcomes at the end of a case.

The Youth Justice Corps is supported by the Spirit Mountain Community Fund, the Collins Foundations and individual and corporate donors to Youth Rights & Justice.

**Contact Kathy Gordon for more information:  
[kathyg@yourthrightsjustice.org](mailto:kathyg@yourthrightsjustice.org)**

**Wednesday, November 14, 2012**

**CLE at 5:15pm**

**Navigating the Intellectual Property Icebergs**

Patent, Trademark and Copyright overview for general practitioners, with a focus on major traps. Presenter Dave Petersen resides in Washington County, has practiced Intellectual Property Law since 1975 with Klarquist Sparkman LLP (and its predecessors). Dave was also an adjunct professor at Lewis & Clark Law School for many years.

**Cocktails at 6pm**

**Dinner at 6:30pm**

**Dinner speakers: Judge Gayle Nachtigal and Fred Nachtigal**

The Old Spaghetti Factory, 18925 NW Tanasbourne Dr.  
Hillsboro OR 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](mailto:wcba.association@frontier.com).

Please register no later than November 7th so that we will be able to guarantee space. Each month, paid-for DINNER registrants will be entered into a drawing where one person will win a voucher for a FREE DINNER at the next meeting.

**DINNER COST \$15 (PLEASE CHOOSE AN ITEM)**

**Dinner Reservation**

Name: \_\_\_\_\_

\_\_\_\_\_ Potpourri 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

**(Gluten free & Whole Wheat Pasta Available upon Request)**

**CLE Reservation**

Name: \_\_\_\_\_

\_\_\_\_\_ Yes, I will attend the September CLE

Number of attendees \_\_\_\_\_ (\$15 for members, \$25 for non-members)

# WASHINGTON COUNTY BAR ASSOCIATION 2013 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 2012 to August 2013)  
(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](http://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: \_\_\_\_\_